



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 16, 2011 **REPORT NO. PC-11-053**

ATTENTION: Planning Commission, Agenda of June 23, 2011

SUBJECT: APPEAL OF THE KOOKLANI SUBSTANTIAL CONFORMANCE REVIEW - PROJECT NO. 126578; PROCESS 2

**OWNER/
APPLICANT:** 7451 Hillside Drive, LLC and 7447 Hillside Drive, LLC/
Mark and Mino Kooklani

SUMMARY

Issue(s): Should the Planning Commission approve or deny the appeal of the Development Services Department's decision to approve Substantial Conformance Reviews for 7451 Hillside Drive (Kooklani I) and 7447 Hillside Drive (Kooklani II) within the La Jolla Community Planning Area?

Staff Recommendation:

1. **DENY** the appeal; and
2. **UPHOLD** the Development Services Department's decision to **Approve** Substantial Conformance Review (SCR) No. 856825 for 7451 Hillside Drive (Kooklani I) and SCR No. 856822 for 7447 Hillside Drive (Kooklani II).

Community Planning Group Recommendation: This SCR application was approved without a recommendation from the La Jolla Community Planning Association. Although the project plans and assessment letters were forwarded to the Association, and the applicant was repeatedly encouraged to contact the Association to arrange for a review and recommendation, the applicant elected to move forward without the Association's vote. On April 27, 2011, the La Jolla Community Planning Association filed an appeal of staff's decision to approve this SCR application. The appeal is based on the Association's belief that they were denied an opportunity to evaluate and make a recommendation on this application (please see "Appeal Issues" section of this report).

Other Recommendations: The project site is located within the La Jolla Shores Planned

District and pursuant to Section 1510.0201(d) of the Land Development Code; a recommendation by the La Jolla Shores Advisory Board was not necessary for the Process 2 SCRs.

Environmental Review: A Mitigated Negative Declaration (Project Nos. 5281 and 3200) was prepared and certified for the original project. The SCRs were reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous MND; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous MND; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous MND was certified. Therefore, no subsequent MND or other environmental document is needed for these SCRs, as all of the impacts were adequately addressed and disclosed in MND, Project Nos. 5281 and 3200.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: On November 14, 2006, the City's Neighborhood Code Compliance Department (NCCD) issued a Notice of Violation No. 124921 for 7447 Hillside Drive regarding the removal of an existing historically designated single family residence called the Violetta Horton Spec House No. 2 (HRB No. 417). On August 12, 2009, a Stipulated Administrative Enforcement Order was issued. This order allowed for the continued processing of the Substantial Conformance Reviews (SCRs) for 7451 Hillside Drive [Kooklani I] to Coastal Development Permit (CDP) No. 9045 and La Jolla Shores Planned District Permit (LJSPDP) No. 9046; and 7447 Hillside Drive [Kooklani II] to CDP No. 9047 and LJSPDP No. 9048.

Housing Impact Statement: None with this action.

BACKGROUND

The project sites are located at 7451 Hillside Drive [Kooklani I] and 7447 Hillside Drive [Kooklani II] (Attachment 2) in the SF Zone of the La Jolla Shores Planned District (Attachment 3) within the La Jolla Community Plan Area (Attachment 4), Coastal Overlay Zone (Non-appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone for Coastal Impact Area, Residential Tandem Parking Overlay Zone, and Council District 1.

On November 21, 2002, the Planning Commission approved Coastal Development Permit (CDP) No. 8552 and La Jolla Shores Planned District Permit (LJSPDP) No. 8554 (Attachment 6) for the removal of an existing historically designated single family residence called the Violetta Horton Spec House No. 2 (HRB No. 417), and the division of the one existing lot into two new lots. Parcel 1 being addressed as 7451 Hillside Drive and approximately 16,165 square feet in size,

and Parcel 2 being addressed as 7447 Hillside Drive and approximately 18,835 square feet in size.

On November 21, 2002, the Planning Commission approved CDP No. 9045 and LJSPDP No. 9046 (Attachment 7) for Parcel 1 for the construction of a one-story, approximately 6,115 square foot, single-family residence with a basement, attached three car garage, and swimming pool. In addition, the Planning Commission approved CDP No. 9047 and LJSPDP No. 9048 (Attachment 8) for Parcel 2 for the construction of a one-story, approximately 5,468 square foot, single-family residence with a basement, attached three car garage, and swimming pool.

On December 6, 2004, Parcel Map No. 19618 was recorded for the division of the one existing lot into two new lots. On July 7, 2005 Engineering Permit No. W52740 for Grading (Drawing No. 32866-D) and Engineering Permit No. W52741 for Public Right-of-Way improvements were issued. The grading work and shoring work for the two parcels has started and both Engineering Permits are currently active. Therefore, the discretionary permits for 7451 Hillside Drive [Kooklani I] and 7447 Hillside Drive [Kooklani II] are vested.

DISCUSSION

Project Description:

On March 27, 2007, the applicant submitted a Substantial Conformance Review (SCR) for the subject project. The modifications include a redesign of the interior and exterior and architectural style for the two single family residences; and have been designed within the existing footprint, grade, floor area ratio, and overall envelope of the previously approved structures. The requested changes to the previously approved Exhibits "A" for these project have been determined by City Staff to be consistent with the general intent, terms and conditions of approved CDP No. 9045 and LJSPDP No. 9046 for the Kooklani I Residence; and CDP No. 9047 and LJSPDP No. 9048 for the Kooklani II Residence, as well as all other applicable regulations, development standards and guidelines of the San Diego Municipal Code (SDMC), La Jolla Shores Planned District, La Jolla Community Plan Area, Local Coastal Program Land Use Plan, and the General Plan.

On April 12, 2011, the Development Services Department approved the (Process 2) SCRs for the subject projects (Attachment 10). All applicable and relevant conditions and findings of approval as specified in the approved CDP No. 9045 and LJSPDP No. 9046 for the Kooklani I Residence; and CDP No. 9047 and LJSPDP No. 9048 for the Kooklani II Residence, shall remain in full effect for this site.

Appeal Issues:

On April 27, 2011, the La Jolla Community Planning Association filed an appeal (see Attachment 12) of staff's decision to approve this SCR application. The appeal is based on the Association's belief that they were denied an opportunity to evaluate and make a recommendation on this application.

Staff Response:

There is no SDMC section or City adopted policy or procedure that requires applicants or projects to undergo community planning group review. Project applicants are consistently and firmly encouraged by staff to contact the community planning group, and to obtain a recommendation from that group, but there is no legal requirement that they do so. In this particular case, the applicant was repeatedly persuaded by staff to contact the La Jolla Community Planning Association; however the applicant elected to move forward without input or a vote from the Association. Staff has no legal authority to stop the project review process or withhold a project decision because an applicant elects to forego input from the local community planning group.

In terms of the planning group's belief that staff was primarily responsible for denying the Association's opportunity to review this project, please note that staff, the applicant and the Association all share equally in that responsibility. Please also note that staff met all of their obligations and responsibilities by: Consistently encouraging the applicant, both verbally and in writing, to contact the Association; Mailing the notice of application and original set of plans to the Association; Mailing four separate assessment letters (between May of 2007 and February of 2011) to the Association; and through direct email communications with the Association.

Conclusion:

The requested changes to the previously approved Exhibits "A" for this project have been determined by City Staff to be consistent with the general intent, terms and conditions of approved CDP No. 9045 and LJSPDP No. 9046 for the Kooklani I Residence; and CDP No. 9047 and LJSPDP No. 9048 for the Kooklani II Residence, as well as all other applicable regulations, development standards and guidelines of the SDMC, La Jolla Shores Planned District, La Jolla Community Plan Area, Local Coastal Program Land Use Plan, and the General Plan.

The La Jolla Community Planning Association was provided with a set of plans on March 27, 2007, and four assessment letters between May 2, 2007 and February 18, 2011. The failure by the community group to review and reply to the City and or the applicant in a timely manner is not sufficient grounds for the upholding their appeal and denying the SCRs. Therefore, staff recommends the Planning Commission to deny the appeal and uphold the Development Services Department's decision for the project.

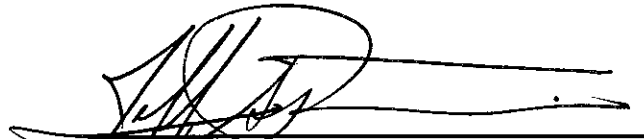
ALTERNATIVE

1. **Approve** the Appeal, and **Deny** Substantial Conformance Review No. 856825 for 7451 Hillside Drive (Kooklani I) and Substantial Conformance Review No. 856822 for 7447 Hillside Drive (Kooklani II).

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Jeffrey A. Peterson
Development Project Manager
Development Services Department

WESTLAKE/JAP

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Zoning Map
4. Community Plan Land Use Map
5. Project Data Sheet
6. CDP No. 8552 and LJSPDP No. 8554
7. CDP No. 9045 and LJSPDP No. 9046 for the Kooklani I
8. CDP No. 9047 and LJSPDP No. 9048 for the Kooklani II
9. Notice of Decision
10. Development Services Department SCR Approval Letter
11. Project Plans (Kooklani I and Kooklani II)
12. Copy of Appeal
13. Draft Planning Commission Resolution
14. Project Chronology
15. Ownership Disclosure Form (not available and not required for Process 2 SCR)

Internal Order No. 23427623



Location Map

Kooklani SCR- Project No. 126578

7451 Hillside Drive (Kooklani I) and 7447 Hillside Drive (Kooklani II)



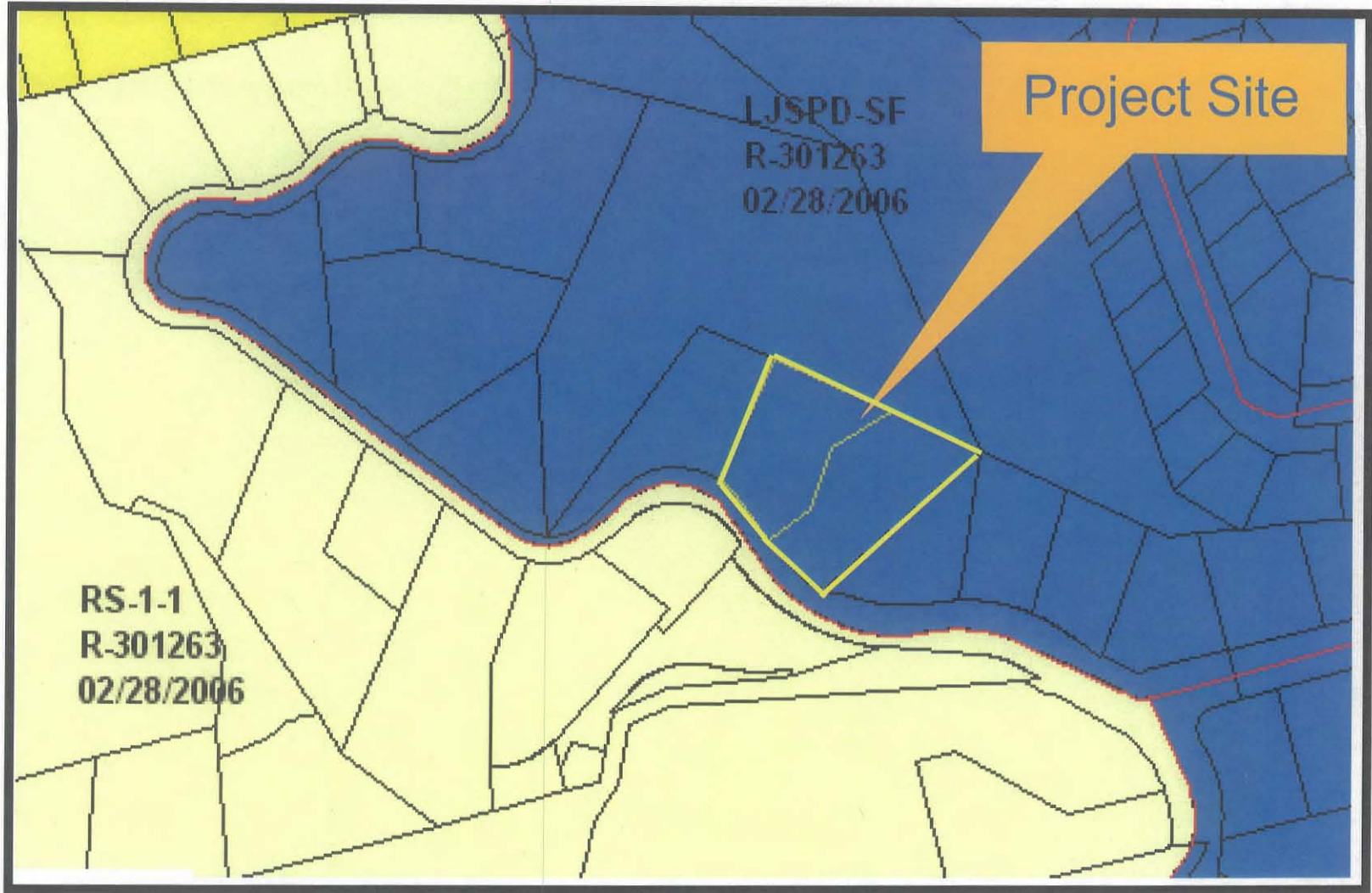


Aerial Photograph

Kooklani SCR- Project No. 126578

7451 Hillside Drive (Kooklani I) and 7447 Hillside Drive (Kooklani II)



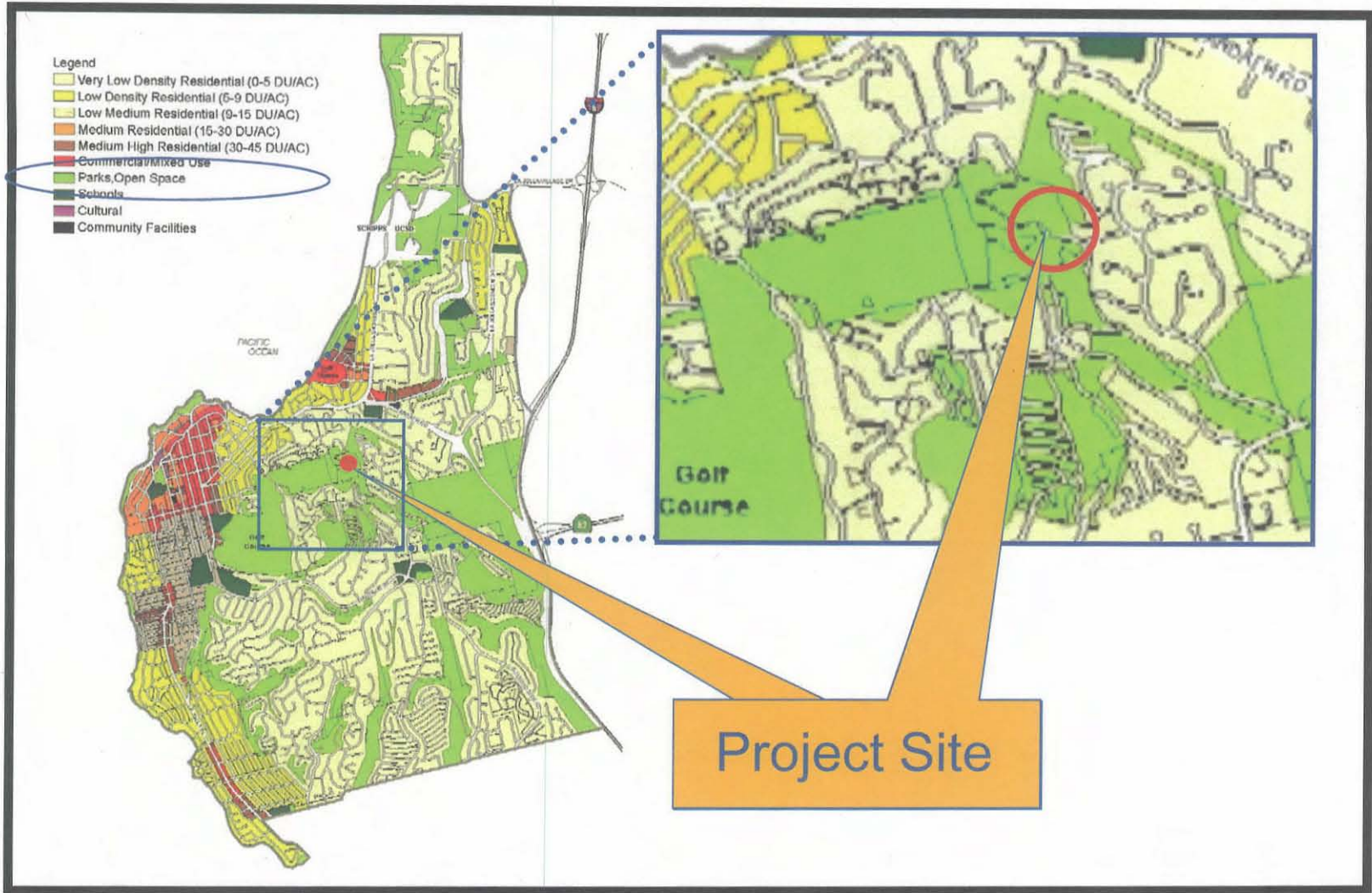


Zoning Map

Kooklani SCR- Project No. 126578

7451 Hillside Drive (Kooklani I) and 7447 Hillside Drive (Kooklani II)

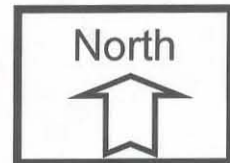




La Jolla Community Plan Land Use Map

Kooklani SCR- Project No. 126578

7451 Hillside Drive (Kooklani I) and 7447 Hillside Drive (Kooklani II)



PROJECT DATA SHEET

PROJECT NAME:	Kooklani SCR - Project No. 126578	
PROJECT DESCRIPTION:	Appeal of the Development Services Department's decision to approve Substantial Conformance Reviews (SCRs) for 7451 Hillside Drive (Kooklani I) and 7447 Hillside Drive (Kooklani II)	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	SCR No. 856825 for 7451 Hillside Drive (Kooklani I) and SCR No. 856822 for 7447 Hillside Drive (Kooklani II)	
COMMUNITY PLAN LAND USE DESIGNATION:	Designated Open Space/Park and Very Low-Intensity Residential (0-5 dwelling units/acre)	
<u>ZONING INFORMATION:</u>		
ZONE: SF Zone of the La Jolla Shores Planned District		
HEIGHT LIMIT: 30-foot maximum height limit		
LOT SIZE: None		
FLOOR AREA RATIO: None		
LOT COVERAGE: 60 percent (25 percent based on community plan)		
FRONT SETBACK: General conformity with those in the vicinity		
SIDE SETBACK: 4 feet		
STREETSIDE SETBACK: NA		
REAR SETBACK: NA		
PARKING: 2		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Designated Open Space/Park; SF Zone	Open Space
SOUTH:	Designated Open Space/Park & Very Low-Intensity Residential; SF Zone	Single Family Residence and Open Space
EAST:	Designated Open Space/Park & Very Low-Intensity Residential; SF Zone	Single Family Residence
WEST:	Designated Open Space/Park & Very Low-Intensity Residential; SF Zone	Single Family Residence
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The La Jolla Community Planning Association did not provide a recommendation, and has appealed DSD's decision to approve the SCR's.	

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FEB 07, 2003 3:43 PM

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 38.00



SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 98-0536

COASTAL DEVELOPMENT PERMIT NO. 8552
LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 8554
KOOKLANI RESIDENCE - PROJECT NO. 5281 (MMRP)
PLANNING COMMISSION

This Permit is granted by the Planning Commission of the City of San Diego to MARK AND MINA KOOKLANI, TRUSTEES OF THE MAHMOUD AND MEHR YAR KOOKLANI FAMILY TRUST, Owner/Permittee, pursuant to Section 111.1202 and Chapter X, Article 3, Division 3 of the Municipal Code of the City of San Diego. The 0.80-acre site is located at 7447 Hillside Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Zone (nonappealable), and the Proposition "D" 30'-0" Height Limit Area, within the La Jolla Community Plan area. The project site is legally described as a Resubdivision of a Portion of Lot B, La Jolla Hills No. 2, Map No. 2087.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to remove an existing historically designated residence (HRB Site #417) and split one existing lot into two parcels, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 21, 2002, on file in the Office of the Development Services Department. The facility shall include:

- a. The removal of the existing historically designated (HRB Site #417) residence to an off-site location and the division of one existing lot into two new lots: Parcel 1 being approximately 16,165 square feet in size and Parcel 2 being approximately 18,835 square feet in size;
- b. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

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2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a

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determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Prior to final inspection, the applicant shall provide verification to the Development Services Department and Historical Resources Board that the designated Violetta Horton Spec House #2 (HRB Site #417) has been recorded with the County of San Diego under the Assessor's Parcel Number associated with the 6736 Mission Gorge Road relocation site in accordance with Project No. 3200.

11. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical (architectural) Resources
Biological Resources

PLANNING/DESIGN REQUIREMENTS:

12. This permit incorporates by reference Tentative Map No. 8551 and all conditions contained therein. This scope of work authorized within this permit shall not be permitted until the Final Map for Tentative Map No. 8551 has been recorded with the Office of the County Recorder.

13. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

14. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

15. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

ENGINEERING REQUIREMENTS:

16. Prior to the recordation of first final map, subdivider shall assure by permit and bond, the construction of curb and gutter along the project frontage, satisfactory to the City Engineer.

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17. Prior to the recordation of the first final map, subdivider shall provide shared access agreement between Parcels 1 and 2, satisfactory to the City Manager and in accordance with Land Development Code requirements.

WATER REQUIREMENTS:

18. Prior to the issuance of any building or grading permits, the developer shall assure, by permit and bond, the design and construction of a new water service outside of any driveway and/or the relocation of any existing services within any driveway, in a manner satisfactory to the Water Department Director.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Planning Commission of the City of San Diego on November 21, 2002.

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PLANNING COMMISSION
 RESOLUTION NO. 3330-PC-4
 COASTAL DEVELOPMENT PERMIT NO. 8552
 LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 8554
 KOOKLANI RESIDENCE - PROJECT NO. 5281 (MMRP)

WHEREAS, MARK AND MINA KOOKLANI, TRUSTEES OF THE MAHMOUD AND MEHRYAR KOOKLANI FAMILY TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to remove an existing historically designated residence (HRB Site #417) and split one existing lot into two parcels (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 8552 and 8554), on portions of a 0.80-acre site;

WHEREAS, the project site is located at 7447 Hillside Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Zone (nonappealable), and the Proposition "D" 30'-0" Height Limit Area, within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as a Resubdivision of a Portion of Lot B, La Jolla Hills No. 2, Map No. 2087;

WHEREAS, on November 21, 2002, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 8552 and La Jolla Shores Planned District Permit No. 8554 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated November 21, 2002.

COASTAL DEVELOPMENT PERMIT FINDINGS (SDMC SECTION 111.1202):

- A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE GENERAL PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.**

The subject property is located approximately 2/3-mile from the Pacific Ocean and is therefore not located near any existing or proposed public accessways to the ocean utilized by the public.

The removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels would occur on private property and would conform with the zoning and Proposition "D" height limitations. The proposed project does not contain new structures and will not obstruct designated public views.

The site is not within a visual access corridor identified in the City's adopted Local Coastal Program (LCP) Land Use Plan Addendum and the proposed development will not obstruct views from public vantage points.

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B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT IDENTIFIED MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

As indicated in Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, the site has a low potential for containing intact historic resources because of the previous disturbance to the property from grading, landscaping, paving and site development. Furthermore, archaeological surveys and/or monitoring reports from previous projects located in the surrounding area of the subject property were reviewed to determine resource potential. None of the reports reviewed resulted in positive findings. Lastly, no archaeological sites have been recorded in the immediate vicinity of the project site. Based on all the available information, the conclusion was made that the removal of an existing historically designated residence (HRB Site #417) and lot split into two parcels project would not have a significant impact on archaeological resources and no mitigation would be required.

Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, prepared for this project, identified no potential adverse impacts to other environmentally sensitive areas or marine resources.

C. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.

Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006 was prepared for this project. As indicated within that document, the site is not within or adjacent to the Multiple Habitat Planning Area, however a biological resources report was prepared due to the location of sensitive biological resources on the site. That report concluded that project implementation would result in direct impacts to 0.04-acre of mixed chaparral habitat and 0.001-acre of non-native grassland. Impacts to these resources are considered a significant environmental impact and mitigation is required. These direct impacts would be mitigated through payment into the City of San Diego's Habitat Acquisition Fund, as specified in the Mitigation, Monitoring and Reporting Program for this project.

The subject site is improved with an existing historically designated residence (HRB Site #417). The proposal to relocate this residence to an off-site location and split the lot into two parcels was evaluated within Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006. Resource Protection Ordinance Permit No. 8948 (Project No. 3200) has approved for the relocation of this historic structure. The project would therefore comply with all the requirements of the Resource Protection Ordinance (1989 provisions).

The site has a low potential for containing intact historic resources because of the previous disturbance to the property from grading, landscaping, paving and site development. Furthermore, archaeological surveys and/or monitoring reports from previous projects located in the surrounding area of the subject property were reviewed to determine resource

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potential. None of the reports reviewed resulted in positive findings. Lastly, no archaeological sites have been recorded in the immediate vicinity of the project site. Based on all the available information, the conclusion was made that the removal of an existing historically designated residence (HRB Site #417) and lot split into two parcels project would not have a significant impact on archaeological resources and no mitigation would be required.

D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT IDENTIFIED RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.

The project is not located within the beach impact area of the coastal zone, nor is the site located within or adjacent to identified recreational or visitor-serving facilities or coastal scenic resources. Adequate parking has been provided on-site for this use. The proposed removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels, observing all requirements of the SF zone in the La Jolla Shores Planned District, will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

E. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

The proposed development would occur on private property. There are no parks or recreation areas located adjacent to the subject site. The proposed removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels would therefore not adversely impact environmentally sensitive habitats or scenic resources located in adjacent parks and recreation areas.

F. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

The project site is assigned a Geologic Hazard Rating of 27 (slide-prone formation). A geotechnical report prepared for the project recommends removing the existing super and sub-structure and unsuitable soil at the site, replacing the existing uncontrolled fill and unsuitable soil with engineered fill, and using drilled shafts (caissons) and grade-beam foundation system to support any new buildings. The recommended foundation system would be able to resist and/or accommodate anticipated slope creep, soil settlement, slope instability and seismic forces. Also, the recommended drilled shaft foundation would provide lateral support to the existing Hillside Drive and thereby increase the stability of the roadway. The report adequately addresses the soil and geological conditions potentially affecting the proposed removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels. Proper engineering design of any new structures would ensure the potential for geologic impacts from on-site and regional hazards would be less than significant.

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Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006 identified no significant erosional, flood, or fire hazards as a result of project implementation.

- G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.**

The proposed development is located in an urbanized, single-family residential neighborhood with a variety of sizes, styles, and designs of custom residences. The proposed removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels conform to the SF zone of the La Jolla Shores Planned District requirements. The proposed development will therefore be visually compatible with the character of the surrounding area.

- H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE CITY'S PROGRESS GUIDE AND GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS IN EFFECT FOR THIS SITE.**

The project is consistent with the recommended land use and development standards in effect for this site per the adopted La Jolla Community Plan, the existing SF zone of the La Jolla Shores Planned District, the City's Local Coastal Program, and the City of San Diego Progress Guide and General Plan.

LA JOLLA SHORES PLANNED DISTRICT FINDINGS:

- A. THE PROPOSED CONSTRUCTION AND USE OF THIS SITE MEETS ALL TECHNICAL REQUIREMENTS SET FORTH IN THE ADOPTED LA JOLLA SHORES PLANNED DISTRICT ORDINANCE AND THE LA JOLLA SHORES DESIGN MANUAL RELATING TO ARCHITECTURAL STYLE, VARIETY AND DIVERSITY IN DESIGN, HEIGHT, LOT COVERAGE, LANDSCAPING, ORIGINALITY, AND NO VARIANCES ARE REQUIRED.**

The subject 0.80-acre site is currently improved with an existing one-story, single-family dwelling, which is proposed to be relocated off-site in accordance with Resource Protection Ordinance Permit No. 8948 (Project No. 3200). The site is located within an urbanized single-family neighborhood of diverse architectural styles. The proposed removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels will conform with all of the development standards of the La Jolla Shores Planned District Ordinance and no variances are requested. There is no structure proposed with this request. The La Jolla Shores Planned District Advisory Board has reviewed the project and voiced their opinion that it conformed to the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual.

- B. THE PROPOSED CONSTRUCTION AND USE OF THIS SITE IS CONSISTENT WITH THE LA JOLLA SHORES PLANNED DISTRICT ORDINANCE WHICH STATES THAT PUBLIC VIEWS FROM PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES SHALL BE PROTECTED.**

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The site is an interior lot on Hillside Drive, is not located within a designated public view area in the adopted La Jolla/La Jolla Shores Local Coastal Program Land Use Plan Addendum, and is not generally accepted as providing views to the coast or the ocean from adjoining public rights-of-way. No new structures are proposed for this project which includes the removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels. The project will therefore not obstruct public views and will conform with the La Jolla Shores Planned District Ordinance requirements regarding the preservation of public views.

C. THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE CITY'S PROGRESS GUIDE AND GENERAL PLAN, THE LA JOLLA COMMUNITY PLAN OR THE LA JOLLA SHORES PRECISE PLAN.

The proposed removal of an existing historically designated residence (HRB Site #417) and the lot split into two parcels will not adversely affect the City of San Diego's Progress Guide and General Plan, or the adopted La Jolla Community Plan and La Jolla Shores Precise Plan that designate this site for single-family use consistent with the design as proposed.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 8552 and La Jolla Shores Planned District Permit No. 8554 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 8552 and 8554, copies of which are attached hereto and made a part hereof.



MICHELLE SOKOLOWSKI
Development Project Manager
Development Services Department

Adopted on: November 21, 2002

Job Order No. 98-0536

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ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document CDP 8552/LJS 8554
Date of Approval November 21, 2002

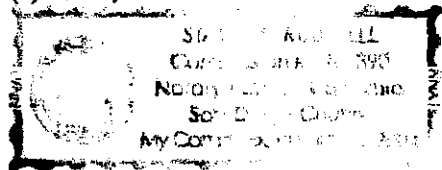
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Michelle Sokolowski
Michelle Sokolowski, Development Project Manager

On 1/10/03 before me, STACIE L. MAXWELL, (Notary Public), personally appeared Michelle Sokolowski, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Stacie L. Maxwell
Stacie L. Maxwell



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed Mina Kooklani Signed Mark Kooklani
Typed Name Mina Kooklani Typed Name Mark Kooklani

STATE OF California Trustees of the Mahmoud & Mehryar Kooklani Family
COUNTY OF San Diego Trust

On February 4, 2003 before me, Stacie L. Maxwell (Name of Notary Public) personally appeared Mark & Mina Kooklani, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Stacie L. Maxwell

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FEB 07, 2003 3:51 PM

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 43.00

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501



2003-0145621

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 98-0536

COASTAL DEVELOPMENT PERMIT NO. 9045
LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 9046
KOOKLANI RESIDENCE - PROJECT NO. 5281 (MMRP)
PLANNING COMMISSION

This Permit is granted by the Planning Commission of the City of San Diego to MARK AND MINA KOOKLANI, TRUSTEES OF THE MAHMOUD AND MEHRYAR KOOKLANI FAMILY TRUST, Owner /Permittee, pursuant to Section 111.1202 and Chapter X, Article 3, Division 3 of the Municipal Code of the City of San Diego. The 0.80-acre site is located at 7447 Hillside Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Zone (nonappealable), and the Proposition "D" 30'-0" Height Limit Area, within the La Jolla Community Plan area. The project site is legally described as a Resubdivision of a Portion of Lot B, La Jolla Hills No. 2, Map No. 2087.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to construct a new, one-story, single-family residence above a basement with an attached garage, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 21, 2002, on file in the Office of the Development Services Department. The facility shall include:

- a. On new Parcel 1, the construction of a one-story, approximately 6,115-square-foot, single-family residence with a basement, attached three-car garage and swimming pool;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an

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Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Final Map for Tentative Map No. 8551 has been recorded with the Office of the County Recorder.
- b. Coastal Development Permit No. 8552 and La Jolla Shores Planned District Permit No. 8554 have been fully implemented.
- c. The Permittee signs and returns the Permit to the Development Services Department; and
- d. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the

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subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical (architectural) Resources
Biological Resources

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 21, 2002, on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

13. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

14. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

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15. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
16. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
17. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
18. Approximately 53% of the rear of the site shall remain undisturbed, as shown on Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of a grading or building permit, the Permittee shall submit a site/plot plan consistent with the plans submitted for a building permit, showing the required 30% landscaped area in a crosshatch pattern and labeled "Landscape Area Diagram." The crosshatch pattern shall be consistent with Section 1.1-5 of the Landscape Technical Manual.
20. The following note shall be provided on the "Landscape Area Diagram": 'All of the landscape to meet the 30% area requirement shall be installed as required by the La Jolla Shores Planned District Ordinance prior to final inspection.'
21. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance agreement shall be submitted for review by a Landscape Planner.
22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.
23. Any modifications or changes to the "Landscape Area Diagram" and existing or proposed plant material, as shown on the approved Exhibit "A," dated November 21, 2002, is permitted provided the resulting landscape meets the minimum area requirements of the La Jolla Shores Planned District Ordinance and any specific requirements for slope revegetation or brush management.
24. All required landscape, except erosion control-related landscaping, shall be installed and inspected within six months of occupancy or within one year of the notice of completion of a residence.

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25. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

26. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this permit.

BRUSH MANAGEMENT PROGRAM:

27. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of "High." The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," dated November 21, 2002, "Brush Management Program/Landscape Concept Plan" on file in the Office of the Development Services Department:

- a. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department.
- b. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshal. The construction documents shall be in substantial conformance with Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department, and shall comply with the Uniform Fire Code and Section Six of the Landscape Technical Manual (document number RR-274506) on file in the Office of the City Clerk.
- c. The Brush Management Zone Depths shall be as follows:

<u>Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
High	30'	40'	27' to 40'
- d. Within Zone One, combustible accessory structures with less than a one-hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc.) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshal and the City Manager's approval.
- e. In Zone(s) One, Two and Three, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.
- f. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting onsite with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

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28. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.

29. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.

ENGINEERING REQUIREMENTS:

30. Prior to the recordation of first final map, subdivider shall assure by permit and bond, the construction of curb and gutter along the project frontage, satisfactory to the City Engineer.

31. Prior to the issuance of the first building permit, applicant shall provide a shared access agreement between Parcels 1 and 2 satisfactory to the City Manager and in accordance with Land Development Code requirements.

32. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

33. Prior to building occupancy, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

WATER REQUIREMENTS:

34. Prior to the issuance of any building or grading permits, the developer shall assure by permit and bond, the design and construction of a new water service outside of any driveway, and/or the relocation of any existing services within any driveway, in a manner satisfactory to the Water Department Director.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Planning Commission of the City of San Diego on November 21, 2002.

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PLANNING COMMISSION
RESOLUTION NO. 3330-PC-5
COASTAL DEVELOPMENT PERMIT NO. 9045
LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 9046
KOOKLANI RESIDENCE - PROJECT NO. 5281 (MMRP)

WHEREAS, MARK AND MINA KOOKLANI, TRUSTEES OF THE MAHMOUD AND MEHRYAR KOOKLANI FAMILY TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a new, one-story, single-family residence above a basement with an attached garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 9045 and 9046), on portions of a 0.80-acre site;

WHEREAS, the project site is located at 7447 Hillside Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Zone (nonappealable), and the Proposition "D" 30'-0" Height Limit Area, within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as a Resubdivision of a Portion of Lot B, La Jolla Hills No. 2, Map No. 2087;

WHEREAS, on November 21, 2002, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 9045 and La Jolla Shores Planned District Permit No. 9046 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated November 21, 2002.

COASTAL DEVELOPMENT PERMIT FINDINGS (SDMC SECTION 111.1202):

- A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE GENERAL PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.**

The subject property is located approximately 2/3-mile from the Pacific Ocean and is therefore not located near any existing or proposed public accessways to the ocean utilized by the public.

The construction of a new, one-story, single-family residence above a basement with an attached garage would occur on private property and the height of the proposed structure is in conformance with the zoning and Proposition "D" height limitations. The proposed project will not obstruct designated public views.

The site is not within a visual access corridor identified in the City's adopted Local Coastal Program (LCP) Land Use Plan Addendum and the proposed development will not obstruct views from public vantage points.

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B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT IDENTIFIED MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

As indicated in Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, the site has a low potential for containing intact historic resources because of the previous disturbance to the property from grading, landscaping, paving and site development. Furthermore, archaeological surveys and/or monitoring reports from previous projects located in the surrounding area of the subject property were reviewed to determine resource potential. None of the reports reviewed resulted in positive findings. Lastly, no archaeological sites have been recorded in the immediate vicinity of the project site. Based on all the available information, the conclusion was made that the construction of a new, one-story, single-family residence above a basement with an attached garage project would not have a significant impact on archaeological resources and no mitigation would be required.

Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, prepared for this project, identified no potential adverse impacts to other environmentally sensitive areas or marine resources.

C. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.

Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006 was prepared for this project. As indicated within that document, the site is not within or adjacent to the Multiple Habitat Planning Area, however a biological resources report was prepared due to the location of sensitive biological resources on the site. That report concluded that project implementation would result in direct impacts to 0.04-acre of mixed chaparral habitat and 0.001-acre of non-native grassland. Impacts to these resources are considered a significant environmental impact and mitigation is required. These direct impacts would be mitigated through payment into the City of San Diego's Habitat Acquisition Fund, as specified in the Mitigation, Monitoring and Reporting Program for this project.

The subject site is improved with an existing historically designated residence (HRB Site #417). The proposal to relocate this residence to an off-site location and split the lot into two parcels was evaluated within Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006. Resource Protection Ordinance Permit No. 8948 (Project No. 3200) has approved for the relocation of this historic structure. The project would therefore comply with all the requirements of the Resource Protection Ordinance (1989 provisions).

The site has a low potential for containing intact historic resources because of the previous disturbance to the property from grading, landscaping, paving and site development. Furthermore, archaeological surveys and/or monitoring reports from previous projects located in the surrounding area of the subject property were reviewed to determine resource

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potential. None of the reports reviewed resulted in positive findings. Lastly, no archaeological sites have been recorded in the immediate vicinity of the project site. Based on all the available information, the conclusion was made that the construction of a new, one-story, single-family residence above a basement with an attached garage project would not have a significant impact on archaeological resources and no mitigation would be required.

D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT IDENTIFIED RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.

The project is not located within the beach impact area of the coastal zone, nor is the site located within or adjacent to identified recreational or visitor-serving facilities or coastal scenic resources. Adequate parking has been provided on-site for this use. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage, observing all requirements of the SF zone in the La Jolla Shores Planned District, will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

E. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

The proposed development would occur on private property. There are no parks or recreation areas located adjacent to the subject site. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage would therefore not adversely impact environmentally sensitive habitats or scenic resources located in adjacent parks and recreation areas.

F. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

The project site is assigned a Geologic Hazard Rating of 27 (slide-prone formation). A geotechnical report prepared for the project recommends removing the existing super and sub-structure and unsuitable soil at the site, replacing the existing uncontrolled fill and unsuitable soil with engineered fill, and using drilled shafts (caissons) and grade-beam foundation system to support any new buildings. The recommended foundation system would be able to resist and/or accommodate anticipated slope creep, soil settlement, slope instability and seismic forces. Also, the recommended drilled shaft foundation would provide lateral support to the existing Hillside Drive and thereby increase the stability of the roadway. The report adequately addresses the soil and geological conditions potentially affecting the proposed construction of a new, one-story, single-family residence above a basement with an attached garage. Proper engineering design of any new structures would ensure the potential for geologic impacts from on-site and regional hazards would be less than significant.

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Brush management requirements for the proposed project include Zone 1 (30 feet), Zone 2 (40 feet) and Zone 3 (40 feet). Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006 identified no significant erosional, flood, or fire hazards as a result of project implementation.

G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.

The proposed development is located in an urbanized, single-family residential neighborhood with a variety of sizes, styles, and designs of custom residences. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage conform to the SF zone of the La Jolla Shores Planned District requirements. Approximately 35% of Parcel 2 will remain as open space; this area contains slopes 25% or greater and would not be disturbed as a part of this development. The proposed development will therefore be visually compatible with the character of the surrounding area.

H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE CITY'S PROGRESS GUIDE AND GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS IN EFFECT FOR THIS SITE.

The project is consistent with the recommended land use and development standards in effect for this site per the adopted La Jolla Community Plan, the existing SF zone of the La Jolla Shores Planned District, the City's Local Coastal Program, and the City of San Diego Progress Guide and General Plan.

LA JOLLA SHORES PLANNED DISTRICT FINDINGS:

A. THE PROPOSED CONSTRUCTION AND USE OF THIS SITE MEETS ALL TECHNICAL REQUIREMENTS SET FORTH IN THE ADOPTED LA JOLLA SHORES PLANNED DISTRICT ORDINANCE AND THE LA JOLLA SHORES DESIGN MANUAL RELATING TO ARCHITECTURAL STYLE, VARIETY AND DIVERSITY IN DESIGN, HEIGHT, LOT COVERAGE, LANDSCAPING, ORIGINALITY, AND NO VARIANCES ARE REQUIRED.

The subject 0.80-acre site will be vacant once the historically designated residence (HRB Site #417) is relocated off-site in accordance with Resource Protection Ordinance Permit No. 8948 (Project No. 3200). Implementation of Coastal Development Permit No. 8552, La Jolla Shores Planned District Permit No. 8554, and Tentative Map No. 8551 will result in the splitting of the existing lot into two new parcels (Parcel 1 being 16,165 square feet and Parcel 2 being 18,835 square feet). Each of these parcels can then be improved with a one dwelling unit, which is the subject of this permit.

The site is located within an urbanized single-family neighborhood of diverse architectural styles. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage will be approximately 6,115-square-feet, on a 16,165-square-foot lot, resulting in a lot coverage of 0.23 and a maximum height of approximately 29'-6". The project will conform with all of the development standards of

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the La Jolla Shores Planned District Ordinance and no variances are requested. The proposed stucco walls, wood casement windows, wood doors, and terra cotta tile roofing materials utilized are compatible with the neighborhood, as specified in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual. Approximately 53% of Parcel 1 will remain as open space; this area contains slopes 25% or greater and would not be disturbed as a part of this development. The La Jolla Shores Planned District Advisory Board has reviewed the project and voiced their opinion that it conformed to the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual.

B. THE PROPOSED CONSTRUCTION AND USE OF THIS SITE IS CONSISTENT WITH THE LA JOLLA SHORES PLANNED DISTRICT ORDINANCE WHICH STATES THAT PUBLIC VIEWS FROM PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES SHALL BE PROTECTED.

The site is an interior lot on Hillside Drive, is not located within a designated public view area in the adopted La Jolla/La Jolla Shores Local Coastal Program Land Use Plan Addendum, and is not generally accepted as providing views to the coast or the ocean from adjoining public rights-of-way. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage and pool project will therefore not obstruct public views and will conform with the La Jolla Shores Planned District Ordinance requirements regarding the preservation of public views.

C. THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE CITY'S PROGRESS GUIDE AND GENERAL PLAN, THE LA JOLLA COMMUNITY PLAN OR THE LA JOLLA SHORES PRECISE PLAN.

The proposed construction of a new, one-story, single-family residence above a basement with an attached garage and pool will not adversely affect the City of San Diego's Progress Guide and General Plan, or the adopted La Jolla Community Plan and La Jolla Shores Precise Plan that designate this site for single-family use consistent with the design as proposed.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 8552 and La Jolla Shores Planned District Permit No. 8554 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 8552 and 8554, copies of which are attached hereto and made a part hereof.



MICHELLE SOKOLOWSKI
Development Project Manager
Development Services Department

Adopted on: November 21, 2002

Job Order No. 98-0536

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ALL-PURPOSE CERTIFICATE

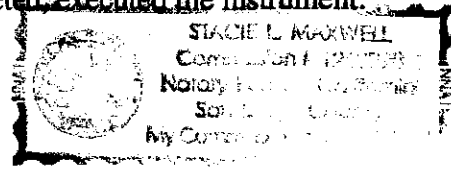
Type/PTS Approval Number of Document CDP 8552/LJS 8554
Date of Approval November 21, 2002

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Michelle Sokolowski
Michelle Sokolowski, Development Project Manager

On 1/10/03 before me, STACIE L. MAXWELL, (Notary Public), personally appeared **Michelle Sokolowski**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal
Signature Stacie L. Maxwell
Stacie L. Maxwell



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

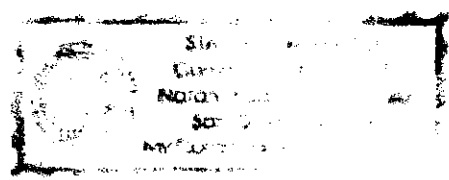
THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed Trustees of the Mahmoud & Mehryar Kooklani Family Trust
Signed Mark Kooklani
Typed Name Mina Kooklani Typed Name Mark Kooklani

STATE OF California
COUNTY OF San Diego

On February 6, 2003 before me, Stacie L. Maxwell (Name of Notary Public) personally appeared Mark & Mina Kooklani, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
Signature Stacie L. Maxwell



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17042 DOC 2003-0145552
FEB 07, 2003 3:45 PM

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 43.00

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501



SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 98-0536

COASTAL DEVELOPMENT PERMIT NO. 9047
LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 9048
KOOKLANI RESIDENCE - PROJECT NO. 5281 (MMRP)
PLANNING COMMISSION

This Permit is granted by the Planning Commission of the City of San Diego to MARK AND MINA KOOKLANI, TRUSTEES OF THE MAHMOUD AND MEHRYAR KOOKLANI FAMILY TRUST, Owner /Permittee, pursuant to Section 111.1202 and Chapter X, Article 3, Division 3 of the Municipal Code of the City of San Diego. The 0.80-acre site is located at 7433 Hillside Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Zone (nonappealable), and the Proposition "D" 30'-0" Height Limit Area, within the La Jolla Community Plan area. The project site is legally described as a Resubdivision of a Portion of Lot B, La Jolla Hills No. 2, Map No. 2087.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/ Permittee to construct a new, one-story, single-family residence above a basement with an attached garage, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 21, 2002, on file in the Office of the Development Services Department. The facility shall include:

- a. On new Parcel 2, the construction of a one-story, approximately 5,468-square-foot, single-family residence with a basement, attached three-car garage and swimming pool;
 - b. Landscaping (planting, irrigation and landscape related improvements);
 - c. Off-street parking facilities;
 - d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an

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Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Final Map for Tentative Map No. 8551 has been recorded with the Office of the County Recorder.
- b. Coastal Development Permit No. 8552 and La Jolla Shores Planned District Permit No. 8554 have been fully implemented.
- c. The Permittee signs and returns the Permit to the Development Services Department; and
- d. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the

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subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical (architectural) Resources
Biological Resources

PLANNING/DESIGN REQUIREMENTS:

11. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 21, 2002, on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

12. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

13. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

14. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

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15. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
16. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
17. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
18. Approximately 35% of the rear of the site shall remain undisturbed, as shown on Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of a grading or building permit, the Permittee shall submit a site/plot plan consistent with the plans submitted for a building permit, showing the required 30% landscaped area in a crosshatch pattern and labeled "Landscape Area Diagram." The crosshatch pattern shall be consistent with Section 1.1-5 of the Landscape Technical Manual.
20. The following note shall be provided on the "Landscape Area Diagram": 'All of the landscape to meet the 30% area requirement shall be installed as required by the La Jolla Shores Planned District Ordinance prior to final inspection.'
21. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way and median landscaping) consistent with the standards of the Landscape Technical Manual unless long-term maintenance of street trees, right-of-way and median landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance agreement shall be submitted for review by a Landscape Planner.
22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.
23. Any modifications or changes to the "Landscape Area Diagram" and existing or proposed plant material, as shown on the approved Exhibit "A," dated November 21, 2002, is permitted provided the resulting landscape meets the minimum area requirements of the La Jolla Shores Planned District Ordinance and any specific requirements for slope revegetation or brush management.
24. All required landscape, except erosion control-related landscaping, shall be installed and inspected within six months of occupancy or within one year of the notice of completion of a residence.

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25. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

26. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this permit.

BRUSH MANAGEMENT PROGRAM:

27. The Brush Management Program is based on the Fire Department's Fire Hazard Severity Classification of "High." The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," dated November 21, 2002, "Brush Management Program/Landscape Concept Plan" on file in the Office of the Development Services Department:

a. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department.

b. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval by the City Manager and the Fire Marshal. The construction documents shall be in substantial conformance with Exhibit "A," dated November 21, 2002, on file in the Office of the Development Services Department, and shall comply with the Uniform Fire Code and Section Six of the Landscape Technical Manual (document number RR-274506) on file in the Office of the City Clerk.

c. The Brush Management Zone Depths shall be as follows:

<u>Hazard</u>	<u>Zone One</u>	<u>Zone Two</u>	<u>Zone Three</u>
High	30'	40'	27' to 40'

d. Within Zone One, combustible accessory structures with less than a one-hour fire rating are not permitted (including, but not limited to decks, trellises, gazebos, etc.) while non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to Fire Marshal and the City Manager's approval.

e. In Zone(s) One, Two and Three, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

f. Provide the following note on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting onsite with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

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28. Prior to final inspection for any building, the approved Brush Management Program shall be implemented.

29. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six and Appendix C.

ENGINEERING REQUIREMENTS:

30. Prior to the recordation of first final map, subdivider shall assure by permit and bond, the construction of curb and gutter along the project frontage, satisfactory to the City Engineer.

31. Prior to the issuance of the first building permit, applicant shall provide a shared access agreement between Parcels 1 and 2 satisfactory to the City Manager and in accordance with Land Development Code requirements.

32. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

33. Prior to building occupancy, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

WATER REQUIREMENTS:

34. Prior to the issuance of any building or grading permits, the developer shall assure by permit and bond, the design and construction of a new water service outside of any driveway, and/or the relocation of any existing services within any driveway, in a manner satisfactory to the Water Department Director.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Planning Commission of the City of San Diego on November 21, 2002.

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PLANNING COMMISSION
RESOLUTION NO. 3330-PC-6
COASTAL DEVELOPMENT PERMIT NO. 9047
LA JOLLA SHORES PLANNED DISTRICT PERMIT NO. 9048
KOOKLANI RESIDENCE - PROJECT NO. 5281 (MMRP)

WHEREAS, MARK AND MINA KOOKLANI, TRUSTEES OF THE MAHMOUD AND MEHRYAR KOOKLANI FAMILY TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a new, one-story, single-family residence above a basement with an attached garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 9047 and 9048), on portions of a 0.80-acre site;

WHEREAS, the project site is located at 7447-1/2 Hillside Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Zone (nonappealable), and the Proposition "D" 30'-0" Height Limit Area, within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as a Resubdivision of a Portion of Lot B, La Jolla Hills No. 2, Map No. 2087;

WHEREAS, on November 21, 2002, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 8552-B and La Jolla Shores Planned District Permit No. 8554-B pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated November 21, 2002.

COASTAL DEVELOPMENT PERMIT FINDINGS (SDMC SECTION 111.1202):

- A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE GENERAL PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.**

The subject property is located approximately 2/3-mile from the Pacific Ocean and is therefore not located near any existing or proposed public accessways to the ocean utilized by the public.

The construction of a new, one-story, single-family residence above a basement with an attached garage would occur on private property and the height of the proposed structure is in conformance with the zoning and Proposition "D" height limitations. The proposed project will not obstruct designated public views.

The site is not within a visual access corridor identified in the City's adopted Local Coastal Program (LCP) Land Use Plan Addendum and the proposed development will not obstruct views from public vantage points.

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B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT IDENTIFIED MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

As indicated in Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, the site has a low potential for containing intact historic resources because of the previous disturbance to the property from grading, landscaping, paving and site development. Furthermore, archaeological surveys and/or monitoring reports from previous projects located in the surrounding area of the subject property were reviewed to determine resource potential. None of the reports reviewed resulted in positive findings. Lastly, no archaeological sites have been recorded in the immediate vicinity of the project site. Based on all the available information, the conclusion was made that the construction of a new, one-story, single-family residence above a basement with an attached garage project would not have a significant impact on archaeological resources and no mitigation would be required.

Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006, prepared for this project, identified no potential adverse impacts to other environmentally sensitive areas or marine resources.

C. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 101.0462 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.

Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006 was prepared for this project. As indicated within that document, the site is not within or adjacent to the Multiple Habitat Planning Area, however a biological resources report was prepared due to the location of sensitive biological resources on the site. That report concluded that project implementation would result in direct impacts to 0.04-acre of mixed chaparral habitat and 0.001-acre of non-native grassland. Impacts to these resources are considered a significant environmental impact and mitigation is required. These direct impacts would be mitigated through payment into the City of San Diego's Habitat Acquisition Fund, as specified in the Mitigation, Monitoring and Reporting Program for this project.

The subject site is improved with an existing historically designated residence (HRB Site #417). The proposal to relocate this residence to an off-site location and split the lot into two parcels was evaluated within Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006. Resource Protection Ordinance Permit No. 8948 (Project No. 3200) has approved for the relocation of this historic structure. The project would therefore comply with all the requirements of the Resource Protection Ordinance (1989 provisions).

The site has a low potential for containing intact historic resources because of the previous disturbance to the property from grading, landscaping, paving and site development. Furthermore, archaeological surveys and/or monitoring reports from previous projects located in the surrounding area of the subject property were reviewed to determine resource

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potential. None of the reports reviewed resulted in positive findings. Lastly, no archaeological sites have been recorded in the immediate vicinity of the project site. Based on all the available information, the conclusion was made that the construction of a new, one-story, single-family residence above a basement with an attached garage project would not have a significant impact on archaeological resources and no mitigation would be required.

D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT IDENTIFIED RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.

The project is not located within the beach impact area of the coastal zone, nor is the site located within or adjacent to identified recreational or visitor-serving facilities or coastal scenic resources. Adequate parking has been provided on-site for this use. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage, observing all requirements of the SF zone in the La Jolla Shores Planned District, will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.

E. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

The proposed development would occur on private property. There are no parks or recreation areas located adjacent to the subject site. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage would therefore not adversely impact environmentally sensitive habitats or scenic resources located in adjacent parks and recreation areas.

F. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

The project site is assigned a Geologic Hazard Rating of 27 (slide-prone formation). A geotechnical report prepared for the project recommends removing the existing super and sub-structure and unsuitable soil at the site, replacing the existing uncontrolled fill and unsuitable soil with engineered fill, and using drilled shafts (caissons) and grade-beam foundation system to support any new buildings. The recommended foundation system would be able to resist and/or accommodate anticipated slope creep, soil settlement, slope instability and seismic forces. Also, the recommended drilled shaft foundation would provide lateral support to the existing Hillside Drive and thereby increase the stability of the roadway. The report adequately addresses the soil and geological conditions potentially affecting the proposed construction of a new, one-story, single-family residence above a basement with an attached garage. Proper engineering design of any new structures would ensure the potential for geologic impacts from on-site and regional hazards would be less than significant.

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Brush management requirements for the proposed project include Zone 1 (30 feet), Zone 2 (40 feet) and Zone 3 (40 feet). Mitigated Negative Declaration, Project Nos. 5281 & 3200, LDR No. 98-0536A/B, SCH No. 2002091006 identified no significant erosional, flood, or fire hazards as a result of project implementation.

- G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.**

The proposed development is located in an urbanized, single-family residential neighborhood with a variety of sizes, styles, and designs of custom residences. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage conform to the SF zone of the La Jolla Shores Planned District requirements. Approximately 35% of Parcel 2 will remain as open space; this area contains slopes 25% or greater and would not be disturbed as a part of this development. The proposed development will therefore be visually compatible with the character of the surrounding area.

- H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE CITY'S PROGRESS GUIDE AND GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS IN EFFECT FOR THIS SITE.**

The project is consistent with the recommended land use and development standards in effect for this site per the adopted La Jolla Community Plan, the existing SF zone of the La Jolla Shores Planned District, the City's Local Coastal Program, and the City of San Diego Progress Guide and General Plan.

LA JOLLA SHORES PLANNED DISTRICT FINDINGS:

- A. THE PROPOSED CONSTRUCTION AND USE OF THIS SITE MEETS ALL TECHNICAL REQUIREMENTS SET FORTH IN THE ADOPTED LA JOLLA SHORES PLANNED DISTRICT ORDINANCE AND THE LA JOLLA SHORES DESIGN MANUAL RELATING TO ARCHITECTURAL STYLE, VARIETY AND DIVERSITY IN DESIGN, HEIGHT, LOT COVERAGE, LANDSCAPING, ORIGINALITY, AND NO VARIANCES ARE REQUIRED.**

The subject 0.80-acre site will be vacant once the historically designated residence (HRB Site #417) is relocated off-site in accordance with Resource Protection Ordinance Permit No. 8948 (Project No. 3200). Implementation of Coastal Development Permit No. 8552, La Jolla Shores Planned District Permit No. 8554, and Tentative Map No. 8551 will result in the splitting of the existing lot into two new parcels (Parcel 1 being 16,165 square feet and Parcel 2 being 18,835 square feet). Each of these parcels can then be improved with a one dwelling unit, which is the subject of this permit.

The site is located within an urbanized single-family neighborhood of diverse architectural styles. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage will be approximately 5,468-square-feet, on a 18,835-square-foot lot, resulting in a lot coverage of 0.19 and a maximum height of approximately 29'-0". The project will conform with all of the development standards of

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the La Jolla Shores Planned District Ordinance and no variances are requested. The proposed stucco walls, wood casement windows, wood doors, and terra cotta tile roofing materials utilized are compatible with the neighborhood, as specified in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual. Approximately 35% of Parcel 2 will remain as open space; this area contains slopes 25% or greater and would not be disturbed as a part of this development. The La Jolla Shores Planned District Advisory Board has reviewed the project and voiced their opinion that it conformed to the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual.

B. THE PROPOSED CONSTRUCTION AND USE OF THIS SITE IS CONSISTENT WITH THE LA JOLLA SHORES PLANNED DISTRICT ORDINANCE WHICH STATES THAT PUBLIC VIEWS FROM PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES SHALL BE PROTECTED.

The site is an interior lot on Hillside Drive, is not located within a designated public view area in the adopted La Jolla/La Jolla Shores Local Coastal Program Land Use Plan Addendum, and is not generally accepted as providing views to the coast or the ocean from adjoining public rights-of-way. The proposed construction of a new, one-story, single-family residence above a basement with an attached garage and pool project will therefore not obstruct public views and will conform with the La Jolla Shores Planned District Ordinance requirements regarding the preservation of public views.

C. THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE CITY'S PROGRESS GUIDE AND GENERAL PLAN, THE LA JOLLA COMMUNITY PLAN OR THE LA JOLLA SHORES PRECISE PLAN.

The proposed construction of a new, one-story, single-family residence above a basement with an attached garage and pool will not adversely affect the City of San Diego's Progress Guide and General Plan, or the adopted La Jolla Community Plan and La Jolla Shores Precise Plan that designate this site for single-family use consistent with the design as proposed.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 9047 and La Jolla Shores Planned District Permit No. 9048 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 9047 and 9048, copies of which are attached hereto and made a part hereof.



MICHELLE SOKOLOWSKI
Development Project Manager
Development Services Department

Adopted on: November 21, 2002

Job Order No. 98-0536

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ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document CDP 9047/LJS 9048
Date of Approval November 21, 2002

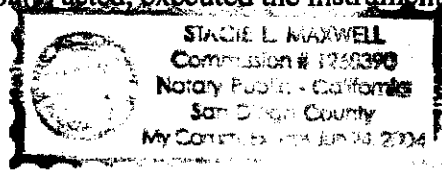
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Michelle Sokolowski
Michelle Sokolowski, Development Project Manager

On 1/10/03 before me, STACIE L. MAXWELL, (Notary Public), personally appeared **Michelle Sokolowski**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Stacie L. Maxwell
Stacie L. Maxwell



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

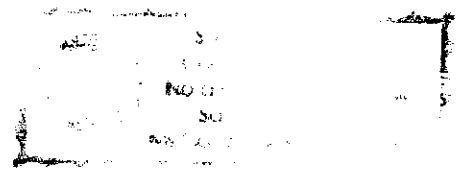
Trustees of the Mahmoud & Mehryar Kooklani Family Trust
Signed Mina Kooklani Signed Mark Kooklani
Typed Name Mina Kooklani Typed Name Mark Kooklani

STATE OF California
COUNTY OF San Diego

On February 6, 2003 before me, Stacie L. Maxwell (Name of Notary Public) personally appeared Mark & Mina Kooklani, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Stacie L. Maxwell



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