



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: February 11, 2015

REPORT NO. HO 15-008

ATTENTION: Hearing Officer

SUBJECT: EADS TENTATIVE MAP  
PTS PROJECT NUMBER: 378195

LOCATION: 7330 Eads Avenue

APPLICANT: Frank Florez

### SUMMARY

Issues: Should the Hearing Officer approve the creation of two residential condominium units within the La Jolla Community Planning area?

#### Staff Recommendation:

1. APPROVE Tentative Map No. 1332615.
2. APPROVE Coastal Development Permit No. 1332616.

Community Planning Group Recommendation: At the October 21, 2014, meeting of the La Jolla Development Permit Review Committee, the project was approved by a vote of 6-0-1, with no conditions (Attachment 7).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305, Minor Alterations in Land Use Limitations. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on December 19, 2014, and the opportunity to appeal that determination ended January 6, 2015.

## **BACKGROUND**

The 0.16-acre site is located at 7330 Eads Avenue (Attachment 1) in the RM-1-1 Zone, the Coastal Height Limitation Overlay Zone (Prop D), City-issued Coastal Development Permit jurisdiction (non-appealable area 2), Coastal Overlay Zone, Parking Impact (coastal) Overlay Zone, Residential Tandem Parking Overlay Zone, and the Transit Area Overlay Zones of the La Jolla Community Plan (Attachment 2) and Local Coastal Program Land Use Plan. The subject property was approved for a 4,348-square-foot, two-story, residential structure with two three-bedroom units. The site is currently under construction by Building Permit No. 1180073, Coastal Development No. 1206235 and no Certificates of Occupancy have been issued.

The purpose of the RM zone is to provide for multiple dwelling unit development at varying densities. The RM-1-1 zone permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area. The site is approximately 7,000 square-feet and allows two residential units.

The proposed project site is located within the La Jolla Community Plan area and is designated for Low to Medium Residential (9-15 dwelling units per acre). The project is consistent with this land use designation.

## **DISCUSSION**

The project requires a Tentative Map (Process 3, Hearing Officer as the decision maker) per San Diego Municipal Code (SDMC) Section 125.0410, to create two condominium units in a two-unit residential structure that is currently under construction. A Coastal Development Permit (Process 2, Staff level decision) for development located within the Coastal Overlay Zone per SDMC Section 126.0707(f) is also required. Consistent with Municipal Code Section 112.0103, when an applicant applies for more than one permit, map, or other approval for a single development, the applications will be consolidated for processing and reviewed by a single decision maker at the highest level of authority for that development. Therefore, the project as proposed would require a Process Three, Hearing Officer decision with appeal rights to the Planning Commission.

The Municipal Code and the conditions of the previously approved Coastal Development Permit No. 1202635 require five off-street parking spaces where six are provided. The six parking spaces are provided within garages located at the rear of the site along the alley, consistent with the parking regulations.

The project has been conditioned to ensure that all existing onsite utilities as well as any new utility services serving the site shall be undergrounded with the appropriate permits.

This project is subject to the Affordable Housing Regulations pursuant to Municipal Code Section 142.1301 and the applicant has elected to pay the in-lieu fee prior to the recordation of the parcel map.

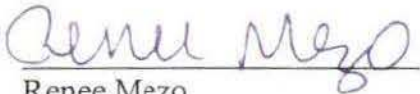
Conclusion:

Staff has reviewed the request for a Tentative Map and a Coastal Development Permit to create two residential condominium units. Staff has found the project to be in conformance with the applicable sections of the San Diego Municipal Code and believes the required findings can be approved. Therefore, staff recommends the Hearing Officer approve Tentative Map No. 1332615 and Coastal Development Permit No. 1332616, subject to the proposed conditions (Attachments 3 and 4).

ALTERNATIVES

1. Approve Tentative Map No. 1332615 and Coastal Development Permit No. 1332616, with modifications.
2. Deny Tentative Map No. 1332615 and Coastal Development Permit No. 1332616, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Renee Mezo  
Development Project Manager

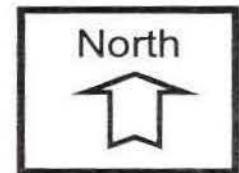
Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Draft Map Resolution and Conditions
4. Draft Permit and Resolution
5. Environmental Exemption
6. Map Exhibit-Tentative Map
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement



## Aerial Photograph

EADS AVE CDP/TM – 7330 EADS AVENUE  
PROJECT NO. 378195



Legend

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



### Community Land Use Map

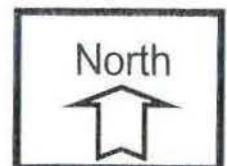


**La Jolla Community Plan**  
City of San Diego - Planning Department

Fi

EADS AVE CDP/TM- 7330 EADS AVEUNE

PROJECT NO. 378195



HEARING OFFICER RESOLUTION NUMBER R-\_\_\_\_\_

TENTATIVE MAP NO. 1332615  
**EADS TENTATIVE MAP PROJECT NO. 378195**  
DRAFT

WHEREAS, CLARK REALTY HOMES, LLC a Virginia Limited Liability Company, Owner and Subdivider, Florez Engineering, submitted an application to the City of San Diego for a Tentative Map to subdivide the site into one (1) lot and create two (2) residential condominium dwelling units for the Eads Tentative Map project on a 0.16-acre site. The project site is located at 7330 Eads Avenue in the RM-1-1 Zone, the Coastal Height Limitation Overlay Zone (Prop D), City issued Coastal Development Permit jurisdiction (non-appealable area 2), Coastal Overlay Zone, Parking Impact (coastal) Overlay Zone, Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as Lot 1261 of Pueblo Lands, Map thereof made by James Pascoe in 1870; and

WHEREAS, the Map proposes the subdivision of a 0.16-acre site into one (1) lot and create two (2) residential condominium dwelling units; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351(f) and filed pursuant to the Subdivision Map Act. The total number of residential condominium dwelling units is two (2); and

WHEREAS, on December 19, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guidelines Section 15305 (Minor Alterations in Land

Use Limitations); and there was no appeal of the environmental determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to Subdivision Map Act section 66491(a) and San Diego Municipal Code sections 144.0220(a) and 144.0220(b); and

WHEREAS, on February 11, 2015, the Hearing Officer of the City of San Diego considered Tentative Map No. 1332615 and pursuant to San Diego Municipal Code sections 125.0440, 125.0444 and the Subdivision Map Act, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 1332615:

**1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The site is located within the La Jolla Community Plan area and is designated for Low Medium Residential (9-15 dwelling units per acre). The two residential condominium units under construction on this 0.16-acre site are consistent with this density range and designation. Therefore, the proposed subdivision complies with the policies, goals, and objectives of the applicable land use plan.

**2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The proposed subdivision is consistent with the zoning and development regulations of the RM-1-1 Zone and complies with setbacks, floor area ratio, landscaping and architectural design and no deviations are requested. Therefore, the site complies with the applicable zoning and development regulations of the Land Development Code.

**3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The site is located within the La Jolla Community Plan area and is designated for Low Medium Residential (9-15 dwelling units per acre). The two residential condominium units under construction on this 0.16-acre site are consistent with this density range and designation.

The purpose of the RM zone is to provide for multiple dwelling unit development at varying densities. The RM-1-1 zone permits a maximum density of 1 dwelling unit for each 3,000 square feet of lot area. The site is approximately 7,000 square-feet which allows for two residential units.

The proposed subdivision was determined to be consistent with the development regulations of the RM-1-1 Zone of the La Jolla Community Plan for density and the Municipal Code which includes setbacks, floor area ratio, landscaping and architectural design. Therefore, the site is physically suitable for the type and density of development.

**4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The site is within an existing developed urban in-fill area and does not contain nor is adjacent to any fish or wildlife habitats, environmentally sensitive lands or with the Multiple Habitat Planning Area. Therefore, the proposed improvements are not likely to



cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

**5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The project has been reviewed and is in compliance with the Municipal Code and the Subdivision Map Act. The Tentative Map includes conditions and corresponding exhibits of approvals relevant to public health, safety, and welfare, such as requiring adequate parking, public improvements, and paying applicable taxes in order to achieve compliance with the regulations of the San Diego Municipal Code. The proposed subdivision was categorically exempt from review pursuant to the California Environmental Quality Act.

**6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

No existing easements are located within the project boundaries as show on Tentative Map No. 1332615. As such, no conflict will occur with the recording of the subdivision and therefore no conflict would negatively affect any easements acquired by the public at large.

**7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The proposed subdivision of a .016-acre parcel site into one (1) lot and create two (2) residential condominium dwelling units will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally

sensitive lands. Design guidelines have been adopted for the future construction of the single family homes; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

**8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

No construction or grading is permitted by this Tentative Map. All development was previously approved by Building Permit Nos. 1180073 and Coastal Development Permit No. 1206235. The proposed project is a subdivision to create two residential units for condominium interests. The applicant has chosen the option of paying an in-lieu fee per the requirements of the San Diego Municipal Code. Balanced needs for public facilities were taken into consideration with the development of the La Jolla Community Plan and the project is consistent with the density in the community plan. Therefore, the Tentative Map, in and of itself, would not impact the housing needs within the region, public services, and the available fiscal and environmental resources as it does not create additional units beyond those previously approved.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No. 1332615 hereby granted to CLARK REALTY HOMES, LLC a Virginia Limited Liability Company, subject to the attached conditions which are made a part of this resolution by this reference.

By

\_\_\_\_\_  
Renee Mezo  
Development Project Manager  
Development Services Department

Internal Order No. 24004850

HEARING OFFICER  
CONDITIONS FOR TENTATIVE MAP NO. 1332615

EADS TENTATIVE MAP - PROJECT NO. 378195

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON FEBRUARY 11, 2015  
DRAFT

**GENERAL**

1. This Tentative Map will expire on February 26, 2018.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. A Parcel Map shall be recorded in the Office of the County Recorder, prior to the Tentative Parcel Map expiration date.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Tentative Map shall conform to the provisions of Coastal Development Permit No. 1332616 and Coastal Development Permit No. 1206235.
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

**AFFORDABLE HOUSING**

7. Prior to the recordation of the parcel map, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

**ENGINEERING**

8. The Subdivider shall replace the damaged brick pavers adjacent to the project site on Eads Avenue.
9. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the existing brick pavers located within Eads Avenue right-of-way.
10. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
11. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
12. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

**MAPPING**

13. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
14. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
15. The Parcel Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

**INFORMATION:**

- The approval of this Tentative Map by the Hearing Officer of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24004850

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

**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24004850

**COASTAL DEVELOPMENT PERMIT NO. 1332616**  
**EADS TENTATIVE MAP PROJECT NO. 378195**  
 HEARING OFFICER  
 DRAFT

This Coastal Development Permit No. 1332616 is granted by the Hearing Officer of the City of San Diego to CLARK REALTY HOMES, LLC, a Virginia Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.16-acre site is located at 7330 Eads Avenue in the RM-1-1 Zone, the Coastal Height Limitation Overlay Zone (Prop D), City issued Coastal Development Permit jurisdiction (non-appealable area 2), Coastal Overlay Zone, Parking Impact (coastal) Overlay Zone, Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as: Lot 1261 of Pueblo Lands, Map thereof made by James Pascoe in 1870.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide and create two condominium residential units described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 11, 2015, on file in the Development Services Department.

The project shall include:

- a. The creation of two residential condominium units (under construction);
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act

[CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by February 26, 2018.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. This permit shall be in accordance with Tentative Map No. 1332615.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.



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

10. 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.

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

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

**AFFORDABLE HOUSING REQUIREMENTS:**

12. Prior to recording the Parcel Map, the project must comply with the Inclusionary Housing Regulations as outlined in Chapter 14, Article 2, Division 13 of the LDC.

**INFORMATION ONLY:**

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

APPROVED by the Hearing Officer of the City of San Diego on February 11, 2015 and Resolution No. XXXX.

HEARING OFFICER- RESOLUTION NO. XXXX  
COASTAL DEVELOPMENT PERMIT NO. 1332616  
**EADS TENTATIVE MAP PROJECT NO. 378195**

WHEREAS, CLARK REALTY HOMES LLC a Virginia Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide the property and create two residential condominium units (under construction) (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 1332616), on portions of a 0.16-acre site;

WHEREAS, the project site is located at 7330 Eads Avenue in the RM-1-1 zone, the Coastal Height Limitation Overlay Zone (Prop D), City-issued Coastal Development Permit jurisdiction (non-appealable area 2), Coastal Overlay Zone, Parking Impact (coastal) Overlay Zone, Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone of the La Jolla Community Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Lot 1261 of Pueblo Lands, Map thereof made by James Pascoe in 1870;

WHEREAS, on February 11, 2015, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1332616 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 19, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated February 11, 2015.

FINDINGS:

**Coastal Development Permit - Section 126.0708**

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

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The proposed condominiums will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the Local Coastal Program land use plan. The proposed project does not contain a scenic overlook and there are no view corridors that extend or cross the proposed development as identified in the Local Coastal Program. The project enhances and protects public views to and along the ocean and other scenic coastal areas to the extent required by the Local Coastal Program and the La Jolla Community Plan.

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

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The project site is located within a developed residential area of the La Jolla community. The property does not contain nor is it adjacent to any environmentally sensitive lands and therefore would not adversely affect environmentally sensitive lands.

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

The project proposes a Tentative Map to create two residential condominium units. The subject property is currently under construction with a 4,348-square-foot, residential structure with two three-bedroom units, approved by Coastal Development No. 1206235 and subsequent Building Permit No. 1180073.

The site is located within the La Jolla Community Plan area and is designated for Low to Medium Residential (9-15 dwelling units per acre). The two residential condominium units are consistent with this land use designation. The proposed project is the subdivision of land only and complies with the Coastal Overlay and Coastal Height Overlay zones per Coastal Development Permit No. 1206235. The proposed project conforms to the certified Local Coastal Program land use plan and complies with all the regulations of the certified Implementation Program.

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

The 0.16-acre site is located within an existing developed urban in-fill residential neighborhood and is not located between the nearest public roadway and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The site is not within any area identified as public access area and complies with the public recreation policies of Chapter 3 of the California Coastal Act. Therefore the propose project is in conformance with the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1332616 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. 1332616, a copy of which is attached hereto and made a part hereof.

---

Renee Mezo  
Development Project Manager  
Development Services

Adopted on: February 11, 2015

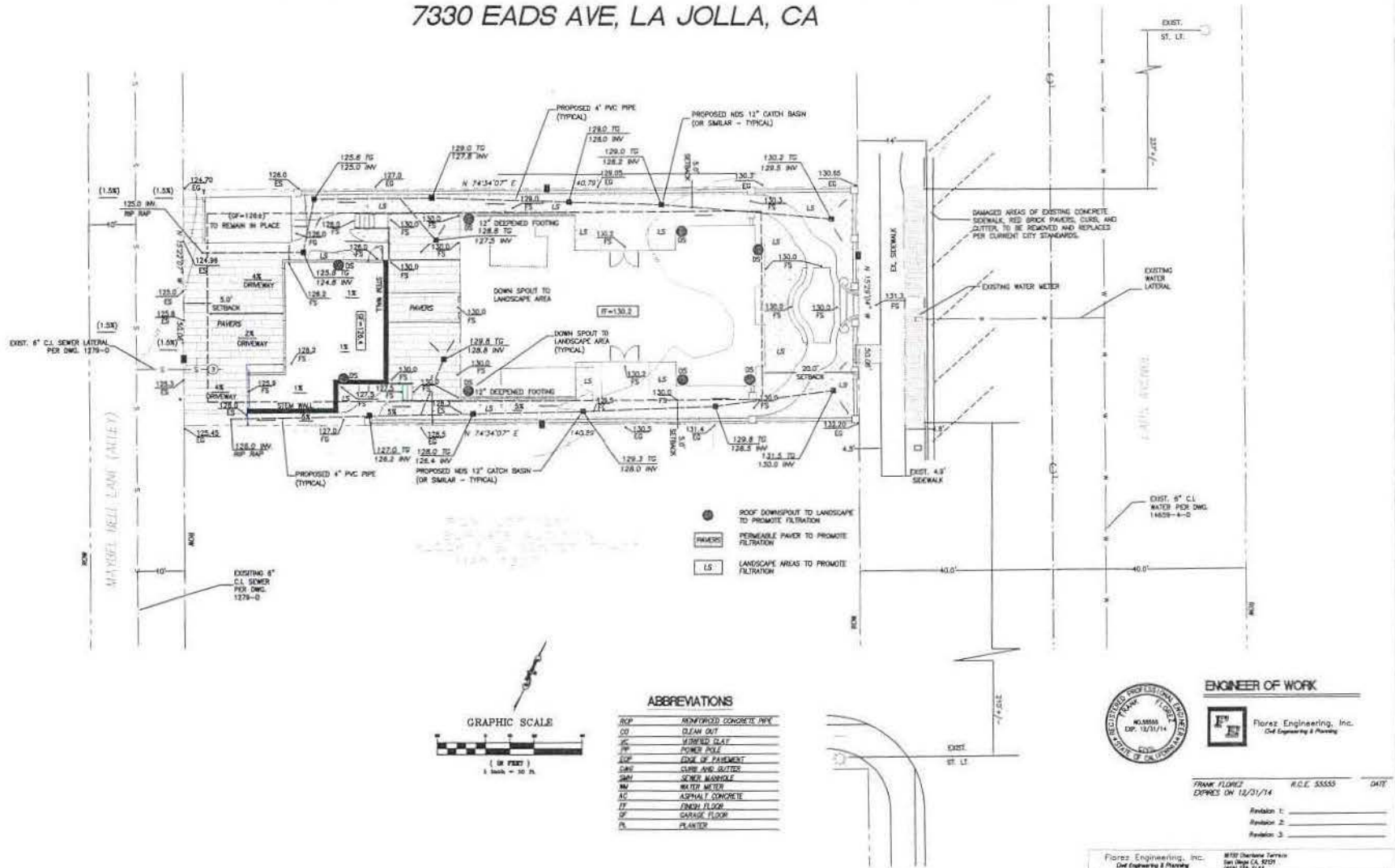
Job Order No. 24004850



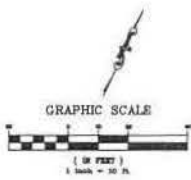


# TENTATIVE PARCEL MAP NO. 1332615

## 7330 EADS AVE, LA JOLLA, CA



- ROOF DOWNSPOUT TO LANDSCAPE TO PROMOTE FILTRATION
- PERMEABLE PAVEMENT TO PROMOTE FILTRATION
- LS LANDSCAPE AREAS TO PROMOTE FILTRATION



**ABBREVIATIONS**

CCP	REINFORCED CONCRETE PIPE
CO	CLEAN OUT
CS	SEWER CHASE
IC	SEWER INLET
PS	POWER POLE
EP	EDGE OF PAVEMENT
CAF	CURB AND GUTTER
SM	SEWER MANHOLE
MT	MULTI-METER
AC	ASPHALT CONCRETE
FF	FLOOR FINISH
CF	CERAMIC FLOOR
PL	PLASTER

**ENGINEER OF WORK**

Frank Flores, Inc.  
Civil Engineering & Planning

FRANK FLORES R.C.E. 55555 DATE

EXPRES ON 12/31/14

Revision 1: \_\_\_\_\_

Revision 2: \_\_\_\_\_

Revision 3: \_\_\_\_\_

Frank Flores, Inc. 8155 Charlene Terrace San Diego, CA 92121 (619) 275-2122

**PROJECT:** 7330 EADS AVE, LA JOLLA, CA 92037

**SCALE:** 1"=30' **APPROVED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **REVISION BY:** \_\_\_\_\_

CALIFORNIA COORDINATE PROJECTIONS 240-1000

**PROJECT NO.:** TENTATIVE PARCEL MAP **DRAWING NUMBER:** C-1 **SHEET:** 1 OF 1

**PTS:** 378925 **TYP:** L.S. 2400480 **L.C. 244-1085** **CCS:** 1084-0240



**LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE**  
**LA JOLLA COMMUNITY PLANNING ASSOCIATION**

**October 14, 2014 Present:** Benton (Chair), Collins, Costello, Mapes, Ragsdale, Will

**October 21, 2014 Present:** Benton (Chair), Collins, Costello, Mapes, Ragsdale, Welsh, Will

**1. NON-AGENDA PUBLIC COMMENT 10/14/2014**

*Issues not on agenda and within LJ DPR jurisdiction. Two minutes maximum per person.*

- a. Jim Ragsdale discussed a conversation he had with a local developer, regarding the approach to the design and possible changes to a design recently executed.
- b. Jim Ragsdale noted that changes are proposed to the Land Development Code, which include changes in the determination of exclusion of a project, and reduction or elimination of the 51% rule for changes to the design.

**2. NON-AGENDA PUBLIC COMMENT 10/21/2014**

*Issues not on agenda and within LJ DPR jurisdiction. Two minutes maximum per person.*

- c. Michael Costello noted that there will be a special meeting October 24 of the Ad Hoc Bylaws Committee of the CPA, which will change the bylaws, including the creation of the 19<sup>th</sup> trustee seat, and the election of that trustee if the seat is approved.

**3. FINAL REVIEW (PREVIOUS PRELIMINARY REVIEW 09/16/2014)**

Project Name: La Jolla High School Stadium Water Easement Vacation.

Project #:	366028	Permits:	CDP
Zone:	SDUSD	DPM:	Glenn Gargas 619-446-5142 ggargas@sandiego.gov
		Applicant:	Michael Kinnear 858-831-0111

Easement Vacation (Process 2) to vacate a water easement for a previously-abandoned water main located in Block A of Starkey's Prospect Park, Map 1729. This is located in La Jolla High School.

**APPLICANT PRESENTATION 09/16/14:** (Michael Kinnear, PE)

*The proposed project was presented, site plan reviewed. The water line was abandoned in 2001. The school wants to build a concession stand and restroom atop the easement. The Div. of State Architecture approved the building designs.*

**DISCUSSION:**

Discussion included concerns about access, and ADA access, to the athletic fields, ROW, possible proscriptive rights.

**Please provide for FINAL REVIEW:**

- a) Please provide larger drawings mounted on poster boards. Please use different colors to high light the extent of vacation, the different aspects and specific uses.
- b) Are there future plans for the area, if so please explain.

- c) Does the public currently use the easement as a Right of Way?
- d) Please provide photos of the current site of easement with surroundings.  
(Mr. Kinnear would like to return 14 Oct 2014.)

*Note that as of July 2014, the code has been revised to allow for an easement vacation to be Process 2 in the event that the easement in question is a utility easement with no current utility use.*

**APPLICANT PRESENTATION 01/14/14:** (Michael Kinnear, PE)

*The proposed project was presented, with the supplemental information requested. A discussion ensued regarding the proposed alterations to the improvements in the area, and the proposed construction of a concession stand, new walks, and other improvements currently in the planning stage.*

**SUBCOMMITTEE MOTION 10/14/14:** Findings CAN be made for a Coastal Development Permit to vacate the existing water easement at the La Jolla High School Stadium.

(Collins / Costello 5-1-0)

In Favor: Benton, Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: Ragsdale

Abstain: none

**MOTION PASSES**

- 4. **FINAL REVIEW** (Previously presented 7/8/14, 7/15/14, and 9/9/14. Presented to the CPA 10/2/14: continued, with a request by the Applicant to return to the DPR with a proposal that is substantially changed.)

Project Name:	<b>SACIDO RESIDENCE</b>	Permits:	CDP, SDP
	901 & 911 Skylark Drive	DPM:	John S. Fisher, (619) 446-5231
Project #:	349884		<a href="mailto:JSFisher@sandiego.gov">JSFisher@sandiego.gov</a>
Zone:	RS-1-5	Applicant:	Mark Farrington, (858) 675-9490

**Scope of Work:**

(Process 3) Coastal Development Permit & Site Development Permit to permit a lot line adjustment and allow construction of retaining walls, ramps, landscaping and pavement on two lots, and a pool/spa and a guest quarters at 901 Skylark Drive on a 0.29 acre site, a deck, staircase, pergola and guest quarters at 911 Skylark Drive on a 0.89 acre site in the RS-1-5 zone of the La Jolla Community Plan.

Applicant proposes the following language: to process as part of a Coastal Development Permit (CDP) and Site Development Permit (SDP) the following: 1) a parcel map lot line adjustment between the two legal lots known as Lots 52 & 53, LA JOLLA MESA VISTA, Map No. 3650. 2) An approximately 700 square foot GUEST QUARTERS for Lot 53 (901 Skylark Drive) as defined by San Diego Municipal Code (SDMC) Section 141.0306. No food preparation facilities are proposed as part of the GUEST QUARTERS design per the Municipal Code. Applicant acknowledges a Deed Restriction shall be recorded with building permit issuance. 3) Proposed construction of retaining walls, ramps, staircases, landscape planting and irrigation, patio paving, pergola, raised planters for herbs, small water features including Koi pond, and (901 Skylark Drive only) a pool and spa with vanishing edge construction all as shown on various plan sheets. 10/07/14

**APPLICANT PRESENTATION 07/08/14:** (Mark Farrington, John Krizan, Antonio Sacido)

*The proposed project was presented as in Scope of Work. The applicant presented a ten page handout. Houses were remodeled with previous permits (not part of this project). DSD agrees that the slope is not natural, graded*

*in 1959-1962? They plan for a stable slope and will prepare drainage for 100 year storm. Water will go to a catch basin. Mr. Sacido wants the site for his wedding, and does not have plans for other events.*

**DISCUSSION 07/08/14**

*About 7 neighbors and Architect Scott Spencer had considerable discussion about hillside drainage, drainage flow to downhill properties. The need for a drainage study and mitigation of water flow was expressed. Request was made to divert storm water to the City storm water system. Neighbors expressed concern about the non-permitted grading and clearing, and the subsequent Code Violations. There was a question about the need for more parking for the habitable companion units. There was concern about the possible future situation of the properties have separate owners since the conjoined landscaping, side yard entryway could not be easily separated.*

**Please Provide for FINAL REVIEW:**

- a. Please provide an aerial photograph showing the surrounding properties. Use colors to mark existing and proposed property lines. Show how this will improve the applicant's property.
- b. Please provide a complete and detailed drainage plan. Please include your drainage study, Water Quality Technical Report and any other information related to storm water treatment.
- c. Please identify properties downhill that are, or could be, affected by storm drainage.
- d. Please provide the geotechnical report with addendum and Biological Reports.
- e. Please provide drawings for the companion units.
- f. Please provide SD Muni Code reference that the companion units do not require additional parking.

**FINAL REVIEW 07/15/2014 (PREVIOUSLY REVIEWED 07/08/14)**

**APPLICANT PRESENTATION 07/15/14:** (Mark Farrington, John Krizan, Antonio Sacido)

*The proposed project was presented, with responses to each of the items previously requested. The Water Quality Technical Report by Scott R. Lyle indicates the downhill storm water flow will be slightly less with the project's mitigations of collection and controlled percolation. Their goal is to treat and direct the downhill flow between houses. Currently overflow does go between houses downhill.*

**DISCUSSION 07/15/14**

*A discussion ensued with considerable amount of comments and questions by neighbors about the downhill stormwater flow, its mitigation, direction, and amount of flow. A neighbor's representative, Architect Scott Spencer, stated that there has been a history of storm drainage flow of water and mud on their property. The applicant suggested a second feature, downhill, where overflow would be collected in a gravel-filled ditch and again controlling percolation. The applicant stated that any storm water control plan would go with the property and title in perpetuity. Neighbor Bill Mitchell expressed concern that the properties might be rented out as party houses or vacation rentals. The Chair of the HOA Arch. Jury, Eileen Hyslop, stated the project disregarded and violated their DC&R process. DPR reminded Ms. Hyslop that HOA matters are outside DPR's review. Issues were raised by DPR about the Municipal Code requirements for Companion Units, 141.0302. The applicant wished to continue the review until a future meeting.*

**Please Provide for FINAL REVIEW:**

- a. Please reconcile the requirements of SD Muni Code, Companion Units, 141.0302.
  - a. Record Owner agreement with City (approved by City Attorney) that Owner shall reside in either primary or companion unit. Agreement goes with Title. How is this possible with two separate lots? Will the owner actually live on either lot?
  - h. One off-street parking space required per bed room of companion unit. Min. one parking space per companion unit.
  - i. Off-street parking shall not be located in the area between the street wall and the front property line.

- b. References: Street Wall 113.0103, Determining Street Wall 113.0264, Determining Street Wall Line 113.0267.
- c. Please study having a secondary storm water mitigation furrow further down slope.
- d. Please meet with the HOA.

**FINAL REVIEW 09/09/2014 (PREVIOUSLY REVIEWED 07/08/14 and 07/15/14)**

**APPLICANT PRESENTATION 09/09/14:** (Mark Farrington, John Krizan)

*The proposed project was presented, with responses to each of the items previously requested. The street wall and the stormwater control methods were reviewed.*

*An email from Bart Sefton was presented that indicates that the Architectural Jury of the HOA has approved the project.*

*Landscape Architect John Krizan described the proposed improvements to the properties.*

**DISCUSSION 09/09/14**

*A discussion ensued about the methods of controlling stormwater flow. The companion units are less than 700 sf each. A discussion ensued about the possibility of vacation or additional rental properties.*

*The existing eucalyptus trees will be removed.*

*Bill Pierce, the president of the HOA, described the review process as it presently stands.*

**SUBCOMMITTEE MOTION 09/09/14:** Findings CAN NOT be made for a Coastal Development Permit & Site Development Permit to permit a lot line adjustment and allow construction of retaining walls, ramps, landscaping and pavement on two lots, and a pool/spa and companion unit at 901 Skylark Drive on a 0.29 acre site, and a deck, staircase, pergola and guest quarters at 911 Skylark Drive on a 0.89 acre site. This is based upon the findings that:

- a. The proposed project is not consistent with the neighborhood character,
- b. The habitable units and structure are inconsistent with the SDMC 141.0302,
- c. The project presents a street wall that is inconsistent with SDMC 113.0103, 113.0264, and 113.0267.
- d. The off street parking requirement is not met for these additional spaces that appear to serve as bedrooms.
- e. The record of agreement with the City Attorney limiting the use of the companion units was not presented.
- f. The boundary adjustment divides one larger open space and creates two smaller open spaces, which is inconsistent with recognized planning practice to consolidate and create larger and more coherent open space.

(Costello / Mapes 6-1-1)

In Favor: Collins, Costello, Kane, Leira, Mapes, Welsh

Oppose: Will

Abstain: Benton, as Chair

**Motion Passes: Project is NOT recommended for approval.**

**PRELIMINARY REVIEW 10/14/2014 (PREVIOUSLY REVIEWED by the CPA and MODIFIED DESIGN presented 10/14/2014)**

*Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.*

**On October 2, 2014, Applicant presented the project to the CPA and after discussion, requested that the project be amended and return to the DPR for further review. Applicant contacted the Chair of the DPR and requested to return to the DPR to present new information**

**At this meeting of the DPR October 14, 2014, Applicant will offer a Project that is modified, including to ELIMINATE the Guest Quarters on Lot 52 (911 Skylark Drive) and replace it with patio area. The stairway on Lot 52 adjacent to Lot 53 has been eliminated as a direct link from the main house level to the lower pathways shown.**

**APPLICANT PRESENTATION 10/14/14:** (Mark Farrington, John Krizan)

*The changes to the proposed project were presented and reviewed. One of the companion units, on 91 Skylark, was deleted, and the remaining accessory building was changed to a Guest Quarters. Two parking spaces are provided at each lot.*

**October 14, 2014 procedures:**

**To reconsider the matter, Rule 37: Majority vote required.**

**SUBCOMMITTEE MOTION 10/14/14:** Per Rule 37, this Committee finds that a substantial change to the design has been made, and wishes to reopen this matter for further review.

(Ragsdale/ Benton 2-4-0)

In Favor: Ragsdale, Benton

Opposed: Collins, Costello, Mapes, Will

Abstain: none

**MOTION FAILS**

**DISCUSSION**

*Mr. Costello recommended that a statistical analysis might be undertaken that demonstrates the distribution of similar development on properties in this neighborhood. Sarah represented that she would be able to present an exhibit that demonstrates the sizes of the various lots and the existing downslope development of the type proposed in this project.*

The Applicant requested that this matter be continued to the meeting October 21, 2014.

**Upon deliberation if the previous motion is to be rescinded, Rule 35: a 2/3 vote will be needed.**

**FINAL REVIEW 10/21/2014** (PREVIOUSLY REVIEWED by the CPA and MODIFIED DESIGN presented 10/14/2014 and 10/21/14).

**APPLICANT PRESENTATION 10/21/14:** (Mark Farrington, John Krizan)

*In addition to the amended drawings that were presented at the October 14 meeting, the Applicant presented large-scale drawings within the 300-foot radius and beyond, which showed the areas in which similar improvements had been undertaken at lower portions of the slope.*

**October 21, 2014 procedures:**

**To reconsider the matter, Rule 37: Majority vote required.**

**SUBCOMMITTEE MOTION 10/14/14:** Per Rule 37, this Committee finds that a substantial change to the design has been made, and wishes to reopen this matter for further review.

(Collins / Ragsdale 5-1-1)

In Favor: Collins, Mapes, Ragsdale, Welsh, Will  
Opposed: Costello  
Abstain: none

**MOTION PASSES** – The matter is reopened

**APPLICANT PRESENTATION 10/21/14:** (Mark Farrington, John Krizan)

*The Applicant reviewed the project, including the amended design, the slope areas (man made and natural slopes), as shown in the amended design. The applicant noted the distribution of the areas of the slope that will be improved, with the indications of the natural and manmade slope areas.*

*Although this committee does not implement private agreements between property owners, the recommendations of the homeowners association were discussed. The examples of other improvements in the HOA were discussed, as well as the precedents for structures in the area. The proposed uses of the guest quarters was discussed. It was noted that the HOA recommendations are considered as a possible source of the neighborhood character, but it is advisory only.*

**To rescind the previous vote of September 9, 2014 on this matter, Rule 35: a 2/3 vote will be needed.**

**SUBCOMMITTEE MOTION 10/21/14:** Per Rule 35, this Committee finds that a substantial change to the design has been made, and wishes to rescind the previous vote of September 9, 2014, and reopen this matter for further review.

(Benton / Will 2-4-1)

In Favor: Ragsdale, Will  
Opposed: Costello, Collins, Mapes, Welsh  
Abstain: Benton (as Chair)

**MOTION FAILS** – The vote of September 9 is NOT rescinded. This matter is referred back to the CPA.

**5. FINAL REVIEW**

Project Name:	<b>KLINKOV RESIDENCE</b>	Permits:	CDP, SDP
5915 Camino de la Costa		DPM:	Glenn Gargas, (619) 446-5142
Project #:	377975		ggargas@sandiego.gov
Zone:	RS-1-7	Applicant:	Chris deGregorio, Marengo Morton
			858-459-3769

Coastal Development Permit (Process 3) for remodel of first and second floor with a 371 sq ft first floor addition and new 1,846 sq ft third floor addition to an existing single family residence, resulting in a 4,829 sq ft single family residence on a 8,864 sq ft property. At 5915 Camino De La Costa, in the RS-1-7 Zone, Coastal (Appealable), Coastal Height Limitation, Parking Impact (Coastal and Beach), Residential Tandem Parking, Transit Area Overlay Zones, La Jolla Community Plan area.

**APPLICANT PRESENTATION 09/16/14:** (CA Marengo)

*The proposed project is on the first public street from the ocean. Across from the ocean within 300 ft of the Mean High Tide Line. Under height limitations. Set backs, front = 15 ft, rear = 13 ft, North = 10'11", South = 5'3". Lot coverage allowed 50%, using 30%. Max FAR = 0.56, 4,953 sq ft. proposed FAR = 0.54. 4,829 sq ft. 4 bedrooms, 2 parking spaces in garage (all that is required). Historic review in progress.*

**DISCUSSION:**

Cycles Letters say “third floor”, it should say two floors over a basement. There is space for parking in the driveway, though not of Code dimensions. Concerns about historic nature of structure, and neighbors possible views discussed, and relationship of structures.

**Please provide for FINAL REVIEW:**

- a) Please provide a scale photo exhibit of both houses on either side with your proposed house in the center.
- b) Please provide an exhibit of proposed colors and materials (in montage).
- c) Optional. Do the houses in back of your project on La Jolla Blvd have an ocean view ?

**APPLICANT PRESENTATION 10/14/14:** (CA Marengo)

*The requested exhibits were presented, including photographs of the site and the proposed materials. It*

**SUBCOMMITTEE MOTION 10/14/14:** Findings CAN be made for a Coastal Development Permit for remodel of first and second floor with a 371 sq ft first floor addition and new 1,846 sq ft third floor addition to an existing single family residence at 5915 Camino De La Costa.

(Collins / Costello 5-0-1)

In Favor: Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: none

Abstain: Benton (as Chair)

**MOTION PASSES**

**6. PRELIMINARY REVIEW**

*Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.*

Project Name:	<b>MONARCH COTTAGES</b>	Permits:	CDP, SDP
	7630 Fay Avenue	DPM:	Laura Black, (619) 446-5245
Project #:	370400 (355003)		LBlack@sandiego.gov
Zone:	LJPDO 3	Applicant:	Brian Longmore
			858-603-9478

LA JOLLA SUSTAINABLE EXPEDITE PROGRAM (PROCESS 4) Coastal Development Permit/Site Development Permit to amend CDP 201667 & SDP 206622 (PTS 66961) and a Conditional Use Permit (CUP) for a proposed 26-unit Residential Care Facility, within an existing 2-story building located at 7630 Fay Ave. The site is located in Zone 3 of the La Jolla Planned District, Coastal Overlay (Area 2), Coastal Height Limitation Overlay, Parking Impact Overlay zones within the La Jolla Community Plan, Local Coastal Plan.

**APPLICANT PRESENTATION 10/14/14:** (John Haffner, Frank Haffner, Matt Peterson)

*The proposed project was presented, with a description of the services to be provided, the nature of the residences and the residents. The project will include communal areas for recreation and dining, and outdoor spaces. This will seek certification as a Residential Care for the Elderly (RCFE), primarily for those with cognitive challenges. This facility will not provide medical care. A total of 26 guest units will be provided, ranging in size from 345 sf to 430 sf. The guest rooms are grouped around the common areas configured for socialization.*

*Mr. Peterson described the project advancement thus far, including the project has been presented to the La Jolla PDO, which raised some questions regarding the application of the deviations to this project. Mr. Peterson presented information reviewing the business types and the various occupancies of commercial spaces between Prospect and Nautilus Street, excluding the Shores. The required parking was reviewed, as were the design considerations of the building.*

*Existing conditions of the PDO and LCP require that the residential uses comprise no more than the front 50% of the lot at ground floor (4 residential units are in this location and do not conform to this) and 75% of the street frontage is to be retail (there is presently a porte cochere that will remain, and the same residential units. Parking requirements are greatly reduced due to no need for cars by the residents: the minimum staff parking is 0.7 spaces per bed, leading to a requirement for 23 parking spaces, satisfied by 13 parking spaces on site, and the remaining 10 offsite at the Bank of America parking garage on Kline Street. The trash collection location was altered in response to a request by a neighbor across the alley.*

A discussion ensued regarding the requirements and operation of this kind of facility, with the experiences of the residents and the way this kind of facility intends to meet the unique needs of the residents. The facility is a locked facility, achieved by a combination of staff observation and control of entrances. The ratio of personal assistants per resident is expected to be 8 at a minimum: additional staffing will be provided based upon the residents' needs. Up to 23 parking spaces are provided.

The project relies in part upon a Reasonable Accommodations Request, which led to the decision to approve the deviations under Process 1. The PDO discusses a "transitional" residential use on Fay, oriented toward the west.

The permit requirements are a CDP and SDP amendment to the existing Spa MD permits. No NUP is required.

**Please provide for FINAL REVIEW:**

- a. Provide information on the offsite parking agreement. Mr. Peterson stated that this agreement will run with the land of this application.
- b. Provide material and color samples of the exterior finishes being used.
- c. Provide information on the staffing report and requirements for this facility. Please provide additional information on the ways that this facility will provide for the access by the residents to the community resources.
- d. Provide information on the minimum distances between this facility and others.
- e. Please provide additional information on other facilities operated by this applicant.

The Applicant requested that this matter be continued to the next meeting October 21.

**APPLICANT PRESENTATION 10/21/14:** (John Haffner, Frank Haffner, Matt Peterson)

*The proposed project was presented, with additional information regarding the parking, staff ratios, and other information. The staffing distribution information was reviewed. A quarter-mile separation is required between this project and the other RCFEs, and a map was showed that no other RCFE is located with that distance of the project.*

*The outdoor spaces for the use of the residents fronting Fay Avenue, Bishop's Lane, and the porte cochere drive aisle.*

A discussion ensued regarding the staffing requirements and operation of this facility, and the required parking. Fourteen parking spaces are required: 23 are provided.

The materials sample board was reviewed: it was found that the colors differ from the sketch rendering.

The parking demand in the neighborhood was discussed. The site will be monitored by the staffing cameras, which will include the parking area and all entrances. The Fire Marshal has been consulted regarding access points and circulation to respond to emergencies.

This facility is not licensed or regulated by the State as an RCFE.



*The changes to the exterior elevations were reviewed: the addition of a deck and other features. The materials samples were presented and reviewed.*

**SUBCOMMITTEE MOTION 10/21/14:** Findings CAN be made for a Coastal Development Permit and Site Development Permit (Process 3) to remodel an existing single family residence with a 355 sq ft addition. Garage addition of 76 sq ft, & second-story, 688 sq ft guest quarters above the garage at 303 Vista de la Playa.

(Ragsdale / Mapes 4-0-3)

In Favor: Collins, Costello, Mapes, Ragsdale

Opposed: none

Abstain: Benton (as Chair), Welsh (due to absence at October 14 meeting), and Will (due to a potential conflict of interest).

**MOTION PASSES**

## 8. PRELIMINARY REVIEW

*Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.*

Project Name:	Eads Ave CDP/TM 7330 Eads Avenue	Permits:	TM, CDP
Project #:	378195	DPM:	Rene Mezo 619-446-5245 rmezo@sandiego.gov
Zone:	RM-1-1	Applicant:	Claude-Anthony Marengo 858-459-3769

Tentative Parcel Map and Coastal Development Permit (Process 3) to create 2 condominium residential units in a duplex under construction located at 7330 Eads Ave. The 0.16 acre lot is located in the RM-1-1 zone of the La Jolla Community Plan Area and the Coastal Overlay Zone (Non Appealable).

**APPLICANT PRESENTATION 10/21/14:** (Frank Flores, Mike Dowling)

*The proposed project was reviewed, with a summary of the proposed Tentative Map. The design is not changed from that which was previously approved. Offsite improvements in the alley and sidewalk have been added as conditions of the Tentative Map. The parking configuration was reviewed.*

A discussion ensued regarding the features of the project, the conditions of the Tentative Map, and the approach to the subdivision of the property.

**SUBCOMMITTEE MOTION 10/21/14:** That this Committee may consider this to be a FINAL REVIEW of this project. A unanimous vote is required.

(Will / Collins 7-0-0)

In Favor: Benton, Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: none

Abstain: none

**MOTION PASSES.** This may be considered the Final Review and a vote for a recommendation may be taken at this meeting.

**SUBCOMMITTEE MOTION 10/21/14:** Findings CAN be made for a Tentative Parcel Map and Coastal Development Permit to create 2 condominium residential units at 7330 Eads Avenue.

The project relies in part upon a Reasonable Accommodations Request, which led to the decision to approve the deviations under Process 1: not providing a retail use at the ground floor, and residential at the front of the lot. The PDO discusses a “transitional” residential use on Fay, oriented toward the west.

**SUBCOMMITTEE MOTION 10/14/14:** Findings CAN be made for a Coastal Development Permit, Site Development Permit and a Conditional Use Permit (CUP) for a proposed 26-unit Residential Care Facility at 7630 Fay Ave.

(Collins / Costello 5-0-1)

In Favor: Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: none

Abstain: Benton (as Chair)

**MOTION PASSES**

## 7. PRELIMINARY REVIEW

*Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.*

Project Name:	Limber CDP/SDP	Permits:	CDP, SDP
	303 Vista de la Playa	DPM:	Jeannette Temple 619-557-7908
Project #:	355828		jtemple@sandiego.gov
Zone:	RS-1-7	Applicant:	Andy Fotsch, Island Architects
			858-459-9291

LA JOLLA 10#24004366 Coastal Development Permit and Site Development Permit (Process 3) to remodel an existing single family residence with a 355 sq ft addition. Garage addition of 76 sq ft, & second-story, 688 sq ft guest quarters above the garage at 303 Vista de la Playa. The 10,833 sq ft site is located in the RS-1-7 of the La Jolla Community Plan area & Coastal Overlay Zone (appealable).

**APPLICANT PRESENTATION 10/14/14:** (Hailey Duke, Andy Fotsch, Drex Patterson)

*The proposed project was reviewed, with summaries of the areas of additions. The parking requirement is for a total of 2 parking spaces, located in the garage, with the potential for tandem parking in the driveway. The guest house will be limited in use to the same tenancy as the main house, documented by a declaration to City standards and recorded. The proposed development will result in an FAR of 0.53 where 0.54 is permitted.*

*The exterior finishes will be stucco, with metal window frames, and cable and stucco guards at the balcony railings. Some of the deck and terraces will be wood decking or stone.*

*Before a building permit is issued, the record Owner shall submit a signed Habitable Accessory Structure Agreement with the City, according to City form PSD-203.*

**Please provide for FINAL REVIEW:**

- a. Provide material and color samples of the exterior finishes being used.

The Applicant requested that this matter be continued to the October 21 meeting.

**APPLICANT PRESENTATION 10/21/14:** (Hailey Duke, Andy Fotsch)

*The proposed project was reviewed, including the materials and design elements presented in the previous meeting, with summaries of the areas of additions.*

(Collins / Will 6-0-1)

In Favor: Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: none

Abstain: Benton (as Chair)

**MOTION PASSES**

Ownership Disclosure Statement

Eads Tentative Map

Project No. 378915

CLARK REALTY HOMES, LLC a Virginia Limited Liability  
Company

Sole Member: Steven L. Black