



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: September 11, 2019 REPORT NO. HO-19-032

HEARING DATE: September 18, 2019

SUBJECT: Bird Rock Condos. Process Three Decision

PROJECT NUMBER: [595139](#)

OWNER/APPLICANT: Bird Rock Condos, LLC / Robert Bateman, PLS

### SUMMARY

Issue: Should the Hearing Officer approve the creation of four residential condominium units and two commercial condominiums under construction located at 5652-5656 La Jolla Boulevard within the La Jolla Community Plan area?

#### Staff Recommendations:

1. Approve Coastal Development Permit No. 2127515; and
2. Approve Tentative Map No. 2127516.

Community Planning Group Recommendation: On August 1, 2019, the La Jolla Community Planning Association voted unanimously on consent to approve the proposed project without conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15305 (Minor Alterations in Land Use Limitations). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 15, 2019, and the opportunity to appeal that determination ended March 4, 2019 (Attachment 9).

### BACKGROUND

The 0.174-acre project site is located at 5652-5656 La Jolla Boulevard, mid-block within a fully developed commercial area of La Jolla known as Bird Rock. The La Jolla Community Plan and Local Coastal Program (LJCP/LCP) designates the site as Commercial/Mixed-Use (Attachments 1-3). Additionally, the property is in Zone 4 of the La Jolla Planned District (LJPD), the Parking Impact

Overlay Zone (Beach/Coastal), the Transit Area Overlay Zone, the Transit Priority Area, the Coastal Overlay Zone (Non-Appealable) and the Coastal Height Limitation Overlay Zone.

On September 16, 2016, Coastal Development Permit (CDP) No. 1615418 /Neighborhood Development Permit (NDP) No. 1688908 (Attachment 8) was issued for the demolition of two commercial buildings and the construction of a two-story 11,433-square-foot mixed-use building comprised of four dwelling units over two ground-floor retail units, with commercial tandem parking spaces accessed through the alley. On May 17, 2017, Building Permit No. 1831144 was issued for the construction of the project. At the time of building permit issuance, the applicant paid an in-lieu fee to comply with the City's Affordable Housing Regulations.

## DISCUSSION

### Project Description:

The project proposes an amendment to CDP No. 1615418 to subdivide the project site into four residential condominiums and two commercial condominiums currently under construction. Subdivision of land within the Coastal Zone requires a CDP pursuant to [SDMC Section 126.0707\(a\)](#). This condominium creation will be accomplished through a Tentative Map (TM) pursuant to [SDMC Section 125.0430](#).

The 0.174-acre project site is a fully improved interior lot located approximately 950 feet from the Pacific Ocean. The LJCP/LCP designates the site for Commercial/Mixed Use, and more specifically as Neighborhood Commercial. The residential density within this area is established by the LJPd. The project site is located within the LJPd-4 Zone, which allows a maximum density of 29 dwelling units per acre (du/ac). The proposed four-dwelling residential condominium creation yields a density of 20.6 du/ac, which conforms to the underlying land use designation and permitted density. The mixed-use nature of the site meets the LJPd and the LJCP/LCP recommended use.

No additional development is proposed with this subdivision and no additional construction or grading is permitted by this Tentative Map. The prior approvals conditioned the project site for public improvements and the proposal is consistent with the adopted policies established by the City Council of San Diego. As the proposed subdivision will not change existing buildings nor existing uses on the site, the proposed subdivision is consistent with the policies, goals, and objectives of the applicable land use plan.

### Conclusion:

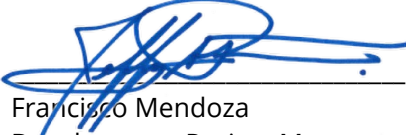
City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with the regulations of the SDMC. Staff has provided draft findings and conditions to support approval of the project (Attachments 4 through 7). Staff recommends the Hearing Officer approve the project as proposed.

## ALTERNATIVES

1. Approve Coastal Development Permit No. 2127515 and Tentative Map No. 2127516, with modifications.

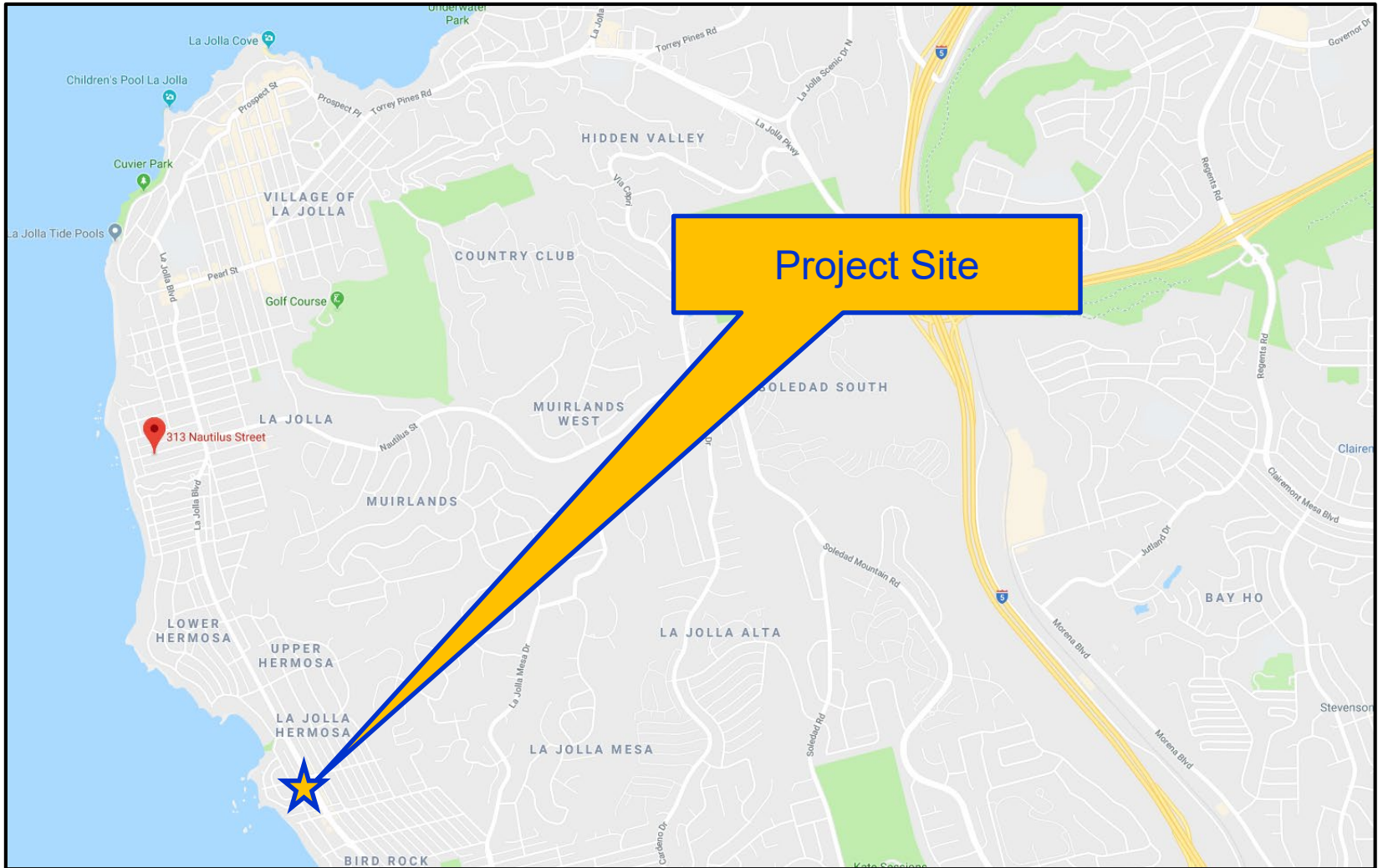
2. Deny Coastal Development Permit No. 2127515 and Tentative Map No. 2127516, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

 *For*  
Francisco Mendoza  
Development Project Manager

Attachments:

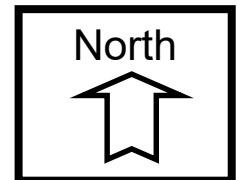
1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Draft Map Resolution with Findings
5. Draft Map Conditions
6. Draft Permit Resolution with Findings
7. Draft Permit with Conditions
8. Recorded CDP No. 1615418/NDP No. 1688908
9. Environmental Exemption-NORA
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Map Exhibit-Tentative Map



## Project Location Map

Bird Rock Condos-Project No. 595139

5652-5656 La Jolla Boulevard

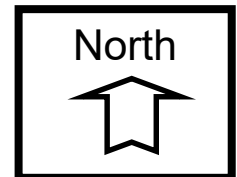


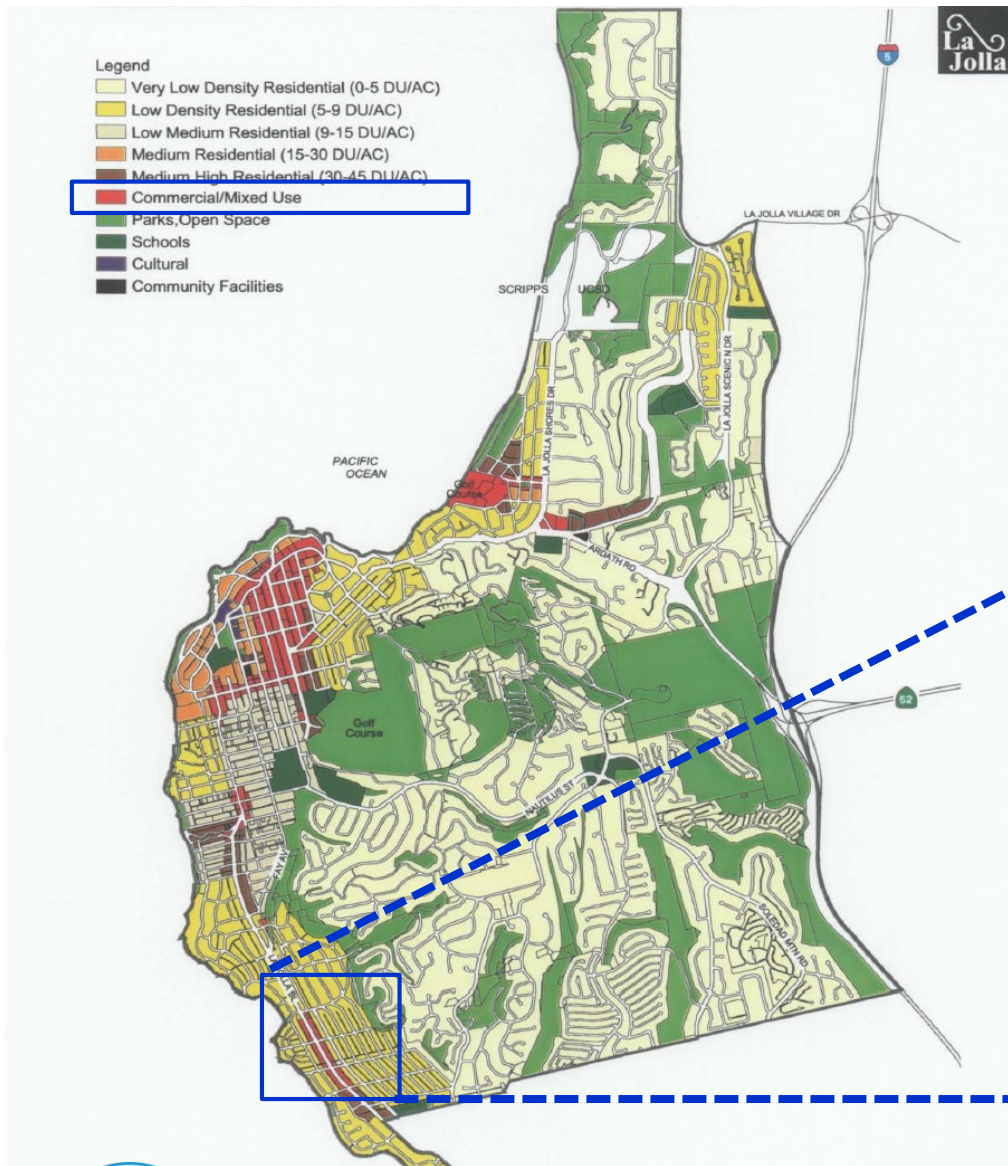


## Aerial Photograph

Bird Rock Condos-Project No. 595139

5652-5656 La Jolla Boulevard





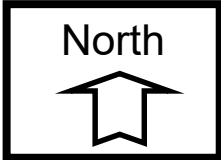
Project Site



## Land Use Map

Bird Rock Condos-Project No. 595139

5652-5656 La Jolla Boulevard



HEARING OFFICER RESOLUTION NO. HO-\_\_\_\_\_-1

TENTATIVE MAP NO. 2127516

**BIRD ROCK CONDOS – PROJECT NO. 595139**

DATE OF FINAL PASSAGE: SEPTEMBER 18, 2019

WHEREAS, BIRD ROCK CONDOS, LLC, a California Limited Liability Company, Subdivider, and ROBERT J BATEMAN, PLS, Surveyor, submitted an application to the City of San Diego for a tentative map (Tentative Map No. 2127516). The project site is located at 5652-5656 La Jolla Boulevard in Zone 4 of the La Jolla Planned District (LJPD), the Parking Impact Overlay Zone (Beach/Coastal), the Transit Area Overlay Zone, the Transit Priority Area, the Coastal Overlay Zone (Non-Appealable) and the Coastal Height Limitation Overlay Zone within the La Jolla Community Plan area. The property is legally described as: Lots 22 and 23 in Block 16 of Bird Rock City by the Sea, City of San Diego, County of San Diego, State of California, according to Map Thereof No. 975, filed in the Office of the County Recorder of San Diego County.

WHEREAS, the Map proposes the Subdivision of a 0.174-acre-site into one (1) lot for four (4) residential condominium units and two (2) commercial condominium units; and

WHEREAS, on February 15, 2019, 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 Section 112.0520; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code Section 144.0220; 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 four residential and two commercial units; and

WHEREAS, the project consists of four residential and two commercial units under construction for which Certificates of Occupancy have not been issued; and

WHEREAS, on September 18, 2019, the Hearing Officer of the City of San Diego considered Tentative Map No. 2127516 and pursuant to San Diego Municipal Code Section 125.0440 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 Tentative Map No. 2127516:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.** The proposed subdivision is a condominium creation of an under-construction project comprised of four residential- and two commercial-units. The project site is located at 5652-5656 La Jolla Boulevard, mid-block within a fully developed commercial area of La Jolla known as Bird Rock by the Sea. The La Jolla Community Plan and Local Coastal Program (LJCP/LCP) designates the site as Commercial/Mixed-Use. The LJCP/LCP designates the site for Commercial/Mixed Use, and more specifically as Neighborhood Commercial (Figure 17, page 83). The residential density within this area is established by the La Jolla Planned District (LJPD). The project site is located within the LJPD-4 Zone, which allows a maximum density of 29 dwelling units per acre (du/ac). The proposed four-dwelling residential condominium creation yields a density of 20.6 du/ac, which conforms to the underlying land use designation and permitted density. The mixed-use nature of the site meets the LJPD and the LJCP/LCP recommended uses and density.

On September 16, 2016, Coastal Development Permit (CDP) No. 1615418 /Neighborhood Development Permit (NDP) No. 1688908 was issued for the demolition of two commercial buildings and the construction of a two-story 11,433-square-foot mixed-use building comprised of four dwelling units over two ground-floor retail units, with commercial tandem parking spaces accessed through the alley. On May 17, 2017, Building Permit No. 1831144 was issued for the construction of the project and is currently under construction. No additional development is proposed with this

subdivision and no construction or grading is permitted by this Tentative Map. The prior approvals conditioned the project site for public improvements and the proposal is consistent with the adopted policies established by the City Council of San Diego. As the proposed subdivision will not change existing buildings nor existing uses on the site, 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 zoning and development regulations within this area are established by the La Jolla Planned District (LJPD). The project site is located within the LJPD-4 Zone, which allows a maximum density of 29 du/ac with an emphasis on mixed-use projects. The four-dwelling residential condominium creation yields a density of 20.6 du/ac, which conforms to the underlying land use designation and permitted density. The proposed four-dwelling residential condominium and two-commercial condominium unit subdivision meet all applicable zoning and development regulations of the LJPD. On September 16, 2016, CDP No. 1615418/NDP No. 1688908 was issued for the demolition of two commercial buildings and the construction of a two-story 11,433-square-foot mixed-use building comprised of four dwelling units over two ground-floor retail units, with commercial tandem parking spaces accessed through the alley. No deviations are requested with this mapping action, and no additional construction or grading is proposed. 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 0.174-acre project site is located mid-block within a fully developed commercial area of La Jolla known as Bird Rock by the Sea. The relatively flat infill site is located approximately 950 feet from the Pacific Ocean and all utilities and public improvements are existing and in operation. The project site is located within the LJPD-4 Zone, which allows a maximum density of 29 du/ac with an emphasis on mixed-use projects. The four-dwelling residential condominium creation yields a density of 20.6 du/ac, which conforms to the underlying land use designation and permitted density.

The LJCP/LCP designates the site for Commercial/Mixed Use, and more specifically as Neighborhood Commercial (Figure 17, page 83). The project is located within an area of the community known as the Bird Rock commercial area. The residential density within this area is established by the LJPDO. The commercial element of the LJCP includes several recommendations for developments including incorporating features to reduce the appearance of bulk and scale and provide a sense of pedestrian scale, the screening of off-street parking, promoting mixed use development in commercial areas, and promoting energy efficiency (pages 86-87). The plan further includes several recommendations for development within the Bird Rock commercial area, including redeveloping structures within this retail district to include mixed-use residential/commercial development in order to provide opportunities for more affordable housing in La Jolla, enhance sidewalk with decorative or uniform paving to enhance streetscape, and provide decorative lighting, street trees, benches and other pedestrian amenities to create a stronger pedestrian-oriented environment (page 88).

The project is located in a commercial area along La Jolla Boulevard currently developed with a mix of commercial establishments. As recommended by the LJCP, the project proposes a

mixed use residential/commercial development designed to reduce the appearance of bulk and scale and provide for a sense of pedestrian scale through building articulation, use of varied materials and colors, landscaping, decorative exterior lighting and paving. The off-street parking would be enclosed and screened from the residential development across the alley. The project also incorporates energy efficient features including the use of solar panels, and Lutrons Systems, which is an energy efficient lighting system. As part of Building Permit No.1831144 the inclusionary affordable housing fee were paid in accordance with the City's Inclusionary Affordable Housing Regulations as set forth in SDMC Section 142.1304.

Due to the location of the project site, the proposed development would not affect any public view to the ocean or other scenic or visual coastal resources as specified in the LJCP/LCP (Figure 9, page 36). The project is not requesting, nor does it require, any deviations or variances from the applicable regulations and policy documents, and is consistent with the recommended land use designation and development standards in effect for the site. The development is in conformity with the certified LJCP/LCP land use plan and complies with all regulations of the certified Implementation Program; 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.** This infill site is located in a developed, urban neighborhood. No improvements are proposed. There are no watercourses, Environmentally Sensitive Lands (ESL) or Multi-Habitat Planning Area (MHPA) lands located on or adjacent to the site, which is surrounded by existing development. This project was determined to be exempt from CEQA pursuant to State CEQA Guidelines section 15305 (Minor Alterations in Land Use Limitations). 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 improvement will not be detrimental to the public health, safety, and welfare.** The subdivision was reviewed and determined to be in compliance with the Municipal Code and Subdivision Map Act. The Tentative Map includes conditions and corresponding exhibits of approvals, including the payment of applicable taxes in order to achieve compliance with the regulations of the Land Development Code. The Subdivision would be accessed from existing public rights-of-way. The development on site is consistent with Land Development Code Regulations and Building Permit requirements, which ensure that the project is not 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 property contains no easements acquired by the public at large for access through or use of property within the proposed subdivision. The site will continue to be accessed from the existing public street (La Jolla Boulevard and alley) which is developed with curb, gutter, and sidewalk. Future development would be required to comply with Land Development Code Regulations and Building Permit requirements. There are no existing access easements through the property. Therefore, 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.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.** The proposed subdivision creates condominium units that change ownership of existing development, without enlargement or expansion of use. On September 16, 2016, CDP No. 1615418/NDP No. 1688908 was issued for the demolition of two commercial buildings and the construction of a two-story 11,433-square-foot mixed-use building comprised of four dwelling units over two ground-floor retail units, with commercial tandem parking spaces accessed through the alley. On May 17, 2017, Building Permit No. 1831144 was issued for the construction of the project and is currently under construction. Passive and natural heating and cooling opportunities were designed into the existing building, with fenestration exposure to multiple elevations. Balconies and roof decks promote passive and natural heating and cooling opportunities. The subdivision, to the extent feasible, would not hinder future changes that would improve upon these passive or natural heating or 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 creates condominium units that change ownership of existing development. On September 16, 2016, CDP No. 1615418/NDP No. 1688908 was issued for the demolition of two commercial buildings and the construction of a two-story 11,433-square-foot mixed-use building comprised of four dwelling units over two ground-floor retail units, with commercial tandem parking spaces accessed through the alley. On May 17, 2017, Building Permit No. 1831144 was issued for the construction of the project and is currently under construction. The Subdivider paid the In-Lieu Fee to comply with the City's Affordable Housing Regulations as well as the required Developer Impact Fees for financing public facilities. Commercial services, public transportation, and retail sales are located within walking-distance to the project site. The creation of condominiums adds to the potential home ownership opportunities in an area anticipated for mixed-use and multi-family development. Therefore, 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.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map No. 2127516, is hereby granted to the referenced Subdivider, 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 Conditions

Internal Order No. 24007712

HEARING OFFICER  
CONDITIONS FOR TENTATIVE MAP NO. 2127516  
**BIRD ROCK CONDOS – PROJECT NO. 595139**  
ADOPTED BY RESOLUTION NO. HO-\_\_\_\_\_-1 ON SEPTEMBER 18, 2019

**GENERAL**

1. This Tentative Map will expire October 2, 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 Parcel Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Parcel Map to subdivide the properties into four (4) residential and two (2) commercial condominium units shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Parcel 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.
5. This Subdivision shall conform to the provisions of Coastal Development Permit No. 2127515 and Coastal Development Permit No. 1615418.
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 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.

**ENGINEERING**

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. 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.

9. 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**

10. The Parcel Map shall be based on field survey and all lot corners must be marked with durable survey monuments pursuant to Section 144.0311(d) of the City of San Diego Land Development Codes and Subdivision Map Act Section 66495.
11. All survey monuments shall be set prior to the recordation of the Parcel Map, unless the setting of monuments is deemed impractical due to the proposed improvements and/or grading associated with the project, in which case, delayed monumentation may be applied on the Parcel Map in accordance with Section 144.0130 of the City of San Diego Land Development Codes.
12. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6 pursuant to section 8801 through 8819 of the California Public Resources Code.
13. "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].
14. "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."
15. The Parcel 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 First Order accuracy. 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.

**PUBLIC UTILITIES DEPARTMENT**

16. All water services to the site, including domestic, irrigation and fire, will require private, above ground back flow prevention devices (BFPDs). BFPDs are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

**INFORMATION:**

- The approval of this Tentative Map 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 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.
- 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 to avoid delaying the recordation of the Parcel Map.

Internal Order No. 24007712

HEARING OFFICER RESOLUTION NO. HO-\_\_\_\_-2  
COASTAL DEVELOPMENT PERMIT NO. 2127515  
**BIRD ROCK CONDOS – PROJECT NO. 595139**  
AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 1615418

WHEREAS, BIRD ROCK CONDOS, LLC, a California limited liability company, Owner/Permittee, filed an application with the City of San Diego for a permit for the creation of four (4) residential condominium units and two (2) commercial condominium units under construction (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2127515), on portions of a 0.174-acre site; and

WHEREAS, the project site is located at 5652-5656 La Jolla Boulevard in Zone 4 of the La Jolla Planned District (LJPD), the Parking Impact Overlay Zone (Beach/Coastal), the Transit Area Overlay Zone, the Transit Priority Area, the Coastal Overlay Zone (Non-Appealable) and the Coastal Height Limitation Overlay Zone within the La Jolla Community Plan area; and

WHEREAS, the project site is legally described as: Lots 22 and 23 in Block 16 of Bird Rock City by the Sea, City of San Diego, County of San Diego, State of California, according to Map Thereof No. 975, filed in the Office of the County Recorder of San Diego County; and

WHEREAS, on February 15, 2019, 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 Section 112.0520; and

WHEREAS, on September 18, 2019, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 2127515 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. 2127515:

**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 project site is a fully improved interior lot located approximately 950 feet from the Pacific Ocean, within the La Jolla Community Plan and Local Coastal Program (LJCP/LCP). The LJCP/LCP does not identify any existing or proposed physical accessways nor view corridors across, within, or adjacent to the property. No construction is granted with this coastal development permit; therefore, the proposed coastal development will not have any impact to existing or proposed public accessways, nor will it impact public views to and along the ocean or other scenic coastal area identified in the LJCP/LCP.

- b. **The proposed coastal development will not adversely affect environmentally sensitive lands.** On September 16, 2016, Coastal Development Permit (CDP) No. 1615418 /Neighborhood Development Permit (NDP) No. 1688908 was issued for the demolition of two commercial buildings and the construction of a two-story 11,433-square-foot mixed-use building comprised of four dwelling units over two ground-floor retail units, with commercial tandem parking spaces accessed through the alley. On May 17, 2017, Building Permit No. 1831144 was issued for the construction of the project. The project proposes an amendment to CDP No. 1615418 to subdivide the project site into four residential condominiums and two commercial condominiums currently under construction.

The project site is within a developed, urban environment and does not contain sensitive biological resources. The project site does not contain, nor is it adjacent to, Multi-Habitat Planning Area (MHPA) designated lands. Environmentally Sensitive Lands (ESL) are not located on the site. 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 LJCP/LCP designates the site for

Commercial/Mixed Use, and more specifically as Neighborhood Commercial (Figure 17, page 83). The residential density within this area is established by the LJPd-4 Zone, which allows a maximum density of 29 dwelling units per acre (du/ac). The four-dwelling residential condominium creation yields a density of 20.6 du/ac, which conforms to the underlying land use designation and permitted density. The mixed-use nature of the site meets the LJPd and the LJCP/LCP recommended use.

On September 16, 2016, CDP No. 1615418 /Neighborhood Development Permit (NDP) No. 1688908 was issued for the demolition of two commercial buildings and the construction of a two-story 11,433-square-foot mixed-use building comprised of four dwelling units over two ground-floor retail units, with commercial tandem parking spaces accessed through the alley. On May 17, 2017, Building Permit No. 1831144 was issued for the construction of the project and is currently under construction. No additional development is proposed with this subdivision and no additional construction or grading permitted. The prior approvals conditioned the project site for public improvements and the proposal is consistent with the adopted policies established by the City Council of San Diego. No deviations are proposed. As the proposed subdivision will not change existing buildings nor existing uses on the site, 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 a fully improved interior lot located approximately 950 feet from the Pacific Ocean. The project site is not located between the first public roadway and the sea. No additional construction is proposed; therefore, this coastal development is in conformity with the public access and public recreation policies of the 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. 2127515 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. 2127515, a copy of which is attached hereto and made a part hereof.

---

Francisco Mendoza  
Development Project Manager  
Development Services

Adopted on: September 18, 2019

Internal Order No. 24007712

**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: 24007712

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2127515  
**BIRD ROCK CONDOS - PROJECT NO. 595139**  
AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 1615418  
HEARING OFFICER

This Coastal Development Permit No. 2127515 (Permit), an amendment to Coastal Development Permit No. 1615418, is granted by the Hearing Officer of the City of San Diego to BIRD ROCK CONDOS, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.174-acre site is located at 5652-5656 La Jolla Boulevard in Zone 4 of the La Jolla Planned District (LJPD), the Parking Impact Overlay Zone (Beach/Coastal), the Transit Area Overlay Zone, the Transit Priority Area, the Coastal Overlay Zone (Non-Appealable) and the Coastal Height Limitation Overlay Zone within the La Jolla Community Plan area. The project site is legally described as: Lots 22 and 23 in Block 16 of Bird Rock City by the Sea, City of San Diego, County of San Diego, State of California, according to Map Thereof No. 975, filed in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to create four (4) residential condominium units and two (2) commercial condominium units under construction described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 18, 2019, on file in the Development Services Department.

The project shall include:

- a. A condominium creation of four (4) residential condominium units and two (2) commercial condominium units under construction; and
- b. 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 October 2, 2022.
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 construction 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.

### **DEVELOPMENT REQUIREMENTS:**

11. All of the conditions contained in Coastal Development Permit No. 1615418 shall remain in effect.

### **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

## **ATTACHMENT 7**

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 September 18, 2019, and HO-\_\_\_\_-2.

## ATTACHMENT 7

Coastal Development Permit No. 2127515  
Date of Approval: September 18, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Francisco Mendoza  
Development Project Manager

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

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**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.

**BIRD ROCK CONDOS, LLC,**  
a California limited liability company,  
Owner/Permittee

By \_\_\_\_\_  
Leslie Gladstone  
Managing Member

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



Oct 07, 2016 11:31 AM

OFFICIAL RECORDS

Ernest J. Dronenburg, Jr.,

SAN DIEGO COUNTY RECORDER

FEES: \$60.00

PAGES: 16

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: 24006353

COASTAL DEVELOPMENTN PERMIT 1615418 AND  
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1688908  
**5656 LA JOLLA BLVD MIXED-USE - PROJECT NO. 458781**  
DEVELOPMENT SERVICES DEPARTMENT

This Coastal Development Permit No. 1615418 and Neighborhood Development Permit No. 1688908 is granted by the Development Services Department of the City of San Diego to Leslie Gladstone, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708(a) and 126.0404(a). The 0.178-acre (7,764.80-square-foot) site is located at 5656 La Jolla Boulevard in Zone 4 of the La Jolla Planned District (LJPD-4), and the Coastal (Non-Appealable Area 2), Coastal Height Limitation, Parking Impact (Coastal and Beach Impact), Residential Tandem Parking, and Transit Area Overlay Zones within the La Jolla Community Plan area. The project site is legally described as: Lots 22 and 23 in Block 16 of Bird Rock by the Sea, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 975, Filed in the Office of the County Recorder of San Diego County, March 13, 1906; Excepting from said Lots 22 and 23 the Easterly 10 Feet thereof.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish two existing commercial buildings and construct a new two-story mixed-use building with four dwelling units above ground level retail and parking as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 20, 2016, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing approximately 3,037-square-foot commercial building;
- b. Construction of a two-story, approximately 9,492-square-foot, mixed-use building consisting of ground level retail and parking with four dwelling units above as follows:
  1. Two retail spaces totaling approximately 3,000 square feet with 358 square feet of common area;

2. Four, two-bedroom dwelling units, totaling approximately 6,134 square feet with approximately 396 square feet of deck area; and
  3. An approximately 2,077-square-foot roof-deck to include a fire pit, BBQ islands, seating and approximately 120 square feet of storage area.
- c. Landscaping (planting, irrigation and landscape related improvements);
  - d. Off-street parking including a 3-vehicle lift system for the commercial tandem spaces;
  - e. 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 October 7, 2019.
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. The project proposes to export 462.2 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

13. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

14. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing sidewalk, with current City Standard sidewalk, along the property frontage, adjacent to the site on La Jolla Boulevard, satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate, and assure by permit and bond, the improvement of an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.

16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Applicant must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

17. 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.

18. 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 SDMC, into the construction plans or specifications.

19. 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 Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

**LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land 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, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-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.

22. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan 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, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40-square-foot 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 structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

25. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

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. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

**PLANNING/DESIGN REQUIREMENTS:**

28. Owner/Permittee shall maintain a minimum of 13 off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
29. The retail spaces on the first floor shall only include retail establishments as identified in Appendix A of the La Jolla Planned District. No office uses are permitted.
30. 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.
31. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
32. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**TRANSPORTATION REQUIREMENTS:**

33. Commercial deliveries shall occur between 8:00AM and 11:00AM, Monday through Friday only. Commercial deliveries in heavy trucks are prohibited at all times.

**PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

34. Prior to any Construction Permit being issued, the existing sewer lateral scheduled for reuse must be inspected by a California licensed plumbing contractor using closed-circuit television to verify (to the satisfaction of the City Engineer) that the lateral is in good condition, free of all debris, properly connected to a public sewer main, and in all other ways suitable for reuse. If it is not, the Owner/Permittee is required to repair, remove and replace, or abandon and cap the lateral at the property line in a manner satisfactory to the City Engineer.
35. Prior to any Building Permit being issued, the Owner/Permittee shall assure (via permit and bond) that all required public water and/or sewer facilities have been constructed in accordance with the City of San Diego's current water and sewer design guides, and that any existing service connection to the City's public water and/or sewer mains which will not be utilized by the proposed development has been either killed at the main (water) or abandoned at the property line (sewer).
36. Prior to any Building Permit being issued, the Owner/Permittee is required to ensure (to the satisfaction of the Public Utilities Director) that all water services to the site (including domestic, irrigation and fire) will pass through a private above ground back flow prevention device (BFPD). BFPDs are typically located just outside the public ROW in-line with the water service. The Public Utilities Department does not allow BFPDs to be located below grade.

**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 Development Services Department of the City of San Diego on September 20, 2016 and Resolution No. CM-6633.

Permit Type/PTS Approval No.: CDP 1615418 and NDP NO. 1688908

Date of Approval: September 20, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

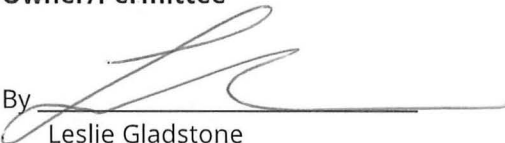
  
\_\_\_\_\_  
Firouzeh Tirandazi  
Development Project Manager

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

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**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.

**LESLIE GLADSTONE**  
**Owner/Permittee**

By   
\_\_\_\_\_  
Leslie Gladstone

AKA *Leslie T. Gladstone*

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

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

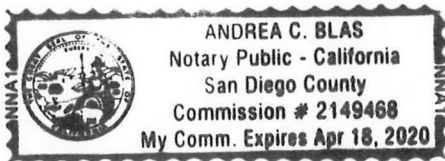
State of California )  
County of San Diego )  
On Oct. 10, 2016 before me, Andrea C. Blas, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared Firouzeh Tirandazi  
Name(s) of Signer(s)

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 Andrew Miller  
Signature of Notary Public



*Place Notary Seal Above*

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended 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: \_\_\_\_\_

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

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

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

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

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

# ORIGINAL

# ORIGINAL

## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Diego )  
On 9/27/16 before me, Tawana C. Collins, Notary Public,  
Date Here Insert Name and Title of the Officer  
personally appeared Leslie T. Gladstone  
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 Jawana C. Collins  
Signature of Notary Public



*Place Notary Seal Above*

### OPTIONAL

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

### Description of Attached Document

Title or Type of Document: Waste Development Permit Document Date: \_\_\_\_\_  
Number of Pages: 8 Signer(s) Other Than Named Above: \_\_\_\_\_

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

Signer's Name: Leslie T. Gladstone

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

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

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

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

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

# ORIGINAL



THE CITY OF SAN DIEGO

Date of Notice February 15, 2019

# NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

SAP No. 24007712

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**PROJECT NAME/NUMBER:** Bird Rock Condos/595139

**COMMUNITY PLAN AREA:** La Jolla Community Planning Area

**COUNCIL DISTRICTS:** 2

**LOCATION:** 5656 La Jolla Boulevard, San Diego, CA 92037

**PROJECT DESCRIPTION:** Coastal Development Permit and Tentative Map for the creation of four residential condominium units and two commercial condominium units under construction at 5656 La Jolla Boulevard. The 0.17-acre site is located in Zone 4 of the La Jolla Planned District, Coastal (Non-Appealable) overlay zone within the La Jolla Community Plan Area. Council District 1. The requested action pertains solely to the Tentative Map Waiver and Coastal Development Permit, no additional development is being proposed.

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

**ENVIRONMENTAL DETERMINATION:** Section 15305 (Minor Alterations in Land Use Limitations)

**ENTITY MAKING ENVIRONMENTAL DETERMINATION:** City of San Diego, Development Services Department

**STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION:** The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15305 (Minor Alterations). The Minor Alterations exemption allows for minor lot line adjustments in areas with slopes that do not exceed 25% and that would not create new parcels. Since the project is only proposing a Map Waiver and Coastal Development Permit that would remove a lot line on a site that does not contain slopes over 25% the project would qualify to be exempt. Additionally, the removal of the lot line does not create a new parcel. The entitlements of the units have previously been approved and they are currently under construction; therefore, the exceptions listed in CEQA Section 15300.2 would not apply.

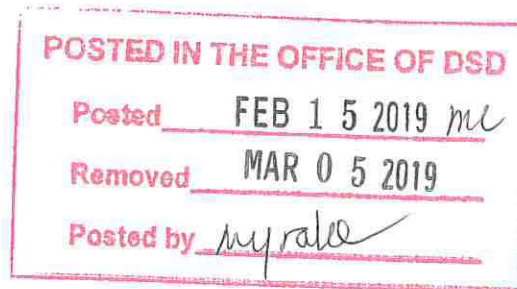
**DEVELOPMENT PROJECT MANAGER:** Francisco Mendoza  
**MAILING ADDRESS:** 1222 First Avenue, MS 501, San Diego, CA 92101-4153  
**PHONE NUMBER/EMAIL:** (619) 446-5433/ FMendoza@sandiego.gov

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On February 15, 2019 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 and therefore the appeal would end on March 4, 2019. 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.





THE CITY OF SAN DIEGO

City of San Diego  
Development Services  
1222 First Ave., MS-302  
San Diego, CA 92101

## Community Planning Committee Distribution Form Part 2

<b>Project Name:</b> Bird Rock Condos		<b>Project Number:</b> 595139		<b>Distribution Date:</b> 7/16/2019	
<b>Project Scope/Location:</b> 5656 La Jolla Blvd. CDP and Tentative Map for the creation of four residential condominium units and two commercial condominium units.					
<b>Applicant Name:</b> Robert Bateman				<b>Applicant Phone Number:</b>	
<b>Project Manager:</b> Pancho Mendoza		<b>Phone Number:</b>		<b>Fax Number:</b> (619) 321-3200	
				<b>E-mail Address:</b> FMendoza@sandiego.gov	
<b>Committee Recommendations (To be completed for Initial Review):</b> approved 4-1-1					
<input checked="" type="checkbox"/> <b>Vote to Approve</b>		<b>Members Yes</b> 14		<b>Members No</b> 0	
				<b>Members Abstain</b> 1	
<input type="checkbox"/> <b>Vote to Approve</b> <b>With Conditions Listed Below</b>		<b>Members Yes</b> 14		<b>Members No</b> 0	
				<b>Members Abstain</b> 1	
<input type="checkbox"/> <b>Vote to Approve</b> <b>With Non-Binding Recommendations Listed Below</b>		<b>Members Yes</b> 14		<b>Members No</b> 0	
				<b>Members Abstain</b> 1	
<input type="checkbox"/> <b>Vote to Deny</b>		<b>Members Yes</b> 14		<b>Members No</b> 0	
				<b>Members Abstain</b> 1	
<input type="checkbox"/> <b>No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)</b>				<input type="checkbox"/> <b>Continued</b>	
<b>CONDITIONS:</b>					
<b>NAME:</b> Suzanne Weissman				<b>TITLE:</b> Secretary, LJCPA	
<b>SIGNATURE:</b>				<b>DATE:</b> 8/3/2019	
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101			
Printed on recycled paper. Visit our web site at <a href="http://www.sandiego.gov/development-services">www.sandiego.gov/development-services</a> . Upon request, this information is available in alternative formats for persons with disabilities.					



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

# Ownership Disclosure Statement

**FORM  
DS-318**

October 2017

**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:** Bird Rock Condos

**Project No. For City Use Only:** 595139

**Project Address:** 5656 La Jolla Boulevard

**Specify Form of Ownership/Legal Status (please check):**

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. 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.

**Property Owner**

Name of Individual: Bird Rock Condos, LLC, Leslie Gladstone Managing Member ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 401 Via Del Norte

City: La Jolla State: CA Zip: 92037

Phone No.: 858-454-9887 Fax No.: \_\_\_\_\_ Email: leslieg@flgsd.com

Signature: \_\_\_\_\_ Date: 1/4/18

Additional pages Attached: ☐ Yes ☐ No

**Applicant**

Name of Individual: Bird Rock Condos, LLC, Leslie Gladstone Managing Member ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 401 Via Del Norte

City: La Jolla State: CA Zip: 92037

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: leslieg@flgsd.com

Signature: \_\_\_\_\_ Date: 1/4/18

Additional pages Attached: ☐ Yes ☒ No

**Other Financially Interested Persons**

Name of Individual: \_\_\_\_\_ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

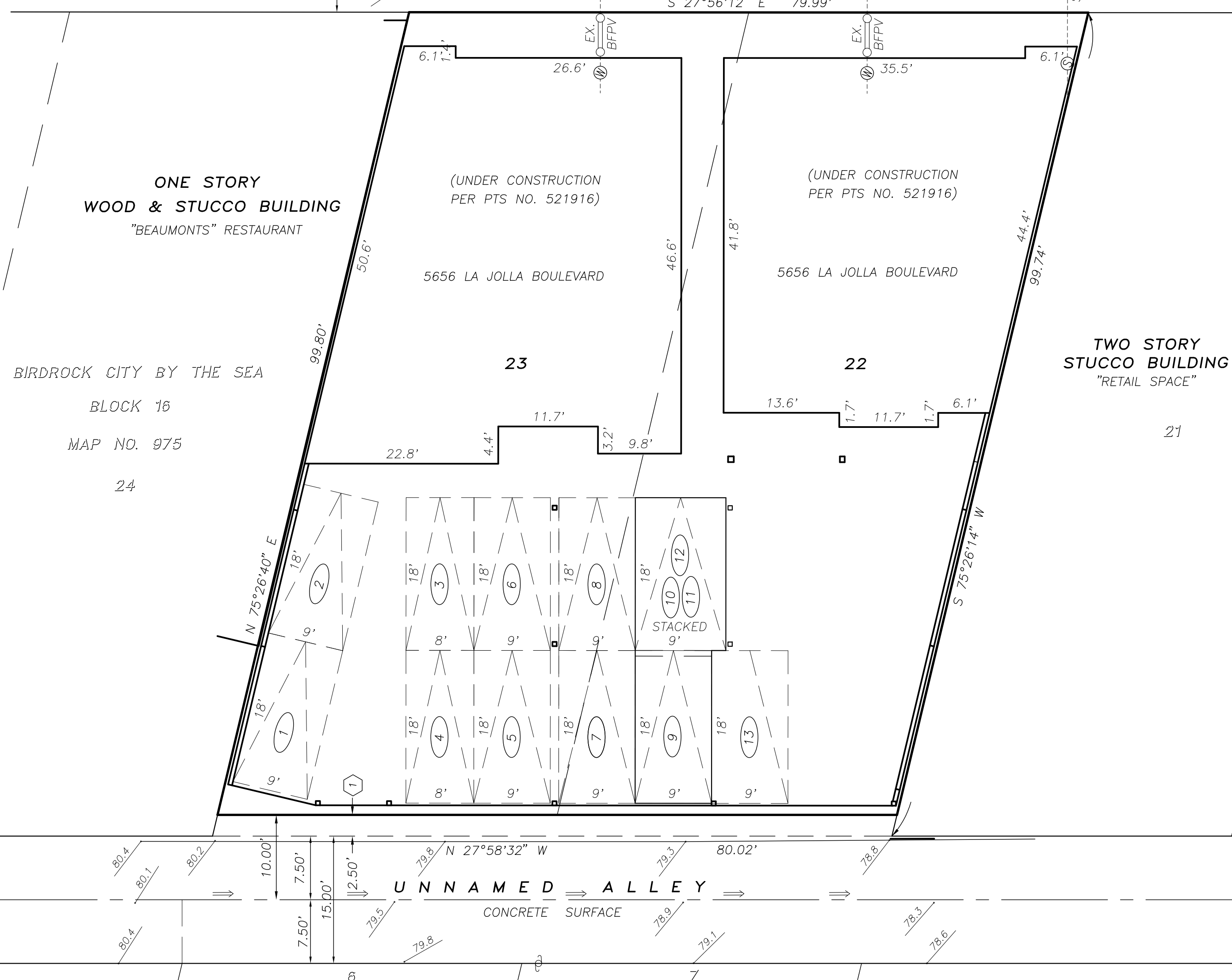
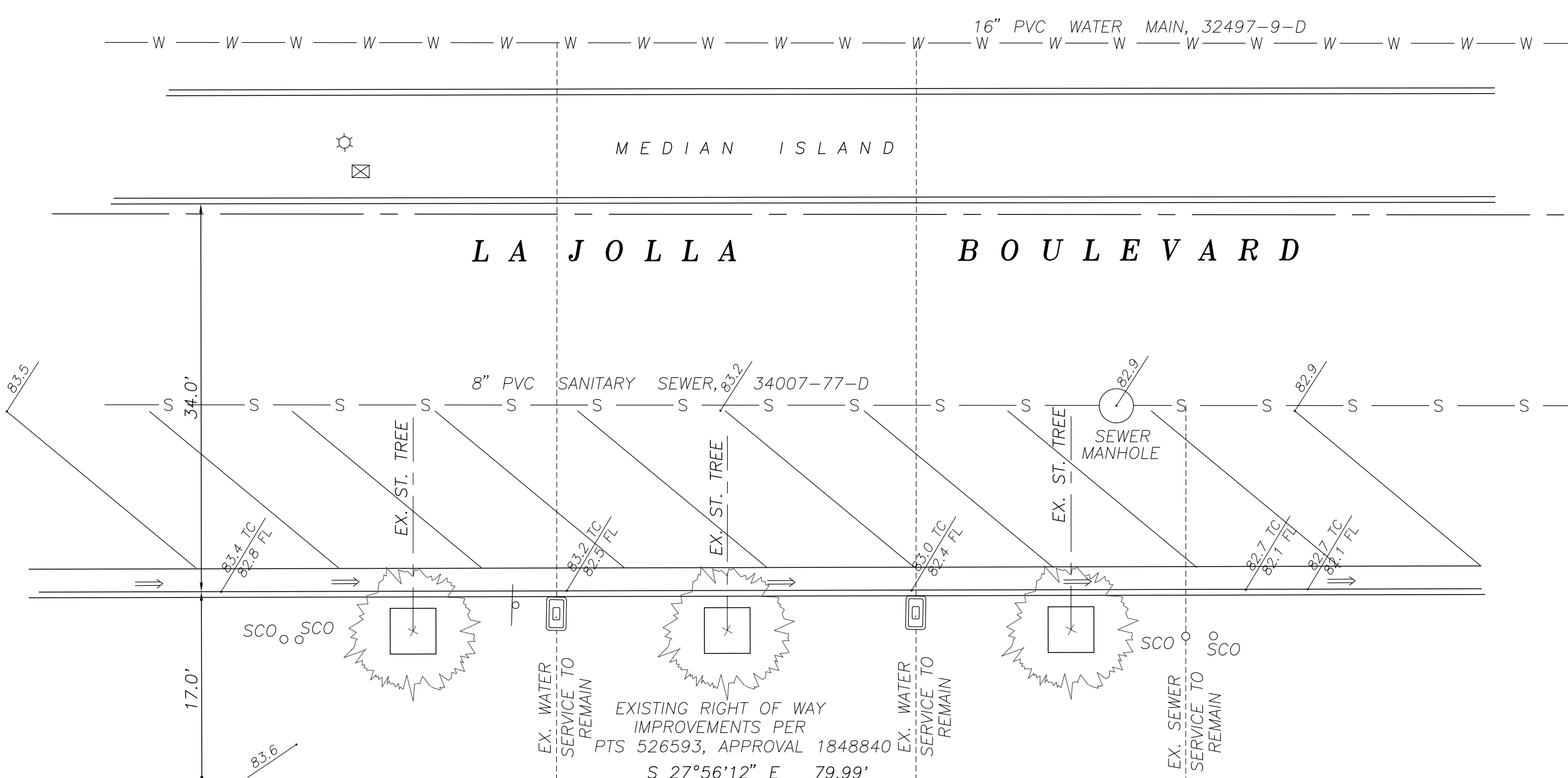
Street Address: \_\_\_\_\_

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

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Email: \_\_\_\_\_

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

Additional pages Attached: ☐ Yes ☐ No



EXISTING AND PROPOSED ZONE: LUPD-4  
COMMUNITY PLAN NAME: LA JOLLA  
OVERLAY ZONES: COASTAL (NON-APPEALABLE)  
COASTAL HEIGHT LIMIT  
PARKING IMPACT (BEACH IMPACT)  
RESIDENTIAL TANDEM PARKING  
TRANSIT AREA

1. SUMMARY OF REQUEST:  
TENTATIVE MAP TO CREATE 4 RESIDENTIAL  
CONDOMINIUM UNITS AND 2 COMMERCIAL  
CONDOMINIUM UNITS
2. STREET ADDRESS: 5656 LA JOLLA BOULEVARD  
☐ N ☐ S ☒ E ☒ W SIDE  
BIRD ROCK AVENUE AND FORWARD STREET
3. SITE AREA:  
TOTAL SITE AREA: (7565.08 SF) (0.174 ACRE)  
NET SITE AREA: (7565.08 SF) (0.174 ACRE)
4. DENSITY: (RESIDENTIAL)  
NUMBER OF DWELLING UNITS ALLOWED PER ZONE: 4  
NUMBER OF EXISTING UNITS TO REMAIN ON SITE: 0  
NUMBER OF PROPOSED DWELLING UNITS ON SITE: 4  
TOTAL NUMBER OF UNITS PROVIDED ON THE SITE: 4
5. YARD/SETBACK ALLOWED PROPOSED  
FRONT STREET FRONTAGE: 16' 16'  
INTERIOR YARD(S): 0' 0'  
REAR YARD: 0' 0'
6. PARKING: PARKING CRITERIA:  
☐ RESIDENTIAL ☐ COMMERCIAL ☐ INDUSTRIAL  
☐ MIXED USE ☐ OTHER

TYPE OF UNIT	NUMBER OF TYPE	SQUARE FOOTAGE PER UNIT	TOTAL PER TYPE
2 BR UNIT	1	1,347	1,347
2 BR UNIT	1	1,362	1,362
2 BR UNIT	1	1,395	1,395
2 BR UNIT	1	1,396	1,396
TOTAL	4	5,500	5,500

1. THIS IS A MIXED-USED CONDOMINIUM PROJECT AS DEFINED IN SECTION 4125 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE NUMBER OF CONDOMINIUM DWELLING UNITS IS 4 AND THE NUMBER OF COMMERCIAL CONDOMINIUM UNITS IS 2.
2. NUMBER OF EXISTING LOTS = 2  
NUMBER OF PROPOSED LOTS = 1
3. ENGINEERING REVIEW HAS DETERMINED THAT THE PROJECT IS IN COMPLIANCE WITH CURRENT STREET LIGHT STANDARDS ACCORDING TO THE CITY OF SAN DIEGO STREET DESIGN MANUAL AND COUNCIL POLICY 200-18.
4. THE SUBDIVIDER SHALL PREPARE CC&RS FOR THE OPERATION AND MAINTENANCE OF ALL PRIVATE WATER AND SEWER LINES THAT ENTER OR TRAVERSE MORE THAN A SINGLE CONDOMINIUM UNIT OR LOT.  
NUMBER OF PROPOSED LOTS = 1

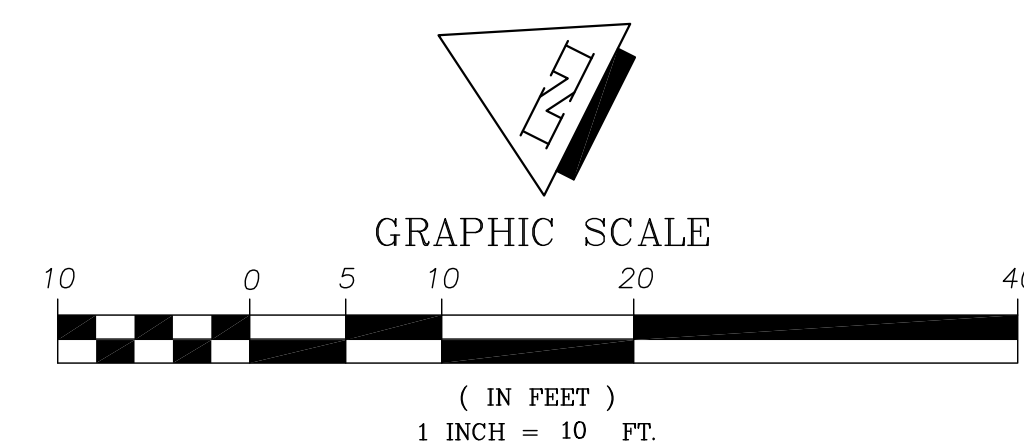
A FINAL MAP WILL BE FILED AT THE COUNTY RECORDER'S OFFICE PRIOR TO THE EXPIRATION OF THE TENTATIVE MAP. A DETAILED PROCEDURE OF SURVEY WILL BE SHOWN ON THE FINAL MAP AND ALL PROPERTY CORNERS WILL BE MARKED WITH DURABLE SURVEY MONUMENTS.

1 EXISTING PORTION OF THE ALLEY EASEMENT RECORDED  
MAY 11, 2017 AS INSTRUMENT NO. 2017-0211782.

BIRD ROCK CONDOS, LLC  
401 VIA DEL NORTE  
LA JOLLA, CALIFORNIA 92037

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LESLIE GLADSTONE, MANAGING MEMBER



UTILITY	OVERHEAD	UNDERGROUND
CATV		X
ELECTRIC		X
GAS		X
TELEPHONE		X

PROPERTY LINE/TM BOUNDARY	----
DIRECTION OF DRAINAGE	←
EXISTING WATER METER	
EXISTING BACK FLOW PREVENTION DEVICE	
EXISTING LIGHT POLE	☆
STREET LIGHT VAULT	
SIGN	
UTILITY POLE	
PARKING SPACE	<u>12</u>
TOP OF CURB	TC
FLOW LINE	FL
SEWER CLEAN OUT	SCO
FINISH FLOOR	FF
EXISTING SEWER LATERAL	-----S-----
EXISTING WATER SERVICE	-----W-----

SAN DIEGO LAND SURVEYING & ENGINEERING, INC.  
9665 CHESAPEAKE DRIVE, SUITE 445  
SAN DIEGO, CALIFORNIA 92123 (858) 565-8362  
PROJECT NO. 357-431-26 La Jolla Blvd.dwg

Robert J. Bateman 08-06-2018  
ROBERT J. BATEMAN, P.L.S. 7046 DATE



Prepared By:  
SAN DIEGO LAND SURVEYING AND ENGINEERING, INC.  
9665 CHESAPEAKE DRIVE, SUITE 445  
SAN DIEGO, CA 92123-1354  
PHONE: 858-565-8362  
FAX: 858-565-4354 EMAIL: [rbateman@sdlse.com](mailto:rbateman@sdlse.com)

Basis of Bearings:  
THE WESTERLY RIGHT-OF-WAY LINE OF LA JOLLA  
BOULEVARD AS SHOWN ON MAP NO. 14362.  
I.E. N 27°56'12" W

Benchmark:  
NORTHWEST BRASS PLUG AT THE INTERSECTION  
OF CHELSEA AVENUE AND DOLPHIN PLACE.  
ELEVATION= 73.787 M.S.L.

Project Legal Description:

LOTS 22 AND 23 IN BLOCK 16 OF BIRD ROCK CITY BY THE SEA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 975, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

MAP THEREOF NO. 975, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.	Project Data:
	Number of Stories: 2 Proposed use: Mixed-use- Residential/Retail Zone Designation: LJPD-4 La Jolla Planned District, Year of Construction: New
LAMBERT COORDINATES :	

Project Name:

**BIRD ROCK CONDOS**

Sheet Title:  
TENTATIVE MAP NO. 2127516  
Project No. 595139

Project Address:	Project Owner:
5656 La Jolla Boulevard La Jolla, CA 92037	BIRD ROCK CONDOS, LLC 401 VIA DEL NORTE LA JOLLA, CA 92037

Scale: 1" = 10'  
Original Date: January 16, 2018  
Revised: August 6, 2018  
Revised:

Sheet 1 of 1