



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 6, 2012 **REPORT NO. PC-12-118**

ATTENTION: Planning Commission, Agenda of December 13, 2012

SUBJECT: TONG RESIDENCE EOT - PROJECT NO. 280468. PROCESS 3

**OWNER/
APPLICANT:** Mr. Kenneth Tong, Owner
Mr. Albert Morone, Architect / Consultant

SUMMARY

Issue: Should the Planning Commission deny an appeal and approve an Extension of Time to previously approved Coastal Development Permit No. 139245 and Site Development Permit No. 141335 to demolish an existing residence and construct a new, split-level, single family residence within the La Jolla Community Plan area?

Staff Recommendation: DENY the Appeal and APPROVE Extension of Time Permit No. 985084.

Community Planning Group Recommendation: On September 6, 2012, the La Jolla Community Planning Association voted 11-0-1 to recommend denial of the Extension of Time, stating that the Findings could not be made as discussed in the meeting minutes (ATTACHMENT 5). On the original project, the La Jolla Community Planning Association voted 15-0-1 to recommend denial at their meeting of April 3, 2008.

Environmental Review: A California Environmental Quality Act (CEQA) Exemption was prepared for the original project (Kelly Residence Project No. 48764), which was approved by the Planning Commission on June 19, 2008. Staff has reviewed the request and determined that in accordance with (CEQA) Guidelines Section 15162(a): (1) No substantial changes are proposed to the project which would alter the previous Exemption determination; (2) No substantial changes occur with respect to the circumstances under which the project is undertaken that would alter the previous Exemption determination; 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 Exemption.

Fiscal Impact Statement: None. The processing of this application is paid for through a deposit account established by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The subject property being redeveloped is an existing legal building site zoned for single-family residential use. The project proposes to demolish the existing residence and construct a new single family residence. There will be no net gain or loss to the available housing stock within the La Jolla Community Planning Area.

BACKGROUND

On June 19, 2008, the Planning Commission denied an appeal and approved Coastal Development Permit No. 139245 and Site Development Permit No. 141335, Project No. 48764, known as the Kelly Residence at that time. Those permits were set to expire June 19, 2012. On May 11, 2012, the applicant applied for an Extension of Time. On October 10, 2012, the Hearing Officer approved the proposed Extension of Time. The project site is located at 961 La Jolla Rancho Road, in the SF-1-4 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Plan area.

DISCUSSION

Project Description:

The present application is requesting an Extension of Time to the previously approved Kelly Residence project. The time allowed in the original development permit to construct the Kelly Residence project has expired. No changes to the originally approved project are proposed.

The project proposes to demolish the existing residence and construct a 6,796 square foot split level single family residence with a three car garage and swimming pool on an 18,100 square-foot property. The lot's eastern portion has been fully disturbed by the past development and is relatively level. The western portion of the lot slopes off toward the west, and contains non-native vegetation that is not mapped as sensitive vegetation. The proposed new residence is to be located within the disturbed portion of the site. The submitted slope analysis determined that there would be no further encroachment into steep slopes. During the project's original review with City staff, the applicant modified the project to conform to all of the development regulations of the RS-1-4 Zone and the Environmentally Sensitive Lands Regulations.

The project site is located in an area with potential intermittent or partial vista views, as identified within the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project was modified to include a 6 foot wide view corridor along the north side yard setback area and a 20 foot wide view corridor along the south setback area. A condition of the original permit (ATTACHMENT 13) requires that a view corridor easement be recorded on the property prior to building permit issuance, in order to preserve these identified public views. The proposed new structure does not impact any of the identified public vantage point(s) and the project design was found to be in conformance with the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed structure meets the development building envelope, setback, height limit, landscaping and fence transparency requirements of the underlying zone. Vehicular access to the property will be provided from the existing street at the front of the property along La Jolla Rancho Road via an existing 16 foot wide driveway.

Community Plan Analysis:

The proposed project site is located within the La Jolla Community Plan (LJCP) area is designated for very low density residential development at 0-5 du/acre. The proposed project conforms to the LJCP designated land use. The LJCP recommends that steep hillsides be preserved and that encroachments be limited to what is necessary to provide a usable development area. The site currently has a usable development pad under the footprint of the existing house.

The property partially fronts on Ravenswood Road, which is an identified Intermittent or Partial Vista on Figure 9 of the LJCP Identified Public Vantage Points map. One of the general community goals of the LJCP is to conserve and enhance views from the public vantage points as identified in Figure 9. The proposed project preserves and expands upon an intermittent view to the ocean by providing a 20 foot setback on the southern portion of the lot. This will provide pedestrians a clear view to the ocean from the street. The proposed project does not impact the intermittent view as identified in the plan (LJCP p. 8). Staff determined that a solution which incorporates ample side yards to be preferred. This would also allow the development to be concentrated in the middle of the site. The proposed height for the residence is less than thirty feet which is consistent with the community plan and the thirty foot height limit.

The community plan also recommends maintaining the existing residential character of La Jolla's neighborhoods by encouraging build out of residential areas at the plan density. The neighborhood is one which is in transition between the older and newer homes, with the older ones being more modest in bulk, scale and height, and with the newer residences typically built to the City's standards. The proposed new residence is consistent with other newer residences in the neighborhood. The proposed new residence also is consistent with the plan for landscaping and streetscape recommendations. Staff recommends approval of the proposed new residence as it is consistent with the community plan's policies for residential development.

Community Planning Group Recommendation:

The La Jolla Community Planning Association recommendation of denial on the Extension of Time stated that the findings could not be made. In reviewing the minutes of the meeting (ATTACHMENT 5), it appears that they were referring to the Coastal Development Permit and Site Development Permit Findings, not the Extension of Time Findings.

Appeal Issues:

The appeal (ATTACHMENT 12) filed by Tony Crisafi as Chair of the La Jolla Community Planning Association states that there was factual error made by the Hearing Officer in approving the project on October 10, 2012. He states that the project does not conform to all of the development regulations required by the Municipal Code. The following is a list of the appeal issues followed by City Staff's response.

General Staff Response:

The appeal issues asserted by the La Jolla Community Planning Association identify matters not relevant to an Extension of Time application. Pursuant to San Diego Municipal Code section 126.0111(2)(g), the only findings the Planning Commission may consider for an Extension of Time include: 1) The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety; 2) There are no changed circumstances which would affect the project's consistency with the Local Coastal Program; and 3) No new condition is required to comply with state or federal law. No changes to the project are proposed with this Extension of Time and staff has provided affirmative responses verifying that all of the findings can be made.

1. The proposed development does not comply with the La Jolla Community Plan, including obstruction of public views.

STAFF RESPONSE:

This project was found to comply with the La Jolla Community plan's recommendations and Policies for Land Use and Public Views. The applicant is not proposing any further changes to the project with this Extension of Time. The proposed project preserves and expands upon an intermittent view to the ocean by providing a 20 foot setback on the southern portion of the lot. This will provide pedestrians a clear view to the ocean from the street. The proposed project does not impact the intermittent view as identified in the plan (LJCP p. 8). Staff determined that a solution which incorporates ample side yards to be preferred. This would also allow the development to be concentrated in the middle of the site. A condition of the draft permit requires that a view corridor deed restriction be recorded on the property prior to building permit issuance, in order to preserve these identified public views.

2. This development is contrary to the Open Space Preservation and Natural Resource Protection standard, for Environmentally Sensitive Lands and Steep Hillside.

STAFF RESPONSE:

This project was reviewed by staff and was found to comply with the Open Space Preservation and Natural Resources Protection standards, for Environmentally Sensitive Lands and Steep Hillside Regulations. The proposed home will be located primarily within the least sensitive area of the site where the existing residence currently exists. The submitted slope analysis determined that there would be no further encroachment into steep slopes. The western portion of the lot slopes off toward the west and contains non-native vegetation. This western portion of the project site will remain as is, and no development is proposed in that portion.

3. The proposed development does not conform to the Steep Hillside Guidelines because the proposed development, including the swimming pool, extends farther into steep hillsides than is permitted:

STAFF RESPONSE:

The project's design was reviewed by staff and was found to comply with the City's Environmentally Sensitive Lands Regulations. The applicant is not proposing any further design changes as part of this Extension of Time. The proposed development is located primarily within the area of the existing residence which is to be removed. The immediately surrounding land within this portion of the site contains approximately 10 to 20 feet of fill material according to the submitted Geotechnical Investigation Report prepared by Southern California Soil and Testing, Inc. Staff has concluded that this eastern portion of the project site is fully disturbed, is not part of a natural landform, and is not subject to the Environmentally Sensitive Lands Regulations. The natural steep hillside portion of this property is located further to the west. No development is proposed on that portion of the property.

The project's swimming pool design was also found to comply with the City's Environmentally Sensitive Lands Regulations. The applicant is not proposing any further design changes as part of this Extension of Time. The pool area is located within the previously disturbed area that includes approximately 10 to 20 feet of fill material and is not located in a natural hillside area.

4. The development includes over-height, 21 feet, retaining walls without adequate separation of the walls.

STAFF RESPONSE:

The project's design, which included the proposed retaining walls, was found by staff to comply with the Land Development Code. The applicant is not proposing any further design changes as part of this Extension of Time. Based on the information provided on the grading plans (top and bottom wall elevation), the proposed retaining walls comply with SDMC Section 142.0340(d) (1), "Retaining Wall Regulations." The retaining walls along the west end of the swimming pool within the required yard comply with the retaining wall regulations. The walls on the west side of the property located within the interior side yard (6-foot interior side yard) show a maximum height of 6' which is permitted within the side yard per SDMC Section 142.0340(d). The appellant may believe as indicated in their previous correspondence that this particular yard is the rear yard and should be 20'. The west property line is the side yard (west) setback. As stated above, the side yard setback on the west PL of 6 feet is sufficient.

5. The measurement of the overall height of the structure by Proposition D is in error.

STAFF RESPONSE:

The project's design, which included the overall measurement of the height, was reviewed by staff and was found to comply with the Land Development Code. The applicant is not proposing any further design changes as part of this Extension of

Time. It appears appellant believes that overall structure height measurements must include the house, pool and retaining walls. The SDMC does not require height to be measured this way. SDMC 113.0270(a) states how structure height is measured for buildings and structures other than fences, retaining walls or signs. Since SDMC 113.0270(a) excludes walls, the walls associated with this project are not included in overall height measurement for the dwelling. The pool is located at least 6' from the dwelling. Since it is at least 6' from the dwelling it would not be included in the overall height measurement. It also appears the appellant is mixing the Land Development Codes height regulations and the Proposition D, Coastal Height Limitation Overlay Zone. Prop D height is measured from building walls to finished grade and does not include detached structures. Whereas, the Land Development Code height regulations are measured to existing or proposed grade whichever is lower.

6. Project does not comply with SD Municipal Code and Community Plan, thus by law La Jolla CPG cannot advise a recommendation of EOT to the City.

STAFF RESPONSE:

The project was found to comply with the San Diego Municipal Code and the La Jolla Community Plan. The applicant is not proposing any further design changes as part of this Extension of Time. Staff has reviewed the proposed Extension of time and determined the project would not place adjacent residents of the proposed development, or immediate community, in a condition dangerous to their health or safety. All the required findings for an Extension of Time can be made in the affirmative as stated in the draft Resolution (ATTACHMENT 6).

Conclusion:

Staff has reviewed the proposed Extension of Time and determined the project would not place adjacent residents of the proposed development, or immediate community, in a condition dangerous to their health or safety. In addition, the project would comply with all state and federal laws without any new conditions being added to the approval. Staff has provided draft findings supporting EOT approval (ATTACHMENT 6). Staff recommends that the Planning Commission deny the appeal and approve the proposed Extension of Time as proposed (ATTACHMENT 7).

ALTERNATIVE

1. Deny the appeal and Approve Extension of Time No. 985084, with modifications.
2. Approve the appeal and Deny Extension of Time No. 985084, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Glenn Gargas, Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Community Planning Group Recommendation
6. Draft Permit Resolution with Findings
7. Draft Permit with Conditions
8. Environmental Exemption
9. Project Site Plan
10. Project Building Elevations
11. Project Landscape Plan
12. Copy of Appeal
13. Copy of Recorded Permit
14. Ownership Disclosure Statement
15. Project Chronology

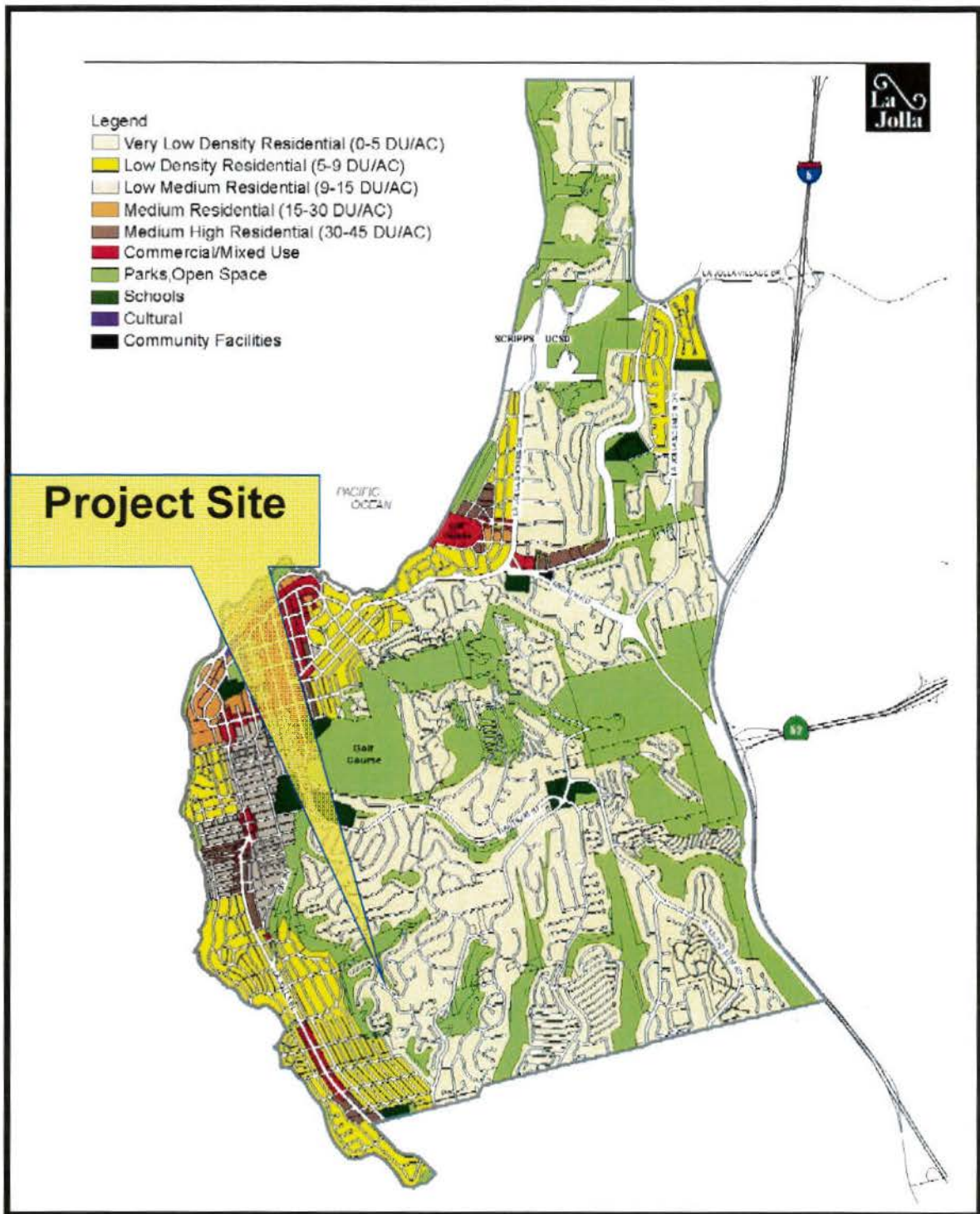


Aerial Photo

961 LA JOLLA RANCHO ROAD – TONG RESIDENCE

PROJECT NUMBER 280468

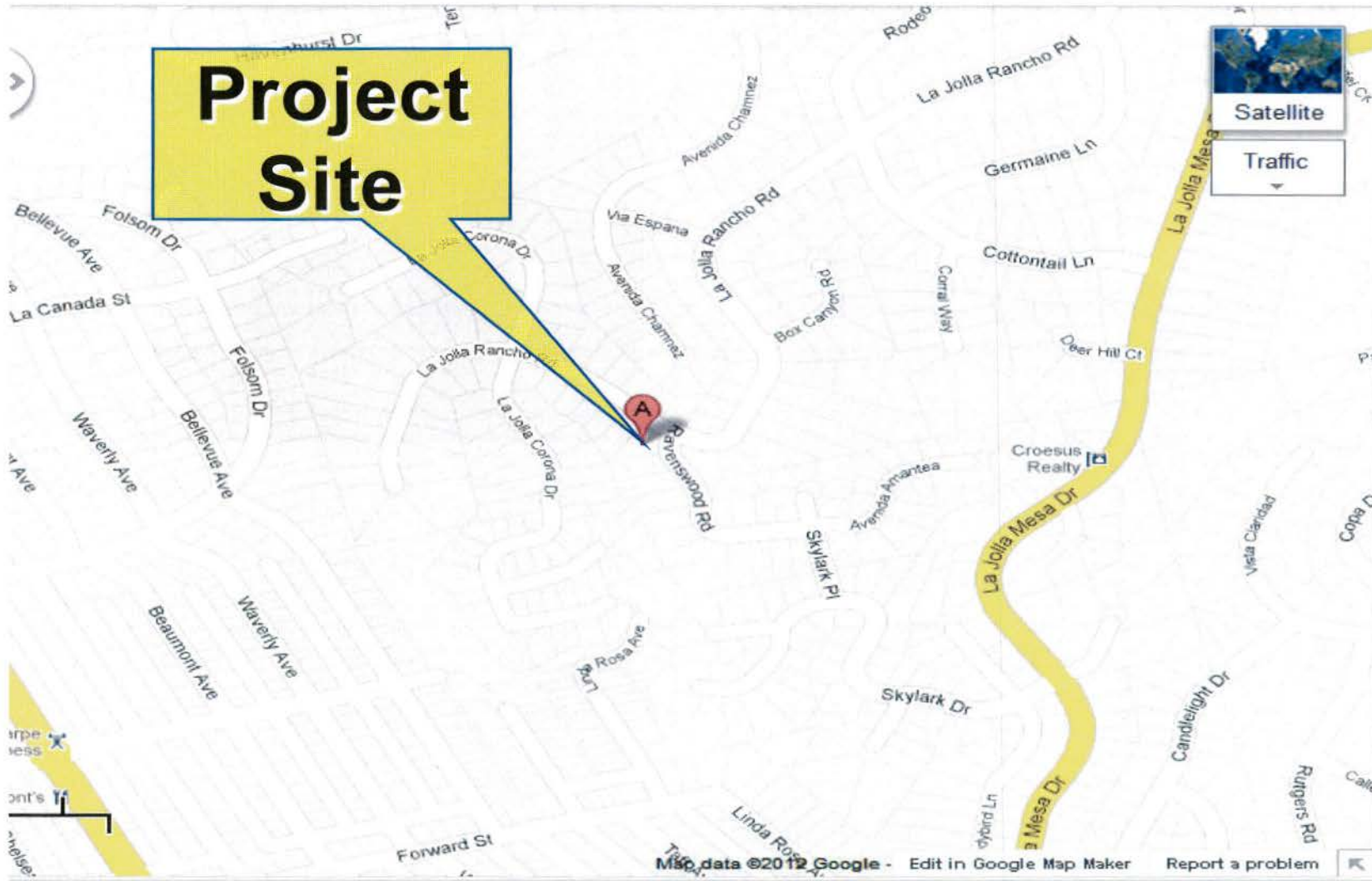




Land Use Map

961 LA JOLLA RANCHO ROAD –
TONG RESIDENCE
PROJECT NUMBER 280468





Project Location Map

961 LA JOLLA RANCHO ROAD – TONG RESIDENCE
PROJECT NUMBER 280468



PROJECT DATA SHEET

PROJECT NAME:	Tong Residence EOT – Project No. 280468	
PROJECT DESCRIPTION:	Extension of Time to previously approved CDP and SDP to demo an existing residence and construct an approximate 6,796 square foot single family residence on an 18,100 square foot property.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Extension of Time Permit.	
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (0-5 DUs per acre)	
<u>ZONING INFORMATION:</u>		
ZONE: RS-1-4 Zone HEIGHT LIMIT: 30-Foot maximum height limit. LOT SIZE: 10,000 square-foot minimum lot size – existing lot 18,100 sq. ft. FLOOR AREA RATIO: 0.46 FRONT SETBACK: 20 feet SIDE SETBACK: 6 feet STREETSIDE SETBACK: 20 feet REAR SETBACK: 20 feet PARKING: 2 parking spaces required.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Very Low Density Residential; RS-1-4 Zone	Single Family Residence
SOUTH:	Very Low Density Residential; RS-1-4 Zone	Single Family Residence
EAST:	Very Low Density Residential; RS-1-4 Zone	Single Family Residence
WEST:	Very Low Density Residential; RS-1-4 Zone	Single Family Residence
DEVIATIONS OR	None.	

ATTACHMENT 4

VARIANCES REQUESTED:	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On September 6, 2012, the La Jolla Community Planning Association Subcommittee voted 11-0-1 to recommend denial of this project, stating that the findings cannot be made.



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CALIFORNIA 92037

LA JOLLA COMMUNITY PLANNING ASSOCIATION

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<http://www.LaJollaCPA.org> Email: Info@LaJollaCPA.org

Regular Meeting – 06 September 2012

Attention: Mike Westlake, PM
City of San Diego

Project: Tong Residence EOT
961 La Jolla Rancho Road
PN: 280468

Motion: To accept the action of the Development Permit Review Committee: To deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road **Vote: 11-0-1**

Submitted by: 
Joe LaCava, Vice President
La Jolla CPA

06 September 2012
Date

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATIONCOMMITTEE REPORT
FOR
August 2012

August 14 Present: Benton (Chair), Collins, Costello, Grunow, Kane, Liera, Merten, Welsh

August 21 Present: Benton (Chair), Collins, Costello, Grunow, Kane, Liera, Welsh
Benton recused during projects Camaisa & The Reserve. Collins was elected Chair Pro Tem.

1. FINAL REVIEW 8/14/12 (previously reviewed 7/10/12)

The applicant's client has chosen not to revise the drawings per the committee. The DPR committee has been asked to proceed with a vote without further discussions with the applicant.

Project Name: TONG RESIDENCE EOT

961 La Jolla Rancho Road	Permits:	EOT for CDP 139245 + SDP 141335
Project #: PO# 280468	DPM:	Mike Westlake 619-446-5220 mwestlake@sandiego.gov
Zone: RS-1-4	Applicant:	Albert Morone 760-294-7122

Scope of Work:

(Process 3) Extensions of Time for Coastal Development Permit 139245 and Site Development Permit 1413335 for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage on a 18,100 SF lot located in the RS-1-4 zone, at 961 La Jolla Rancho Road in the Coastal Zone (non-appealable), within the La Jolla Community Plan.

DISCUSSION:

Merten: Provided handouts: 8 drawings illustrating issues, 7 pages of excerpts / references from the SD Muni Code, LJ Com Plan, Local Coastal Program Land Use Plan.

In 2008 this was reviewed as Kelly residence, LJ CPA voted not to approve the project 15:0:1 on 3 April 2008. None the less, SD Plan .Com. approved plan in 2008 (City Planners failed to understand the Com Plan and Muni Code). Issues include:

1. The proposed development does not comply with the La Jolla Community Plan,
2. including VC obstructions.
3. This development is contrary to the Open Space Preservation and Natural Resource Protection standard, for Environmentally Sensitive Lands and Steep Hillside.
4. The proposed development does not conform to the Steep Hillside Design Guidelines, as follows:
 - a. The proposed development extends farther into a steep hillside than is permitted:
 - b. For development of a swimming pool in a steep hillside area
 - c. For development of over-height, 21 ft, retaining walls without adequate separation of the walls.
 - d. The measurement of the height of the retaining wall is in error: this refers to what appears to be a simulated boulder field that extends across several retaining walls.
 - e. The measurement of the overall height of the structure by Proposition D is in error

Merten: A finding for an EOT "no new condition is required to comply with State Law". This never did comply with the State Law. To comply with Law the above issues need to be corrected.

Costello: The Muni Code says that an EOT must go thru the same, ie complete, review process as the initial application.

PUBLIC COMMENT:

Michael Flood: urges us to go to the Plan Com, ask them to get it right this time, not extend their error.

Bob Burkett: This is a toxic project. There are prime views here, but this will seriously impact the views.

Costello: The Applicant has presented his project and we have given him our comments, the minutes too. He has twice declined to return, and asked us to vote without him. This is a *nolo contendere* situation.

SUBCOMMITTEE MOTION: to deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road.

(Costello/Collins 7-0-1)

In Favor: Collins, Costello, Grunow, Kane, Liera, Merten, Welsh

Oppose: 0

Abstain: Benton

MOTION PASSES

As the Tong Project was to be heard at the Hearing Officer at 8:30 AM the next day, Mr. Merten was asked to telephone Glenn Gargas to ask for a Continuance at the HOH to allow the LJCPA to vote on the Project. Mr. Gargas advised to send an email asking such to HO Chris Larson, Glenn Gargas, Mike Westlake. Email was sent by DPR Chairman. (Note: Continuance was granted by email, until 10 Oct. 2012)

2. FINAL REVIEW 8/14/12 (previously reviewed 7/17/12)

recorder setting 07/07 00 19 36

Project Name: **EC ENGLISH SCHOOL**

1010 Prospect Street

Permits: SDP & Conditional Use Permit

Project #: PO# 280323

DPM: Patrick Hooper 619-557-7992

phooper@sandiego.gov

Zone: PDO Zone 1A

Applicant: CA Marengo 858-459-3769

Scope of Work:

Brandon Smith 760-805-1730

(Process 3) Site Development Permit and Conditional Use Permit to amend 93-0685 to increase the number of students from 65 to 312 and number of employees from 10 to 36 for an English language vocational school in an existing building at 1010 Prospect Street in Zone 1A of the La Jolla Planned District within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact, Transit Area.

APPLICANT PRESENTATION: (CA Marengo)

300 English language vocational students, 25 teachers and employees. LJ PDO approved 5:0:0. We checked and acted upon Mr. Collins information about elevator disrepair and flooding. I asked about the elevator/parking lockout, because of liability issues floors are locked out. They will be opened for high parking demands. To have elevators and parking available will be part of lease agreement.

Provided for FINAL REVIEW:

1. Demographics of student population. *International, mostly 17 to 27 years old, some 30 to 40 year olds.*
2. Can you create attractive areas that will attract students to congregate? *Three student break areas created on upper floor patios, and "speak easys".*
3. What are the hours of operations of school? *8:15 AM to 6 PM Mon to Fri, lunch staggered 11:15 to 1.*
4. Status of elevator, its function, flooding in parking structure? *One elevator functioning, one being repaired. Parking / elevators must be available before permit issued.*
5. Will the parking be valet parking? *Yes, to operate the automobile elevators.*

PLANNING COMMISSION RESOLUTION NO. _____
EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 139245 AND SITE
DEVELOPMENT PERMIT NO. 141335
TONG RESIDENCE - PROJECT NO. 280468

WHEREAS, Mr. Kenneth Tong, an Individual, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time to Coastal Development Permit No. 139245 and Site Development Permit No. 141335, for the demolition of an existing residence and construction of a new single family residence with an attached three-car garage and swimming pool. The project site is located at 961 La Jolla Rancho Road, in the RS-1-4 Zone, Coastal Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning area. The property is legally described as Lot 112, La Jolla Corona Estates, Map No. 3927; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit "A" and conditions on file with the Development Services Department pursuant to Coastal Development Permit No. 139245 and Site Development Permit No. 141335, Project No. 48764, with the exception of the expiration date; and

WHEREAS, the activity is covered under the previous Environmental Categorical Exemption, pursuant to Article 19, Section 15303, "New Construction or Conversion of Small Structures" of the California Environmental Quality Act; and

WHEREAS, this permit was approved by the Hearing Officer on October 10, 2012 and subsequently appealed; and

BE IT FURTHER RESOLVED, by the Planning Commission of the City of San Diego, on an appeal of the Hearing Officer's decision, that the Planning Commission denies the appeal, upholds the Hearing Officer's decision of approval, that it adopts the following findings with respect to Extension of Time No. 985084, for Coastal Development Permit No. 139245 and Site Development Permit No. 141335:

1. The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety.

The project proposes no changes to the approved Coastal Development Permit or Site Development Permit for redevelopment of this site for a new single family residence. The proposed new residence is to be located within the disturbed portion of the site, primarily where the existing home is located. The Environmental Analysis Section of the City of San Diego, as lead agency, determined that this proposed project was categorically exempt under the California Environmental Quality Act, pursuant to Article 19, Section 15303, "New Construction or Conversion of Small Structures". This environmental analysis did consider potential negative impacts to public health, safety and welfare with no negative impacts found or identified. The demolition of an existing residence and construction of a new single family residence with an attached garage would therefore not be detrimental to the public health, safety and welfare of the occupants or the immediate community.

2. There are no changed circumstances which would affect the project's consistency with the Local Coastal Program.

The proposed development to demolish an existing single family residence and construction of a new single family residence is located on a site which has a Low Density Single Family Residential land use designation. During environmental review, it was determined that the project was categorically exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of the RS-1-4 Zone, Environmentally Sensitive Lands Regulations and Coastal Overlay Zone. The project site is located adjacent to an intermittent or partial vista public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The project includes measures to preserve the public view down each side yard setback area through a recorded view easement. The view easements will preserve the public view down each side yard setback effectively implementing the La Jolla/La Jolla Shores Local Coastal Program. Due to these factors the proposed single family residence was found to be consistent and in compliance with the City of San Diego adopted La Jolla Community Plan and the certified La Jolla Local Coastal Program and Land Use Plan.

3. No new condition is required to comply with state or federal law.

The project proposes no changes to the approved Coastal Development Permit or Site Development Permit for redevelopment of this site for a new single family residence. The project proposes the demolition of an existing residence and construction of a new 6,796 square foot single family residence with an attached three car garage and a swimming pool on an 18,100 square foot property. No new conditions were required to comply with state or federal law.

The above findings are supported by the minutes and exhibits, all of which are herein incorporated by reference; and

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Extension of Time No. 985084 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Extension of Time No. 985084, a copy of which is attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON DECEMBER 13, 2012.

By

 Glenn R. Gargas
 Development Project Manager
 Development Services Department

24002672

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

JOB ORDER NUMBER: 24002672

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME NO. 985084
EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 139245 AND
SITE DEVELOPMENT PERMIT NO. 141335
TONG RESIDENCE – PROJECT NO. 280468
PLANNING COMMISSION

This Extension of Time No. 985084 is a three-year Extension of Time to previously approved Coastal Development Permit No. 139245 and Site Development Permit No. 141335, and is hereby granted by the Planning Commission of the City of San Diego to Mr. Kenneth Tong, an Individual, Owner/Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 18,100 square foot site is located at 961 La Jolla Rancho Road, in the RS-1-4 Zone, Coastal Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning area. The property is legally described as Lot 112, La Jolla Corona Estates, Map No. 3927;

Subject to the terms and conditions set forth in this Permit, and previously approved Coastal Development Permit No. 139245 and Site Development Permit No. 141335, permission is granted to Mr. Kenneth Tong, Owners/Permittees to demolish an existing residence and construct a new single family residence with an attached three-car garage and swimming pool, described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original project Coastal Development Permit No. 139245 and Site Development Permit No. 141335 approved by the Planning Commission on June 19, 2008, is hereby extended as indicated within this permit until June 19, 2015.

The project shall include:

- a. A three year extension of time for the previously approved Coastal Development Permit No. 139245 and Site Development Permit No. 141335, Project No. 48764.

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to June 19, 2015, which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.
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 Owner/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. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
4. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Coastal Development Permit No. 139245 and Site Development Permit No. 141335, Project No. 48764, Recorded with the County of San Diego Recorder on August 13, 2008, Document No. 2008.0433060, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
5. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee].

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- 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 ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on December 13, 2012, by Resolution No. _____.

DETERMINATION OF
ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 48764

Date: March 14, 2005

Action/Permit(s): Coastal Development Permit/Site Development Permit

Description of Activity: KELLY RESIDENCE. The proposed project is to demolish an existing two-story single family residence with garage and construct a new 5,563 square-foot, two-story single family residence with attached 718 square-foot garage on an existing 18,100 square-foot lot.

Location of Activity: The proposed project is located at 961 La Jolla Rancho Road, between La Jolla Corona and Ravenswood Road, within the Coastal Zone and the La Jolla Community Planning Area. Legal Description: Lot 112, La Jolla Corona Estates, Map 3927.

(CHECK BOXES BELOW)

1. This activity is **EXEMPT FROM CEQA** pursuant to:
- Section 15060(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. This project is **EXEMPT FROM CEQA** pursuant to State CEQA Guidelines Section checked below:

**ARTICLE 19 of GUIDELINES
CATEGORICAL EXEMPTIONS**
(Incomplete list)

Section	Short Name
<input type="checkbox"/> 15301	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input checked="" type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input type="checkbox"/> 15305	Minor Alteration in Land Use
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> Other	

**ARTICLE 18 of GUIDELINES
STATUTORY EXEMPTIONS**
(Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego
has determined the above activity to be exempt:

Allison Sherwood-Raap
Allison Sherwood-Raap, Senior Planner
Environmental Analysis Section

Distribution:

✓ Scott Fleming
✓ Glenn Gargas
Exemption File

ALL IDEAS, DESIGNS AND ARRANGEMENTS INDICATED ON THESE DRAWINGS ARE THE PROPERTY OF THE BM STUDIO AND ARE TO BE USED IN CONNECTION WITH THIS SPECIFIC PROJECT ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT THE EXPRESSED CONSENT OF THE BM STUDIO. THERE SHALL BE NO CHANGES OR DEVIATION FROM THE DRAWINGS OR ACCOMPANYING SPECIFICATION WITHOUT THE EXPRESSED CONSENT OF BM STUDIO.

STORM WATER QUALITY NOTES
CONSTRUCTION BMP'S

THIS PROJECT SHALL COMPLY WITH ALL REQUIREMENTS OF THE STATE PERMIT, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION, ORDER NO. 2001-10-002-00, CASCADIA.

(AVAILABILITY: <http://www.water.ca.gov/permits/permits.asp>)

NOTE 1-C BELOW REPRESENTS KEY MINIMUM REQUIREMENTS FOR CONSTRUCTION BMP'S.

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANUP OF ALL SILT AND MUD ON ADJACENT STREETS, DUE TO CONSTRUCTION VEHICLES OR ANY OTHER CONSTRUCTION ACTIVITY, AT THE END OF EACH WORK DAY, OR AFTER A STORM EVENT THAT CAUSES A BREACH IN INSTALLED CONSTRUCTION BMP'S WHICH MAY COMPROMISE STORM WATER QUALITY FROM ANY STREETS. A STA BUILT CONSTRUCTION BMP MAY BE REQUIRED TO PREVENT CONSTRUCTION VEHICLES OR EQUIPMENT FROM TRACKING MUD OR SILT ONTO THE STREET.

2. ALL STOCKPILES OF SOIL AND/OR BUILDING MATERIALS THAT ARE INTENDED TO BE LEFT FOR A PERIOD GREATER THAN SEVEN CALENDAR DAYS ARE TO BE COVERED. ALL REMOVABLE BMP DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THE FIVE-DAY RAIN PROBABILITY POSSIBILITY EXCEEDS 45%.

3. A CONCRETE WASHOUT SHALL BE PROVIDED ON ALL PROJECTS WHICH PROPOSE THE CONSTRUCTION OF ANY CONCRETE IMPROVEMENTS WHICH ARE TO BE POURED IN PLACE ON SITE.

4. THE CONTRACTOR SHALL USE ALL ENCLOSUREMENT CONTROL DEVICES TO WORKING ORDER AFTER EACH DAY OF FLOODING RAINFALL OR AFTER ANY WATER MAIN BREAK IN EFFICIENCY.

5. ALL SLOVES THAT ARE CREATED OR DISTURBED BY CONSTRUCTION ACTIVITY MUST BE PROTECTED AGAINST EROSION AND SEDIMENT TRANSPORT AT ALL TIMES.

6. THE STORAGE OF ALL CONSTRUCTION MATERIALS AND EQUIPMENT MUST BE PROTECTED AGAINST ANY POTENTIAL RELEASE OF POLLUTANTS INTO THE ENVIRONMENT.

OWNERSHIP INFORMATION:
mika & doreen kelly
961 la jolla rancho road
la jolla, ca 92037

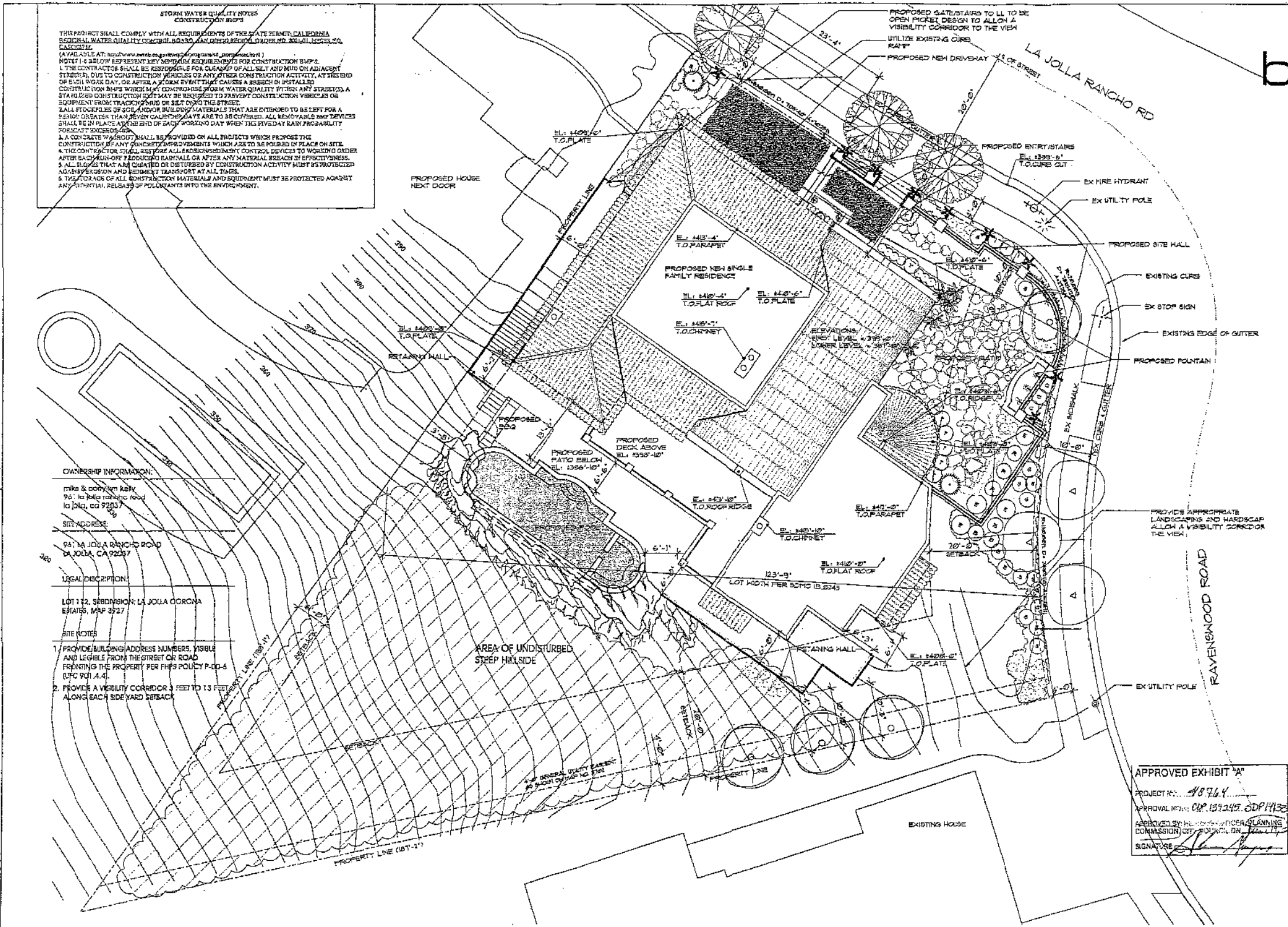
SITE ADDRESS:
961 LA JOLLA RANCHO ROAD
LA JOLLA, CA 92037

LEGAL DESCRIPTION:
LOT 112, SUBDIVISION: LA JOLLA CORONA ESTATES, MAP 3527

SITE NOTES:

1. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (CFC 901 A.4).
2. PROVIDE A VISIBILITY CORRIDOR 3 FEET TO 13 FEET ALONG EACH SIDEYARD SETBACK.

SITE PLAN
SCALE 1/8"=1'-0"



APPROVED EXHIBIT "A"
PROJECT NO. 48764
APPROVAL NO. 08.157.245.00P1133
APPROVED BY: [Signature]
COMMISSIONER OF PLANNING
COMMISSION OR CONTRACTOR: [Signature]
SIGNATURE: [Signature]

bm studio

susan
bochand-morone
designer

albert dan morone
designer

725 Park Blvd
San Diego, CA 92101
619.238.1283
619.238.0912 fax
bmstudio@cox.net

waters residence

961 La Jolla Rancho rd
San Diego, CA 92037

Date	Reason
03.01.05	CONCEPTS
03.28.05	PROGRESS
04.13.05	PROGRESS
06.07.05	PROGRESS
06.10.05	CCR SUBMITTAL
06.14.05	LJCP SUBMITTAL
07.28.05	ASSESSMENT
09.28.05	PROGRESS
10.10.05	PROGRESS
11.08.05	LJCP SUBMITTAL
11.16.05	ASSESSMENT
02.08.08	CDP RESUB.

Job No.
Sheet Title

SITE PLAN

Sheet No.
A-0.1

b m
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bachand-morone
designer

albert dan morone
designer

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**waters
residence**

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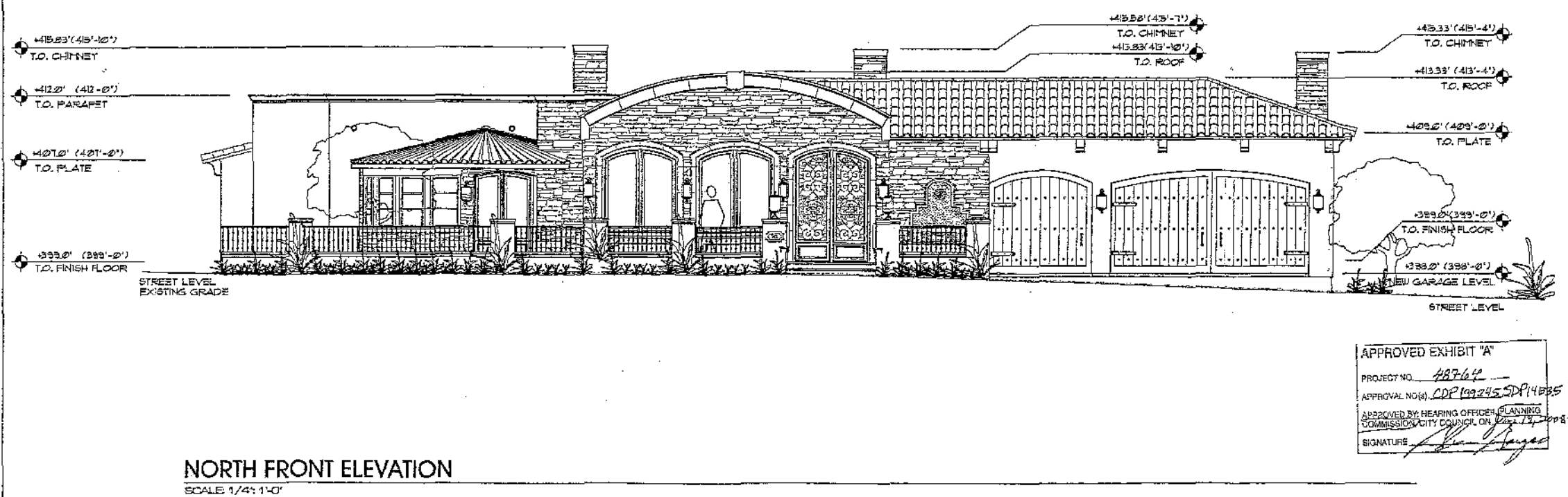
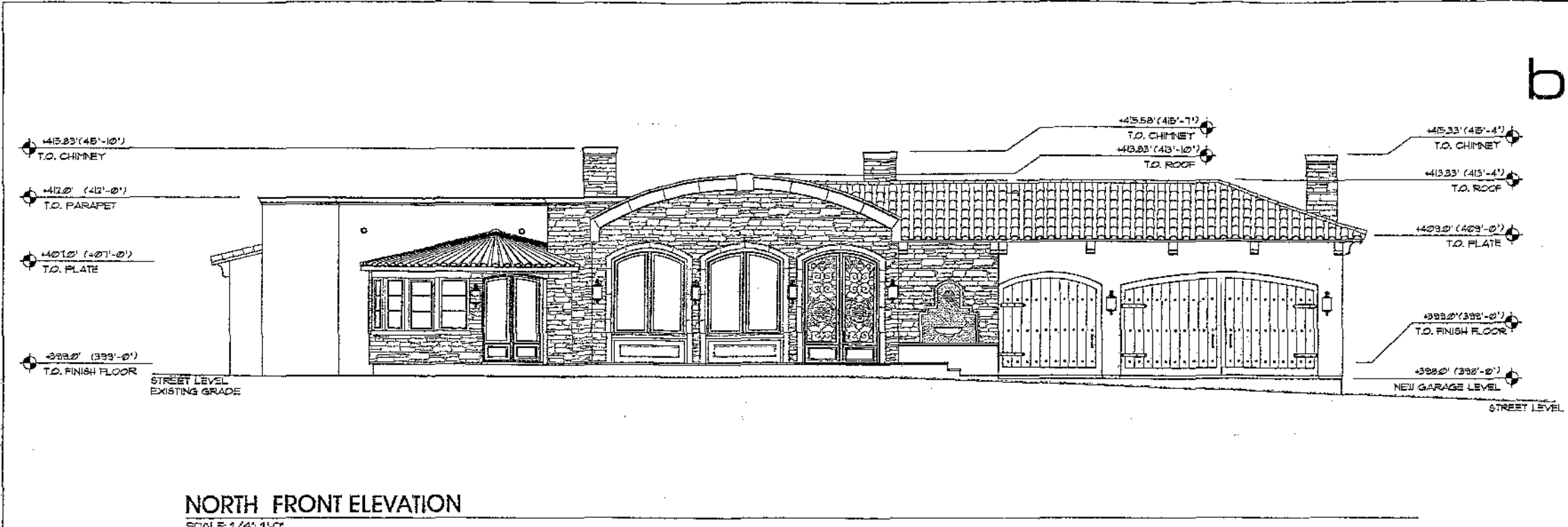
Date	Reason
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10.10.05	PROGRESS
11.08.05	LJCP SUBMITTAL
11.16.05	ASSESSMENT
02.08.08	CDP RESUB.

Job No.
Sheet Title

ELEVATION

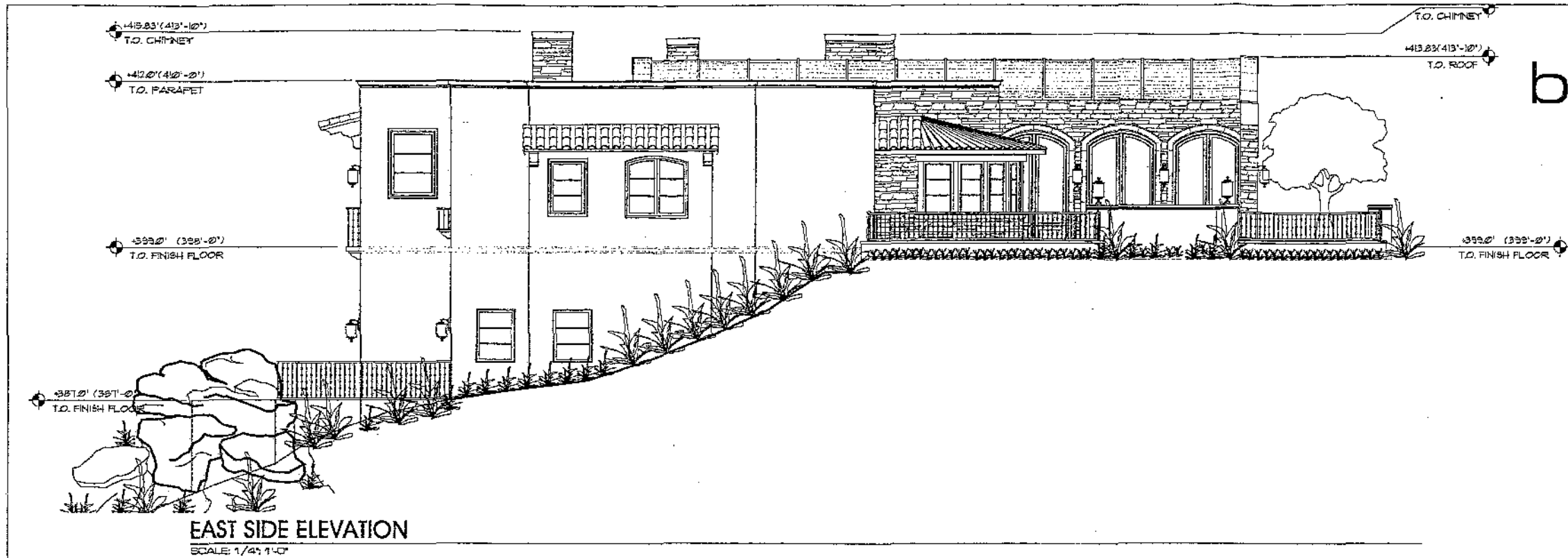
Sheet No.
A-2.0

ALL IDEAS, DESIGNS AND ARRANGEMENTS INDICATED ON THESE DRAWINGS ARE THE PROPERTY OF THE BM STUDIO AND ARE TO BE USED IN CONNECTION WITH THIS SPECIFIC PROJECT ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT THE EXPRESSED CONSENT OF THE BM STUDIO. THERE SHALL BE NO CHANGES OR DEVIATION FROM THE DRAWINGS OR ACCOMPANYING SPECIFICATION WITHOUT THE EXPRESSED CONSENT OF BM STUDIO.

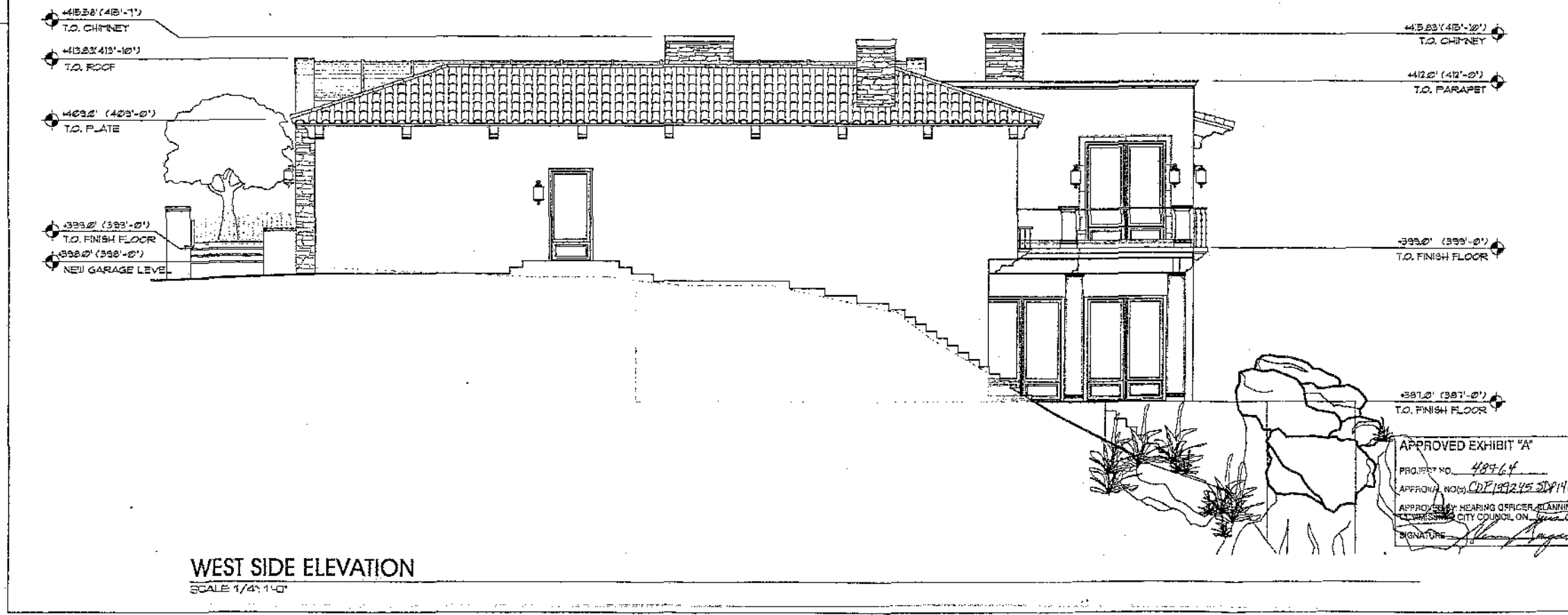


APPROVED EXHIBIT "A"
PROJECT NO. 48764
APPROVAL NO(S) CDP 199245 SDP 14885
APPROVED BY HEARING OFFICER PLANNING
COMMISSION/CITY COUNCIL ON 02/14/08
SIGNATURE *[Signature]*

ALL IDEAS, DESIGNS AND ARRANGEMENTS INDICATED ON THESE DRAWINGS ARE THE PROPERTY OF THE BM STUDIO AND ARE TO BE USED IN CONNECTION WITH THIS SPECIFIC PROJECT ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT THE EXPRESSED CONSENT OF THE BM STUDIO. THERE SHALL BE NO CHANGES OR DEVIATION FROM THE DRAWINGS OR ACCOMPANYING SPECIFICATION WITHOUT THE EXPRESSED CONSENT OF BM STUDIO.



EAST SIDE ELEVATION
SCALE: 1/4" = 1'-0"



WEST SIDE ELEVATION
SCALE: 1/4" = 1'-0"

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albert dan morone
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619.238.0912 fax
bmstudio@cox.net

waters residence

961 La Jolla Rancho rd
San Diego, CA 92037

Date	Reason
03.01.05	CONCEPTS
03.28.05	PROGRESS
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06.07.05	PROGRESS
06.10.05	CCR SUBMITTAL
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10.10.05	PROGRESS
11.08.05	LJCP SUBMITTAL
11.16.05	ASSESSMENT
02.08.08	CDP RESUB.

Job No.
Sheet Title

ELEVATIONS

APPROVED EXHIBIT "A"
PROJECT NO. 489-64
APPROVAL NO. CDP 199245 SDP 111235
APPROVED BY HEARING OFFICER PLANNING
COMMISSION CITY COUNCIL ON 11/16/05
SIGNATURE *[Signature]*

Sheet No.
A-2.1

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albert dan morone
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**waters
residence**

961 La Jolla Rancho rd
San Diego, CA 92037

Date	Reason
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11.08.05	LJCP SUBMITTAL
11.16.05	ASSESSMENT
02.08.08	CDP RESUB.

Job No.

Sheet Title

ELEVATIONS

Sheet No.

A-2.2

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SOUTH BACK ELEVATION

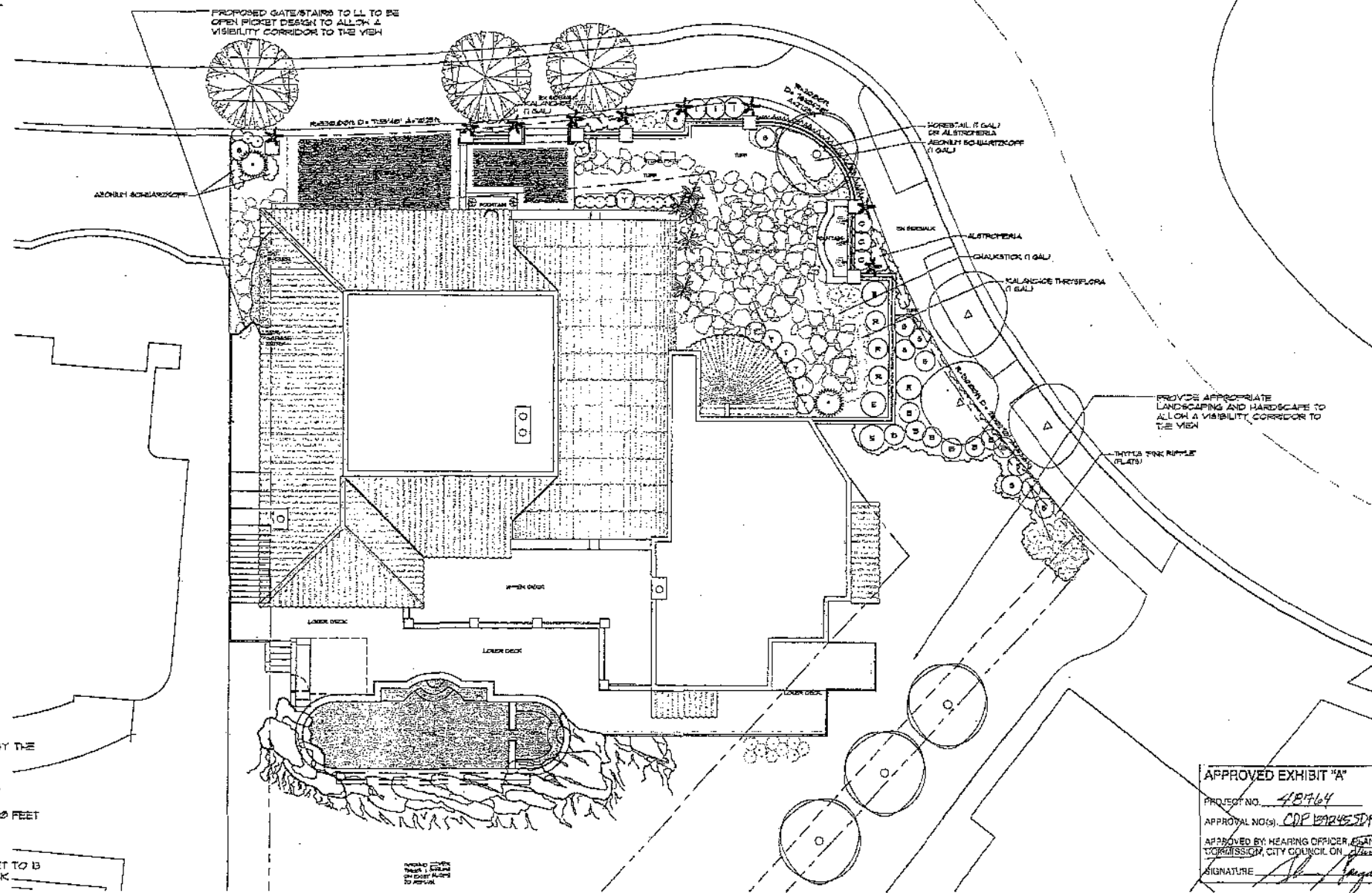
SCALE: 1/4" = 1'-0"

APPROVED EXHIBIT "A"
PROJECT NO. 48764
APPROVAL NO(S) CDP 13245 SDP 111235
APPROVED BY HEARING OFFICER PLANNING
COMMISSION/CITY COUNCIL ON 08/11/2008
SIGNATURE *Alman*

ALL IDEAS, DESIGNS AND ARRANGEMENTS INDICATED ON THESE DRAWINGS ARE THE PROPERTY OF THE BM STUDIO AND ARE TO BE USED IN CONNECTION WITH THIS SPECIFIC PROJECT ONLY AND SHALL NOT BE USED OTHERWISE WITHOUT THE EXPRESSED CONSENT OF THE BM STUDIO. THERE SHALL BE NO CHANGES OR DEVIATION FROM THE DRAWINGS OR ACCOMPANYING SPECIFICATION WITHOUT THE EXPRESSED CONSENT OF BM STUDIO.

LANDSCAPE LEGEND			
(B) BONGAINVILLEA ROSENKA 5 GAL.	(R) CONDYLINA AUSTRALIS 'RED STAR' 15 GAL.	(S) SALVIA LEUCALTHA 5 GAL.	(O) OLEA EUCLAIPIA 'OLIVE HILL OLIVE' 24" OR 36" BOX (MULTI) OR KOELTETERIA BIPINNATA 'CHINESE PLANE TREE'
(C) TROPICANA CANN LILY (15 GAL)	(G) GERANIUM INCANUM 1 GAL.	(T) TUSCAN BLUE ROSMARY	(A) METROSIDEROS 24" BOX
(E) ECHINUS CANDIDANS 15 GAL.	(F) FRENCH LAVENDER 1 GAL.	(Y) FLAX YELLOW WAVE 5 GAL.	(W) PERIMETER WALL/ FILASTERS (STUCCO W/ STONE CAPS) IRON RAILING ATOP PONY WALL
(I) AGAVE ATTENUATA 5 GAL.	(P) PHORNIUM T. 'YELLOW WAVE'	(AL) ALICE BAINESII	(S) 2' X 12' STONE BORDER
	(K) KANGAROO PAW 5 GAL.		(CY) CYPERUS ISOCALACUS DUARF PAPAYRUS (1 GAL.)
			(P) STONE PATIO/PATH W/ LOW PROFILE PLANTING BETWEEN DYMNDIA MARGARETAE
			(B) Boulders
			(M) INSET PATTERN OF MOSAIC STONE

- GENERAL NOTES**
- ALL NEW PLANTING TO BE FULLY IRRIGATED W/ BELOW GRADE IRRIGATION SYSTEM (W/AUTOMATIC TIMERS)
 - ALL GROUND COVERING PROPOSED TO BE DROUGHT TOLERANT, DEEP ROOTED CUTTINGS. PLAN DROUGHT TOLERANT SHRUBS IN GROUND COVER AREA (1 GAL PLANT PER 100 SQ. FT. OF AREA)
 - ALL REQUIRED PLANTING AREAS TO HAVE 2" MIN MULCH COVER
 - ALL SHRUBS SELECTED TO BE SELF SUPPORTING WOODY, LOW BRANCHING W/ MULTI TRUNK
 - NO IRRIGATION RUNOFF OR OVER SPRAY SHALL CROSS PROPERTYLINE. AN APPROVED RAIN SENSOR SHUT OFF DEVICE SHALL BE INSTALLED
 - ALL PLANTING IRRIGATION SHALL CONFORM TO CITY OF SAN DIEGO LANDSCAPE
 - GRADED PAD AREAS SHALL BE HYDROSEEDED TO PREVENT EROSION IF PERMANENT SLOPE PLANTINGS DOES NOT COMMENCE WITHIN 30 DAYS.
 - HOMEOWNER TO BE FULLY RESPONSIBLE FOR MAINTENANCE OF ALL LANDSCAPING.
 - ALL TREES SHALL BE TRIMMED TO & MAINTAINED AS NOT TO EXCEED THE ROOF HEIGHT
 - ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL STANDARDS, AND ALL OTHER CITY AND REGIONAL STANDARDS.
 - ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 3 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION AND AREAS PLANTED WITH GROUND COVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THIS MINIMUM DEPTH.
 - STREET TREES SHALL BE SEPERATED BY THE MINIMUM DISTANCE.
 - MINIMUM DISTANCE TO STREET TREES:
TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
UNDERGROUND UTILITY LINES - 5 FEET
ABOVE GROUND UTILITY STRUCTURES - 10 FEET
DRIVEWAY (ENTRIES) - 10 FEET
SEWER LINES - 10 FEET
 - PROVIDE A VISIBILITY CORRIDOR 3 FEET TO 13 FEET ALONG EACH SIDE YARD SET BACK.



LANDSCAPE CONCEPT PLAN
SCALE: 1/8" = 1'-0"

APPROVED EXHIBIT "A"
PROJECT NO. 418764
APPROVAL NO(S) CDP 18045DP141555
APPROVED BY HEARING OFFICER/PLANNING COMMISSION, CITY COUNCIL ON 11/21/05
SIGNATURE *[Signature]*



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bachand-morone
designer

albert dan morone
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**waters
residence**

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San Diego, CA 92037

Date	Reason
03.01.05	CONCEPTS
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10.10.05	PROGRESS
11.08.05	LICP SUBMITTAL
11.16.05	ASSESSMENT
02.08.08	CDP RESUB.

Job No.
Sheet Title
**LANDSCAPE
CONCEPT
PLAN**
Sheet No.
L1.0



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant *Please check one* Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name
La Jolla Community Planning Group

Address P.O. Box 889 City La Jolla State CA Zip Code 92038 Telephone 858-459-9291 direct

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Anthony Crisafi, President of La Jolla Community Planning Group

4. Project Information

Permit/Environmental Determination & Permit/Document No.: 280468	Date of Decision/Determination: Oct. 10, 2012	City Project Manager: Glenn Gargas
---	--	---------------------------------------

Decision (describe the permit/approval decision):
Hearing Officer meeting Action: Project approved subject to permit conditions. Report No. HO-12-069, Resolution no. HO-6558

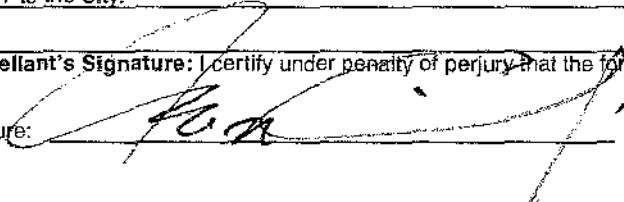
5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
- Conflict with other matters (Process Three and Four decisions only)
- Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. The proposed development does not comply with the La Jolla Community Plan, including obstruction of public views.
2. This development is contrary to the Open Space Preservation and Natural Resource Protection standard, for Environmentally Sensitive Lands and Steep Hillside.
3. The proposed development does not conform to the Steep Hillside Design Guidelines, as follows:
 - a. The proposed development extends farther into a steep hillside than is permitted:
 - b. For development of a swimming pool in a steep hillside area
 - c. For development of over-height, 21 ft, retaining walls without adequate separation of the walls.
 - d. The measurement of the height of the retaining wall is in error: this refers to what appears to be a simulated boulder field that extends across several retaining walls.
 - e. The measurement of the overall height of the structure by Proposition D is in error
4. Project does not comply with SD Municipal Code and Community Plan, thus by law La Jolla CPG cannot advise a recommendation of EOT to the City.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: 10-23-12

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON AUG 13, 2008
DOCUMENT NUMBER 2008-043306C
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 11:04 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3319

COASTAL DEVELOPMENT PERMIT NO. 139245 AND SITE DEVELOPMENT NO. 141335
KELLY RESIDENCE – PROJECT NO. 48764
PLANNING COMMISSION

This Coastal Development Permit No. 139245 and Site Development Permit No. 141335 are granted by the Planning Commission of the City of San Diego to Mr. Thomas Waters and Mrs. Jennifer Waters, Joint Tenants, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701 and 126.0501. The 18,100 square-foot site is located at 961 La Jolla Rancho Road in the RS-1-4 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the La Jolla Community Plan Area. The project site is legally described as Lot 112, La Jolla Corona Estates, Map No. 3927;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing residence and construct a new single family residence with an attached three-car garage and swimming pool, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 19, 2008, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing single family residence and construct an approximate 6,796 square foot single family residence with an attached three car garage and a swimming pool on a 18,100 square foot property;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking (three car garage);
- d. Accessory improvements determined by the Development Services Department 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 SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect 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 Owner/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 Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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 continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the

City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

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

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. 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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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 proposed 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.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement

between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

13. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

14. The drainage system proposed for this development is private and subject to approval by the City Engineer.

15. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

16. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for landscaping in both streets and for a D-25 curb outlet in Ravenswood Road, all satisfactory to the City Engineer.

17. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the installation of a curb ramp at the corner of LJ Rancho Road and Ravenswood Road and a D-25 curb outlet on Ravenswood Road, all satisfactory to the City Engineer. This work shall be shown on the grading plan and included in the grading permit.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

19. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities.

Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

20. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

21. 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.

22. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

23. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual; Landscape Standards unless long-term maintenance of said 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.

24. 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, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.

25. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the City of San Diego's Land Development Manual, Landscape Standards are prohibited.

PLANNING/DESIGN REQUIREMENTS:

26. No fewer than two (2) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

27. 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.

28. 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.

29. A topographical survey conforming to the provisions of the Municipal/Land Development 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.

30. 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.

31. All fences and retaining walls shall comply with the San Diego Municipal Code Section 142.0301.

32. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

33. Any portion of proposed fencing within the side yard setback (easement area) above three feet shall be maintained 75% open.

34. Prior to the issuance of construction permits for the proposed single-family residence, the Owner/Permittee shall record a Deed Restriction preserving a visual corridor a minimum 6 feet wide along the northern side yard setback and a minimum of 20 feet along the southern side yard setback of the proposed structure, in accordance with the requirements of the San Diego Municipal code Section 132.0403 (b). The proposed roof eave, patio deck and guard rail are allowed to encroach into the southern side setback as depicted on Exhibit A. Open fencing and landscaping may be permitted within this visual corridor, provided such improvements do not significantly obstruct public views of the ocean.

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 ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Planning Commission of the City of San Diego on June 19, 2008, by
Resolution No. 4416- PC.

PLANNING COMMISSION
 RESOLUTION NO. 4416 - PC
 COASTAL DEVELOPMENT PERMIT NO. 139245 AND SITE DEVELOPMENT PERMIT
 NO. 141335
KELLY RESIDENCE – PROJECT NO. 48764

WHEREAS, Mr. Thomas Waters and Mrs. Jennifer Waters, Joint Tenants, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing residence and construct a new single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 139245 and 141335), on portions of a 18,100 square-foot property;

WHEREAS, the project site is located at 961 La Jolla Rancho Road in the RS-1-4 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, of the La Jolla Community Plan Area;

WHEREAS, the project site is legally described as Lot 112, La Jolla Corona Estates, Map No. 3927;

WHEREAS, on June 19, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 139245 and Site Development Permit No. 141335 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 June 19, 2008.

FINDINGS:

Coastal Development Permit - Section 126.0708

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and**

The 18,100 square foot project site is currently developed with an existing single family residence. The development proposes to demolish an existing residence and construct a split-level single family residence in approximately the same location on the lot as the existing residence, and the project site is located approximately one mile from the coastline. The proposed single family residential development is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is located adjacent to an identified intermittent or

partial vista public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The project includes a permit condition to preserve the public view down each side yard setback area through the recording of a view easement. The addition of the view easements to preserve the public view down each side yard setback was found to bring the project into compliance with the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated along La Jolla Rancho Road, within a well established, fully developed, single family residential neighborhood. The proposed new single family residence meets the development setbacks and height limit required by the underlying zone and the proposed development will preserve the identified public view.

2. The proposed coastal development will not adversely affect environmentally sensitive lands; and

The 18,100 square foot project site is currently developed with a single family residence, and contains environmentally sensitive lands, a natural steep slope area (approx. 21.7 % of the site) toward the western portion of the property. Site drainage from the proposed improved areas of the project site is designed to drain predominately toward the public street. The project's permit includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. The environmental review process determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines. The project proposes grading to approximately 48 percent of the site, primarily within the area of the existing residence which was previously disturbed, and will not result or propose any further encroachment into Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The proposed development to demolish an existing single family residence and construction of a new single family residence is located on a site which has a Low Density Single Family Residential land use designation. During environmental review, it was determined that the project was categorically exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of the RS-1-4 Zone, Environmentally Sensitive Lands Regulations and Coastal Overlay Zone. The project site is located adjacent to an intermittent or partial vista public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The project, through a permit condition, includes measures to preserve the public view down each side yard setback area through a recorded view easement. The addition of the view easements to preserve the public view down each side yard setback was found to bring the project into conformance with the La Jolla/La Jolla Shores Local Coastal Program. Due to these factors the proposed single family residence was found to be in compliance with the City of San Diego adopted La Jolla Community

Plan and the Progress Guide, the certified Local Coastal Program Land Use Plan and General Plan.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 18,100 square foot site, currently developed with an existing residence, is located within a well developed residential neighborhood approximately one mile from the coastline. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the re-development of this site. The proposed single family residential project is designed to take access off the existing public street, with adequate off street parking. The existing character and pedestrian design of the streets and public walkways will be improved or remain unaltered.

Site Development Permit - Municipal Code Section 126.0504

1. The proposed development will not adversely affect the applicable land use Plan.

The proposed demolition of a single family residence and construction of a split-level single family residence with an attached garage to total approximately 6,796 square-feet of gross floor area will not adversely affect the La Jolla Community Plan, because the proposed development has been found consistent with the plan's Low Density Residential land use designation, the development regulations of the RS-1-4 Zone, allowed density, and design recommendations. The project site is located adjacent to a public view as identified within the La Jolla/La Jolla Shores Local Coastal Program. The project includes a condition to preserve the public view down each side yard setback area through a recorded view easement. The addition of the view easements to preserve the public view down each side yard setback was found to bring the project into compliance with the La Jolla/La Jolla Shores Local Coastal Program. Due to these factors the proposed single family residential re-development of the site was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the Progress Guide, the certified Local Coastal Program Land Use Plan and General Plan.

2. The proposed development will not be detrimental to the public health, safety and welfare.

The proposed demolition of a single family residence and construction of a split-level single family residence with an attached garage for a total of approximately 6,796 square-feet of gross floor area on an 18,100 square-foot property has been designed to comply with all of the applicable development regulations, including those of the RS-1-4 Zone.

The western portion of the lot, approximately 21.7% of the site, slopes toward the west, containing a vegetated portion, which appears to be non-native and is not mapped as sensitive vegetation by the City's Resource Maps. This sloped portion of the site is not connected to a larger canyon or open space system and does not require fire protection from a brush management plan. During environmental review, it was determined that the project would not have a significant environmental effect, which included an analysis of the project's potential impact on public health and safety, and was found to be categorically exempt from environmental review under CEQA Guidelines. The construction of a new single family residence with an attached garage would therefore not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed demolition of a single family residence and construction of a split-level single family residence with an attached garage, to total approximately 6,796 square-feet of gross floor area, will comply with the development regulations of the RS-1-4 Zone, the Environmentally Sensitive Lands Regulations and the Local Coastal Program for the La Jolla Community Plan area. The site contains an area identified as natural steep slopes located on the western half of the property. The project proposes grading to approximately 48 percent of the site, primarily within the area of the existing residence, the eastern portion, and will not result or propose any further encroachment into Environmentally Sensitive Lands. Due to these factors the proposed single family residential re-development of the site was found to be in compliance with all of applicable development regulations, specifically those of the RS-1-4 Zone, the Environmentally Sensitive Lands Regulations and the Coastal Overlay Zone.

Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and sitting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

The 18,100 square-foot project site is currently developed and partially graded with a single-family residence. However, the site does contain environmentally sensitive lands, steep slopes located along the western edge of the site (approximately 21.7 % of the property). The project was designed to locate the proposed residence within the previously graded area on the eastern half of the site and away from the steep slopes to the west. The environmental review determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be categorically exempt from environmental review under CEQA Guidelines. The project proposes grading to approximately 48 percent of the site, primarily within the area of the existing residence and will not result or propose any further encroachment into Environmentally Sensitive Lands. The steep slope area located along the western edge of the site (approximately 21.7 % of the property) will remain un-altered and natural.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

The project site is not located in or adjacent to the City's Multiple Species Conservation Program Area and thus is not subject to those regulations.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

The 18,100 square foot project site is located approximately one mile from the coastline. The proposed re-development of the site and construction of a new split level single-family home includes a grading plan design with drainage control measures to direct drainage predominately to the drain outlets within Public Street's drainage system. The project's permit includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. Due to the project's drainage design, limited size, and distance from the coast line, it is not expected that the project will contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The 18,100 square-foot project site is currently developed and partially graded with a single-family residence. However, the site does contain environmentally sensitive lands, steep slopes along the western portion of the site (approximately 21.7% of the site). The project was designed to reduce the graded area and to locate the proposed structure to the east in the area of past disturbance and away from the steep slopes. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and the project was found to be categorically exempt from environmental review under CEQA Guidelines. The designed project avoids any potentially significant environmental effects to environmentally sensitive lands to a level below significance and no mitigation measures were found to be required or needed.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 139245 and Site Development Permit No. 141335 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 139245 and Site Development Permit No. 141335, a copy of which is attached hereto and made a part hereof.


Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: June 19, 2008

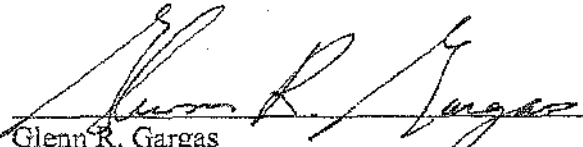
Job Order No. 42-3319

cc: Legislative Recorder, Planning Department

Permit Type/PTS Approval No.: CDP No. 139245
& SDP No. 141335

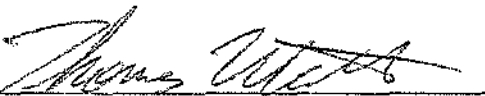
Date of Approval: June 19, 2008


AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT


Glenn R. Gargas
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

By 
Mr. Thomas Waters
Owner/Permittee

By 
Mrs. Jennifer Waters
Owner/Permittee

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Rev. 02/04/08 th

ORIGINAL

TONG RESIDENCE EOT
Project No. 280468
Project Chronology

Date	Action	Description	City Review Time	Applicant Response
5/11/12	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
6/18/12	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 7 Days	
7/20/12	Issues resolved	Applicant's requested to go to Hearing Officer Hearing.		1 Month 2 Days
8/15/12	Hearing Officer	Hearing Officer continued the hearing to Oct. 10, 2012 to allow more time for a Community Planning Group Recommendation.	25 Days	
10/10/12	Hearing Officer.	Hearing Officer approved the EOT.		1 Month 25 Days
10/23/12	Appeal Filed	Community Planning Group filed an appeal of the Hearing Officer's decision to approve EOT.	13 Days	
12/13/12	Planning Commission Appeal Hearing	Public Hearing.	1 Month 20 Days	
TOTAL STAFF TIME		Averaged at 30 days per month	4 Months 6 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		2 Months 27 Days
TOTAL PROJECT RUNNING TIME			7 Months, 3 Days	