



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: September 11, 2013

REPORT NO. HO 13-074

ATTENTION: Hearing Officer

SUBJECT: NEPTUNE APARTMENTS EXTENSION OF TIME
PTS PROJECT NUMBER: 325506

LOCATION: 6767 Neptune Place

APPLICANT: Marengo Morton Architects

SUMMARY

Issue(s): Should the Hearing Officer approve an Extension of Time (EOT) to previously approved Coastal Development Permit (CDP) No. 518964 and Site Development Permit (SDP) No. 519873, for the demolition an existing 19-unit apartment complex and construction of a three-story, 24-unit apartment complex, within the La Jolla Community Plan area?

Staff Recommendation: **APPROVE** Extension of Time No. 1138504.

Community Planning Group Recommendation – On August 1, 2013, the La Jolla Community Planning Association voted 14-0-1, on consent, to recommend approval of the project with no conditions.

Environmental Review: Mitigated Negative Declaration (MND) No. 147066, certified and adopted on June 3, 2010, was previously prepared for the project in accordance with the California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) was prepared and will be implemented to reduce any potential impacts to paleontological resources to below a level of significance, as identified in the environmental review process. Staff has determined that the project is consistent with the previously certified MND and the preparation of a new environmental document is not required. The circumstances that require the preparation of a new environmental document described in Section 15162 of the CEQA Guidelines do not apply to this project.

BACKGROUND

The 0.56-acre site is located at 6767 Neptune Place, in the south-central coastal area of La Jolla (Attachment 1). The property is located in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan (Attachment 3). The property is approximately 100 feet eastward from the mean high tide line of the Pacific Ocean.

On April 7, 2010, the Hearing Officer approved the Neptune Apartments project, Coastal Development Permit No. 518964 and Site Development Permit No. 519873, Project No. 147066. These permits allowed for the demolition of the existing two-story, 19-unit residential apartment building and the construction of a new, 32,780-square-foot, three-story, 24-unit residential apartment building with a 25,150-square-foot, two-story, subterranean parking garage. The project was approved as a “sustainable building”, as established by City Council Policy No. 900-14. All original conditions of approval, including the installation of photovoltaic panels for electrical energy remain in effect with this Extension of Time.

On April 19, 2010, the La Jolla Community Planning Association filed an appeal of the Hearing Officer decision. On June 3, 2010, the Planning Commission voted 6-0 to deny the appeal and uphold the Hearing Officer’s decision to approve the project.

DISCUSSION

In accordance with the Municipal Code, the original project Condition No. 1 required that the permit be utilized within 36 months after the date on which all rights of appeal have expired. The final appeal period was for the Coastal Commission, which expired on July 8, 2010. Therefore, the original project expiration date was July 9, 2013. An application for an Extension of Time was deemed complete on May 30, 2013. Approval of this Extension of Time would extend the expiration date 36 months to July 9, 2016. Staff has reviewed the proposed Extension of Time and determined that no new conditions are required for the project to comply with state or federal law. No project changes are proposed and the original conditions of approval would remain in effect.

ALTERNATIVES

1. Approve Extension of Time No. 1138504, with modifications.
2. Deny Extension of Time No. 1138504, if the findings required to approve the project cannot be affirmed.

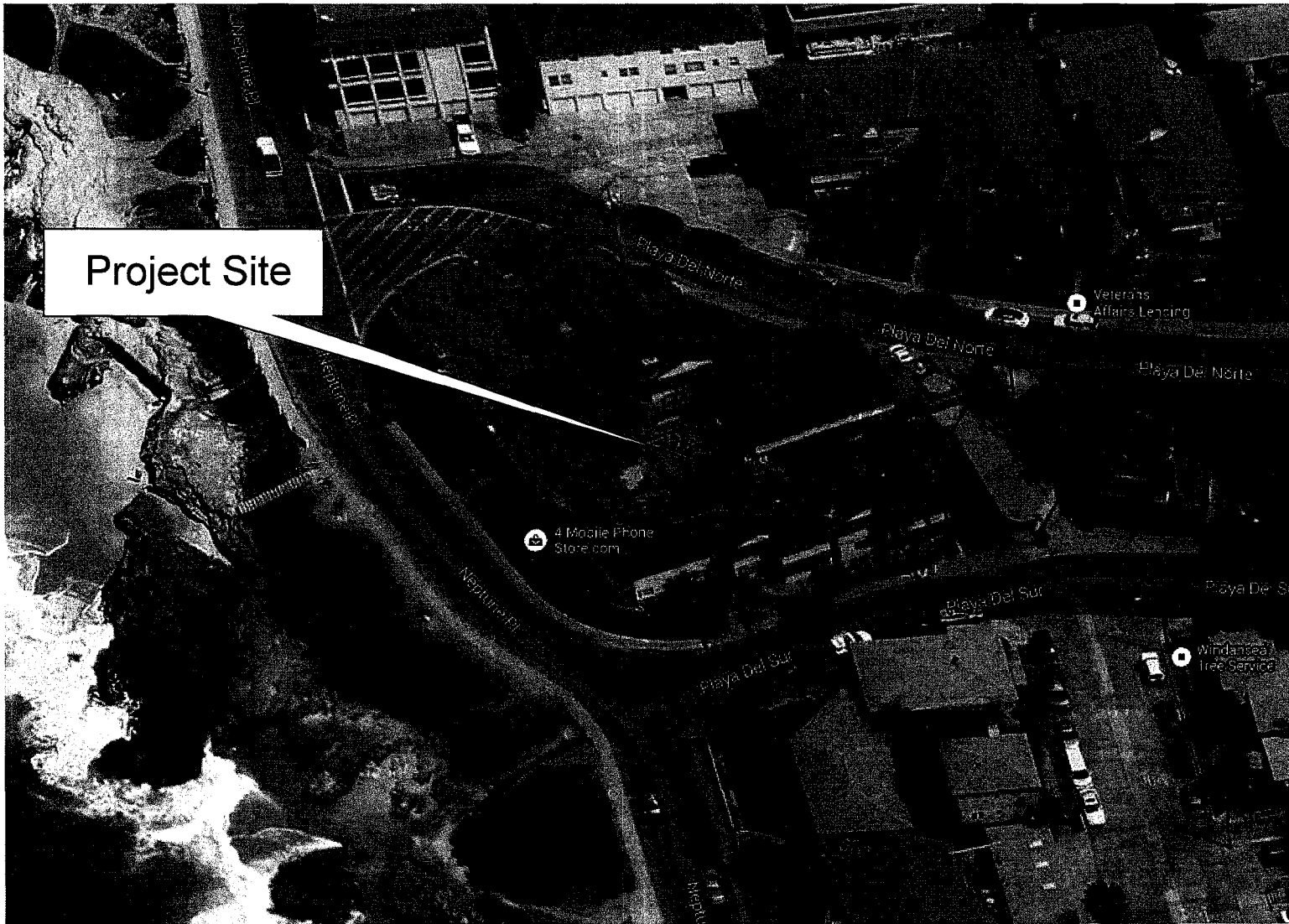
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Godwin", written over a horizontal line.

Paul Godwin, Development Project Manager

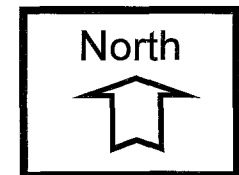
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Permit Resolution with Findings
7. Approved Site Plan
8. Recorded Permit, CDP No. 518964 and SDP No. 519873
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement



Location Aerial Photo

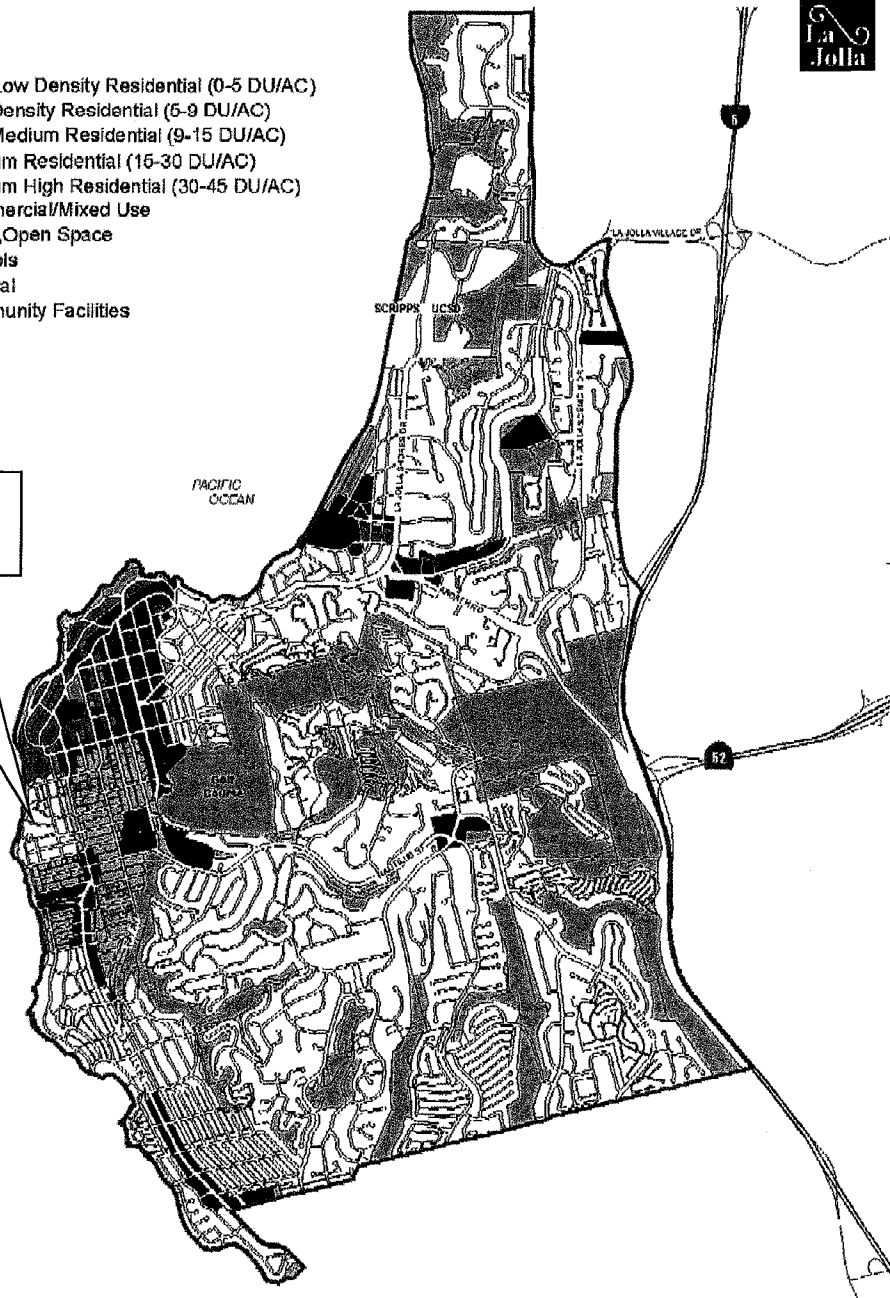
Neptune Apartments EOT – 6767 Neptune Place
PROJECT NO. 325506



- Legend
- Very Low Density Residential (0-5 DU/AC)
 - Low Density Residential (5-9 DU/AC)
 - Low Medium Residential (9-15 DU/AC)
 - ▨ Medium Residential (15-30 DU/AC)
 - ▩ Medium High Residential (30-45 DU/AC)
 - Commercial/Mixed Use
 - ▨ Parks, Open Space
 - Schools
 - Cultural
 - Community Facilities



Project Site



Community Land Use Map



La Jolla Community Plan
City of San Diego · Planning Department

-5-

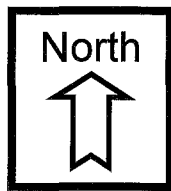


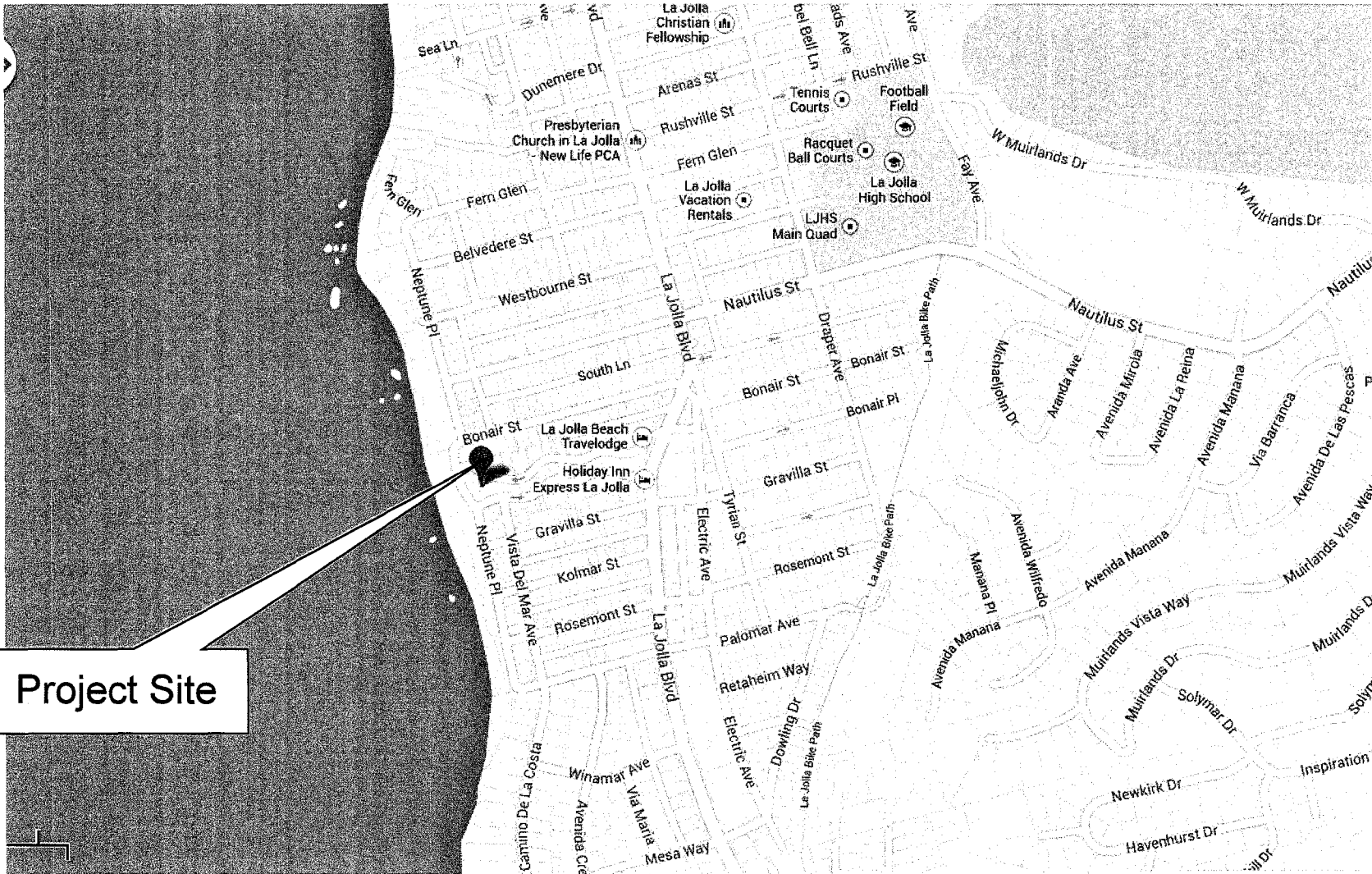
Figure 1



Land Use Map

Neptune Apartments EOT – 6767 Neptune Place
PROJECT NO. 325506



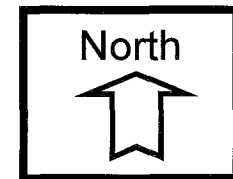


Project Site



Project Location Map

Neptune Apartments EOT – 6767 Neptune Place
PROJECT NO. 325506



PROJECT DATA SHEET

PROJECT NAME:	Neptune Apartments EOT	
PROJECT DESCRIPTION:	EOT for a previously approved Coastal Development Permit (CDP) and Site Development Permit (SDP) for the demolition an existing 19-unit apartment complex and construction of a three-story, 24-unit apartment complex	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Extension of Time	
COMMUNITY PLAN LAND USE DESIGNATION:	Medium-High density residential, 30-45 dwelling units per acre	
<u>ZONING INFORMATION:</u>		
ZONE: RM-3-7 HEIGHT LIMIT: 30-Foot maximum height limit LOT SIZE: 7,000 square-foot minimum lot size FLOOR AREA RATIO: 1.80 FRONT SETBACK: 10 foot minimum, 20 foot standard SIDE SETBACK: 17 feet STREETSIDE SETBACK: 17 feet for 50% and 12 feet for 50% REAR SETBACK: NA PARKING: 47 parking spaces required		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential; RM-3-7	Multi-Family Residential
SOUTH:	Multi-Family Residential; RM-3-7	Multi-Family Residential
EAST:	Multi-Family Residential; RM-3-7	Multi-Family Residential
WEST:	Park and Open Space; RM-1-3 and OP-1-1.	Neptune Place, La Jolla Strand Park and Pacific Ocean
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On August 1, 2013, the La Jolla Community Planning Association voted unanimously (14-0-1) to recommend approval of this project, with no conditions.	

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

JOB ORDER NUMBER: 24003803

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EXTENSION OF TIME NO. 1138504
EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 518964 AND
SITE DEVELOPMENT PERMIT NO. 519873
NEPTUNE APARTMENTS – PROJECT NO. 325506 [MMRP]
HEARING OFFICER

This EXTENSION OF TIME No. 1138504 is a 36-month Extension of Time to previously approved Coastal Development Permit No. 518964 and Site Development Permit No. 519873, and is hereby granted by the Hearing Officer of the City of San Diego to 250 North Arcadia LLC, Owner/Permittee, pursuant to San Diego Municipal Code Section 126.0111. The 0.56-acre site is located at 6767 Neptune Place, in the RM-3-7 zone, within the La Jolla Community Planning area. The property is legally described as that portion of Block 3 of La Jolla Strand, Map No. 1216, filed October 18, 1909.

Subject to the terms and conditions set forth in this Permit, and previously approved Coastal Development Permit No. 518964 and Site Development Permit No. 519873, permission is granted to 250 North Arcadia LLC, Owner/Permittee to construct a 24-unit residential apartment complex, described and identified by size, dimension, quantity, type, and location on the previously approved exhibits [Exhibit "A"] and conditions on file in the Development Services Department. The original Coastal Development Permit No. 518964 and Site Development Permit No. 519873 approved by the Planning Commission on June 3, 2010, is hereby extended as indicated within this permit until July 9, 2016.

The project shall include:

- a. A 36-month extension of time for the previously approved Coastal Development Permit No. 518964 and Site Development Permit No. 519873.

STANDARD REQUIREMENTS:

1. This permit must be utilized prior to July 9, 2016, which does not exceed thirty-six (36) months from the expiration date of the original permit. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit.
2. This 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. No further Extension of Time may be granted pursuant to SDMC Section 126.0111(a).
5. Construction plans shall be in substantial conformity to Exhibit "A," per the previously approved Exhibits and conditions on file with Development Services for Coastal Development Permit No. 518964 and Site Development Permit No. 519873, Project No. 147066, Recorded with the County of San Diego Recorder on July 14, 2010, Document No. 2010-0352089, with the exception of the expiration dates. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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 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 September 11, 2013,
Resolution No. ??????

EXTENSION OF TIME NO. 1138504
EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 518964 AND
SITE DEVELOPMENT PERMIT NO. 519873

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Paul Godwin
Development Project Manager

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

The undersigned Owners/Permittees, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owners/Permittees hereunder.

250 North Arcadia, LLC
Owner/Permittee

By _____
NAME
TITLE

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

HEARING OFFICER RESOLUTION NO. _____
EXTENSION OF TIME NO. 1138504
EXTENSION OF TIME TO COASTAL DEVELOPMENT PERMIT NO. 518964 AND
SITE DEVELOPMENT PERMIT NO. 519873
NEPTUNE APARTMENTS – PROJECT NO. 325506 [MMRP]

WHEREAS, 250 NORTH ARCADIA LLC, Owner/Permittee, filed an application with the City of San Diego for a three-year Extension of Time to Coastal Development Permit No. 518964 and Site Development Permit No. 519873, for the construction a 24-unit residential apartment complex. The project site is located at 6767 Neptune Place, in the RM-3-7 zone, within the La Jolla Community Planning area. The property is legally described as that portion of Block 3 of La Jolla Strand, Map No. 1216, filed October 18, 1909; and

WHEREAS, all associated permits shall conform to the previously approved Exhibit “A” and conditions on file with the Development Services Department pursuant to Coastal Development Permit No. 518964 and Site Development Permit No. 519873, with the exception of the expiration date; and

WHEREAS, the activity is covered under Mitigated Negative Declaration (MND) No. 147066, certified and adopted on June 3, 2010. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental documents adequately covered this activity as part of the previously approved project and the activity is not a separate project for the purpose of California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15162; and

BE IT FURTHER RESOLVED, by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Extension of Time No. 1138504 for Coastal Development Permit No. 518964 and Site Development Permit No. 519873:

Municipal Code Section 126.0111(e), Site Development Permit Extension of Time:

1. The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety.

The requested Extension of Time proposes no changes or new conditions for the previously approved Site Development Permit for the demolition of a 19-unit apartment complex and the construction of a 24-unit apartment complex. The original approved conditions of approval remain in effect for this project. The site is located in a developed, urban neighborhood and is bordered by similar development on three sides and the Neptune Place right-of-way and Pacific Ocean beyond to the west. The Environmental Analysis Section of the City of San Diego, as lead agency, prepared a Mitigated Negative Declaration (MND) for the project. With implementation of the Mitigation, Monitoring and Reporting Program of the MND, any potentially significant environmental impacts would be mitigated to below a level of significance. The project would be required to obtain all necessary construction permits and adhere to all applicable building, fire, mechanical, plumbing, health, and safety codes. Therefore, the project as originally approved would not place the occupants of the proposed development or immediate community in a condition dangerous to their health and safety.

2. No new condition is required to comply with state or federal law.

The requested Extension of Time proposes no changes or new conditions for the previously approved Site Development Permit for the demolition of a 19-unit apartment complex and the construction of a 24-unit apartment complex. No new conditions are required for the project to comply with state or federal law and the original approved conditions of approval remain in effect for this project.

Municipal Code Section 126.0111(g), Coastal Development Permit Extension of Time:

1. The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety.

The requested Extension of Time proposes no changes or new conditions for the previously approved Coastal Development Permit for the demolition of a 19-unit apartment complex and the construction of a 24-unit apartment complex. The original approved conditions of approval remain in effect for this project. The site is located in a developed, urban neighborhood and is bordered by similar development on three sides and the Neptune Place right-of-way and Pacific Ocean beyond to the west. The Environmental Analysis Section of the City of San Diego, as lead agency, prepared a Mitigated Negative Declaration (MND) for the project. With implementation of the Mitigation, Monitoring and Reporting Program of the MND, any potentially significant environmental impacts would be mitigated to below a level of significance. The project would be required to obtain all necessary construction permits and adhere to all applicable building, fire, mechanical, plumbing, health, and safety codes. Therefore, the project as originally approved would not place the occupants of the proposed development or immediate community in a condition dangerous to their health and safety.

2. There are no changed circumstances which would affect the project's consistency with the Local Coastal Program.

The requested Extension of Time proposes no changes or new conditions for the previously approved Coastal Development Permit for the demolition of a 19-unit apartment complex and the construction of a 24-unit apartment complex. The original approved conditions of approval remain in effect for this project. The Local Coastal Program designates the site for medium-high density residential development, which accommodates the previously approved 24 residential units. Therefore, there are no changed circumstances which would affect the project's consistency with the Local Coastal Program.

3. No new condition is required to comply with state or federal law.

The requested Extension of Time proposes no changes or new conditions for the previously approved Coastal Development Permit or Site Development Permit for the demolition of a 19-unit apartment complex and the construction of a 24-unit apartment complex. No new conditions are required for the project to comply with state or federal law and the original approved conditions of approval remain in effect for this project.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Extension of Time No. 1138504 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Extension of Time No. 1138504, a copy of which is attached hereto and made a part hereof.

PASSED AND ADOPTED BY THE HEARING OFFICER OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON SEPTEMBER 11, 2013

By

Paul Godwin
Development Project Manager
Development Services Department

Internal Order No. 24003803

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

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON JUL 14, 2010
DOCUMENT NUMBER 2010-0352089
DAVID L. BUTLER, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 9:39 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23430092

COASTAL DEVELOPMENT PERMIT NO. 518964
SITE DEVELOPMENT PERMIT NO. 519873
NEPTUNE APARTMENTS - PROJECT NO. 147066 [MMRP]
PLANNING COMMISSION

This Coastal Development Permit No. 518964 and Site Development Permit No. 519873 are granted by the Planning Commission of the City of San Diego to Westgate Park LLC, West Prince Road LLC, and 250 North Arcadia LLC, Arizona Limited Liability Companies, Owner(s)/Permittee(s), pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.504(a) and (b). The 0.56 acre site is located at 6767 Neptune Place in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone within the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as that portion of Block 3 of La Jolla Strand, Map No. 1216 filed in the Office of the County Recorder of San Diego County (APN 351-382-01).

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner(s)/Permittee(s) to demolish 19 dwelling units and construct a 24 unit residential apartment complex, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 3, 2010, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 20,198 square foot 19 unit two-story apartment building and construction of a 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story parking garage;

- b. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; 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.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." -Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 147066, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 147066, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas: Paleontological Resources.

15. Prior to issuance of any Construction Permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE & SUSTAINABLE HOUSING REQUIREMENTS:

16. Prior to the issuance of any Building Permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.) by paying an in-lieu fee.

17. Prior to the issuance of any Building Permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14.

ENGINEERING REQUIREMENTS:

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

19. Prior to the issuance of any Construction Permits, 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, satisfactory to the City Engineer.

20. Prior to the issuance of any Construction Permits, 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, satisfactory to the City Engineer.
21. Prior to the issuance of any Construction Permits, the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.
22. The drainage system proposed for this development is private and subject to approval by the City Engineer.
23. This project proposes to export 18,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per SDMC Section 141.0620(i).
24. Prior to Foundation Inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.
25. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall dedicate 4 feet of right-of-way along the site frontage to achieve a 10 foot curb-to-property line distance.
26. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the applicant to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
27. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall construct a curb ramp at the intersection of Neptune Place and Playa del Sur, and the intersection of Neptune Place and Playa del Norte, to the satisfaction of the City Engineer.
28. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall install 3 street lights on the Neptune Place frontage, the Playa del Norte frontage and the Playa del Sur frontage to the satisfaction of the City Engineer. The street lights shall be in conformance the Street Design Manual and generally shall be 150 Watt HPS luminaries with new light standards.
29. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall construct a new sidewalk on the Neptune Place frontage and the Playa del Norte frontage, wherever there is no existing sidewalk, to the satisfaction of the City Engineer.
30. All driveways and curb openings shall comply with City Standard Drawings G-14A and SDG-100, to the satisfaction of the City Engineer.

GEOLOGY REQUIREMENTS:

31. Prior to the issuance of any Construction Permit, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans, to the satisfaction of the Geology Section of the Development Services Department.

LANDSCAPE REQUIREMENTS:

32. Prior to issuance of Public Right-of-Way Permits, the Owner/Permittee shall submit complete landscape construction documents demonstrating the right-of-way improvements to the Development Services Department for approval. Improvement plans shall indicate an area equal to 40 square feet around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

33. Prior to issuance of Building Permits, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

34. Prior to issuance of a Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

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

36. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

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

38. Plants within the view corridor easements, except for required street trees shall not exceed 3 feet in height and shall be maintained to preserve the view corridors.

PLANNING/DESIGN REQUIREMENTS:

39. Prior to the issuance of any Construction Permits, the Owner/Permittee shall record a View Corridor Easement preserving a visual corridor 6 feet wide from the proposed public right-of-way dedication as shown on Exhibit "A," along Playa Del Norte Street and Playa Del Sur Street in accordance with SDMC Section 132.0403(a).

40. Prior to the issuance of any Construction Permit, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement for Sensitive Coastal Bluffs in accordance with SDMC Sec. 143.0143(e), in a form and content acceptable to the Director of the Development Services Department, or designated representative who shall provide: (a) that the Owner/Permittee understands that all development including buildings, accessory structures, and any additions to existing structures shall be set back at least 40 feet from the coastal bluff edge, as illustrated on the approved plan Exhibit "A;" and (b) that the Owner/Permittee understands that the site may be subject to extraordinary hazard from coastal bluff erosion and the Owner/Permittee assumes all liability from such hazards; and (c) the Owner/Permittee unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Conditions-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successor and assigns.

41. 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.

42. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

43. Owner/Permittee shall maintain a minimum of 47 off-street automobile parking spaces (including 2 van accessible spaces), 2 motorcycle spaces, and 12 bicycle spaces with rack(s) on the property at all times in the approximate locations shown on the approved Exhibit "A." All residential tandem parking spaces shall be assigned to the same unit. 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.

44. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall construct one 14 foot wide driveway cut at the project's frontage on Playa Del Sur, satisfactory to the City Engineer.

45. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall provide and maintain a 10 foot visibility triangle area on both sides of the driveway on Playa Del Sur and both sides of the driveway on Playa Del Norte, and a 25 foot visibility triangle area at the corner of the street intersection of Playa Del Norte and Neptune Place and at the corner of the street intersection at Playa Del Sur and Neptune Place. No obstacles higher than 36 inches shall be located within this area (e.g. walls, landscaping, shrubs, etc).

WASTEWATER REQUIREMENTS:

46. Prior to the issuance of any Building Permit, the Owner/Permittee shall abandon the unused segment of the 8 inch pipe including the sewer manhole in Playa Del Sur just to the east of the proposed sewer lateral. Prior to abandonment of any sewer mains or services, the sewer shall be closed circuit television inspected by a California Licensed Plumbing Contractor to ensure that there are no other existing laterals connected to the sewer line.

47. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide. All onsite sewer facilities will be private. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.

WATER REQUIREMENTS:

48. Prior to the issuance of any Building Permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of any new water service(s) outside of any driveway or vehicular use area, and the disconnection at the water main of the existing unused water service adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

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

50. Prior to the issuance of any Certificates of Occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

51. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on June 3, 2010 and Resolution No. PC-4599-1.

Permit Type/PTS Approval No.: CDP 518964; SDP 519873
Date of Approval: June 3, 2010

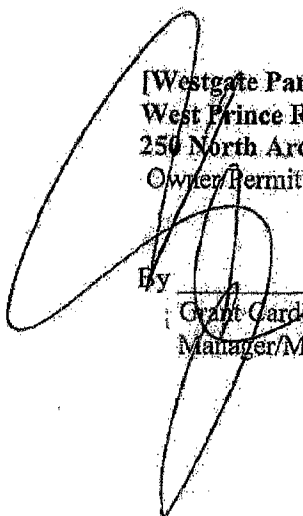
AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT



Diane Murbach
Development Project Manager

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.

[Westgate Park LLC,
West Prince Road LLC, and
250 North Arcadia LLC]
Owner/Permittee


By _____
Grant Gardone
Manager/Member

SEE ATTACHED
NOTARIAL CERTIFICATE

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

ORIGINAL



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 – 1 August 2013

Attention: Paul Godwin, PM
City of San Diego

Project: Neptune Apartments EOT
6767 Neptune Place
PN: 325506

Motion: To accept the recommendations of the DPR Committee that the findings can be made for: an Extension of Time (EOT) for Coastal Development Permit and Site Development Permit to demolish 19 dwelling units and construct a 24 unit residential apartment complex at 6767 Neptune Place. 6-0-0

Vote: 14-0-1

01 August 2013

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 E.O.T.

Project Title

Neptune Apartments

Project No. For City Use Only

Project Address:

6767 Neptune Place 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): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature : _____ Date: _____

Project Title: Neptune Apartments	Project No. (For City Use Only)
--------------------------------------	---------------------------------

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? AZ
 Corporate Identification No. 200709410024
 Partnership

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

Corporate/Partnership Name (type or print):
250 North Arcadia LLC

Owner Tenant/Lessee

Street Address:
1773 Torrance Street

City/State/Zip:
San Diego, CA 92103 619 981 1408

Phone No: Fax No:
Luke Christensen 5-14-13

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

Title (type or print):
Partner

Signature : Date:

Corporate/Partnership Name (type or print):
250 NORTH ARCADIA LLC

Owner Tenant/Lessee

Street Address:
1773 TORRANCE ST.

City/State/Zip:
SAN DIEGO, CA 92103

Phone No: Fax No:

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

Title (type or print):
MANAGER

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature : Date:

Business Entity Detail

Data is updated to the California Business Search on Wednesday and Saturday mornings. Results reflect work processed through Friday, May 17, 2013. Please refer to [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

Entity Name:	250 NORTH ARCADIA, LLC
Entity Number:	200709410024
Date Filed:	04/03/2007
Status:	ACTIVE
Jurisdiction:	ARIZONA
Entity Address:	1401 ORIOLE DR
Entity City, State, Zip:	LOS ANGELES CA 90069
Agent for Service of Process:	DALE CHRISTENSEN
Agent Address:	1773 TORRANCE ST
Agent City, State, Zip:	SAN DIEGO CA 92103

* Indicates the information is not contained in the California Secretary of State's database.

* **Note:** If the agent for service of process is a corporation, the address of the agent may be requested by ordering a status report.

- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on ordering certificates, copies of documents and/or status reports or to request a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Field Descriptions and Status Definitions](#).

[Privacy Statement](#) | [Free Document Readers](#)

Copyright © 2013 California Secretary of State