



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** January 17, 2013

**REPORT NO.** PC-13-007

**ATTENTION:** Planning Commission, Agenda of January 24, 2013

**SUBJECT:** HERITAGE ON IVANHOE TM - PROJECT NO. 289238  
PROCESS 4

**REFERENCE:** Planning Commission Agenda for January 26, 2012, Report No. PC-12-003 for the Heritage on Ivanhoe Project <http://www.sandiego.gov/planning-commission/pdf/pcreports/2012/12003.pdf>

**OWNER/  
APPLICANT:** Heritage on Ivanhoe, LLC, a California Limited Liability Company/  
Paul D. Ross, Agent for the Owner.

### SUMMARY

**Issue:** Should the Planning Commission approve the creation of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction (12 units are new construction and 2 existing units are being remodeled) on a 0.72-acre site located at 7714-7742 Ivanhoe Avenue in the La Jolla Community Planning Area?

### Staff Recommendation:

1. **APPROVE** Tentative Map No. 1068721;
2. **APPROVE** Coastal Development Permit No. 1066556; and
3. **APPROVE** the waiver to the requirements to underground existing overhead utilities.

**Community Planning Group Recommendation:** On November 1, 2012, the La Jolla Community Planning Association voted 11-0-1 to recommend approval of the project with no conditions (Attachment 15).

**Environmental Review:** This project is exempt from environmental review pursuant to Article 19, Section 15305 (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act (CEQA). The project proposes the creation of 14 residential

condominium ownership interests from a development that is currently under construction. The project would not result in any significant environmental impacts. The environmental exemption determination for this project was made on December 4, 2012, and the opportunity to appeal that determination ended December 20, 2012 (Attachment 16). This project is not pending an appeal of the environmental determination.

**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:** None with this action.

**Housing Impact Statement:** The 0.72-acre project site is located at 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the La Jolla Community Plan, which designates the site for Medium High Residential, 30-45 dwelling unit per acre (DU/AC). The project proposes the creation of 14 residential condominium ownership interests on one lot from a 14 unit residential development that is currently under construction (12 units are new construction and 2 existing units are being remodeled). This project is subject to the requirements of the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance, San Diego Municipal Code (SDMC) Chapter 14, Article 2, Division 13.

## **BACKGROUND**

The project site is located at 7714-7742 Ivanhoe Avenue (Attachment 1), on the west side of Ivanhoe Avenue and north of Kline Street (Attachment 2). The site is located in the RM-3-7 Zone (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 Zones (Coastal), Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zone. The community plan designates the site for Medium High Residential 30-45 dwelling unit per acre (DU/AC). The project site, occupying 0.72-acre, could accommodate 31 dwelling units based on the underlying zone and 22-32 dwelling units based on the community plan.

The project site is a rectangular shaped interior lot with frontage on Ivanhoe Avenue and alley access. On January 26, 2012, Coastal Development Permit (CDP) No. 793182/Site Development Permit (SDP) No. 936015 for the Heritage on Ivanhoe project was approved by the Planning Commission (Attachment 6). This approval allowed for the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The final count will be 14 residential dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units).

On June 7, 2012, a Lot Consolidation Parcel Map No. 20974 to consolidate lots 3, 4 and 5 of the Copley Subdivision, Map No. 5426, into one lot was recorded (Document No. 2012-0333330). On June 20, 2012, the demolition permits for the five existing single-dwelling units was issued and the work was completed on August 23, 2012. On July 2, 2012, Building Permits for 12 of the residential units were issued. However, it was determined that the existing unit addressed as 7722



Ivanhoe Avenue was not able to be relocated and the building permit was issued for a new structure in the style of the former building. On November 29, 2012, the Building Permits for 7736 and 7742 (previously addressed as 7740) Ivanhoe Avenue were issued. This work is currently under construction and development has not received a certificate of occupancy.

On October 30, 2012, Electrical Permits for 12 of the residential units were issued for the installation of the photovoltaic system, which was a condition of the CDP and SDP. The Electrical Permits for the installation of the photovoltaic system for 7736 and 7742 Ivanhoe Avenue have not been issued.

## **DISCUSSION**

### **Project Description:**

The project proposes the creation of 14 residential condominium ownership interests on one lot from a 14 unit residential development (12 units are new construction and 2 existing units are being remodeled) that is currently under construction. The development was approved with a maximum building height of 29-feet 6-inches, so the building or any projections will not exceed the maximum 30-foot height limit allowed by the Coastal Height Limitation Overlay Zone.

Development of the proposed project requires the approval of a Process 3 CDP, an amendment to CDP No. 793182, for creation of a subdivision within the Coastal Overlay Zone and a Process 4 Tentative Map (TM) for the creation of fourteen residential condominium ownerships on one lot (12 units new condominiums and 2 condominium conversions), and a request to waive the requirements to underground the existing overhead utilities. As a component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50-percent of the projected total energy consumption on site through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

### **Project Related Issues:**

**Undergrounding Requirement** - The project site is located within Council District One. San Diego Municipal Code (SDMC) Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights-of-way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area.

The neighborhood currently contains power poles and overhead utilities lines within the public right-of-way in the alley. There are three poles closest to the property, which carries the line serving this site (Attachment 7). The proposed subdivision shall be undergrounded and the waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties within the abutting public rights-of-way.



The City's Undergrounding Master Plan designates the site within Block 1L1 and a projected allocation date of 2027 has been established (Attachment 8). The applicant would be required to underground any existing and/or proposed public utility systems and service facilities within the subdivision as a condition of the TM (Attachment 13).

Inclusionary Housing Ordinance - A condition of CDP No. 793182/SDP No. 936015 (Condition No. 11) required the applicant to comply with the Affordable Housing Requirements of the City's Inclusionary Affordable Housing Regulations (SDMC Chapter 14, Article 2, Division 13). The project is currently under construction and both existing structures have remained vacant since January 6, 2012; therefore, the project would not be subject to the tenant relocation assistance regulations.

On July 2, 2012, Building Permits for four of the residential units were issued (7714, 7720, 7722, and 7728 Ivanhoe Avenue) and an Affordable Housing Fee of \$38,674.68 was paid at the time of the issuance of the building permits. The calculation rate for the Affordable Housing Fee was calculated at \$4.98 per square foot; therefore, the four building permits are in compliance with the regulations and no additional Inclusionary Housing Fees are required.

On July 2, 2012, Building Permits for eight of the residential units were issued (Project No. 269790) and an Affordable Housing Fee of \$17,988.00 was paid at the time of the issuance of the building permits. However, an error was made in the calculation rate for the Affordable Housing Fee, which was calculated as \$1.00 per square foot and should have been calculated at \$4.98 per square foot. Therefore, an additional Affordable Housing Fee of \$71,612.16 is required and a condition (Condition No. 6) has been added to the TM. This fee shall be required to be paid prior to the recordation of a Final Map.

On November 29, 2012, the Building Permits for 7736 and 7742 (previously addressed as 7740) Ivanhoe Avenue were issued for the remodel and additions to the existing detached single family dwelling units. An Affordable Housing Fee was not required at the time of the issuance of the building permits since they were existing residential units; however, the two dwelling units are being converted into condominium ownerships. Therefore, an Affordable Housing Fee of \$11,765.25 is required for the condominium conversions and a condition (Condition No. 7) has been added to the TM. This fee shall be required to be paid prior to the recordation of a Final Map.

Tenant Notice Requirements - On November 3, 2011, the tenants for 7736 were served with a notice that their lease will not be renewed and the tenants for 7742 (previously addressed as 7740) Ivanhoe Avenue were served with a notice of termination of tenancy (Attachment 9). Both structures have remained vacant since January 6, 2012. The application for TM, which includes the condominium conversion of the existing two structures, was deemed complete on August 2, 2012. The notices to the tenants were served greater than 180 days from the date of the TM application; therefore, the additional noticing requirements for a condominium conversion (SDMC Section 125.0431) would not apply to this project.

Building Conditions Report - On November 29, 2012, the Building Permits for 7736 and 7742 (previously addressed as 7740) Ivanhoe Avenue were issued for the remodel and additions to the existing detached single family dwelling units. The building permits would bring the existing



structures up to current building codes; therefore, the requirement for a Building Conditions Report would not apply to this project.

**Conclusion:**

The proposed subdivision meets all applicable regulations and policy documents, and staff finds the project consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted La Jolla Community Plan, Local Coastal Program Land Use Plan, SDMC, and the General Plan. As a component of the proposed project, the buildings will utilize renewable energy technology, self-generating at least 50-percent of the projected total energy consumption on site through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy.

**ALTERNATIVES**

1. **APPROVE** Tentative Map No. 1068721, Coastal Development Permit No. 1066556, and the waiver to the requirements to underground existing overhead utilities, **with modifications.**
2. **DENY** Tentative Map No. 1068721, Coastal Development Permit No. 1066556, and the waiver to the requirements to underground existing overhead utilities, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake  
Assistant Deputy Director  
Development Services Department



Jeffrey A. Peterson  
Development Project Manager  
Development Services Department

WESTLAKE /JAP

Attachments:

1. Location Map
2. Aerial Photograph
3. Zoning Map
4. Community Plan Land Use Map
5. Project Data Sheet
6. CDP No. 793182/SDP No. 936015 Permit and Resolution
7. Existing Overhead Utilities
8. City's Undergrounding Master Plan Block 1L1
9. Tenant Notices for 7736 and 7740 Ivanhoe Avenue
10. Draft CDP Permit with Conditions
11. Draft CDP Resolution with Findings



12. Draft TM Resolution with Findings
13. Draft TM Conditions
14. Map Exhibit
15. La Jolla Community Planning Association Recommendation
16. Environmental Exemption
17. Ownership Disclosure Statement
18. Project Chronology

Internal Order No. 24003033





## Location Map

Heritage on Ivanhoe Tentative Map - Project No. 289238

7714-7742 Ivanhoe Avenue





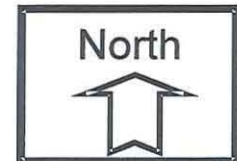




## Aerial Photograph

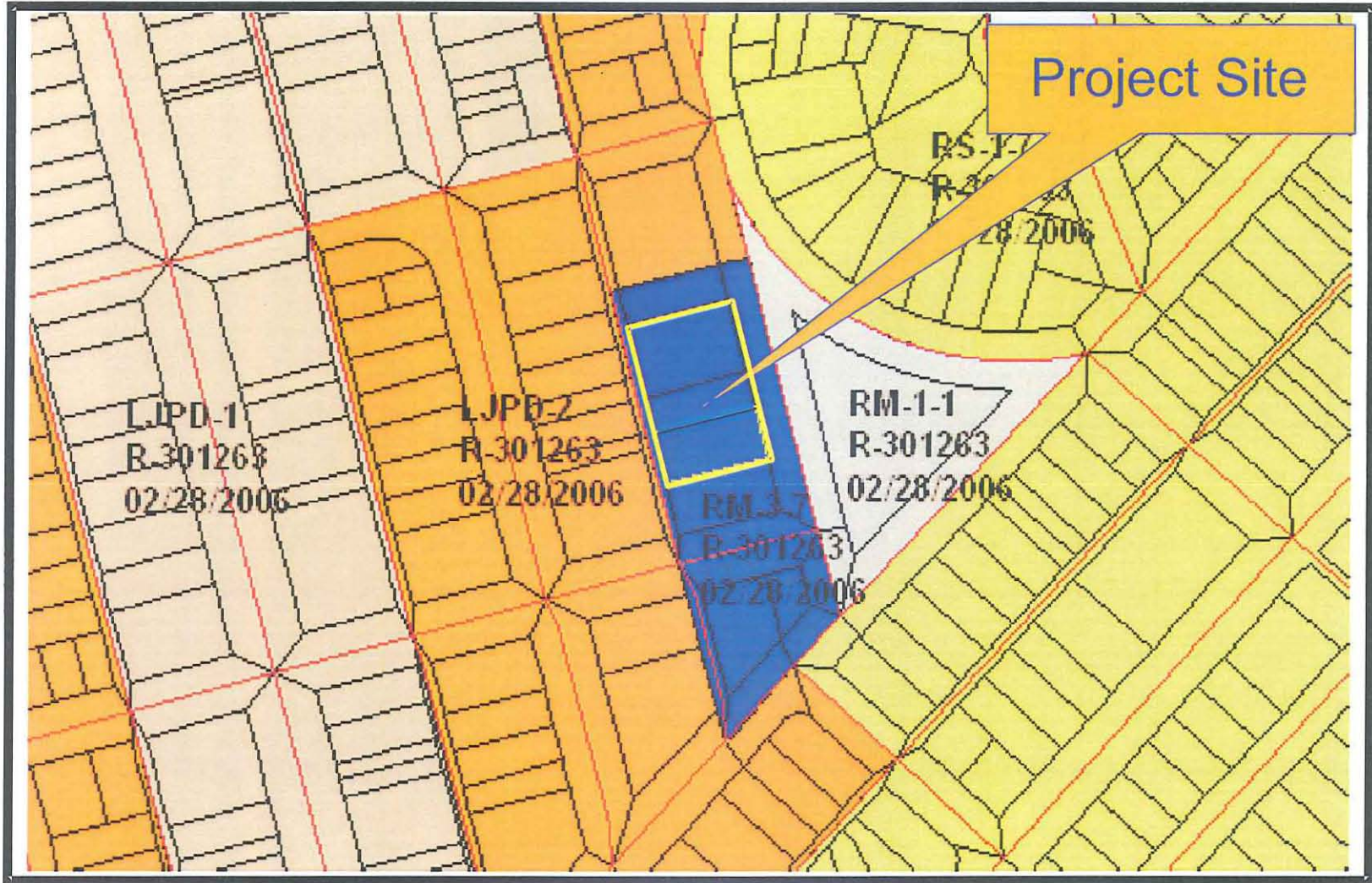
Heritage on Ivanhoe Tentative Map - Project No. 289238

7714-7742 Ivanhoe Avenue









## Zoning Map

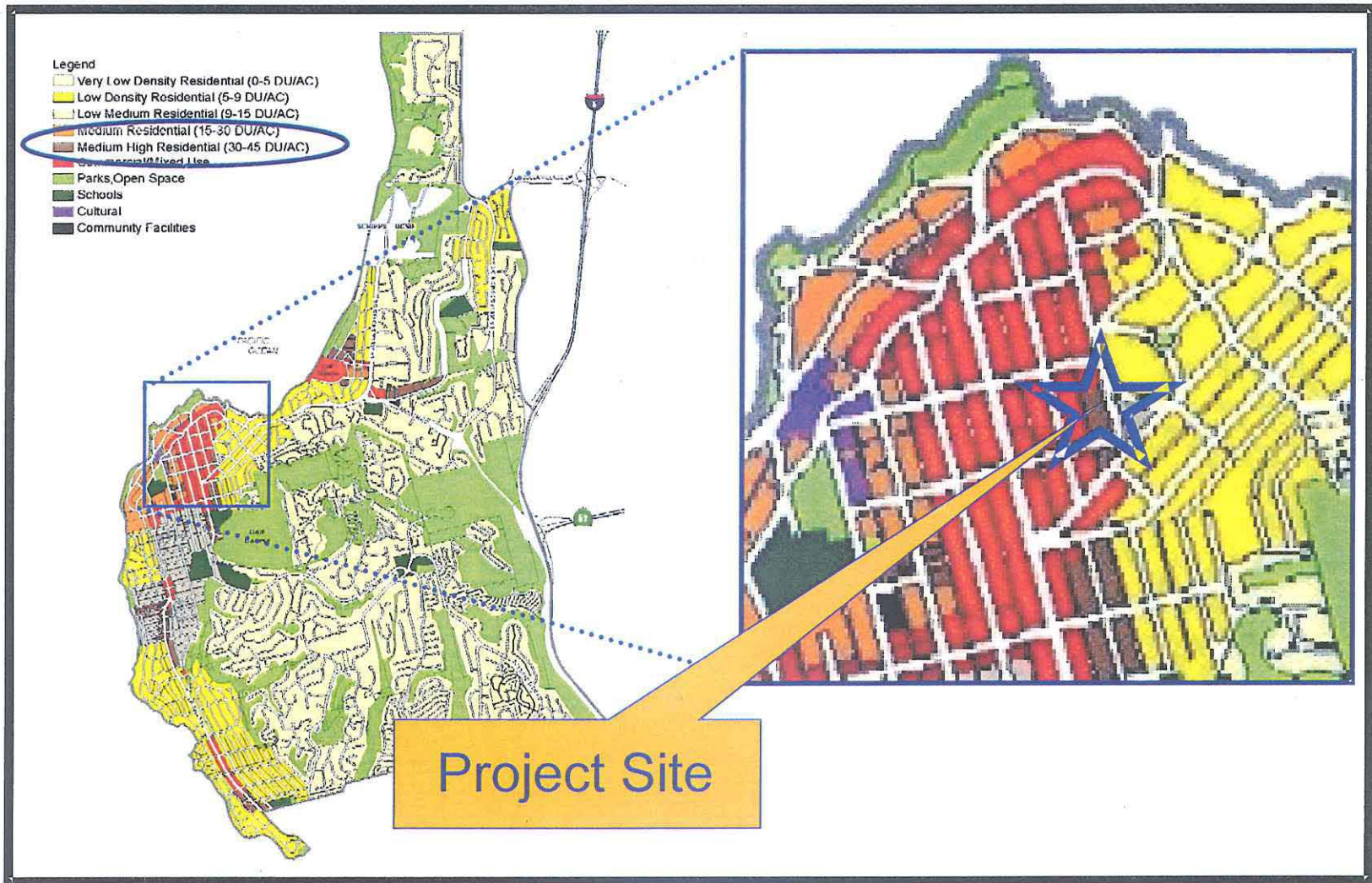
Heritage on Ivanhoe Tentative Map - Project No. 289238

7714-7742 Ivanhoe Avenue









# La Jolla Community Plan Land Use Map

Heritage on Ivanhoe Tentative Map - Project No. 289238

7714-7742 Ivanhoe Avenue







## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Heritage on Ivanhoe Tentative Map - Project No. 289238	
<b>PROJECT DESCRIPTION:</b>	14 unit residential condominium ownerships for a 14 unit residential building (12 units new construction and 2 existing units remodeled with additions)	
<b>COMMUNITY PLAN AREA:</b>	La Jolla	
<b>DISCRETIONARY ACTIONS:</b>	Tentative Map, Coastal Development Permit and waiver to the requirements to underground existing overhead utilities	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Medium High Residential, 30-45 dwelling unit per acre (DU/AC)	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> RM-3-7 Zone		
<b>HEIGHT LIMIT:</b> 30-foot maximum height limit (Coastal Height Limitation Overlay Zone)		
<b>LOT SIZE:</b> 7,000 square foot		
<b>FLOOR AREA RATIO:</b> 1.80		
<b>LOT COVERAGE:</b> NA		
<b>FRONT SETBACK:</b> 10-foot min./ 20-foot standard		
<b>SIDE SETBACK:</b> 5-feet or 10-percent of the lot width, whichever is greater (LDC Section 131.0443(f)(2)(A))		
<b>STREETSIDE SETBACK:</b> NA		
<b>REAR SETBACK:</b> 5-feet		
<b>PARKING:</b> 28 spaces		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Community Commercial; LJPD-Zone 2	Commercial Development
<b>SOUTH:</b>	Medium High Residential; RM-3-7	Commercial Development
<b>EAST:</b>	Low to Low Medium Residential; RS-1-7 & RM-1-1	Single-family and Multi-family Residential Development
<b>WEST:</b>	Community Commercial; LJPD-Zone 2	Commercial Development
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None with this action.	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On November 1, 2012, the La Jolla Community Planning Association voted 11-0-1 to recommend approval of the project with no conditions.	





THE ORIGINAL OF THIS DOCUMENT  
WAS RECORDED ON FEB 17, 2012  
DOCUMENT NUMBER 2012-0093371  
Ernest J. Dronenburg, Jr., COUNTY RECORDER  
SAN DIEGO COUNTY RECORDER'S OFFICE  
TIME: 9:24 AM

**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**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24001236

**COASTAL DEVELOPMENT PERMIT NO. 793182**  
**SITE DEVELOPMENT PERMIT NO. 936015**  
**THE HERITAGE ON IVANHOE - PROJECT NO. 222657**  
**PLANNING COMMISSION**

This Coastal Development Permit No. 793182 and Site Development Permit No. 936015 is granted by the Planning Commission of the City of San Diego to HERITAGE ON IVANHOE, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0504 and 126.0708. The 0.72-acre site is located at 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the La Jolla Community Plan Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zones (Coastal), Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The project site is legally described as: Lots 3, 4 and 5 of Copley Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5426, filed in the Office of the County Recorder of San Diego County, July 22, 1964.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for a 14 unit (for rent) residential development complex; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 26, 2012, on file in the Development Services Department.

The project shall include:

- a. The demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the

**COPY**



historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units);

- b. A deviation from SDMC Section 131.0443(f)(2)(A) to allow for a 5-foot standard side yard setback where a 5-foot or 10-percent (24-feet 6-inches) of the lot width, whichever is greater, is the standard requirement;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by **February 9, 2015**.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

10. 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.

**AFFORDABLE HOUSING REQUIREMENTS:**

11. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**ENGINEERING REQUIREMENTS:**

12. Prior to the issuance of a Certificate of Occupancy, the Owner/Permittee shall assure by permit and bond the closure of the existing non-utilized driveways, on Ivanhoe Avenue, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

13. Prior to the issuance of a Certificate of Occupancy, the Owner/Permittee shall assure by permit and bond the replacement of the damaged sidewalk with the same scoring pattern City standard sidewalk, adjacent to the project site on Ivanhoe Avenue, per Standard Drawings G-7 and G-9, satisfactory to the City Engineer.

14. Prior to the issuance of a Certificate of Occupancy, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard curb and gutter, along the entire project frontage on Ivanhoe Avenue, per Standard Drawings G-2 and SDG-100, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

16. 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 Municipal Code, into the construction plans or specifications.

17. 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.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

19. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit 'A', satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the 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.

21. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted 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.

22. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

23. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted 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. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

24. Prior to issuance of any construction permits for buildings a water budget shall be provided in accordance with the Water Conservation Requirements-Section 142.0413, Table 142-04I. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual. The Irrigation audit shall certify that all plants, irrigation systems, and landscape features have been installed and operate as approved by the Development Services Department prior to occupancy of use.

25. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit 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.

27. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the 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.

28. 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 Development Services Department within 30 days of damage or Certificate of Occupancy.

**PLANNING/HISTORICAL RESOURCES REQUIREMENTS:**

29. Prior to the issuance of any building permit(s) for current and future improvements to the single-dwelling unit at 7736 Ivanhoe Avenue, the Owner/Permittee shall submit the construction documents to the Historical Resource Division within the Development Services Department for review. The construction documents shall show all proposed improvements and shall be consistent with the Secretary of Interior Standards due to the historic nature of the structure.

**PLANNING/DESIGN REQUIREMENTS:**

30. The Owner/Permittee shall maintain a minimum of 28 automobile spaces (29 provided) and 2 motorcycle spaces off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." On-site parking spaces and aisle widths shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

31. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption.

32. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

33. 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 a 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.

34. 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.

35. Prior to the issuance of building permits, construction documents shall show that all residential structures comply with the Coastal "Prop D" Height Limit of 30 feet.

36. The height(s) of the buildings(s) or structures 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.

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

38. 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.

39. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

#### TRANSPORTATION REQUIREMENTS

40. The Owner/Permittee shall maintain a minimum of 28 automobile spaces (29 provided) and 2 motorcycle off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." On-site parking spaces and aisle widths shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

41. The Owner/Permittee shall provide and maintain a 10-foot visibility triangle area along the property line on both sides of the project's main entrance on Flint Lane. No obstacles higher than 36-inches shall be located within this visibility area (e.g. landscape, hardscape, walls, shrubs, etc.).

#### PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

42. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.



43. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities, if required shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

44. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, if required in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices.


**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 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-section 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 January 26, 2012 and Resolution No. 4761-PC.

Permit Type/PTS Approval No.: CDP No. 793182 &  
SDP No. 936015  
Date of Approval: January 26, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

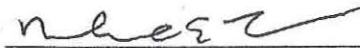
  
\_\_\_\_\_  
Jeffrey A. Peterson  
Development Project Manager

**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.

HERITAGE ON IVANHOE, LLC,  
a California Limited Liability Company  
Owner/Permittee

By   
\_\_\_\_\_  
Name: Michael E. Turk  
Title: Managing Member of the Heritage on Ivanhoe, LLC

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

*Notary acknowledgment attached*



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of SAN DIEGO

On FEBRUARY 16, 2012

Date

before me, JOANNA PATRICIA SANTILLAN, NOTARY PUBLIC

Here, Insert Name and Title of the Officer

personally appeared JEFFREY A. PETERSON

Name(s) of Signer(s)



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

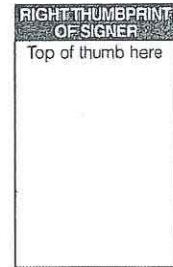
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**COPY**

**ACKNOWLEDGMENT**

State of California  
County of San Diego

On Feb 15, 2012 before me, Amy Shadruck Notary  
(insert name and title of the officer)

personally appeared Michael E Turk  
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.



Signature Amy Shadruck (Seal)

**COPY**



PLANNING COMMISSION  
RESOLUTION NO. 4761-PC  
COASTAL DEVELOPMENT PERMIT NO. 793182  
SITE DEVELOPMENT PERMIT NO. 936015  
**THE HERITAGE ON IVANHOE - PROJECT NO. 222657**

WHEREAS, HERITAGE ON IVANHOE, LLC, a California Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a 14 unit (for rent) residential development complex (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 793182 and 936015), on portions of a 0.72-acre site;

WHEREAS, the project site is located at 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the La Jolla Community Plan Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zones (Coastal), Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone;

WHEREAS, the project site is legally described as Lots 3, 4 and 5 of Copley Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5426, filed in the Office of the County Recorder of San Diego County, July 22, 1964;

WHEREAS, on January 26, 2012, the Planning Commission of the City of San Diego considered Coastal Development Permit (CDP) No. 793182 and Site Development Permit (SDP) No. 936015 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 18, 2011, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities) and 15332 (Infill Development) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; 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 January 26, 2012.

FINDINGS:

**I. Coastal Development Permit -Section 126.0708(a)**

**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 0.72-acre project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the La Jolla Community Plan (LJCP). The property is a corner lot, and is located approximately 1,900-feet from the Pacific



Ocean. The property is not located between the sea and the first public roadway paralleling the sea. Ivanhoe Avenue at this location is not designated as a physical accessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted LJCP and Local Coastal Program Land Use Plan. With the approval of the deviation to the side yard setback, the project meets all applicable regulations and policy documents, and is consistent with the recommended land use designation, design guidelines, and development standards in effect for this site and would not affect any physical accessway and/or public views to the Pacific Ocean. The project site is surrounded by urban development in the form of single family residential to the northeast, multi-family residential development to the east and southeast and commercial development to the north, west, and south. The proposed development would occur on private property.

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

The project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units). The subject property interior lot with frontage on Ivanhoe Avenue, and is located approximately 1,900-feet from the Pacific Ocean. The site is approximately 133-feet above Mean Sea Level (MSL) and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and does not contain any other environmentally sensitive lands as defined in San Diego Municipal Code (SDMC) 113.0103.

The City of San Diego conducted an environmental review of this site in accordance with State of California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Guidelines 15301 (Existing Facilities) and 15332 (Infill Development). Therefore, it has been determined that the subdivision does not contain environmentally sensitive lands and would not adversely affect these resources.

**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 project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the



modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units). The property is not located between the sea and the first public roadway paralleling the sea. Ivanhoe Avenue at this location is not designated as a physical accessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted LJCP and Local Coastal Program Land Use Plan. With the approval of the requested deviation, the project meets all applicable design guidelines and development standards in effect for this site and would not affect any physical accessway and/or public views to the Pacific Ocean. In addition, the project proposes to utilize renewable technology, self-generating at least 50 percent of its electrical energy needs through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy.

**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 project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units). The property is a corner lot, and is located approximately 1,900-feet from the Pacific Ocean. The property is not located between the sea and the first public roadway paralleling the sea. Ivanhoe Avenue at this location is not designated as a physical accessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted LJCP and Local Coastal Program Land Use Plan. With the approval of the requested deviation, the project meets all applicable design guidelines and development standards in effect for this site and no public view, public access to the water, public recreation facilities, or public parking facilities would be adversely affected by the approval of this development. Therefore, the proposed development has demonstrated conformance with the public access and recreation policies of the California Coastal Act as required by this finding.

**II. Site Development Permit - Section 126.0504**

**A. Findings for all Site Development Permits**

- 1. The proposed development will not adversely affect the applicable land use plan;**



The project site is located at 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the LJCP, which designates the site for Medium High Residential, 30-45 dwelling unit per acre (DU/AC). The project site could accommodate 31 dwelling units based on the underlying zone and 22-32 dwelling units based on the community plan. This particular area along Ivanhoe Avenue is part of La Jolla Village Park and has a significant number of original single family dwelling units that are an integral part in the early beach cottage days of La Jolla. The La Jolla Community Plan's primary policy is to maintain the existing residential character of the La Jolla neighborhoods. The proposed project, while proposing a lower density than the community plan recommends would continue the traditional character of the neighborhood by retaining three of the original cottages and the addition of eleven new smaller homes on the site. The new homes would continue the small scale character of the village and blend into the single family neighborhood to the north and east of the project site.

The proposed project would retain the existing single family residential character of the neighborhood; retain three of the existing homes; provide street and side yard setbacks consistent with the neighborhood; and provide adequate landscaping on site. The proposed side yard deviation is necessary to provide a pattern of development that is consistent with the single-family and multi-family development in the immediate neighborhood. As a component, the project proposes to utilize renewable technology, self-generating at least 50 percent of its electrical energy needs through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy. The project is consistent with the design guidelines and development standards in effect for this site, and meets the purpose and intent of the adopted LJCP, Land Development Code (LDC), Council Policies, and the General Plan (GP). Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units).

The permit for the proposed development includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the LDC in effect for this project. Such conditions have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety and



general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in CDP No. 793182 and SDP No. 936015, and other regulations and guidelines pertaining to the subject property per the LDC. The project applicant will be required to obtain building permits to show that all constructions will comply with all applicable Building and Fire Codes, and obtain public improvement permits for all work within the public right-of-way to show that all constructions will comply with City standards. Therefore, the proposed development will 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, including any allowable deviations pursuant to the Land Development Code.**

The project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units).

The project includes a request for a deviation for the reduction of the side yard setbacks along the north and south property lines. The proposed deviation is necessary to provide a pattern of development that is consistent with the single-family and multi-family development in the immediate neighborhood. The purpose of setbacks is to provide space for light and air circulation, uniformity to a neighborhood, privacy, open space, access to and around buildings, and distance between neighbors to mitigate noise and odors. In addition, the setback requirements for the RM-3-7 zone help to prevent a walled effect along the street face as viewed from the public right-of-way, by increasing the requirement incrementally for wider lots. Specifically, the RM-3-7 zone requires a minimum side setback of 5 feet or 10 percent of the lot width, whichever is greater. The property measures approximately 205 feet, requiring side setbacks from the north and south property line of 20 feet and 6 inches. The project will be comprised of six detached dwelling units along Ivanhoe Avenue and four duplex buildings along the alley. This development pattern creates see-throughs between each structure and provides a consistent setback pattern through the Ivanhoe Avenue frontage and with the adjacent property to the south and north, consistent with the single-family and multi-family development in the immediate neighborhood. Therefore, the deviation is appropriate and will result in a more desirable project that efficiently utilizes the site and while meeting the purpose and intent of the development regulations of the LDC.

**M. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings**



**1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants;**

The project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units).

As a component, the project proposes to utilize renewable technology, self-generating at least 50 percent of its electrical energy needs through photovoltaic technology (solar panels), thus meeting the requirements of Council Policy 900-14, the City Council's Sustainable Building Policy. Among the many other sustainable design features included in the project are the use of sustainable construction materials and practices. Operational sustainable features include the use of high efficacy lighting or occupancy sensors, Energy Star appliances, natural cooling and ventilations through operable dual pane Low-E glazed windows, water conserving native and pest resistant plant in the landscape, and a high efficiency irrigation system. Therefore, the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.

**2. The development will not be inconsistent with the purpose of the underlying zone; and**

The project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project site could accommodate 31 dwelling units based on the underlying zone. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus



basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units).

The project includes a request for a deviation for the reduction of the side yard setbacks along the north and south property lines. The proposed deviation is necessary to provide a pattern of development that is consistent with the single-family and multi-family development in the immediate neighborhood. The purpose of setbacks is to provide space for light and air circulation, uniformity to a neighborhood, privacy, open space, access to and around buildings, and distance between neighbors to mitigate noise and odors. In addition, the setback requirements for the RM-3-7 zone help to prevent a walled effect along the street face as viewed from the public right-of-way, by increasing the requirement incrementally for wider lots. Specifically, the RM-3-7 zone requires a minimum side setback of 5 feet or 10 percent of the lot width, whichever is greater. The property measures approximately 205 feet, requiring side setbacks from the north and south property line of 20 feet and 6 inches. The project will be comprised of six detached dwelling units along Ivanhoe Avenue and four duplex buildings along the alley. This development pattern creates see-throughs between each structure and provides a consistent setback pattern through the Ivanhoe Avenue frontage and with the adjacent property to the south and north, consistent with the single-family and multi-family development in the immediate neighborhood. Therefore, the proposed development will not be inconsistent with the purpose of the underlying zone.

**3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

The project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the LJCP. The project proposes the demolition of five of the eight existing single-dwelling units and subsequent construction of 11 residential units on the 0.72-acre site. Two of the existing units (7736 and 7740 Ivanhoe Avenue) would be preserved while the third unit (7722 Ivanhoe Avenue) would be relocated from a named alley (Flint Lane) to Ivanhoe Avenue. The three existing units would be modified, and the modifications to 7736 Ivanhoe Avenue would be consistent with the Secretary of Interior Standards due to the historic nature of the structure. The proposed 11 units would be comprised of three, two-story plus basement single-dwelling units fronting Ivanhoe Avenue, and four, three-story duplexes abutting a named alley (Flint Lane). The total final dwelling count will be 14 (for rent) dwelling units (1 four-bedroom, 1 two-bedroom and 12 three-bedroom units).

The project includes a request for a deviation for the reduction of the side yard setbacks along the north and south property lines. The proposed deviation is necessary to provide a pattern of development that is consistent with the single-family and multi-family development in the immediate neighborhood. The purpose of setbacks is to provide space for light and air circulation, uniformity to a neighborhood, privacy, open space, access to and around buildings, and distance between neighbors to mitigate noise and odors. In addition, the setback requirements for the RM-3-7 zone help to prevent a walled effect along the street face as viewed from the public right-of-way, by increasing the

requirement incrementally for wider lots. Specifically, the RM-3-7 zone requires a minimum side setback of 5 feet or 10 percent of the lot width, whichever is greater. The property measures approximately 205 feet, requiring side setbacks from the north and south property line of 20 feet and 6 inches. The project will be comprised of six detached dwelling units along Ivanhoe Avenue and four duplex buildings along the alley. This development pattern creates see-throughs between each structure and provides a consistent setback pattern through the Ivanhoe Avenue frontage and with the adjacent property to the south and north, consistent with the single-family and multi-family development in the immediate neighborhood. Therefore, the deviation is appropriate and will result in a more desirable project that efficiently utilizes the site and while meeting the purpose and intent of the development regulations of the LDC.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 793182 and Site Development Permit No. 936015 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 793182 and No. 936015, a copy of which is attached hereto and made a part hereof.



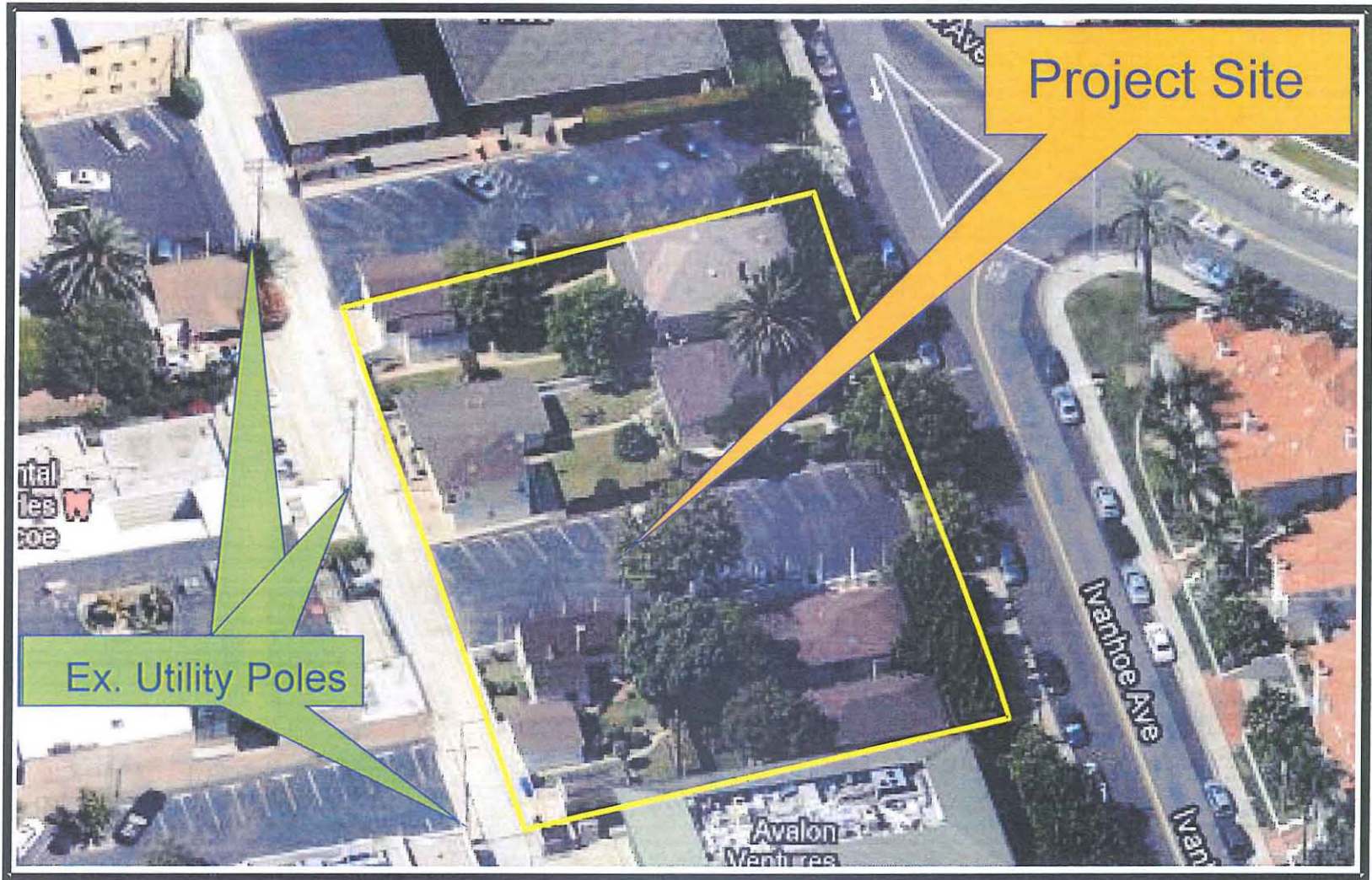
Jeffrey A. Peterson  
Development Project Manager  
Development Services

Adopted on: January 26, 2012

Internal Order No. 24001236







## Existing Overhead Utilities Photograph

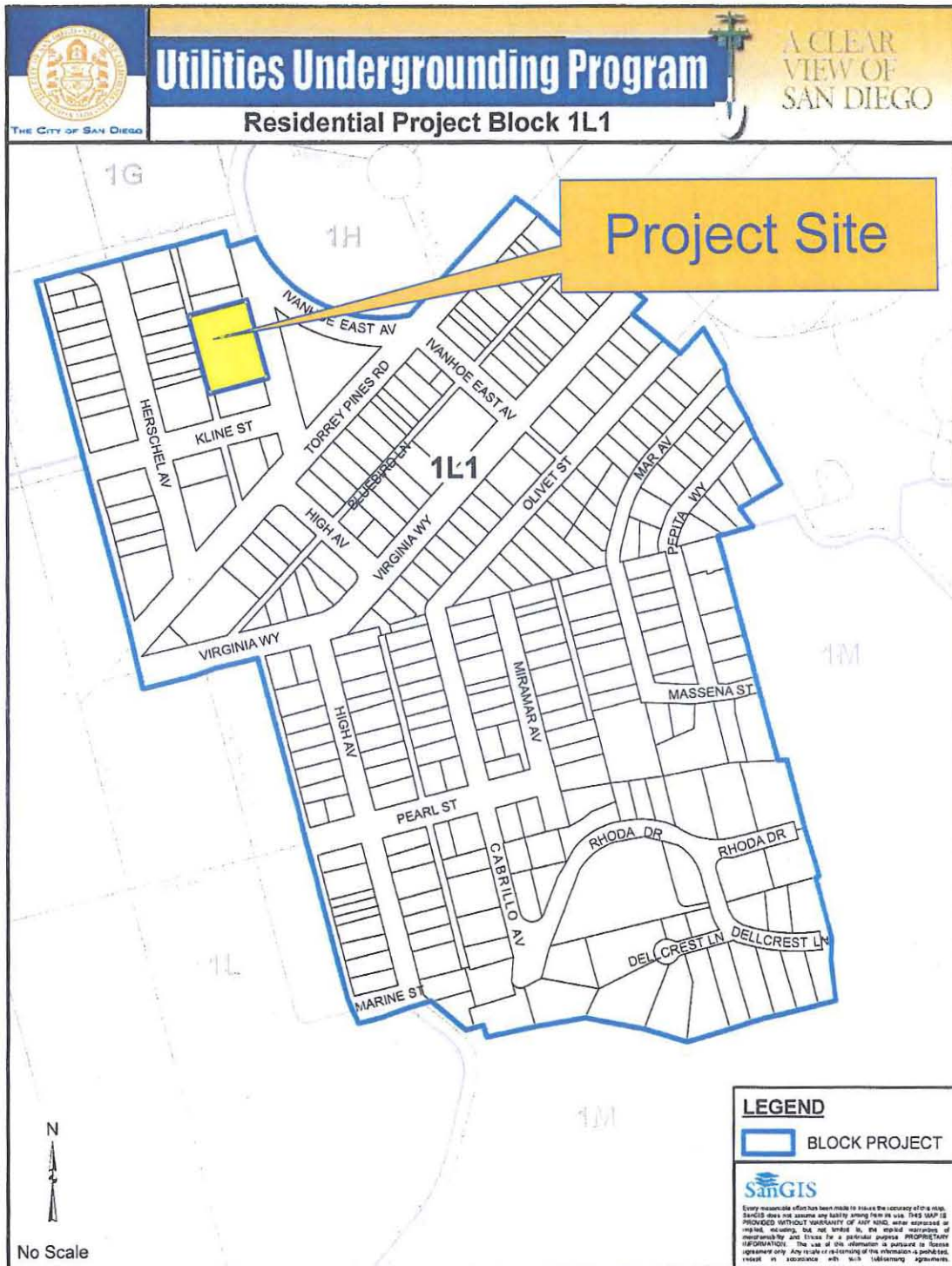
Heritage on Ivanhoe Tentative Map - Project No. 289238

7714-7742 Ivanhoe Avenue









# City's Undergrounding - Block 1L1

**Heritage on Ivanhoe Tentative Map - Project No. 289238**  
7714-7742 Ivanhoe Avenue







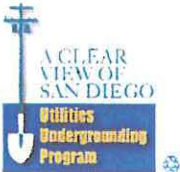


**Utilities Undergrounding Program Master Plan 2009**  
**Residential Project Block 1L1**

**Council District:**.....1  
**Project Status:** ..... unallocated  
**Allocation Year:** .....2027  
**Estimated Start of Construction:** .....June 2029  
**Estimated End of Construction:**.....June 2031  
**Estimated Trench Length:** ..... 11,791'  
**Estimated Number of Customers:**.....278  
**Estimated Project Cost:** .....\$5,727,857



Contact : Underground Utility Program Info. Line  
Phone : (619) 533-3841  
Email : [undergrounding@sanidiego.gov](mailto:undergrounding@sanidiego.gov)  
Website : [www.sandiego.gov/undergrounding](http://www.sandiego.gov/undergrounding)



**City's Undergrounding - Block 1L1**  
**Heritage on Ivanhoe Tentative Map - Project No. 289238**  
7714-7742 Ivanhoe Avenue







## HERITAGE ON IVANHOE, LLC

November 3, 2011

Holly Bayly and William Wren  
7736 Ivanhoe Avenue  
La Jolla, CA. 92037

Dear Holly and Bill:

Enclosed please find a notice that states your lease at 7736 Ivanhoe Ave, La Jolla, CA. is not being renewed. The lease ends on December 31, 2011. We feel it would be inconvenient for you to try and move out during the New Year holiday and will allow you to stay until January 6, 2012, if you wish. There would be no rent charged for 1/1/12 through 1/6/12. We would expect to have the property vacated and the keys returned on Friday, January, 6, 2012.

Sincerely,



Debbie Smith  
Secretary



Date: Nov. 3, 2011Dear: Helly E. Bayly, 7736 Ivanhoe Ave., La Jolla, CA. 92037Your Lease of Sept. 14, 2011 is not being renewed.  
(Beginning Date of Lease)The lease and your tenancy terminates on 12/31/11. Please vacate the premises and remove all of your personal  
(Date of Lease Termination)

property on or before the termination date.\* You are still obligated to pay rent until the termination date.

You have the right to request an initial inspection of your unit and to be present during that inspection, which shall occur no earlier than two weeks before the termination of the tenancy and during normal business hours. At this initial inspection, you will receive an itemized statement specifying repairs or cleaning that are proposed to be the basis for the deductions from the security deposit. This may not be a final accounting of deductions from the security deposit. A separate Notice of Resident's Option to Request an Initial Inspection is provided with this Notice or will follow within a reasonable time. Please complete the form and return it to me if you wish to arrange for an initial inspection.

Debbie Smith / Sec.  
(Signature of Owner/Agent)  
FOR HERITAGE ON IVANHOE, LLC

\* A tenant who does not move out by or on the termination date, is liable for daily rental damages for each day he/she remains in possession of the premises and is subject to legal proceedings to obtain possession. These proceedings can result in a judgment against a tenant that includes attorneys' fees and court costs as allowed by law and an additional award of six hundred dollars (\$600) to the owner for the tenant's unlawful detention. If you fail to fulfill the terms of your credit obligations, a negative credit report reflecting on your credit history may be submitted to a credit reporting agency.



**NOTICE OF RESIDENT OPTION TO REQUEST INITIAL INSPECTION OF THE RENTAL UNIT**

TO: Molly E. Bayly & William Wren  
*All Residents (tenants and subtenants) in possession (full name) and all others in possession*

of the premises located at:

7736 IVANHOE AVENUE Unit # (if applicable) \_\_\_\_\_  
*(Street Address)*  
LA JOLLA, CA 92037  
*(City) (Zip)*

1. You are hereby notified that you have the legal right to request an initial inspection of your unit, and you have the right to be present during that inspection.
2. Upon your request, the Owner/Agent will make an initial inspection of your unit at a reasonable time, but no earlier than two weeks before the termination of the tenancy or the end of the lease date.
3. The purpose of this inspection is to allow you the opportunity to correct any deficiencies in the unit in order to avoid deductions from the security deposit.
4. You may not make any repairs to the unit that are prohibited by the Rental/Lease Agreement.
5. An itemized statement specifying repairs or clearing that are proposed to be the basis for deductions from the security deposit shall be given to you, if you are present for the inspection or shall be left inside the premises. This will not be a final accounting of deductions from the security deposit.
6. You may make the corrections (that are not prohibited by the Rental/Lease Agreement or by law) during the period following the inspection through the termination of the tenancy in order to avoid deductions from the security deposit.
7. You have the right to be present during the inspection, however, the inspection may take place in your absence with your consent.
8. No later than three weeks (21 days) after Owner/Agent has regained possession of the premises, Owner/Agent will provide you with an itemized disposition of security deposit, indicating the basis for, and the amount of, any security received and the disposition of the security, and Owner/Agent will return any remaining portion of the security deposit to you.

Owner/Agent's address for return of this form: 4641 JASRAHAM ST, SAN DIEGO, CA 92109

NOV. 3, 2011  
Date

Debbie Smith / Sec.  
Owner/Agent FOR HERITAGE ON IVANHOE, LLC

To Resident(s): Please check the appropriate boxes below, sign the form, and return it to the Owner/Agent at the address listed above.

*(check only one option below)*

- I decline the initial inspection.
- I request the initial inspection of my unit, and I wish to be present.
- I request the initial inspection of my unit, but I will not be present.

Resident's phone number to contact to arrange for the inspection: \_\_\_\_\_

*(if requesting initial inspection, check only one option below)*

- I waive my right to 48 hour notice by the Owner/Agent prior to his/her entry of the unit to perform the initial inspection, as allowed by Civil Code section 1950.5(f)(1)
- I want Owner/Agent to provide 48 hour notice prior to their entry of the unit to perform the initial inspection

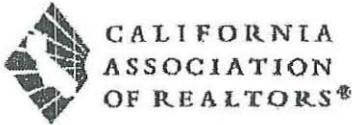
_____	_____	_____	_____
Date	Resident	Date	Resident
_____	_____	_____	_____
Date	Resident	Date	Resident



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NOTICE OF TERMINATION OF TENANCY
(C.A.R. Form NTT, Revised 11/07)

To: DAVID REPPA (Tenant)
and any other occupant(s) in possession of the premises located at:
(Street Address) 7740 IVANHOE AVENUE (Unit/Apartment #)
(City) LA JOLLA (State) CA (Zip Code) 92037 (Premises).

CHECK THE BOX THAT APPLIES. CHECK ONE BOX ONLY.

- 1. [X] The tenancy, if any, in the Premises is terminated 60 days from service of this Notice, or on JANUARY 6, 2012 (whichever is later).
OR 2. [ ] You have or another tenant or resident has resided in the Premises for less than one year. Your tenancy, if any, in the Premises is terminated 30 days from service of this Notice, or on (whichever is later).
OR 3. [ ] All of the following apply. Your tenancy, if any, in the Premises is terminated 30 days from service of this Notice, or on (whichever is later).
A. Landlord has entered into a contract to sell the Premises to a natural person(s);
AND B. Purchaser intends to reside in the Premises for at least one year following the termination of the tenancy in the Premises;
AND C. Landlord has established an escrow with an escrow company licensed by the Department of Corporations or a licensed Real Estate Broker;
AND D. Escrow was opened 120 or fewer days prior to the delivery of this Notice;
AND E. Title to the Premises is separately alienable from any other dwelling unit (i.e., a single-family unit or condominium);
AND F. Tenant has not previously been given a notice of termination of tenancy.
OR 4. [ ] Tenant is a beneficiary of, and the tenancy is subject to, a government agency rental housing assistant program. The tenancy, if any, in the premises is terminated 90 days from service of this notice or on (whichever is later).

If you fail to give up possession by the specified date, a legal action will be filed seeking possession and damages that could result in a judgment being awarded against you.

Note to Landlord: If the property is subject to rent control, local law may require a minimum notice period that exceeds the time specified above.

Landlord (Owner or Agent) Rebecca Smith / Sec. Date NOV. 3, 2011
FOR HERITAGE ON IVANHOE, LLC
Address 4641 INGRAM ST. City SAN DIEGO State CA Zip 92109
Telephone 658-274-5995 Fax 658-274-0964 E-mail

(Keep a copy for your records)

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Reviewed by \_\_\_\_\_ Date \_\_\_\_\_



NTT REVISED 11/07 (PAGE 1 OF 1)

NOTICE OF TERMINATION OF TENANCY (NTT PAGE 1 OF 1)

Agent: Steven Cairncross Phone: 858-490-4139 Fax: 858-272-9077 Prepared using zipForm® software
Broker: RE/MAX Coastal Properties 4444 Mission Blvd San Diego, CA 92109



### NOTICE OF RESIDENT OPTION TO REQUEST INITIAL INSPECTION OF THE RENTAL UNIT

TO: DAVID REPPA  
*All Residents (tenants and subtenants) in possession (full name) and all others in possession*

of the premises located at:

7740 IVANHOE AVENUE Unit # (if applicable) \_\_\_\_\_  
*(Street Address)*  
LA JOLLA, CA 92037  
*(City) (Zip)*

1. You are hereby notified that you have the legal right to request an initial inspection of your unit, and you have the right to be present during that inspection.
2. Upon your request, the Owner/Agent will make an initial inspection of your unit at a reasonable time, but no earlier than two weeks before the termination of the tenancy or the end of the lease date.
3. The purpose of this inspection is to allow you the opportunity to correct any deficiencies in the unit in order to avoid deductions from the security deposit.
4. You may not make any repairs to the unit that are prohibited by the Rental/Lease Agreement.
5. An itemized statement specifying repairs or cleaning that are proposed to be the basis for deductions from the security deposit shall be given to you, if you are present for the inspection or shall be left inside the premises. This will not be a final accounting of deductions from the security deposit.
6. You may make the corrections (that are not prohibited by the Rental/Lease Agreement or by law) during the period following the inspection through the termination of the tenancy in order to avoid deductions from the security deposit.
7. You have the right to be present during the inspection, however, the inspection may take place in your absence with your consent.
8. No later than three weeks (21 days) after Owner/Agent has regained possession of the premises, Owner/Agent will provide you with an itemized disposition of security deposit, indicating the basis for, and the amount of, any security received and the disposition of the security, and Owner/Agent will return any remaining portion of the security deposit to you.

Owner/Agent's address for return of this form: 4641 FULBHAM ST, SAN DIEGO, CA 92109

NDU 3, 2011 Debbie Smith / Sec.  
*Date Owner/Agent FOR HERITAGE ON IVANHOE, LLC*

To Resident(s): Please check the appropriate boxes below, sign the form, and return it to the Owner/Agent at the address listed above.

- (check only one option below)*
- I decline the initial inspection.
  - I request the initial inspection of my unit, and I wish to be present.
  - I request the initial inspection of my unit, but I will not be present.

Resident's phone number to contact to arrange for the inspection: \_\_\_\_\_

- (if requesting initial inspection, check only one option below)*
- I waive my right to 48 hour notice by the Owner/Agent prior to his/her entry of the unit to perform the initial inspection, as allowed by Civil Code section 1950.5(f)(1)
  - I want Owner/Agent to provide 48 hour notice prior to their entry of the unit to perform the initial inspection

\_\_\_\_\_  
*Date Resident*

\_\_\_\_\_  
*Date Resident*

\_\_\_\_\_  
*Date Resident*

\_\_\_\_\_  
*Date Resident*



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**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**

---

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003033

**COASTAL DEVELOPMENT PERMIT NO. 1066556**  
**HERITAGE ON IVANHOE TM - PROJECT NO. 289238**  
AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 793182  
PLANNING COMMISSION

This Coastal Development Permit No. 1066556, an amendment to Coastal Development Permit No. 793182, is granted by the Planning Commission of the City of San Diego to HERITAGE ON IVANHOE, LLC, a California Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0708. The 0.72-acre site is located at 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the La Jolla Community Plan Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zones (Coastal), Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The project site is legally described as: Parcel 1. of Parcel Map No. 20974, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, June 7, 2012, as File No. 2012-0333330 of Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to amend Coastal Development Permit No. 793182 to create 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction (12 units are new construction and 2 existing units are being remodeled); described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 24, 2013, on file in the Development Services Department.

The project shall include:

- a. A subdivision of a 14 unit residential development (12 units new construction and 2 existing units) to create 14 residential condominium ownership interests on one lot, as permitted and under construction pursuant to Coastal Development Permit No. 793182;

- b. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50-percent of the project's projected energy consumption; and
- c. No additional development rights are granted as a result of this subdivision of land.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by **February 7, 2016**.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.



8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

10. 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.

**AFFORDABLE HOUSING REQUIREMENTS:**

11. Prior to the recordation of a Final Map, the applicant shall pay an additional Affordable Housing Fee of \$71,612.16 for eight of the residential units that were issued building permits pursuant to Project No. 269790.

12. Prior to the recordation of a Final Map, the applicant shall pay an Affordable Housing Fee of \$11,765.25 for the condominium conversions of the residential units addressed as 7736 and 7742 (previously addressed as 7740) Ivanhoe Avenue.

**ENGINEERING REQUIREMENTS:**

13. This Permit shall comply with all Conditions of the Tentative Map No. 1068721, satisfactory to the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

14. This Permit shall comply with all Conditions of Coastal Development Permit No. 793182/Site Development Permit No. 936015 and as amended.

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. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

17. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

**INFORMATION ONLY:**

- Building Permits for four of the residential units were issued (7714, 7720, 7722, and 7728 Ivanhoe Avenue) and an Affordable Housing Fee of \$38,674.68 was paid at the time of the issuance of the building permits. The calculation rate for the Affordable Housing Fee was calculated at \$4.98 per square foot; therefore, the four building permits are in compliance with the regulations and no additional Inclusionary Housing Fees are required for these units.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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-section 66020.

APPROVED by the Planning Commission of the City of San Diego on January 24, 2013 and Resolution No. XXXX-PC.



Permit Type/PTS Approval No.: CDP No. 1066556  
Date of Approval: January 24, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

---

Jeffrey A. Peterson  
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.

HERITAGE ON IVANHOE, LLC,  
a California Limited Liability Company  
Owner/Permittee

By \_\_\_\_\_  
Name: Michael E. Turk  
Title: Managing Member of the Heritage on Ivanhoe, LLC

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

PLANNING COMMISSION  
RESOLUTION NO. XXXX-PC  
COASTAL DEVELOPMENT PERMIT NO. 1066556  
**HERITAGE ON IVANHOE TM - PROJECT NO. 289238**  
AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 793182

WHEREAS, HERITAGE ON IVANHOE, LLC, a California Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a permit to amend Coastal Development Permit No. 793182 for the creation of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1066556), on portions of a 0.72-acre site;

WHEREAS, the project site is located at 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the La Jolla Community Plan Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zones (Coastal), Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 20974, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, June 7, 2012, as File No. 2012-0333330 of Official Records;

WHEREAS, on January 24, 2013, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 1066556, an amendment to Coastal Development Permit No. 793182, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 4, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305 (Minor Alterations in Land Use Limitations) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; 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 January 24, 2013.

FINDINGS:

**I. Coastal Development Permit - Section 126.0708(a)**

- 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;**



The 0.72-acre project site is located at 7714-7742 Ivanhoe Avenue, on the west side of Ivanhoe Avenue and north of Kline Street, in the RM-3-7 Zone within the La Jolla Community Plan (LJCP). The proposed project is a subdivision of the property for the creation of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No construction or grading is permitted by this Coastal Development Permit (CDP) No. 1066556. All development was previously approved and permitted pursuant to CDP No. 793182/Site Development Permit (SDP) No. 936015.

The subject property is a corner lot, and is located approximately 1,900-feet from the Pacific Ocean. The property is not located between the sea and the first public roadway paralleling the sea. Ivanhoe Avenue at this location is not designated as a physical accessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted LJCP and Local Coastal Program Land Use Plan, and the proposed subdivision would not affect these resources. The proposed subdivision would occur on private property.

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

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No development is proposed with this subdivision and the project site is located within an urbanized area of the La Jolla community. The subject property is a corner lot, and is located approximately 1,900-feet from the Pacific Ocean. The property is not located between the sea and the first public roadway paralleling the sea, and not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA).

The City of San Diego conducted an environmental review of this site in accordance with State of California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Guidelines Section 15305 (Minor Alterations in Land Use Limitations). Therefore, it has been determined that the subdivision does not contain environmentally sensitive lands and would not adversely affect these resources.

**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 project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No development is proposed with this subdivision and the project site is located within an urbanized area of the La Jolla community. The subject property is a corner lot, and is located approximately 1,900-feet from the Pacific Ocean. The property is not located between the sea and the first public roadway paralleling the sea. Ivanhoe Avenue at this location is not designated as a physical accessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted LJCP and Local Coastal Program Land Use Plan, and the

proposed subdivision would not affect these resources. Therefore, the proposed subdivision conforms to the Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

**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 proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No development is proposed with this subdivision and the project site is located within an urbanized area of the La Jolla community. The subject property is a corner lot, and is located approximately 1,900-feet from the Pacific Ocean. The property is not located between the sea and the first public roadway paralleling the sea. Ivanhoe Avenue at this location is not designated as a physical accessway or view corridor, and does not contain intermittent or partial vistas, viewsheds or scenic overlooks within the adopted LJCP and Local Coastal Program Land Use Plan. No public view, public access to the water, public recreation facilities, or public parking facilities would be adversely affected by the approval of this subdivision. Therefore, the proposed subdivision has demonstrated conformance with the public access and recreation policies of the California Coastal Act as required by this finding.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 1066556 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1066556, a copy of which is attached hereto and made a part hereof.

---

Jeffrey A. Peterson  
Development Project Manager  
Development Services

Adopted on: January 24, 2013

Internal Order No. 24003033





RESOLUTION NUMBER R- \_\_\_\_\_  
TENTATIVE MAP NO. 1068721  
HERITAGE ON IVANHOE TM - PROJECT NO. 289238

WHEREAS, HERITAGE ON IVANHOE, LLC, a California Limited Liability Company, Subdivider, and SAN DIEGO LAND SURVEYING AND ENGINEERING, Robert J. Bateman, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 1068721), and to waive the requirement to underground existing offsite overhead utilities. The project site is located 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the La Jolla Community Plan Area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zones (Coastal), Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The property is legally described as Parcel 1 of Parcel Map No. 20974, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, June 7, 2012, as File No. 2012-0333330 of Official Records; and

WHEREAS, the Map proposes the Subdivision of a 0.72-acre site into one (1) lot for a 14 unit residential condominium development; and

WHEREAS, on December 4, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305 (Minor Alterations in Land Use Limitations); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and



WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 14; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length); and

WHEREAS, on January 24, 2013, the Planning Commission of the City of San Diego considered Tentative Map No. 1068721, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to San Diego Municipal Code (SDMC) Section(s) 125.0440, 125.0444, and 144.0240 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1068721:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction , which 12 units are new construction and 2 existing units are being remodeled. No construction or grading is permitted by this Tentative Map No. 1068721. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. The proposed subdivision complies with the policies, goals, and objectives of the adopted La Jolla Community Plan and the Local Coastal Program Land Use Plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.**

The 14 unit residential complex is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No construction or grading is permitted by this Tentative Map No. 1068721. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests and complies with the development regulations of the RM-3-7 Zone, the La Jolla Community Plan, the Local Coastal Program Land Use Plan, and the General Plan.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The project site is located at 7714-7742 Ivanhoe Avenue in the RM-3-7 Zone within the La Jolla Community Plan, which designates the site for Medium High Residential, 30-45 dwelling unit per acre (DU/AC). The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No construction or grading is permitted by this Tentative Map No. 1068721. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015 and was determined physically suitable for the type and density of development.

**4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No development is proposed with this subdivision and the project site is located within an urbanized area of the La Jolla community. No construction or grading is permitted by this Tentative Map No. 1068721. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. The property is not located between the sea and the first public roadway paralleling the sea, and not within or



adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and does not contain environmentally sensitive lands (ESL).

The City of San Diego conducted an environmental review of this site in accordance with State of California Environmental Quality Act (CEQA) guidelines. The project was determined to be categorically exempt from CEQA pursuant to Guidelines Section 15305 (Minor Alterations in Land Use Limitations). Therefore, design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No development is proposed with this subdivision and the project site is located within an urbanized area of the La Jolla community. No construction or grading is permitted by this Tentative Map No. 1068721. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No development is proposed with this subdivision and the project site is located within an urbanized area of the La Jolla community. No construction or grading is permitted by this Tentative Map No. 1068721. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. There are no existing or proposed easements acquired by the public at large for access through or use of property within the proposed subdivision.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, and would not impede or inhibit any future passive or natural heating and cooling opportunities. As a component of the proposed project, the buildings will utilize renewable



energy technology, self-generating at least 50-percent of the projected total energy consumption on site through photovoltaic technology (solar panels). The design of the subdivision has taken into account the best use of the land to minimize grading, building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for passive or natural heating and cooling opportunities.

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. No development is proposed with this subdivision and the project site is located within an urbanized area of the La Jolla community. No construction or grading is permitted by this Tentative Map No. 1068721. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. The property is not located between the sea and the first public roadway paralleling the sea, and not within or adjacent to the MHPA and does not contain ESL. The applicant has chosen the option of paying an Affordable Housing Fee to comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (SDMC Chapter 14, Article 2, Division 13). Therefore, the proposed subdivision would not impact the housing within the region, public services, or the available fiscal and environmental resources.

**9. The notices required by San Diego Municipal Code Section 125.0431 have been given in the manner required (San Diego Municipal Code § 125.0444(a) and Subdivision Map Act §§ 66452.17; 66427.1).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. On November 3, 2011, the tenants for 7736 were served with a notice that their lease will not be renewed and the tenants for 7742 (previously addressed as 7740) Ivanhoe Avenue were served with a notice of termination of tenancy. Both structures have remained vacant since January 6, 2012. The application for TM, which includes the condominium conversion of the existing two structures, was deemed complete on August 2, 2012. The notices to the tenants were served greater than 180 days from the date of the TM application; therefore, the additional noticing requirements for a condominium conversion pursuant to the SDMC and the Subdivision Map Act would not apply to this subdivision. The 12 new residential units have not received a certificate of occupancy and would not be subject to the noticing requirement.

**10. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (San Diego Municipal Code § 125.0444(b)).**



The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. This project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing. The proposed subdivision would occur on private property.

**11. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (San Diego Municipal Code § 125.0444(c)).**

The proposed project is a subdivision of a 0.72-acre property to create of 14 residential condominium ownership interests from a 14 unit residential complex that is currently under construction, which 12 units are new construction and 2 existing units are being remodeled. All development was previously approved and permitted pursuant to Coastal Development Permit No. 793182/Site Development Permit No. 936015. This project was not developed to provide housing for the elderly, disabled or to provide low income housing. The proposed subdivision would occur on private property.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 1068721, including the waiver of the requirement to underground existing offsite overhead utilities, hereby granted to HERITAGE ON IVANHOE, LLC, a California Limited Liability Company subject to the attached conditions which are made

By

\_\_\_\_\_  
 Jeffrey A. Peterson  
 Development Project Manager  
 Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24003033

PLANNING COMMISSION  
CONDITIONS FOR TENTATIVE MAP NO. 1068721,  
HERITAGE ON IVANHOE TM - PROJECT NO. 289238  
ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON JANUARY 24, 2013

**GENERAL**

1. This Tentative Map will expire January 24, 2016.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the recordation of the Final Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Final Map shall conform to the provisions of Coastal Development Permit No. 1066556, an amendment of Coastal Development Permit No. 793182
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

6. Prior to the recordation of a Final Map, the applicant shall pay an additional Affordable Housing Fee of \$71,612.16 for eight of the residential units that were issued building permits pursuant to Project No. 269790.

Project No. 289238  
TM No. 1068721



7. Prior to the recordation of a Final Map, the applicant shall pay an Affordable Housing Fee of \$11,765.25 for the condominium conversions of the residential units addressed as 7736 and 7742 (previously addressed as 7740) Ivanhoe Avenue.

**ENGINEERING**

8. This Permit shall comply with all Conditions of Coastal Development Permit No. 793182/Site Development Permit No. 936015 and as amended.
9. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
10. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
11. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Director of Public Utilities.
12. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
13. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**MAPPING**

14. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].

Project No. 289238  
TM No. 1068721

15. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
16. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**INFORMATION:**

- On November 3, 2011, the tenants for 7736 were served with a notice that their lease will not be renewed and the tenants for 7742 (previously addressed as 7740) Ivanhoe Avenue were served with a notice of termination of tenancy. Both structures have remained vacant since January 6, 2012. The application for TM, which includes the condominium conversion of the existing two structures, was deemed complete on August 2, 2012. The notices to the tenants were served greater than 180 days from the date of the TM application; therefore, the additional noticing requirements for a condominium conversion pursuant to the SDMC Section 125.0444(a) and Subdivision Map Act Sections 66452.17 and 66427.1 would not apply to this subdivision. The 12 new residential units have not received a certificate of occupancy and would not be subject to the noticing requirement.
- Building Permits for four of the residential units were issued (7714, 7720, 7722, and 7728 Ivanhoe Avenue) and an Affordable Housing Fee of \$38,674.68 was paid at the time of the issuance of the building permits. The calculation rate for the Affordable Housing Fee was calculated at \$4.98 per square foot; therefore, the four building permits are



incompliance with the regulations and no additional Inclusionary Housing Fees are required for these units.

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider 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 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

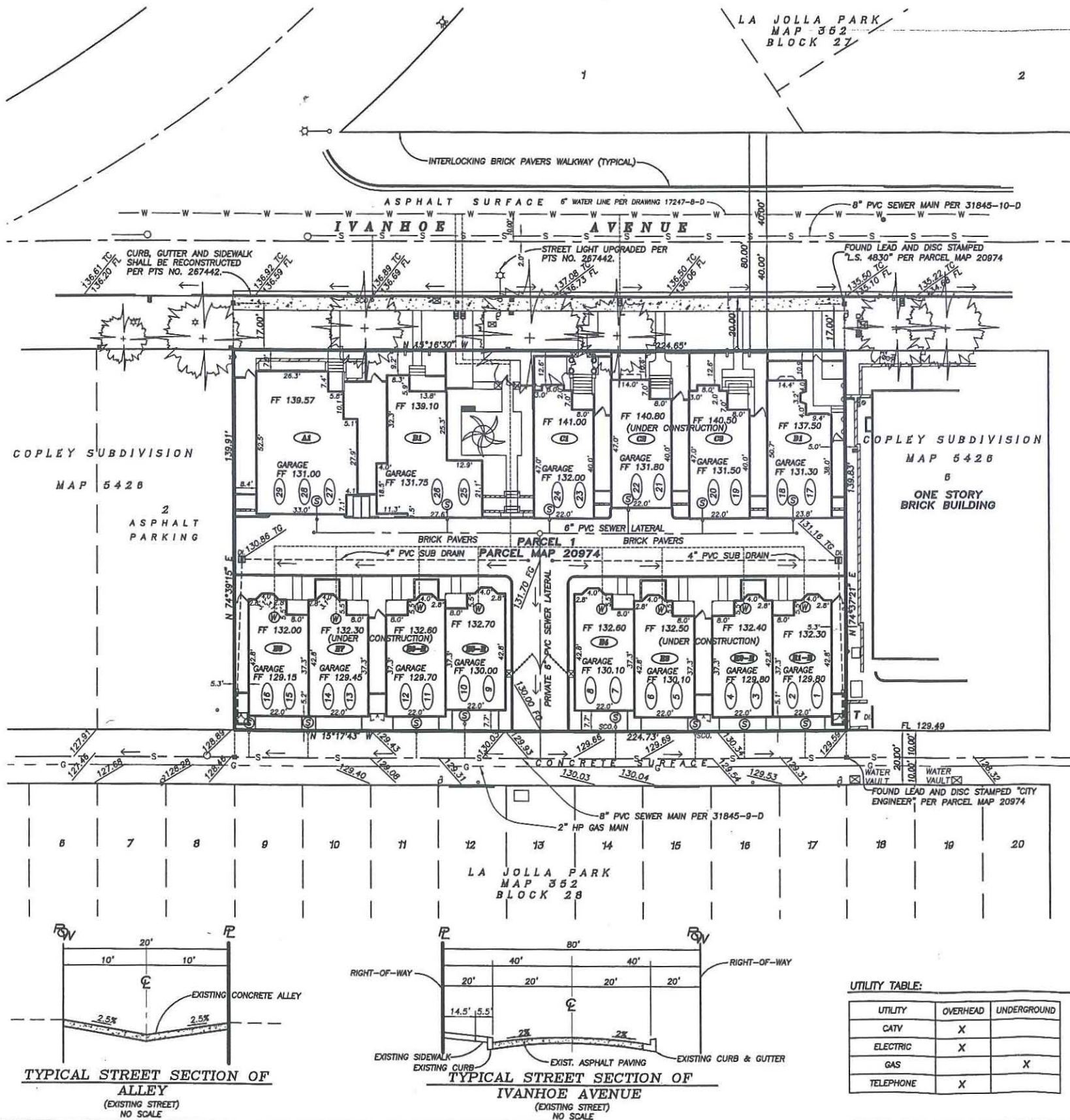
Internal Order No. 24003033

Project No. 289238  
TM No. 1068721



# Heritage on Ivanhoe

## Tentative Map No. 1068721, Project No. 289238



### CITY OF SAN DIEGO DEVELOPMENT SUMMARY

- SUMMARY OF REQUEST:**  
CREATE 14 CONDOMINIUM DWELLING UNITS  
FILE FINAL SUBDIVISION MAP
- STREET ADDRESS:** 7700 IVANHOE AVENUE  
N SIDE  
BETWEEN TORREY PINES ROAD AND PROSPECT STREET
- SITE AREA:**  
TOTAL SITE AREA (GROSS): (31,427 SF) (0.722 AC.)  
NET SITE AREA: (31,427 SF) (0.722 AC.)
- DENSITY: (RESIDENTIAL)**  
MAXIMUM NO. DWELLING UNITS ALLOWED PER ZONE: 31  
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 3  
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 11  
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 14
- YARD/SETBACK:**  
FRONT: 10' MINIMUM  
SIDE: 5' MINIMUM (DEVIATION ALLOWED BY CDP 793182/SDP 938015)  
STREET SIDE: 10' MINIMUM  
REAR: 5' MINIMUM  
MAXIMUM STRUCTURE HEIGHT: 40' ZONING HEIGHT AND 30' COASTAL HEIGHT
- PARKING:**  
PARKING CRITERIA:  
 RESIDENTIAL  COMMERCIAL  INDUSTRIAL  
 MIXED USE  OTHER

TYPE OF UNIT	NUMBER OF TYPE	PARKING REQUIRED PER UNIT	TOTAL PER TYPE
4 BR UNIT	2	2	4
3 BR UNIT	12	2	24
<b>TOTAL REQUIRED BY ZONE</b>			<b>28</b>
<b>TOTAL PROVIDED ON-SITE</b>			<b>29</b>

### UNIT AREAS

TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT	TOTAL PER TYPE
3 BR UNIT	8	2,249	17,992
3 BR UNIT	3	2,391	7,173
3 BR UNIT	1	2,097	2,097
4 BR UNIT	1	1,693	1,693
4 BR UNIT	1	3,032	3,032

### ZONING INFORMATION

EXISTING AND PROPOSED ZONE: RM-3-7  
RESIDENTIAL MULTIPLE UNIT-3-7  
OVERLAY ZONES: COASTAL HEIGHT LIMIT  
COASTAL CITY  
RESIDENTIAL TANDEM PARKING  
TRANSIT AREA

### MONUMENTATION & MAPPING

ALL MONUMENTS HAVE BEEN FOUND PER PARCEL MAP NO. 20974. ANY MONUMENTS DESTROYED DURING CONSTRUCTION WILL BE RESET AND A CORNER RECORD FILED.

### EXISTING IMPROVEMENTS

SEWER DRAWING NO. 31845-10-D  
WATER DRAWING NO. 17247-B-D

### EXISTING EASEMENT:

- AN EASEMENT GRANTED TO SAN DIEGO GAS AND ELECTRIC FOR UTILITIES AND ACCESS, RECORDED DECEMBER 20, 1940 IN BOOK 1108, PAGE 377 OF OFFICIAL RECORDS. THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD AND THEREFORE COULD NOT BE PLOTTED.

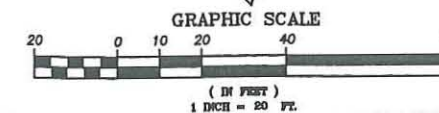
### DEVELOPMENT NOTES:

- THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 14.
- NUMBER OF EXISTING LOTS = 1  
NUMBER OF PROPOSED LOTS = 1
- THE SITE IS CURRENTLY UNDER CONSTRUCTION. BUILDINGS E1 THROUGH E3, APPROVED AS PLAN FILE/WORK ORDER NO. 269790, BUILDINGS C1, C2 & C3 APPROVED AS PLAN FILE/WORK ORDER NO. 272578, BUILDING D1 APPROVED AS PLAN FILE/WORK ORDER NO. 279085, BUILDINGS A1 & B1 ARE EXISTING BUILDINGS.

### OWNER/DEVELOPER:

HERITAGE ON IVANHOE, LLC,  
A CALIFORNIA LIMITED LIABILITY COMPANY  
4541 INGRAM STREET  
SAN DIEGO, CA 92109

MICHAEL E. TURK, GENERAL MANAGER



### LEGEND:

- INDICATES FOUND LEAD AND DISC STAMPED "L.S. 7046" PER PARCEL MAP 20974. EXCEPT AS NOTED.
- INDICATES PROPERTY LINE/TOWN BOUNDARY
- ⊕ INDICATES UTILITY POLE
- ⊙ INDICATES UTILITY POLE ANCHOR
- ⊕ INDICATES WATER METER
- ⊕ INDICATES SEWER CLEAN OUT
- ⊕ INDICATES STREET LIGHT
- ⊕ INDICATES LIGHT POLE
- ⊕ INDICATES FIRE DEPARTMENT CONNECTION
- ⊕ INDICATES POST INDICATOR VALVE
- ⊕ INDICATES FIRE HYDRANT
- ⊕ INDICATES ELECTRIC VAULT, EXCEPT AS NOTED.
- ⊕ INDICATES TRASH ENCLOSURE
- ⊕ INDICATES WATER SERVICE
- ⊕ INDICATES SEWER SERVICE
- INDICATES BLOCK WALL
- ← INDICATES DIRECTION OF DRAINAGE
- FG INDICATES FINISHED GRADE
- TG INDICATES TOP OF GRATE
- DI INDICATES DRAIN INLET
- ⊕ INDICATES GARAGE PARKING SPACE

### PROFESSIONAL LAND SURVEYOR:

SAN DIEGO LAND SURVEYING & ENGINEERING, INC.  
9685 CHESAPEAKE DRIVE, SUITE 445  
SAN DIEGO, CALIFORNIA 92123 (858) 565-8362  
DRAWING NO. Ivanhoe Ave 7700 Map Waiver.dwg

ROBERT J. BATEMAN, P.L.S. 7046

12-04-2012  
DATE



### Prepared By:

SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.  
9685 CHESAPEAKE DRIVE, SUITE 445  
SAN DIEGO, CA 92123  
858-565-8362

### Consultants:

### Benchmark:

CITY OF SAN DIEGO BENCH MARK, BRASS PLUG AT THE NORTHWEST CORNER OF IVANHOE AVENUE AND SILVERADO STREET.  
ELEVATION = 129.28 M.S.L.

### Project Legal Description:

PARCEL 1 OF PARCEL MAP NO. 20974, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 7, 2012 AS FILE NO. 2012-0333330 OF OFFICIAL RECORDS.

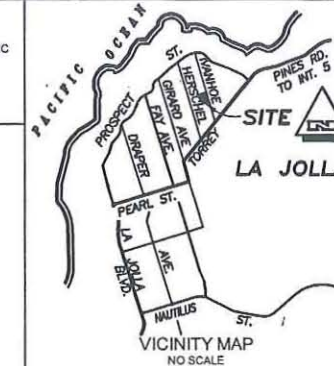
### Lambert Coordinates:

NAD 27 = 246-1686 NAD 83 = 1889-6247

### Project Name:

Heritage on Ivanhoe

Sheet Title:  
Tentative Map No. 1068721  
PTS No. 289238



### Project Soil Condition:

Existing developed site.

### Source of Topography:

A field survey by San Diego Land Survey on 08-10-2011

### Project Permits Required:

Map Waiver  
Certificate of Compliance

### Project Data:

Number of Stories: 3  
Proposed use: Multi-Family Res.  
Existing use: Multi-Family Res.  
Zone Designation: RM-3-7  
Year of Construction (exist. structure): (Under Const.)

### Project Address:

7700 Ivanhoe Avenue  
La Jolla, CA 92037  
A.P.N. 350-332-21

Project Owner:  
Heritage on Ivanhoe LLC  
4641 Ingraham Street  
San Diego, CA 92109

Scale: 1" = 20'  
Original Date: July 18, 2012  
Revised: Sept. 18, 2012  
Revised: Nov. 5, 2012

Revised: Dec. 4, 2012  
Sheet 1 of 1







P.O. BOX 889  
LA JOLLA  
CALIFORNIA 92038

**LA JOLLA COMMUNITY PLANNING ASSOCIATION**

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900  
<http://www.LaJollaCPA.org> Email: [Info@LaJollaCPA.org](mailto:Info@LaJollaCPA.org)

**Regular Meeting – 01 November 2012**

**Attention:** Jeff Peterson, PM  
City of San Diego

**Project:** Heritage On Ivanhoe MW  
7716 Ivanhoe Ave (multiple addresses)  
PN: 289238

**Motion:** To accept the actions of the Development Permit Review Committee: The findings can be made for a Map Waiver and Amendment to CDP #793182 to create 14 residential condominium units at 7716 Ivanhoe Avenue 5628 La Jolla Blvd: Signage and façade colors comply with the PDO. 5-0-1 **Vote: 11-0-1**

A handwritten signature in black ink, appearing to read "Tony Crisafi".

01 November 2012

**Submitted by:** Tony Crisafi, President  
La Jolla CPA

**Date**





NOTICE OF EXEMPTION

(Check one or both)

TO:  X  RECORDER/COUNTY CLERK  
P.O. BOX 1750, MS A-33  
1600 PACIFIC HWY, ROOM 260  
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
1222 FIRST AVENUE, MS 501  
SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH  
1400 TENTH STREET, ROOM 121  
SACRAMENTO, CA 95814

PROJECT TITLE/ NO.: HERITAGE ON IVANHOE TENTATIVE MAP / 289238

PROJECT LOCATION-SPECIFIC: 7714-7742 Ivanhoe Avenue, San Diego, CA 92037

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: The applicant is requesting a Tentative Map and Final Map and an Amendment to Coastal Development Permit No. 793182 to create 14 residential condominium units (currently under construction). The construction of the 14 multi-dwelling units was approved in January 2012 under Project Number 222657 which was determined to be categorically exempt from CEQA pursuant to CEQA State Guidelines 15332 (Infill Development). The 0.72-acre project site is located at 7714-7742 Ivanhoe Avenue, designated medium High Residential (30-45 dwelling unit per acre), the RM-3-7 Zone, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable 2 area), and the Residential Tandem Parking Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area. (LEGAL DESCRIPTION: Parcel 1 of Parcel Map No. 20974).

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Michael E. Turk, Heritage on Ivanhoe LLC, 4641 Ingraham Street, San Diego, CA 92109, (858) 274-5995.

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268)
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a))
- EMERGENCY PROJECT (SEC. 21080(b)( 4); 15269 (b)(c))
- CATEGORICAL EXEMPTION: 15305 (Minor Alterations in Land Use Limitations)
- STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment nor would the project result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15305 which allows for minor alterations in land use limitations which do not result in changes to land use or density.




LEAD AGENCY CONTACT PERSON: E. Shearer-Nguyen

TELEPHONE: (619) 446-5369

## IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?  
( ) YES ( ) NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA.

 Sr. Planner  
SIGNATURE/TITLE

December 4, 2012  
DATE OF PROJECT APPROVAL

## CHECK ONE:

- (X) SIGNED BY LEAD AGENCY  
( ) SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:



THE CITY OF SAN DIEGO

Date of Notice: December 4, 2012

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

Internal Order No. 24003033

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**PROJECT NAME/NUMBER:** HERITAGE ON IVANHOE TENTATIVE MAP / 289238

**COMMUNITY PLAN AREA:** La Jolla

**COUNCIL DISTRICT:** 1

**LOCATION:** 7714-7742 Ivanhoe Avenue, San Diego, CA 92037

**PROJECT DESCRIPTION:** The applicant is requesting a Map Waiver to waive the requirement of a Tentative Map and Final Map, and an Amendment to Coastal Development Permit No. 793182 to create 14 residential condominium units (currently under construction). The construction of the 14 multi-dwelling units was approved in January 2012 under Project Number 222657 which was determined to be categorically exempt from CEQA pursuant to CEQA State Guidelines 15332 (Infill Development). The 0.72-acre project site is located at 7714-7742 Ivanhoe Avenue, designated medium High Residential (30-45 dwelling unit per acre), the RM-3-7 Zone, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable 2 area), and the Residential Tandem Parking Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area. (LEGAL DESCRIPTION: Parcel 1 of Parcel Map No. 20974).

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego Hearing Officer Decision.

**ENVIRONMENTAL DETERMINATION:** Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15305 (minor Alterations in Land Use Limitations).

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment nor would the project result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15305 which allows for minor alterations in land use limitations which do not result in changes to land use or density.



**DEVELOPMENT PROJECT MANAGER:** Jeffrey A. Peterson  
**MAILING ADDRESS:** 1222 First Avenue, MS-501, San Diego CA 92101  
**PHONE NUMBER:** (619) 446-5237

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On December 4, 2012 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 15 business days from the date of the posting of this Notice. The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



City of San Diego  
**Development Services**  
 1222 First Ave., MS-302  
 San Diego, CA 92101  
 (619) 446-5000

THE CITY OF SAN DIEGO

# Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment •  Other \_\_\_\_\_

**Project Title**

Heritage on Ivanhoe

**Project No. For City Use Only**

289238

**Project Address:**

7716, 7718, 7724, 7726, 7730, 7732, 7738 & 7740 Ivanhoe Avenue

**Part I - To be completed when property is held by Individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached**  Yes  No

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_

Owner  Tenant/Lessee  Redevelopment Agency

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_



<b>Project Title:</b> Heritage on Ivanhoe <u>Tm</u>	<b>Project No. (For City Use Only)</b> <u>289238</u>
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**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**

Corporation 
  Limited Liability -or- 
  General) What State? CA Corporate Identification No. \_\_\_\_\_  
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**  Yes  No

Corporate/Partnership Name (type or print):  
Heritage on Ivanhoe, LLC

Owner  Tenant/Lessee

Street Address:  
4641 Ingraham Street

City/State/Zip:  
San Diego, CA 92109

Phone No: 858-274-5995 Fax No: 858-274-0964

Name of Corporate Officer/Partner (type or print):  
Michael E. Turk

Title (type or print):  
President Managing Member

Signature : [Signature] Date: 7/17/12

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
Steve Cairncross

Title (type or print):  
member

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
Karen D. Turk

Title (type or print):  
member

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):  
Lori Cairncross

Title (type or print):  
member

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:



**State of California  
Secretary of State**

LLC-1

File # 201120010093

**Limited Liability Company  
Articles of Organization**

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

**JUL 08 2011**

A \$70.00 filing fee must accompany this form.

**Important - Read Instructions before completing this form.**

This Space For Filing Use Only

**Entity Name** (End the name with the words "Limited Liability Company," or the abbreviations "LLC" or "L.L.C." The words "Limited" and "Company" may be abbreviated to "Ltd." and "Co.," respectively.)

1. NAME OF LIMITED LIABILITY COMPANY  
HERITAGE ON IVANHOE, LLC

**Purpose** (The following statement is required by statute and should not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE BEVERLY-KILLEA LIMITED LIABILITY COMPANY ACT.

**Initial Agent for Service of Process** (If the agent is an individual, the agent must reside in California and both Items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 3 must be completed (leave Item 4 blank).)

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS  
John M. Turner

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA      CITY      STATE      ZIP CODE  
550 West C Street, Suite 1160      San Diego      CA      92101

**Management** (Check only one)

5 THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

- ONE MANAGER
- MORE THAN ONE MANAGER
- ALL LIMITED LIABILITY COMPANY MEMBER(S)

**Additional Information**

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE.

**Execution**

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

July 8, 2011  
DATE

SIGNATURE OF ORGANIZER

Heidi Whitney  
TYPE OR PRINT NAME OF ORGANIZER



**HERITAGE ON IVANHOE, LLC  
OPERATING AGREEMENT**

EXHIBIT A

Name, Address and Taxpayer I.D. Number	Initial Capital Contribution	Percentage	Date Admitted
Michael E. Turk as Trustee of the Pacific Beach Investment Trust, Exempt Trust A and B 4641 Ingraham Street San Diego, CA 92101	See Operating Agreement	75%	<u>7/9/2011</u>
Steven E. Cairncross and Lori E. Cairncross, as Trustees of the Steven and Lori Cairncross Trust dated November 9, 1999	See Operating Agreement	25%	<u>7/8/2011</u>

DEVELOPMENT SERVICES DEPARTMENT  
**PROJECT CHRONOLOGY**  
 HERITAGE ON IVANHOE TM - PROJECT NO. 289238

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time (Working Days)</b>	<b>Applicant Response</b>
8/2/2012	First Submittal	Project Deemed Complete	-	-
8/21/2012	First Assessment Letter		13 days	
11/5/2012	Second Submittal			53 days
11/16/2012	Second Review Completed		8 days	
12/4/2012	All Issues Resolved			10 days
12/4/2012	Environmental Exemption	NORA was posted	0 day	
12/20/2012	Environmental Exemption	NORA appeal period ends.	10 days	
1/24/2013	Public Hearing	<b>First available date</b>	19 days	
<b>TOTAL STAFF TIME</b>		(Does not include City Holidays or City Furlough)	<b>50 days</b>	
<b>TOTAL APPLICANT TIME</b>		(Does not include City Holidays or City Furlough)		<b>63 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		From Deemed Complete to Hearing	<b>113 working days (175 calendar days)</b>	



