



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 27, 2009 **REPORT NO. PC-09-061**

ATTENTION: Planning Commission, Agenda of September 3, 2009

SUBJECT: HANDLER RESIDENCE - PROJECT NO. 166021
PROCESS THREE

**OWNER/
APPLICANT:** GERALD HANDLER (Attachment 16)
JEFF BARFIELD, RBF CONSULTING

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's denial to allow a second driveway for a single family residence where only one driveway is permitted within the La Jolla Community Planning area?

Staff Recommendation: UPHOLD the Hearing Officer's decision and DENY Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775.

Community Planning Group Recommendation: On January 20, 2009, the La Jolla Shores Advisory Board voted 5-0-0 to recommend denial of the project (Attachment 15). On May 7, 2009, the La Jolla Community Planning Association voted 14-0-1 to recommend denial of the project (Attachment 14).

Environmental Review: This project is exempt from environmental review, pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 14, 2008, and the opportunity to appeal that determination ended December 5, 2008.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: On August 11, 2009, a Neighborhood Code Compliance case (NC 140657) was opened due to complaints of vehicles driving over the sidewalk and parking in the flagstone area required to be landscaped per La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775.

Housing Impact Statement: None. The existing residence would remain with no additions or modifications.

BACKGROUND

The 7,215 square-foot site is located at 8405 El Paseo Grande, east of the Pacific Ocean and west of La Jolla Shores Drive. The site is within the La Jolla Shores Planned District Single Family Zone, the Coastal Overlay Zone (Appealable Area), the Coastal Height Limit Overlay Zone, the Parking Impact Overlay Zone (Beach Impact Area), and the Residential Tandem Parking Overlay Zone, within the La Jolla Community Plan area. The site was originally constructed in 1975 with a one-story single family residence with an attached garage. In 1982, Permit No. A12107 (Attachment 6) was issued for a two-story addition which included an art studio over a new two-car garage with a workshop. In 1997 several additional permits were issued. Permit No. C-303101-97 (Attachment 7) was issued for a bathroom addition and railing for the existing roof deck. Permit No. C-303099-97 (Attachment 8) was issued for additions to the bathroom, family room, living room, closet and conversion of the attached garage to a laundry room. Permit No. C-305095-97 (Attachment 9) was issued for an elevator, spa on the roof deck, relocation of a walking bridge, raised ceiling in bedrooms and redesign of a glass window screen. All permits received final approval.

On April 6, 2005, the Hearing Officer approved La Jolla Shores Planned District Permit No. 20666 and Coastal Development Permit No. 206775 (Attachment 12) for a 1,254 square-foot, second-story addition to the single family residence, but denied Variance No. 206776 to maintain a second driveway to allow one additional off-street parking space. Conditions were included in the permit that required that the existing 18-foot, westerly access driveway on Camino Del Oro be restored to full-height curb, gutter and sidewalk. Permit No. 252566 (Attachment 10) was issued on July 10, 2006, for the second story addition and the westerly access driveway was removed as required by the permit. The permit expired on July 5, 2007 without being finalized by the building inspector. On July 3, 2008, Permit No. 572067 was obtained for a final inspection, but that permit also expired due to lack of final inspection.

DISCUSSION

Project Description:

The proposed project is a request to re-open a second driveway, 20 feet in width, on a site with a single family residence that currently has an existing 15-foot driveway (Attachment 5). The Land Development Code allows only one 12-foot, driveway opening per 100 feet of street frontage. The site has a frontage of 82 feet and therefore, would require a Variance for the

additional driveway and proposed width. Since the project site is regulated by La Jolla Shores Planned District Permit No. 20666 and Coastal Development Permit No. 206775, the request for the re-opening of the second driveway would require amendments to these permits as well as a new Variance.

The property owner, Gerald Handler, believes that the elimination of the off-street parking space and closure of the driveway as required by the permits and violates City ordinances pertaining to previously conforming uses and required parking. Mr. Handler states that the City issued Permit No. A12107 (Attachment 6) for the art studio over a two-car garage and that the westerly driveway was allowed to remain because the art studio was considered a guest quarters, requiring one additional off-street parking space. Therefore, Mr. Handler contends that the second driveway is required to meet the required parking of three off-street parking spaces.

Staff has found no evidence that the art studio was ever permitted as a guest quarters. Permit No. A12107 (Attachment 6) for the art studio over a two-car garage was approved as an accessory structure, not as a guest quarters. The approved site plan notes "existing garage to be converted." If the art studio would have been considered a guest quarters, three off-street parking spaces would have been required and the existing garage would have been required to be maintained.

When Mr. Handler, applied for the La Jolla Shores Planned District Permit No. 20666, Coastal Development Permit No. 206775 and Variance No. 206776 on April 6, 2005, to construct the 1,254 square-foot, second-story addition which included a request to maintain the second driveway, a comprehensive review of the entire premises was conducted by staff, which included research of all existing structures and permits. At the public hearing, the Hearing Officer reviewed all the submitted information and made the findings to allow the second story addition, however, was unable to make the findings to maintain the second driveway. Mr. Handler had the opportunity to appeal the Hearing Officer's decision that required the second driveway to be removed to the Planning Commission, but choose not to appeal. Mr. Handler closed the second driveway as required by the permit and obtained a building permit to construct the second story addition. The permit has expired twice without being finalized.

On June 3, 2009, the Hearing Officer reviewed the project history, permits and testimony from the applicant and a neighbor. The Hearing Officer determined that the findings for the Variance to re-open the driveway could not be made.

Appeal Issues:

The appellant, Gerald Handler, filed an appeal on June 16, 2009 (Attachment 18). Issues identified in the written appeal to the Planning Commission are as follows:

1. Staff failed to properly identify the project request:
Staff identified the project as a request for a Coastal Development Permit, Site Development Permit, and a Variance for a second driveway. The actual request was to amend the existing La Jolla Shores Development Permit No. 206666 and Coastal

Development Permit No. 206775 by deleting four conditions that required the closing of one driveway which was allowed to remain through subsequent improvements.

Staff Response:

On April 6, 2005, La Jolla Shores Development Permit No. 206666 and Coastal Development Permit No. 206775 were processed concurrently along with Variance No. 206776 to maintain the second driveway. La Jolla Shores Development Permit No. 206666 and Coastal Development Permit No. 206775 were approved and Variance No. 206776 was denied. The request to re-open the second driveway would require the amendment of the existing permits and a new Variance.

2. Staff failed to provide the Hearing Officer with the Applicant's Letter of Request, which included supporting material:

The applicant submitted a staff report prepared for the previous permits that clearly indicated the driveway conditions were required based on the following erroneous findings; the driveway was within the required setback, the driveway and attendant parking needed to be removed to achieve the required 30% landscaping and the removal of the driveway would create additional on-street parking in the Beach Impact area.

Staff Response:

When La Jolla Shores Development Permit No. 206666 and Coastal Development Permit No. 206775 were approved and Variance No. 206776 denied on April 6, 2005, the applicant had the opportunity to appeal the Hearing Officer's decision to the Planning Commission and bring up any erroneous findings. The project before the Hearing Officer on June 3, 2009, is the request to re-open a second driveway only. Based on the most current approved building plans (Attachment 10), the landscaping would be at 30% with the flagstone driveway removed and landscaped.

3. Staff provided unsubstantiated and erroneous information regarding landscaping calculations.

Staff stated that the project could not meet the 30% landscaping requirement without closure of the driveway and removal of parking space. Information from staff was hand-generated and based on previous permit site plan. Staff did not provide CADD-generated calculations based on current site plan that proved the 30% landscaping could be achieved without the need to close the driveway and remove the parking space.

Staff Response:

The issue before the Hearing Officer on June 3, 2009, was a Variance to re-open a second driveway. The Variance findings were based on the driveway only and not landscaping. Landscaping exhibits from the applicant were submitted to the Hearing Officer.

4. Staff claimed that there was no evidence that the residence contained guest quarters, which would have required the maintenance of the existing onsite parking space. Staff claimed that the City had no evidence that the "art studio" on the premises was

considered guest quarters, yet the previous Hearing Officer Report prepared by staff for the 2005 permit consistently referred to the premises as containing an “art studio/guest quarters.

Staff Response:

When La Jolla Shores Development Permit No. 206666 and Coastal Development Permit No. 206775 were approved and Variance No. 206776 denied on April 6, 2005, the applicant had the opportunity to appeal the Hearing Officer’s decision to the Planning Commission and contest the art studio and parking requirements. The issue before the Hearing Officer on June 3, 2009, was a Variance to re-open a second driveway. The Variance findings were based on the driveway only and not the art studio/guest quarters or parking. However, based on the attached permit history, there is no evidence that the art studio was every permitted as a guest quarters.

Community Plan Analysis:

The site is located on the northeast corner of El Paseo Grande and Camino Del Oro and is designated for low-density residential use (5-9 DU/ac) in the La Jolla Community Plan and Local Coastal Program Land Use Plan. The existing single family residence is consistent with this designation and the bulk and scale is in keeping with the character of the neighborhood. Camino Del Oro is designated as a First Public Roadway and also a View Corridor. The objective of the community plan is the preservation and enhancement of ocean views and other scenic vistas for public use, including visual access across private coastal properties at yards and setbacks. Any encroachments over three feet within the yards would result in partial obstruction of views from Camino Del Oro to the water. The plan also recommends that all proposed development maintain and enhance public access to the coast by providing adequate parking per the parking regulations of the Land Development Code. The parking regulations of the Land Development Code contain prohibitions on the number of curb cuts and distance between curb cuts serving the same property. The proposed second driveway and proposed width deviates from the parking requirements of the Land Development Code referenced in the plan.

Conclusion:

Staff has reviewed the request to amend to La Jolla Shores Development Permit No. 206666 and Coastal Development Permit No. 206775 and the request for a Variance to allow a second driveway and has determined that the findings for the second driveway cannot be made to support the request. Therefore, staff recommends denying the appeal and upholding the Hearing Officer’s decision.

ALTERNATIVE

1. **Approve** the appeal, and **Approve** Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 206666 and Coastal Development Permit No. 206775, for

2. **Approve** the appeal, and **Approve** Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775, **if the findings required to approve the project can be made.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

Edith Y. Gutierrez
Development Project Manager
Development Services Department

Attachments:

Hearing Officer Report dated June 3, 2009 with attachments

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Permit No. A12107/Site Plan
7. Permit No. C-303101-97/Site Plan
8. Permit No. C-303099-97
9. Permit No. C-205095-97/Site Plan
10. Permit No. 252566/Site Plan and Landscape Plan
11. Permit No. 160412
12. La Jolla Shores Development Permit No. 20666, Coastal Development Permit No. 206775 and Resolution
13. Draft Resolution of Denial with Findings
14. La Jolla Community Planning Association recommendation
15. La Jolla Shores Advisory Board recommendation
16. Ownership Disclosure
17. Draft Permit with Conditions
18. Appeal filed by Gerald Handler
19. Project Chronology



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: June 3, 2009 REPORT NO. HO 09-065

ATTENTION: Hearing Officer

SUBJECT: HANDLER RESIDENCE
PTS PROJECT NUMBER: 166021

LOCATION: 8405 El Paseo Grande

APPLICANT: Jeff Barfield, RBF Consulting

SUMMARY

Requested Action - Should the Hearing Officer approve a Coastal Development Permit, Site Development Permit and Variance for 20-foot wide driveway for a single family residence in addition to an existing 12-foot wide driveway, where only one is permitted within the La Jolla Community Plan area?

Staff Recommendation - DENY Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775.

Community Planning Group Recommendation – On January 20, 2009, the La Jolla Shores Advisory Board voted 5-0-0 to recommend denial of the project. On May 7, 2009, the La Jolla Community Planning Association voted 14-0-1 to recommend denial of the project.

Environmental Review - This project is exempt from environmental review, pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on November 14, 2008, and the opportunity to appeal that determination ended December 5, 2008.

BACKGROUND

The 7,215 square-foot site is located at 8405 El Paseo Grande, east of the Pacific Ocean and west of La Jolla Shores Drive. The site is within the La Jolla Shores Planned District Single Family Zone, the Coastal Overlay Zone (Appealable Area), the Coastal Height Limit Overlay Zone, the

Parking Impact Overlay Zone (Beach Impact Area), and the Residential Tandem Parking Overlay Zone, within the La Jolla Community Plan area. The site was originally constructed with a one-story single family residence with an attached garage in 1975. In 1982, Permit No. A12107 (attachment 6) was issued for a two-story addition which included an art studio over a new two-car garage with a workshop. In 1997 several additional permits were issued. Permit No. C-303101-97 (attachment 7) was issued for a bathroom addition and railing for the existing roof deck. Permit No. C-303099-97 (attachment 8) was issued for additions to the bathroom, family room, living room, closet and conversion of the attached garage to a laundry room. Permit No. C-305095-97 (attachment 9) was issued for an elevator, spa on the roof deck, relocation of a walking bridge, raised ceiling in bedrooms and redesign of a glass window screen. All permits received final approval.

On April 6, 2005, the Hearing Officer approved La Jolla Shores Planned District Permit No. 20666 and Coastal Development Permit No. 206775 (attachment 12) for a 1,254 square-foot, second-story addition to the single family residence, but denied Variance No. 206776 to maintain a second driveway to allow one additional off-street parking space. Conditions were included in the permit that required that the existing 18-foot, westerly access driveway on Camino Del Oro be restored to full-height curb, gutter and sidewalk. Permit No. 252566 (attachment 10) was issued on July 10, 2006, for the second story addition and the westerly access driveway was removed as required by the permit. The permit expired on July 5, 2007 without being finalized by the building inspector. On July 3, 2008, Permit No. 572067 was obtained for a final inspection, but that permit also expired due to lack of final inspection.

DISCUSSION

The proposed project is a request to re-open a 20-foot, second driveway for the single family residence in addition to the existing driveway (attachment 5). The Land Development Code allows only one driveway opening per 100 feet of street frontage. The site has a frontage of 82 feet and therefore, would require a Variance for the additional driveway. The project site is regulated by La Jolla Shores Planned District Permit No. 20666 and Coastal Development Permit No. 206775, which was conditioned to require that an existing 18-foot, driveway on Camino Del Oro at the time, be restored to full-height curb, gutter and sidewalk, and this request therefore, would amend La Jolla Shores Planned District Permit No. 20666 and Coastal Development Permit No. 206775.

Applicant's request

The property owner, Gerald Handler, believes that the elimination of the off-street parking space and closure of the driveway as required by La Jolla Shores Planned District Permit No. 20666 and Coastal Development Permit No. 206775 were made in error and violated city ordinances pertaining to previously conforming uses and required parking. Mr. Handler states that the city issued Permit No. A12107 (attachment 6) for the art studio over a two-car garage and that the westerly driveway was allowed to remain because the art studio was considered a guest quarters, requiring one additional off-street parking space. Therefore, Mr. Handler contends that the second driveway is required to meet the required parking of three off-street parking spaces.

Staff Response

Staff has found no evidence that the art studio was ever permitted as a guest quarters. Permit No. A12107 (attachment 6) for the art studio over a two-car garage was approved as an accessory structure, not as a guest quarters. The approved site plan notes "existing garage to be converted." If the art studio would have been considered a guest quarters, three off-street parking spaces would have been required and the existing garage would have to be maintained. The art studio on the proposed site plan (attachment 5) should be correctly called out and any reference to the guest quarters removed.

When Mr. Handler, applied for the La Jolla Shores Planned District Permit No. 20666, Coastal Development Permit No. 206775 and Variance No. 206776 to construct the 1,254 square-foot, second-story addition which included a request to maintain the second driveway, a comprehensive review of the entire premises was conducted by staff, which included research of all existing structures and permits. At the public hearing, the Hearing Officer reviewed all the submitted information and made the findings to allow the second story addition, however, was unable to make the findings to maintain the second driveway.

Staff is again submitting all previous permits for this property to the Hearing Officer. If the Hearing Officer were to make the findings to re-open the second driveway, staff would recommend that only a maximum of a 12-foot driveway be allowed as required by the Land Development Code 142.0560(j)(1) and that Permit No. 252566 be required to be finalized.

ALTERNATIVES

1. Approve Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775, if the findings required to approve the project can be affirmed.
2. Approve Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775, with modifications.

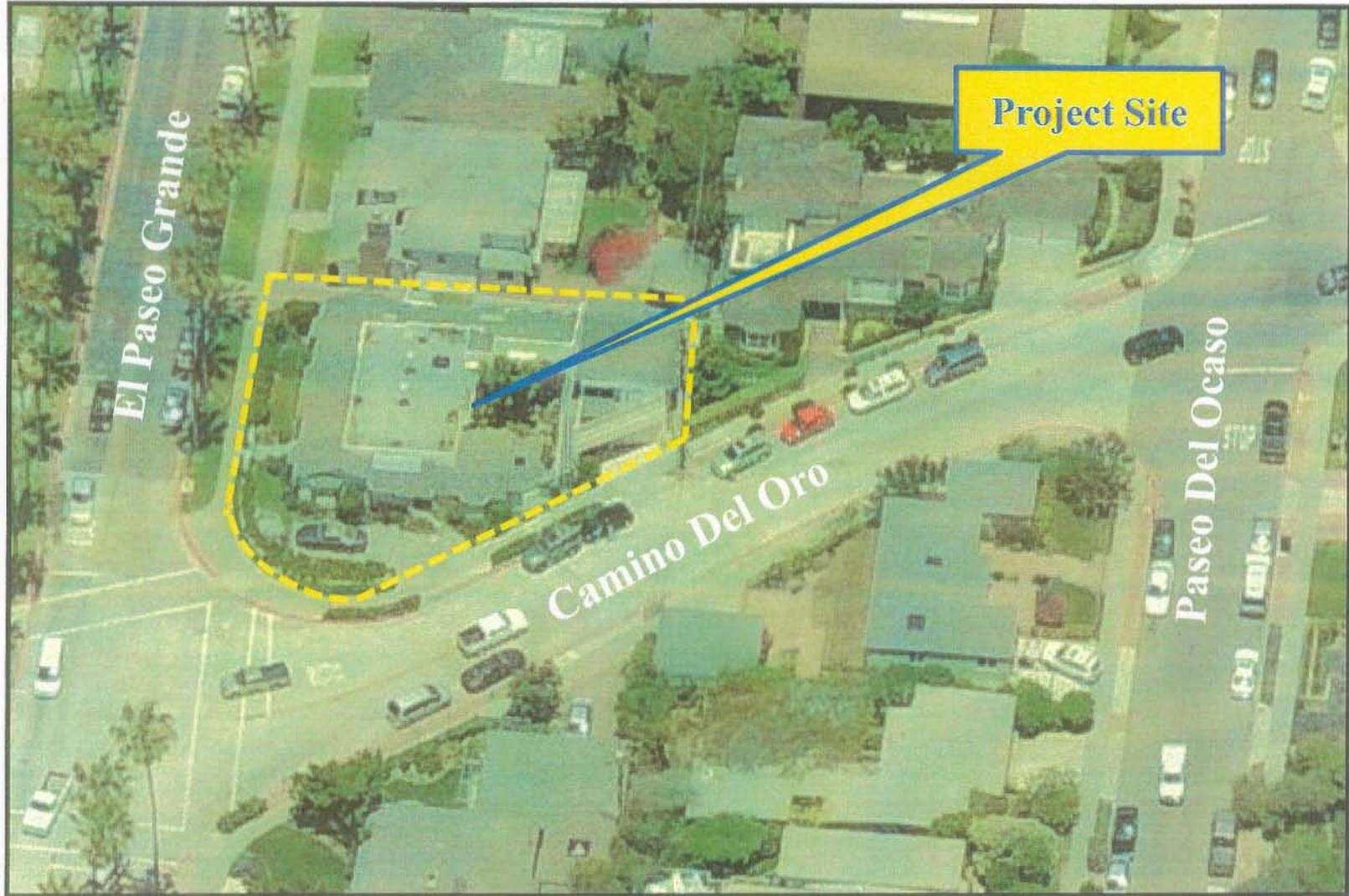
Respectfully submitted,

Edith Y. Gutierrez, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map

3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Permit No. A12107/Site Plan (Hearing Officer Only)
7. Permit No. C-303101-97/Site Plan (Hearing Officer Only)
8. Permit No. C-303099-97
9. Permit No. C-205095-97
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13. Draft Resolution of denial with Findings
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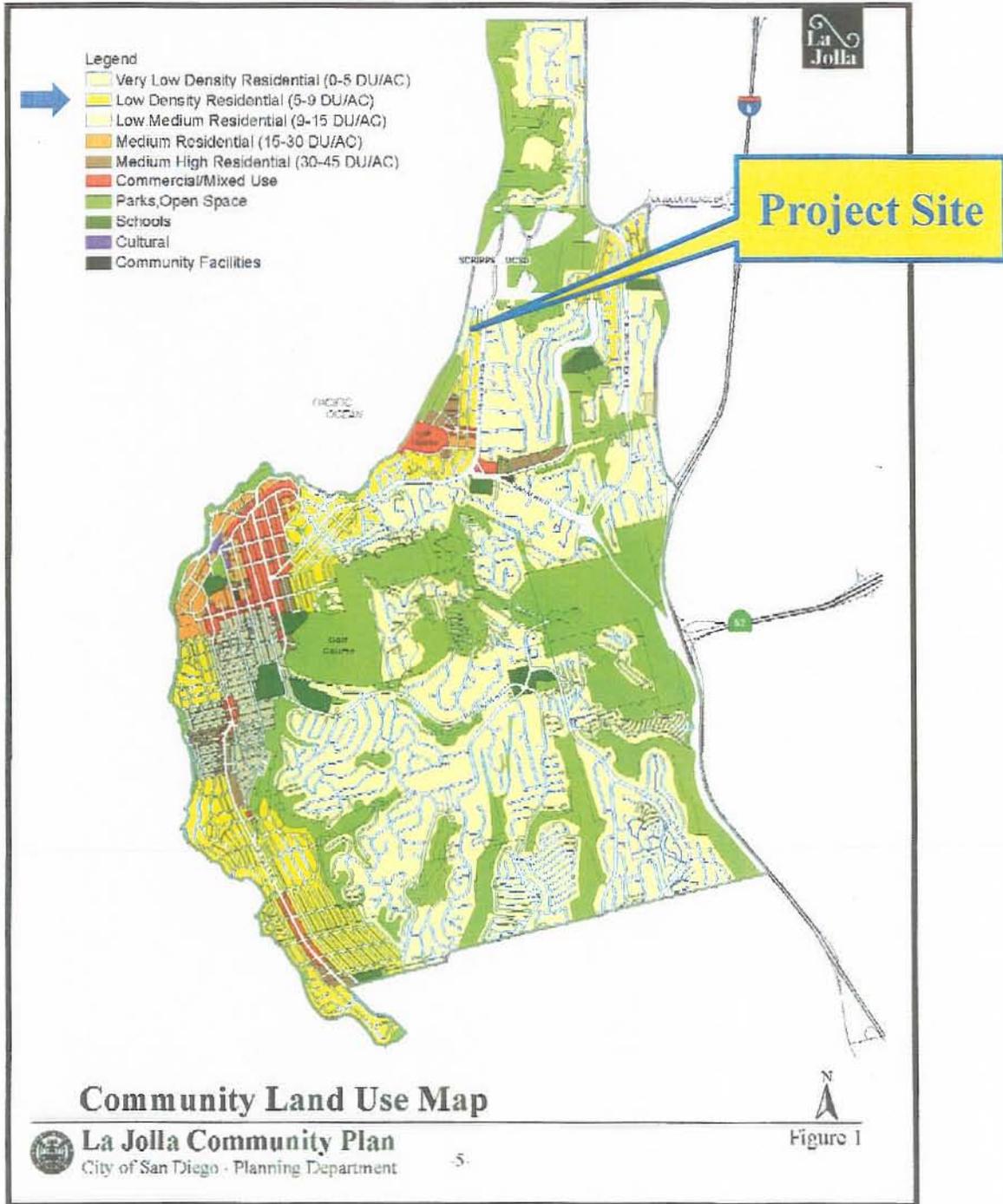


Aerial Photo

HANDLER RESIDENCE – 8405 EL PASEO GRANDE

PROJECT NO. 166021





Community Plan Land Use Map

HANDLER RESIDENCE – 8405 EL PASEO GRANDE

PROJECT No. 166021 – La Jolla





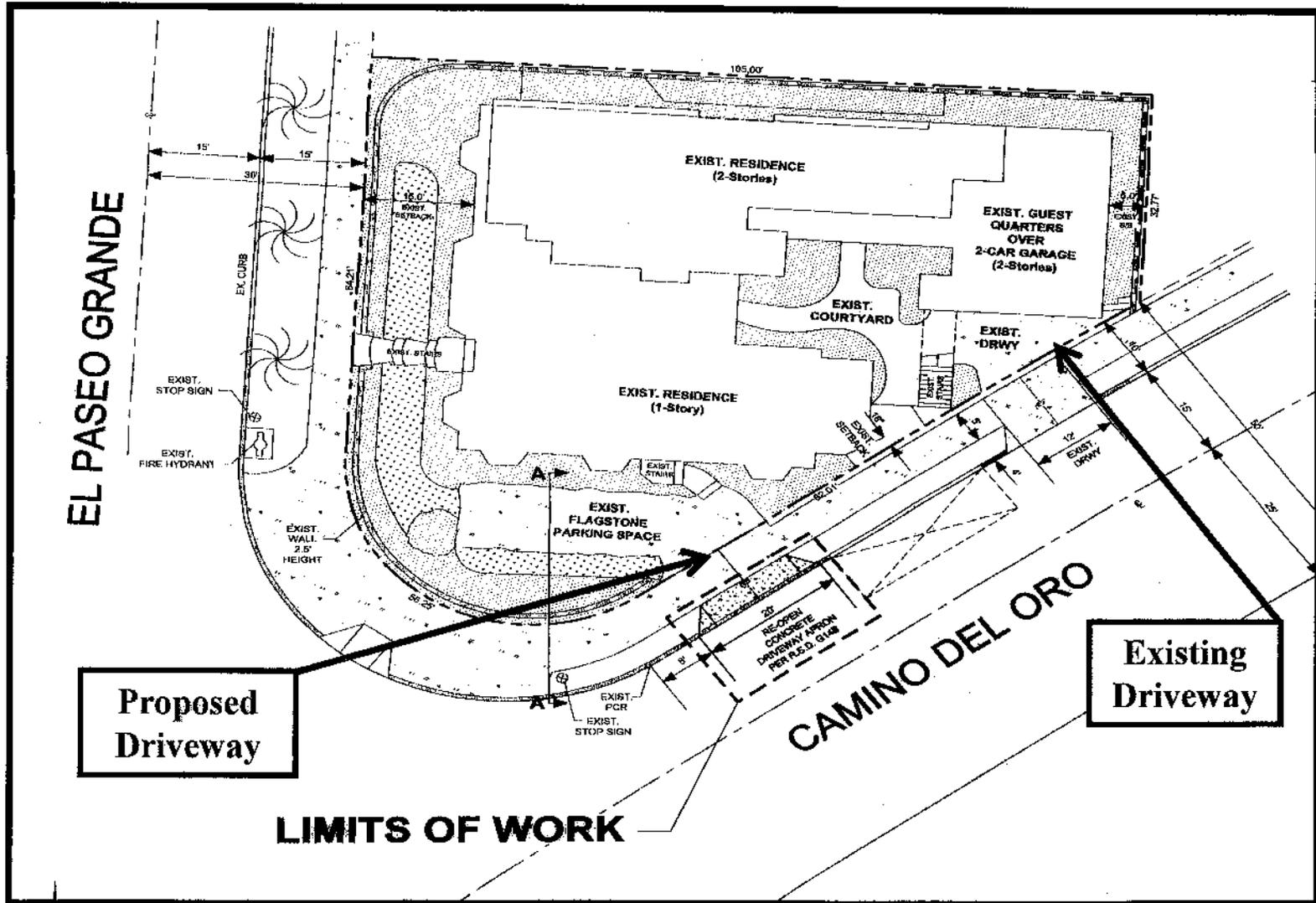
Project Location Map

HANDLER RESIDENCE – 8405 EL PASEO GRANDE
PROJECT NO. 166021



PROJECT DATA SHEET

PROJECT NAME:	Handler Residence	
PROJECT DESCRIPTION:	Request to re-open a 20-foot, second driveway for a single family residence with an existing driveway	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775	
COMMUNITY PLAN LAND USE DESIGNATION:	Low Density Residential (5-9 dwelling units per acre)	
<u>ZONING INFORMATION:</u>		
ZONE: SF La Jolla Shores Planned District		
HEIGHT LIMIT: 30-Foot maximum height limit		
LOT SIZE: 7,215 square feet		
FLOOR AREA RATIO: Maximum Required ~ General conformity/Existing .61		
FRONT SETBACK: Minimum Required ~ General conformity /Existing 15'-0"		
SIDE SETBACK: Minimum Required ~ General conformity/Existing 4'-0"		
STREETSIDE SETBACK: Minimum Required ~ General conformity/Existing 1'-6"		
REAR SETBACK: Minimum Required ~ General conformity/Existing 4'-0"		
PARKING: 2 parking spaces required/Existing 2 spaces		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Single Family; SF	Single Family Residence
SOUTH:	Single Family; SF	Single Family Residence
EAST:	Single Family; SF	Single Family Residence
WEST:	Park; OP-1-1	Kellogg Park
VARIANCES REQUESTED:	To allow two driveways where only one is permitted	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On January 20, 2009, the La Jolla Shores Advisory Board voted 5-0-0 to recommend denial of the project. On May 7, 2009, the La Jolla Community Planning Association voted 14-0-1 to recommend denial of the project.	



Site Plan

HANDLER RESIDENCE - 8405 EL PASEO GRANDE

PROJECT NO. 166021



CITY OF SAN DIEGO BUILDING PERMIT APPLICATION

PROJECT ADDRESS: 8405 El Paseo Grande
DIST. NO. B1
CEMETRY TRACT NO. B3.12
PERMIT NUMBER 002107

LEGAL DESCRIPTION: LOT 104, BLOCK 2147, La Jolla Shores
SUBDIVISION NAME: Unit #6 - BIK 38
ASS # 346-072-05

EXISTING USE: SFR
PROPOSED USE: SFR
NAME: Robert M. Henry
TEL. NO. 459-1944

ADDRESS: 8405 El Paseo Grande
CITY: San Diego
ZIP CODE: 92037

NAME: Thomas Caywood
LIC. NO. 579-9335
ADDRESS: 1488 Pioneer Way
CITY: El Cajon

CONDITION OF SOIL AT PROJECT: UNDISTURBED, COMPACTED FILL, LODGE FILL
COORD. INDEX NO. 253-1691 (F1276)

DESCRIPTION OF PROPOSED WORK: A 2 story Struct. - 1120 sq ft Studio over Garage & Workshop

BUILDING INSPECTOR DEPARTMENT: CITY TREASURER VALIDATION
SERV. SIZE: 1/2"
METER SIZE: 1/2"
SEWER CONN: SEE ATT. RECP. 59715

LICENSED CONTRACTORS DECLARATION: I hereby affirm that I am licensed under provisions of Chapter 9 commencing with Section 70001 of Division 3 of the Business and Professions Code...

OWNER-BUILDER DECLARATION: I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec 7031.5, Business and Professions Code)...

WORKERS COMPENSATION DECLARATION: I hereby affirm that I have a certificate of consent to self-insure or a certificate of Workers' Compensation Insurance...

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE: I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Workers' Compensation Laws of California...

CONSTRUCTION LENDING AGENCY: I hereby affirm that there is a construction lending agency for the performance of the work for which this permit is issued (Sec 3087 Civ. C.)

NAME: Robert M. Henry
ADDRESS: 8405 El Paseo Grande
CITY: San Diego
ZIP CODE: 92037

I certify that I have read this application and state that the above information is correct and that I am the owner or the duly authorized agent of the owner. I agree to comply with all city and state laws relating to building construction...

DATE: 11/19/82
CONTRACTOR, OWNER, AGENT FOR CONTRACTOR, AGENT FOR OWNER

Table with columns: FUND & ACCT, NO UNITS, VALUATION OF WORK, PER UNIT, TOTAL. Includes entries for PLAN CHECK FEE, BUILDING PERMIT FEE, STATE FEE, SEWER FEE, WATER FEE, PARK FEE.

Table with columns: FUND & ACCT, NO UNITS, VALUATION OF WORK, PER UNIT, TOTAL. Includes entries for PLAN CHECK FEE, BUILDING PERMIT FEE, STATE FEE, SEWER FEE, WATER FEE, PARK FEE.

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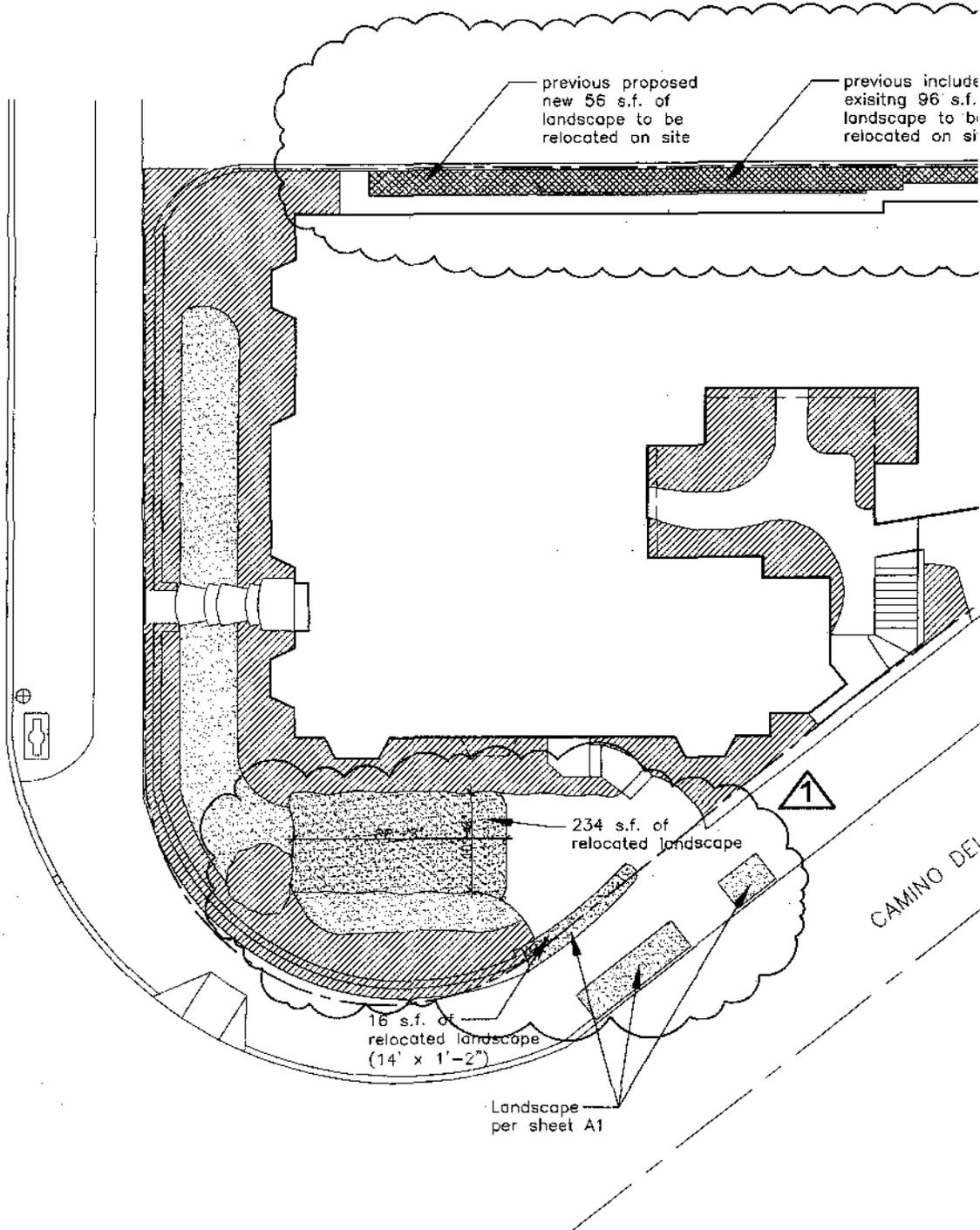
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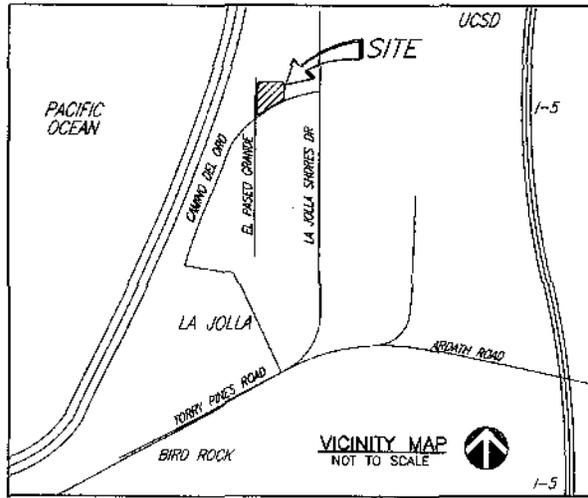
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EL PASEO GRANDE



SITE PLAN PENNER R



SITE ADDRESS

8405 EL PASEO GRANDE
LA JOLLA, CA 92037
(A.P.N. 357-063-03)

OWNER/APPLICANT

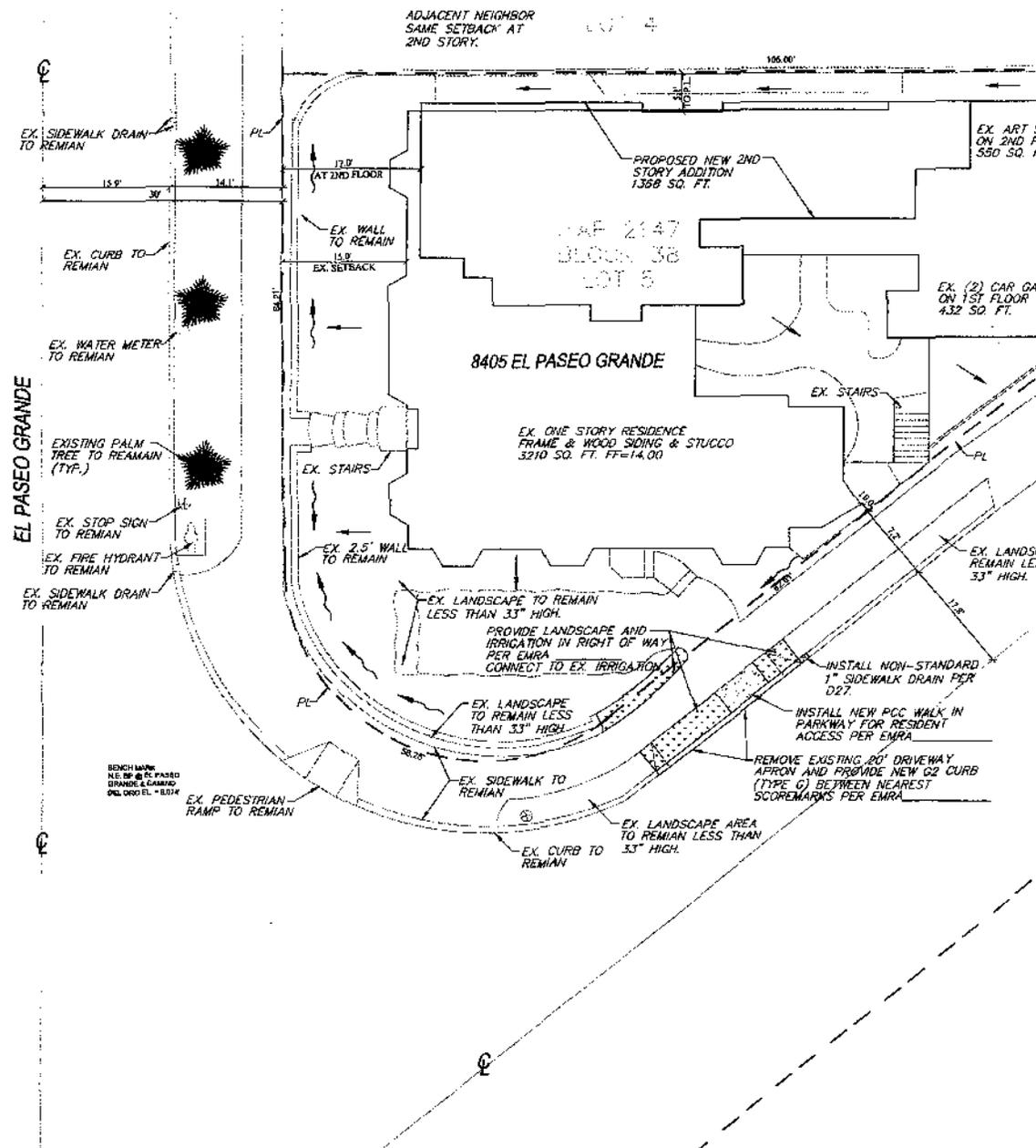
DR. PENNER
8405 EL PASEO GRANDE
LA JOLLA, CA 92037
(619) 237-9433

LEGAL DESCRIPTION

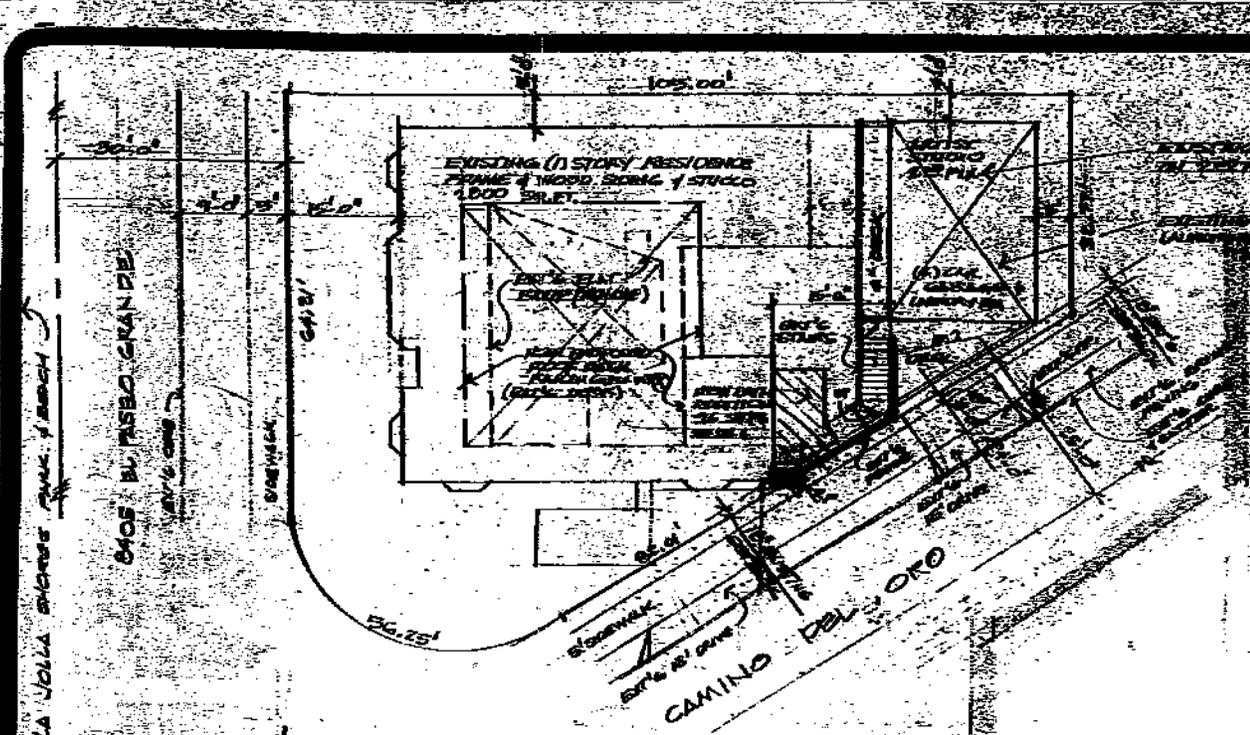
LOT 5 OF BLOCK 38 OF LA JOLLA SHORES
SUBDIVISION MAP 2147

BENCHMARK

NORTHEAST BRASS PLUG
AT EL PASEO GRANDE AND CAMINO DEL ORO
ELEVATION = 5.074 M.S.L.



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SITE PLAN 1/210'

LEGAL DESCRIPTION

MAP 2147 LA JOLLA CROSS UNIT #6 BLK 33
 ACCESSORS PARCEL #246-072-05
 8405 BL PASO GRANDE

LEGAL OWNER

MRS. & MRS. ETHAN FENNER
 8405 BL PASO GRANDE
 LA JOLLA, CA. 92057
 PH# 457-5346

PROJECT DATA

ZONE - R-1
 LOT SIZE = 7701 SQ. FT.
 ALLOWABLE COVERAGES - 60% OR 4620 S.F.
 ACTUAL COVERAGES = 3813 SQ. FT. OR 46%

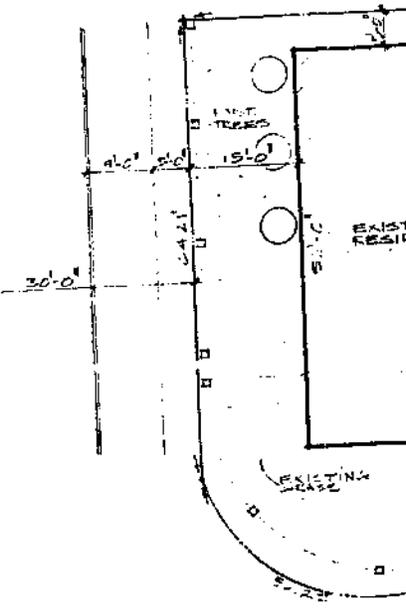
EXISTING HOUSE AREA = 1800 SQ. FT.
 EXISTING ART STUDIO AREA = 600 SQ. FT.

SCOPE OF WORK
 1- NEW RAILING FOR DET. (4)
 2- NEW BATHROOM FOR SHT. 4

NO. 352-97
 [Stamp]
 FOR SHT. 2 AND SHT. 4
 NEW BATHROOM ONLY

BUILDING DEPARTMENT
 CITY OF LA JOLLA
 A
 [Stamp]
 THIS SET OF PLANS HAS BEEN REVIEWED BY THE CITY ENGINEER AND FOUND TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S REQUIREMENTS FOR THE SUBMITTAL OF PLANS FOR THE CONSTRUCTION OF A BUILDING. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON.
 DATE: 1/21/01
 THIS IS NOT A CONTRACT

EL PASO GRANDE



PLOT

PLAN FILE NO
- N23 12764

4 4 4



Legacy BPIS Permits

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

Y41-920-01

Project Information

Plan File: A-102352-97	Status: A	OTC: <input type="checkbox"/>	Submitted: 04/01/1997
Contractor Info:	Worker's Comp. Ins: NOT REQUIRED	CPW	Owner Builder: <input checked="" type="checkbox"/>
License:	Phone:	Policy:	CLS:
Expires:		Expires:	BTC:

Purpose of Permit

Address: 008405 EL PASEO GRANDE	Address ID: 82095	APN: 346-072-0500
Permit Num: C-303101-97	Status: F	Issued: 06/06/1997
Comments: FOR NEW RAILING & BATHROOM ONLY; X01 = VALUATION FOR NEW RAILING	Expires: 04/28/1999	Structure: 001
	Finalized: 10/30/1998	BC Code: 4341
		BC Desc: ADD/ALT 1 OR 2 FAM, NO CHG DU

Desc. of Work: ADDITION OF BATHROOM AND ADD RAILING TO EXISTING ROOF DECK OF EXISTING SINGLE FAMILY RESIDENCE

Code	Quantity	Use/Type of Construction	Rate	Unit	Value
D40	96	DWELLING ADDITIONS WOOD FRAME	\$74.00	SF	\$7,104.00
X01	1	OTHER -RATE DETERMINED BY TECH	\$2,000.00	EA	\$2,000.00

Structure Information

Lot: 5	Model/Desc: ADDITION	Type of Constr: VN	Insp Cat: C	Soil:
Bedrooms:	Stories: 2	OCC Group: R3		
Studio: 0	Permitted: Units: 0	OCC Load:		
1: 0	Fir Area:			
2: 0	Total: Units: 1	Plan Check Fee: \$111.15		
3: 1	Fir Area: 96	Valuation: Init: \$10,104.00		
4: 0	Bldg Area:	Final: \$9,104.00		
5: 0				

Inspection Status

Inspection Type	Scheduled	By	Complete	Init	Status	Other	Remarks
9 ALL FOUNDATION	08/11/1997		08/11/1997	GLM	F		DS-13
5 ROOF SYSTEM	11/19/1997		11/19/1997	MDB	F	PP	NAILING
1 TUB AND SHOWER	05/08/1998		05/08/1998	MDB	P		GUEST QTRS.
6 ALL ROUGH ELECTRIC	02/10/1998		02/10/1998	MDB	F		
9 ALL FRAMING & ROUGH	03/09/1998		03/09/1998	JAF	P		
9 ALL INSULATION	04/08/1998		04/08/1998	WEB	P		
1 EXTERIOR LATH	05/07/1998		05/07/1998	MDB	P		
2 INTERIOR LATH	05/08/1998		05/08/1998	MDB	F		
2 INTERIOR LATH	05/13/1998		05/13/1998	RLH	P		
3 DRYWALL	04/20/1998		04/20/1998	TTR	P		
0 FINAL	08/13/1998			MDB			
0 FINAL	10/30/1998		10/30/1998	MDB	P		

Project Fee Calculation

Qty	Description	Fee	Fund	Account	Paid	Key
1	< APPLICATION FEE >	\$80.00	41300	73528	\$80.00	AP01
1	< ENERGY CONSV PC FEE>	\$11.12	41300	73418	\$11.12	EC02
1	PLAN CHECK FEES	\$118.95	41300	73411	\$118.95	PC01
1	PLAN CHECK ADJUSTMENT	\$-7.80	41300	73411	\$-7.80	PC02
1	PLAN DEPT SM RES/CML	\$105.00	41300	77137	\$105.00	PL02

Permit Fee Calculation

Qty	Description	Fee	Fund	Account	Paid	Key
1	< APPLICATION FEE >	\$80.00	41300	73528	\$80.00	AP01
1	BUILDING PERMIT FEE	\$171.00	41300	73412	\$171.00	B001
1	COMBINATION PERMIT FEE	\$144.29	41300	73411	\$144.29	C001
1	ENERGY CONSERVATION	\$17.10	41300	73426	\$17.10	EC01
1	< ENERGY CONSV PC FEE>	\$11.12	41300	73418	\$11.12	EC02
1	STATE FEE (RESID.)	\$0.64	63010	77940	\$0.64	ST01
1	SEISMIC FEE (RESID.)	\$0.27	63085	77940	\$0.27	ST03



Legacy BPIS Permits

THE CITY OF SAN DIEGO
 Development Services
 1222 First Avenue, San Diego, CA 92101-4154

141-920-01

Additional Info for Plan File: A-102352-97

Permit: C-303101-97

Project Fee Summary

Invoice No	Amount	Printed	Init	Payment Time	Cashier	ST	Revenue Date
0016507 97	\$429.72	06/06/1997	VSL	06/06/1997 09:13	MER	P	06/09/1997
0009629 97	\$210.85	04/01/1997	CPW	04/01/1997 13:54	MER	P	04/02/1997
Total Fees Incurred:		\$640.57	Amount Paid To Date:		\$640.57		

Clearance Checklist

Clearance	Required	Approved	Appr. Date	Init	Comments
STRUCTURAL CALC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	VSL	
FLOOD PLAIN ENG	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	04/02/1997	CPW	ZONE C
MICROFILM PLANS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/30/1999	SYS	ROLL: A3598 FRAME: 0084
COMPLETE APPL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	VSL	
OWNER-BLDR FORM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	VSL	
PLANNING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	04/24/1997	PGC	OK
RESIDENTIAL MEC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	JJI	
SAN DIEGO UNIF	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	VSL	EXEMPT UNDER 500 SQ FT
SPECIFICATIONS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	VSL	CITY MIN. CONSTR. STDS
STRUCTURAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/22/1997	BZS	FOR NEW RAILING & BATHROOM ONLY
WORKERS' COMP	<input type="checkbox"/>	<input type="checkbox"/>	06/06/1997	VSL	
VTR&SWR PERMITS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	VSL	SIGN WMDC/EX 3/4" MTR OK



THE CITY OF SAN DIEGO
Development Services

1222 First Avenue, San Diego, CA 92101-4154

Legacy BPIS Permits

(41-920-01

Project Information

Plan File: A-101740-97 Status: A OTC:
 Contractor Info: Worker's Comp. Ins: NOT REQUIRED CGB Submitted: 03/11/1997
 License: Phone: Policy: Owner Builder:
 Expires: Expires: CLS:
 Expires: Expires: BTC:

Purpose of Permit

Address: 008405 EL PASEO GRANDE Address ID: 82095 APN: 346-072-0500
 Permit Num: C-303099-97 Status: F Issued: 06/06/1997 Structure: 001
 Comments: SEE A102352-97 FOR OTHER PERMIT Expires: 02/16/1999 BC Code: 4341
 Finaled: 08/20/1998 BC Desc: ADD/ALT 1 OR 2 FAM, NO CHG DU

Desc. of Work: ADDITION OF BATHROOM, EXTENTION OF FAMILY AND LIVING ROOM
 ADDITION OF CLOSET, CONVERSION OF GARAGE SPACE INTO LAUNDRY ROOM

Code	Quantity	Use/Type of Construction	Rate	Unit	Value
040	364	DWELLING ADDITIONS WOOD FRAME	\$74.00	SF	\$26,936.00
080	945	BALCONY/NOT INCL IN FLOOR AREA	\$10.75	SF	\$10,158.75

Structure Information

Lot: 5 Model/Desc: ADDITION Type of Constr: VN Insp Cat: C Soil:
 Bedrooms: Stories: 2 OCC Group:
 Studio: 0 Permitted: Units: 0 OCC Load:
 1: 0 Fir Area:
 2: 0
 3: 1 Total: Units: 1 Plan Check Fee: \$295.75
 4: 0 Fir Area: 364 Valuation: Init: \$26,936.00
 5: 0 Bldg Area: Final: \$37,094.00

Inspection Status

Inspection Type	Scheduled	By	Complete	Init	Status	Other	Remarks
SANITARY PLUMBING	07/21/1997		07/21/1997	GLM	F		DS13
SANITARY PLUMBING	07/22/1997		07/22/1997	GLM	P		
SANITARY PLUMBING	01/14/1998		01/14/1998	MDB	P		
FOOTINGS	08/29/1997		08/29/1997	GLM	F		DS-13
ALL FOUNDATION	08/11/1997		08/11/1997	GLM	F		DS-13
ALL FOUNDATION	09/19/1997		09/19/1997	RDR	F	PP	DRY PACK @ COLUMNS OK
FLOOR SYSTEM(S)	09/19/1997		09/19/1997	RDR	F		DS13
TUB AND SHOWER	05/08/1998		05/08/1998	MDB	P		GUEST QTRS.
ALL FRAMING	09/19/1997		09/19/1997	RDR	F	PP	A35'S @ SUBFLR-OK
ALL ROUGH ELECTRIC	02/10/1998		02/10/1998	MDB	F		
ALL FRAMING & ROUGH	03/09/1998		03/09/1998	JAF	P		
ALL INSULATION	04/08/1998		04/08/1998	WEB	P		
EXTERIOR LATH	05/04/1998		05/05/1998	JAF	F	NR	DS13
EXTERIOR LATH	05/07/1998		05/07/1998	MDB	P		
INTERIOR LATH	05/08/1998		05/08/1998	MDB	F		
INTERIOR LATH	05/13/1998		05/13/1998	RLH	P		
DRYWALL	04/20/1998		04/20/1998	TTR	P		& M. SHOWER PEN
FINAL	08/19/1998		08/20/1998	MDB	P		

Object Fee Calculation

Qty	Description	Fee	Fund	Account	Paid	Key
1	< APPLICATION FEE >	\$80.00	41300	73528	\$80.00	AP01
1	< ENERGY CONSV PC FEE>	\$29.58	41300	73418	\$29.58	EC02
1	PLAN CHECK FEES	\$238.55	41300	73411	\$238.55	PC01
1	PLAN CHECK ADJUSTMENT	\$57.20	41300	73411	\$57.20	PC02
1	PLAN DEPT SM RES/CML	\$100.00	41300	77137	\$100.00	PL02
1	PLNG PLANCHK MINOR IMP	\$100.00	41300	77120	\$100.00	PL04



Legacy BPIS Permits

THE CITY OF SAN DIEGO
Development Services

1222 First Avenue, San Diego, CA 92101-4154

Y41-920-01

Additional Info for Plan File: A-101740-97

Permit: C-303099-97

Permit Fee Calculation

Qty	Description	Fee	Fund	Account	Paid	Key
1	< APPLICATION FEE >	\$80.00	41300	73528	\$80.00	AP01
1	BUILDING PERMIT FEE	\$455.00	41300	73412	\$455.00	B001
1	COMBINATION PERMIT FEE	\$222.31	41300	73411	\$222.31	C001
1	ENERGY CONSERVATION	\$45.50	41300	73426	\$45.50	EC01
1	< ENERGY CONSV PC FEE>	\$29.58	41300	73418	\$29.58	EC02
1	STATE FEE (RESID.)	\$2.60	63010	77940	\$2.60	ST01
1	SEISMIC FEE (RESID.)	\$1.11	63085	77940	\$1.11	ST03

Project Fee Summary

Invoice No	Amount	Printed	Init	Payment Time	Cashier	ST	Revenue Date
0016486 97	\$913.30	06/06/1997	M6M	06/06/1997 09:13	MER	P	06/09/1997
0009626 97	\$100.00	04/01/1997	CPW	04/01/1997 13:54	MER	P	04/02/1997
0009625 97	\$100.00	04/01/1997	CPW			V	
0007350 97	\$318.55	03/11/1997	CGB	03/11/1997 12:01	MER	P	03/12/1997
Total Fees Incurred:		\$1,331.85	Amount Paid To Date:		\$1,331.85		

Final Clearance Checklist

Clearance	Required	Approved	Appr. Date	Init	Comments	Key
CONCRETE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/05/1998	JRH	3000 PSI AT STL MOM. FRAME MD	CONC
INL S.I. REPR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08/18/1998	JRH	MDB	SPIR
SPECIAL INSP 1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/22/1998	JRH	H.S BOLT A325 MDB	SPI1
OFFSITE FABR...	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/05/1998	JRH	FAB.APPLN.RECD-NEED FAB.CERT/T	SPI2
WELDING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/05/1998	JRH	MOMT FRAME FLD WLD MDB	WELD

Clearance Checklist

Clearance	Required	Approved	Appr. Date	Init	Comments
STRUCTURAL CALC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	M6M	
LOAD PLAIN ENG	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	03/12/1997	CMJ	ZONE C
MICROFILM PLANS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/09/1999	SYS	ROLL: A3588 FRAME: 0686
PLANNING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/05/1997	PGC	COASTAL EXEMPTION
RESIDENTIAL MEC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	JJI	
SAN DIEGO UNIF	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	M6M	< 500 SF
SPECIAL INSP AGRMT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	06/06/1997	M6M	
STRUCTURAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/22/1997	RXO	
WORKERS' COMP	<input type="checkbox"/>	<input type="checkbox"/>	06/06/1997	M6M	
METER & SWR PERMITS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	03/12/1997	CMJ	EXISTG 3/4" METER



THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

Legacy BPIS Permits

Y41-920-01

Project Information

Plan File: A-104909-97 Status: A OTC: Submitted: 06/27/1997
 Contractor Info: Worker's Comp. Ins: NOT REQUIRED SXD Owner Builder:
 License: Phone: Policy: CLS:
 Expires: Expires: BTC:

Purpose of Permit

Address: 008405 EL PASEO GRANDE Address ID: 82095 APN: 346-072-0500
 Permit Num: C-305095-97 Status: F Issued: 08/08/1997 Structure: 001
 Comments: Expires: 02/09/1999 BC Code: 4341
 Finaled: 08/13/1998 BC Desc: ADD/ALT 1 OR 2 FAM, NO CHG DU

Desc. of Work: ADD ELEVATOR, SPA TO ROOF DECK TO A EX SFR*9/29/97 PL CH TO RELOCATE WALKING BRIDGE, RAISE CEILING AT BEDRMS, REDESIGN GLASS WIND SCRNR*

Code	Quantity	Use/Type of Construction	Rate	Unit	Value
X02	1	OTHER - CONTRACTORS VALUATION	\$25,000.00	EA	\$25,000.00

Structure Information

Lot: 5 Model/Desc: ELEVATOR Type of Constr: Insp Cat: C Soil:
 Bedrooms: Stories: 2 OCC Group:
 Studio: 0 Permitted: Units: 0 OCC Load:
 1: 0 Fir Area:
 2: 0 Total: Units: 1 Plan Check Fee: \$228.15
 3: 0 Fir Area:
 4: 1 Bldg Area: Valuation: Init: \$25,000.00
 5: 0 Final: \$25,000.00

Inspection Status

Inspection Type	Scheduled	By	Complete	Init	Status	Other	Remarks
2 FOOTINGS	01/14/1998		01/14/1998	MDB	P		ANOP
9 ALL FOUNDATION	08/11/1997		08/11/1997	GLM	F		DS-13
1 TUB AND SHOWER	05/08/1998		05/08/1998	MDB	P		QUEST QTRS.
5 ALL ROUGH ELECTRIC	02/10/1998		02/10/1998	MDB	F		
5 ALL ROUGH ELECTRIC	02/13/1998		02/13/1998	MDB	P	RE	TSPB ONLY
9 ALL FRAMING & ROUGH	03/09/1998		03/09/1998	JAF	P		
9 ALL INSULATION	04/08/1998		04/08/1998	WEB	P		
1 EXTERIOR LATH	05/07/1998		05/07/1998	MDB	P		
2 INTERIOR LATH	05/08/1998		05/08/1998	MDB	F		
2 INTERIOR LATH	05/13/1998		05/13/1998	RLH	P		
3 DRYWALL	04/20/1998		04/20/1998	TTR	P		
0 FINAL	08/13/1998		08/13/1998	MDB	P		

Project Fee Calculation

Qty	Description	Fee	Fund	Account	Paid	Key
1	< APPLICATION FEE >	\$80.00	41300	73528	\$80.00	AP01
1	PLAN CHECK FEES	\$228.15	41300	73411	\$228.15	PC01
4	EXPRESS PLAN CHECK FEE	\$450.00	41300	73411	\$450.00	PC14
1	PLAN DEPT SM RES/CML	\$210.00	41300	77137	\$210.00	PL02
1	EXPRESS STRL	\$180.00	41300	73411	\$180.00	PR05
1	PR2000 SIC DSD DEP	\$10.50	41302	77080	\$10.50	SR01

Permit Fee Calculation

Qty	Description	Fee	Fund	Account	Paid	Key
1	< APPLICATION FEE >	\$80.00	41300	73528	\$80.00	AP01
1	BUILDING PERMIT FEE	\$351.00	41300	73412	\$351.00	B001
1	COMBINATION PERMIT FEE	\$114.74	41300	73411	\$114.74	C001
1	STATE FEE (RESID.)	\$1.75	63010	77940	\$1.75	ST01
1	SEISMIC FEE (RESID.)	\$0.75	63085	77940	\$0.75	ST03



Legacy BPIS Permits

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

Y41-920-01

Additional Info for Plan File: **A-104909-97** Permit: **C-305095-97**

Project Fee Summary

Invoice No	Amount	Printed	Init	Payment Time	Cashier	ST	Revenue Date
000961 98	\$270.00	01/09/1998	EXT	01/09/1998 10:48	HFV	P	01/12/1998
029689 97	\$180.00	09/25/1997	AQD	09/25/1997 10:50	HFV	P	09/26/1997
024024 97	\$468.24	08/08/1997	SXD	08/08/1997 12:16	MER	P	08/11/1997
023799 97	\$400.50	08/07/1997	VSL	08/07/1997 11:32	MER	P	08/08/1997
019133 97	\$308.15	06/27/1997	CMJ	06/27/1997 10:38	MER	P	06/30/1997
Total Fees Incurred:		\$1,626.89	Amount Paid To Date:		\$1,626.89		

Final Clearance Checklist

Clearance	Required	Approved	Appr. Date	Init	Comments	Key
FINL S.I. REPR	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/08/1998	JRH		SPIR
	<input type="checkbox"/>	<input type="checkbox"/>	08/18/1997	WHS		SPI1
SPECIAL INSP 2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	05/08/1998	JRH	EPOXY ANCHORS ICBO 5279	SPI2

Clearance Checklist

Clearance	Required	Approved	Appr. Date	Init	Comments
STRUCTURAL CALC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08/08/1997	SXD	
FLOOD PLAIN ENG	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08/08/1997	SXD	
MICROFILM PLANS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	07/12/1999	SYS	ROLL: A3513 FRAME: 0213
COMPLETE APPLI	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08/08/1997	SXD	FILL OUT O-B INFO ON APPLIC
PL CH/STRL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	09/29/1997	SXD	APRVD BY MOHAMMAD H. PER PLAN
PL CH/PLANNING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	09/29/1997	SXD	APRVD BY PETER CHOU PER PLAN
OWNER-BLDR FORM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08/08/1997	SXD	MAILED APP + O B FORM
PLANNING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08/07/1997	PGC	APPROVED PER G. HALBERT
STRUCTURAL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08/08/1997	MXH	



64A-005

Project Information

Project Nbr: **80784** Title: HANDLER REMODEL
Project Mgr: Williams, Chiquita (619)687-5934 cpwilliams@sandiego.gov



Approval Information

Approval Nbr: **2 52566** Type: Combination Building Permit Status: Cancelled
Issued: 07/10/2006 1:22 pm Issued By: Prather, Anthony Issued To: Handler, Penner
Completed: 11/22/2008 10:06 am Completed By: Perez, Sylvia Owner Occupied:
Extension Qty: 0 Extended By: Cancel Reason: Expired Overridden:
Scope: LA JOLLA .. Combination Permit .. 2nd story addn and fireplace .. Parking Impact .. Coastal Height Limit .. Residential Tandem Parking .. City Coastal ... LJSPD-SF Land Doc Type:
Owner Builder DR. Handler Cen. tract# 83.12. Recorded Map No.:
Recorded Date:



Job Location (**Permit Expired****8405 EL PASEO GRANDE)**

Address: 8405 EL PASEO GRANDE Assessor Parcel: 346-072-0500

Bureau of Census (BC) Codes

BC Code: Add/Alt 1 or 2 Fam, No Chg DU

Fee Type Units

Fee Type	Amount
Valuation -CBC	138,168.00
DwellingUnit NetChange(+,-,0)	0.00
School ChrgSqFt-SF/Dup/MF	1,368.00

Fee Worksheet

Fee	Quantity	Unit	Category
DevRev of Bldg Pmnts-Single Fam	1.00	Review Cycle	Plan Check Fees
Fireplace-PreFab/Metal	1.00	Each	Plan Check Fees
Permit Issuance/with Plans	1.00	Each	Issuance Fees
Room Addition (Residential)	1,368.00	Square Feet	Plan Check Fees
School District Chck Handling	1.00	Each	Issuance Fees
Seismic Fee (ComboPermit)	138,168.00	Valuation -CBC	Issuance Fees
State Fee (ComboPermit)	138,168.00	Valuation -CBC	Issuance Fees
WaterSewer PC (up to 2.9 EDU)	1.00	Water/Irrigation Meter	Plan Check Fees



Approval

THE CITY OF SAN DIEGO
Development Services

1222 First Avenue, San Diego, CA 92101-4154

L64A-005

Project Information

Project Nbr: **160412** Title: Handler-Final Only**EXPIRED** *160412*
 Project Mgr: Silva, Adrian (619)557-7986 asilva@sandiego.gov

Approval Information

Approval Nbr: **5 72067** Type: Combination Building Permit Status: Issued *572067*

Issued: 07/03/2008 2:06 pm Issued By: Silva, Adrian Issued To: Ben Leland, - Ben Leland Construction
 Completed: Completed By: Owner Occupied: Overridden:
 Extension Qty: 0 Extended By: Cancel Reason:
 Scope: LA JOLLA-Combination Permit- to obtain a final inspection for expired approval 252566 under PTS 160412. 2nd story addn and fireplace. LJSPD-SF Precancel Status:
 Land Doc Type:
 Recorded Map No.:
 Recorded Date:

Job Location (8405 EL PASEO GRANDE)

<u>Address</u>	<u>Assessor Parcel</u>
8405 EL PASEO GRANDE	346-072-0500

Bureau of Census (BC) Codes

BC Code
Add/Alt 1 or 2 Fam, No Chg DU

Fee Type Units

<u>Fee Type</u>	<u>Amount</u>
Valuation -CBC	13,817.00

Fee Worksheet

<u>Fee</u>	<u>Quantity</u>	<u>Unit</u>	<u>Category</u>
Hrly Inspection-Combination	1.00	Hours	Inspection Fees
Permit Issuance/No Plans	1.00	Each	Issuance Fees
Seismic Fee (ComboPermit)	13,817.00	Valuation -CBC	Issuance Fees
State Fee (ComboPermit)	13,817.00	Valuation -CBC	Issuance Fees

17273

DOC # 2005-0653346



AUG 01, 2005 3:23 PM

OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY J. SMITH, COUNTY RECORDER
 FEES: 45.00
 PAGES: 13



2005-0653346

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

WHEN RECORDED MAIL TO
 PERMIT INTAKE
 MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 99-1352

LA JOLLA SHORES DEVELOPMENT PERMIT NO. 206666
 COASTAL DEVELOPMENT PERMIT NO. 206775
PENNER RESIDENCE
 HEARING OFFICER

This La Jolla Shores Development Permit No. 206666, and Coastal Development Permit No. 206775, is granted by the Hearing Officer of the City of San Diego to THE MONICA HANDLER TRUST DTD 9-18-2000, MONICA HANDLER PENNER, TRUSTEE, Owner/Permittee, pursuant to San Diego Municipal Code Sections 105.0204, and 103.0302.3. The 0.18-acre site is addressed as 8405 El Paseo Grande and located in the 'SF' (Single-Family Residential) Zone of the La Jolla Shores Planned District and Precise Plan, and La Jolla Community Plan Areas. The project site is legally described as Lot 5, Block 38, La Jolla Shores Unit No. 6, Map No. 2147.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a second-story addition to an existing one-story, single-family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated April 6, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. A 1,254 sq. ft., second-story addition atop a northerly portion of an existing 3,123 sq. ft., one-story, single-family residence. An enclosed stairway will provide interior access from the existing first-floor, to the proposed second-floor. The new second-floor consists of a master bedroom, walk-in closet, and bath/shower area;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;

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- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.
- e. The requested Variance to maintain an existing curb cut, driveway and off-street parking space within the setback, identified as the "westerly access" is denied.

STANDARD REQUIREMENTS:

1. Construction demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the 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 Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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.).

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7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.
- In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
10. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action following all appeals.

ENGINEERING REQUIREMENTS:

11. Prior to issuance of any building permit(s), the Applicant shall revise the Site Plan to include the Owner's Certificate for Post-Construction Best Management Practices (BMP's), and shall be signed by the property owner.
12. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
13. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer for landscaping in El Paseo Grande and Camino del Oro and for stepping stones in Camino del Oro.

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14. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of a portion of sidewalk near the fire hydrant on El Paseo Grande, satisfactory to the City Engineer.
15. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the closure of the existing 18-foot driveway ("westerly access") on Camino del Oro with restoration to full-height curb, gutter and sidewalk and the replacement of the curb and gutter on Camino del Oro from the easterly property line to the existing pedestrian ramp at the corner, matching the existing curb and gutter of the adjacent property on Camino del Oro.
16. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
17. Prior to the issuance of any construction permits, the applicant shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
18. Prior to the issuance of any building permits, the applicant assure by permit and bond, the reconstruction of the curb ramp at the corner of El Paseo Grande and Camino Del Oro to current standards, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

19. Prior to issuance of a building permit, the permittee shall submit a site/plot plan consistent with the plans submitted for a building permit showing the required 30% landscaped area in a crosshatch pattern and labeled "Landscape Area Diagram". The crosshatch pattern shall be consistent with Section 1.1-5 of the Landscape Technical Manual. Revised plans shall also depict additional landscaping within the setback area previously utilized for parking/driveway, to exceed the minimum 30% required.
20. Provide the following note on the "Landscape Area Diagram": "All of the required landscape shall be installed as required by the La Jolla Shores Planned District Ordinance prior to final inspection".
21. Prior to final inspection, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on going maintenance of all street trees.
22. 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.

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23. Modifications or changes to the 'Landscape Area Diagram' and existing or proposed plant material, as shown on the approved Exhibit 'A' is permitted provided the resulting landscape exceeds the minimum area requirements of the La Jolla Shores Planned District Ordinance.
24. Prior to the issuance of any final inspection, the existing trees located at the corner of Camino del Oro and El Paseo Grande shall be thinned and all other vegetation in that area shall be trimmed to a maximum of three feet (3'-0") in height. This condition is intended to enhance the public view corridor along Camino del Oro.
25. No landscaping shall exceed a height of three-feet (3'-0") within any visibility area or within the established view corridor within, along or adjacent to the Camino Del Oro public right-of-way.

PLANNING/DESIGN REQUIREMENTS:

26. Prior to issuance of any building permit(s) revised plans shall be submitted which resolve the discrepancy on the elevation (Sheet 7). The elevations 39.50 and 38.33 are not consistent with the other elevations and sections, please correct.
27. No fewer than two (2) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.
28. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
29. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.
30. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.
31. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

32. Prior to issuance of any building permit(s), the existing curb cut as noted on Exhibit "A" dated April 6, 2005 ("westerly access"), shall be closed and replaced with a full-height curb and gutter per City standards to the satisfaction of the Development Services Director and City Engineer.
33. Prior to issuance of any final inspection, the existing parking space within the setback, as noted on Exhibit "A" dated April 6, 2005, shall be permanently removed. This area shall be replaced/planted and maintained with green and growing landscaping, in addition to the minimum 30% requirement of the La Jolla Shores Planned District.
34. Prior to issuance of any final inspection, the existing concrete driveway ("westerly access") shall be permanently removed and replaced/planted and maintained with green and growing landscaping.
35. 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.
36. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

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 section 66020.

APPROVED by the Hearing Officer of the City of San Diego on April 6, 2005.

ALL-PURPOSE CERTIFICATE

Type/PTS Approval Number of Document LJS/CDP 206666/206775
Date of Approval April 6, 2005

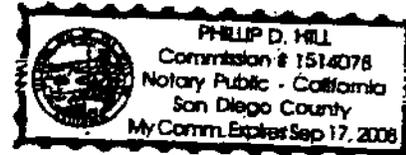
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

William C. Tripp, Development Project Manager

On June 27, 2005 before me, Phillip D. Hill, Notary Public, personally appeared William C. Tripp, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Phillip D. Hill
Phillip D. Hill



ALL-PURPOSE CERTIFICATE

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

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

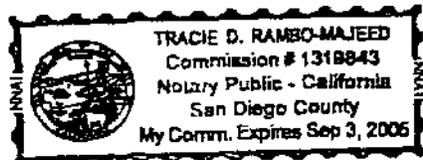
Signed Monica Handler Penner (TRUSTEE)
Typed Name Monica Handler Penner (Trustee)

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On July 28, 2005 before me, Tracie D. Rambo-Majeed (Name of Notary Public) personally appeared Monica Handler Penner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature Tracie D. Rambo-Majeed
Tracie D. Rambo-Majeed



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HEARING OFFICER
 RESOLUTION NO. 4975
 LA JOLLA SHORES DEVELOPMENT PERMIT NO. 206666
 COASTAL DEVELOPMENT PERMIT NO. 206775
 PENNER RESIDENCE

WHEREAS, THE MONICA HANDLER TRUST, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a second-story addition to an existing one-story, single-family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated La Jolla Shores Development Permit No. 206666, and Coastal Development Permit No. 206775, on portions of a 0.18-acre site;

WHEREAS, the project site is located at 8405 El Paseo Grande in the 'SF' (Single-Family Residential) Zone of the La Jolla Shores Planned District, of the La Jolla Shores Community Plan and Local Coastal Program, and La Jolla Shores Precise Plan Areas;

WHEREAS, the project site is legally described as Lot 5, Block 38, La Jolla Shores Unit No. 6, Map No. 2147;

WHEREAS, on April 6, 2005, the Hearing Officer of the City of San Diego considered La Jolla Shores Development Permit No. 206666, Coastal Development permit No. 206775, and Variance No. 206776, 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 as follows:

That the Hearing Officer adopts the following written Findings, dated April 6, 2005.

1. LA JOLLA SHORES (PDO) - (MUNICIPAL CODE SECTION 103.0300)

After receiving a recommendation or comments from the La Jolla Shores Advisory Board, that 'the Hearing Officer finds that the building, structure, or improvements for which the permit was applied does or does not conform to the regulations contained in the La Jolla Shores Planned District'.

Staff review determined that the proposed project with the conditions of the Permit and without the Variance, is consistent with requirements of the La Jolla Shores Planned District, and provisions of the La Jolla Shores Precise Plan and the La Jolla Community Plan, which designate the site for single-family residential development. Site landscaping will be provided and appropriately maintained to improve public views along an established view corridor. There is no maximum floor area ratio required for single-family structures in the La Jolla Shores Precise Plan Area and Planned District. The project complies with established coverage, setback, landscape and other relevant requirements. A survey of the surrounding properties and general

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determined that the proposed project is consistent in bulk and scale with the surrounding neighborhood.

Permit conditions require appropriate project modifications to ensure compliance with applicable conditions of the Municipal Code related to off-street parking, on-street parking, vehicular access including curb cut and driveway width and landscaping.

Therefore, the Hearing Officer finds that the structure and improvements for which the permit was applied does conform to the regulations contained in the La Jolla Shores Planned District.

II. COASTAL DEVELOPMENT ~ (Municipal Code Section 105.0202)

- 1. The proposed development will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.**

Staff review of submitted plans, applicable ordinances and policy documents, and a site visit has determined that although there is an existing view corridor along the public right-of-way of Camino Del Oro located to the south, the second-story addition is proposed to be located at the most northerly portion of the property atop the existing first floor. The addition will observe a reduced northerly side yard setback of four-feet, where the existing first floor observes five-feet. This design is appropriate due to the placement of the addition as far away from the view corridor as possible. Permit conditions require the thinning and maintenance of landscaping to a maximum of three-feet in height to avoid visual impacts to the view corridor. An existing parking space within the required street side yard is required to be permanently removed. The removal of off-street parking in this area will be beneficial to the view corridor by reducing visual intrusion.

There are no physical accessways legally utilized by the general public nor are any proposed public accessways identified in the La Jolla, La Jolla Shores Community Plan and Local Coastal Program, and La Jolla Shores Precise Plan Areas, which could be adversely impacted by the proposed project. The proposed addition will be located away from the identified view corridor and will not obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

- 2. The proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.**

Staff has reviewed the project and visited the site. The project has been categorically exempted in accordance with the State of California Environmental Quality Act. Staff has determined that there are no marine resources, environmentally sensitive areas, or archaeological or paleontological resources on or near the proposed development which could be adversely

affected. Therefore the proposed development will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

Staff has determined that there are no biologically sensitive lands, significant prehistoric or historic resources on the property as set forth in the Resource Protection Ordinance, which could be impacted, therefore there is no requirement to fulfill.

4. The proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources.

Staff has determined that there are no identified recreational or visitor-serving facilities or coastal scenic resources on the site. Significant recreational, visitor-serving facilities and coastal scenic resources are located to the west of the property, across El Paseo Grande. These resources include the Pacific Ocean, La Jolla Shores Beach and Kellogg Park. The proposed development will be located easterly of these resources on private property which has been developed with a one-story, single-family residence. The proposed development will be located on top of the existing residence, away from established view corridors and will not adversely affect identified recreational, visitor-serving or coastal scenic resources.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.

The proposed development consists of the addition of a second-story to an existing one-story, single-family residence. The addition will be site atop a northerly portion of the existing residence, and within the majority of the existing footprint of the residence. The addition will not significantly contribute to the maximum allowed coverage on the site, and will be located at the most northerly portion of the site, away from an established view corridor.

Staff has reviewed submitted plans, visited the site, applied applicable ordinances and policies to the project review, and determined that the proposed development has been sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and that the siting of the project provides adequate buffer areas to protect the resources located westerly of the site.

- 6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.**

The proposed development will be located atop an existing residence on a legally subdivided, previously developed site. There are no natural landforms remaining on the property. Staff review has determined that the property and design of the project do not present potential issues or undue risks from geologic and erosional forces and/or flood or fire hazards. Established drainage systems and public improvements are located within the vicinity which prevents flooding. These improvements include fire/water service/hydrants in the event of an emergency. Therefore, it has been determined that the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

- 7. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, will restore and enhance visual quality in visually degraded areas.**

Staff has made a site visit to the property and the surrounding area, which consists of an established single-family residential neighborhood initially subdivided in 1929. Surrounding development includes a variety of one- and two-story residences which have been improved to various degrees. The addition of a second-story to the existing one-story residence will incorporate a sloped roof as have other residences in the area, and enhance the use of the existing property. The addition will be constructed to blend with the existing residence and neighborhood. A site visit supports the conclusion that this is not a visually degraded area, and therefore visual quality need not be restored or enhanced.

- 8. The proposed development will conform with the City's Progress Guide and General Plan, the local coastal program, and any other applicable adopted plans and programs in effect for this site.**

Staff review has determined that the project, without the Variance, is consistent with the La Jolla Shores Precise Plan and the La Jolla Community Plan which designate the site for single-family residential development. Site landscaping along the established view corridor will be thinned and maintained to improve public views. There is no maximum floor area ratio required for single-family structures in the La Jolla Shores Precise Plan Area. A survey of the surrounding properties and area indicates that the proposed project is consistent in bulk and scale with the surrounding neighborhood.

Staff has reviewed the project and submitted plans with established ordinances and policy documents and has determined that the project conforms with the City's Progress Guide and General Plan, the local coastal program, and any other applicable adopted plans and programs in effect for this site.

III. VARIANCE FINDINGS ~ (MUNICIPAL CODE SECTION 101.0502)

- 1. There are NO special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance in effect for this site.**

The Applicant seeks to maintain an existing curb cut and driveway access leading to a former one-car garage that was converted with permits, legally, in 1984. The Municipal Code regulates parking, including parking within setback areas. Generally, legal off-street parking may not be provided in front or street side yard setbacks unless the driveway leads to a legal off-street parking space. The legal off-street parking space, to which this access once lead, was in the former garage which has been converted into living area. At the time of this conversion, the provisions of the Municipal Code which regulate parking were not enforced. The Applicant subsequently made application for an addition to the property which requires discretionary review. Conditions have been added to the permit which requires compliance and consistency with the provisions of the Municipal Code which regulate off-street parking, with implementation of this project.

The existence of this curb cut, driveway and parking space has facilitated parking within the area in violation of the Municipal Code. Furthermore, the property is located within the Beach Impact Area of the Coastal Zone. The replacement of the curb cut with a full-height curb and gutter with enable one additional on-street parking space to be provided in an area heavily traveled and utilized by the public for recreational use and enjoyment of nearby public parks and beaches by members of the public, and is consistent with the purpose and intent of the California Coastal Act, and related policy documents and plans.

Therefore, there are NO special circumstances or conditions applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or buildings in the neighborhood. Such conditions shall not have resulted from any act of the applicant subsequent to the adoption of the applicable zoning ordinance in effect for this site.

- 2. The aforesaid circumstances or conditions are such that strict application of the provisions of the ordinance in effect for this site would NOT deprive the owner of reasonable use of the land or buildings and that the variance will accomplish this purpose.**

Staff has determined that adequate off-street parking for two cars is available in an existing two-car garage at the easterly portion of the site. Access to these spaces is provided from a legal curb cut and driveway. Staff has determined that this parking complies with the parking requirements of the Municipal Code and is adequate for the use of the property. Therefore, staff has determined that the aforesaid circumstances or conditions are such that strict application of the provisions of the ordinance in effect for this site would NOT deprive the owner of reasonable use of the land or buildings, and that therefore this Variance finding cannot be supported.

- 3. The granting of the variance will NOT be in harmony with the general purpose and intent of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the general public welfare.**

The property is located within the Beach Impact Area of the Coastal Overlay Zone, and is located within the immediate vicinity of a frequently utilized public park, public beach and the Pacific Ocean. These resources are frequently utilized by the public for recreational purposes and on-street parking is heavily impacted. The continued use of the setback area for off-street parking, and use of the curb cut and driveway to access what at one time was legal parking to a one-car garage that has since been converted, is illegal and it is inappropriate to remedy this illegal use by the granting of a Variance. It is the public interest that the existing curb cut be closed and replaced with a full height curb and gutter, that a sidewalk be provided to City standards for public use, and that the existing driveway be demolished and replaced.

with low growing landscaping to enhance aesthetics adjacent to an established view corridor. Therefore, it is determined that the granting of this variance would NOT be in harmony with the general purpose and intent of the zoning regulations and WOULD be injurious to the neighborhood and detrimental to the general public welfare.

4. The granting of the variance WILL adversely affect the City's Progress Guide and General Plan.

The property is located within the Beach Impact Area of the Coastal Overlay Zone and is within close proximity to a public park, beach and the Pacific Ocean. These resources are utilized extensively by the general public and significant on-street parking impacts exist. The granting of the variance WOULD adversely affect the City's Progress Guide and General Plan by allowing continued use of a curb cut and driveway access which no longer lead to legal off-street parking, and further deprive the public of an additional on-street parking space for parking in an area with significant publicly utilized resources.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, considered La Jolla Shores Development Permit No. 206666, and Coastal Development Permit No. 206775, and Variance No. 206776, pursuant to the Land Development Code of the City of San Diego; NOW, La Jolla Shores Development Permit No. 206666, and Coastal Development Permit No. 206775, is hereby GRANTED, and the requested Variance No. 206776, is hereby DENIED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in La Jolla Shores Development Permit No. 206666 and Coastal Development Permit No. 206775, a copy of which is attached hereto and made a part hereof.



WILLIAM C. TRIPP
Development Project Manager
Development Services

Adopted on: April 6, 2005

Job Order No. 99-1352

cc: Legislative Recorder, Planning Department

HEARING OFFICER
 RESOLUTION NO. HO-
 COASTAL DEVELOPMENT PERMIT NO. 595308, SITE
 DEVELOPMENT PERMIT NO. 595309 AND VARIANCE NO. 650336
HANDLER RESIDENCE - PROJECT NO. 166021
 AMENDMENT TO LA JOLLA SHORES DEVELOPMENT
 PERMIT NO. 20666 AND COASTAL DEVELOPMENT PERMIT NO. 206775

WHEREAS, MONICA HADLER PENNER, TRUSTEE OF THE MONICA HANDLER TRUST 9-18-2000, Owner/Permittee, filed an application with the City of San Diego for a permit to have two driveway curb cuts on the same premises (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 595308, 595309 and 650336), on portions of a 0.18-acre site;

WHEREAS, the project site is located at 8405 El Paseo Grande in the SF Zone of the La Jolla Shores Planned District, the Coastal Height Limit, Coastal (Appealable Area), Parking Impact, and Residential Tandem Parking Overlay Zones, within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 5, Block 38, La Jolla Shores Unit No. 6, Map No. 2147;

WHEREAS, on June 3, 2009, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775 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 as follows:

That the Hearing Officer adopts the following written Findings, dated June 3, 2009.

FINDINGS:

Coastal Development Permit - Section 126.0708

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

The 0.18-acre site is located east of the Pacific Ocean and west of La Jolla Shores Drive. The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. The proposed second driveway would not encroachment upon any existing physical accessway that is legally used by the public or any proposed public accessway, however, a vehicle parked in the existing paved area would not enhance or protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The 0.18-acre site is located east of the Pacific Ocean and west of La Jolla Shores Drive. The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. The site has been previously developed and there are no sensitive habitats on the site, nor is it adjacent to the City of San Diego's Multi-Habitat Planning Area. The proposed project would not adversely affect environmentally sensitive lands and has been determined to be categorically Exempt from the California Environmental Quality Act (CEQA).

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 0.18-acre site is located east of the Pacific Ocean and west of La Jolla Shores Drive. The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. The project is located in an area identified as Low Density Residential (5-9 du/acre), in the La Jolla Community Plan. The proposed second driveway for the single family residence would be consistent with the land use. However, the proposed driveway does not conform to the requirements of the SF zone and would not adhere to community goals since the proposed driveway would not preserve protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The 0.18-acre site is located east of the Pacific Ocean and west of La Jolla Shores Drive. The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. The proposed coastal development is located directly across from the Pacific Ocean shoreline. The first public roadway adjacent to this property is El Paseo Grande. There would be no impact to public beach parking since the proposed residence would have three off-street parking spaces. The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit - Section 126.0504

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

The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. The La Jolla Community Plan designates this lot for residential development. The proposed driveway would be consistent with the plan's land use designation, however, a vehicle parked in the existing paved area would not enhance or protect public views to and along the ocean and other scenic coastal areas as specified in the land use plan.

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

The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. The proposed driveway is exempt from environmental review. The proposed driveway location would incorporate an additional conflict point in proximity to the intersection; a situation that is not acceptable for the project site. The existing driveway provides a safer, more appropriate placement of an access point with respect to the intersection. Therefore, the proposed driveway would be detrimental to the public health, safety, or welfare.

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

The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. The project does not comply with the regulations of the Land Development Code since only one driveway is allowed per premises. Therefore, the proposed development would not comply with the Land Development Code.

Variance - Section 126.0805

- 1. There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.**

The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. There are no special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises. The second driveway would result from an act of the applicant not permitted by the Municipal Code.

- 2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.**

The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. Strict application of the regulations of the Land Development Code would not deprive the applicant of reasonable use of the land or premises. The project has an existing driveway to the property permitting reasonable use of the premises. There are no special circumstances applicable to this property that the strict application of the Land Development would deprive the applicant reasonable use of the premises.

- 3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.**

The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. Granting the variance would not be in harmony with the general purpose and intent of the regulations. The proposed driveway location would incorporate an additional conflict point in proximity to the intersection; a situation that is not acceptable for the project site. The existing driveway provides a safer, more appropriate placement of an access point with respect to the intersection. Therefore, the proposed driveway would be detrimental to the public health, safety, or welfare.

4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.

The project proposes to re-open a 20-foot, second driveway for a single family residence with an existing driveway. Granting the variance would adversely affect the applicable land use plan and would not conform to the provisions of the certified land use plan since the parking area would not protect public views to and along the ocean and other scenic coastal areas.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775 are hereby DENIED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 595308, 595309 and, a copy of which is attached hereto and made a part hereof.

Edith Y. Gutierrez
Development Project Manager
Development Services

Adopted on: June 3, 2009

Job Order No. 43-1654

cc: Legislative Recorder, Development Services Department



LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900

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

Regular Meeting – 7 May 2009

Attention: Edith Gutierrez, PM, City of San Diego

Project: Handler Residence 8405 El Paseo Grande
PN: 166021

Motion: Approved motion to support PRC action: **Vote: 14-0-1**
denial of Project: Applicant request is not
within the general design requirements of
the LJ Shores PDO: The proposed setting of
a parking space in what visually appears to
be a front lawn overlooking the beach does
not comply with the PDO's requirement to
retain and enhance the area's residential
character and open seascape orientation.
Project does not comply with the LJ Shores
PDO or with the LCP: Lack of visual
compatibility and non-compliance with
community character guidelines.

Submitted by: *Joseph LaCava* 7 May 2008

Joe LaCava, President Date
La Jolla CPA

LA JOLLA SHORES PLANNED DISTRICT

Applicant: Handler Residence
(PTS 164021)
Jeff Barfield

Item: # 1
Date: January 20, 2009

To: **Planning Director**
From: **La Jolla Shores Planned District Advisory Board**
Subject: **Proposal Within La Jolla Shores Planned District**

The La Jolla Shores Planned District Advisory Board has reviewed the applicant for:

Recommendation to deny amendment
because proposal fails to meet 30%
landscaping requirement of PDD, questionable
whether addition is guest or artist studio,
one curb cut already exists, denied once
before

located _____

and recommends:

- A. Approval because of conformity to criteria and design standards adopted by the City Council
- B. Denial because of nonconformity to criteria and design standards adopted by the City Council. (Reasons for nonconformity on reverse side.)
- C. Approval subject to the following modifications to ensure conformity to criteria and design standards adopted by the City Council.

- D. Denial because of lack of four affirmative votes.

Board Signatures

Approving Item: 6-0-0

Disapproving Item: _____

John
Don
Susan
Suzanne
John

Absentees:

John
Chairman



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

Ownership Disclosure Statement

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

Project Title: **Handler Residence** Project No. For City Use Only: **166091**
 Project Address: **8405 El Paseo Grande, La Jolla**

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

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

Additional pages attached Yes No

Name of individual (type or print):
Monica Handler Penner, Trustee of the Monica Handler Trust
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
8070 La Jolla Shores Drive, PMB 515
 City/State/Zip:
La Jolla, CA 92037
 Phone No: **(858) 259-2884** Fax No:
 Signature: *Monica A. Penner* Date: **8-4-08**

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature: _____ Date:

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature: _____ Date:

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No:
 Signature: _____ Date:

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

JOB ORDER NUMBER: 43-1654

COASTAL DEVELOPMENT PERMIT NO. 595308, SITE
DEVELOPMENT PERMIT NO. 595309 AND VARIANCE NO. 650336
HANDLER RESIDENCE PROJECT NO. 166021
AMENDMENT TO LA JOLLA SHORES DEVELOPMENT
PERMIT NO. 20666 AND COASTAL DEVELOPMENT PERMIT NO. 206775
HEARING OFFICER

This Coastal Development Permit No. 595308, Site Development Permit No. 595309 and Variance No. 650336, an amendment to La Jolla Shores Development Permit No. 20666 and Coastal Development Permit No. 206775 are granted by the Hearing Officer of the City of San Diego to the MONICA HNADLER PENNER, TRUSTEE OF THE MONICA HANDLER TRUST 9-18-2000, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.0504 and 126.0805. The 0.18-acre site is located at 8405 El Paseo Grande in the SF Zone of the La Jolla Shores Planned District, the Coastal Height Limit, Coastal (Appealable Area), Parking Impact, and Residential Tandem Parking Overlay Zones, within the La Jolla Community Plan area. The project site is legally described as Lot 5, Block 38, La Jolla Shores Unit No. 6, Map No. 2147.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to have two driveway cut cuts on the same premises, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 3, 2009, on file in the Development Services Department.

The project shall include:

- a. Maintaining a 4,277 square foot, two single family residence;
- b. Maintaining an existing 12'-0" wide driveway and construct an additional 12'-0" wide driveway, both on Camino Del Oro.
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. Off-street parking;
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
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. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

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

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

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

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 12'-0" wide driveway, adjacent to the site on Camino Del Oro.

LANDSCAPE REQUIREMENTS:

13. Prior to issuance of the permit, the Owner/Permittee must comply with the 30% landscape as required by the La Jolla Shores Planned District Ordinance.

14. 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.

15. Landscape at the corner of Camino Del Oro and El Paseo Grande shall not be over three feet in height. This condition is intended to enhance the public view corridor along Camino del Oro.

16. No Landscaping shall exceed a height of three feet within any visibility area or within the established view corridor within, along or adjacent to the Camino Del Oro public right-of-way.

PLANNING/DESIGN REQUIREMENTS:

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

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 Hearing Officer of the City of San Diego on June 3, 2009.

Coastal Development Permit no. 595308,
Site Development Permit No. 595309 and
Variance No. 650336, an amendment to La
Jolla Shores Development Permit No. 20666
and Coastal Development Permit No. 206775
Date of Approval: June 3, 2009

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Edith Y. Gutierrez
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.

MONICA HANDLER PENNER
Owner/Permittee

By _____
Monica Handler Penner
Trustee

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

#166027

	City of San Diego Development Services 1222 First Ave, 3rd Floor San Diego, CA 92101 (619) 446-5210	<h2 style="margin:0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM DS-3031 MARCH 2007
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See information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

<input type="checkbox"/> Process Two Decision - Appeal to Planning Commission	<input type="checkbox"/> Environmental Determination - Appeal to City Council
<input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission	<input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit
<input type="checkbox"/> Process Four Decision - Appeal to City Council	

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

Name: Dr. Gerald Handier

Address: 9523 La Jolla Farms Road	City: La Jolla	State: CA	Zip Code: 92037	Telephone: (858) 452-2250
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3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

4. Project Information Permit/Environmental Determination & Permit/Document No.: CDP/SDP/LJSDP PTS 166021 CEQA Exempt	Date of Decision/Determination: June 8, 2009	City Project Manager: Edith Gutierrez
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Decision (describe the permit/approval decision):
 Request denied to delete conditions in previously approved development permits requiring the closure of an existing driveway at 8405 El Camino Grande. Applicant asserted that the conditions in the previous approval requiring the closure of the existing driveway were applied in error and should be deleted from the permits.

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

<input checked="" type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input type="checkbox"/> New Information (Process Three and Four decisions only)
<input type="checkbox"/> Conflict with other matters (Process Three and Four decisions only)	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input checked="" type="checkbox"/> Findings Not Supported (Process Three and Four decisions only)	

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

Please see attached sheets.

RECEIVED

JUN 16 2009



DEVELOPMENT SERVICES

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

Signature: Gerald Handier Date: 6-11-09

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

HANDLER RESIDENCE GROUNDS FOR APPEAL – PTS 166021
Appeal from the Hearing Officer's Decision of June 3, 2009

Attachment to
Development Permit/Environmental Determination Appeal Application
Form DS 3031

FACTUAL ERROR

Inadequate Information provided by Staff to Hearing Officer

1. *Staff failed to properly identify the project request.*

Staff identified the project as a request for a Coastal Development Permit, Site Development Permit, and a Variance for a second driveway where only one driveway is permitted in the zone. The actual request was to amend existing La Jolla Shores Development Permit No. 206666 and existing Coastal Development Permit No. 206775 by deleting four conditions in these existing permits that required the closing of one of two existing driveways on a single-family lot, which would then preclude use of an existing onsite parking space. The subject driveway and attendant parking space was allowed to remain through subsequent improvements approved by the City in 1983 (new two-car garage, driveway, and guest quarters permitted), 1984 (previously existing one-car garage converted to living space permitted), and 1997 (home addition permitted), but was required to be closed in the 2005 improvement permit for the residence – please see Item 2, below.

2. *Staff failed to provide the Hearing Officer with the Applicant's Letter of Request, which included pertinent supporting material.*

The applicant's letter outlined the reasons for requesting the deletion of certain conditions from the previous permits. The letter included the staff report prepared for the previous permits that clearly indicated that the conditions requiring the closure of the second driveway based on the following erroneous findings:

- A. the driveway was within a required setback;
- B. the driveway and attendant parking space needed to be removed to achieve the required 30% landscaping requirement; and
- C. removal of the driveway would create additional on-street parking in the Beach Impact Overlay Zone area.

The information contained in, and attached to, the applicant's letter provided evidence that disputed these findings and, therefore, formed the basis for the request to have the conditions requiring the closure of the driveway deleted from the existing permits. This evidence included the Hearing Officer's Report prepared for the previous permit, a site plan that contained the City's stamped approval indicated conformance with established setback requirements for the La Jolla area, landscape calculations based on current site plan information, and applicable excerpts from the old Municipal Code (please know that the 2005 permit that applied the conditions in questions was subject to the Old Code requirements and not the Land Development Code).

HANDLER RESIDENCE GROUNDS FOR APPEAL – PTS 166021***Appeal from the Hearing Officer's Decision of June 3, 2009****(Page 2 of 2)*

3. *Staff provided unsubstantiated and erroneous information regarding landscape calculations.*

At the hearing, staff stated that the project could not meet the 30% landscape requirement without closure of the driveway and removal of the attendant parking space. In follow-up to the hearing, we have discovered that the information provided by staff was hand-generated and based on the previous permit's site plan. In contrast, staff failed to provide the Hearing Office with the applicant's CADD-generated calculations based on a current site plan that proved the 30% could be achieved without the need to close the driveway and remove the parking space.

4. *Staff claimed that there was no evidence that the residence contained guest quarters, which would have required the maintenance of the existing onsite parking space.*

Staff claimed that the City had no evidence that the "artist studio" on the premises was considered guest quarters, yet, the previous Hearing Officer Report prepared by staff for the 2005 permit (HO 05-056) consistently referred to the premises as containing an "artist studio/guest quarters" – this report was attached to the applicant's request letter that was not provided to the Hearing Officer. Additionally, Attachments 7, 8, and 9 to the current Hearing Officer's Report (HO 09-065) all referred to "guest quarters" (see "Remarks" section in these Attachments). The applicant also provided evidence from the Coastal Commission, which issued the 1983 CDP permit, indicating that the permit issued was for "artist studio/maid quarters" – "maid quarters" fits within the definition of "guest quarters" under Old Code Section 101.0101.28.

The Hearing Officer, in making his decision, commented that the artist studio couldn't have been considered guest quarters because "it would have required a Conditional Use Permit." This comment was made in error. The applicant's letter of request, which staff did not provide to the Hearing Officer, contained the applicable Old Code requirements that would have applied at the time the 1983 permit was issued. Under Section 103.0304.1(2) (b), guest quarters were allowed by right in the (SF) single-family zone in the La Jolla Shores Planned District. Further, Section 103.0304.1(G) (1) (c) of the Old Code required that each guest house be provided with one off-street parking space – there was no requirement that such space be enclosed within a garage. Therefore, staff was incorrect in their report to the Hearing Officer when they stated that, if the artist studio had been considered guest quarters, the old one-car garage would not have been allowed to convert to living space. The garage was not needed; however, the onsite parking space was required for the guest quarters per the code at the time.

FINDINGS NOT SUPPORTED

The findings made by the Hearing Officer were based on inaccurate and unsubstantiated information, as discussed above. For this reason, the findings themselves are inherently flawed, and the Hearing Officer's decision should not stand.

DEVELOPMENT SERVICES
Project Chronology
HANDLER RESIDENCE - PROJECT NO. 166021

Date	Action	Description	City Review Time	Applicant Response
09/30/08	First Submittal	Project Deemed Complete		
10/23/08	First Assessment Letter		17 days	
03/13/09	Inactive Letter mailed to applicant			3 month, 3 days
05/07/09	Project on community group agenda			1 month, 7 days
06/03/09	Public Hearing	Hearing Officer	18 days	
06/16/09	Appeal Filed			1 week, 2 days
09/03/09	Public Hearing	Planning Commission	1 month, 26 days	
TOTAL STAFF TIME			3 months, 1day	
TOTAL APPLICANT TIME				5month, 12 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to PC Hearing	8 months, 13 days	

** Based on 30 days equals to one month