



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: February 12, 2019 REPORT NO. HO-19-021

HEARING DATE: February 20, 2019

SUBJECT: Herschel MW & CDP. Process Three Decision

PROJECT NUMBER: [602979](#)

OWNER/APPLICANT: JEWEL PROPERTIES II, LLC, Owner/Kathi Riser, Atlantis Group, Applicant

### SUMMARY

Issue: Should the Hearing Officer approve the condominium creation of three residential dwelling units under construction located at 7460-7464 Hershel Avenue within the La Jolla Community Plan area?

#### Staff Recommendations:

1. **Approve** Tentative Map Waiver No. 2126154, including a waiver of the requirement to underground public utilities; and
2. **Approve** Coastal Development Permit No. 2126155, amending Coastal Development Permit No. 472934.

Community Planning Group Recommendation: On October 4, 2018, the La Jolla Community Planning Association voted 14-0-1 to recommend approval of the proposed project without conditions.

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15305 (Minor Alterations and Land Use Limitations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 4, 2018, and the opportunity to appeal that determination ended December 18, 2018.

### BACKGROUND

The project is located on a 0.11-acre corner lot at the intersection of Pearl Street and Herschel Avenue, within a fully developed residential area of La Jolla. The project site is located at 7460-7464

Herschel Avenue, in the RM-3-7 Zone of the La Jolla Community Plan and Local Coastal Program (Community Plan). Adjacent properties are a mixture of two- and three-story multi-family residential development. The Community Plan designates the site for residential development (Attachments 1-3). Additionally, the site is in the Coastal (Non-Appealable) Overlay, the Coastal Height Limitation Overlay, the Parking Impact Overlay (Beach/Coastal), the Residential Tandem Parking Overlay, the Transit Area Overlay, and Transit Priority Area Overlay Zones.

A three-unit, three-story residential building is under construction on the project site. The project site was issued a Tentative Map Waiver (TMW) No. 477793, Coastal Development Permit (CDP) No. 472934, and Easement Vacation (EV) No. 652678 in November 2009 by the City Council. Legislative extensions enacted by state law automatically extended the map and associated development permit. In August 2015, existing structures were demolished, and right-of-way and building permits were issued for the construction of the project in January and February 2016, respectively. At building permit issuance, the applicant paid an in-lieu fee as required by the City's Affordable Housing Regulations. Construction of the project utilized the CDP and prior easements have been relocated and vacated; however, construction delays caused the original map to expire in November 2016 and no additional extensions were available. Therefore, the project requires the processing of a new TMW to subdivide the project and create three residential condominiums.

## DISCUSSION

The Herschel MW & CDP project (Project) proposes to create three residential condominiums from three residential units under construction. Any subdivision of land within the Coastal Zone requires a CDP; this project will process an amendment to the prior CDP pursuant to San Diego Municipal Code (SDMC) section 126.0113(c). This condominium creation will be accomplished through a Tentative Map Waiver pursuant to SDMC section 125.0120(b)(1).

Pursuant to SDMC section 125.0123, Findings for a Tentative Map Waiver, the Hearing Officer may approve a Tentative Map Waiver if the Hearing Officer finds that the proposed subdivision complies with the requirements of the Subdivision Map Act (SMA) and the San Diego Municipal Code (SDMC). SDMC section 144.0240 et. seq. requires Subdividers to underground existing, public utilities serving a subdivision. However, a waiver of this requirement can be considered by the decision maker concurrently with a tentative map waiver approval. The Subdivider is requesting a waiver of the requirement to underground existing public utilities within the right-of-way per SDMC 144.0242(c)(1)(B). Staff supports the waiver request because the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. Staff has reviewed the proposed subdivision and determined that it complies with both the SMA and the SDMC.

The Community Plan designates the site for residential uses. The three units on the property were allowed by the building permit and the proposed creation does not affect the previously approved construction. The subdivision conforms to the Community Plan designation by continuing to provide residential units. In addition, the Community Plan recommends the development of a variety of housing types and styles in La Jolla and recommends providing opportunities for affordable and balanced housing. The proposed subdivision would provide three, 3-bedroom condominium dwelling units. Therefore, the proposed condominium creation supports these Community Plan recommendations by providing more variety of home ownership opportunities in the area.

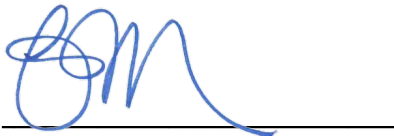
### Conclusion

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff supports a determination that the Project is consistent with the requirements of the Subdivision Map Act and conforms to the recommendations of the La Jolla Community Plan and the San Diego Municipal Code. Staff has prepared draft findings and draft conditions of approval and recommends approval of the project as proposed.

### ALTERNATIVES

1. Approve Tentative Map Waiver No. 2126154/Coastal Development Permit No. 2126155, amending Coastal Development Permit No. 472934, including a waiver of the requirement to underground public utilities, with modifications.
2. Deny Tentative Map Waiver No. 2126154/Coastal Development Permit No. 2126155, and do not amend Coastal Development Permit No. 472934, including a waiver of the requirement to underground public utilities, if the findings required to approve the project cannot be affirmed.

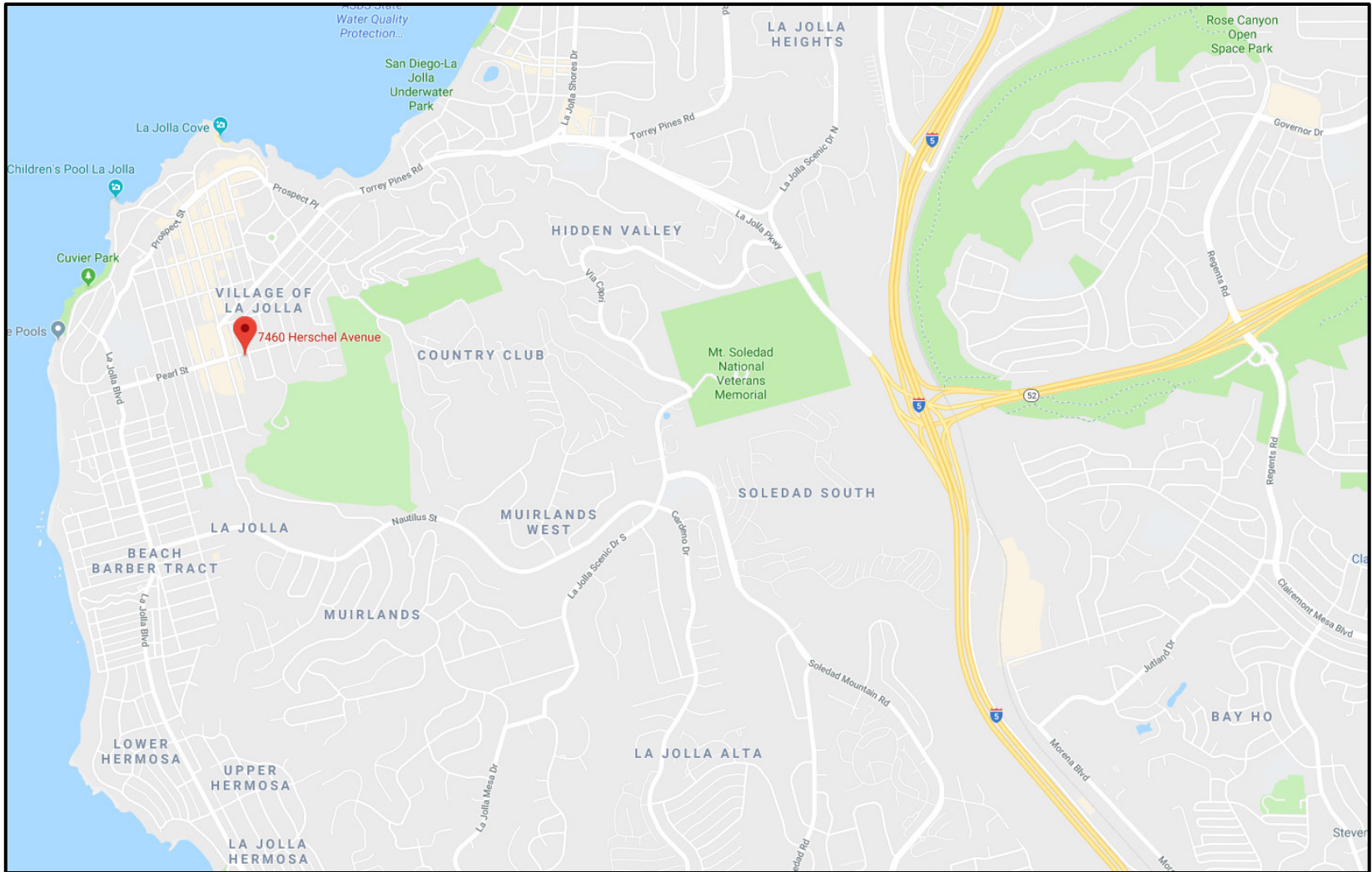
Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'FM', written over a horizontal line.

Francisco Mendoza, Development Project Manager

### Attachments:

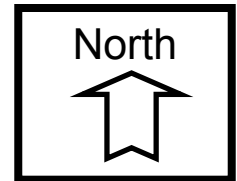
1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Draft Map Resolution
5. Draft Map Conditions
6. Draft Permit Resolution with Findings
7. Draft Permit with Conditions
8. Environmental Exemption
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Prior Coastal Development Permit No. 472934
12. Map Exhibit-Tentative Map Waiver



## Project Location Map

Herschel MW & CDP

Project No. 602979 - 7460-7464 Herschel Avenue



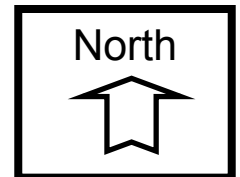




## Aerial Photograph

Herschel MW & CDP

Project No. 602979 - 7460-7464 Herschel Avenue







RESOLUTION NO. HO-\_\_\_\_\_  
DATE OF FINAL PASSAGE: FEBRUARY 20, 2019

A RESOLUTION OF THE HEARING OFFICER ADOPTING THE FINDINGS  
AND APPROVING TENTATIVE MAP WAIVER NO. 2126154 FOR  
**HERSCHEL MW & CDP – PROJECT NO. 602979**

WHEREAS, JEWEL PROPERTIES II, LLC, a Delaware limited liability company, Subdivider, and DANIEL LEE TOBAR, Engineer, submitted an application with the City of San Diego for Tentative Map Waiver No. 2126154, to waive the requirement for a tentative map and parcel map for the subdivision of three residential condominium units and to waive the requirement to underground existing offsite overhead utilities. The 0.11-acre project site is located at 7460–7464 Herschel Avenue, in the RM-3-7 Zone, the Coastal (Non-Appealable) Overlay, Coastal Height Limitation Overlay, Residential Tandem Parking Overlay, Parking Impact (Beach/Coastal) Overlay, Transit Priority Area and Transit Area Overlay Zones of the La Jolla Community Plan and Local Coastal Program (Community Plan). The property is legally described as Parcel 1, as shown on Parcel Map No. 21632, filed in the Office of the County Recorder of San Diego County, November 16, 2018 as File No. 2018-7000455; and

WHEREAS, the Map proposes the subdivision of a 0.11-acre site into three condominium units for residential development; and

WHEREAS, on December 4, 2018, 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 Guidelines 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 (SDMC) section 112.0520; and

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

WHEREAS, the project consists of three units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 4125 and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is three; and

WHEREAS, the request to waive the undergrounding of existing overhead utilities has been determined to be appropriate pursuant to SDMC section 144.0242(c)(1)(B) based on the conversion involving a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility; and

WHEREAS, on February 20, 2019, the Hearing Officer of the City of San Diego considered Tentative Map Waiver No. 2126154, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 (map waiver) and 144.0240 (underground) of the SDMC 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 Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 2126154:



**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.**

The La Jolla Community Plan (the Community Plan) designates the site for Residential use. The property is developed in accordance with this use with three residential units under construction. The proposed condominium creation would continue to comply with this designation.

The Community Plan recommends the development of a variety of housing types and styles in La Jolla and recommends providing opportunities for affordable and balanced housing. The proposed subdivision would provide three, 3-bedroom condominium dwelling units. Therefore, the proposed condominium creation supports these Community Plan recommendations by providing a variety of home ownership opportunities in the area. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable 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 0.11-acre site is in the RM-3-7 Zone, the Coastal Overlay, Coastal Height Limit, Residential Tandem Parking Overlay, Parking Impact (Beach/Coastal) Overlay, Transit Priority Area and Transit Area Overlay Zones. The proposed Tentative Map Waiver is to create residential units for individual ownership. In addition, the proposed subdivision complies with the RM-3-7 zone regulations, including, but not limited to floor area ratio, setbacks, height, and density.

The proposed subdivision complies with the requirements of the Subdivision Map Act (SMA) and the SDMC. SDMC section 144.0240 et. seq. requires Tentative Map Waiver Subdividers to underground existing, public utilities serving a subdivision. A waiver of this requirement can be considered by the decision maker concurrently with a Tentative Map Waiver approval. No deviations are requested; however, the project requests a waiver of the requirement to underground existing utilities within the right-of-way per SDMC 144.0242(c)(1)(B). Granting of the waiver is supported as the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility.

Therefore, 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.

**3. The site is physically suitable for the type and density of development.**

The 0.11-acre subdivision site is a generally flat, previously graded corner lot, located within a developed residential neighborhood within La Jolla. There are no identified geologic hazards or instabilities, nor active or inactive geologic faults. The site has a soil type appropriate for the load bearing requirements for the development under construction. Emergency services, water, wastewater, gas and electric services, and other utilities are available to the site. Therefore, the site is physically suitable for the type and density of development.

**4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The subdivision is in a developed residential neighborhood. There are no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. The design of the subdivision includes conditions and corresponding exhibits of approvals to achieve compliance with the regulations of the San Diego Municipal Code, which control pollution or runoff from the site during construction. Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife on their habitat.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.**

The design of the subdivision is consistent with surrounding uses. The project includes conditions and corresponding exhibits of approvals to achieve compliance with the regulations of the San Diego Municipal Code. To facilitate public safety, the subdivision has been conditioned to complete the construction of a sidewalk, curb and gutter. 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.**

The proposed subdivision does not contain, or propose, any new easements for the development. A previously existing drainage easement has been vacated and existing facilities relocated from within the project boundaries. The site is previously graded with frontage along all sides where public access will be maintained or improved. Therefore, the design of the subdivision and proposed improvements would not conflict with 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.**

The proposed subdivision of three residential condominium units on a corner lot will not impede or inhibit any future passive or natural heating and cooling opportunities. Corner lots provide an additional elevation with ample opportunities for passive heating (through solar gain) and cooling (through pass-through ventilation). Therefore, the design of the proposed subdivision provides, to the extent feasible, for future 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.**

The proposed subdivision is within an urbanized, developed area of La Jolla. The project would provide three dwelling units for home ownership opportunities, increasing the needed supply of housing in the region. The project site is served by existing public infrastructure, including water, sewer, and public utilities. All applicable Development Impact Fees, school fees, infrastructure (water/sewer) improvement fees were paid at construction permit issuance in accordance with the La Jolla Facilities Finance Plan. The project site is also served by existing public services, including, but not limited to, schools, shopping centers, and employment areas. The decision maker has reviewed the administrative record, including project plans, environmental documentation, and heard public testimony to determine the effect 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 and found that the proposed two lot subdivision is consistent with the housing needs anticipated for the region.

That said 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 Hearing Officer, Tentative Map Waiver No. 2126154, including the request to waive the requirement to underground existing offsite overhead utilities, is hereby granted to JEWEL PROPERTIES, II, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By \_\_\_\_\_  
Francisco Mendoza  
Development Project Manager  
Development Services Department

ATTACHMENT: Tentative Map Waiver Conditions  
Internal Order No. 12002110



## ATTACHMENT 5

HEARING OFFICER  
CONDITIONS FOR TENTATIVE MAP WAIVER NO. 2126154  
**HERSCHEL MW & CDP - PROJECT NO. 602979**  
ADOPTED BY RESOLUTION NO. HO-\_\_\_\_\_ ON FEBRUARY 20, 2019.

### **GENERAL**

1. Tentative Map Waiver No. 2126154 will expire March 6, 2022.
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 Certificate of Compliance unless otherwise noted.
3. A Certificate of Compliance shall be recorded in the Office of the San Diego County Recorder, prior to the Tentative Map Waiver expiration date.
4. Prior to the recordation of the Certificate of Compliance, 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.

If a tax bond is required as indicated in the tax certificate, ensure that it is paid or posted at the County Clerk of the Board of Supervisors Office and supply proof prior to the recordation of the Certificate of Compliance.

5. This Subdivision shall conform to the provisions of Coastal Development Permit No. 2126155 and Coastal Development Permit No. 472934.
6. 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 the Subdivider of any claim, action, or proceeding, or if the 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 bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

### **ENGINEERING**

7. The Subdivider shall construct the required Public Improvements per approved Right-of-Way Permit No. 1287586 (Project No. 368240), including relocation of storm drain, new driveways, new water meters, curb and gutter, and curb ramp, satisfactory to the City Engineer.

## **ATTACHMENT 5**

8. The Subdivider shall prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or transfer more than one condominium unit or lot, satisfactory to the City Engineer.
9. 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.
10. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver 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**

11. Prior to the issuance of a Certificate of Compliance, Development Services Department staff will perform a field monument inspection to verify that all property corners are being marked with survey monuments. If any of the survey monuments are missing, it must be replaced with a new monument, and a Corner Record or Record of Survey (whichever is applicable) shall be filed with the County Recorder pursuant to the Professional Land Surveyors Act. A copy of the filed Corner Record or Record of Survey must be submitted to satisfy this requirement prior to the approval and recordation of the Certificate of Compliance.

### **INFORMATION:**

- The approval of this Tentative Map Waiver by the Hearing Officer 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 U.S.C. § 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 Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

## **ATTACHMENT 5**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver 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. 12002110

HEARING OFFICER RESOLUTION NO. HO-\_\_\_\_\_.  
COASTAL DEVELOPMENT PERMIT NO. 2126155  
**HERSCHEL MW & CDP - PROJECT NO. 602979**  
(AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 472934)

WHEREAS, JEWEL PROPERTIES II, LLC, a Delaware limited liability company, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide three residential condominium units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2126155), on portions of a 0.11-acre site; and

WHEREAS, the project site is located at 7460–7464 Herschel Avenue, in the RM-3-7 Zone, the Coastal (Non-Appealable) Overlay, Coastal Height Limitation Overlay, Residential Tandem Parking Overlay, Parking Impact (Beach/Coastal) Overlay, Transit Area Overlay, and Transit Priority Area Zones of the La Jolla Community Plan and Local Coastal Program; and

WHEREAS, the project site is legally described as: Parcel 1, as shown on Parcel Map No. 21632, filed in the Office of the County Recorder of San Diego County, November 16, 2018 as File No. 2018-7000455; and

WHEREAS, on October 4, 2018, 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 Guidelines section 15305 (Minor Alterations and Land Use Limitations) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code (SDMC) Section 112.0520; and



WHEREAS, on February 20, 2019, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 2126155, amendment to Coastal Development Permit No. 472934, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2126155:

**A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]**

**1. Findings for all Coastal Development Permits:**

- a. The proposed coastal development will not encroach upon any existing physical accessway 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 Herschel MW & CDP project (Project) is located at 7460–7464 Herschel Avenue in the RM-3-7 Zone within the La Jolla Community Plan and Local Coastal Program (Community Plan). The project site is located approximately 2,800 feet east from the Pacific Ocean in an established multi-family residential neighborhood within La Jolla. The Project creates residential condominiums from three dwelling units under construction. The property is a corner lot bounded by Pearl Street to the north and Herschel Avenue to the east. Both rights-of-way are developed, and do not contain views or accessways to the ocean as identified within the Community Plan. There are no views to the ocean from the property. In addition, there is no physical accessway legally used by the public on this property; nor any proposed public accessway as identified in the Community Plan across or through the property.

Therefore, the proposed coastal development will not encroach upon any existing physical accessway 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.

- b. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The Project site is a previously graded corner lot and is being developed with three dwelling units under construction, and is located 2,800 feet east from the Pacific Ocean. The site is not located within, or adjacent to, any coastal bluff, beach, or special flood area. There are no watercourses, Environmentally Sensitive Lands (ESL)

or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site. The Project complies with all applicable provisions of the SDMC and the Community Plan. The Project was determined to be categorically exempt from CEQA pursuant to CEQA Guidelines section 15305 (Minor Alterations and Land Use Limitations). Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

**c. 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.**

The Community Plan designates the site as Medium High Residential (at a density of 30-45 dwelling units per acre, or du/ac). The 0.11-acre property is developed in accordance with this use and density. The proposed subdivision would create three residential condominium units on one parcel, which would continue to facilitate implementation of the land use designation. The three units on the property were constructed by an approved building permit and the proposed condominium creation does not affect the previously approved construction. The Community Plan recommends the development of a variety of housing types and styles in La Jolla and recommends providing opportunities for balanced housing. The proposed condominium creation conforms to these Community Plan recommendations by providing more variety of home ownership opportunities in the area.

The site is in the RM-3-7 Zone, Coastal (Non-Appealable) Overlay, Coastal Height Limitation Overlay, Residential Tandem Parking Overlay, Parking Impact (Beach/Coastal) Overlay, Transit Area Overlay, and Transit Priority Area Zones, and the proposed project complies with these regulations, including, but not limited to parking, setbacks, density and use. The proposed coastal development creates condominium residential units for individual ownership. The proposed coastal development complies with the requirements of the Subdivision Map Act (SMA) and the SDMC. SDMC section 144.0240 et. seq. also requires Tentative Map Waiver Subdividers to underground existing, public utilities serving a subdivision. No deviations are requested; however, the project requests a waiver of the requirement to underground existing public utilities within the right-of-way per SDMC 144.0242(c)(1)(B). Granting of the waiver is supported as the conversion involves a short span of overhead facility (less than a full block in length) and would not represent a logical extension to an underground facility. With the granted waiver, the subdivision would comply with all the regulations of the SMA and SDMC.

Therefore, 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.

- d. 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 2,800 feet east from the Pacific Ocean, and not between the nearest first public roadway and the sea. The project site is not located in an area identified for public access or recreation, nor will the proposed Project impact existing public access or recreation areas. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 2126155 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2126155, a copy of which is attached hereto and made a part hereof.

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Francisco Mendoza  
Development Project Manager  
Development Services

Adopted on: February 20, 2019

IO#: 12002110

**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**

INTERNAL ORDER NUMBER: 12002110

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2126155  
**HERSCHEL MW & CDP - PROJECT NO. 602979**  
(AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 472934)  
HEARING OFFICER

This Coastal Development Permit No. 2126155 [Permit] is granted by the Hearing Officer of the City of San Diego to JEWEL PROPERTIES II, LLC, a Delaware limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 125.0120(b)(2)(A) and 126.0708. The 0.11-acre site is located at 7460-7464 Herschel Avenue, in the RM-3-7 Zone, the Coastal (Non-Appealable) Overlay, Coastal Height Limitation Overlay, Residential Tandem Parking Impact Overlay, and Transit Area Overlay Zones of the La Jolla Community Plan and Local Coastal Program. The project site is legally described as: Parcel 1, as shown on Parcel Map No. 21632, filed in the Office of the County Recorder of San Diego County, November 16, 2018 as File No. 2018-7000455.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create a three-unit condominium subdivision within an under-construction three-unit residential building described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 20, 2019, on file in the Development Services Department.

The project shall include:

- a. The creation of a three-unit condominium subdivision within an under-construction three-unit residential building;
- b. Off-street parking; and
- c. 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 March 6, 2022.
2. This Permit amends Coastal Development Permit No. 472934, all conditions of which remain in effect except where amended by this Permit to modify Engineering Requirements condition No. 12 of Coastal Development Permit No. 472934 relating to compliance to an expired Tentative Map Waiver No. 477793 (Reference Condition No. 12 below).
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. 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.).
8. 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.

9. 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.

10. 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.

11. 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.

**ENGINEERING REQUIREMENTS:**

12. This Permit shall comply with all conditions of Tentative Map Waiver No. 2126154.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 Hearing Officer of the City of San Diego on February 20, 2019 and HO-\_\_\_\_\_.

## ATTACHMENT 7

Coastal Development Permit No. 2126155  
Date of Approval: February 20, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

---

Francisco Mendoza  
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.

**JEWEL PROPERTIES II, LLC,**  
A Delaware limited liability company  
By: McMillin, LLC,  
A Delaware limited liability company  
Owner/Permittee

By \_\_\_\_\_

Vincent G. Ferrer  
Executive Vice President

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





THE CITY OF SAN DIEGO

Date of Notice: December 4, 2018

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 12002049

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**PROJECT NAME / NUMBER:** Herschel MW & CDP / 602979

**COMMUNITY PLAN AREA:** LA JOLLA

**COUNCIL DISTRICT:** 1

**LOCATION:** 7460 HERSCHEL AVENUE, LA JOLLA, CA 92037

**PROJECT DESCRIPTION:** The project is requesting a Map Waiver (MW) and an Amendment to the Coastal Development Permit (CDP) No. 472934 for the creation of three residential condominium units, currently under construction under a separate action, and to waive the requirements to underground existing utilities at 7460 Herschel Ave. The 0.11-acre site is designated Residential Medium High (30-45 DU/acre) per the La Jolla Community Plan and Local Coastal Program Area and is subject to the RM-3-7 zone requirements. The project is also subject to Coastal Overlay Zone (Non-appealable-2), Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, Early Village Thematic Historic District, and Council District 1.

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

**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 which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15305 (Minor Alterations in Land Use Limitation) which allows for minor alterations in land use limitations in areas with an average slope of less than 20 percent which do not result in any changes in land use or density, including but not limited to minor lot line adjustments, side yard, and setback variances not resulting in the creation of any new parcel. Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply.

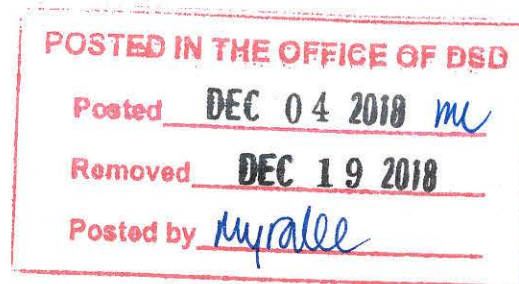
**DEVELOPMENT PROJECT MANAGER:** Francisco Mendoza  
**MAILING ADDRESS:** 1222 First Avenue, MS 301, San Diego, CA 92101-4153  
**PHONE NUMBER / EMAIL:** (619) 446-5433 /FMendoza@sandiego.gov

---

On December 4, 2018 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 10 business days from the date of the posting of this Notice (December 18, 2018). 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.





## La Jolla Community Planning Association

October 22, 2018

To: *Pancho Mendoza*

Cc: *Kati Riser*

RE: Herschel Avenue MW & CDP

On *October 4, 2018* at the Regular Meeting of the La Jolla Community Planning Association (LJCPA) Trustees reviewed *the Herschel Avenue MW & CDP project* as an Action item on the Consent Agenda.

**10.2 Map Waiver and Amendment of Coastal Development Permit # 472934 for the creation of three residential condominium units under construction and to waive the requirements for underground existing utilities at 7460 Herschel Avenue. The 0.11 acre site is in the RM-3-7 zone, Coastal (Non-appealable) overlay zone within the La Jolla Community Plan area, Council District 1.**

**DPR Motion:** Findings can be made for the MW/CDP. Approved 6-1-1.

The LJCPA voted on consent (14-0-1) to accept the recommendation of the DPR.

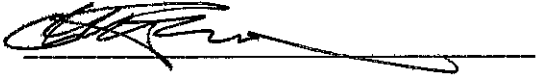
**Sincerely,**

Bob Steck  
**President**

Owner and Applicant (Page 2 of Ownership Disclosure Statement)

Jewel Properties II, a Delaware Limited Liability Company

By: McMillin, LLC, a Delaware Limited Liability Company, its sole member

A handwritten signature in black ink, appearing to read "Vincent G. Ferrer", is written over a horizontal line.

By: Vincent G. Ferrer, Executive Vice President

Owners of more than 10% interest in McMillin, LLC:

Scott M. and Susan W. McMillin as Trustees of the Scott and Susan McMillin Family Trust dated 10/19/89

Scott M. and Susan W. McMillin as Trustees of the Andrew McMillin Irrevocable Trust dated 12/1/11

Scott M. and Susan W. McMillin as Trustees of the Jessica McMillin Irrevocable Trust dated 12/1/11

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

**WHEN RECORDED MAIL TO**  
CITY CLERK  
MAIL STATION 2A

THE ORIGINAL OF THIS DOCUMENT  
WAS RECORDED ON FEB 24, 2010  
DOCUMENT NUMBER 2010-0092016  
DAVID L. BUTLER, COUNTY RECORDER  
SAN DIEGO COUNTY RECORDER'S OFFICE  
TIME: 11:59 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-8154

**COASTAL DEVELOPMENT PERMIT NO. 472934**  
**HABITERRA - PROJECT NO. 136041**  
CITY COUNCIL

This Coastal Development Permit No. 472934 is granted by the Council of the City of San Diego to Marco Sanchez and Enrique Salcedo, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.11-acre site is located at 7460 Herschel Avenue in the RM-3-7, Coastal Overlay, Coastal Height Limit, Parking Impact, and Residential Tandem Parking Overlay zones within the La Jolla Community Plan. The project site is legally described as portions of Lots 30, 31, and 32, Block 16, Center Addition to La Jolla Park, Map No. 915, filed August 4, 1904.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to demolish the existing building and construct four residential condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated NOV 17, 2009, on file in the Development Services Department.

The project shall include:

- a. Demolition of the existing building and other site improvements and construction of a three story, four unit residential condominium development with two one-bedroom and two two-bedroom units, and a basement parking garage;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**ORIGINAL**

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The 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 shall be binding upon the Permittee and any successor(s) in interest. Any successor(s) in interest shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. In order to secure necessary permits, the Owner/Permittee may be required to complete substantial modifications to the building and site improvements to comply with applicable laws for building, fire, mechanical, plumbing, and disability access requirements.
8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

**ORIGINAL**



9. All of the conditions contained in this Permit were considered and determined to be necessary to make the findings required for this Permit. The holder of this Permit shall comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

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 the first residential building permit, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by payment of the Inclusionary Housing In-Lieu Fee.

#### **ENGINEERING REQUIREMENTS:**

12. The Coastal Development Permit shall comply with all conditions of Tentative Map Waiver 477793.

ORIGINAL

13. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.

14. Prior to the issuance of the first residential building permit, the Owner/Permittee shall assure by permit and bond the relocation of the existing twenty-four inch storm drain to the satisfaction of the City Engineer, including the City Engineer's inspection and acceptance of all related work.

#### LANDSCAPE REQUIREMENTS:

15. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall provide for a forty square foot 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.

16. If the Owner/Permittee requests a foundation only permit, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

17. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A."

18. Prior to Final Inspection, the Owner/Permittee shall install all required landscape. A "No Fee" Street Tree Permit, if applicable, shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

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

20. The Owner/Permittee shall maintain all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

21. If any required landscape, including existing or new plantings, hardscape, landscape features, or other improvements, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall be required to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.



22. The Owner/Permittee shall install root barriers within the public right-of-way to protect existing improvements from damage subsequently caused by the roots of street trees required by this permit, to the satisfaction of the City Manager.

23. The Owner/Permittee shall install a mildew resistant coastal variety of *Lagerstroemia indica* (Crepe Myrtle) as the required street trees shown in the locations on Exhibit "A" along Herschel Avenue, to the satisfaction of the City Manager.

**PLANNING/DESIGN REQUIREMENTS:**

24. No fewer than six off-street parking spaces [seven provided] shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless authorized by the appropriate City decision maker.

25. 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.

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

27. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits including, but not limited to, elevations and cross sections, or the maximum permitted building height of the underlying zone, whichever is lower.

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

29. All signs shall comply with the San Diego Municipal Code Chapter 14, Article 2, Division 12, Sign Regulations.

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

31. No structures or other encroachments over three feet in height are permitted within the visibility triangle.

ORIGINAL

**TRANSPORTATION REQUIREMENTS**

32. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the closure of all under-utilized driveways along the project's frontage and replace with curb, gutter and sidewalk, satisfactory to the City Engineer.
33. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a twenty foot wide driveway along the project's frontage on Pearl Street, satisfactory to the City Engineer.
34. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond the construction of a maximum of twenty-five foot wide driveway along the project's frontage on Herschel Avenue, satisfactory to the City Engineer.
35. The Owner/Permittee shall provide and maintain adequate visibility area on both sides of the two proposed driveways along the setback lines of Pearl Street and Herschel Avenue. No obstacles higher than thirty-six inches shall be located within this area, including yet not limited to walls, landscaping, or other improvements.
36. The "study" area as shown on the Exhibit "A" shall not be converted to any other use including a bedroom at any time. The restriction on the change of use for "study" area shall be reflected and disclosed on any future lease and/or sale agreement(s) of the dwelling units on this property.

**WASTEWATER REQUIREMENTS:**

37. Prior to the issuance of any building permits, the Owner/Permittee shall provide an Encroachment Maintenance and Removal Agreement for the private shared lateral in the public right-of-way.
38. All on-site wastewater systems shall be private.
39. All proposed public sewer facilities shall be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.
40. All proposed private sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
41. The Owner/Permittee shall not install any trees within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer main or within access easements.

ORIGINAL

WATER REQUIREMENTS:

42. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, and the removal of all existing unused services, within the Hershel Avenue and Pearl Street rights-of-way adjacent to the project site in a manner satisfactory to the Director of Public Utilities and the City Engineer.

43. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

CITY COUNCIL REQUIREMENTS:

44. Prior to the issuance of a building permit, the Owner/Permittee shall indicate on the construction plans each dwelling unit shall have individual water meters to supply water to each dwelling unit, to the satisfaction of the Development Services Department.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Council of the City of San Diego on NOV 17, 2009 by  
Resolution No. R- 305426.

ORIGINAL

Passed by the Council of The City of San Diego on November 17, 2009, by the following vote:

YEAS:                **LIGHTNER, FAULCONER, GLORIA, YOUNG, DEMAIO, FRYE,  
HUESO.**

NAYS:                **EMERALD.**

NOT PRESENT:      **NONE.**

RECUSED:           **NONE.**

AUTHENTICATED BY:

**JERRY SANDERS**

Mayor of The City of San Diego, California

**ELIZABETH S. MALAND**

City Clerk of The City of San Diego, California

(Seal)

By: Sara Richardson, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of  
RESOLUTION NO. R-305426 approved by the Council of the City of San Diego, California on  
November 17, 2009.

**ELIZABETH S. MALAND**

City Clerk of The City of San Diego, California

(SEAL)

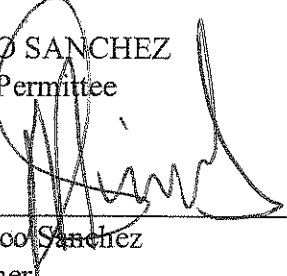
By: *Sara Richardson*, Deputy

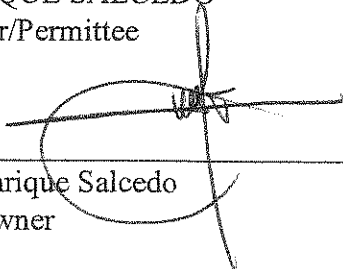
ORIGINAL

AUTHENTICATED BY THE CITY MANAGER OF THE CITY OF SAN DIEGO

By   
MIKE WESTLAKE, PROGRAM MANAGER, CITY OF SAN DIEGO

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.

MARCO SANCHEZ  
Owner/Permittee  
By   
Marco Sanchez  
Owner

ENRIQUE SALCEDO  
Owner/Permittee  
By   
Enrique Salcedo  
Owner

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

ORIGINAL

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of San DiegoOn 1-27-10 before me, Michele P. Haro, Notary Public  
(Here insert name and title of the officer)personally appeared Enrique Salcedo

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.

Michele P. Haro  
Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Costal Development Permit  
(Title or description of attached document)

NO. 472934  
(Title or description of attached document continued)

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

\_\_\_\_\_  
(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

\_\_\_\_\_  
(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

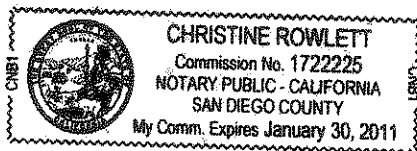
County of San DiegoOn February 12, 2010 before me, Christine Rowlett, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Marco Sanchez

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: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER**  
 Top of thumb here

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

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

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

**RIGHT THUMBPRINT  
OF SIGNER**  
 Top of thumb here

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

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

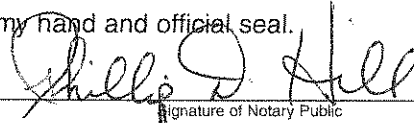
County of San DiegoOn FEBRUARY 22, 2010 before me, Phillip D. Hill, Notary Public  
Date Here Insert Name and Title of the Officerpersonally appeared MIKE WESTLAKE  
Name(s) of Signer(s)

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.

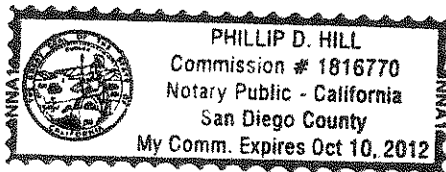
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

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: CDP 472934 HABITERRADocument Date: NOV. 17, 2009Number of Pages: 8

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: \_\_\_\_\_

**RIGHT THUMBPRINT  
OF SIGNER**  
Top of thumb here

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

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

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

**RIGHT THUMBPRINT  
OF SIGNER**  
Top of thumb here



332C  
11/17RESOLUTION NUMBER R- 305426DATE OF FINAL PASSAGE NOV 17 2009A RESOLUTION APPROVING COASTAL DEVELOPMENT  
PERMIT NO. 472934

WHEREAS, Marco Sanchez and Enrique Salcedo, Owner/Permittee, filed an application with the City of San Diego for Coastal Development Permit [CDP] No. 472934 to demolish the existing building and construct four residential condominium units known as the Habiteria Project No. 136041, located at 7460 Herschel Avenue, and legally described as portions of Lots 30, 31, and 32, Block 16, Center Addition to La Jolla Park, Map No. 915, filed August 4, 1904, in the La Jolla Community Plan area, in the RM-3-7, Coastal Overlay, Coastal Height Limit, Parking Impact, and Residential Tandem Parking Overlay zones; and

WHEREAS, on October 8, 2009, the Planning Commission of the City of San Diego considered CDP No. 472934, and pursuant to Resolution No. 4544-PC voted to recommend City Council approval of the permit; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the matter was set for public hearing on November 17, 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to CDP Permit No. 472934:

ORIGINAL

**A. Coastal Development Permit - Section 126.0708**

**1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way 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 proposed project is located at 7460 Herschel Avenue on a 0.11 acre site in the RM-3-7, Coastal Overlay, Coastal Height Limit, Parking Impact, and Residential Tandem Parking Overlay zones within the La Jolla Community Plan. The project proposes to demolish an existing building and construct a four unit condominium project. The proposed condominium project will be developed entirely within the private property and will not encroach upon any existing physical access way legally used by the public or any proposed public access way identified in a Local Coastal Program land use plan. There are no existing or proposed public access ways legally used by the public located on the subject private property. The proposed development will be constructed completely within the boundaries of the private property and will observe all required yard setbacks. The La Jolla Community Plan and Local Coastal Program identify the location of all public view corridors within the community and do not identify any such corridor within or along Herschel Avenue. From the property at 7460 Herschel Avenue, there are no views to the ocean or other scenic coastal areas. As such the proposed project will have no effect upon the public views to and along the ocean and other scenic coastal areas as identified in the Local Coastal Program land use plan.

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

The proposed project is located at 7460 Herschel Avenue on a 0.11-acre site in the RM-3-7, Coastal Overlay, Coastal Height Limit, Parking Impact, and Residential Tandem Parking Overlay zones within the La Jolla Community Plan. The project proposes to demolish an existing building and construct a four unit condominium project. The site has been previously developed with a single family structure, landscaping, and other minor improvements. There are no sensitive habitats or species located on the site, nor is the site adjacent to the City of San Diego's Multi-Habitat Planning Area. The proposed project will have no significant environmental effect and is categorically exempt under the California Environmental Quality Act. In the absence of any environmentally sensitive lands present on the site the proposed development will have no adverse affect to or upon environmentally sensitive lands.

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

The proposed project is located at 7460 Herschel Avenue on a 0.11-acre site in the RM-3-7, Coastal Overlay, Coastal Height Limit, Parking Impact, and Residential Tandem Parking Overlay zones within the La Jolla Community Plan. The project proposes to

ORIGINAL

demolish an existing building and construct a four unit condominium project. The proposed project is located within the La Jolla Community Plan area on a parcel designated for Medium High residential use which would provide for a density range of thirty to forty dwelling units per acre. The site measures 0.11-acres and would be allowed a maximum density of three to four dwelling units. The proposed density is consistent with the land use designation. The project would adhere to policies and objectives established by the community plan in that the design of the proposed structure does not affect any existing physical access way that is legally used by the public or any proposed public access way identified in a Local Coastal Program land use plan. Furthermore the proposed project will have a harmonious physical and aesthetic relationship with other existing structures in the neighborhood. Being determined the proposed project will be consistent with the La Jolla Community Plan policies and objectives the project is in conformity with the certified 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 located at 7460 Herschel Avenue on a 0.11-acre site in the RM-3-7, Coastal Overlay, Coastal Height Limit, Parking Impact, and Residential Tandem Parking Overlay zones within the La Jolla Community Plan. The project proposes to demolish an existing building and construct a four unit condominium project. The project site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay zone. Therefore, the proposed project to demolish an existing building and construct a four unit condominium project will have no effect upon public access and the recreation policies of Chapter 3 of the California Coastal Act and is in conformance with such Act.

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

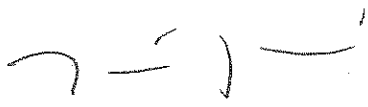
BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the approved project shall have a maximum floor area of 7,983 square feet as shown on the approved Exhibit "A" drawings referenced by the Coastal Development Permit No. 472934.

**ORIGINAL**

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Coastal Development Permit No. 472934 is granted to Marco Sanchez and Enrique Salcedo, Owners/Permittees, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
\_\_\_\_\_  
Nina M. Fain  
Deputy City Attorney

NMF:js  
10/19/2009  
11/05/2009 Cor. Copy  
11/20/2009 Cor. Copy  
Or.Dept:DSD  
R-2010-293  
MMS #10712

ORIGINAL

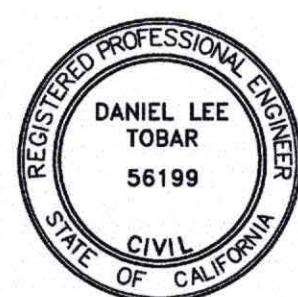


## TENTATIVE MAP WAIVER EXHIBIT NO. 2126154

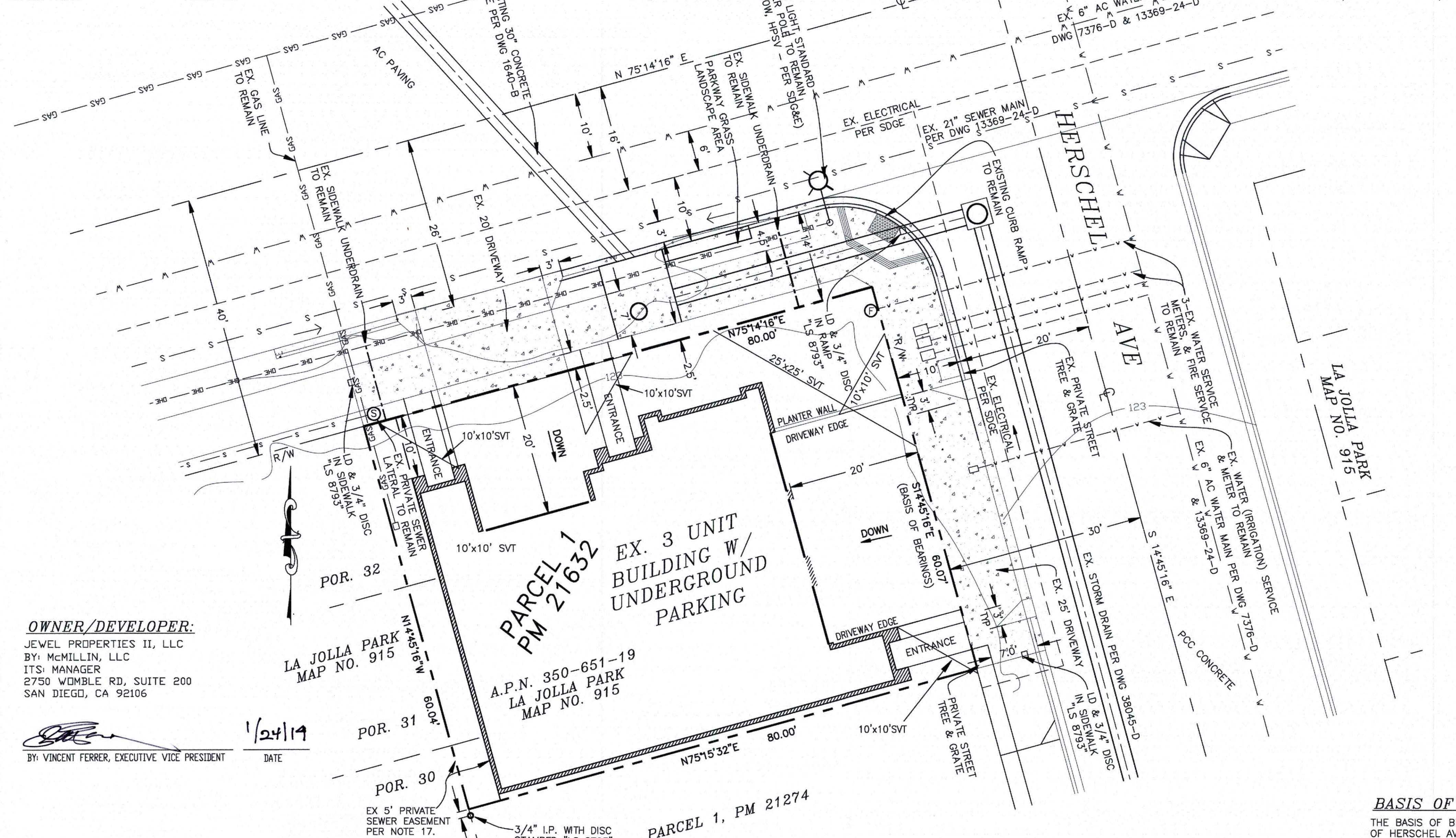
DECLARATION OF RESPONSIBLE CHARGE:

I HEREBY DECLARE THAT I AM THE ENGINEER OF WORK FOR THIS PROJECT, THAT I HAVE EXERCISED RESPONSIBLE CHARGE OVER THE DESIGN OF THE PROJECT AS DEFINED IN SECTION 6703 OF THE BUSINESS AND PROFESSIONS CODE, AND THAT THE DESIGN IS CONSISTENT WITH CURRENT STANDARDS.

I UNDERSTAND THAT THE CHECK OF PROJECT DRAWINGS AND SPECIFICATIONS BY THE CITY OF SAN DIEGO IS CONFINED TO A REVIEW ONLY AND DOES NOT RELIEVE ME, AS ENGINEER OF WORK, OF MY RESPONSIBILITIES FOR PROJECT DESIGN.

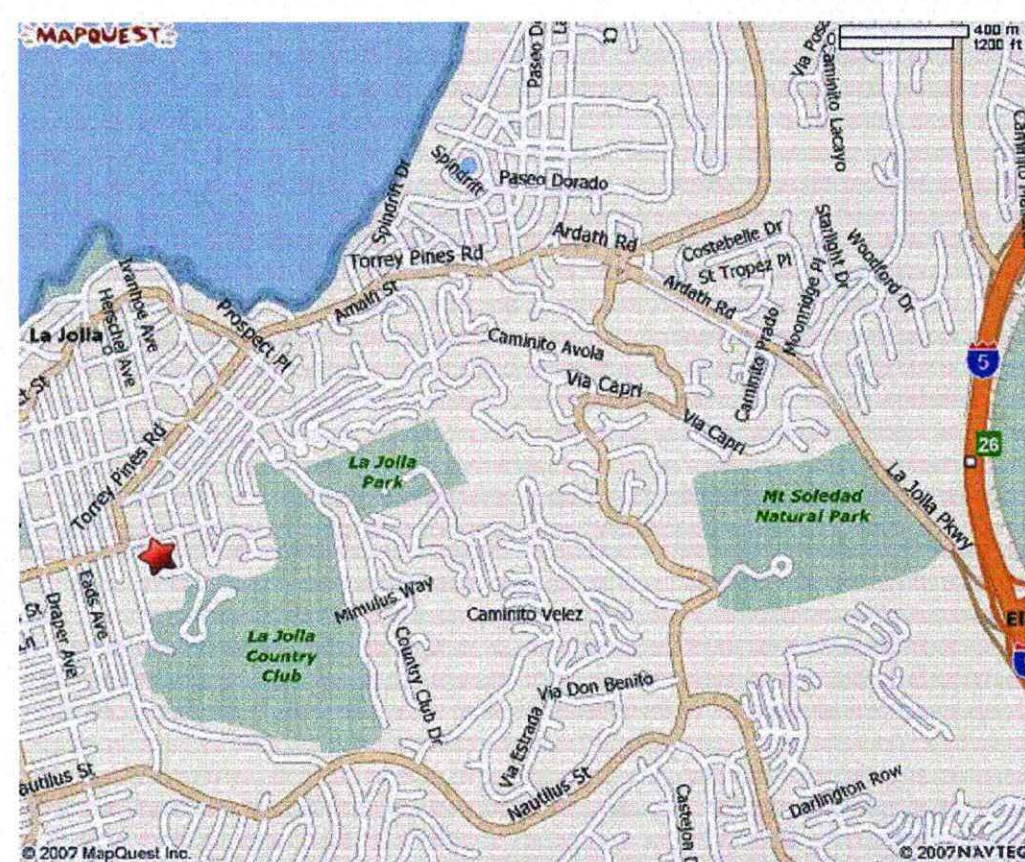


DANIEL TOBAR 56199 1/24/19  
R.C.E. NO. DATE

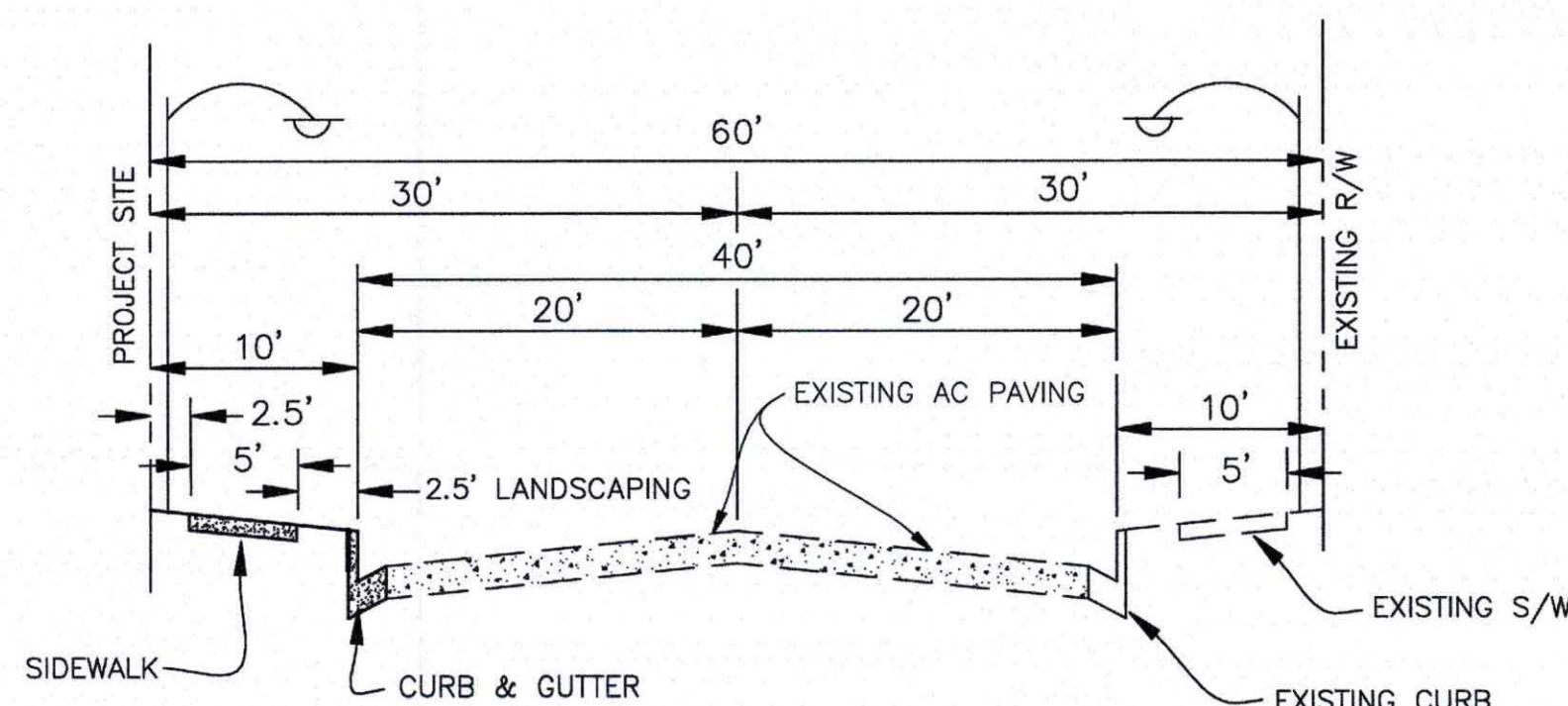
OWNER/DEVELOPER:

JEWEL PROPERTIES II, LLC  
BY: McMILLIN, LLC  
ITS: MANAGER  
2750 WIMBLE RD, SUITE 200  
SAN DIEGO, CA 92106

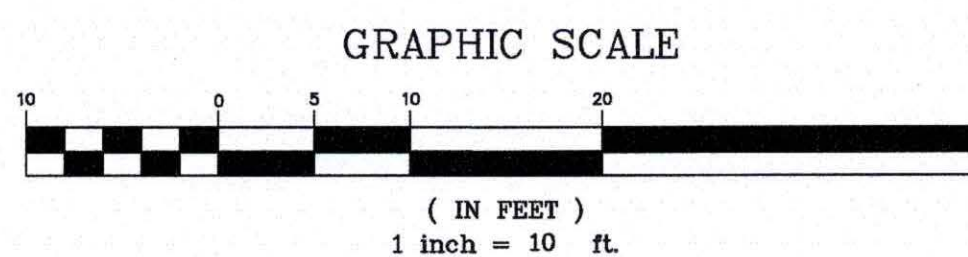
BY: VINCENT FERRER, EXECUTIVE VICE PRESIDENT  
1/24/19  
DATE



VICINITY MAP  
NO SCALE



TYPICAL STREET SECTION - HERSCHEL AVE.  
NOT TO SCALE

PROJECT ADDRESS:

7460 HERSCHEL AVE  
LA JOLLA, CA 92037

EARTHWORK:

CUT: -  
FILL: -  
EXPORT: -  
MAX CUT/FILL SLOPE: N/A

GENERAL NOTES:

- EXISTING ZONING : RM-3-7, COASTAL HEIGHT LIMITATION OVERLAY ZONE (CHLOZ) COASTAL OVERLAY ZONE, PARKING IMPACT OVERLAY ZONE, RESIDENTIAL TANDEM PARKING OVERLAY ZONE (RTPOZ), TRANSIT AREA OVERLAY ZONE
- COMMUNITY PLAN: LA JOLLA
- PROPOSED ZONING : SAME AS EXISTING
- NUMBER OF EXISTING LOTS: 1 PARCEL  
NUMBER OF PROPOSED LOTS: 1 PARCEL
- ASSESSOR'S PARCEL NUMBER: 350-651-19-00
- TOPOGRAPHY PER VICTOR RODRIGUEZ-FERNANDEZ (SURVEYED 07/01/2007) UPDATE SURVEY BY TOBAR ENGINEERING (JUNE 2018)
- SEWER SERVICE: CITY OF SAN DIEGO
- WATER SERVICE: CITY OF SAN DIEGO
- FIRE PROTECTION: CITY OF SAN DIEGO
- GAS AND ELECTRIC: SAN DIEGO GAS & ELECTRIC COMPANY
- TELEPHONE SERVICE: AT&T
- TOTAL SITE AREA: 4,800 S.F. (0.11 AC)
- SQUARE FEET PER DWELLING UNIT:  
UNIT 1 (3-BEDROOM ATTACHED) - 2858 SF  
UNIT 2 (3-BEDROOM ATTACHED) - 2979 SF  
UNIT 3 (3-BEDROOM ATTACHED) - 3547 SF
- DATE OF ORIGINAL BUILDING CONSTRUCTION: 2018
- NAD 27 (LAMBERT) COORDINATE INDEX: 246-1685
- NAD 83 COORDINATE INDEX: 1886-6245
- ON-SITE EASEMENTS:  
5 FT PRIVATE SEWER EASEMENT GRANTED TO HERSHY BOYS LLC., RECORDED OCT 29, 2014, DOC. NO. 2014-0469550, OFFICIAL RECORDS.
- MAPPING & MONUMENTATION NOTE:  
ALL PROPERTY CORNERS HAVE BEEN SET PER PARCEL MAP 21632, CONSOLIDATING HISTORIC PARCELS INTO ONE PARCEL. DETAILED PROCEDURE OF SURVEY IS SHOWN ON SAID PARCEL MAP. A CERTIFICATE OF COMPLIANCE (C of C) WILL BE REQUIRED FOR CONDOMINIUM DEVELOPMENT RIGHTS. MONUMENTS WILL BE VERIFIED PRIOR TO C of C RECORDING.
- DELETED
- DELETED
- POST INDICATOR VALVES, FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS/ACCESS SIDE OF THE STRUCTURE. UFC 1001.4.
- NO TREES OR SHRUBS EXCEEDING THREE FEET IN HEIGHT AT MATURITY SHALL BE INSTALLED WITHIN TEN FEET OF ANY PUBLIC SEWER FACILITIES.
- THIS PROJECT MUST COMPLY WITH THE MUNICIPAL CODE REQUIREMENTS FOR MAXIMUM HEIGHT OF THE STRUCTURE NOT TO EXCEED 30 FEET (SDMC, SECTIONS 131.0444 AND 132.0505). HIGHEST POINT ON ROOF EQUIPMENT, PIPE, VENT, ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 30 FEET ABOVE GRADE.
- STREET LIGHT LOCATIONS: SW CORNER OF HERSCHEL & PEARL, ADJACENT TO PROJECT SITE. NE CORNER OF GIRARD & PEARL, 300' WEST OF SITE. SW CORNER OF HIGH & PEARL, 340' EAST OF SITE.
- THE SUBDIVIDER SHALL PREPARE CC&R'S FOR THE OPERATION & MAINTENANCE OF ALL PRIVATE WATER & SEWER FACILITIES THAT SERVE OR TRAVERSE MORE THAN ONE CONDOMINIUM UNIT OR LOT.
- THE SUBDIVIDER SHALL CONSTRUCT THE REQUIRED PUBLIC IMPROVEMENTS PER APPROVED RIGHT-OF-WAY PERMIT # 1287586, PTS# 368240.

ON-SITE UTILITY TABLE:

NOTE: THE SUBDIVIDER SHALL ENSURE THAT ALL ON-SITE UTILITIES SERVING THE SUBDIVISION SHALL BE UNDERGROUNDED WITH THE APPROPRIATE PERMITS

UTILITY	LOCATION
ELECTRICAL	UNDERGROUND
GAS	UNDERGROUND
WATER/SEWER	UNDERGROUND
TELEPHONE	UNDERGROUND
CABLE	UNDERGROUND

LEGAL DESCRIPTION:

PARCEL 1 OF PARCEL MAP NO. 21632, AS DOCUMENT NO. 2018-7000455, FILED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ON NOV 16, 2018.

LEGEND:SYMBOL

x 93.5

450

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SVT

ITEM

EXISTING SPOT ELEVATION

EXISTING CONTOURS

EXISTING FENCE AS NOTED

PROPERTY LINE

TENTATIVE MAP WAIVER BOUNDARY

SIGHT VISIBILITY TRIANGLE

MINIMUM SETBACKS:

FRONT (HERSCHEL AVENUE) 10' FROM ROW  
FRONT (PEARL STREET) 10' FROM ROW  
SIDEYARD 5' FROM PL  
REAR 0' FROM PL

BENCH MARK:

LOCATION: BRASS PLUG @ THE NORTHEAST CORNER OF PEARL STREET & GIRARD AVENUE.  
ELEVATION: 119.046  
DATUM: CITY OF SAN DIEGO, MEAN SEA LEVEL

ASSESSOR'S PARCEL NUMBER:

350-651-19

REFERENCE DRAWINGS:

MAP NO. 915, BOOK 1621 - PAGE 248 OF DEEDS  
DWG 16283-B-D, 38045-D  
PARCEL MAP NO. 21632

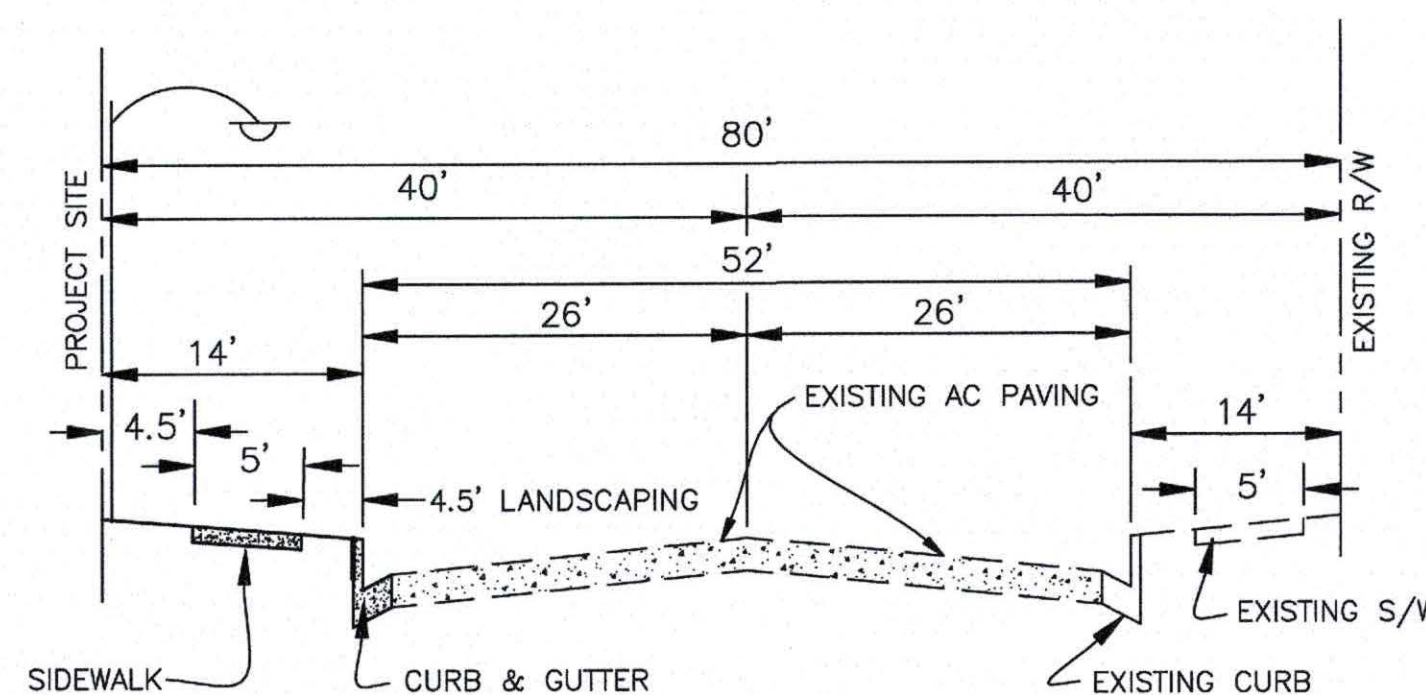
BASIS OF BEARINGS:

THE BASIS OF BEARINGS IS THE 7 FT OFFSET LINE, OF HERSCHEL AVENUE, PER PARCEL MAP 21632.

IE: S 14°45'16" E

SIGHT VISIBILITY TRIANGLES

NO OBSTRUCTION INCLUDING SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT. PLANT MATERIAL, OTHER THAN TREES, WITHIN THE PUBLIC RIGHT-OF-WAY THAT IS LOCATED WITHIN VISIBILITY AREAS SHALL NOT EXCEED 24 INCHES IN HEIGHT, MEASURED FROM THE TOP OF THE ADJACENT CURB.



TYPICAL STREET SECTION - PEARL STREET  
NOT TO SCALE

PARKING REQUIREMENTS PER SDMC TABLE 142.05C

UNIT NO.	NO. OF BEDROOMS	REQUIRED PARKING SPACES	PROVIDED PARKING SPACES
UNIT 1	3	2	2
UNIT 2	3	2	2
UNIT 3	3	2	2

TOTAL = 6 TOTAL = 6

Revision 5: \_\_\_\_\_

Revision 4: 1/24/2019

Revision 3: 1/11/2019

Revision 2: 12/10/2018

Revision 1: 07/10/2018

PTS #602979 CDP #2126155

TENTATIVE MAP WAIVER  
COASTAL DEVELOPMENT PERMIT  
472934 AMENDMENT