



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 13, 2013 REPORT NO. HO 13- 011

ATTENTION: Hearing Officer

SUBJECT: GIRGIS RESIDENCE
PTS PROJECT NUMBER - 262975

LOCATION: 811 Havenhurst Place

APPLICANT: Mr. Hany and Summer Girgis, Owner (ATTACHMENT 9) / Mrs. Sarah McAllister, House & Dodge Design, Architect / Consultant

SUMMARY

Issue: Should the Hearing Officer approve a Coastal Development Permit and Site Development Permit to demolish an existing residence and construct a new, two-story, single residential dwelling unit within the La Jolla Community Plan area?

Staff Recommendation – APPROVE Coastal Development Permit No. 925800 and Site Development Permit No. 925851.

Community Planning Group Recommendation – On July 5, 2012, the La Jolla Community Planning Association voted 15-0-1 to recommend approval of the project with an understanding that the south retaining walls will be split-face concrete masonry units of an earth tone.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Sections 15302, “Replacement or Reconstruction” and 15333 “Small Habitat Restoration Projects”. The exemption determination for this project was made on January 9, 2013, and the opportunity to appeal that determination ended on January 30, 2013.

BACKGROUND

The project site is currently developed with an existing single-family, split-level, ranch style residence located generally in the middle of the lot, which is directly adjacent to a vacant City-owned open space lot, known as Soledad Open Space Park, along the rear edge of the property. The surrounding properties are fully developed and form a well established single family residential neighborhood. The existing residence was built in 1955. The project site is located at

811 Havenhurst Point, in the RS-1-4 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning Area. A Coastal Development Permit is required, by the Land Development Code (Section 126.0702), for the proposed development on property within the Coastal Overlay Zone. A Site Development Permit is required, by the Land Development Code (Section 126.0501), for restoration to Environmentally Sensitive Lands (Steep Hillides and Sensitive Biological Resources) located directly adjacent to the subject site within the City-owned open space.

DISCUSSION

The project proposes to demolish the existing residence and construct an approximate 7,517 square foot two-story single residential dwelling unit with a three car garage and swimming pool on a 17,825 square-foot property. The subject lot has been fully disturbed by the past development and is relatively level. A City-owned open space park is located directly to the south, which contains Environmentally Sensitive Lands (Steep Hillides and Sensitive Biological Resources). Private walkways and stairs have encroached from this project site into the City-owned open space area. This project will repair and restore this past encroachment as a condition of approval contained with the draft permit (ATTACHMENT 7).

The proposed new dwelling unit is to be located within the fully disturbed private property. The proposed building elevations indicate the use of stucco, bronze color metal and wood wall panels with a flat pitched roof. The project proposes approximately 1,050 cubic yards of cut and approximately 1,200 cubic yards of fill. Lastly, the project is designed to comply with the 30 foot height limit with the height being approximately 29 feet high.

The project site is not located in an area with a Public View, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The proposed new structure was determined by City Staff to not impact any identified public vantage point(s) and the modified project design was found to be in conformance with the La Jolla Community Plan and Local Coastal Land Use Plan. Vehicular access to the property will be provided from the existing street at the front of the property along Havenhurst Point, with the existing approximate 12 foot wide curb cut to the driveway to remain. The existing streetscape adjacent to the project, from a pedestrian standpoint will remain unaltered.

The La Jolla Community Planning Association's forwarded a recommendation for approval (Attachment 8), which does contain a condition or statement of understanding that the retaining walls are of an earth tone color. The project was revised, to include the use of split-face earth tone exterior materials in the south retaining walls to address the group's concern.

CONCLUSION

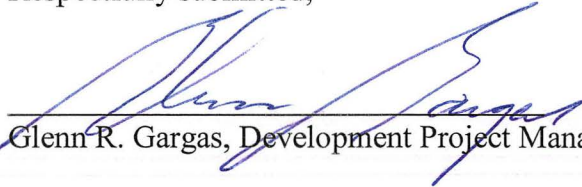
Staff has reviewed the proposed Coastal Development Permit and Site Development Permit determined the project is consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan and the applicable Coastal Development regulations. Staff has provided draft findings supporting Coastal Development Permit and Site Development Permit approval

(ATTACHMENT 6). Staff recommends the Hearing Officer approve the proposed Coastal Development Permit and Site Development Permit as proposed (ATTACHMENT 7).

ALTERNATIVE

1. Approve Coastal Development Permit No. 925800 and Site Development Permit No. 925851, with modifications.
2. Deny Coastal Development Permit No. 925800 and Site Development Permit No. 925851, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Glenn R. Gargas, Development Project Manager

Attachments:

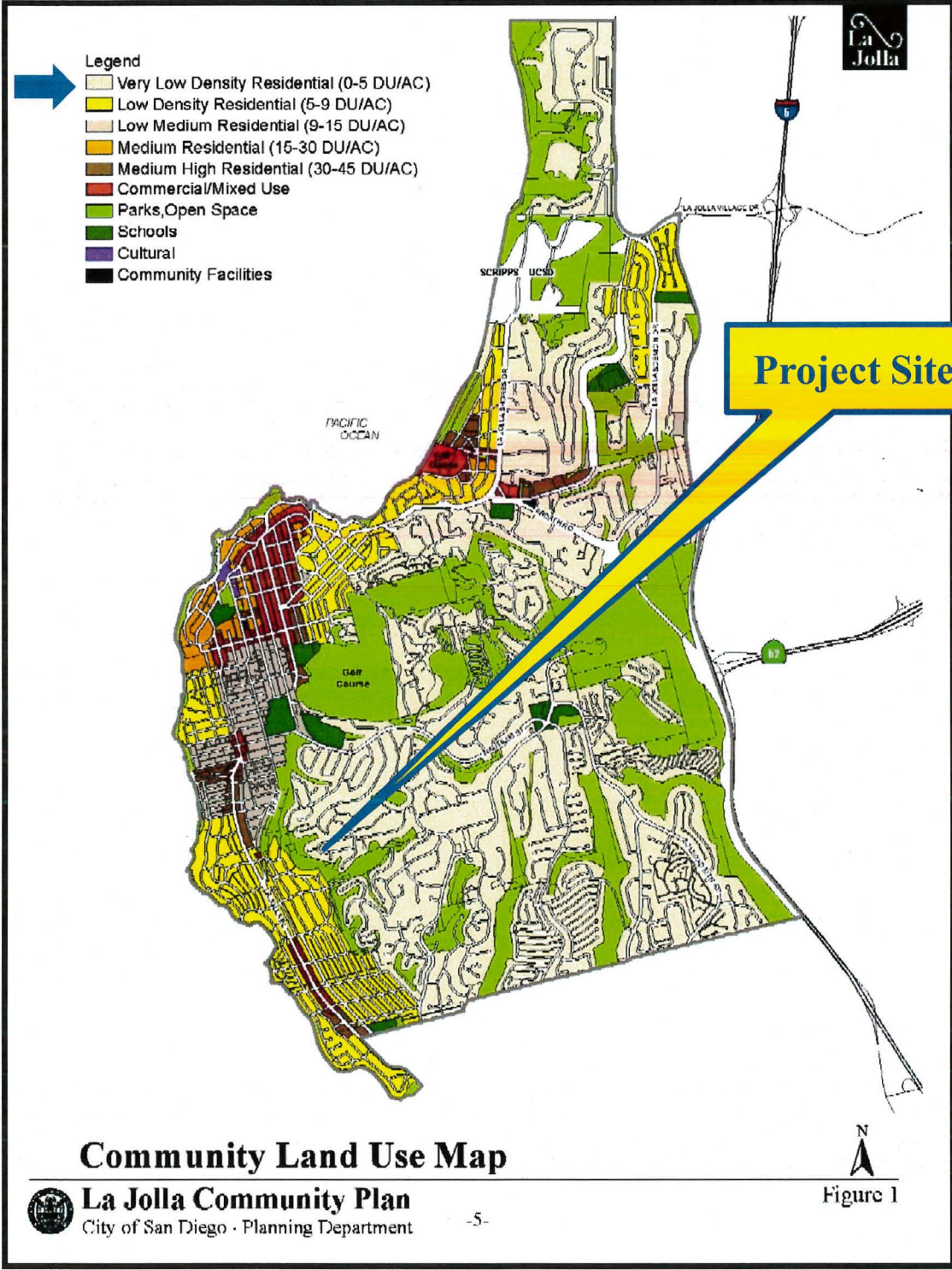
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan (Full set of plans to the Hearing Officer)
6. Draft CDP/SDP Resolution with Findings
7. Draft CDP/SDP Permit with Conditions
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Copy of Public Notice



Aerial Photo

GIRGIS RESIDENCE – 811 HAVENHURST POINT
PROJECT NO. 262975

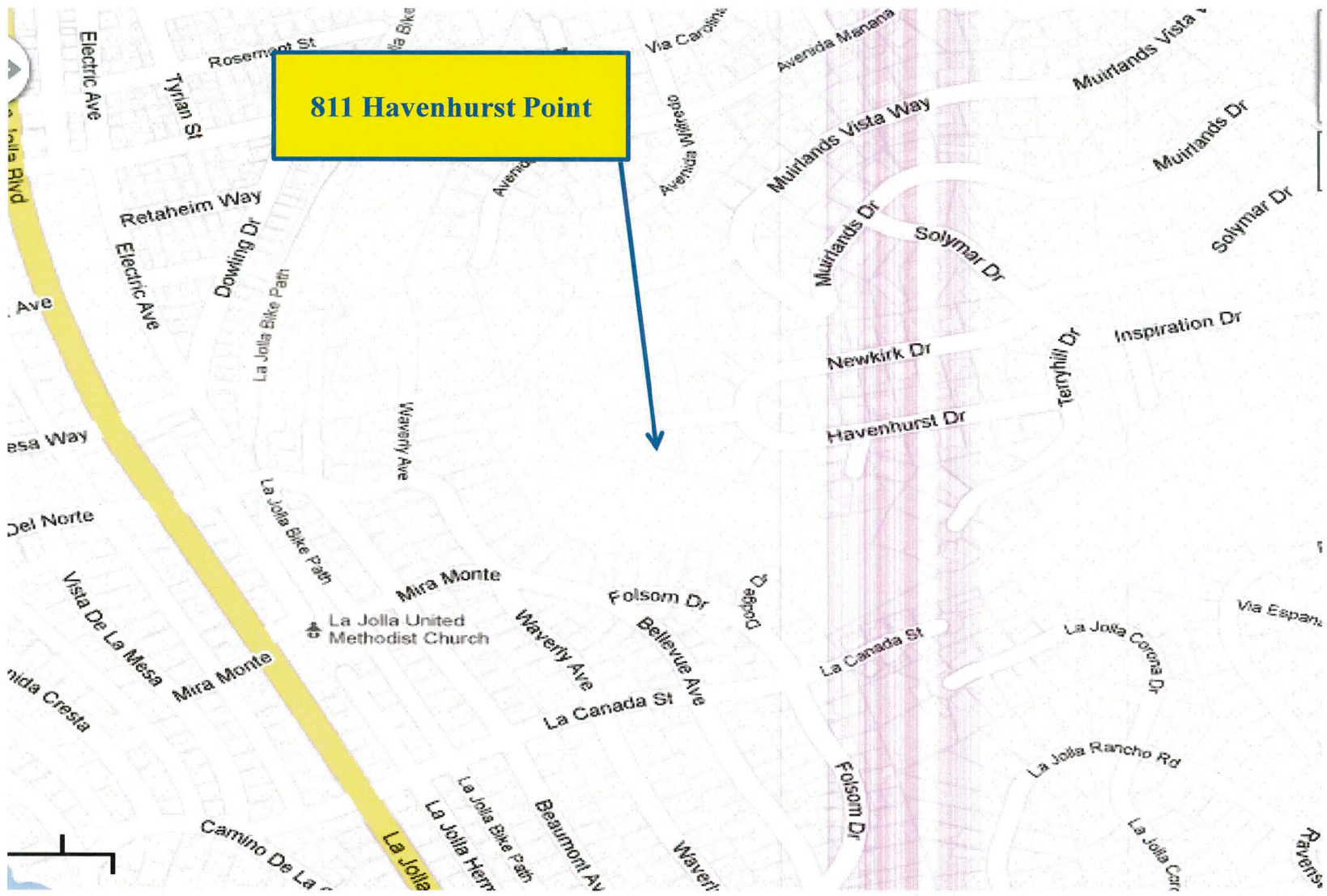




Land Use Map

GIRGIS RESIDENCE – 811 HAVENHURST POINT
PROJECT NO. 262975 La Jolla





Project Location Map

GIRGIS RESIDENCE – 811 HAVENHURST POINT
PROJECT NO. 262975



PROJECT DATA SHEET

PROJECT NAME:	Girgis Residence – Project No. 262975
PROJECT DESCRIPTION:	CDP/SDP to demo existing dwelling unit and construct an approximately 7,517 square foot residential dwelling unit with a three car garage and swimming pool on a 17,825 square foot property.
COMMUNITY PLAN AREA:	La Jolla
DISCRETIONARY ACTIONS:	Coastal Development Permit & Site Development Permit.
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (0-5 DUs per acre)

ZONING INFORMATION:

ZONE: RS-1-4 Zone

HEIGHT LIMIT: 30-Foot maximum height limit.

LOT SIZE: 10,000 square-foot minimum lot size – existing lot
17,825 sq. ft.

FLOOR AREA RATIO: 0.47 max. allowed – 0.4217 proposed

FRONT SETBACK: 15 feet required – 36 feet proposed

SIDE SETBACK: 5 feet & 8 feet 9 inches

STREETSIDE SETBACK: NA

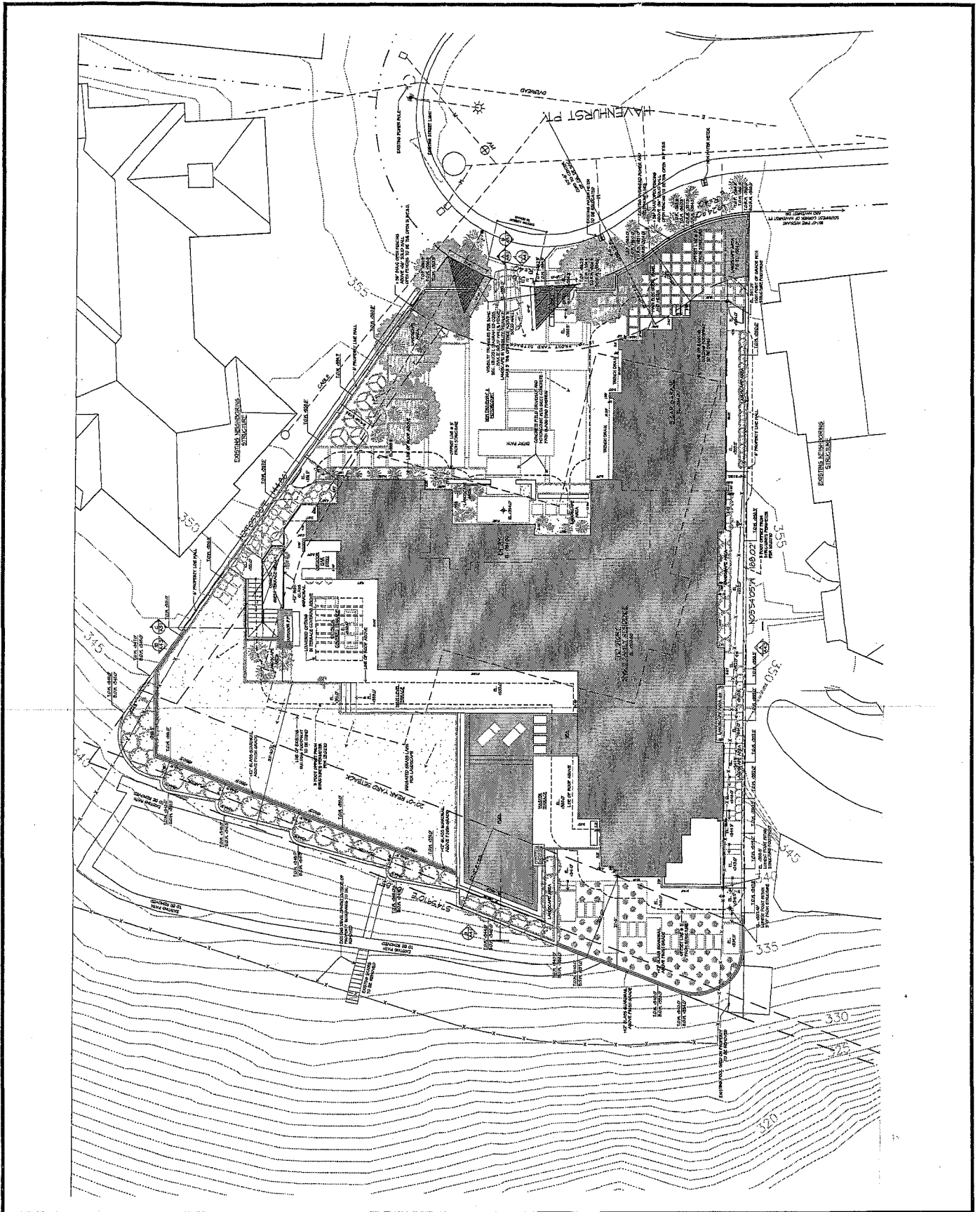
REAR SETBACK: 20 feet required – 21.5 feet proposed

PARKING: 2 parking spaces required – 3 proposed.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Very Low Density Residential ; RS-1-4 Zone	Single Family Residence
SOUTH:	Open Space ; OP-2-1 Zone	Open Space
EAST:	Very Low Density Residential; RS-1-4 Zone	Single Family Residence
WEST:	Very Low Density Residential; RS-1-4 Zone	Single Family Residence

ATTACHMENT 4

DEVIATIONS OR VARIANCES REQUESTED:	None.
COMMUNITY PLANNING GROUP RECOMMENDATION:	The La Jolla Community Planning Association voted 15-0-1 to recommend approval of the proposed project at their meeting on July 5, 2012.



SITE PLAN

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

**HEARING OFFICER RESOLUTION NO.
COASTAL DEVELOPMENT PERMIT NO. 925800 AND
SITE DEVELOPMENT PERMIT NO. 925851
GIRGIS RESIDENCE - PROJECT NO. 262975**

WHEREAS, Hany M. Girgis and Summer, M. Girgis, Co-Trustees of Girgis Family Trust dated June 22, 2005, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing dwelling unit and construct a new, two-story, dwelling unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 925800 and 925851, on portions of a 17,825 square-foot property;

WHEREAS, the project site is located at 811 Havenhurst Place, in the RS-1-4 Zone, Coastal (non-appealable Overlay Zone and Coastal Height Limitation Overlay Zone of the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 37, Muirlands Point, Map No. 3035;

WHEREAS, on February 13, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 925800 and Site Development Permit No. 925851 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on January 9, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Sections 15302 (Replacement or Reconstruction) and 15333 (Small Habitat Restoration Projects); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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 February 13, 2013.

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 17,825 square foot project site is currently developed with an existing residential dwelling unit. The development proposes to demolish an existing dwelling unit and construct a two-story, single residential dwelling unit in approximately the same location on the lot as the existing dwelling unit. The project site is located approximately three quarters of a mile from the coastline. The proposed residential single dwelling unit development is contained within the

existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located adjacent to any public view as identified within the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project includes a permit condition to restore and revegetate an off-site area of past disturbance within City-owned open space. The addition of this restoration and revegetation plan will bring the project into compliance with the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is situated along Havenhurst Place, within a well established, fully developed, single family residential neighborhood. The proposed new single residential will not encroach upon any existing accessway or any public accessway, and will enhance and protect public views as specified in the Local Coastal Program land use plan.

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

The 17,825 square foot project site is currently developed with a single residential dwelling unit, and is directly adjacent to an open space slope area containing environmentally sensitive lands, a natural slope area along the southern portion of the property. The project proposes grading to be contained to the legal lot area of the site, primarily within the area of the existing dwelling unit which was previously disturbed. Site drainage from the proposed project is designed to drain back toward the public street. The project includes a brush management plan to protect the proposed structure from potential fire hazard. Zone one of the Brush Management Plan is contained within the project's legal lot area. Zone two of the Brush Management Plan is located off the project site and into the City-owned Open Space area, however, Zone two is impact neutral and will not adversely affect the environmentally sensitive lands located within the Open Space area. The project includes a permit condition to restore and revegetate an off-site area of past disturbance within City-owned open space. The environmental review process determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be categorically exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines. Thus the proposed single residential dwelling unit redevelopment of this site will not adversely affect environmentally sensitive lands.

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

The proposed development to demolish an existing single residential dwelling unit and construction of a new residential single dwelling unit is located on a site which has a Low Density Single Family Residential land use designation by the La Jolla Community Plan. The project design was reviewed by City Staff and found to be in compliance with all of the applicable development regulations, primarily those of the RS-1-4 Zone, Environmentally Sensitive Lands Regulations and Coastal Overlay Zone. The project, through a permit condition, includes measures to restore an area of off-site past disturbance. The addition of the restoration plan was found to bring the project into conformance with the La Jolla Community Plan and Local Coastal Program Land Use Plan. Due to these factors the proposed single residential dwelling unit redevelopment of this site was found to be in conformity with the certified Local Coastal Program land use plan and in compliance with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development

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

The 17,825 square foot site, currently developed with an existing residential dwelling unit, is located within a well developed residential neighborhood approximately three quarters of a mile from the coastline. The project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property, plus this project will restore an area of off-site past disturbance. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the re-development of this site. The proposed single residential dwelling unit project is designed to take access off the existing public street, with adequate off street parking. Thus the proposed single residential dwelling unit re-development of this site will be in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit - Municipal Code Section 126.0504

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

The proposed development is to demolish a single residential dwelling unit and construct a two-story, single residential dwelling unit with an attached three car garage to total approximately 7,517 square-feet of floor area on a 17,825 square foot property. The project site is designated Low Density Residential Land Use by the La Jolla Community Plan. The proposed re-development of the site for a single residential dwelling unit was found to be consistent with this designation, the development regulations of the RS-1-4 Zone, allowed density, and design recommendations of the La Jolla Community Plan. The project site is not located on or adjacent to a public view as identified within the La Jolla Community Plan and Local Coastal Program Land Use Plan. Due to these factors the proposed single residential dwelling unit re-development of the site was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the certified Local Coastal Program Land Use Plan and will not adversely affect this land use plan.

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

The proposed demolition of a single residential dwelling unit and construction of a two-story, single residential dwelling unit with an attached garage for a total of approximately 7,517 square-feet of gross floor area on an 17,825 square-foot property has been designed to comply with all of the applicable development regulations, including those of the RS-1-4 Zone. The project site does not contain Environmentally Sensitive Lands, however, off-site, directly adjacent along the southern edge that property is City owned-open space, containing natural vegetation, which is mapped as sensitive vegetation by the City's Resource Maps. This project includes a brush management plan and the plan's zone two encroaches into the City owned open space area. Potential biological impacts of this proposed project were analyzed by the requested Biology Report, prepared by RC Biological Consulting, Inc. dated November 16, 2012. The report was reviewed and accepted by the City's Environmental Analysis Section, which concluded that there would be no significant unmitigated impacts that would occur as the result of the proposed

project. During environmental review, it was determined that the project would not have a significant environmental effect, which included an analysis of the project's potential impact on public health and safety, and was found to be categorically exempt from environmental review under CEQA Guidelines. The construction of a new single residential dwelling unit with an attached garage would therefore not be detrimental to the public health, safety and welfare.

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

The proposed demolition of a single residential dwelling unit and construction of a two-story, single dwelling unit with an attached garage, to total approximately 7,517 square-feet of gross floor area, will comply with the development regulations of the RS-1-4 Zone, the Environmentally Sensitive Lands Regulations and the Local Coastal Program for the La Jolla Community Plan area. The project site does not contain Environmentally Sensitive Lands, however, off-site, directly adjacent along the southern edge that property is City owned-open space, containing natural vegetation, which is mapped as sensitive vegetation by the City's Resource Maps. This project includes a brush management plan and the plan's zone two encroaches into the City owned open space area. This project also proposes to restore and revegetate a portion of past disturbance into the City-owned open space area. Potential biological impacts of this proposed project were analyzed by the requested Biology Report, prepared by RC Biological Consulting, Inc. dated November 16, 2012. The report was reviewed and accepted by the City's Environmental Analysis Section, which concluded that there would be no significant unmitigated impacts that would occur as the result of the proposed project. During environmental review, it was determined that the project would not have a significant environmental effect, which included an analysis of the project's potential impact on public health and safety, and was found to be categorically exempt from environmental review under CEQA Guidelines. Due to these factors the proposed single residential dwelling unit re-development of the site was found to be in compliance with all of applicable development regulations, specifically those of the RS-1-4 Zone, the Environmentally Sensitive Lands Regulations and the Coastal Overlay Zone.

Supplemental Findings--Environmentally Sensitive Lands

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

The 17,825 square-foot project site is currently developed and fully graded with a single residential dwelling unit. However, the site is directly adjacent environmentally sensitive lands, steep slopes located along the southern edge of the property. The project was designed to locate the proposed residence within the previously graded area on the site and away from the steep slopes to the south. This project includes a brush management plan and the plan's zone two encroaches into the City owned open space area. This project also proposes to restore and revegetate a portion of past disturbance into the City-owned open space area. Potential biological impacts of this proposed project were analyzed by the requested Biology Report, prepared by RC Biological Consulting, Inc. dated November 16, 2012. The report was reviewed and accepted by the City's Environmental Analysis Section, which concluded that there would be no significant unmitigated impacts that would occur as the result of the proposed project. The environmental review determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be categorically exempt from environmental

review under CEQA Guidelines. The project proposes grading to be contained within the site, predominately within the area of the existing residence and will not result or propose any further encroachment into Environmentally Sensitive Lands. The steep slope area located along the southern edge of the site will be restored to remain un-altered and natural.

2. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed demolition of a single residential dwelling unit and construction of a two-story residential dwelling unit will be located on a site that has previously been disturbed by past grading and the development of the existing dwelling unit. However, the site is directly adjacent to City-owned open space park land which does contain environmentally sensitive lands, steep slopes along the southern edge of the property. The project was designed to locate the proposed structure in approximately the same area as the existing structure. This open space area along the southern edge of the subject property contains vegetation, which is mapped as sensitive vegetation by the City's Resource Maps. This project includes a brush management plan and the plan's zone two encroaches into the City owned open space area. This project also proposes to restore and revegetate a portion of past disturbance into the City-owned open space area. Potential biological impacts of this proposed project were analyzed by the requested Biology Report, prepared by RC Biological Consulting, Inc. dated November 16, 2012. The report was reviewed and accepted by the City's Environmental Analysis Section, which concluded that there would be no significant unmitigated impacts that would occur as the result of the proposed project. Site drainage from the proposed project is designed to drain back toward the public street. The project's permit includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. The project is located within Geologic Hazard Category 53, which is level or sloping terrain, unfavorable structure, low to moderate risk. Based on the City's submittal requirements a Geology Report was not required. The environmental review determined that the project would not have a significant environmental effect on environmentally sensitive lands, which included analysis of the natural land form, risk from geologic and erosional forces and flood hazards, and the project was found to be categorically exempt from environmental review under CEQA Guidelines. Therefore the proposed re-development of this site to a new single residential dwelling unit will minimize the alteration of the natural land form and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The 17,825 square-foot project site is currently developed and fully graded with an existing single residential dwelling unit. However, the project site is directly adjacent to City-owned open space which contains environmentally sensitive lands, steep slopes and native vegetation. This project includes a brush management plan and the plan's zone two encroaches into the City owned open space area. This project also proposes to restore and revegetate a portion of past disturbance into the City-owned open space area. Potential biological impacts of this proposed project were analyzed by the requested Biology Report, prepared by RC Biological Consulting, Inc. dated November 16, 2012. The report was reviewed and accepted by the City's Environmental Analysis Section, which concluded that there would be no significant unmitigated impacts that would occur as the result of the proposed project. Site drainage from the proposed improved areas of the

project site is designed to drain predominately toward the public street and away from the environmentally sensitive lands. The project's permit includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. The environmental review determined that the project would not have a significant environmental effect on environmentally sensitive lands and the project was found to be categorically exempt from environmental review under CEQA Guidelines. Therefore the proposed re-development of this site to a new single residential dwelling unit will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

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

The project site occurs within the Urban Area of the MSCP Subarea Plan. The project is not located within or adjacent to the MHPA. The proposed project was found to comply with the MSCP general management directives as described and discussed in the Biology Report prepared by RC Biological Consulting, Inc., dated November 16, 2012. During environmental review, it was determined that the project was categorically exempt under the CEQA Guidelines. Due to these factors, the proposed re-development of this site for a single residential dwelling unit was found to be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

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

The 17,825 square foot project site is located approximately three quarters of a mile from the coastline. The proposed re-development of the site and construction of a new two-story single residential dwelling unit includes a grading plan design with drainage control measures to direct drainage predominately to the drain outlets within Public Street's drainage system. The project's permit includes a condition requiring a Water Pollution Control Plan to be reviewed and approved by the City Engineer in order to meet the City's Storm Water Standards prior to construction permit issuance. During environmental review, it was determined that the project would not have a significant environmental effect, which included an analysis of the project's potential impact on erosion of public beaches or adverse impacts to local shoreline, and was found to be categorically exempt from environmental review under CEQA Guidelines. Due to the project's drainage design, limited size, and distance from the coast line, it is not expected that the project will contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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

The 17,825 square-foot project site is currently developed with a single-family residence. However, the site does contain environmentally sensitive lands, steep slopes off-site along the southern edge, where this project's zone two of brush management occurs. The project was designed to locate the proposed structure approximately in the same location as the existing structure. The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and the project was found to be

categorically exempt from environmental review under CEQA Guidelines. The designed project avoids any potentially significant environmental effects to environmentally sensitive lands to a level below significance and no mitigation measures were found to be required or needed. Therefore the proposed re-development of this site to a new single residential dwelling unit will not created any of these referenced potential impacts.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer Coastal Development Permit No. 925800 and Site Development Permit No. 925851 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 925800 and 925851, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: February 13, 2013

Internal Order No. 24002313

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002313

COASTAL DEVELOPMENT PERMIT NO. 925800 AND
SITE DEVELOPMENT PERMIT NO. 925851
GIRGIS RESIDENCE - PROJECT NO. 262975
HEARING OFFICER

This Coastal Development Permit No. 925800 and Site Development Permit No. 925851 is granted by the Hearing Officer of the City of San Diego to Hany M. Girgis and Summer M. Girgis, Co-Trustees of the Girgis Family Trust dated June 22, 2005, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0502. The 17,825-square foot site is located at 811 Havenhurst Place in the RS-1-4 Zone, Coastal (non-appealable) Overlay Zone, Coastal Height Limitation Overlay Zone within the La Jolla Community Planning area. The project site is legally described as: Lot 37, Muirlands Point, Map No. 3035

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing single dwelling unit and construct a new, two-story, single dwelling unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 13, 2013, on file in the Development Services Department.

The project shall include:

- a. Demolish the existing single dwelling unit and construct a two-story, approximately 7,517-squarefoot, single dwelling unit, with a three car garage, pool and spa and retaining walls on a 17,825 square-foot property;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking – three car garage;

- d. Existing pedestrian path and stairs located off-site in the rear of the property to be removed and restored as noted on Exhibit A; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 27, 2016.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

ENGINEERING REQUIREMENTS:

12. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

13. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
14. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlet in the Havenhurst Point Right-of-Way.
15. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
17. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

18. Complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
19. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.
20. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
21. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.
22. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

23. Prior to issuance of construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall ensure that all proposed landscaping shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC Invasive Plant Inventory and the prohibited plant species list found in Table 1 of the Landscape Standards shall not be permitted.
24. Prior to issuance of any construction permits for grading, the Owner/Permittee or subsequent Owner/Permittee shall submit complete landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental Conditions) and Exhibit "A" on file in the Office of the Development Services Department.
25. The Owner/Permittee or Subsequent Owner/Permittee shall maintain non-permanently irrigated landscape located offsite for a period not less than 25 months. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

26. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
27. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
28. Prior to the issuance of any building permit, Owner/Permittee shall obtain a grading permit for the off-site revegetation/restoration plan located on the adjacent City Owned open space consistent with the conceptual "Revegetation/Restoration Plan" reviewed and accepted by the Development Services Department, a copy of which is located in the Project File at the Development Services Department. Owner/Permittee may apply for the grading permit for the off-site revegetation/restoration at the same time as the construction permit for the subject site, Lot 37, but in no event shall the Owner/Permittee apply for the grading permit for off-site revegetation/restoration later than six months from the effective date (February 27, 2013) of this Coastal Development Permit and Site Development Permit.
29. 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.

PARKS AND RECREATION DEPARTMENT REQUIREMENTS:

30. Prior to issuance of any construction permits for grading, the Owner/Permittee or subsequent Owner/Permittee shall submit complete landscape construction documents for the revegetation and hydro-seeding of all disturbed City fee-owned land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Park & Recreation Department. All plans shall be in substantial conformance to this permit (including Environmental Conditions) and Exhibit "A" on file in the Office of the Development Services Department.

31. Prior to commencing restoration or revegetation operations on the adjacent City-owned open space, which is a portion of Soledad Open Space Park, per the approved Revegetation Plan prepared by RC Biological Consulting, Inc., Owner/Applicant must obtain permission and any required permits (to be determined) from the Park and Recreation Department, Open Space Division. Permission and permitting shall be required for the initial restoration and revegetation work, as well as the long term (5 year) maintenance and monitoring operations per the Revegetation Plan.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the city of San Diego on February 13, 2013, by Resolution No. _____.



P.O. BOX 889
• LA JOLLA •
CALIFORNIA 92038

LA JOLLA COMMUNITY PLANNING ASSOCIATION

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

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

Regular Meeting – 05 July 2012

Attention: Glenn Gargas, PM
City of San Diego

Project: Girgis Residence
811 Havenhurst Point
PN: 262975

Motion: To accept the actions of the Development Permit Review Committee: Recommend approval of the project as presented, with the changes requested by the presenters that the finish of the south retaining walls will be split-face concrete masonry units of an earth tone. 6-1-1 **Vote: 15-0-1**

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

05 July 2012

Submitted by: Tony Crisafi, President
La Jolla CPA

Date



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 _____

Project Title: Girgis Residence CDP Project No. For City Use Only: 262975
 Project Address: 811 Havenhurst Pt. La Jolla, CA 92037

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): Hany M. Girgis
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 811 Havenhurst Pt.
 City/State/Zip: La Jolla, CA 92037
 Phone No: 858-204-8445 Fax No: 858-630-9235
 Signature: [Signature] Date: 6/3/11

Name of individual (type or print): Summer M. Girgis
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 811 Havenhurst Pt.
 City/State/Zip: La Jolla, CA 92037
 Phone No: 858-246-7705 Fax No: 858-630-3235
 Signature: [Signature] Date: 6/3/11

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: _____



THE CITY OF SAN DIEGO

DATE OF NOTICE: January 30, 2013

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	February 13, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	COASTAL DEVELOPMENT PERMIT AND SITE DEVELOPMENT PERMIT / CEQA EXEMPTION / PROCESS 3
PROJECT NO:	<u>262975</u>
PROJECT NAME:	<u>GIRGIS RESIDENCE</u>
APPLICANT:	Sarah McAllister
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	District One
CITY PROJECT MANAGER:	Glenn Gargas, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5142 / ggargas@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a **Coastal Development Permit and Site Development Permit (due to the site containing Environmentally Sensitive Lands)** to demolish a single-dwelling structure with various site improvements on and off the premises and construction of an approx. 7,517-square-foot, two-story, residential single-dwelling unit, with a three car garage, pool / spa and retaining walls on a 17,825-square-foot property. The project would remove improvements encroaching within City-owned open space and restore this approximate 4,375-square-foot area. The project site is located at 811 Havenhurst Point, in the RS-1-4 Zone, Coastal Overlay Zone (Non-Appealable), Coastal Height Limitation Overlay Zone, Coastal Parking Impact Overlay Zone, within the La Jolla Community Plan area.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at

1222 First Avenue, 3rd Floor, San Diego, CA 92101

ATTACHMENT 10

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on January 9, 2013, and the opportunity to appeal that determination will end on January 30, 2013.

The final decision by the City of San Diego is not appealable to the California Coastal Commission. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at

(619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.

Internal Order Number: 24002313

Revised 04/08/10 HRD