



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: November 20, 2013 REPORT NO. HO 13-082

ATTENTION: Hearing Officer

SUBJECT: ZEGARRA WALLS
PTS PROJECT NUMBER 90267

LOCATION: 2974 Caminito Bello

APPLICANT: Brian Longmore

SUMMARY

Requested Action – Should the Hearing Officer approve a Site Development Permit and Neighborhood Development Permit to allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place and an existing unpermitted free standing solid wall along La Jolla Scenic Drive to remain in place with modifications on a site with a single family home within the La Jolla Community Planning area?

Staff Recommendations: -

1. **CERTIFY** Negative Declaration No. 90267;
2. **APPROVE** Site Development Permit No. 289157 and Neighborhood Development Permit No. 1179515.

Community Planning Group Recommendation - On August 3, 2006, the La Jolla Community Planning Association voted 14-0-0 to recommend approval of the Site Development Permit for the retaining wall (Attachment 8).

Community Planning Group Recommendation - On July 5, 2012, the La Jolla Community Planning Association failed to pass a motion recommending approval or denial of the Neighborhood Development Permit for the free standing wall (Attachment 9). Please reference the discussion section of the report.

La Jolla Shores Planned District Ordinance Advisory Board – On September 19, 2013 the La Jolla Shores Planned District Ordinance declined to review this project due to the

inconsistent and incomplete information provided. However, the board will re-hear the item at its November 19, 2013 meeting.

Environmental Review – A Negative Declaration (ND) No. 90267 has been prepared for this project in compliance with the California Environmental Quality Act (CEQA) Guidelines.

BACKGROUND

The project proposes a Site Development Permit and Neighborhood Development Permit to allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place and an existing unpermitted free standing solid wall along La Jolla Scenic Drive to remain in place with modifications. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area. To the north of the site is City Open Space with the remaining surrounding area consisting of single family homes.

The site currently contains a single family home with detached garage and swimming pool constructed in 1973. The overall topography of the site consists of gentle to moderately-steep slopes that descends from the north to south. On the western fringes of the site adjacent to the house is a 6-foot to 15-foot slope. The slope area demarcates the location of the existing unpermitted retaining wall which spans 125 feet from north to south with an varied elevation of six feet to 15 feet. On the east side of the lot adjacent to La Jolla Scenic Drive is a six-foot high by approximately 170-foot long solid free standing wall that encroaches approximately two feet within the public right of way. Both walls were constructed without permits.

Prior to the construction of the walls attempts were made to obtain applicable permits. In February 2005 the owner submitted a construction permit application to construct the retaining wall under project No. 64486 and in September of 2005 an application to construct the free standing wall along La Jolla Scenic Drive was submitted under Project No. 83788. However, both building permit applications were never issued. In June of 2006 a Site Development Permit application was filed with the City under Project No. 90267 for the construction of the retaining wall to support the existing slope. During review of the Site Development Permit the retaining wall and possibly the free standing wall were constructed without the issuance of construction permits. It was during the Site Development Permit review that staff discovered the free standing wall encroached into the Public Right-of-Way and that a Neighborhood Development Permit would be required to allow the encroachment.

Subsequent to staff discovering the retaining wall and free standing wall were constructed without applicable construction permits, Neighborhood Code Compliance (NCC) staff visited the site to investigate the walls. Upon NCC's visit it was discovered a mound of dirt (berm) approximately six feet high by 50 feet long and 20 feet wide was placed on City Open Space land directly north of the site. The berm contained ornamental vegetation being irrigated from the project site. Additionally NCC confirmed the construction of the retaining wall disturbed biologically sensitive resources. On March 10, 2008 a Civil Penalty Notice and Order was issued to the property owner located at 2974 Caminito Bello for conducting unauthorized grading to sensitive biological resources during the unpermitted construction of the retaining

wall and the construction of a free standing solid wall located within the Public Right-of-Way. On April 18, 2008 a Civil Penalty Administration hearing took place to address the aforementioned code violations (See Neighborhood Code Violation discussion below).

The project requires a Site Development Permit for the construction of a retaining wall on a site containing environmentally sensitive lands in the form of biological resources in accordance with San Diego Municipal Code (SDMC) section 143.0110. The project requires a Neighborhood Development Permit for encroachment of a six-foot high free standing wall into the Public Right-of-Way in accordance with SDMC section 129.0710.

DISCUSSION

The project proposes to rectify the unpermitted construction of an existing retaining wall adjacent to environmentally sensitive lands through the processing of a Site Development Permit and rectify the unpermitted construction of an existing six-foot high free standing solid wall within the Public Right-of-Way along La Jolla Scenic Drive. The project also requires the restoration of City owned Open Space adjacent to the illegally constructed walls by the removal of an earthen berm, restore the elevation to its original grade, and revegetate the area previously occupied by the berm with native vegetation.

Project Issues:

Retaining wall issue

The unpermitted retaining wall was constructed to blend into the existing landform as it has been sculpted and colored to match the existing surrounding slope extending north into the City's open space. A Goal of the La Jolla Community Plan includes preserving the natural amenities of La Jolla such as its open space, hillsides, canyons, bluffs, parks, beaches, tide pools and coastal waters. The retaining wall has been determined to be consistent with the community plan goals and therefore will be unchanged.

Solid wall Issue

The unpermitted six foot high, solid, free standing wall, as constructed, impacts the scenic overlook view corridor in that it blocks views to public natural and scenic resources from the public right-of-way. At the discretion of staff, the applicant proposes modifications to a portion of the wall by reducing it to four feet solid and two feet clear glass. The portion modified would include 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex. Additionally the subject permit requires the removal of two existing cypress trees, the removal of an earthen berm, and the restoration of adjacent land to existing grade within the vicinity of the view corridor. The modification will implement the community plan by providing a view to public resources through private property.

Open Space Issues.

During the March 2013 Neighborhood Code Compliance visit to the site it was discovered there was the unauthorized dumping of dirt creating a berm in the City of San Diego's Open Space with the installation of invasive trees, ground cover and irrigation. Additionally, staff discovered the installation of a gate into the free standing masonry wall on the north side of the property that allows direct access to the City's Open Space. The subject permit will require the removal of the berm, revegetation of removed berm with native ground cover, and the removal of the gate directly allowing access to City Open Space from private property to be infilled to match the existing wall.

Environmental Analysis

A Negative Declaration was prepared from the project. The Negative Declaration determined that there would be no impacts to biological resources as the amount of grading into environmental sensitive lands is below the CEQA threshold of 0.10 acres. Additionally, modifying the six-foot free standing wall along La Jolla Scenic Drive by reducing it to four feet solid and two feet clear glass for 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex and the removal of two existing cypress trees and the removal of an earthen berm, promotes a scenic overlook through private property and is consistent with the land use plan. The City conducted an Initial Study of the site and determined that the proposed project will not have a significant environmental effect on the environment and the preparation of an Environmental Impact Report will not be required.

Neighborhood Code Compliance

On March 10, 2008 a Civil Penalty Notice and Order was issued to the property for conducting unauthorized grading to sensitive biological resources during the unpermitted construction of the retaining wall and the unpermitted construction of a free standing solid wall located within the public right-of-way. On April 18, 2008, a Civil Penalty Administration hearing took place to address the aforementioned code violations. As a result of the Civil Penalty Administration Hearing the following conditions need to be addressed or added to the Site Development Permit/Neighborhood Development Permit (Attachment 7):

1. Obtain a Site Development Permit for impacting Environmentally Sensitive Lands associated with the construction of the 15' high wall.
2. Obtain a Neighborhood Development Permit for the free standing masonry wall located within the Public Right-of-Way.
3. Obtain a right of entry permit from the Park and Recreation Department to legally access City of San Diego open space. Remove the dirt and restore the elevation to its original grade, remove the invasive plant species and irrigation located north of the free standing masonry wall on the north side of the property.
4. Obtain the required building permits for the construction for the 15' high retaining wall.
5. Obtain all required permits, inspections, and approvals for the swimming pool.

6. Upon submittal of the drawing set to the City of San Diego Development Services Department, the Landowner shall set up a deposit account in accordance with Information Bulletin 502 (Fee/Deposit Schedule for Construction Permits/Grading and Public Right-of-Way) to cover the cost of staff review. The initial amount of the deposit account shall be \$5,000. Upon approval of all construction related documents, including but not limited to technical reports, graphics, or plans, a long-term monitoring permit fee of \$1,225 shall be collected to cover the cost to monitor compliance with storm water regulations, environmental mitigation, slope revegetation, and other permit conditions on an ongoing basis.

Conditions implementing the Civil Penalty Administration Hearing Officers requirements above have been incorporated in the Site Development Permit/Neighborhood Development Permit. However, the swimming pool has a previously approved building permit.

La Jolla Community Planning Association

On August 3, 2006, the La Jolla Community Planning Association voted 14-0-0 to recommend approval of the Site Development Permit for the retaining wall. At this time the free standing wall was not part of the project's scope and therefore was not voted on.

On July 5, 2012, the La Jolla Community Planning Association failed to pass a motion recommending approval or denial of the Neighborhood Development Permit for the free standing wall. The following three motions were considered for the Neighborhood Development Permit but could not achieve the required votes to pass:

1. Motion 1: Approve the project because Findings *can* be made for a Neighborhood Development Permit for the project as proposed by the applicant for a 5 ½ to 6 foot-high existing free standing solid wall within the Public Right-of-Way from property line to property line along the La Jolla Scenic Dr. Vote count 6-9-1.
2. Motion 2: To uphold the motions of the Plan Review Committee (PRD) that the following Findings for a Neighborhood Development Permit *cannot* be made. Vote count was 7-8-1:
 - a. The proposed development will not adversely affect the applicable land use plan;
 - b. The proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.)
3. Motion 3: Approve the recommendations of the City staff. Vote count 8-8-0.

Conclusion

Staff has reviewed the proposed project and has found it is consistent with the development standards in effect for the site and with the adopted La Jolla Community Plan and the City of San Diego Progress Guide and General Plan. Staff recommends approval of the project.

ALTERNATIVES:

1. **Approve** Site Development Permit No. 289157, and Neighborhood Development Permit No. 1179515, with modifications.
2. **Deny** Site Development Permit No. 289157, and Neighborhood Development Permit No. 289157, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



William Zounes, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Environmental Resolution
6. Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings
7. Draft Site Development Permit/Neighborhood Development Permit with Conditions
8. Community Planning Group Recommendation for Site Development Permit
9. Community Planning Group Recommendation for Neighborhood Development Permit
10. Civil Penalty Notice and Order
11. Project Chronology
12. Project Plans
13. Photo simulation of modified free standing wall
14. Photo of existing retaining wall

Attachment 1
Aerial Photograph of Site



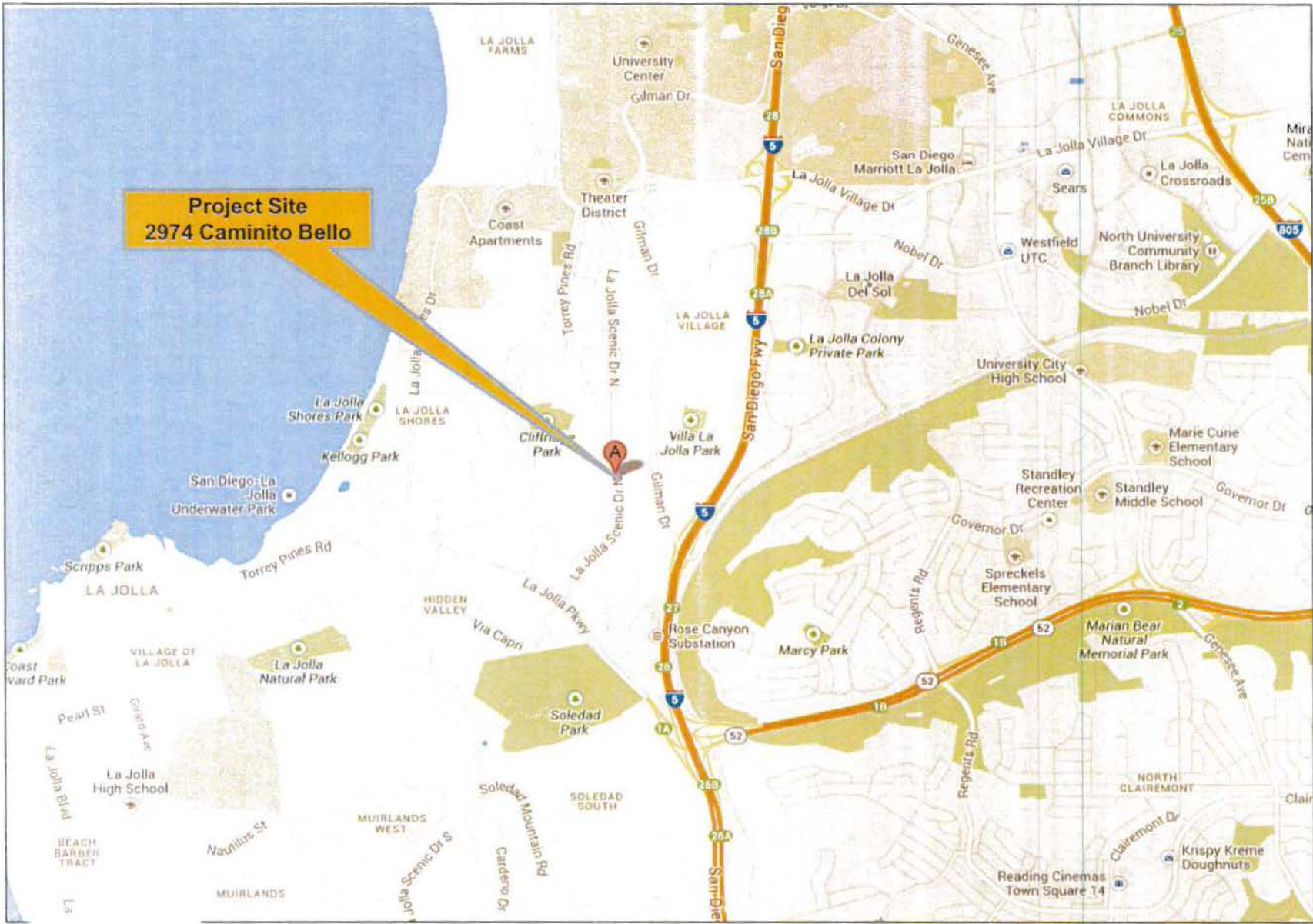
Project Site
2974 Caminito Bello



Aerial Photograph (Birds Eye)

Zegarra Walls- Project No. 90267
2974 Caminito Bello





Project Site
2974 Caminito Bello



Location Map
Zegarra Walls- Project No. 90267
2974 Caminito Bello



PROJECT DATA SHEET		
PROJECT NAME:	Zegarra Walls	
PROJECT DESCRIPTION:	Site Development Permit and Neighborhood Development Permit to allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place and an existing unpermitted free standing solid wall along La Jolla Scenic Drive to remain in place with modifications on a site with a single family home	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Site Development Permit/Neighborhood Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (0-5 du/ac)	
ZONING INFORMATION:		
ZONE: Single Family (SF) HEIGHT LIMIT: 30 feet LOT SIZE: 19,166 square feet FLOOR AREA RATIO: N/A (lot coverage = 60-percent) FRONT SETBACK: General Conformity with those in the Vicinity SIDE SETBACK: General Conformity with those in the Vicinity STREETSIDE SETBACK: General Conformity with those in the Vicinity REAR SETBACK: General Conformity with those in the Vicinity PARKING: 2 spaces required		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Open Space/OP-2-1	Vacant Lot
SOUTH:	Single Family/SF	Single Family Homes
EAST:	Single Family/SF	Single Family Homes
WEST:	Single Family/SF	Single Family Homes
DEVIATIONS OR VARIANCES REQUESTED:	None	

**Attachment 4
Project Data Sheet**

COMMUNITY PLANNING GROUP RECOMMENDATION:	<p>On August 3, 2006, the La Jolla Community Planning Association voted 14-0-0 to recommend approval of the Site Development Permit for the retaining wall.</p> <p>On July 5, 2012, the La Jolla Community Planning Association failed to pass a motion recommending approval or denial of the Neighborhood Development Permit for the free standing wall</p> <p>On September 19, 2013 the La Jolla Shores Planned District Ordinance declined to review this project due to the inconsistent and incomplete information provided. . However, the board will re-hear the item at its November 19, 2013 meeting</p>
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HEARING OFFICER RESOLUTION NO. XXXXXX
NEGATIVE DECLARATION NO. 90267
ZEGARRA WALLS – PROJECT NO. 90267

WHEREAS, JULIO ZEGARRA, Owner/Permittee, filed an application with the City of San Diego for a permit to allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place and an existing unpermitted free standing solid wall along La Jolla Scenic Drive to remain in place with modifications. Additionally the project would restore City owned open space adjacent to the site to the north and revegetate with native plant species and remove an earthen berm and corresponding conditions of approval for the associated Permit No. 289157 and 1179515), on portions of a 0.44-acre site;

WHEREAS, the project site is located at 2974 Caminito Bello in the Single Family(SF) zone of the La Jolla Shores Planned District within the La Jolla Community Plan;

WHEREAS, the project site is legally described as Lot 1 of Ranchos Con Vistas, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6623, filed in the Office of the County Recorder of San Diego County, April 14, 1970;

WHEREAS, the permit was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego

WHEREAS, the issue was considered by the Hearing Officer of the City of San Diego on November 20, 2013; and

WHEREAS, the Hearing Officer of the City of San Diego considered the issues discussed in Negative Declaration No. 90267 NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer of the City of San Diego, that it is hereby certified that Negative Declaration No.90267 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission; directing staff to file a Notice of Determination.

BE IT FURTHER RESOLVED that the Hearing Officer of the City of San Diego finds, based upon the whole record before it (including the Initial Study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

BE IT FURTHER RESOLVED that the record of proceeding upon which this decision is based shall be kept by the Development Services Department at 1222 First Avenue, San Diego, CA 92101.

By: _____
William Zounes,
Development Project Manager

Adopted on: November 20, 2013
Internal Order No. 23431563

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings

HEARING OFFICER
RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 289157/
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1179515
ZEGARRA WALLS PROJECT NO. 90267

WHEREAS, JULIO ZEGARRA, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit and a Neighborhood Development Permit to maintain an existing retaining wall and a free standing solid wall at the rear of the site within the Public Right-of-Way along La Jolla Scenic Drive (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 289157 and 1179515, on portions of a 0.44-acre site;

WHEREAS, the project site is located at 2974 Caminito Bello in the in the Single Family (SF) zone of the La Jolla Shores Planned District within the La Jolla Community Plan;

WHEREAS, the project site is legally described as Lot 1 of Ranchos Con Vistas, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6623, filed in the Office of the County Recorder of San Diego County, April 14, 1970;

WHEREAS, on November 20, 2013, the Hearing Officer of the City of San Diego considered Site Development Permit No. 289157 and Neighborhood Development Permit No. 1179515 pursuant to the Land Development Code of the City of San Diego;

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 November 20, 2013.

FINDINGS:

Site Development Permit - Section 126.0504

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

The project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The proposed project is consistent with the land use designation of the Community Plan by maintaining an existing single family dwelling and not increasing the density range. Up to five dwelling units per acre is permitted at this site as identified within the La Jolla Community Plan and Local Coastal Program and Land Use Plan.

The site is located adjacent to dedicated City open space on the north side of the property and partially within a designated scenic overlook per the La Jolla Community Plan area (defined as a view over private property from a public right-of-way). The unpermitted six foot high, solid, free standing wall, as

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings

constructed, impacts the scenic overlook view corridor in that it blocks public views to natural and scenic resources from the public right-of-way. The applicant proposes for modifications to a portion of the wall by reducing it to four feet solid and two feet clear glass. The portion modified would include 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex. Additionally the subject permit requires the removal of two existing cypress trees, the removal of an earthen berm, and the restoration of adjacent land to existing grade within the vicinity of the view corridor. The modification will implement the community plan by providing a view to public resources through private property.

The proposed retaining wall located on the western rim of the site slopes downward and does not obstruct public views. The unpermitted retaining wall, as constructed, mimics and further blends into the landform of Lindavista formation sandstone, by being carved, sculpted, and colored to match the existing surrounding slope extending north into the City's open space. Goals of the La Jolla Community Plan include preserving the natural amenities of La Jolla such as its open space, hillsides, canyons, bluffs, parks, beaches, tide pools and coastal waters. Additionally the plan recommends preserving all designated open space and habitat linkages within La Jolla such as the slopes of Mount Soledad and the sensitive ravines of Pottery Canyon. As mentioned, the constructed retaining wall mimics the existing land form and further mimics the land form adjacent to the site in the open space area. The retaining wall looks similar to the adjacent land form. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

A California Environmental Quality Act (CEQA) Negative Declaration was prepared for the project and determined the project could not have a significant effect on the environment. The Negative Declaration determined that there would be no impacts to biological resources as the amount of grading into environmental sensitive lands is below the CEQA threshold of 0.10 acres. Additionally, modifying the six-foot free standing wall along La Jolla Scenic Drive by reducing it to four feet solid and two feet clear glass for 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex and the removal of two existing cypress trees and the removal of an earthen berm, promotes a scenic overlook through private property and that promotes the public welfare.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to revegetation, storm water runoff, runoff during construction, grading, fire protection, and landscaping. All Uniform Building and Fire Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Improvements include the closure of the existing gate to the open space property to the north. Fire protection includes brush management implementation. Therefore, the proposed project conforms to the development regulations and will not be detrimental to the public health, safety, and welfare.

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings**3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

The project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The project is consistent with the development regulations of the SF zone and all other pertinent regulations of the Land Development Code (LDC) which includes grading and landscaping. The project was designed in conformance with the underlying zone and land use plan and is not requesting deviations or variances to the Land Development Code. San Diego Municipal Code (SDMC) section 129.0710 requires a Neighborhood Development Permit when an encroachment within the public right-of-way involves construction of a privately owned structure or facility and where the applicant is the record owner of the underlying fee title. A six-foot solid wall is permitted in the front yard setback in the SF zone. The unpermitted six-foot free standing wall encroaches within two feet the public right-of-way. SDMC section 143.0110 requires a Site Development Permit for development on a site containing environmentally sensitive lands. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;**

The project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The project site contains Environmentally Sensitive Lands in the form of biological resources. The existing home, pool and free standing wall are located outside of the sensitive resource area and will not affect any biological resources. The unpermitted retaining wall required grading on native vegetation. In May of 2005, a biology report was prepared by Merkel and Associates (M&A). The survey determined that the construction of the retaining wall would not have significant impacts to the on-site upland habitat, chamise chaparral, and non-native grassland per the City's Significance Determination Guidelines due to the anticipated impacts being less than 0.10 acres. In December 2007, M&A conducted a post-impact biological survey for the retaining wall. The 2007 report was updated to include impacts caused by Brush Management not originally included in the 2005 biology report. The resulting impacts to environmentally sensitive lands within the Brush Management zone 1 would be 0.08-acres and not applicable to Zone 2 since this zone is considered impact neutral. Because project impacts are below significance threshold of 0.10 acres, the project will not adversely affect biological resources and therefore no mitigation would be required.

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, brush management, and landscaping. All Uniform Building and Fire Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

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 project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

On February 13, 2008 a Geotechnical Report was reviewed and approved for the site. It was determined that the existing development is not located on a fault. According to the City of San Diego's Seismic Safety Study Maps, the project is located in an area that is mapped with a Geologic Hazard Rating of 52 which is characterized as other level areas, gently sloping to steep terrain, favorable geologic structure and low risk. The nearest fault is the Rose Canyon fault located 0.75 miles southwest of the site. The project is not within a special flood hazard area. The unpermitted retaining wall, as constructed, mimics and further blends into the landform of lindavista formation sandstone, by being carved, sculpted, and colored to match the existing surrounding slope extending north into the City's open space. The project is required to provide brush management for fire protection. Therefore, 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.

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

The project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The project site contains Environmentally Sensitive Lands in the form of biological resources. The existing home, pool and free standing wall are located outside of the sensitive resource area and will not affect any biological resources. The unpermitted retaining wall required grading on native vegetation. In May of 2005 a biology report was conducted by Merkel and Associates (M&A). The survey determined that the implementation of the retaining wall would not have significant impacts to the on-site upland habitat, chamise chaparral, and non-native grassland per the City's Significance Determination Guidelines due to the anticipated impacts being less than 0.10 acres. In December 2007, M&A conducted a post-impact biological survey for the retaining wall. The 2007 report was updated to include impacts caused by Brush Management not originally included in the 2005 biology report. The resulted impacts to environmentally sensitive lands within the Brush Management zone 1 would be 0.08-acres and not applicable to Zone 2 since

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings

this zone is considered impact neutral. Because the project has impacted below biology significance threshold of 0.10 acres, the project will not adversely affect biological resources and therefore no mitigation would be required. Therefore, the proposed development 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 proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). Therefore the project is not inconsistent with the City's MSCP.

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

The project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The site is not within or adjacent to the public beaches. Therefore the project will not 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 project proposes a Site Development Permit allow an unpermitted existing retaining wall constructed adjacent to environmentally sensitive lands to remain in place, on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

A California Environmental Quality Act (CEQA) Negative Declaration was prepared for the project and determined the project could not have a significant effect on the environment. The permit controlling this development contains conditions addressing compliance with the City's regulations and land use policies. Conditions added to the permit in order to alleviate negative impacts created by the proposed development include the modification to a portion of the free standing solid wall along La Jolla Scenic Drive by reducing it to four feet solid and two feet clear glass. The portion modified would include 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex. Additionally the subject permit requires the removal of two existing cypress trees, the removal of an earthen berm, and the restoration of adjacent land to existing grade within the vicinity of the view corridor. The modification will implement the community plan by providing a view to public resources through private property and promote fire safety through the required brush management program. Therefore, the nature and extent of

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings

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

Neighborhood Development Permit - Section 126.0404**1. The proposed development will not adversely affect the applicable land use plan.**

The project proposes a Neighborhood Development Permit to allow an existing unpermitted free standing solid wall along La Jolla Scenic Drive to remain in place with modifications on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The proposed project is consistent with the land use designation of the Community Plan by maintaining an existing single family dwelling and not increasing the density range. Up to five dwelling units per acre is permitted at this site as identified within the La Jolla Community Plan and Local Coastal Program and Land Use Plan.

The site is located adjacent to City open space on the north side of the property partially within a designated Scenic Overlook per the La Jolla Community Plan (defined as a view over private property from a public right-of-way). The unpermitted six foot high, solid, free standing wall, as constructed, impacts the scenic overlook view corridor in that it blocks views to public natural and scenic resources from the public right-of-way. The proposed Neighborhood Development Permit (NDP) would allow for modifications to a portion of the wall by reducing it to four feet solid and two feet clear glass. The portion modified would include 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex. The modification will implement the community plan by providing a view to public resources through private property. Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes a Neighborhood Development Permit to allow an existing unpermitted free standing solid wall along La Jolla Scenic Drive to remain in place with modifications on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area

The existing solid wall modifications include reducing it to four feet solid and two feet clear glass. The portion modified would include 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex and will result in no impacts to public views. The wall is not located within a visibility area. The curb to property line is ten feet and the wall is located eight feet from the curb. As such, pedestrian access will not be impeded.

A California Environmental Quality Act (CEQA) Negative Declaration was prepared for the project and determined the project could not have a significant effect on the environment. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to revegetation, storm water runoff, runoff

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings

during construction, grading, fire protection, and landscaping. All Uniform Building and Fire Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Improvements include the closure of the existing gate to the open space property to the north. Fire protection includes brush management implementation. Therefore, the proposed project conforms to the development regulations and will 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, including any allowable deviations pursuant to the Land Development Code.**

The project proposes a Neighborhood Development Permit to allow an existing unpermitted free standing solid wall along La Jolla Scenic Drive to remain in place with modifications on a site with a single family home. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family (SF) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area.

The project is consistent with the development regulations of the SF zone and all other pertinent regulations of the Land Development Code (LDC) which includes grading and landscaping. The project was designed in conformance with the underlying zone and land use plan and is not requesting deviations or variances to the Land Development Code. San Diego Municipal Code (SDMC) section 129.0710 requires a Neighborhood Development Permit when an encroachment within the public right-of-way involves construction of a privately owned structure or facility and where the applicant is the record owner of the underlying fee title. The unpermitted six-foot free standing wall encroaches within two feet within the public right-of-way. A six-foot high wall is permitted in the front yard setback therefore, would be an allowable encroachment at that height within the Right-of-Way with the issuance of a Neighborhood Development Permit. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 289157 and Neighborhood Development Permit No. 1179515 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 289157 and 1179515 a copy of which is attached hereto and made a part hereof.

Draft Site Development Permit/Neighborhood Development Permit Resolution with Findings

William Zounes
Development Project Manager
Development Services

Adopted on: November 20, 2013

Job Order No. 23425660

Draft Site Development Permit/Neighborhood Development Permit with 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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23425660

SITE DEVELOPMENT PERMIT NO. 289157
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1179515
ZEGARRA WALLS PROJECT NO. 90267
HEARING OFFICER

This Site Development Permit No. 289157 and Neighborhood Development Permit No. 1179515 is granted by the Hearing Officer of the City of San Diego to JULIO ZEGARRA, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 143.0110 and 126.0402. The 0.44-acre site is located at 2974 Caminito Bello in the Single Family(SF) zone of the La Jolla Shores Planned District within the La Jolla Community Plan. The project site is legally described as: Lot 1 of Ranchos Con Vistas, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6623, filed in the Office of the County Recorder of San Diego County, April 14, 1970.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the construction of an existing retaining wall and a free standing solid wall within the Public Right-of-Way along La Jolla Scenic Drive described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 20, 2013, on file in the Development Services Department.

The project shall include:

- a. Maintain an existing 125 feet long by 6'-8"foot to 15'-5"foot high retaining wall to remain along the western side of the property not located within a required setback;
- b. Maintain for an existing 6-foot high free standing solid wall within the La Jolla Scenic Drive public right-of-way way with modifications. Modifications include to reduce the wall to a four-foot solid wall with a two-foot clear glass portion on top for 30 feet of the northerly side yard adjacent to the City's Open Space land and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex;

Draft Site Development Permit/Neighborhood Development Permit with Conditions

- c. Remove an earthen berm located within City Open Space, restore the elevation to its original grade and revegetate modified area;
- d. Removal of two cypress trees along the northeastern portion of the property;
- c. Removal of the gate accessing adjacent City fee-owned open space to be removed and infilled to match the existing wall;
- f. Landscaping (planting, irrigation and landscape related improvements);
- g. 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 December 5, 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. Within 90-days from the approval date this Site Development Permit/Neighborhood Development Permit, the Owner/Permittee shall obtain a construction permit for the retaining wall and free standing solid wall adjacent to La Jolla Scenic Drive. The permit requirements shall be to the satisfaction of the Permit Issuing Authority (City Building Official or City Engineer, as appropriate). At the sole discretion of the Permit Issuing Authority, all or portions of the unpermitted work may be required to be modified, demolished, or removed, and be reconstructed. The Permit Issuing Authority may require forensic testing reports or other reports to evaluate the work previously completed without permits. Final approval of the unpermitted work shall be after all City inspections, as may be required. In the case where special inspections are required, final approval of the unpermitted work shall be upon the Permit Issuing Authority's acceptance of the special inspection reports.

Draft Site Development Permit/Neighborhood Development Permit with Conditions

4. Within 60 calendar days from the recordation of the permit, the Owner/Permittee shall enter into an Encroachment Maintenance and Removal Agreement (EMRA) for the wall which encroaches into the La Jolla Scenic Drive public right-of-way, satisfactory to the City Engineer.
5. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."
6. 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.
7. 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.
8. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
9. 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.).
10. 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.
11. 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.
12. 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" conditions(s) back to the discretionary body which approved the Permit for a determination by

Draft Site Development Permit/Neighborhood Development Permit with Conditions

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.

13. 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:

14. 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 Municipal Code, into the construction plans or specifications.

15. 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.

16. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

17. The drainage system proposed for this development is subject to approval by the City Engineer.

18. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

Draft Site Development Permit/Neighborhood Development Permit with Conditions

19. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.
20. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
21. Prior to issuance of any construction permits, complete landscape and irrigation construction documents consistent with the 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. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
22. Prior to Final Inspection of either the Retaining Wall or Free Standing Wall, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.
23. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Cypress Hedge in front of Site Wall along Ea Jolla Scenic Drive shall be maintained at a maximum five feet in height per Exhibit 'A,' Site Plan / Planting Plan.
24. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including the adjacent right-of-way and off-site Restoration and Revegetation Areas, consistent with the Landscape Standards and approved Exhibit 'A' Restoration and Revegetation Plan Report. Maintenance of Restoration and Revegetation Areas shall terminate once success criteria of the Restoration and Revegetation Plan Report have been met. Long-term maintenance of adjacent City Owned Open Space shall be by the Park and Recreation Department, Open Space Division.
25. 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 Final Inspection.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

Draft Site Development Permit/Neighborhood Development Permit with Conditions

26. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A' Brush Management Plan on file in the Office of the Development Services Department.

27. The Brush Management Program shall consist of both on-site and off-site brush management zones as shown on Exhibit 'A' Brush Management Plan consistent with the Brush Management Regulations of the Land Development Code section 142.0412. A standard Zone One of 35 feet in width with Zone Two of 65 feet in width shall extend out from the west face of the structure towards the native/naturalized vegetation. An on-site, modified Zone One of minimum 11 feet in width shall extend out from the north face of the structure to the north property line, continuing into the adjacent City Open Space with a modified Zone Two of maximum 89 feet in width, exercising provisions of section 142.0412(h)7.

28. Prior to issuance of any grading or construction permits, Owner/Permittee shall obtain a recorded easement for off-site brush management over Lot 5. Letters of permission from Owners of Lots 2 through 7 shall likewise be retained for off-site brush management over Common Area Lot 8. Owner/Permittee shall coordinate with the Park and Recreation Department, Open Space Division for brush management on adjacent City Open Space. Owner/Permittee may elect to obtain a Right-of-Entry Permit to perform seasonal brush management in this area. Contact Park and Recreation Department, Open Space Division.

29. Prior to issuance of any construction permit a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

30. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible and/or one-hour fire-rated accessory structures may be approved within the designated Zone One area subject to Fire Marshal's approval.

31. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.'

32. Within Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

33. Prior to Final Inspection, the approved Brush Management Program shall be implemented.

34. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

Draft Site Development Permit/Neighborhood Development Permit with Conditions**PLANNING/DESIGN REQUIREMENTS:**

35. The existing free standing wall shall be modified prior to final inspection and shall include a four-foot solid wall with a two-foot clear glass portion on top for 30 feet of the northerly side yard and twelve feet along La Jolla Scenic Drive beginning at the wall's northeast apex.

36. Prior to final inspection of the free standing wall, the two existing cypress trees planted along La Jolla Scenic Drive and in front of the free standing walls northeast corner shall be removed at the time the wall is being modified as described in Condition No. 33.

GEOLOGY REQUIREMENTS:

37. Additional geotechnical review may be required during the ministerial permitting process if a grading and/or building permit is required.

PARK AND RECREATION REQUIREMENTS:

38. Prior to final inspection of the retaining wall, the Owner/Permittee shall obtain a Right of Entry permit from the Park & Recreation Department, Open Space Division, prior to any work being done on City fee-owned open space to legally access City of San Diego open space and remove the dirt berm and restore the elevation to its original grade.

39. Prior to final inspection of the retaining wall all revegetation and restoration within City fee-owned property shall be inspected and approved by the Open Space Division of the Park & Recreation Dept. prior to City acceptance of future maintenance.

40. Prior to final inspection for the retaining wall the Owner/Permittee shall obtain a Right of Entry permit from the Park & Recreation Department, Open Space Division for the removal of the berm, revegetation on City fee-owned property, and removal and infill of the gate accessing adjacent City fee-owned open space. The removed gate portion of the wall shall match the existing wall.

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 November 20, 2013.

Draft

Draft Site Development Permit/Neighborhood Development Permit with Conditions

Permit Type/PTS Approval No.: SDP No. 289157/NDP No. 1179515

Date of Approval: November 20, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

William Zounes
Development Project Manager

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

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

Owner/Permittee

By _____
Julio Zegarra

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

Community Planning Group Recommendation for Site Development Permit

From: tgolba@golba.com

Sent: Friday, November 09, 2007 12:40 PM

To: Zounes, WilliamJ.

Cc: jzegarra@qualcomm.com

Subject: Zegarra Retaining Wall Project No. 90267 - LJ Community

Planning Committee Recommen

Importance: High

Mr. Zounes,

Please let this email serve as confirmation that the ZEGARRA RETAINING WALL PROJECT (#90267) was approved by the La Jolla Community Planning Association on August 3, 2006 by a vote of 14-0-0 which was referred to the main CPA by the La Jolla Shores Permit Review Comm. which had approved the project by a 4-0-0 vote.

Please note that the LJSPRC did approve the project with three conditions:

- 1.) Applicant to provide setbacks on the site plan
- 2.) Wall to conform to municipal code for height limits
- 3.) Apply for a variance if #1 or #2 triggers the requirement.

Further, the main CPA approved the project and stated that if there is a variance for the wall, the project must return for a new review.

Please let me know if you have any questions.

Tim Golba, Chair

LA JOLLA COMMUNITY PLANNING ASSOCIATION

1025 West Laurel Street Suite 106

San Diego, Ca 92101

tgolba@golba.com

619.231.9905 - voice

619.231.4288 - fax

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Attachment 8

Community Planning Group Recommendation for Site Development Permit

be aware that since e-mails can be altered electronically, the integrity of this communication cannot be guaranteed



PO Box 889, La Jolla, CA 92038
http://www.LaJollaCPA.org
Voicemail: 858.456.7900
info@LaJollaCPA.org

Assistant Treasurer: Jim Fitzgerald
Secretary: Dan Allen

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month
La Jolla Recreation Center, 615 Prospect Street

Thursday, 5 July 2012

FINAL MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Tom Brady, Devin Burstein, Laura Ducharme-Conboy, Michael Costello, Dan Courtney, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Cindy Thorsen.

Absent: Frances O'Neill Zimmerman.

1. **Welcome and Call To Order: Tony Crisafi**, President, at 6:04 PM

2. **Adopt the Agenda**

Approved Motion: Motion to adopt the Agenda, (Gabsch/Courtney, 13-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Merten, Thorsen.

Abstain: Crisafi.

3. **Meeting Minutes Review and Approval – 7 June Regular Meeting**

Secretary Allen noted that the minutes would be expanded to specify the appointees of the other Parent Organizations to Joint Committees and Boards (Item 8A). **Trustee Manno** advised of an error in the listing of votes on the second motion on the UCSD Hillel Center (Item 14). **Trustee Conboy** pointed-out that in discussion of that item (Item 14) the property was said to be zoned R-1 when in fact it is zoned SF.

Approved Motion: Motion to approve the Minutes of the 7 June Meeting as corrected, (Fitzgerald/Thorsen, 10-0-4).

In favor: Allen, Bond, Burstein, Conboy, Costello, Fitzgerald, LaCava, Lucas, Manno, Thorsen.

Abstain: Merten, Brady, Gabsch, Crisafi.

4. **Elected Officials Report - Information Only**

A. **San Diego City Council District 2 - Councilmember Kevin Faulconer**

Rep: Katherine Miles, 619.236.6622, kmiles@sandiego.gov

Ms. Miles was not present.

B. **San Diego City Council District 1 - Councilmember Sherri Lightner**

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Ms. Demorest spoke about the two vacancies on the La Jolla Shores Planned District Advisory Board and the deferral of consideration of the powerplant proposed for City-owned land just east of I-805 in University City.

5. **Non-Agenda Public Comment - Issues not on the agenda and within LCPA jurisdiction, two (2) minutes or less.**

A. **UCSD - Planner: Anu Delouri**, adelouri@ucsd.edu, <http://physicalplanning.ucsd.edu>

Ms. Delouri was not present.

General Public Comment

Melinda Merryweather encouraged attendance at the 11 July Coastal Commission meeting on the rope barrier at Children's Pool in opposition to the City's application. **Jane Reidan** endorsed turnout in favor of the City's application. **Ann Marie Butler** expressed concern with ongoing grading and changes to drainage at 6324 La

people and seals to share the beach. 15-0-1

Presenting: **Ed Harris** (Sergeant, San Diego lifeguards, representing California Teamsters Local 911)

Mr. Harris presented the lifeguard's union proposal, which he made at the LJParks & Beaches meeting and which led to the motion from that group. The proposal is aimed at coexistence of people and seals, conflict reduction between factions and cleaner sand and water. Several speakers addressed the proposal: **Agnes Hancock, Melinda Merryweather, Susan Geller, Elen Shively, Jeanne Thoennes, Phil Hancock, June O'Hara, Dianne Piella** and **Carol Archibald**. **Trustee Burstein** read a July 2011 letter from LJCPA reiterating our position against a "Rope Barrier". **Patrick Ahern**, President of LJP&B, said their resolution was in response to the Coastal Commission staff report that there was no better mitigation to the City's proposed year-round "Rope Barrier". **Jane Reldan** made a presentation in favor of the City's application and in rebuttal to the lifeguard's union proposal. Further comments were made by **David Singer, Rob Whittemore, Mandy Merryweather, Laura Meldrum** and **Phyllis Minick**. **Trustees Thorsen, Brady, Burstein, Crisafi, Bond, Merten, LaCava, Lucas** and **Fitzgerald** commented. Significant discussion issues were apparent lack of enforcement by the City of noise, signs and access regulations, history of public use, history of seal arrival and the monitoring requirements imposed on the City by the Coastal Commission staff report.

Approved Motion: To reaffirm LJCPA opposition to a year-round "Rope Barrier" at Children's Pool beach, and to support LJP&B action of June 2012 to give the community six months to come forth with feasible mitigation alternative for people and seals to share the beach, (Courney/Brady, 12-3-1).

In favor: Allen, Brady, Burstein, Conboy, Costello, Courtney, Gabsch, Little, Lucas, Manno, Merten, Thorsen.

Opposed: Bond, Fitzgerald, LaCava.

Abstain: Crisafi.

13. Zegarra Retaining Wall – Action item

2974 Caminito Bello - SDP for Environmentally Sensitive Lands for the construction of an existing retaining wall adjacent to a canyon and a NDP for an existing free standing solid wall within the Public Right-of-Way along La Jolla Scenic Dr.

PRC ACTION (June 2006): Move to approve wall within the setback areas with conditions. 1. Provide setback information on site plan, 2. Conform wall to municipal code for wall heights, 3. Apply for variance if required 4-0-0

CPA ACTION (Aug 2006): To approve the consent calendar. Item #3 only. Amendment to Motion: Golba, If the Committee conditions trigger a Variance the applicant will return to the committee. 14-0-0

PRC ACTION (Feb 2012): More information is needed. Continue item to a future meeting. 6-0-1 See Feb 2012 PRC committee report for further information.

PRC ACTION (March 2012): Finding for a Neighborhood Development Permit cannot be made 4-2-2

LJCPA ACTION (Apr 2012): Pulled from Consent Agenda by applicant

Presenting: **Brian Longmore**, Applicant: **Julian Zegarra**

Mr. Longmore made a presentation on the history of the project. **Helen Boyden** detailed the considerations of the PRC. Points of contention are the design principles (oversize wall height and architectural unity), sideyard public view and Community Plan scenic overlook. **Trustees Gabsch, Courtney, Little, Conboy, Thorsen, Crisafi, LaCava** and **Costello** commented.

Failed Motion: Findings can be made for a Neighborhood Development Permit for the project as proposed by the applicant for a 5 1/2 to 6 foot-high existing free standing solid wall within the Public Right-of-Way from property line to property line along the La Jolla Scenic Dr. (Burstein/Thorsen, 6-9-1).

In favor: Brady, Burstein, Courtney, LaCava, Lucas, Thorsen.

Opposed: Allen, Bond, Conboy, Costello, Fitzgerald, Gabsch, Little, Manno, Merten.

Abstain: Crisafi.

Failed Motion: To uphold the motions of the PRC that 1) Finding for a Neighborhood Development Permit (The proposed development will not adversely affect the applicable *land use plan*.) cannot be made, because the solid wall along La Jolla Scenic Drive does not comply with *the Visual Resources* section of the *Open Space Preservation and Natural Resources Protection Policies of*

the Natural Resources & Open Space System Element of the La Jolla Community Plan pertaining to the preservation and enhancement of public views from Identified Public Vantage Points (LJCP pages. 46 and 47), and 2) Finding for a Neighborhood Development Permit (The proposed development will comply with the applicable regulations of the *Land Development Code* including any allowable deviations pursuant to the *Land Development Code*.) cannot be made because the solid wall along La Jolla Scenic Drive does not provide the public view corridors within both side yard setback areas as required by LDC Sect. 132.0403(b); and the overall height and length of the solid wall within the street ROW does not comply with the *Design Principle* section of the *General Design Regulations* of the LJSPDO [Sect. 1510.0301(b)], because the overall height and length of the solid wall within the ROW is so different in form and relationship from development on adjacent parcels it will disrupt the architectural unity of the area, (Conboy/Gabsch, 7-8-1).

In favor: Bond, Conboy, Costello, Fitzgerald, Gabsch, Little, Merten.

Opposed: Allen, Brady, Burstein, Courtney, LaCava, Lucas, Manno, Thorsen.

Abstain: Crisafi.

Failed Motion: To approve the recommendations of the City staff, (Allen/Costello, 8-8-0).

In favor: Allen, Brady, Crisafi, Costello, Courtney, Fitzgerald, Manno, Thorsen.

Opposed: Bond, Burstein, Conboy, Gabsch, LaCava, Little, Lucas, Merten.

12. Belvedere Promenade – Action Item

Proposed reconfiguration of Prospect/Girard Dip that would convert northbound lane to a pedestrian promenade and reconfigure the southbound lane to two-way traffic. Seeking support for concept.

T & T MOTION (June 2012): Motion to approve 4-2-0

Presenting: **James Alcorn**

Mr. Alcorn showed a model and provided handouts. **Trustees LaCava, Costello, Allen, Courtney, Gabsch, Brady and Manno** discussed the concept. Significant issues are parking on the Lower Girard hill, restaurant loading access and sidewalk cafes. A fund raising effort is planned

Approved Motion: To approve the concept for Belvedere Promenade as presented with the applicant to come back with a final version for review, (Conboy/Thorsen, 15-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen.

Abstain: Crisafi.

15. Lewis Residence – Action item

1705 Valdes Dr. - Variance and Coastal Development Permit for an over-height wall in the front yard setback of an existing single family residence.

DPR ACTION (June 2012): The findings for a Variance and Coastal Development Permit for an overheight wall in the front yard setback of an existing single family residence at 1705 Valdes Drive can be made. 2-3-0

Presenter: **Walter Crampton**

Mr. Crampton presented photos and provided a handout. **Trustees Merten, Thorsen, Conboy, LaCava and Little** discussed the project. Comments concerned the aesthetics of alternatives shown.

Approved Motion: The findings for a Variance and Coastal Development Permit for an overheight wall in the front yard setback of an existing single family residence at 1705 Valdes Drive can be made, (LaCava/Conboy, 12-3-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, LaCava, Lucas, Manno, Thorsen.

Opposed: Gabsch, Little, Merten.

Abstain: Crisafi.

16. Adjourn, at 10:00 PM.

Next Regular Monthly Meeting, 2 August, 6:00 pm.



THE CITY OF SAN DIEGO

MAILED
MAR 10 2008

March 10, 2008

NEIGHBORHOOD CODE COMPLIANCE

CIVIL PENALTY NOTICE AND ORDER

Location: 2974 Caminito Bello

APN NO.: 346-731-29

Property Owner: Zegarra, Julio A. and Honda, Carol A.
Address: 2974 Caminito Bello
La Jolla, CA 92037

Responsible Person: Louis Concrete
Attn: Louis Quinn
9204 Virginia Lane
La Mesa, CA 91941

Zone: La Jolla Shores Planned District - Single Family

You are hereby notified that the property at 2974 Caminito Bello is in violation of the San Diego Municipal Code (SDMC) and you are subject to civil penalties pursuant to San Diego Municipal Code Section 12.0801 through 12.0810.

Civil Penalties for violations of the Municipal Code may be assessed at a daily rate not to exceed \$2,500 per day per violation; not to exceed a total maximum of \$250,000 per parcel or structure for any related series of violation(s).

Penalties may be assessed for each individual code section violated. These penalties may accrue daily for as long as the violations exist.

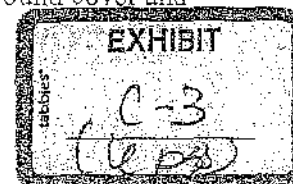
* You are violating the law by conducting unauthorized grading to sensitive biological resources. This parcel contains Environmentally Sensitive Lands (ESL) as defined by the City of San Diego. Based upon the review of Resource maps (El Nino) and field reconnaissance, it is evident that the property contains sensitive biological resources that have been impacted as a result of unauthorized grading and construction of 15' high retaining wall.

In addition, the construction of a free standing masonry wall is encroaching into the Public Right of Way along La Jolla Scenic North Drive. The unauthorized dumping of dirt creating a berm in the City of San Diego's Open space, with the installation of invasive trees, ground cover and

Development Services Department
Neighborhood Code Compliance Division

1200 Third Avenue, 8th Floor, MS 51N • San Diego, CA 92101-4106

Tel (619) 236-5500 Fax (619) 236-5920



Civil Penalty Notice and Order
2974 Caminito Bello
March 10, 2008
Page 2

irrigation. The installation of a gate into the free standing masonry wall on the north side of the property that allows direct access to the City's open space. Finally, the failure to obtain all required inspection and approvals for the swimming pool.

On February 20, 2008, the property was observed to be in violation of the following section(s) of the SDMC.

SDMC Section 121.0302 Required Compliance with the Land Development Code

(a) It is unlawful for any person to maintain or use any premises in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.

(b) It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code:

(1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any structures;

(2) To grade, excavate, clear, fill, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any lot or premises;

SDMC Section 1510.0107 Applicable Regulations

(a) Where not otherwise specified in the La Jolla Shores Planned District, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13, (Zones);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 5 (Building Regulations);

(b) Where there is a conflict between the Land Development Code and the La Jolla Shores Planned District Ordinance, the Planned District Ordinance applies. In addition, Municipal Code Section 151.0401(b), which provides regulations for limited uses, applies in the La Jolla Shores Planned District, but Section 151.0401(c), (d), (e), and (f), which permits Neighborhood Use Permits and Conditional Use Permits, does not apply.

SDMC Section 1510.0201 Procedures for Permit Application and Review

(a) A La Jolla Shores Planned District Permit shall be issued pursuant to Land Development Code Chapter 14, Article 5 (Building Regulations) and Chapter 6, Article 2 (Public Rights-of-Way and Land Development), before the commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the La Jolla Shores Planned District or any building which is moved into the La Jolla Shores Planned District or any grading or landscaping. A La Jolla Shores Planned District Permit is not required for interior modifications, repairs or remodeling, or any exterior repairs or alterations for which a permit is not now required.

(c) Where a Planned District requires a discretionary Planned District permit that is identified as a Process Three, Process Four, or Process Five decision, an applicant shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures).

Civil Penalty Notice and Order
2974 Caminito Bello
March 10, 2008
Page 3

SDMC Section 143.0110(a)(1) When environmentally Sensitive Lands Regulations Apply.
This division applies to all proposed development when environmentally sensitive lands are present, and a Site Development Permit is required.

SDMC Section 143.0112 Requirement to Submit Required Documentation and Obtain Permit Prior to Development of Environmentally Sensitive Lands.
It is unlawful to begin development on a premise that contains environmentally sensitive lands without submitting required documentation and obtaining the applicable development permit. If unlawful development occurs on property containing environmentally sensitive lands and an enforcement action has been commenced by the City pursuant to Section 143.0160, no development permit application may be processed until the enforcement action has been concluded.

SDMC Section 143.0141(i) Development Regulations for Sensitive Biological Resources.
Development occurring in sensitive biological resources is subject to site specific impact analysis in accordance with the Biology Guidelines.

SDMC Section 143.0160 Violations and Remedies. Violation of the division shall be enforced pursuant to Division 2, Enforcement Authorities for the Land Development Code.

SDMC Section 129.0602 A Grading Permit is Required for the following work:

- (a) Any grading within open space easements or City-owned open space;
- (e) Any grading that includes the following conditions:
 - (1) Excavation or fill that results in a slope with a gradient of 25 percent or greater (4 horizontal feet to 1 vertical foot) and for which the depth or height at any point is more than 5 feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope;
 - (2) Excavation or fill for which the depth or height at any point from the lowest grade to the highest grade at any time during the proposed grading is more than 5 feet measured vertically;
 - (3) Grading that creates manufactured slopes at a gradient exceeding that specified in Section 142.0133;
 - (5) Grading that adversely affects the existing drainage pattern by altering the drainage pattern, concentrating runoff, increasing the quantity of runoff, or increasing the velocity of runoff to adjacent properties;

SDMC Section 142.0144 Grading Within Environmentally Sensitive Lands
Grading within environmentally sensitive lands shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

SDMC Section 129.0202 When a Building Permit Is Required

(a) No *structure* regulated by the Land Development Code shall be erected, constructed, enlarged, altered, repaired, improved, converted, permanently relocated or partially demolished unless a separate Building Permit for each *structure* has first been obtained from the Building Official, except as exempted in Sections 129.0202(b) and 129.0203.

Pursuant to Section 143.0160, no development permit application may be processed until the enforcement action has been concluded. The following corrective measures will then be required:

Civil Penalty Notice and Order
2974 Caminito Bello
March 10, 2008
Page 4

Obtain a Site Development Permit for impacting Environmentally Sensitive Lands associated with the construction of the 15' high retaining wall.

Obtain a Neighborhood Development permit for the free standing masonry wall located within the public right-of-way.

Obtain a right of entry permit from the Park and Recreation Department to legally access City of San Diego open space. Remove the dirt and restore the elevation to its original grade, remove the invasive plant species and irrigation located north of the free standing masonry wall on the north side of the property.

Remove the gate on the free standing masonry wall on the north side of the property that allows direct access to the City' open space.

Obtain the required building permits for the construction of the 15' high retaining wall.

Obtain all required permits, inspections and approvals for the swimming pool.

Upon submittal of the drawing set to the City of San Diego Development Services Department, the Landowner shall set up a deposit account in accordance with Information Bulletin 502 (Fee/Deposit Schedule for Construction Permits/Grading and Public Right-of-Way) to cover the cost of staff review. The initial amount of the deposit account shall be \$5,000.00. Upon approval of all construction related documents, including but not limited to technical reports, graphics, or plans, a long-term monitoring permit fee of \$1,225.00 shall be collected to cover the cost to monitor compliance with storm water regulations, environmental mitigation, slope revegetation, and other permit conditions on an ongoing basis.

A Civil Penalty Hearing will be scheduled before an Administrative Hearing Officer to obtain an order to conclude the code enforcement action and allow the processing of a development permit in accordance with Section 143.0112 of the Municipal Code.

Failure to Comply with Notice and Order

Failure to comply with this Notice and Order will result in the ongoing assessment of Civil Penalties:

1. Civil Penalties Hearing

This Notice and Order may cause a date, time, and place to be set for a hearing regarding the existing violations and confirmation of assessed civil penalties.

Written notice of the time and place of the hearing will be served on you at least ten days prior to the date of the hearing.

At the hearing, you, your agent or any other interested person may present testimony or evidence concerning the existence of the violations and the means and time frames for correcting the violations. Testimony or evidence may also be presented relating to the duration, frequency of recurrences, nature and seriousness, and history of the violations;

Civil Penalty Notice and Order
2974 Caminito Bello
March 10, 2008
Page 5

whether the offense impacted environmentally sensitive lands or historical resources the willfulness of the responsible person's misconduct, after issuance of the Notice and Order; the good faith effort by the responsible person to comply; the economic impact of the penalty on the responsible person; the impact of the violation upon community; and/or any other factor which justice may require.

Failure to attend the hearing shall constitute a waiver of your rights to an administrative hearing and administrative adjudication of the Notice and Order.

2. Assessment of Penalties

Any person violating any provision of the Municipal Code or applicable State Codes is subject to assessment of Civil Penalties.

Civil penalty amounts are established by the Deputy Director of the Neighborhood Code Compliance. The following factors were used in determining the amount: Case history, economic impact, seriousness of the violation, visual impact upon the community.

The penalty rate for the above listed violation(s) has/have been established at **\$500.00** per day and shall be an ongoing assessment of penalties at the daily rate until the violations are corrected in accordance with Municipal Code Sections 12.0801 et seq.

Pursuant to SDMC Section 12.0805(a), in determining the date on which civil penalties shall begin to accrue and the duration, the Deputy Director may consider a date when Neighborhood Code Compliance first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence.

Administrative Costs

The Deputy Director or Hearing Officer is authorized to assess administrative costs. Administrative cost may include scheduling and processing of the hearing and all subsequent actions.

Waiver

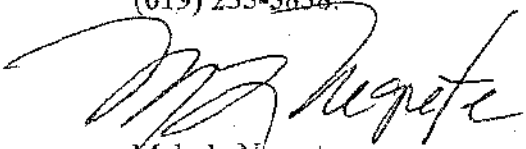
Failure to attend the hearing shall constitute a waiver of your rights to an administrative hearing and adjudication of the Notice and Order or any portion thereof.

If you fail, neglect or refuse to obey an order to correct the violations, civil penalties will continue to accrue on a daily basis until the violation is corrected, except that such amount shall not exceed \$250,000.

If you fail, neglect or refuse to obey an order to pay civil penalties, the unpaid amount shall constitute a personal obligation and/or a lien upon the real property. Failure to pay a personal obligation will cause the Deputy Director to refer the obligation to the City Attorney to file a court action to recover these costs. Failure to pay a lien will cause the Deputy Director to refer the lien to the County Auditor for collection in the same manner that ordinary municipal taxes are collected.

Civil Penalty Notice and Order
2974 Caminito Bello
March 10, 2008
Page 6

If you have any questions concerning this Notice and Order, or to schedule a compliance inspection, please contact **Duke Fernandez, Land Development Investigator II, at (619) 235-5838.**



Melody Negrete
Code Enforcement Coordinator

MN/DF/lm

cc: File

NC# 125443

This information will be made available in alternative formats upon request.

2974_Caminito Bello_nc105_dff

Project Chronology
Zegarra Walls
PROJECT NO. 90267

Date	Action	Description	City Review Time	Applicant Response
6/8/06	First Submittal	Normal Submittal		
7/14/06	First Submittal Assessment Letter out		36 days	
8/16/07	Second submittal In	Normal Submittal		398 days from First Assessment Letter
9/27/07	Second Submittal Assessment Letter out		42 days	
1/15/08	Third submittal In	Normal Submittal		110 days from second Assessment Letter
2/28/08	Third Submittal Assessment Letter out		44 days	
9/11/08	Fourth submittal In	Normal Submittal		196 days from third Assessment Letter
10/29/08	fourth Submittal Assessment Letter out		48 Days	
9/21/09	Firth submittal in	Normal Submittal		327 days from fourth Assessment Letter
10/20/09	Fifth Submittal Assessment Letter out		29 days	
4/29/10	sixth submittal In	Normal Submittal		191 days from fifth Assessment Letter
6/11/10	sixth Submittal Assessment Letter out		43 Days	
9/2/10	seventh submittal In	Normal Submittal		83 days from sixth Assessment Letter

11/8/10	seventh Submittal Assessment Letter out		67 days	
6/22/11	eight submittal In	Normal Submittal		226 days from seventh Assessment Letter
8/19/11	eight Submittal Assessment Letter out		58 days	
12/19/11	ninth submittal In	Normal Submittal		122days from eight Assessment Letter
1/31/12	ninth Submittal Assessment Letter out		43 days	
Hearing Officer Hearing	October 9, 2013		617 days	
TOTAL STAFF TIME**			34 month 7 days	
TOTAL APPLICANT TIME**				55 months 2 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to HO Hearing	89 months	days 9

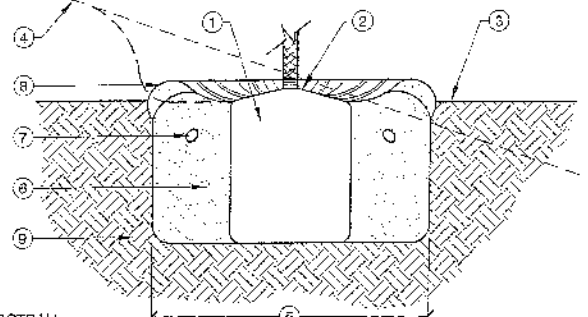
**Based on 30 days equals to one month.

**Project Chronology
Zegarra Walls
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Date	Action	Description	City Review Time	Applicant Response
6/8/06	First Submittal	Normal Submittal		
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10/29/08	fourth Submittal Assessment Letter out		48 Days	
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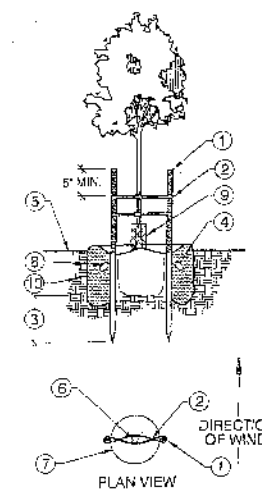
11/8/10	seventh Submittal Assessment Letter out		67 days	
6/22/11	eight submittal In	Normal Submittal		226 days from seventh Assessment Letter
8/19/11	eight Submittal Assessment Letter out		58 days	
12/19/11	ninth submittal In	Normal Submittal		122days from eight Assessment Letter
1/31/12	ninth Submittal Assessment Letter out		43 days	
Hearing Officer Hearing	October 9, 2013		617 days	Continued to a date uncertain
Hearing Officer Hearing	November 20, 2013		42	
TOTAL STAFF TIME**			35 month 18 days	
TOTAL APPLICANT TIME**				55 months 2 days
TOTAL PROJECT RUNNING TIME**		From Decmed Complete to HO Hearing	90 months days 21	

**Based on 30 days equals to one month.



- 1 ROOTBALL
- 2 CROWN - 1/2" ABOVE FINISH GRADE
- 3 FINISH GRADE
- 4 FINISH GRADE AT SLOPE
- 5 2X ROOTBALL DIAMETER. SCARIFY EDGES OF PLANT PIT. (TREES ONLY)
- 6 BACKFILL MIX - SEE PLANTING SPECIFICATIONS.
- 7 PLANT TABLETS - SEE PLANTING SPECIFICATIONS.
- 8 4" HIGH WATERING BASIN.
- 9 UNDISTURBED NATIVE SOIL.

A TREE / SHRUB PLANTING NOT TO SCALE



- 1 (2 req'd) 2" DIA. X 10' LONG LODGE POLE PINE STAKES, SET PERPENDICULAR TO PREVAILING WINDS. CUT STAKES 6" ABOVE TREE T.E.S. NOTE: STAKES SHALL NOT BE ALLOWED TO RUB AGAINST BRANCHES.
 - 2 VINYL TREE TIE (2 req'd per stake), OR EQUAL, INSTALL AT POINT 6" ABOVE WHERE TREE TRUNK WILL BE HELD UPRIGHT AND NOT BEND OVER.
 - 3 24" MIN. BELOW BOTTOM OF ROOT BALL / PLANTING PIT INTO UNDISTURBED SUB-GRADE.
 - 4 SEE TREE/SHRUB PLANTING DETAIL.
 - 5 FINISH GRADE.
 - 6 TREE TRUNK.
 - 7 ROOT BALL.
 - 8 PLANT TABLETS - SEE PLANTING SPECIFICATIONS.
 - 9 INSTALL ARBOR GUARD IN TURF AS REQUIRED.
 - 10 UNDISTURBED NATIVE SOIL.
- NOTE:
1. MULTI-TRUNKED TREES SHALL NOT REQUIRE STAKING EXCEPT AS DIRECTED BY LANDSCAPE ARCHITECT.
2. TOP OF STAKES MUST BE PLACED A MINIMUM OF 6" BELOW THE FIRST BRANCH OF THE TREE.

B DOUBLE STAKING NOT TO SCALE

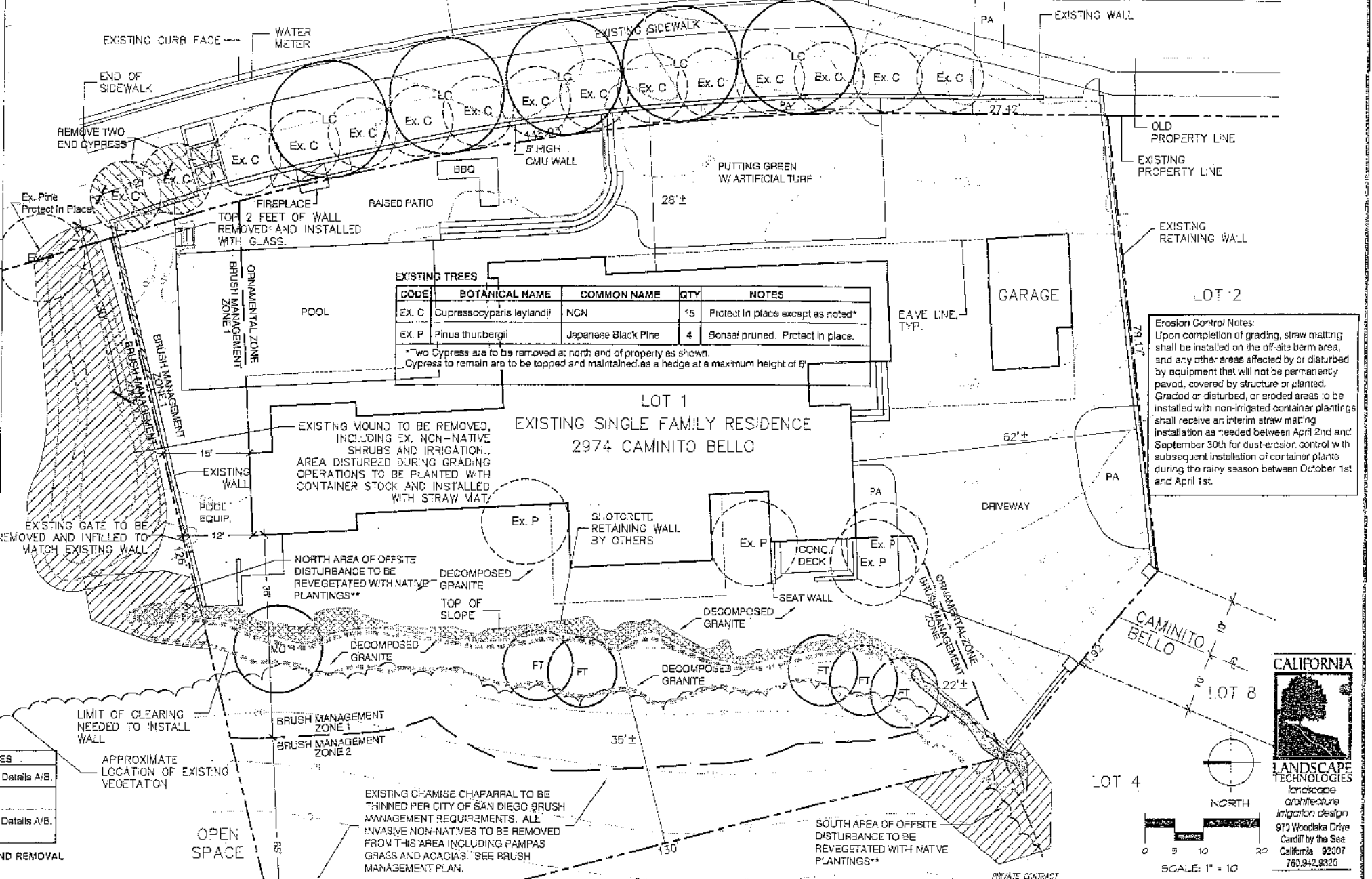
CONTAINER PLANT LIST

CODE	BOTANICAL NAME	COMMON NAME	QTY	SIZE	NATURE HEIGHT & SPREAD	POPULATION	NOTES
LC	Luchostemon confertus	Brisbane Box	5	24" Box	38" x 23"	Erect Evergreen	Standard. See Details A/B.
MJ	Musa spp.	Banana	1	16 Gallon	15' x 10'	Erect Edible	Multi-trunk
FT	Fruit Trees such as: Apple, Fig and Orange		5	15 Gallon	13' x 15'	Round Edible	Standard. See Details A/B.

REVEGETATION FOR AREAS DISTURBED OFF SITE BY INSTALLATION OF RETAINING WALL AND MOUND REMOVAL
** See also The Zagara Property Restoration Plan Prepared by Merkal & Assoc.

BOTANICAL NAME	COMMON NAME	TOT. QTY	North	South	Mound/Berm	SIZE	NOTES
Adenostoma fasciculatum	Chamise	4	2	2	0	1 Gallon	Plant 4 foot on center
Dudleya edulis	Ladies Fingers	15	4	4	8	4" pots	Plant 2 foot on center
Dudleya lasiocarpa	Lance Leaved Dudleya	12	2	4	8	1 Gallon	Plant 3 foot on center
Eriogonum confertiflorum	Long-stem Golden Yarrow	12	2	4	6	1 Gallon	Plant 2 foot on center
Lectus scoparius var	Coastal Dieris	16	0	8	8	1 Gallon	Plant 3 foot on center
Mimulus aurantiacus	Coast Monkey Flower	20	4	5	10	1 Gallon	Plant 3 foot on center
Nassella pulchra	Purple Needle Grass	10	2	4	4	1 Gallon	Plant 2 foot on center
Opuntia littoralis	Coast Prickly Pear	4	2	2	0	1 Gallon	Plant 4 foot on center
Salvia melifera	Black Sage	8	4	4	0	1 Gallon	Plant 3 foot on center

- Notes:
- All landscape installation shall be in accordance with the City of San Diego's Land Development Manual Landscape Standards.
 - All discrepancies or conflicts in dimensions, landscape area or materials shall be brought to the attention of the City Landscape Planner, the Owner(s) and the Designer/Architect prior to installation.
 - Any changes to the site and/or landscape plans shall be submitted to the City Landscape Planner for review and approval prior to proceeding.
 - All plants to be irrigated by automatic irrigation system.
 - Contour data below shotcrete wall interpolated per spot elevations and sections provided by Civil.
 - See separate photo documents for photos illustrating the areas.



CODE	BOTANICAL NAME	COMMON NAME	QTY	NOTES
EX. C	Cupressocyparis leylandii	NGN	15	Protect in place except as noted*
EX. P	Pinus thunbergii	Japanese Black Pine	4	Bonsai pruned. Protect in place.

* Two Cypress are to be removed at north end of property as shown.
Cypress to remain are to be topped and maintained as a hedge at a maximum height of 5'

Erosion Control Notes:
Upon completion of grading, straw matting shall be installed on the off-site berm area, and any other areas affected by or disturbed by equipment that will not be permanent paved, covered by structure or planted. Graded or disturbed, or eroded areas to be installed with non-irrigated container plantings shall receive an interim straw matting installation as needed between April 2nd and September 30th for dust-erosion control with subsequent installation of container plants during the rainy season between October 1st and April 1st.

CITY OF SAN DIEGO LANDSCAPE MAINTENANCE NOTES
All required landscape areas shall be maintained by the Owner of Lot 1. The landscape areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition consistent with the City of San Diego's Landscape Regulations, the Landscape Development Manual - Landscape Standards, and all other landscape-related City and Regional Standards.

MIN. STREET TREE SEPARATION DISTANCE IMPROVEMENT

Traffic signals (stop sign)	20 feet
Underground utility lines (except for sewer)	5 feet
Sewer lines	10 feet
Above ground utility structures (Transformer, hydrants, utility poles, etc.)	10 feet
Driveway (entries)	12 feet
Intersection (intersecting curb lines of two streets)	25 feet

LANDSCAPE AREA CALCULATIONS (LJSPD 103.0304.1(m))

Total Parcel Area	19,668 S.F.
30% of Total Parcel Area	5,900 S.F.
Total Landscape Improved Area	5,878 S.F.
Total Landscape Improved Area % to Total Parcel Area	30%
Total Landscape Area	9,766 S.F.
Total Landscape % to Total Parcel Area	42%

PRIVATE CONTRACT
SITE PLAN/PLANTING PLAN FOR
2974 CAMINITO BELLO

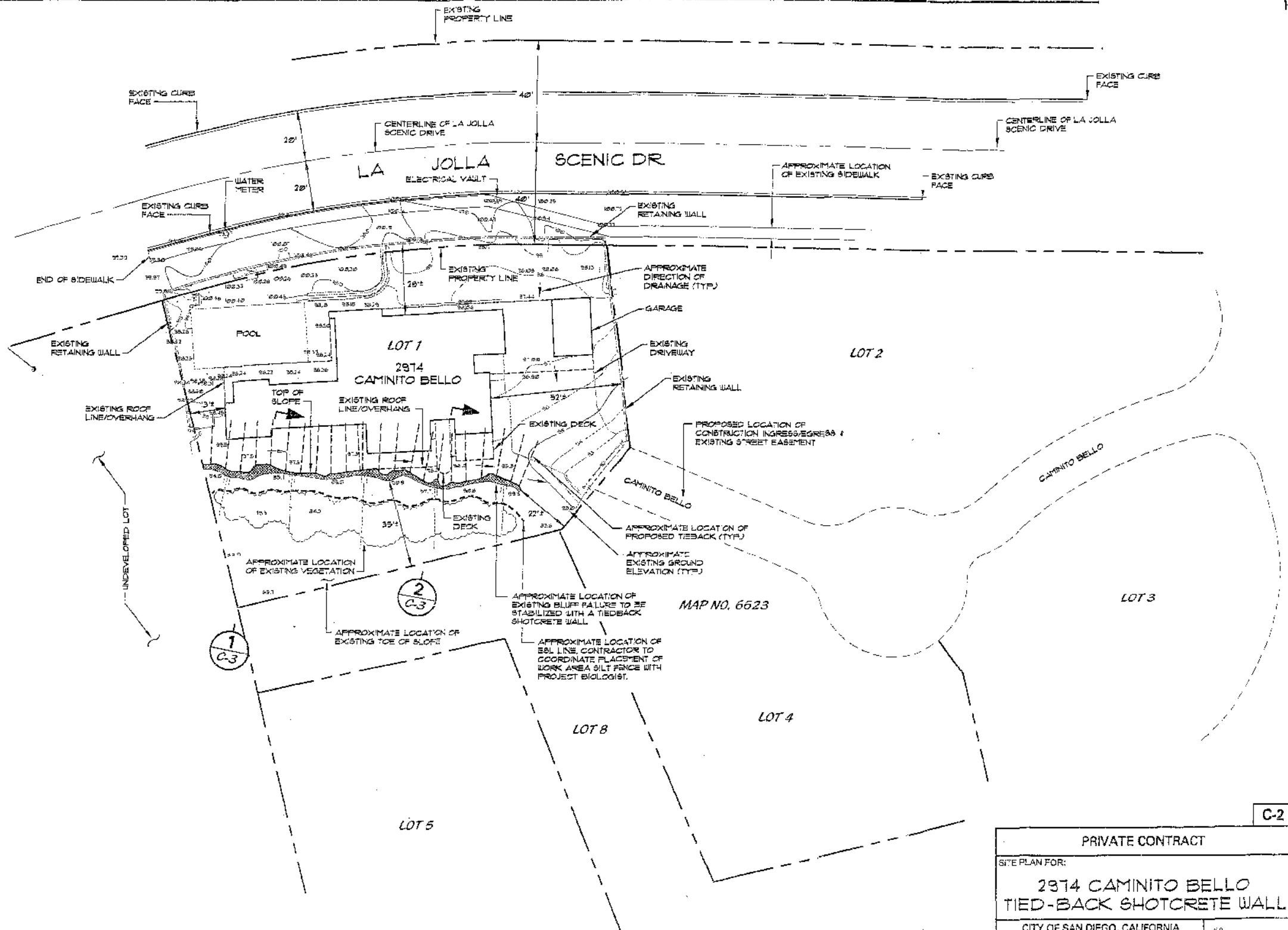
CITY OF SAN DIEGO, CALIFORNIA
ENGINEERING DEPARTMENT
SHEET 3 OF 5 SHEETS

FOR CITY ENGINEER: [Signature] DATE: [Date]

FOR CLIENT: [Signature] DATE: [Date]

DATE STARTED: [Date]
DATE COMPLETED: [Date]

LANDSCAPE TECHNOLOGIES
landscape architecture
irrigation design
970 Woodlark Drive
Carlsbad, CA 92008
760.942.8320



STORM WATER MANAGEMENT AND DISCHARGE CONTROL MAINTENANCE AGREEMENT

PTS PROJECT NUMBER: _____ DRAWING NUMBER: _____

This agreement is made by and between the City of San Diego, a municipal corporation (City) and the owner or duly authorized representative of the owner (Property Owner) of property more particularly described as: _____ (legal description).
In the City of San Diego, County of San Diego, State of California.

A. Property Owner is required pursuant to the City of San Diego Municipal Code, Chapter 4, Article 3, Division 3, Chapter 14, Article 3, Division 2, and the Land Development Manual, Storm Water Standards to enter into a Storm Water Management and Discharge Control Maintenance Agreement (Maintenance Agreement) for the installation and maintenance of Permanent Storm Water Best Management Practices (Permanent Storm Water BMP's) prior to the issuance of construction permits. The Maintenance Agreement is intended to ensure the establishment and maintenance of Permanent Storm Water BMP's onsite, as described in the project's Water Quality Technical Report (WQTR) and Grading &/or Improvement Plan Drawing No(s) or Building Plan PTS Project No(s): _____.

Property Owner wishes to obtain a building or engineering permit according to Grading &/or Improvement Plan Drawing No(s) or Building Plan PTS Project No(s): _____.

NOW, THEREFORE, the parties agree as follows:

1. Property Owner shall have prepared, or if qualified, shall prepare an Operation and Maintenance Procedure (OMP) for Permanent Storm Water BMP's, satisfactory to the City, consistent with the Grading &/or Improvement Plan Drawing No(s) or Building Plan PTS Project No(s): _____.
2. Property Owner shall install, maintain and repair or replace all Permanent Storm Water BMP's within their property, according to the OMP guidelines as described in the project's WQTR and Grading &/or Improvement Plan Drawing No(s) or Building Plan PTS Project No(s): _____.
3. Property Owner shall maintain operation and maintenance records for at least five (5) years. These records shall be made available to the City for inspection upon request at any time.

This Maintenance Agreement shall commence upon execution of this document by all parties named herein, and shall run with the land.

Executed by the City of San Diego and by Property Owner in San Diego, California.

Julio Zepeda
APPROVED: _____
City Council Engineer
Julio Zepeda, Owner
City Council Engineer
11/21/04

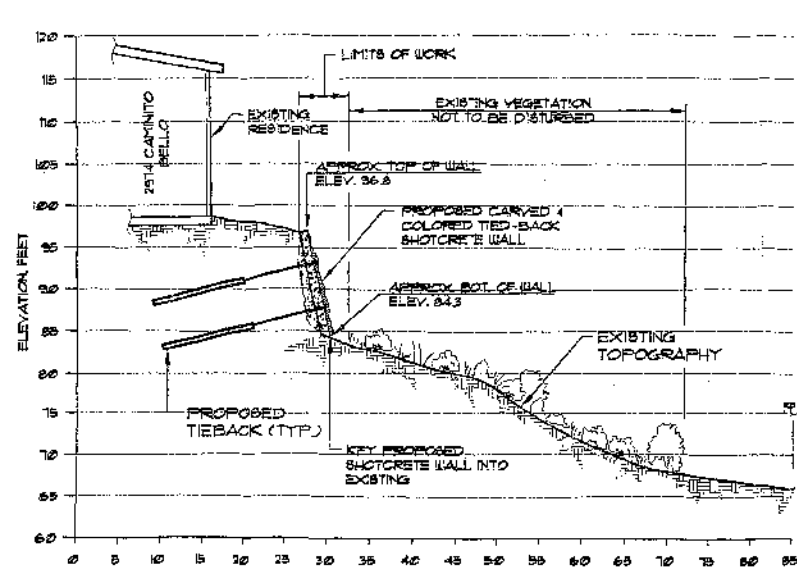
NOTE: ALL DIMENSIONS MUST INCLUDE NECESSARY ACKNOWLEDGMENTS PER CIVIL CODE SECTION 9150.2
This information is provided in electronic format for purposes of AIA 4.001.000. Upon request.

HATCH INDICATES FOOTPRINT OF PROPOSED TIED-BACK SHOTCRETE STRUCTURAL SKIN

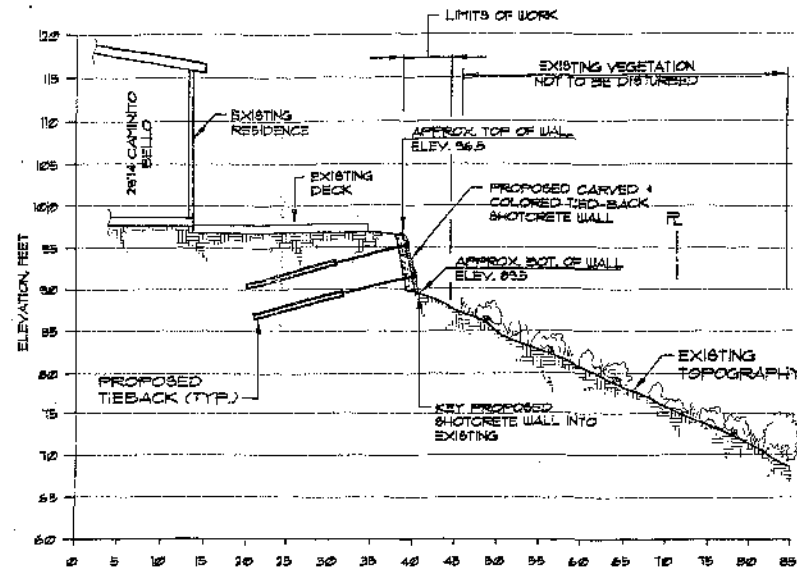
PROPOSED REPAIR - SITE PLAN
SCALE: 1" = 20'

NOTE: IF DRAWING IS NOT FULL SIZE (24X36) THEN REDUCE SCALE ACCORDINGLY
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

PRIVATE CONTRACT			
SITE PLAN FOR:			
2914 CAMINITO BELLO TIED-BACK SHOTCRETE WALL			
CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEETS OF 6 SHEETS			#.0 NO.
FOR CITY ENGINEER	DATE	SECTION	2-D
DESCRIPTION	BY	APPROVED DATE	PLANS
FILE NO.	EXT.		PROJECT MANAGER
			DESIGN ENGINEER
			251-1696.3
			1 UNIT BY COORDINATES
CONTRACTOR	DATE STARTED		
INSPECTOR	DATE COMPLETED		00000-2-0



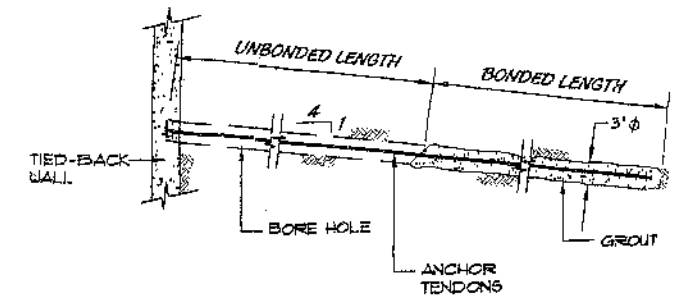
CROSS SECTION 1
SCALE: 1" = 10'
C-2



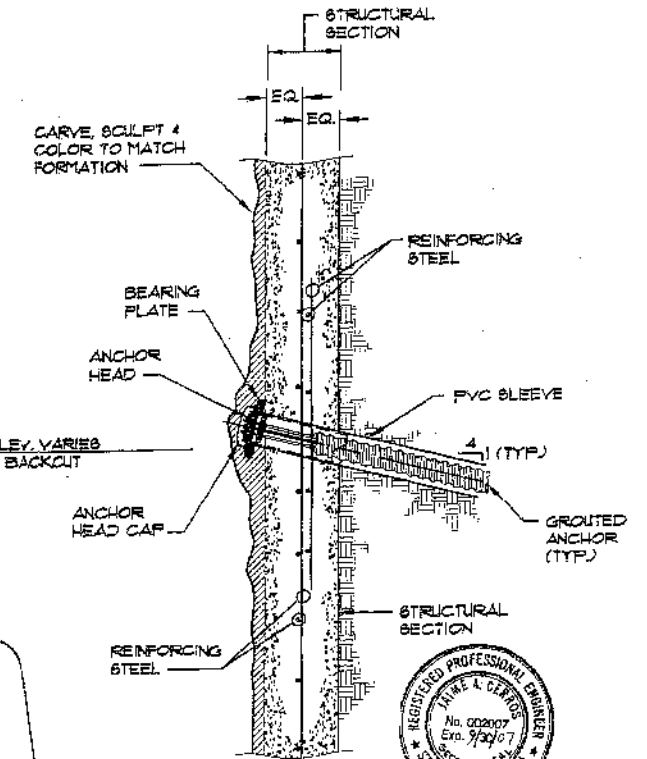
CROSS SECTION 2
SCALE: 1" = 10'
C-2

PLAN NOTE

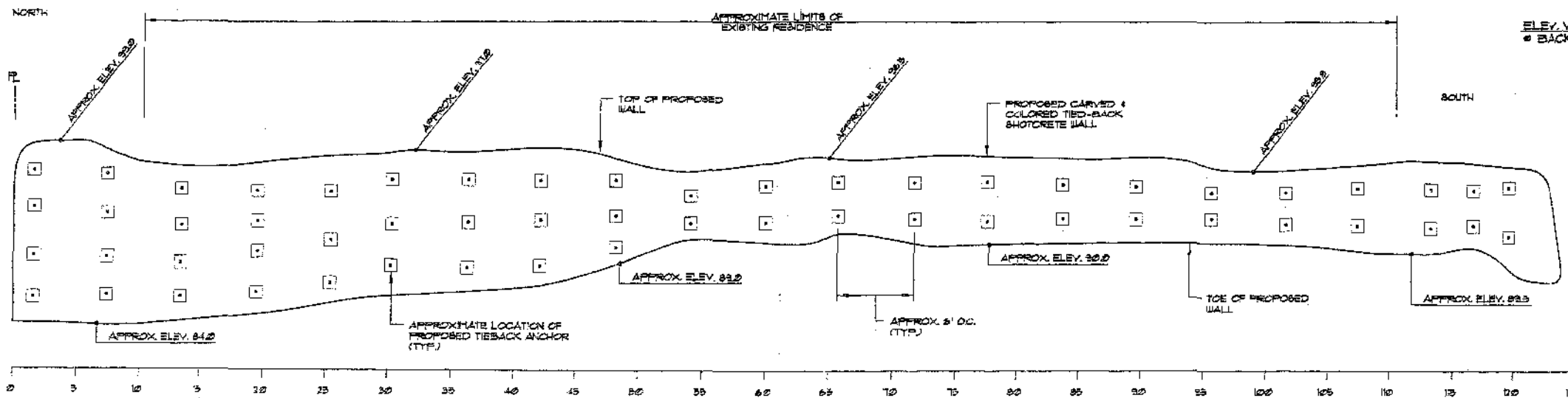
SEE STAFFED & SIGNED PLANS PREPARED BY GEOTECHNICAL EXPLORATIONS, INC. (DATED FEBRUARY, 2008) FOR TECHNICAL SPECIFICATIONS, SPECIAL INSPECTION REQUIREMENTS AND ADDITIONAL DETAIL NOT SHOWN ON THESE DRAWINGS



TYPICAL ANCHOR SCHEMATIC
NO SCALE



ANCHOR LAYOUT - SECTION
NO SCALE

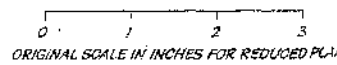


PROPOSED WALL ELEVATION
SCALE: 1" = 5'

NOTE:

ELEVATIONS FOR PROPOSED WALL ARE APPROXIMATE AND SHALL BE FIELD VERIFIED PRIOR TO CONSTRUCTION

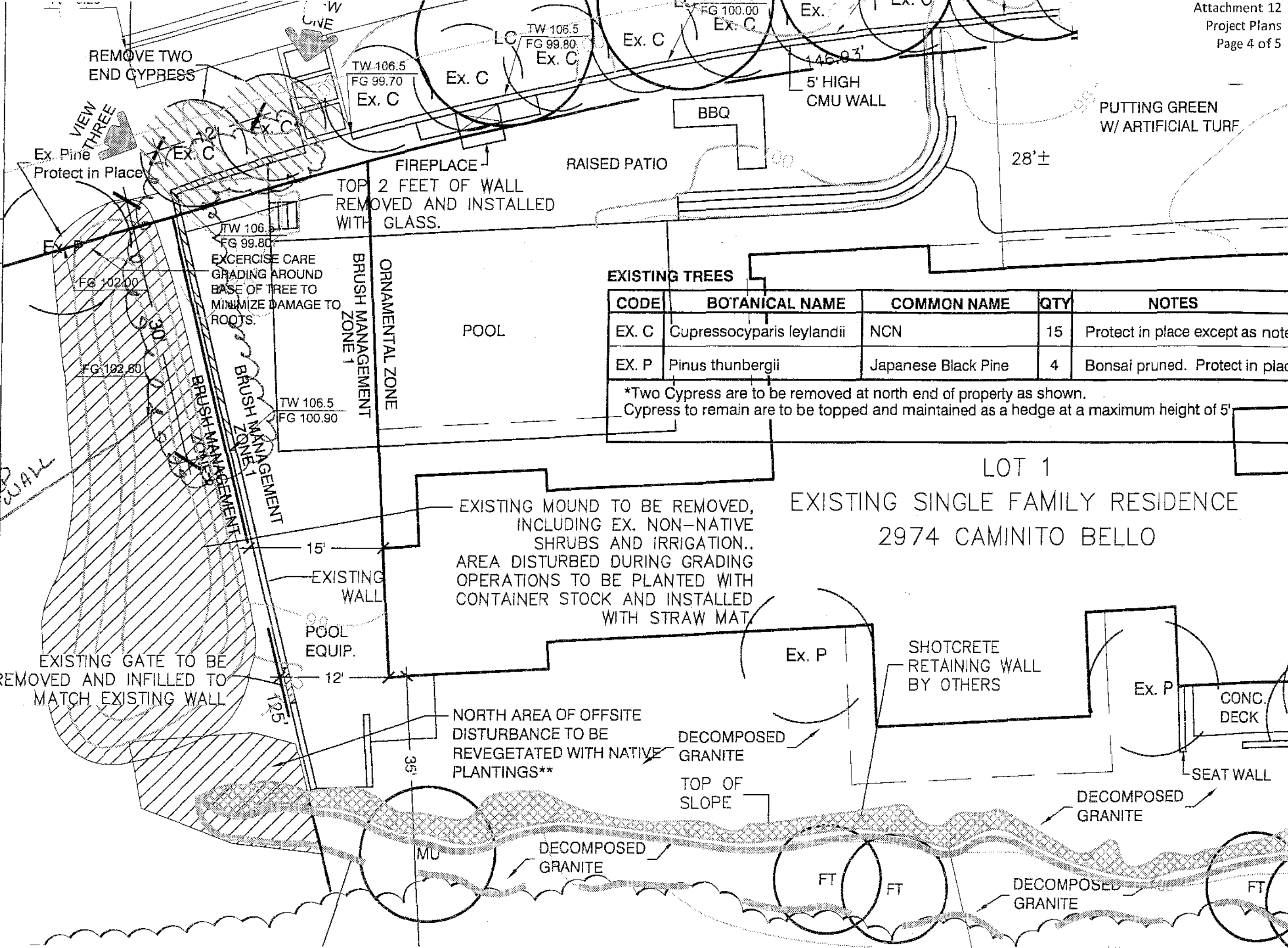
NOTE: IF DRAWING IS NOT FULL SIZE (24x36) THEN REDUCE SCALE ACCORDINGLY



PRIVATE CONTRACT					
CROSS SECTIONS & DETAILS FOR: 2914 CAMINITO BELLO TIED-BACK SHOTCRETE WALL					
CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 6 OF 3 SHEETS					N.O. NO.
FOR CITY ENGINEER	DATE	SECTION HEAD			
DESCRIPTION	BY	APPROVED	DATE	FILED	PROJECT MANAGER
FILE NAME	DATE				
AS-BUILT					2511-1696.3 LAURET COORDINATES
CONTRACTOR	DATE STARTED				00000-3-D
INSPECTOR	DATE COMPLETED				

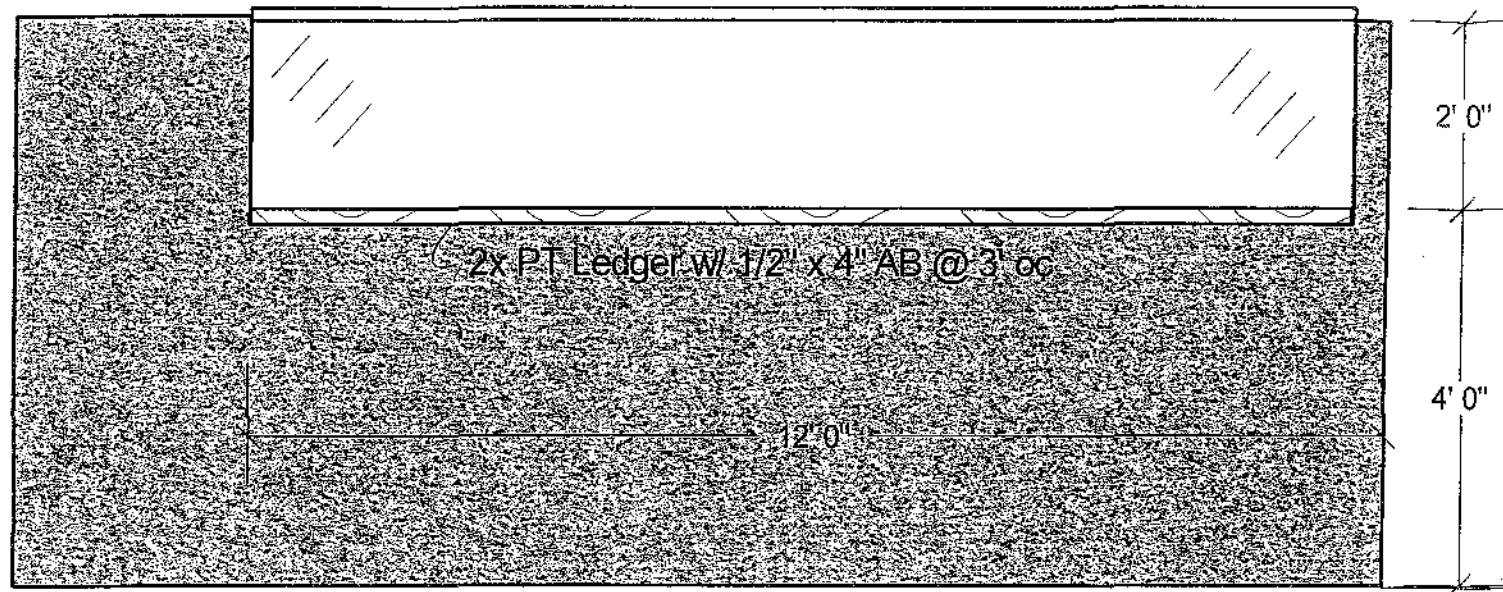
C-3

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E ARCHITECT.
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E TREE.
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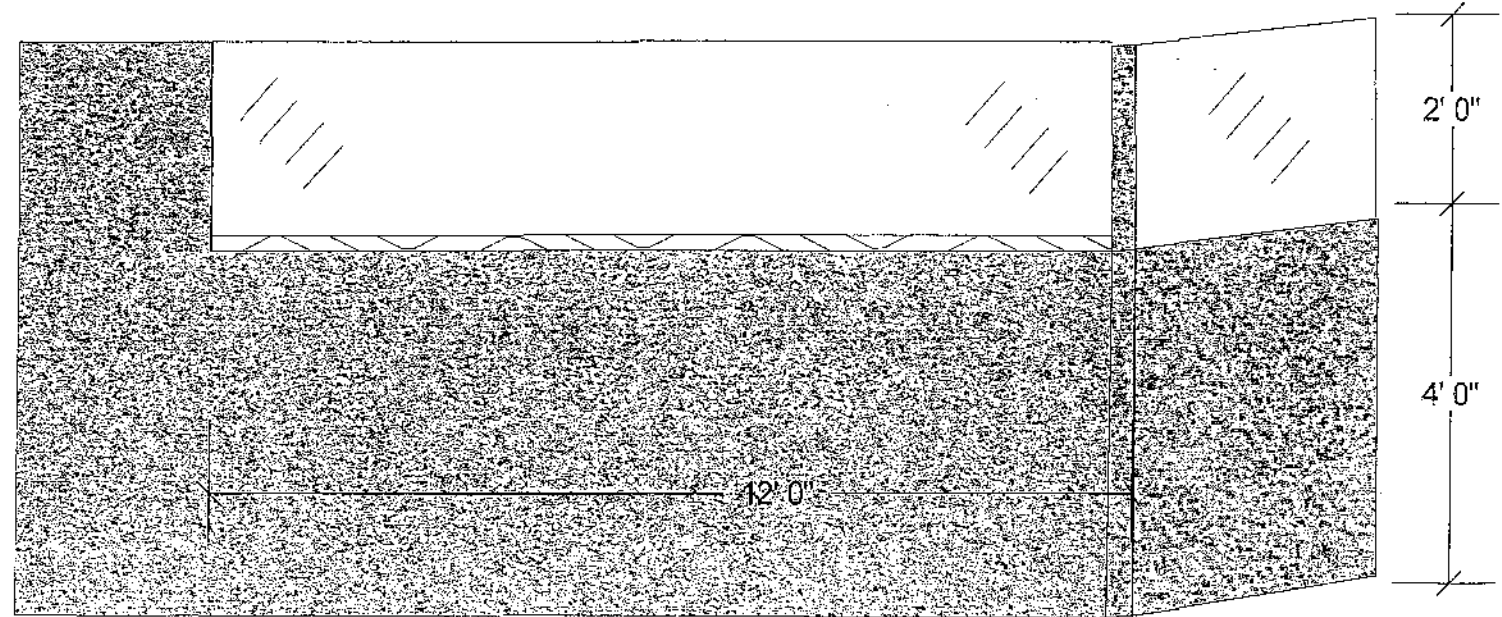


AREA OF MODIFIED WALL

Proposed Fence Redesign For Northeast Corner of Caminito Bello Wall



View Directly in Front

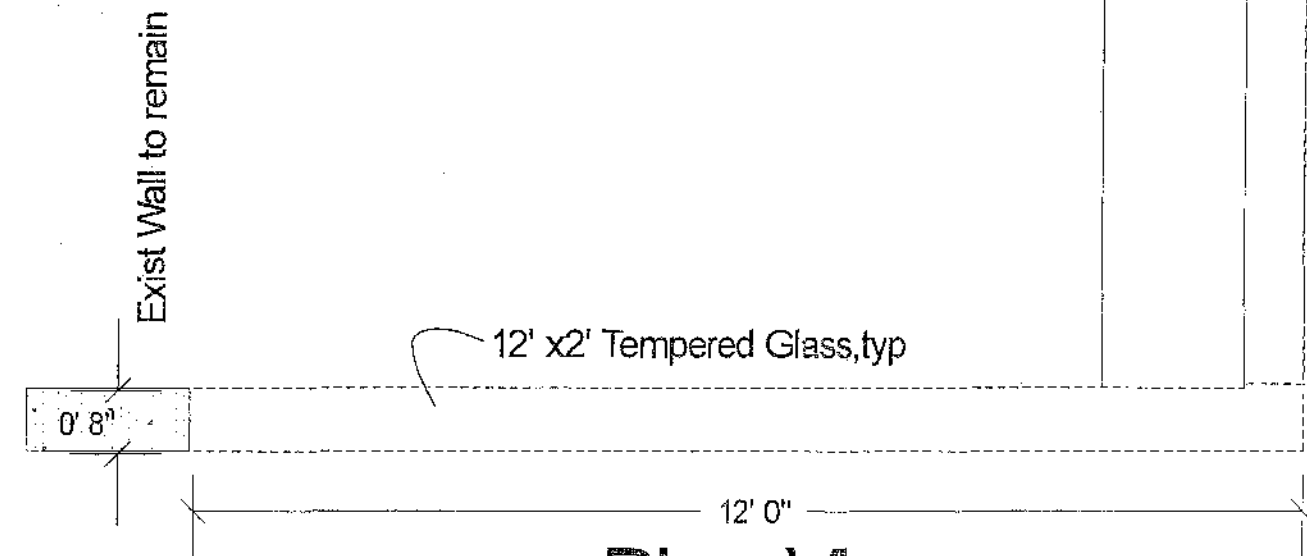


View from 45 degree Angle

Scale 1/8" = 1'

Scope of Work

Remove two foot by 12' Section of (E) Front Wall
Remove two foot by 30' Section of (E) N. Side Wall
Replace w/ tempered glass

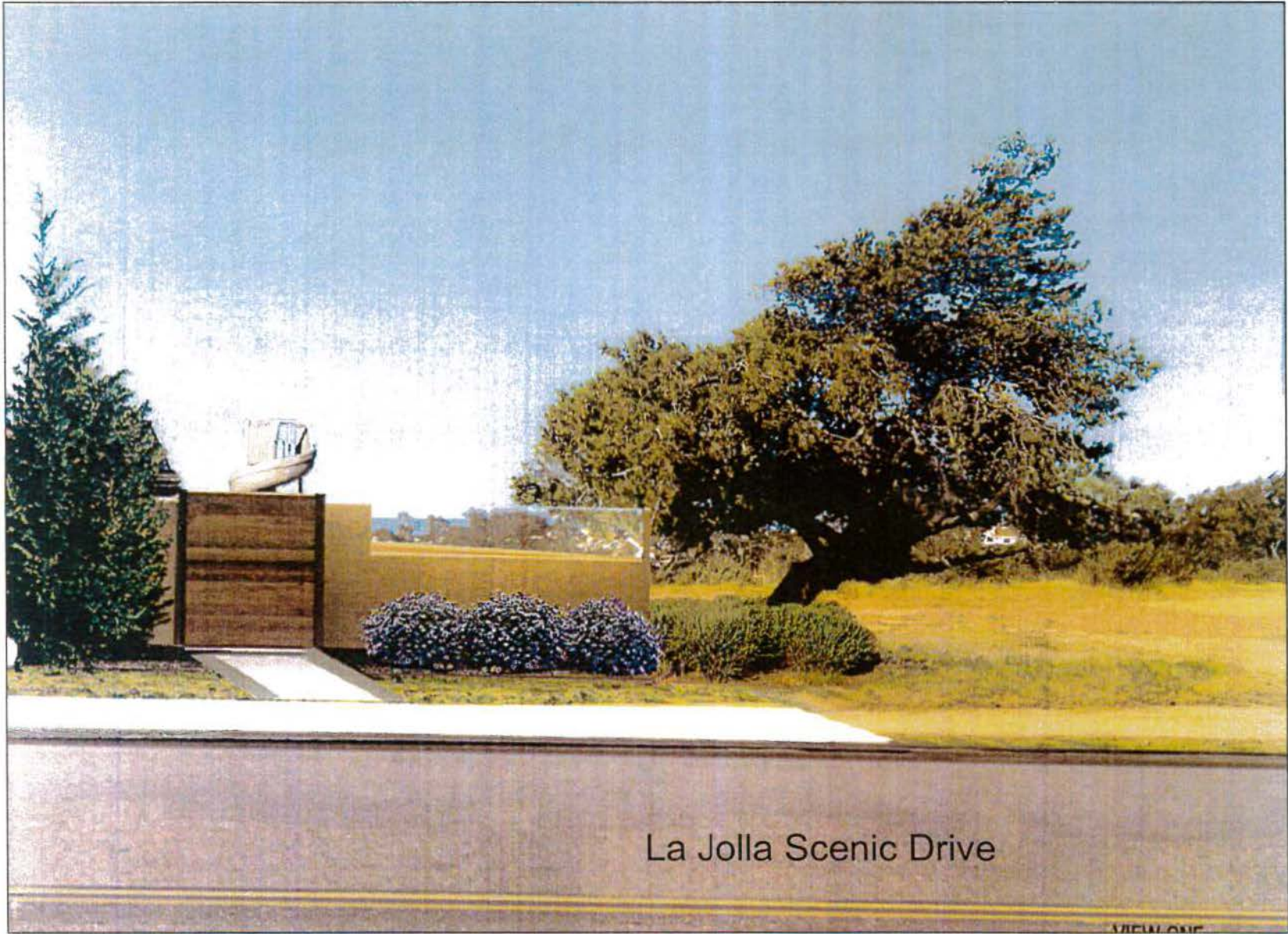


Plan View
Northeast Corner

Scope of Work

Remove two foot by 12' Section of (E) Wall
Replace w/ Tempered Glass

CASTANEDA ENGINEERIN
7220 Canyon Breeze Road
San Diego, CA 92126



La Jolla Scenic Drive

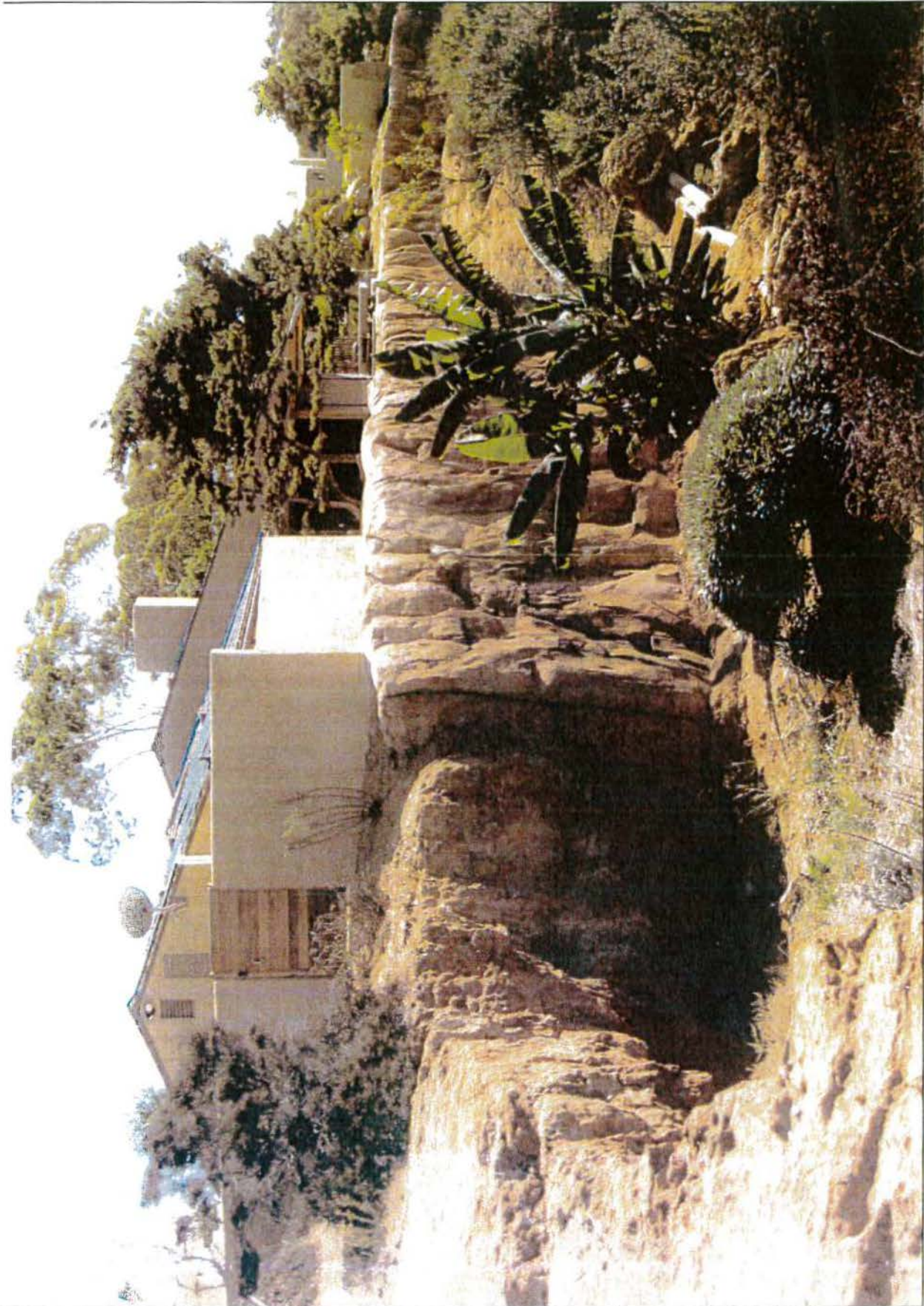


Free Standing Wall Modified

Zegarra Walls- Project No. 90267
2974 Caminito Bello

Attachment 13
Photo simulation of modified free standing wall

Attachment 14
Photo of existing retaining wall



Existing Retaining Wall

Zegarra Walls- Project No. 90267
2974 Caminito Bello

