



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 26, 2010 **REPORT NO. PC-10-043**

ATTENTION: Planning Commission, Agenda of June 3, 2010

SUBJECT: NEPTUNE APARTMENTS - PROJECT NO. 147066
PROCESS THREE

OWNER: Westgate Park LLC, West Prince Road LLC, and 250 North Arcadia LLC,
Arizona Limited Liability Companies (Attachment 15)

APPLICANT: Claude-Anthony Marengo, Architect

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve the demolition of an existing 19 unit apartment building and the construction of a new 24 unit apartment building at 6767 Neptune Place within the La Jolla Community Planning Area?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 147066, and **Adopt** the Mitigation, Monitoring and Reporting Program; and
2. **Deny** the appeal and uphold the Hearing Officer decision to **Approve** Coastal Development Permit No. 518964 and Site Development Permit No. 519873.

Community Planning Group Recommendation: The La Jolla Planning Board voted to recommend denial of the project on December 3, 2009, by a vote of 8-3-2 with recommendations (Attachment 12).

Environmental Review: Mitigated Negative Declaration No. 147066 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: None. All staff costs associated with the processing of this project are paid from a deposit account maintained by the owner.

Code Enforcement Impact: There are no zoning or building code violations on the property.

Housing Impact Statement: The La Jolla Community Plan designates the 0.56 acre site as medium-high residential at 30 to 45 dwelling units per acre. Based on this land use designation the project could accommodate between 17 to 25 dwelling units. The proposed project would result in demolition of 19 existing apartment units and the construction of 24 multi-family dwelling units.

The proposed project is subject to the Affordable Housing requirements of the City's Inclusionary Housing Ordinance. The applicant intends to meet their Inclusionary Housing requirements by paying an in-lieu-fee. The project was required to be reviewed per the City's Coastal Overlay Zone for Affordable Housing Replacement regulations. The purpose of the Coastal Affordable Housing regulations is to preserve existing dwelling units within the Coastal Overlay Zone that are occupied by low income or moderate income families as defined by Government Code Section 65590.b. The project was determined to have no obligation to provide affordable replacement housing or in-lieu fees pursuant to the Coastal Affordable Housing regulations (Attachment 13). The project qualified for the Affordable-In-Fill Housing and Sustainable Building Expedite Program because it will provide 50% or more of its projected total electrical energy consumption by utilizing a photovoltaic renewable energy system. Therefore, the project meets the "sustainable buildings" definition as established by Council Policy 900-14.

BACKGROUND

The 0.56 acre project site is located at 6767 Neptune Place in the south central coastal area of La Jolla, California (Attachments 1 and 2). The property is located in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, and within the La Jolla Community Plan and Local Coastal Program Land Use Plan (Attachment 3).

The subject property fronts on Neptune Place to the west, Playa Del Norte Street on the north and Playa Del Sur Street on the south. An existing 20,198 square foot 19 unit two story apartment building that was built in 1953 exists on the property. The project site is an irregularly pie shaped lot that is relatively flat. Residential land uses surround the property to the north, east and south. The property is at an approximate elevation of 30 feet Mean Sea Level (MSL), above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The property is approximately 100 feet eastward from the mean high tide line of the Pacific Ocean. The City public right-of-way, which includes Neptune Place, abuts the property to the west and includes the coastal bluff and

beach area westward to the mean high tide line. This City right-of-way was dedicated for public use and allows public access along the bluff and beach area below the project. The project was required to designate a coastal bluff edge which is located approximately 40 to 50 feet west of the project site at the west side of Neptune Place. At the coastal bluff edge the coastal bluff slope descends down approximately 22 feet to the ocean and beach below. Two City coastal parks are located to the northwest and southwest of the project area; the Windansea Shoreline Park, and the La Jolla Strand Park, respectively. The beach area directly west of the project is not a part of these dedicated Parks. The scenic beaches along this area are characterized by their gently sloped cliffs covered with vegetation, and a rocky shore with world-class surf breaks.

The proposed development will take place entirely within private property and will not encroach onto or impact any existing or proposed physical public access ways. Access to the coastline is provided via the adjacent public road and public right-of-way for Neptune Place. The project is located adjacent to two public view corridors as identified in the 2004 La Jolla Community Plan and Local Coastal Program Land Use Plan from which the coastal body of water can be seen; Playa Del Norte Street on the north and Playa Del Sur Street on the south. No public views are impacted by the development and public access to the shoreline is available to the west of the project from the Neptune public right-of-way and the adjacent City coastal beach parks.

DISCUSSION

Project Description:

The proposed coastal development would demolish an existing 20,198 square foot two story 19 unit residential apartment building, and construct a new sustainable 32,780 square foot three story 24 unit residential apartment building with a 25,150 square foot two story subterranean parking garage (Attachment 5 and 9). The project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The subject property is not located between the sea and the first public roadway paralleling the sea, though it is located within 300 feet of the inland extent of a beach. The project is within one hundred feet of the coastal bluff edge and therefore is within the Sensitive Coastal Overlay Zone, requiring a Site Development Permit based on the Environmentally Sensitive Lands (ESL) regulations. However, the project will not encroach into the ESL. The proposed structures are located at least forty-feet landward from the nearest designated coastal bluff edge, therefore the proposed structures are in conformance with the Coastal Bluffs and Beaches Guidelines based on the Sensitive Coastal Overlay Zone and Environmentally Sensitive Lands regulations.

The existing structures were built in 1953 and therefore were required to be reviewed for potential historical significance as the structure was 45 years old or older. The historic review determined that the property does not appear to be eligible for designation as an individually significant historic resource; therefore no further historic review was required. The building is proposed as three stories at a maximum height of 30 feet, therefore the building will not exceed the maximum 30 foot height limit allowed by the Coastal Height Limit Overlay Zone. The zone designates the property as multi-family residential RM-3-7 which allows 1 dwelling unit for each 1,000 square feet of lot area, allowing 24 units. The minimum required lot size is 7,000 square feet, and the project is a 24,250 square foot site. The project does not exceed the gross floor area

allowed by the zone. The zone allows a maximum Floor Area Ratio (FAR) of 1.8 and the project is designed at a 1.4 FAR. The project meets the required zoning yard setbacks. The front yard setbacks are 10 feet for 50% of the width of the building and 20 feet for the remaining area, along the northern and southern frontage on Playa Del Norte and Playa Del Sur Streets. The side yard setbacks are 17 feet adjacent to the eastern residential property. The street side yard setbacks are 12 feet for 50% of the width of the building and 17 feet for the remaining area along the western frontage on Neptune Place.

The proposed development will take place entirely within private property and includes grading, excavation to approximately 36 feet in depth, and export of approximately 18,042 cubic yards of soil to construct a two story subterranean basement. The basement is necessary to provide for the required parking spaces for 24 units as the building height is restricted to 30 feet. The project will provide 47 off-street automobile parking spaces, two motorcycle spaces and 12 bicycle spaces meeting the requirement for providing off-street parking spaces. The project is required to improve the pedestrian access along the public street frontage and dedicate an additional 4 feet of public right-of-way. The project will construct new curb, gutter and sidewalks along the entire property frontage with the public right-of-way, where continuous sidewalks do not currently exist. The project is a "sustainable building" as established by Council Policy 900-14, therefore will provide photovoltaic panels for electrical energy located on the roof top of the buildings. The buildings also add sustainable features which include lights, climate and shade devices handled electronically for energy savings, the use of engineered lumber where possible to reduce natural wood products, and drought tolerant native planting. The project was designed in conformance with the underlying zones and is not requesting deviations or variances to the Land Development Code (Attachments 4, 6 and 7).

Community Plan Analysis:

The proposed project is located in the "Subarea F-Windansea" of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The plan has assigned a variety of residential densities throughout the community. The Community Plan density designates the site as medium-high residential at 30 to 45 dwelling units per acre, allowing 17 to 25 units. The 24 unit multiple dwelling unit development conforms to the land use designations of the certified Local Coastal Plan land use plan.

The project is located adjacent to two public view corridors as identified in the 2004 La Jolla Community Plan and Local Coastal Program Land Use Plan from which the coastal body of water can be seen. The project is located adjacent to Playa Del Norte Street on the north and Playa Del Sur Street on the south which are public right-of-ways providing public views to the Pacific Ocean. No public views are impacted by the development. The project's private property will conform to the required side yard setbacks which limit construction in the setback areas thereby creating a greater view corridor to the ocean than previously existed. In addition, a deed restriction is a condition of approval to preserve a visual corridor on the property of not less than 6 feet wide from the proposed public right-of-way, in accordance with the requirements of San Diego Municipal Code Section 132.0403(a). The project does not block any potential public view. Public access to the shoreline is available to the west of the project from the Neptune public right-of-way and the adjacent City coastal beach parks. No public view to the water would

be adversely affected by the approval of this project. The project would not interfere with any public access. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones, and the La Jolla Community Plan and Local Coastal Program Land Use Plan.

The purpose and intent of the La Jolla Community Plan is to provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides and to open space, and promote the development of a variety of housing types and styles in La Jolla. Another stated goal is to maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures. The proposed structure is a contemporary Venturi style architecture with large arches and recessed openings. The building exterior will be light earth tone stucco with stone accent panels in the same color to create a textural change and an offset appearance for the walls. Glass rails, stained trellis wood, and tiled roofs were utilized to soften and delineate the three levels for a stepped back appearance for the structure. The proposed landscape plan utilizes the land formations to allow for coastal views by stepping the slopes to create clear low lines and layering of the landscaped areas. The landscape plan include clusters of xeriscaped landscaping areas, shrub lines mixed with dense plantings of bird of Paradise, and mulched permanent ground cover with a lined row of palm trees to create a vertical layer of green. The project conforms to the land use designations of the certified Local Coastal Plan land use plan.

Environmental Analysis:

The City of San Diego conducted an environmental review of this site in accordance with CEQA guidelines. A Mitigation Negative Declaration was prepared and final on February 24, 2010. The project includes mitigation measures to offset potential impacts to Paleontological Resources based on Mitigated Negative Declaration No. 147066. A Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to Paleontological Resources to below a level of significance (Attachment 8).

Project Appeal Issues:

The project was heard and approved by the Hearing Officer on April 7, 2010. Several interested persons spoke in favor and several in opposition to the project at the hearing (Attachment 11). Numerous issues were raised by the opposition, which included: Bulk and scale/community character; environmental consequences from grading; socio-economic diversity; constructing apartments or condos; increased shade; height; type of street trees; issues with construction from previous adjacent developments; and not working with the Community group. However, based on the information provided to the Hearing Officer and the information presented as part of the hearing record, the Hearing Officer was able to make the findings and approve the project.

The La Jolla Community Planning Board filed an appeal of the Hearing Officer decision dated April 19, 2010 (Attachment 10). The appeal issues with responses are provided below:

1. Issue – Community Planning Group Denial Vote & Applicant unwilling to work with Group:

La Jolla Community Group -The La Jolla Planning Board voted to recommend denial of the project on December 3, 2009, by a vote of 8-3-2 with recommendations (Attachment 12). The recommendation was based on the community group's opinion that the findings can not be made for a CDP and SDP due to the proposed bulk and scale and community character of the proposed structure as required by the La Jolla Community Plan. The Community Group felt the applicant was unwilling to work with the planning group to resolve concerns.

Project Applicant - The applicant requested to move the project forward to a Hearing Officer hearing with the community group's denial recommendation. The applicant felt it would not be possible to come to an agreement with the community group regarding an interpretation of bulk and scale for this project. The applicant felt they did their due diligence working with the community group for a solution to satisfy their needs. The applicant noted that their project meets all setback requirements and provides additional step-backs in the building design that can be allowed based on shear wall requirements. The applicant also noted that the project requests no variances or deviations from requirements. The applicant stated that they improved the public view requirements per the community plan as the new building is setback farther than the existing buildings. The applicant felt the denial recommendation was not based on meeting code requirements or enhancing public views, but the denial recommendation was based on the community group not wanting three story structures.

2. Issue - Bulk and Scale/Community Character:

La Jolla Community Group - The La Jolla Community Group feels that the project does not conform to the Community Plan due to bulk and scale and lack of conformance to community character.

Staff Response – Staff found the project to meet the requirements of the Community Plan and the underlying zones. The relevant Community Plan Character sections are attached (Attachment 14). The 24 proposed units do not exceed the allowed density of 17 to 25 units, or the allowed zone density of 24 units. No variance or deviations to the SDMC are being requested. The project meets the required step-backs and yard setbacks which limit construction in the setback areas. The project creates a greater view corridor to the ocean than previously existed by establishing required setbacks. No public views or public access to the shoreline are impacted by the development. The proposed landscaping meets the landscape regulations and utilizes the land formations to allow for coastal views by stepping the slopes to create clear low lines and layering of the landscaped areas.

Staff notes that the implementation of the Community Plan policies and recommendations are accomplished by applying the Land Development Code regulations in effect for the site. The RM-3-7 Zone in combination with the Coastal Height Limit Overlay Zone effectively limits the bulk and scale of the building by placing a height limit, requiring staggered front and street side yard setbacks which creates off-setting planes and building articulation, and requiring a side setback of 10 percent of the lot width with landscaping. The RM-3-7 zone allows a building height of 40 feet, though the project is limited to a maximum height of 30 feet by the Coastal Height Limit Overlay Zone. Neither the Community Plan nor SDMC limit a structure to two stories. Applying the RM-3-7 development regulations effectively regulates the bulk and scale of the new development per the recommendations of the Community Plan.

Conclusion:

In summary, staff recommends denying the appeal and upholding the Hearing Officer decision to approve the project as the project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the adopted Land Development Code, La Jolla Community Plan and Local Coastal Program Land Use Plan, and the City of San Diego General Plan.

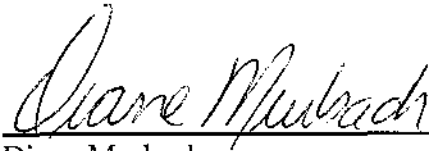
ALTERNATIVE(S)

1. **Deny** the appeal and **Approve** Coastal Development Permit No. 518964 and Site Development Permit No. 519873, with modifications.
2. **Approve** the appeal and **Deny** Coastal Development Permit No. 518964 and Site Development Permit No. 519873, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

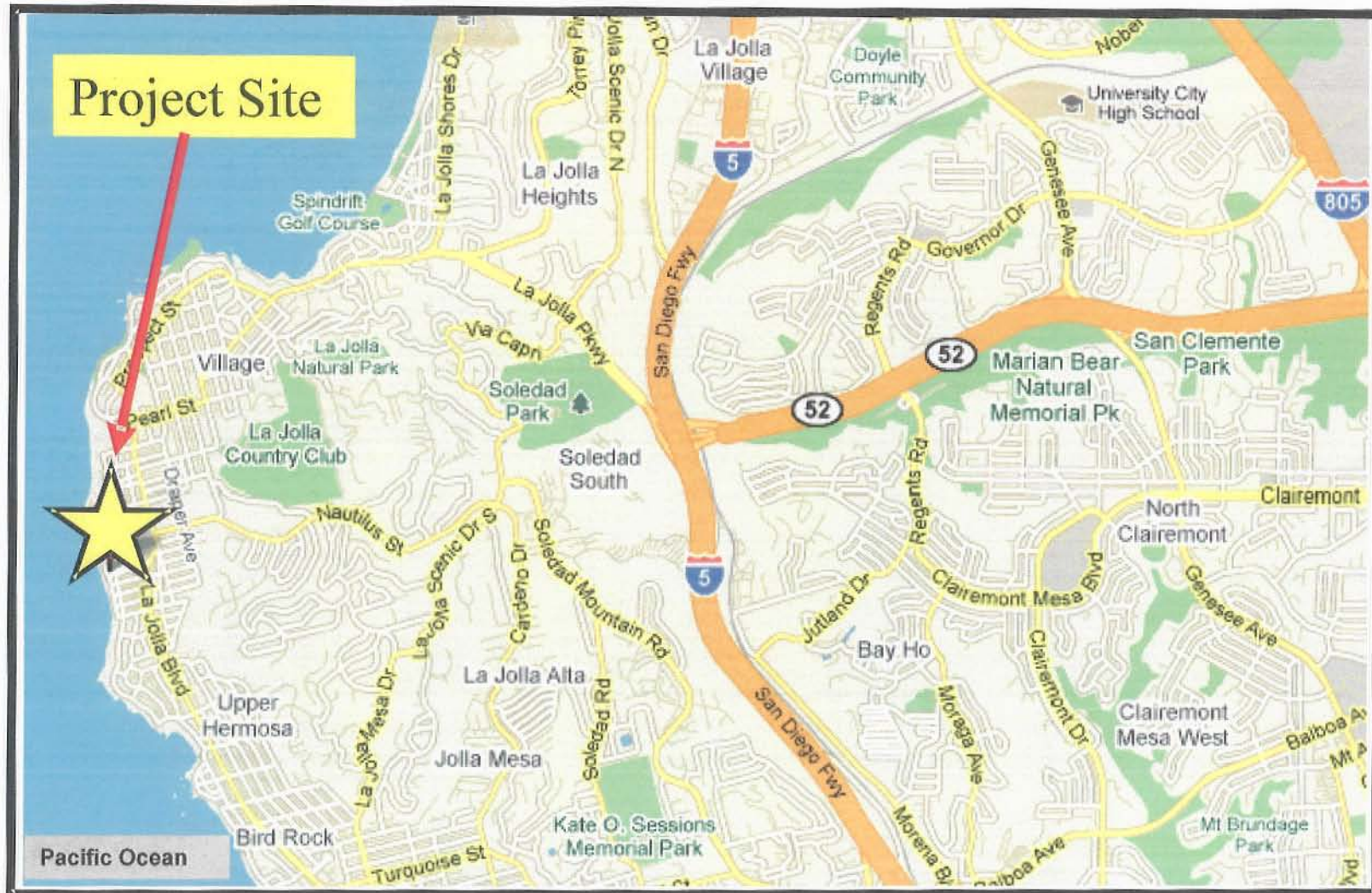


Diane Murbach
Project Manager
Development Services Department

MW/DM

Attachments:

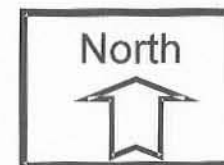
1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Rendering
6. Draft Permit with Conditions
7. Draft Permit Resolution with Findings
8. Draft Environmental Resolution with MMRP (MND)
9. Project Plans
10. Copy of Appeal
11. List of Interested Persons
12. Community Planning Group Recommendation
13. Coastal Affordable Housing Compliance Letter
14. Community Plan Character
15. Ownership Disclosure Statement
16. Project Chronology



Project Location Map

NEPTUNE APARTMENTS - PROJECT NO. 147066

6767 Neptune Place - La Jolla



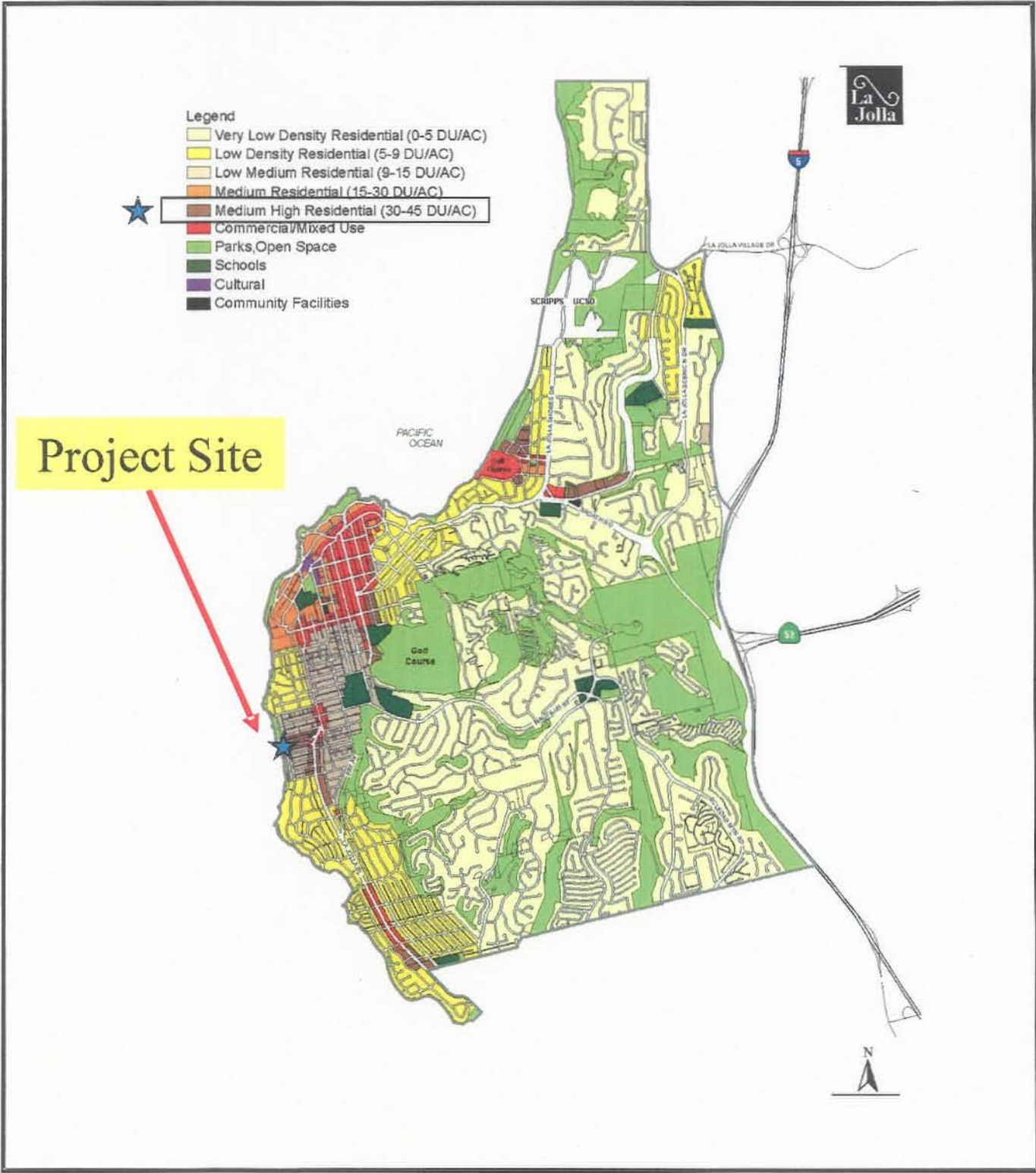


Aerial Photograph

NEPTUNE APARTMENTS - PROJECT NO. 147066

6767 Neptune Place - La Jolla





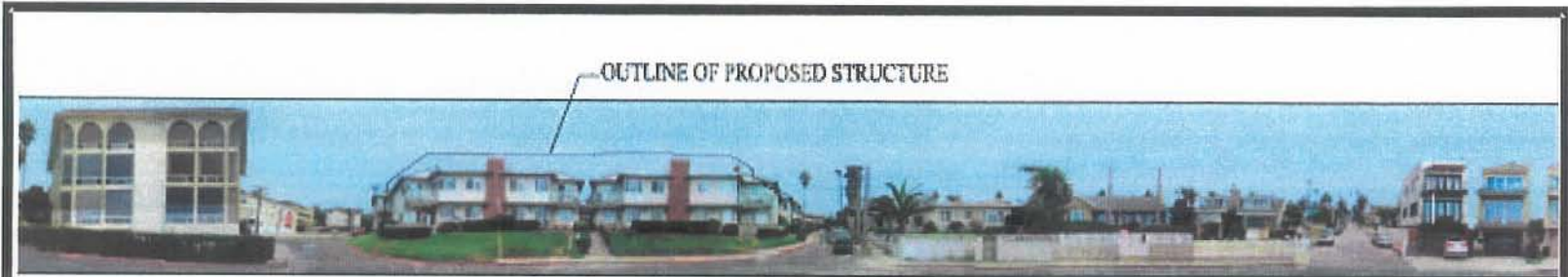
Community Plan Land Use Map

NEPTUNE APARTMENTS - PROJECT NO. 147066

6767 Neptune Plance - La Jolla

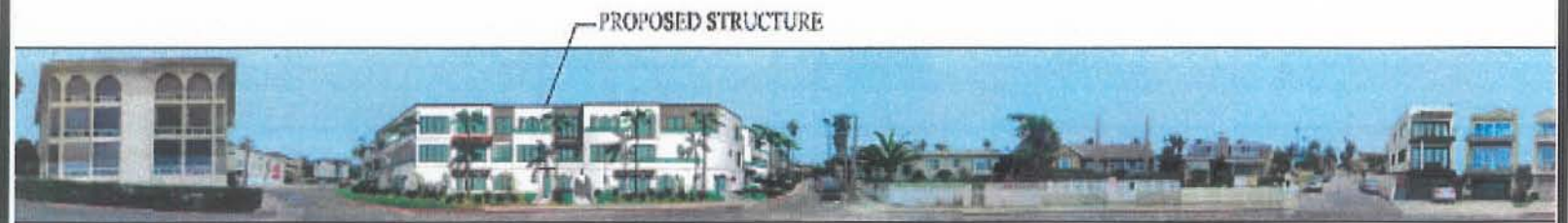


PROJECT DATA SHEET		
PROJECT NAME:	Neptune Apartments – Project 147066	
PROJECT DESCRIPTION:	Demolition of an existing 19 unit two-story apartment building and construction of a 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story parking garage.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Medium High Density Residential (30-45 du/ac).	
ZONING INFORMATION:		
ZONE: RM-3-7		
HEIGHT LIMIT: 40 feet and Coastal Height Limit Overlay Zone		
LOT SIZE: 7,000 square feet		
FLOOR AREA RATIO: 1.80		
FRONT SETBACK: 10 feet minimum, 20 feet standard		
SIDE SETBACK: 17 feet		
STREETSIDE SETBACK: 17 feet for 50%, 12 feet for 50%		
REAR SETBACK: NA		
PARKING: 47 spaces required		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Medium High Density Residential and RM-3-7	Apartments and condominiums
SOUTH:	Medium High Density Residential and RM-3-7	Apartments
EAST:	Medium High Density Residential and RM-3-7	Apartments
WEST:	Park and Open Space and RM-3-7 and OP-1-1	Neptune Place, La Jolla Strand Park, and the Pacific Ocean
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On December 3, 2009 the La Jolla Planning Board voted to recommend denial of the project by a vote of 8-3-2 with recommendations.	



(A) NEPTUNE PLACE STREET FRONT PHOTO MONTAGE

View East



(A1) NEPTUNE PLACE STREET FRONT PHOTO MONTAGE



Project Rendering

NEPTUNE APARTMENTS - PROJECT NO. 147066

6767 Neptune Place - La Jolla



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: 23430092

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

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

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

The project shall include:

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

- b. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption, in accordance with Council Policy 900-14;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

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

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

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

AFFORDABLE & SUSTAINABLE HOUSING REQUIREMENTS:

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

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

ENGINEERING REQUIREMENTS:

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

19. Prior to the issuance of any Construction Permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

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

GEOLOGY REQUIREMENTS:

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

LANDSCAPE REQUIREMENTS:

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

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

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

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

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

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

41. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

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

TRANSPORTATION REQUIREMENTS

43. Owner/Permittee shall maintain a minimum of 47 off-street automobile parking spaces (including 2 van accessible spaces), 2 motorcycle spaces, and 12 bicycle spaces with rack(s) on the property at all times in the approximate locations shown on the approved Exhibit "A." All residential tandem parking spaces shall be assigned to the same unit. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

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

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

WASTEWATER REQUIREMENTS:

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

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

WATER REQUIREMENTS:

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

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

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

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

INFORMATION ONLY:

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

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

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

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Diane Murbach
Development Project Manager

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

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

By _____
Grant Cardone
Manager/Member

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

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

WHEREAS, Westgate Park LLC, West Prince Road LLC, and 250 North Arcadia LLC, Arizona Limited Liability Companies, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish 19 dwelling units and construct a 24 unit residential apartment complex as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 518964 and Site Development Permit No. 519873, on portions of a 0.56 acre site;

WHEREAS, the project site is located at 6767 Neptune Place in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone of the La Jolla Community Plan;

WHEREAS, the project site is legally described as that portion of Block 3 of La Jolla Strand, Map No. 1216 filed in the Office of the County Recorder of San Diego County (APN 351-382-01);

WHEREAS, on June 3, 2010, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 518964 and Site Development Permit No. 519873 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated June 3, 2010.

FINDINGS:

A. Coastal Development Permit Findings – Section MC 126.0708

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

The subject property is located at 6767 Neptune Place fronting on Neptune Place to the west, Playa Del Norte Street on the north and Playa Del Sur Street on the south. The property is approximately 100 feet eastward from the mean high tide line of the Pacific Ocean. The coastal bluff and beach and the City public right-of-way for Neptune Place exist within this 100 foot area. The proposed coastal development would demolish a 20,198 square foot two story 19 unit existing residential apartment building and construct a new sustainable 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story

parking garage on a 0.56 acre/24,250 square foot site. The project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The project premises are not located between the water and the first public roadway. The project is within one hundred feet of the coastal bluff edge therefore within the Sensitive Coastal Overlay Zone, requiring a Site Development Permit based on the Environmentally Sensitive Lands regulations. The property is located in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone within the La Jolla Community Plan and Local Coastal Program Land Use Plan.

Residential land uses surround the property to the north, east and south. The City public right-of-way, which includes Neptune Place, abuts the property to the west and includes the coastal bluff and beach area westward to the mean high tide line. This City right-of-way was dedicated for public use and allows public access along the bluff and beach area below the project. Two City coastal parks are located to the northwest and southwest of the project area; the Windansea Shoreline Park, and the La Jolla Strand Park, respectively. The beach area directly west of the project is not a part of these dedicated Parks. The scenic beaches along this area are characterized by their gently sloped cliffs covered with vegetation, and a rocky shore with surf breaks. The project was required to designate a coastal bluff edge which is located approximately 40 to 50 feet west of the project site at the west side of Neptune Place. At the coastal bluff edge a coastal bluff slope farther descends down approximately 22 feet to the ocean and beach below.

The proposed development will take place entirely within private property and will not encroach onto or impact any existing or proposed physical public access ways. Access to the coastline is provided via the adjacent public road and public right-of-way for Neptune Place. The project is located adjacent to two public view corridors as identified in the 2004 La Jolla Community Plan and Local Coastal Program Land Use Plan from which the coastal body of water can be seen. The project is located adjacent to Playa Del Norte Street on the north and Playa Del Sur Street on the south which are public right-of-ways providing public views to the Pacific Ocean. No public views are impacted by the development. The projects private property will conform to the required side yard setbacks which limit construction in the setback areas thereby creating a greater view corridor to the ocean than previously existed. In addition, a deed restriction is a condition of approval to preserve a visual corridor on the property of not less than 6 feet wide from the proposed public right-of-way, in accordance with the requirements of San Diego Municipal Code Section 132.0403(a). The project does not block any potential public view. Public access to the shoreline is available to the west of the project from the Neptune public right-of-way and the adjacent City coastal beach parks.

Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the 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.

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

The subject property is located at 6767 Neptune Place and surrounded by existing residential units to the north, east and south, and the public right-of-way for Neptune Place to the west. The project site is an irregularly pie shaped lot that is relatively flat, and located approximately 100 feet from the waters of the Pacific Ocean. The lot is approximately 30 feet above Mean Sea Level (MSL), and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The site is adjacent to Environmental Sensitive Lands (ESL) therefore the project required a Site Development Permit. Every development proposed on a sensitive coastal bluff that is within 100 feet of the bluff edge, is subject to the Environmentally Sensitive Lands regulations. However, the project will not encroach into the ESL. The project grading and development plans will not encroach in the ESL coastal bluff resources. The project is not required to grant a Covenant of Easement for the adjacent ESL since the ESL is off-site and within the City public right-of-way.

The City of San Diego conducted an environmental review of this site in accordance with CEQA guidelines. A Mitigation Negative Declaration was prepared and final. The project includes mitigation measures to offset potential impacts to Paleontological Resources based on Mitigated Negative Declaration No. 147066. A Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to Paleontological Resources to below a level of significance.

The site is mapped within an area that could have the potential to discover significant paleontological resources and grading will include excavation into the subsurface soils for the construction of a subterranean parking garage. Mitigation for paleontological resources includes monitoring excavations during grading construction, evaluating any significant resources, and preparing post construction reports. Therefore, implementation of the paleontological Mitigation, Monitoring, and Reporting Program would mitigate potential paleontological resource impacts to a level below significance.

The proposed development will take place entirely within private property and includes grading, excavation to approximately 36 feet in depth, and export of approximately 18,042 cubic yards of soil to construct a two story subterranean basement. The basement is necessary to provide for the required parking spaces for 24 units as the building height is restricted to 30 feet. The proposed structure incorporates green principles. The roof includes solar panels sufficient to generate at least 50 percent of the project's projected energy consumption. The project will be constructed in accordance with engineering standards and Best Management Practices [BMPs] to create a safe and stable site. The proposed project conforms to the development regulations for storm water quality standards. The proposed development would be required to obtain Building Permits to show that all construction would comply with all applicable Building and Fire Code requirements. A Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to paleontological resources to below a level of significance. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The subject property is located at 6767 Neptune Place, in the south central coastal area of La Jolla, California. The property is located in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone within the La Jolla Community Plan and Local Coastal Program Land Use Plan.

The project conforms to the 30 foot Coastal Height Limit requirement, and meets the required zoning yard setbacks. The proposed project is located in the "Subarea F-Windansea" of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The plan has assigned a variety of residential densities throughout the community. The Community Plan density designates the site as medium-high residential at 30 to 45 dwelling units per acre. The zone designates the property as residential RM-3-7 which allows 1 dwelling unit for each 1,000 square feet of lot area. The minimum lot size is 7,000 square feet. The project conforms to the land use designations of the certified Local Coastal Plan land use plan. No public view to the water would be adversely affected by the approval of this project. The project would not interfere with any public access. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones, and the La Jolla Community Plan and Local Coastal Program Land Use Plan.

The project was subject to review per the City's Coastal Overlay Zone for Affordable Housing Replacement regulations which are to preserve existing dwelling units within the Coastal Overlay Zone that are occupied by low income or moderate income families. The project was determined to have no obligation to provide affordable replacement housing or in-lieu fees pursuant to the Coastal Affordable Housing regulations. However, the project is required to pay an in-lieu fee in accordance with the City's Inclusionary Affordable Housing Regulations.

The purpose and intent of the La Jolla Community Plan is to provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides and to open space, and promote the development of a variety of housing types and styles in La Jolla. Another stated goal is to maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures. The proposed structure is a contemporary Venturi style architecture with large arches and recessed openings. The building exterior will be light earth tone stucco with stone accent panels in the same color to create a textural change and an offset appearance for the walls. Glass rails, stained trellis wood, and tiled roofs were utilized to soften and delineate the three levels for a stepped back appearance for the structure. The landscape plan utilizes the land formations to allow for coastal views by stepping the slopes to create clear low lines and layering of the landscaped areas. The landscape plan include clusters of xeriscaped landscaping areas, shrub lines mixed with dense plantings of bird of Paradise, and mulched permanent ground cover with a lined row of palm trees to create a vertical layer of green. The project incorporates green principles to meet the varying housing types in La Jolla. The project is part of the Sustainable Expedite program and includes a

roof-mounted photovoltaic system consisting of solar panels. The solar panels are designed to provide a minimum of 50% of the projects energy requirements, in conformance with Council Policy 900-14 requirements. The building also adds sustainable features which include lights, climate and shade devices handled electronically for energy savings, the use of engineered lumber where possible to reduce natural wood products, and drought tolerant native planting. Therefore, 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.

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 subject property is not located between the sea and the first public roadway paralleling the sea, though is located within 300 feet of the inland extent of a beach. The project will not impact any public access. The subject property is located at 6767 Neptune Place fronting on Neptune Place to the west. The property is approximately 100 feet eastward from the mean high tide line of the Pacific Ocean. The proposed development will take place entirely within private property and will not encroach onto or impact any existing or proposed physical public access ways. Access to the coastline is provided via the existing adjacent public road and public right-of-way for Neptune Place, allowing access for pedestrians and recreational uses. Therefore, the project has demonstrated conformance with the public access and recreation policies of the California Coastal Act as required by this finding.

B. Site Development Permit Findings - 126.0504(a)

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

The subject property is located at 6767 Neptune Place, in the south central coastal area of La Jolla, California. The property is located in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone within the La Jolla Community Plan and Local Coastal Program Land Use Plan.

The proposed coastal development would demolish a 20,198 square foot 19 unit existing residential building and construct a new sustainable 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story parking garage on a 0.56 acre/24,250 square foot site. The existing structures were built in 1953 therefore were required to be reviewed for potential historical significance as the structure was 45 years old or older. The historic review determined that the property does not appear to be eligible for designation as an individually significant historic resource; therefore no further historic review was required. The project conforms to the 30 foot Coastal Height Limit requirement, and meets the required zoning yard setbacks. The proposed project is located in the "Subarea F-Windanseas" of the La Jolla Community Plan and Local Coastal Program Land Use Plan. The plan has assigned a variety of residential densities throughout the community. The Community Plan density designates the site as medium-high residential at 30 to 45 dwelling units per acre,

allowing 17 to 25 units. The zone designates the property as residential RM-3-7 which allows 1 dwelling unit for each 1,000 square feet of lot area, allowing 24 units. The minimum lot size is 7,000 square feet. The 24 unit multiple dwelling unit development conforms to the land use designations of the certified Local Coastal Plan land use plan. No public view to the water would be adversely affected by the approval of this project. The project would not interfere with any public access. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones, and the La Jolla Community Plan and Local Coastal Program Land Use Plan.

The purpose and intent of the La Jolla Community Plan is to provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides and to open space, and promote the development of a variety of housing types and styles in La Jolla. Another stated goal is to maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures. The proposed structure is a contemporary Venturi style architecture with large arches and recessed openings. The building exterior will be light earth tone stucco with stone accent panels in the same color to create a textural change and an offset appearance for the walls. Glass rails, stained trellis wood, and tiled roofs were utilized to soften and delineate the three levels for a stepped back appearance for the structure.

The proposed landscape plan utilizes the land formations to allow for coastal views by stepping the slopes to create clear low lines and layering of the landscaped areas. The landscape plan include clusters of xeriscaped landscaping areas, shrub lines mixed with dense plantings of bird of Paradise, and mulched permanent ground cover with a lined row of palm trees to create a vertical layer of green. The project incorporates green principles to meet the varying housing types in La Jolla. The project is part of the Sustainable Expedite program and includes a roof-mounted photovoltaic system consisting of solar panels. The solar panels are designed to provide a minimum of 50% of the projects energy requirements, in conformance with Council Policy 900-14 requirements. The building also adds sustainable features which include lights, climate and shade devices handled electronically for energy savings, the use of engineered lumber where possible to reduce natural wood products, and drought tolerant native planting. 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 subject property is located at 6767 Neptune Place and surrounded by existing residential units to the north, east and south, and the public right-of-way for Neptune Place to the west. The project site is an irregularly pie shaped lot that is relatively flat, and located approximately 100 feet from the waters of the Pacific Ocean. The lot is approximately 30 feet above Mean Sea Level (MSL), and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The site is adjacent to ESL though the project grading and development plans will not encroach in the ESL coastal bluff resources.

The City of San Diego conducted an environmental review of this site in accordance with CEQA guidelines. A Mitigation Negative Declaration was prepared and final. The project includes mitigation measures to offset potential impacts to Paleontological Resources based on Mitigated Negative Declaration No. 147066. A Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to Paleontological Resources to below a level of significance. The site is underlain by the Bay Point and Point Loma formations mapped as high sensitivity for paleontological resources. These formations could have the potential to discover significant paleontological resources as grading will include excavation into the subsurface soils for the construction of a subterranean parking garage. Mitigation for paleontological resources includes monitoring excavations during grading construction, evaluating any significant resources, and preparing post construction reports. Therefore, implementation of the paleontological Mitigation, Monitoring, and Reporting Program would mitigate potential paleontological resource impacts to a level below significance.

The proposed development will take place entirely within private property and includes grading, excavation to approximately 36 feet in depth, and export of approximately 18,042 cubic yards of soil to construct a two story subterranean basement. The basement is necessary to provide for the required 47 automobile parking spaces for 24 units as the building height is restricted to 30 feet. The proposed structure incorporates green principles. The roof includes solar panels sufficient to generate at least 50 percent of the project's projected energy consumption. The project will be constructed in accordance with engineering standards and Best Management Practices [BMPs] to create a safe and stable site. The project will not alter the existing drainage patterns. The majority of the storm runoff from roof areas and other impervious surfaces will be directed through courtyard drains into a CDS treatment system. The CDS treatment system will separate and trap debris, sediment, oil, and grease from stormwater runoff before conveying runoff to the curb. The proposed project conforms to the development regulations for a priority project based on storm water quality standards. Remaining runoff will flow into landscape areas. The proposed development would be required to obtain Building Permits to show that all construction would comply with all applicable Building and Fire Code requirements. A Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to paleontological resources to below a level of significance. Therefore, the proposed development 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.

The subject property is located at 6767 Neptune Place, in the RM-3-7 Zone, appealable Coastal Overlay Zone, Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone within the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed coastal development would demolish a 20,198 square foot 19 unit existing residential building and construct a new sustainable 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story parking garage on a 0.56 acre/24,250 square foot site. The project conforms to the 30 foot Coastal Height Limit requirement, and meets the required zoning yard setbacks. The zone designates the property as residential RM-3-7 which allows a minimum lot size of 7,000 square feet and allows 1 dwelling

unit for each 1,000 square feet of lot area. The 24 unit multiple dwelling unit development conforms to the Land Development Code. No public view to the water would be adversely affected by the approval of this project. The project would not interfere with any public access. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones, and the La Jolla Community Plan and Local Coastal Program Land Use Plan.

The required landscape plan utilizes the land formations to allow for coastal views by stepping the slopes to create clear low lines and layering of the landscaped areas. The landscape plan include clusters of xeriscaped landscaping areas, shrub lines mixed with dense plantings of bird of Paradise, and mulched permanent ground cover with a lined row of palm trees to create a vertical layer of green. The project incorporates sustainable features. The project is part of the Sustainable Expedite program and includes a roof-mounted photovoltaic system consisting of solar panels. The solar panels are designed to provide a minimum of 50% of the projects energy requirements, in conformance with Council Policy 900-14 requirements. The building also adds sustainable features which include lights, climate and shade devices handled electronically for energy savings, the use of engineered lumber where possible to reduce natural wood products, and drought tolerant native planting. The project is required to improve the pedestrian access along the public street frontage and dedicate an additional 4 feet of public right-of-way. The project will construct new curb, gutter and sidewalks along the entire property frontage with the street, where continuous sidewalks do not currently exist. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

C. MC 126.0504(b) - Supplemental Findings Environmentally Sensitive Lands for Site Development Permit Approval

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 subject property is located at 6767 Neptune Place and surrounded by existing residential units to the north, east and south, and the public right-of-way for Neptune Place to the west. The project site is an irregularly pie shaped lot that is relatively flat, and located approximately 100 feet from the waters of the Pacific Ocean. The lot is approximately 30 feet above Mean Sea Level (MSL), and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The site is adjacent to Environmental Sensitive Lands (ESL) therefore the project required a Site Development Permit. Every development proposed on a sensitive coastal bluff that is within 100 feet of the bluff edge, is subject to the Environmentally Sensitive Lands regulations. However, the project will not encroach into the ESL. The project grading and development plans will not encroach in the ESL coastal bluff resources. The project is not required to grant a Covenant of Easement for the adjacent ESL since the ESL is off-site and within the City public right-of-way.

Residential land uses surround the property to the north, east and south. The City public right-of-way, which includes Neptune Place, abuts the property to the west and includes the ESL coastal bluff and beach area westward to the mean high tide line. This City right-of-way was dedicated for public use and allows public access along the bluff and beach area below the project. Two

City coastal parks are located to the northwest and southwest of the project area; the Windansea Shoreline Park, and the La Jolla Strand Park, respectively. The beach area directly west of the project is not a part of these dedicated Parks. The scenic beaches along this area are characterized by their gently sloped cliffs covered with vegetation, and a rocky shore with surf breaks. The project was required to designate a coastal bluff edge which is located approximately 40 to 50 feet west of the project site at the west side of Neptune Place. At the coastal bluff edge a coastal bluff slope farther descends down approximately 22 feet to the ocean and beach below. The project grading and development plans will not encroach in the ESL coastal bluff resources and the project maintains a 40 setback from the designated coastal bluff edge. The City of San Diego conducted an environmental review of this site in accordance with CEQA guidelines. A Mitigation Negative Declaration was prepared and final. The project includes mitigation measures to offset potential impacts to on-site Paleontological Resources based on Mitigated Negative Declaration No. 147066. No other mitigation was required. 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 subject property located at 6767 Neptune Place is a previously developed 0.56 acre lot with an existing 20,198 square foot 19 unit residential building built in 1953. The property is surrounded by existing residential units to the north, east and south, and the public right-of-way for Neptune Place to the west. The project site is an irregularly pie shaped lot that is relatively flat, and located approximately 100 feet west of the waters of the Pacific Ocean. The lot is approximately 30 feet above Mean Sea Level (MSL), and is located above the 100-year floodplain. The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The site is adjacent to ESL though the project grading and development plans will not encroach in the ESL coastal bluff resources.

The City of San Diego conducted an environmental review of this site in accordance with CEQA guidelines. A Mitigation Negative Declaration was prepared and final. The project includes mitigation measures to offset potential impacts to Paleontological Resources based on Mitigated Negative Declaration No. 147066. A Mitigation, Monitoring and Reporting Program will be implemented to reduce impacts to Paleontological Resources to below a level of significance.

The proposed redevelopment would construct a new sustainable three story 32,780 square foot 24 unit residential apartment building with a two story 25,150 square foot subterranean parking garage. The development will take place entirely within private property. Grading includes excavation to approximately 36 feet in depth, and export of approximately 18,042 cubic yards of soil to construct a two story subterranean basement. The basement is necessary to provide for the required 47 automobile parking spaces for 24 units as the building height is restricted to 30 feet. The project will be constructed in accordance with engineering standards and Best Management Practices [BMPs] to create a safe and stable site. A Water Quality Technical Report dated November 10, 2009 was prepared and concluded that the project will not alter the existing drainage patterns. The majority of the storm runoff from roof areas and other impervious surfaces will be directed through courtyard drains into a CDS treatment system. The CDS treatment

system will separate and trap debris, sediment, oil, and grease from stormwater runoff before conveying runoff to the curb. The proposed project conforms to the development regulations for a priority project based on storm water quality standards. Remaining runoff will flow into landscape areas.

Geotechnical Reports were prepared for the project by Christian Wheeler Engineering dated October 12, 2009 and December 18, 2008 and July 25, 2007, to assess the potential geologic hazards affecting the site. The reports concluded that the site is not located on any known active or potentially active fault traces, as defined by the California Geological Survey, nor is it located within a State of California Alquist-Priolo Earthquake Fault Zone, or within the City of San Diego Special Studies area. The project site was considered to have a relatively low risk potential for soil liquefaction, slope failure and landsliding. The geotechnical consultant prepared a bluff stability analyses and annual rate of recession for the adjacent coastal bluff, and concluded that the project site is stable to support the proposed development with the planned bluff edge setback. No coastal protective devices exist seaward of the project site. The right-of-way for Neptune Place exists between the project and the coastal bluff edge. The proposed structures are located at least forty-foot landward from the nearest designated coastal bluff edge, therefore the proposed structures are in conformance with the Coastal Bluffs and Beaches Guidelines based on the Sensitive Coastal Overlay Zone and Environmentally Sensitive Lands regulations.

The proposed development would be required to obtain Building Permits to show that all construction would comply with all applicable Building and Fire Code requirements. Engineering designs are required to meet standards that are verified during the permit review and construction process. 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 subject property is located at 6767 Neptune Place fronting on Neptune Place to the west, Playa Del Norte Street on the north and Playa Del Sur Street on the south. The property is approximately 100 feet eastward from the mean high tide line of the Pacific Ocean. The coastal bluff and beach and the City public right-of-way for Neptune Place exist within this 100 foot area. The proposed coastal development would demolish a 20,198 square foot 19 unit existing residential building and construct a new sustainable 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story parking garage on a 0.56 acre site.

The development will take place entirely within private property. The site is adjacent to Environmental Sensitive Lands (ESL) therefore the project required a Site Development Permit. Every development proposed on a sensitive coastal bluff that is within 100 feet of the bluff edge, is subject to the Environmentally Sensitive Lands regulations. However, the project will not encroach into the ESL. The project grading and development plans will take place within private property and will not encroach in the adjacent ESL coastal bluff resources. The proposed project conforms to the development regulations for a priority project based on storm water quality standards and BMPs that will be implemented. The proposed structures are located at least forty-

feet landward from the nearest designated coastal bluff edge, therefore the proposed structures are in conformance with the Coastal Bluffs and Beaches Guidelines based on the Sensitive Coastal Overlay Zone and Environmentally Sensitive Lands regulations. 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 subject property located at 6767 Neptune Place is a previously developed 0.56 acre lot with an existing 20,198 square foot 19 unit residential building. The property is surrounded by existing residential units to the north, east and south, and the public right-of-way for Neptune Place to the west. The project site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The site is adjacent to ESL though the project grading and development plans will not encroach in the ESL coastal bluff resources. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

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

The subject property is located at 6767 Neptune Place fronting on Neptune Place to the west, Playa Del Norte Street on the north and Playa Del Sur Street on the south. The property is approximately 100 feet eastward from the mean high tide line of the Pacific Ocean. The coastal bluff and beach and the City public right-of-way for Neptune Place exist within this 100 foot area. The proposed coastal development would demolish a 20,198 square foot 19 unit existing residential building and construct a new sustainable 32,780 square foot 24 unit residential three story apartment building with a 25,150 square foot subterranean two story parking garage on a 0.56 acre site. The development will take place entirely within private property.

A Water Quality Technical Report dated November 10, 2009 was prepared and concluded that the project will not alter the existing drainage patterns. The majority of the storm runoff from roof areas and other impervious surfaces will be directed through courtyard drains into a CDS treatment system. The CDS treatment system will separate and trap debris, sediment, oil, and grease from stormwater runoff before conveying runoff to the curb. The proposed project conforms to the development regulations for a priority project based on storm water quality standards. Remaining runoff will flow into landscape areas. The existing drainage patterns would not be altered, and the project would add a stormwater treatment system where no system currently exists. Therefore, the proposed development 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 subject property is located at 6767 Neptune Place and surrounded by existing residential units to the north, east and south, and the public right-of-way for Neptune Place to the west. The property is approximately 100 feet eastward from the mean high tide line of the Pacific Ocean. The project is within 100 feet of the coastal bluff edge. Every development proposed on a sensitive coastal bluff that is within 100 feet of the bluff edge, is subject to the Environmentally Sensitive Lands regulations therefore the project required a Site Development Permit. However, the project will not encroach into the ESL. The project grading and development plans will take place within private property and will not encroach in the adjacent ESL coastal bluff resources. No mitigation was required. The proposed structures are located at least forty-feet landward from the nearest designated coastal bluff edge as required by the Coastal Bluffs and Beaches Guidelines based on the Sensitive Coastal Overlay Zone and Environmentally Sensitive Lands regulations. Therefore, 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.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 518964 and Site Development Permit No. 519873 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 518964 and Site Development Permit No. 519873, a copy of which is attached hereto and made a part hereof.

Diane Murbach
Development Project Manager
Development Services

Adopted on: June 3, 2010

Internal Order No. 23430092

PLANNING COMMISSION
RESOLUTION NUMBER PC-_____-2 [MMRP]

NEPTUNE APARTMENTS – PROJECT NO. 147066
MITIGATED NEGATIVE DECLARATION NO. 147066

ADOPTED ON JUNE 3, 2010

WHEREAS, on July 24, 2009, Westgate Park LLC, West Prince Road LLC, and 250 North Arcadia LLC, Arizona Limited Liability Companies, submitted an application to the Development Services Department for Coastal Development Permit No. 518964 and Site Development Permit No. 519873, Project No. 147066.

WHEREAS, the Permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on June 3, 2010; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 147066; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 147066 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 report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By: _____
Diane Murbach
Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT NO. 518964 SITE DEVELOPMENT PERMIT NO. 519873

PROJECT NO. 147066

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 147066) shall be made conditions of the Coastal Development Permit No. 518964 and Site Development Permit No. 519873 as may be further described below.

GENERAL REQUIREMENTS

1. Prior to issuance of any construction permit the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures **PALEONTOLOGICAL RESOURCES** have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Consultant (Paleontologist), Applicant and other parties of interest.
3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

- 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
- 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

- 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

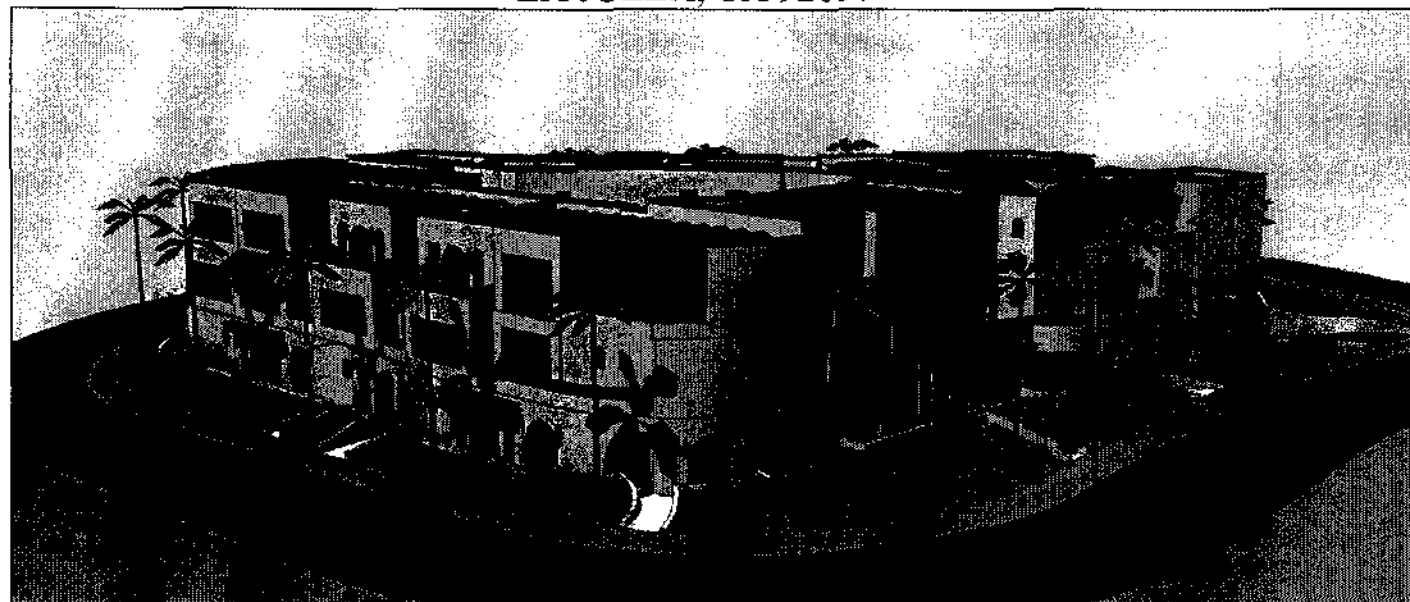
- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

PREMIER NEPTUNE

COASTAL DEVELOPMENT PERMIT, SITE DEVELOPMENT PERMIT
6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037



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Morton
Architects**

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Claude Anthony Marengo Dens



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<p style="text-align: center;">VICINITY MAP</p>	<p style="text-align: center;">STORAGE SPACE CALCULATIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>STORAGE SPACE CALCS.</th> <th>Ex-Use</th> <th>NEW</th> <th>New Total Area</th> </tr> </thead> <tbody> <tr><td>STORAGE SPACE 1</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 2</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 3</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 4</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 5</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 6</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 7</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 8</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 9</td><td>100</td><td>100</td><td>200</td></tr> <tr><td>STORAGE SPACE 10</td><td>100</td><td>100</td><td>200</td></tr> 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117	100	100	100		Room 118	100	100	100		Room 119	100	100	100		Room 120	100	100	100		Room 121	100	100	100		Room 122	100	100	100		Room 123	100	100	100		Room 124	100	100	100		Room 125	100	100	100		Room 126	100	100	100		Room 127	100	100	100		Room 128	100	100	100		Room 129	100	100	100		Room 130	100	100	100		Room 131	100	100	100		Room 132	100	100	100		Room 133	100	100	100		Room 134	100	100	100		Room 135	100	100	100		Room 136	100	100	100		Room 137	100	100	100		Room 138	100	100	100		Room 139	100	100	100		Room 140	100	100	100		Room 141	100	100	100		Room 142	100	100	100		Room 143	100	100	100		Room 144	100	100	100		Room 145	100	100	100		Room 146	100	100	100		Room 147	100	100	100		Room 148	100	100	100		Room 149	100	100	100		Room 150	100	100	100		Room 151	100	100	100		Room 152	100	100	100		Room 153	100	100	100		Room 154	100	100	100		Room 155	100	100	100		Room 156	100	100	100		Room 157	100	100	100		Room 158	100	100	100		Room 159	100	100	100		Room 160	100	100	100		Room 161	100	100	100		Room 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NEPTUNE PLACE, LA JOLLA, CA 92037</p> <p>OWNER: [REDACTED]</p> <p>ARCHITECT: MARENGO MORTON ARCHITECTS</p> <p>DATE: 10/30/2009</p> <p>SCALE: 1/8" = 1'-0"</p> <p>PROJECT NO.: 2007-11</p> <p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td>1</td><td>10/30/09</td><td>PRELIMINARY REVIEW</td></tr> <tr><td>2</td><td>11/20/09</td><td>PERMITS SUBMITTED</td></tr> <tr><td>3</td><td>01/15/10</td><td>PERMITS ISSUED</td></tr> <tr><td>4</td><td>09/10/09</td><td>CITY COMMENTS</td></tr> <tr><td>5</td><td>10/30/09</td><td>CITY COMMENTS</td></tr> </tbody> </table>	NO.	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<p style="text-align: center;">PROJECT TEAM</p> <p>SITE: 6767-69 Neptune Place, La Jolla, CA 92037</p> <p>OWNER'S REPRESENTATIVES: Grant Caudon, 1401 Orsolo Dr, Los Angeles, CA 90069, Telephone: (858) 551-0623, gcaudon@gsa.com</p> <p>ARCHITECT: Marengo Morton Architects, 1246 Rowley Lane, La Jolla, CA 92037, Telephone: (858) 459-3769, Fax: (858) 459-3768, Contact: Claude Anthony Marengo, cmarengo@marchitects.com, Cell: (619) 417-1111</p> <p>CIVIL ENGINEER: Circum Surveying, Inc, 5525 Mission Rd, Suite D, Bonita, CA 92003, Tel: (760) 806-7955, www.circumsurveying.com, Contact: Chris Circum</p> <p>GEOTECHNICAL ENGINEER: Christian Wheeler Engineering, 4925 Mercury St, San Diego, CA 92111, Tel: (858) 496-9760, Fax: (858) 496-9758, Contact: David Russell</p>	<p style="text-align: center;">SHEET INDEX</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Sheet Name</th> <th>Content</th> <th>Scale</th> </tr> </thead> <tbody> <tr><td>T-1</td><td>Cover/Title Sheet</td><td>N/A</td></tr> <tr><td>TS-1.1</td><td>Topographic Plan</td><td>1" = 1'-0"</td></tr> <tr><td>TS-1.2</td><td>Topographic Plan</td><td>1" = 1'-0"</td></tr> <tr><td>A-1.1</td><td>Site Plan</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-1.2</td><td>Gross Floor Area Diagram</td><td>1/16" = 1'-0"</td></tr> <tr><td>A-1.3</td><td>Site Yard Setback Analysis Diagram</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-2.1</td><td>Demolition Plan</td><td>3/32" = 1'-0"</td></tr> <tr><td>A-2.2</td><td>Basement Floor Plan</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-2.3</td><td>Basement Floor Plan Lower Level</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-2.4</td><td>Parking Minicover Studied</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-2.5</td><td>First Floor Plan</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-2.6</td><td>Second Floor Plan</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-2.7</td><td>Third Floor Plan</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-4.1</td><td>Roof Plan</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-5.1</td><td>Exterior Elevations</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-5.2</td><td>Exterior Elevations</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-6.1</td><td>Sections</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-6.2</td><td>Sections</td><td>1/8" = 1'-0"</td></tr> <tr><td>A-6.3</td><td>Sections</td><td>1/8" = 1'-0"</td></tr> <tr><td>L-1.1</td><td>Landscape Development Plan</td><td>1/8" = 1'-0"</td></tr> <tr><td>L-1.2</td><td>Landscape Perspective Elevations</td><td>N/A</td></tr> <tr><td>PS-1.1</td><td>Photo Survey, View Corridors</td><td>N/A</td></tr> <tr><td>PS-1.2</td><td>Photo Survey, Bulk & Scale</td><td>N/A</td></tr> <tr><td>PS-1.3</td><td>Photo Survey, Bulk & Scale</td><td>N/A</td></tr> <tr><td>PS-1.4</td><td>Photo Survey, Public ROW</td><td>N/A</td></tr> </tbody> </table>	Sheet Name	Content	Scale	T-1	Cover/Title Sheet	N/A	TS-1.1	Topographic Plan	1" = 1'-0"	TS-1.2	Topographic Plan	1" = 1'-0"	A-1.1	Site Plan	1/8" = 1'-0"	A-1.2	Gross Floor Area Diagram	1/16" = 1'-0"	A-1.3	Site Yard Setback Analysis Diagram	1/8" = 1'-0"	A-2.1	Demolition Plan	3/32" = 1'-0"	A-2.2	Basement Floor Plan	1/8" = 1'-0"	A-2.3	Basement Floor Plan Lower Level	1/8" = 1'-0"	A-2.4	Parking Minicover Studied	1/8" = 1'-0"	A-2.5	First Floor Plan	1/8" = 1'-0"	A-2.6	Second Floor Plan	1/8" = 1'-0"	A-2.7	Third Floor Plan	1/8" = 1'-0"	A-4.1	Roof Plan	1/8" = 1'-0"	A-5.1	Exterior Elevations	1/8" = 1'-0"	A-5.2	Exterior Elevations	1/8" = 1'-0"	A-6.1	Sections	1/8" = 1'-0"	A-6.2	Sections	1/8" = 1'-0"	A-6.3	Sections	1/8" = 1'-0"	L-1.1	Landscape Development Plan	1/8" = 1'-0"	L-1.2	Landscape Perspective Elevations	N/A	PS-1.1	Photo Survey, View Corridors	N/A	PS-1.2	Photo Survey, Bulk & Scale	N/A	PS-1.3	Photo Survey, Bulk & Scale	N/A	PS-1.4	Photo Survey, Public ROW	N/A	<p style="text-align: center;">PARKING CALCULATIONS</p> <p>PROJECT PARKING CALCULATION INFORMATION</p> <p>AUTOMOBILE PARKING REQUIREMENTS* - Current Building Program</p> <table border="1" style="width: 100%; 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Total Motorcycle Parking Required	0	0																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
<p style="text-align: center;">DETAILED SCOPE OF WORK</p> <p>Requesting permit for CDDP to construct a new 2-level underground parking structure for 48 cars, 12 bicycles & 2 motorcycles. Construction of 24 new dwelling units, on a 24,250 Sq. Ft. lot in La Jolla. Site improvements consisting of new site walls, landscaping, miscellaneous pathways, New landscape & irrigation throughout site.</p> <p>Units are for rent only. Units are not for sale.</p> <p>Requested Permits: A CDDP for the demolition of 19 dwelling units and the construction of 24 dwelling units - Phase Three, and a SDP for multiple unit residential development on a premises containing environmentally sensitive lands (ESL) - Process Three.</p>	<p style="text-align: center;">PROJECT INFORMATION</p> <p>PROJECT NAME: PREMIER NEPTUNE</p> <p>PROJECT ADDRESS: 6767-69 NEPTUNE PLACE, LA JOLLA, CA 92037</p> <p>OWNER: [REDACTED]</p> <p>ARCHITECT: MARENGO MORTON ARCHITECTS</p> <p>DATE: 10/3</p>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	

ALTA/ACSM LAND TITLE SURVEY

LEGAL DESCRIPTION

THAT PORTION OF BLOCK 3 OF LA JOLLA STRAND, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1216, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 18, 1909, LYING WESTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID BLOCK, THENCE SOUTHWESTERLY IN A STRAIGHT LINE 54.50 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID BLOCK, THENCE SOUTHWESTERLY IN A STRAIGHT LINE 58.00 FEET TO A POINT IN SAID SOUTHERLY LINE, THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE 100.00 FEET TO A POINT "A" OF THIS DESCRIPTION AND THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE, THENCE NORTHWESTERLY IN A STRAIGHT LINE TO POINT "B" OF THIS DESCRIPTION.

THE LOCATION OF POINT "B" BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID BLOCK, THENCE SOUTHWESTERLY IN A STRAIGHT LINE 48.00 FEET TO A POINT IN THE NORTHERLY LINE OF SAID BLOCK, THENCE SOUTHWESTERLY IN A STRAIGHT LINE 45.00 FEET TO A POINT "A" SAID NORTHERLY LINE, THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE 100.00 FEET TO POINT "B".

EXCEPTING THEREFROM THAT PORTION OF BLOCK 3 OF LA JOLLA STRAND, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1216, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 18, 1909, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT "A" OF THE HEREIN DESCRIBED PROPERTY, THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID BLOCK 10.00 FEET, THENCE NORTHERLY 45.00 FEET TO A POINT IN THE STRAIGHT LINE DRAWN BETWEEN POINTS "A" AND "B", THENCE SOUTHWESTERLY ALONG SAID LINE TO THE POINT OF BEGINNING.

APN: 351-387-01

TITLE EXCEPTIONS/EASEMENTS

ITEM NUMBERS PER PRELIMINARY TITLE REPORT BY CHICAGO TITLE COMPANY AS ORDER NO. 73012003-U-6, DATED DECEMBER 28, 2006.

3. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTIA, THEREON AS SET FORTH IN A DOCUMENT.

GRANTED TO: MALCOLM BRUCEWA COULTS AND VANDYVA ELIZABETH COULTS, HUSBAND AND WIFE AS JOINT TENANTS
PURPOSE: SEWER PIPE LINES AND INCIDENTAL PURPOSES
RECORDED: MARCH 21, 1992 IN BOOK 44-0, PAGE 343 OF OFFICIAL RECORDS
AFFECTS: THE ROUTE THEREOF AFFECTS A PORTION OF SAID LAND AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.

(SURVEYOR'S NOTE: EASEMENT DOES NOT AFFECT SUBJECT PROPERTY)

4. AN EASEMENT AND RIGHT OF WAY FOR A 6" SEWER MAIN ACROSS THE PROPERTY HEREIN DESCRIBED, FROM APPROXIMATELY THE CENTER LINE OF VIA DE MAR AVENUE (ON THE SOUTH) TO AN INTERSECTION WITH THE MIDPOINT ON THE SOUTH LINE OF LOT 81, BLOCK 1 OF LA JOLLA STRAND, AS DISCLOSED BY THE RECORDS IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF SAN DIEGO.

(SURVEYOR'S NOTE: NO WIDTH INDICATED, CENTERLINE OF EASEMENT PLOTTED HEREON)

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS A PORTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PLAYA DEL NORTE ST. AS SHOWN ON PRIVATE SURVEY NO. 876, DATED APR. 1953 BY JOHN WILHELM, LS 2416, FILED IN THE OFFICE OF THE COUNTY SURVEYOR OF SAN DIEGO COUNTY.

I.E. N 82.35'00" W

LAND AREA

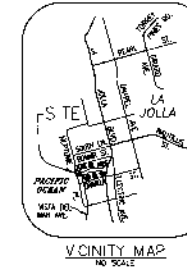
24,250 SQUARE FEET / 0.557 ACRE

GENERAL NOTES

1. THIS TITLE REPORT FOR THIS SURVEY WAS FURNISHED BY CHICAGO TITLE COMPANY AS ORDER NO. 73012003-U-6, DATED DECEMBER 28, 2006.
2. THIS BOUNDARY FOR THIS MAP IS BASED ON A FIELD SURVEY AND RECORD DATA PER PRIVATE SURVEY NO. 876.
3. ASSESSOR'S PARCEL NUMBER: 351-387-01

STATEMENT OF ENCROACHMENTS

- CONCRETE PATIO ADJACENT TO BUILDING ALONG NORTHERLY BOUNDARY OF SUBJECT PROPERTY ENCRDACHING 2.3' MAXIMUM INTO PUBLIC RIGHT OF WAY.
- OVERHEAD UTILITIES ALONG THE NORTHERLY BOUNDARY ENCRDACHING 7.0' MAXIMUM ONTO SUBJECT PROPERTY.

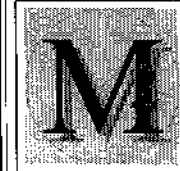


REVISIONS	DATE	APPR'D.
DISORDINA		
NO.		
CIREMELE SURVEYING, INC. 104 S. ESCONDIDO BLVD. ESCONDIDO, CA. 92025 (760) 489-2200		
SHEET TITLE	DATE	BY
ALTA/ACSM SURVEY	12/31/07	CS
PREPARATION OF BLK. 3, MAP NO. 1216	12/31/07	CS
6767-69 NEPTUNE PLACE		
LA JOLLA, CA. 92037		
SHEET NO.		
2		

SURVEYOR'S CERTIFICATE

TO THOMAS M. HUNKE, PREMIER COASTAL DEVELOPMENT, SAN DIEGO NATIONAL BANK AND CHICAGO TITLE COMPANY, ITS SUCCESSORS AND ASSIGNS: THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2002, AND INCLUDES ITEMS 2, 8, 9, 10, AND 11a OF TABLE THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF CALIFORNIA, THE BELIEVE POSITIVE ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATE: _____
CHRIS D. CIREMELE
LIC. EXP. 12/31/2007



Marengo Morton Architects

7724 Girard Ave,
Second Floor
La Jolla, CA 92037
Tel. (858) 459-3769
Fax. (858) 459-3768
Michael Morton AIA
Claude Anthony Marengo DESA



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NEPTUNE PLACE
6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037

REVISIONS
11-14-07 Preliminary Review
02-15-08 Final Construction Submittal
07-24-09 Council Recommendation
09-04-09 Cycle Survey Responses
Community Comments
10-30-09 City Councils



PHASE COASTAL PHASE

PROJECT NO. 2007-11

PROPERTY CAM

DESIGNED BY MUGRD

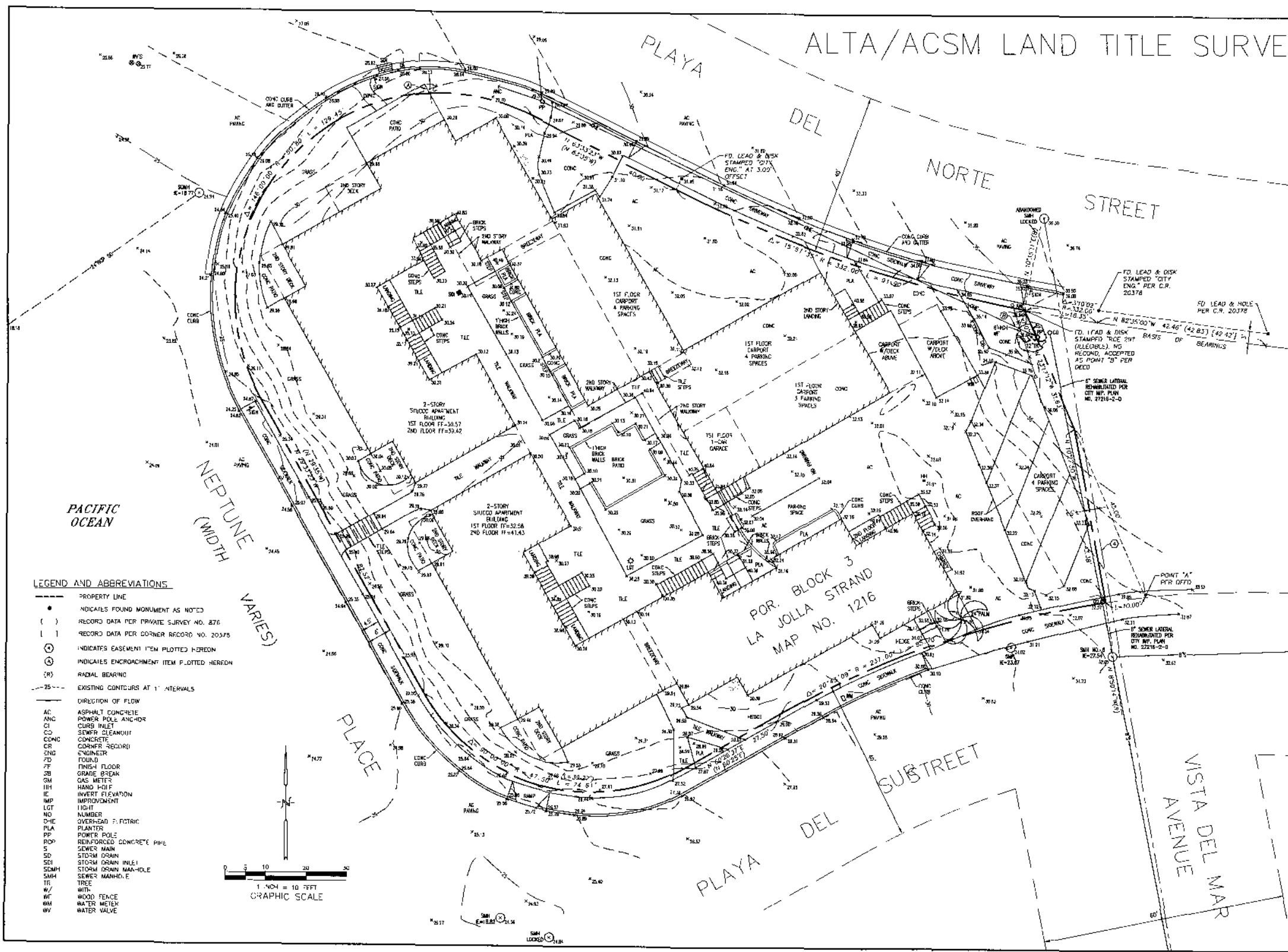
DATE 10-30-2009

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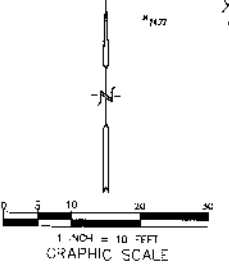
PROJECT TITLE TOPOGRAPHIC PLAN

TS-1.1

SHEET 2 OF 25



- LEGEND AND ABBREVIATIONS:**
- PROPERTY LINE
 - INDICATES FOUND MONUMENT AS NOTED
 - () RECORD DATA PER PRIVATE SURVEY NO. 876
 - | | RECORD DATA PER CORNER RECORD NO. 20378
 - ⊕ INDICATES EASEMENT ITEM PLOTTED HEREON
 - ⊙ INDICATES ENCROACHMENT ITEM PLOTTED HEREON
 - (R) RADIAL BEARING
 - 75- - EXISTING CONTOURS AT 1' INTERVALS
 - DIRECTION OF FLOW
 - AC ASPHALT CONCRETE
 - ANC POWER POLE AND/OR CURB INLET
 - CI CONCRETE
 - CO CONCRETE
 - CR CONCRETE RECORD
 - CNG CONCRETE
 - FD FOUND
 - FF FINISH FLOOR
 - GB GRADE BREAK
 - GM GAS METER
 - HH HAND HOLE
 - IE INVERT ELEVATION
 - IMP IMPROVEMENT
 - LGT LIGHT
 - NO NUMBER
 - OC OVERHEAD F. POTRIC
 - PLA PLANTER
 - PP POWER POLE
 - RCP REINFORCED CONCRETE PIPE
 - S SEWER MAIN
 - SD STORM DRAIN
 - SDI STORM DRAIN INLET
 - SDMH STORM DRAIN MAN-HOLE
 - SMH SEWER MAN-HOLE
 - TR TREE
 - W/ WITH
 - WF WOOD FENCE
 - WM WATER METER
 - WV WATER VALVE



NO.	REVISIONS	DATE	APPROVED
1	ADDED 1 FOOT CONTOURS	5/27/09	CC
2	ADDITIONAL SURVEY INFORMATION ALONG EASTERLY PROPERTY LINE	9/7/09	CC

SHEET TITLE	ALTA/ACSM SURVEY
PROPORTION OF B.K. 5, MAP NO. 12	6767-69 NEPTUNE PLACE
	LA JOLLA, CA. 92037

SHEET NO.	4
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CIREMELE SURVEYING, INC.
 164 S. ESCONDIDO BLVD.
 ESCONDIDO, CA. 92025
 (760) 489-8200



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 Claude Anthony Marengo DREA



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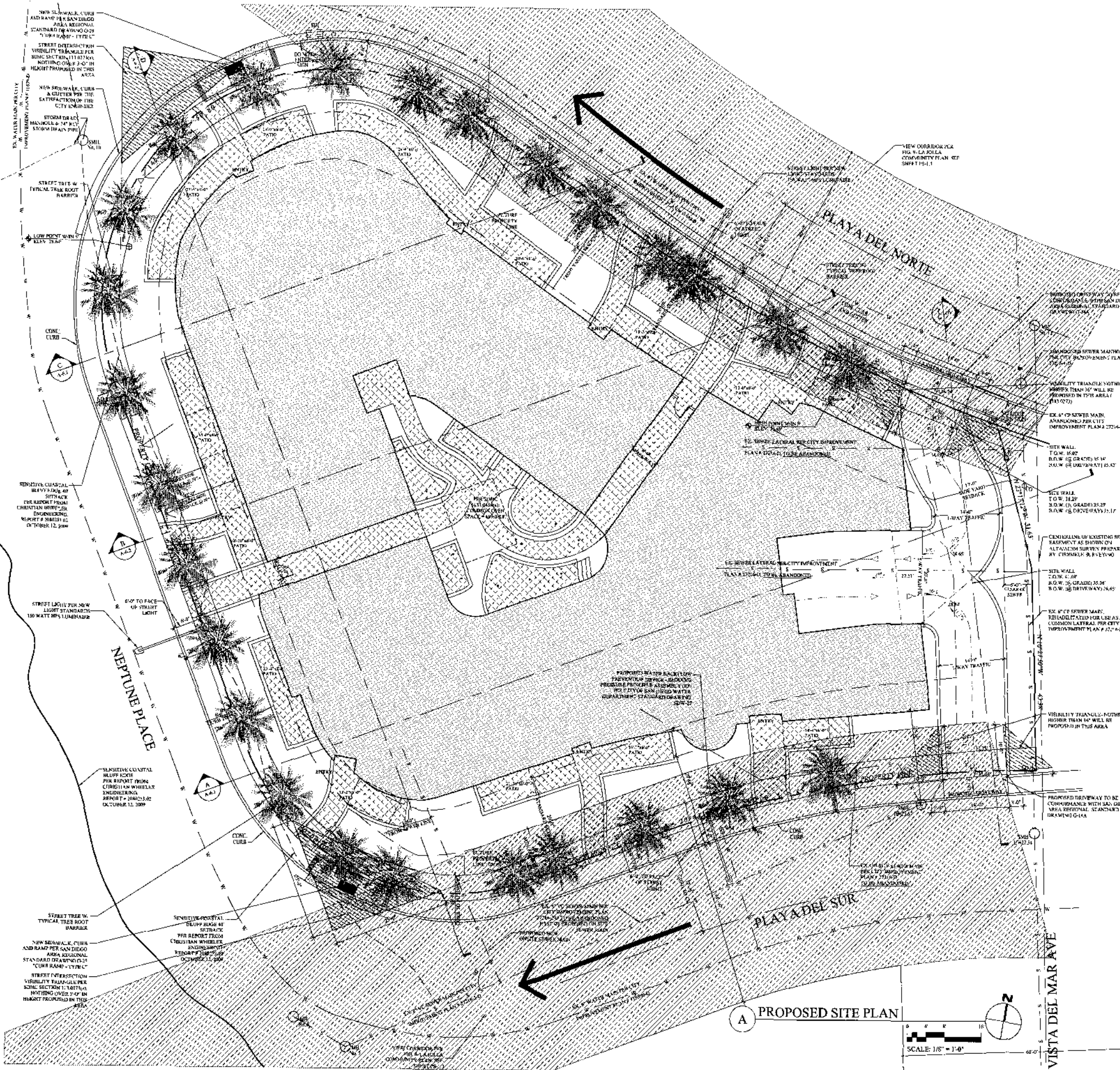
NEPTUNE PLACE
 6767-69 NEPTUNE PLACE
 LA JOLLA, CA 92037

11-1207 Preliminary Review
 15-15-08 Final Coastal Submittal
 07-24-09 Coastal Resubmittal
 09-14-09 Coastal Review Response
 10-04-09 City Comments

PROJECT	COASTAL PHASE
PROJECT NO.	2007-11
DESIGNED BY	CAM
DRAWN BY	MIGKD
DATE	10-30-2009

These drawings were prepared by the undersigned professional engineer or architect, and the undersigned professional engineer or architect is a duly licensed professional engineer or architect in the State of California. The undersigned professional engineer or architect is not responsible for the accuracy of the information provided to the undersigned professional engineer or architect. The undersigned professional engineer or architect is not responsible for the accuracy of the information provided to the undersigned professional engineer or architect. The undersigned professional engineer or architect is not responsible for the accuracy of the information provided to the undersigned professional engineer or architect.

SHEET TITLE
 TOPOGRAPHIC PLAN
TS-1.2
 SHEET 3 OF 25



FIRE NOTES

1. Building exterior surfaces visible & legible from the street, shall provide per IBCS, Section 903.4.1 (IBC 903.4.1).
2. An approved automatic fire alarm system with 24-hour central station, shall be provided for the building. The system shall be installed in accordance with the provisions of IBCS, Section 907.5 (IBC 907.5).
3. An approved fire alarm system shall be provided for the building. The system shall be installed in accordance with the provisions of IBCS, Section 907.5 (IBC 907.5).
4. Fire alarm system shall be installed in accordance with the provisions of IBCS, Section 907.5 (IBC 907.5).
5. Fire alarm system shall be installed in accordance with the provisions of IBCS, Section 907.5 (IBC 907.5).

SITE NOTES

1. This project must comply with the International Code Requirements for Building Construction (IBC) 2006 Edition and all applicable codes and regulations.
2. The applicant shall provide a site plan showing the proposed building footprint, setbacks, and other site details.
3. The applicant shall provide a site plan showing the proposed building footprint, setbacks, and other site details.
4. The applicant shall provide a site plan showing the proposed building footprint, setbacks, and other site details.
5. The applicant shall provide a site plan showing the proposed building footprint, setbacks, and other site details.

DISCRETIONARY PERMIT CONDITIONS

1. Prior to building occupancy, the applicant shall submit a site plan showing the proposed building footprint, setbacks, and other site details.
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DISCRETIONARY PERMIT CONDITIONS

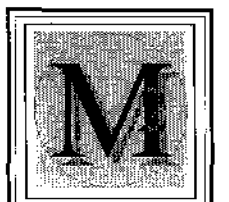
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CUT & FILL NOTES:

1. The applicant shall provide a site plan showing the proposed building footprint, setbacks, and other site details.
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 Second Floor
 La Jolla, CA 92037
 Tel. (858) 459-3769
 Fax. (858) 459-3768
 Michael Morton AIA
 Claude Anthony Marengo Drex



All design plans and specifications shall conform to the requirements of the City of San Diego and the State of California. The architect shall be responsible for obtaining all necessary permits and approvals. The architect shall be responsible for obtaining all necessary permits and approvals. The architect shall be responsible for obtaining all necessary permits and approvals.

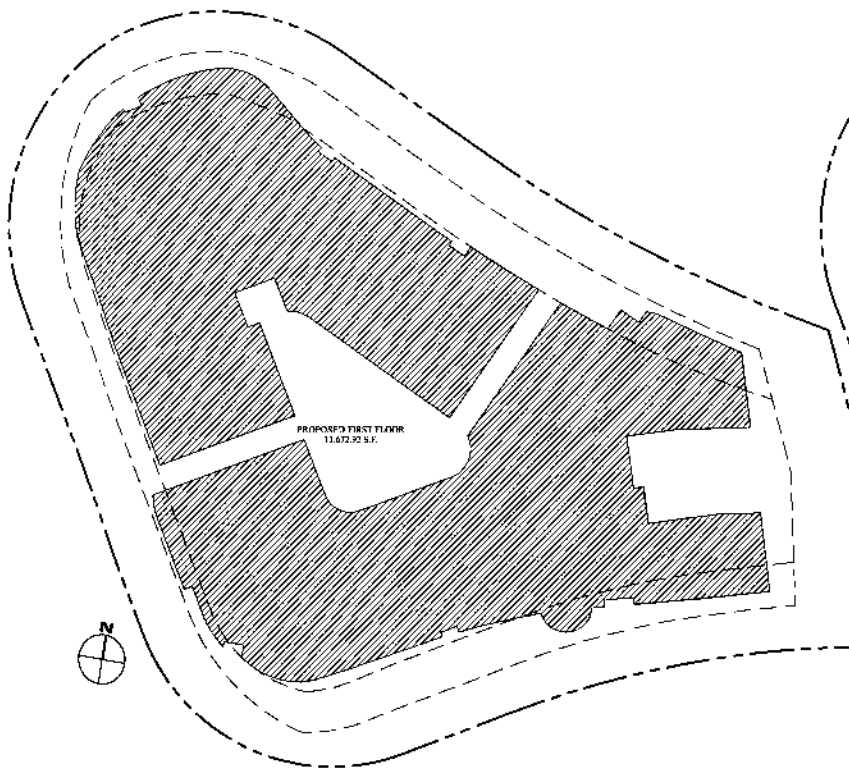
NEPTUNE PLACE
 6767-69 NEPTUNE PLACE
 LA JOLLA, CA 92037

11-1-2007 Preliminary Review
 03-15-2008 Full Coastal Submittal
 07-14-08 Coastal Approval
 09-10-08 Cycle Issues Response
 10-30-08 City Council

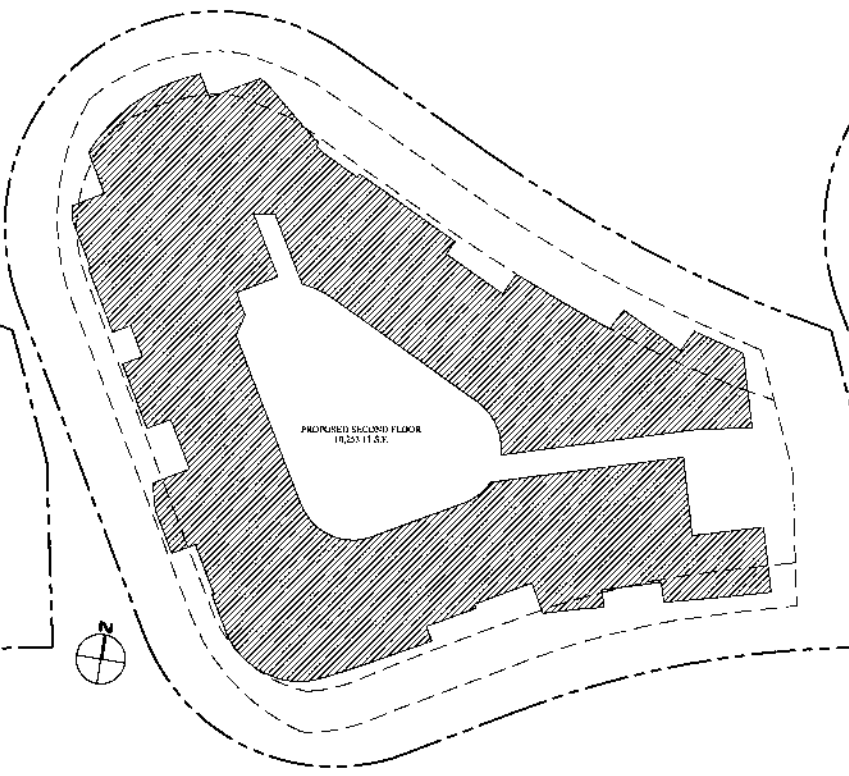
PHASE COASTAL PHASE
 PROJECT NO. 2007-1
 PREPARED BY CAM
 DRAWN BY MP/KRD
 DATE: 10-30-2009

SHEET TITLE: SITE PLAN
 SHEET 4 OF 25

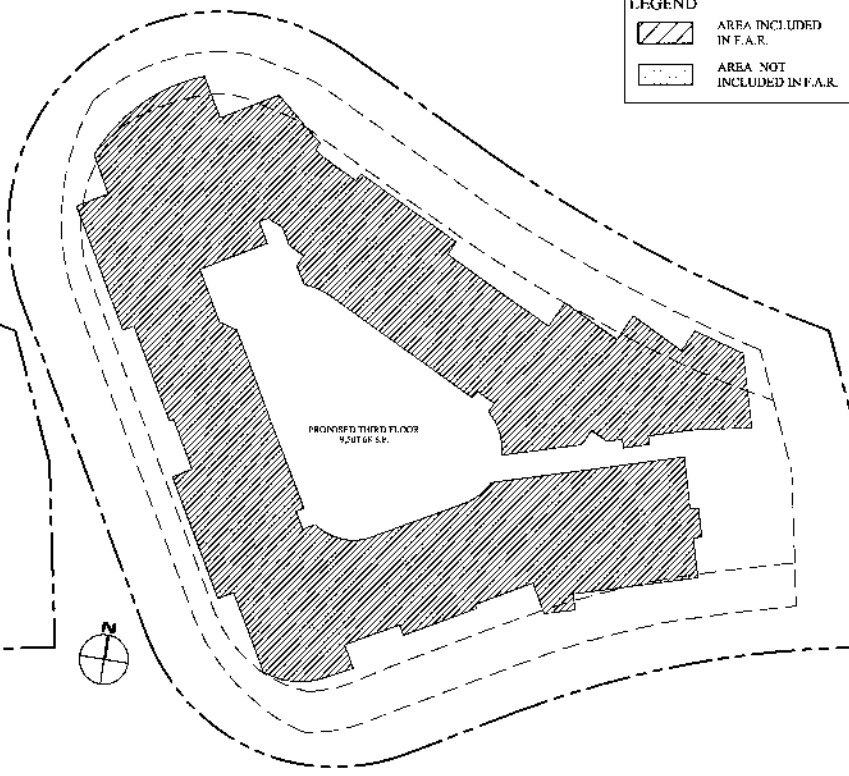
A-1.1



1 FIRST FLOOR GFA PLAN
SCALE: 1/16" = 1'-0"



2 SECOND FLOOR GFA PLAN
SCALE: 1/16" = 1'-0"



3 THIRD FLOOR GFA PLAN
SCALE: 1/16" = 1'-0"

LEGEND

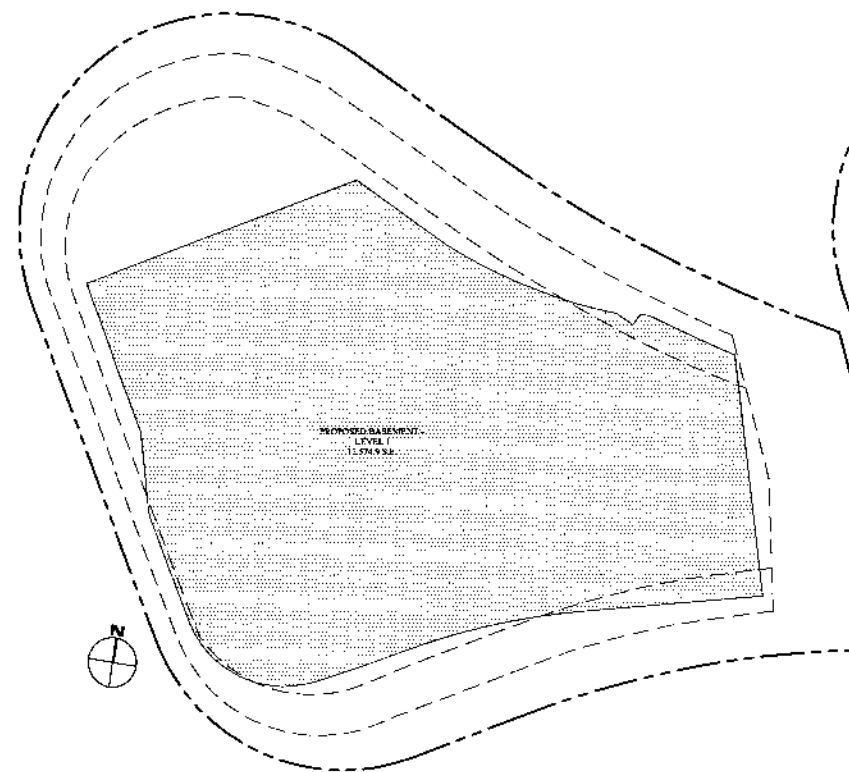
AREA INCLUDED IN F.A.R.

AREA NOT INCLUDED IN F.A.R.

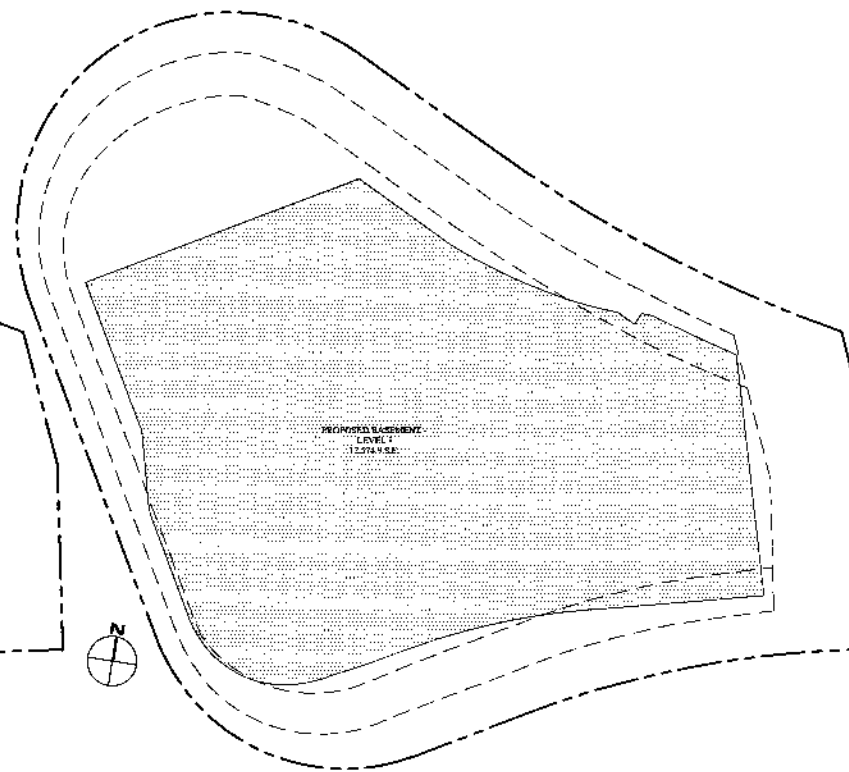
Marengo Morton Architects

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B1 BASEMENT - LEVEL 1 GFA PLAN
SCALE: 1/16" = 1'-0"



B1 BASEMENT - LEVEL 2 GFA PLAN
SCALE: 1/16" = 1'-0"

GROSS FLOOR AREA CALCULATIONS

GROSS FLOOR AREA CALC.	Existing	NEW	Total Area	FAR Area
RESIDENTIAL AREA				
UNIT 1 - 1st FLOOR	0.00 SF	1,427.24	1,427.24 SF	1,427.24 SF
UNIT 2 - 2nd FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 3 - 1st FLOOR	0.00 SF	1,427.24	1,427.24 SF	1,427.24 SF
UNIT 4 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 5 - 1st FLOOR	0.00 SF	1,427.24	1,427.24 SF	1,427.24 SF
UNIT 6 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 7 - 1st FLOOR	0.00 SF	1,427.24	1,427.24 SF	1,427.24 SF
UNIT 8 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
TOTAL RESIDENTIAL AREA	0.00 SF	10,483.50 SF	10,483.50 SF	10,483.50 SF
COMMERCIAL AREA				
UNIT 9 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 10 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 11 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 12 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 13 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 14 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 15 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 16 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 17 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 18 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 19 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
UNIT 20 - 1st FLOOR	0.00 SF	1,048.35	1,048.35 SF	1,048.35 SF
TOTAL COMMERCIAL AREA	0.00 SF	20,967.00 SF	20,967.00 SF	20,967.00 SF
TOTAL GROSS FLOOR AREA	0.00 SF	31,450.50 SF	31,450.50 SF	31,450.50 SF
SOFT BARRIERS AREA				
EL-ELEVATOR SH. (SEE PLAN)	0.00 SF	0.00 SF	0.00 SF	0.00 SF
ELEVATOR SH. (SEE PLAN)	0.00 SF	0.00 SF	0.00 SF	0.00 SF
ELEVATOR SH. (SEE PLAN)	0.00 SF	0.00 SF	0.00 SF	0.00 SF
ELEVATOR SH. (SEE PLAN)	0.00 SF	0.00 SF	0.00 SF	0.00 SF
TOTAL SOFT BARRIERS AREA	0.00 SF	0.00 SF	0.00 SF	0.00 SF
TOTAL COURT/YARD AREA				
COURT/YARD AREA	0.00 SF	0.00 SF	0.00 SF	0.00 SF
TOTAL COURT/YARD AREA	0.00 SF	0.00 SF	0.00 SF	0.00 SF
PROJECT TOTAL:	0.00 SF	31,450.50 SF	31,450.50 SF	31,450.50 SF

NEPTUNE PLACE

6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037

REVISIONS:
11-12-07 Preliminary Review
02-15-08 Full Coastal Submittal
02-24-08 Coastal Reevaluation
09-10-09 Cycle Interim Responses
10-10-09 City Comments

PHASE **COASTAL PHASE**

PROJECT NO. 2007-11

DESIGNED BY CAM

DRAWN BY MUGKD

DATE 10-30-2009

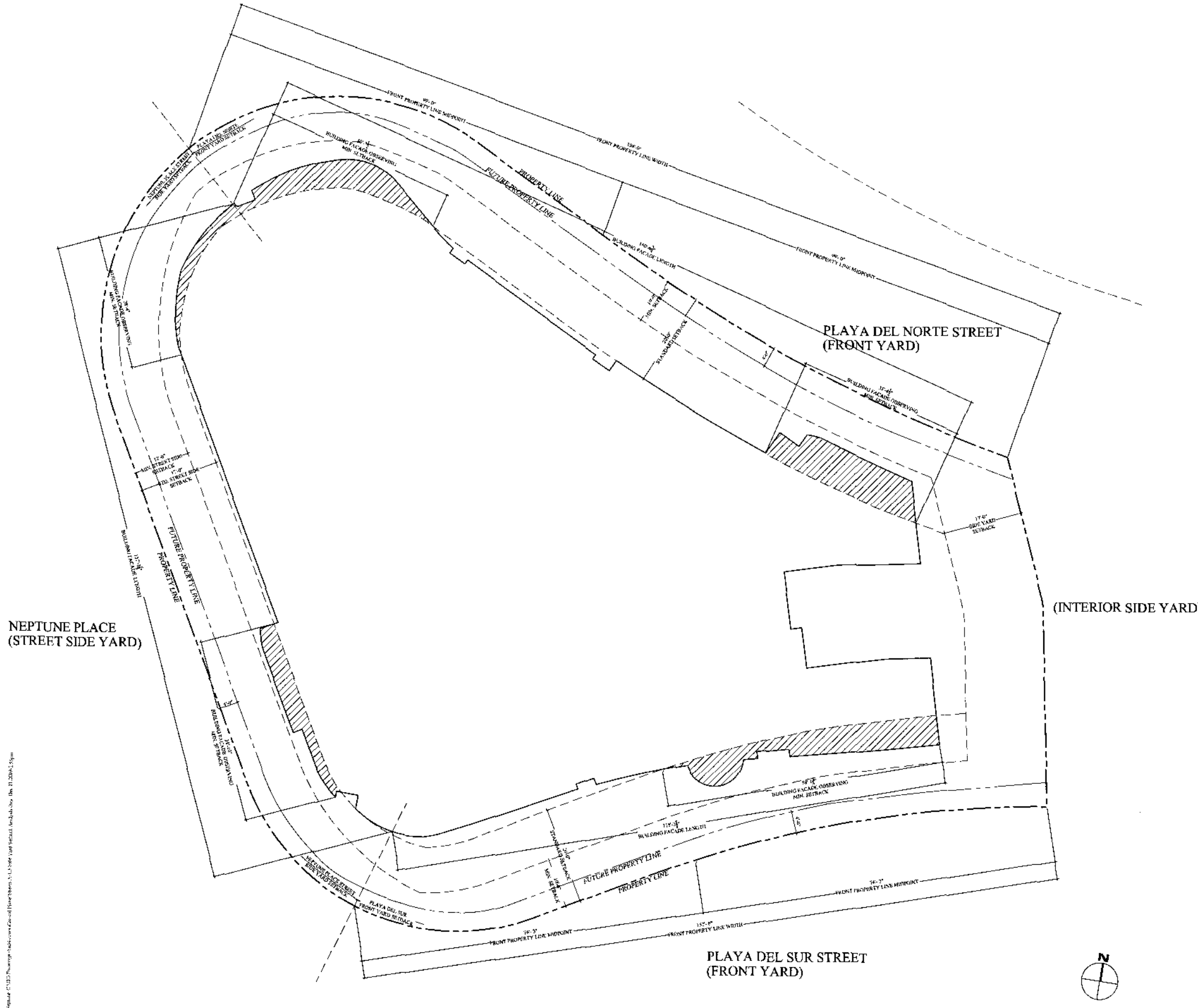
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SHEET TITLE
GROSS FLOOR AREA DIAGRAM

A-1.2

SHEET 5 OF 25

10/30/09 10:00 AM C:\Users\morton\My Documents\Projects\2007-11\Drawings\A-1.2.dwg User: morton



APPLICABLE CODE

§13.14445 Setback Requirements in Residential Zones

- (1) Setbacks in RM-3-7, RM-3-8, RM-3-9 Zones
 - (1) Front Setback in RM-3-7, RM-3-8, RM-3-9 Zones
 - (A) Up to 50 percent of the width of the building envelope may observe the minimum 10-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback. This may occur on a floor-by-floor basis.
 - (B) For any portion of a lot that fronts on a curving street with a centerline radius of less than 100 feet, the standard front setback is 10 feet and the minimum setback is 5 feet.
 - (2) Side Setbacks in RM-3-7, RM-3-8, RM-3-9 Zones
 - (A) The minimum side setback is 5 feet or 10 percent of the premises width, whichever is greater.
 - (B) Up to 50 percent of the length of the building adjacent to the side yard may abut the side property line, provided that an encroaching element shall exceed 30 feet in length, that encroaching elements are separated by at least 6 feet, and that each dwelling unit has access to either the front or rear of the lot. See Diagram 131-041.
 - (3) Street Side Setback in RM-3-7, RM-3-8, RM-3-9 Zones
 - (A) The minimum street side setback is 10 feet or 10 percent of the premises width, whichever is greater.
 - (B) Up to 50 percent of the building facade may encroach up to 5 feet into the required street side yard.

ALLOWABLE BUILDING AREA OBSERVING MIN. SETBACK CALC'S

PLAYA DEL NORTE BUILDING FACADE LENGTH = 140'-6 1/2"
- ALLOWABLE AREA OBSERVING MIN. SETBACK IS 50%:
140'-6 1/2" x 2 = 281'-3 1/2" (Per Code §13.044) (1)(B)
- ACTUAL AREA OBSERVING MIN. SETBACK IS 67.5% = 95'-0" (Per Code §13.044) (1)(B)
PLAYA DEL SUR BUILDING FACADE LENGTH = 118'-3 1/2"
- ALLOWABLE AREA OBSERVING MIN. SETBACK IS 50%:
118'-3 1/2" x 2 = 236'-7" (Per Code §13.044) (1)(B)
- ACTUAL AREA OBSERVING MIN. SETBACK IS 50% = 59'-3 1/2" (Per Code §13.044) (1)(B)
NEPTUNE PLACE BUILDING FACADE LENGTH = 137'-0 1/2"
- ALLOWABLE AREA OBSERVING MIN. SETBACK IS 50%:
137'-0 1/2" x 2 = 274'-1" (Per Code §13.044) (1)(B)
- ACTUAL AREA OBSERVING MIN. SETBACK IS 48.5% = 67'-7" (Per Code §13.044) (1)(B)
AREA UP TO BUILDING OBSERVING MIN. SETBACK

Marengo Morton Architects
 7724 Girard Ave,
 Second Floor
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 Tel. (858) 459-3769
 Fax. (858) 459-3768
 Michael Morton AIA
 Claude Anthony Marengo DRAA

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NEPTUNE PLACE
 6767-69 NEPTUNE PLACE
 LA JOLLA, CA 92037

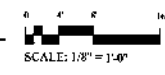
APPROVED
 03-12-07 Preliminary Review
 03-15-08 Full Coastal Submittal
 07-21-09 Coastal Residential
 09-10-09 Cycle Issues Response
 Community Comments
 10-10-09 City Comments

PHASE	COASTAL PHASE
PROJECT NO.	2007-11
REVIEWED BY	CAM
DRAWN BY	MOG/KD
DATE	10-30-2009

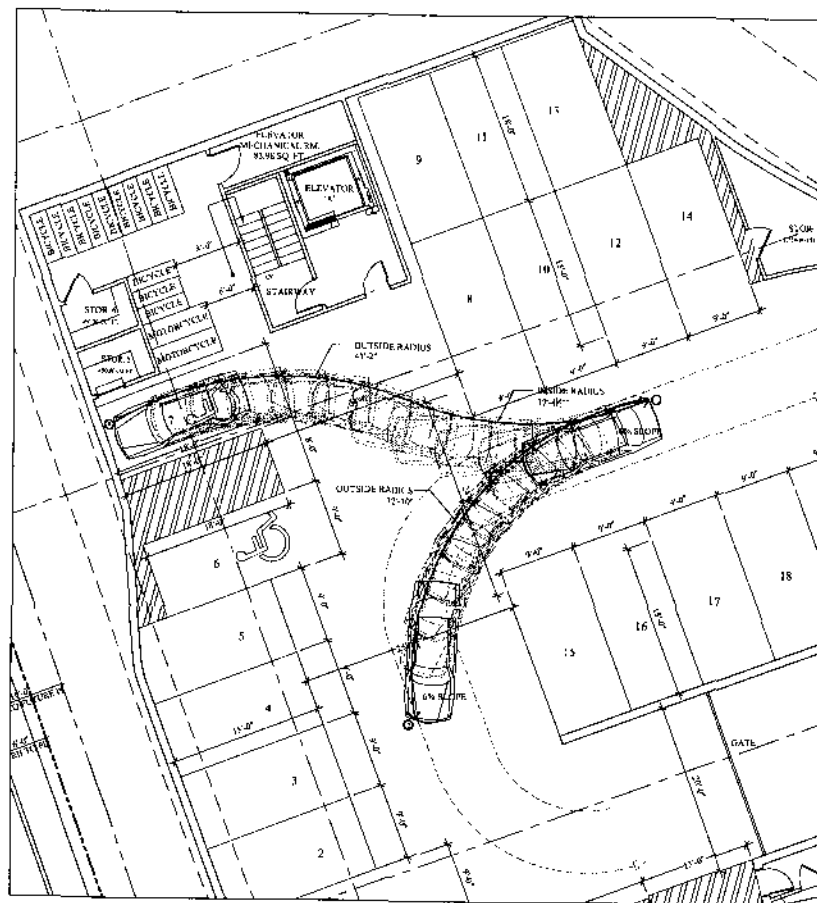
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SHEET TITLE
SIDE YARD SETBACK ANALYSIS DIAGRAM
A- 1.3
 SHEET 6 OF 25

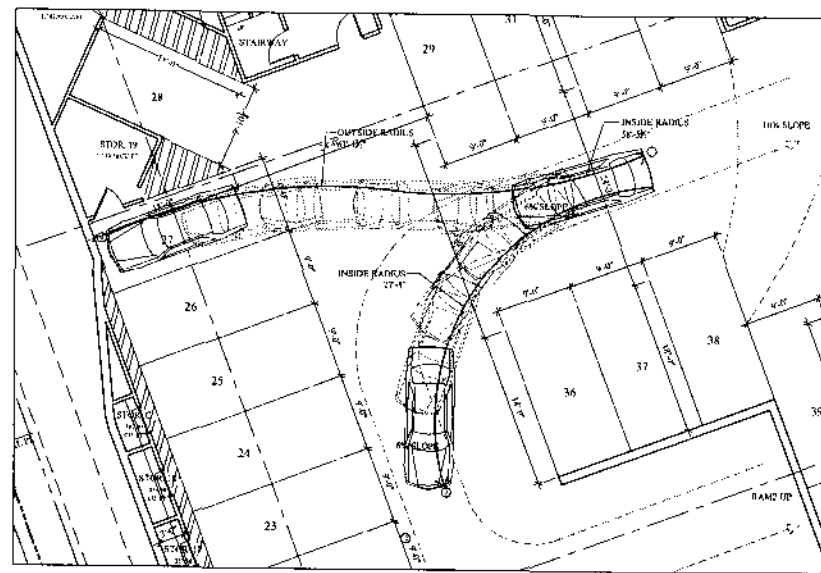
1 SIDE YARD SETBACK ANALYSIS DIAGRAM



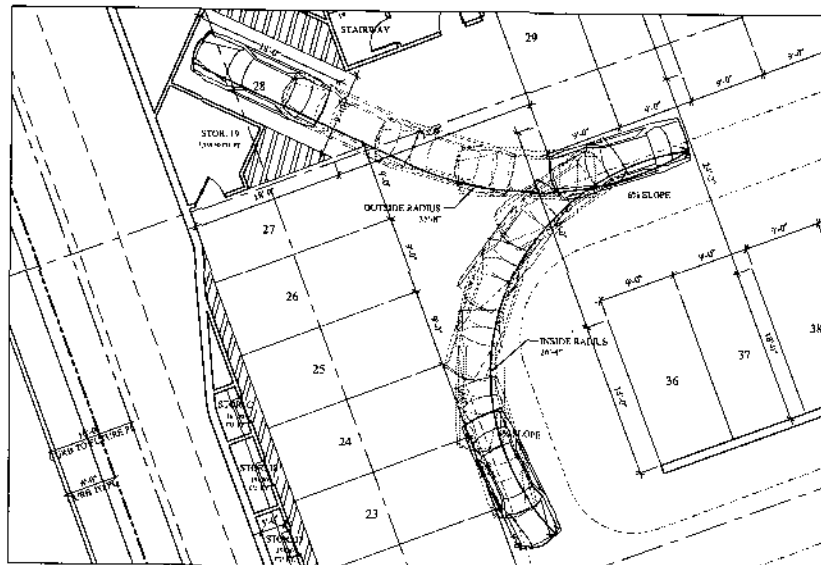
10/20/09 Project: 2007-11, Drawing: 11, Drawing Title: Side Yard Setback Analysis Diagram, Drawing No.: 11, 2009, 11/20/09



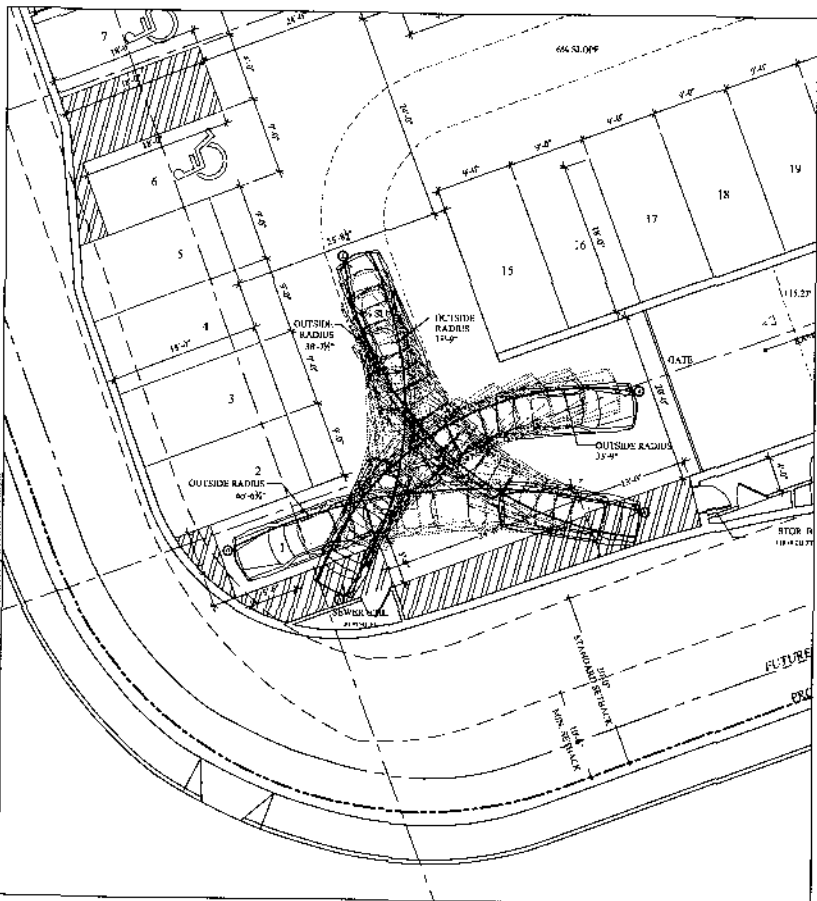
2 PARKING MANEUVER STUDY / SPACE 7
SCALE: 1/8" = 1'-0"



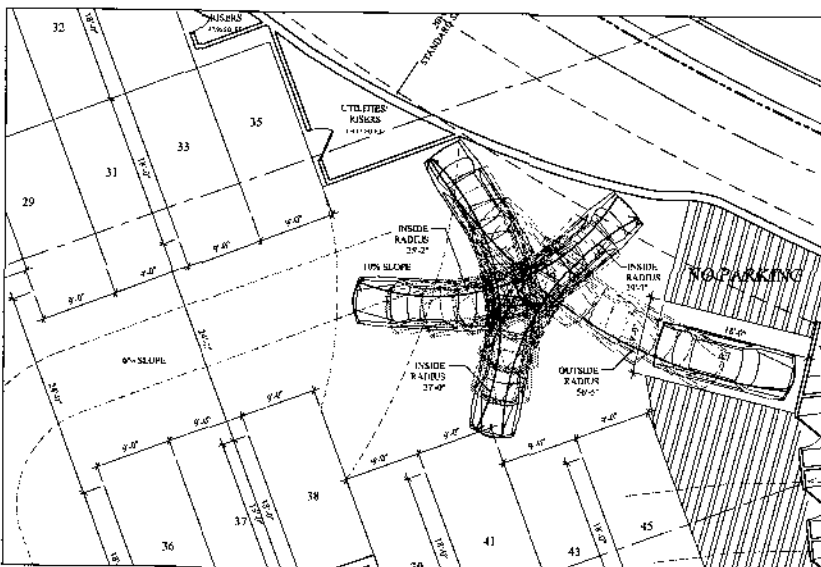
3 PARKING MANEUVER STUDY / SPACE 27
SCALE: 1/8" = 1'-0"



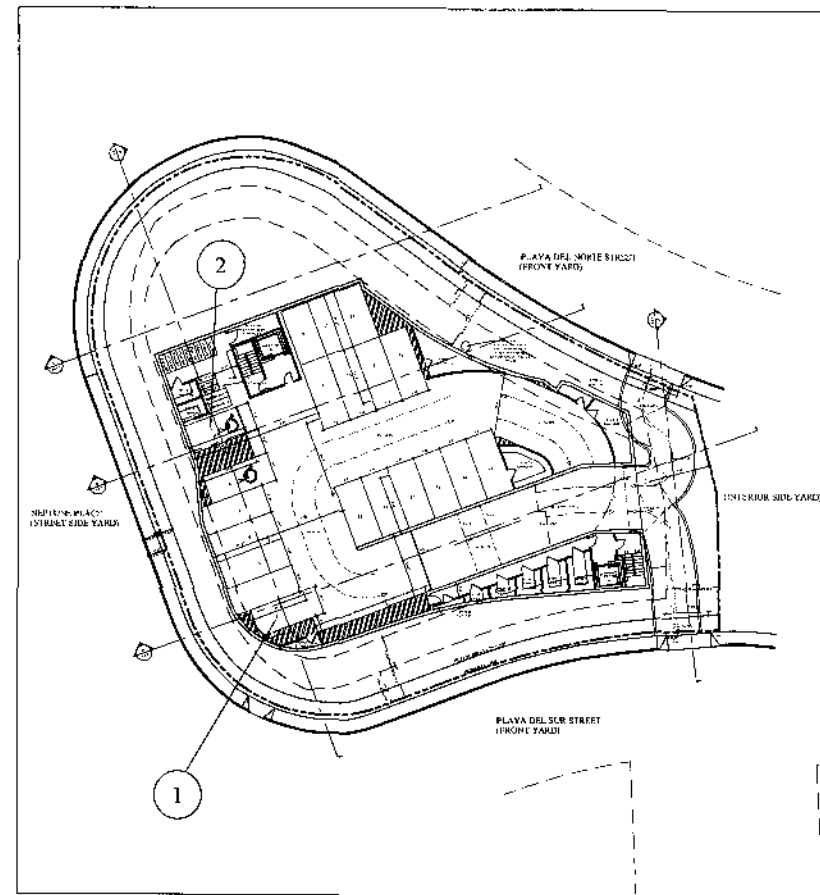
4 PARKING MANEUVER STUDY / SPACE 28
SCALE: 1/8" = 1'-0"



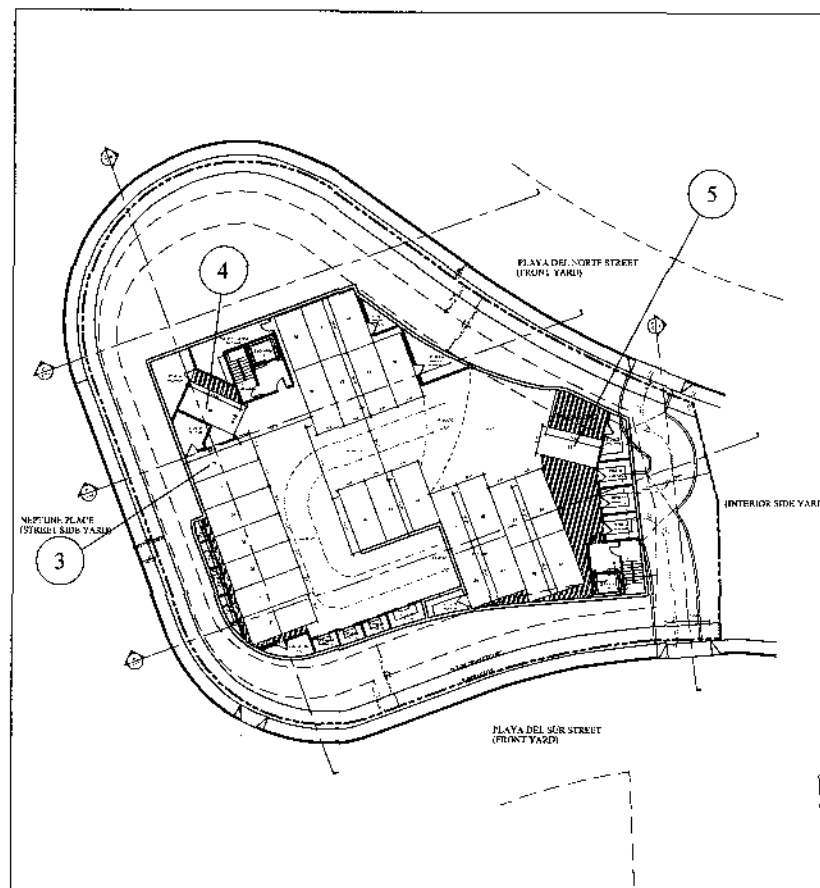
1 PARKING MANEUVER STUDY / SPACE 1
SCALE: 1/8" = 1'-0"



5 PARKING MANEUVER STUDY / SPACE 47
SCALE: 1/8" = 1'-0"



KEYMAP BASEMENT LEVEL P2



KEYMAP BASEMENT LEVEL P2

M

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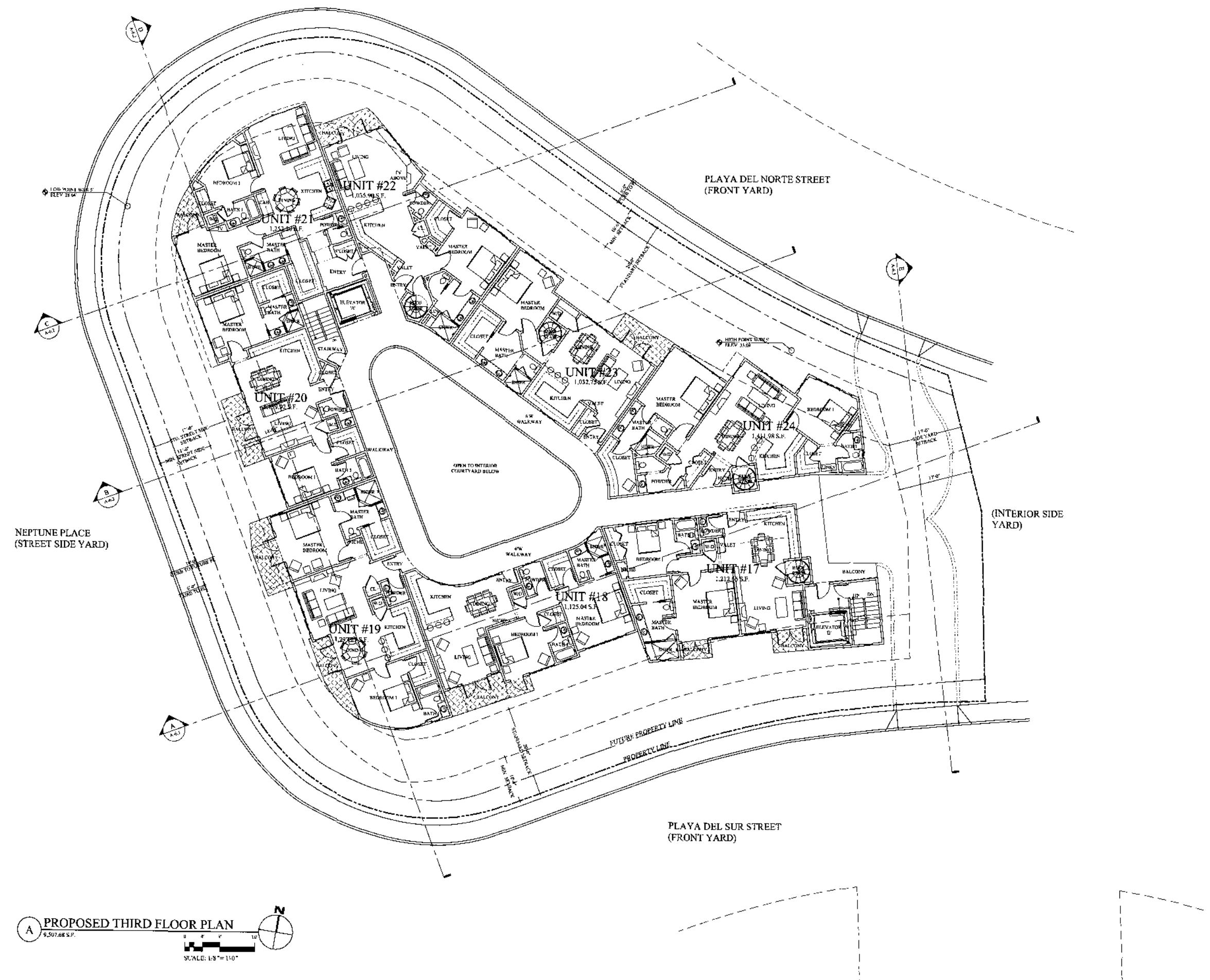
NEPTUNE PLACE
6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037

REVISION
11-22-07 Preliminary Review
05-15-08 Full Coastal Submittal
07-24-09 Coastal Re-submittal
09-18-09 Cycle Times Re-response
01-20-10 Continuity Comments
03-30-09 City Corrections

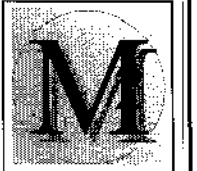
NAME **COASTAL PHASE**
PROJECT NO. 2007-11
REVIEWED BY CAM
DESIGNED BY MUGKD
DATE 10-30-2009

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BEST TITLE
PARKING MANEUVER STUDIES



A PROPOSED THIRD FLOOR PLAN
9,507.68 S.F.
SCALE: 1/8" = 1'-0"



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NEPTUNE PLACE
6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037

Revisions:
11-17-07 Preliminary Review
02-15-08 Full Permit Submittal
07-23-09 Coastal Reevaluation
09-10-09 Coastal Review Progress
Community Comments
10-30-09 City Comments

PHASE	COASTAL PHASE
PROJECT NO.	2007-11
DESIGNED BY	CAM
DRAWN BY	MJG/KD
DATE	10-30-2009

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WHAT THIS SHEET IS FOR
PROPOSED THIRD FLOOR PLAN
A-2.6
SHEET 13 OF 25



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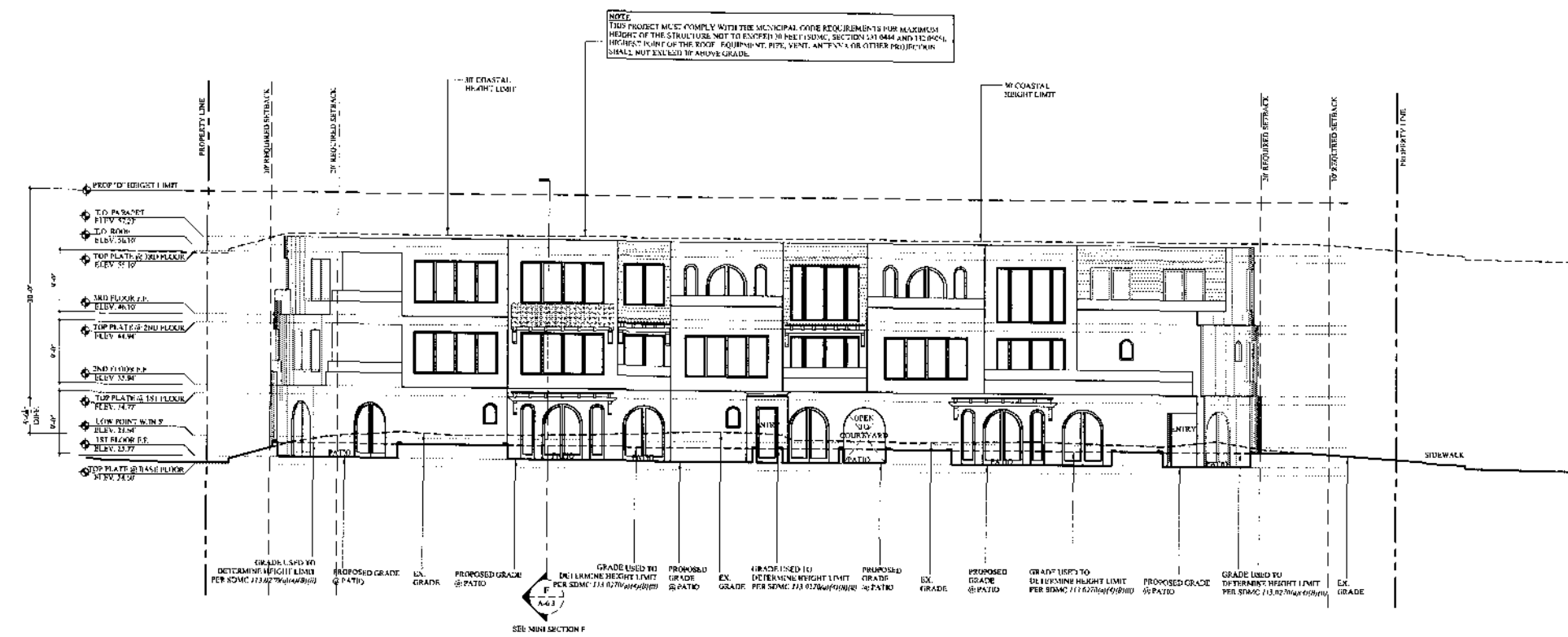
NEPTUNE PLACE
6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037

REVISIONS:
11-11-2007 Preliminary Review
02-15-08 Full Coastal Submission
07-24-09 Coastal Resubmission
09-10-09 Civil/Structural/Engineering/Community Consultation
10-30-09 City Corrections

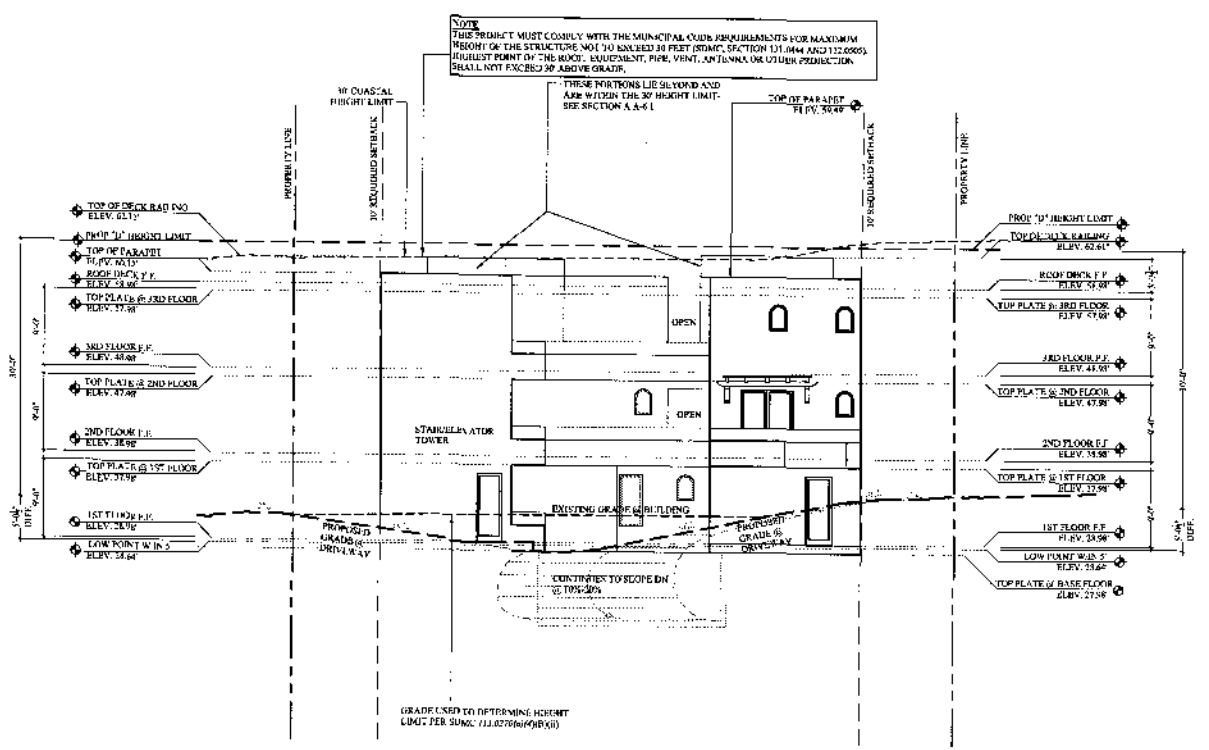
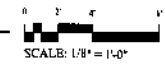
PHASE	COASTAL PHASE
PROJECT NO.	2007-11
DESIGNED BY	CAM
DRAWN BY	MUGKD
DATE	10-30-2009

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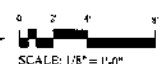
SHEET TITLE
ELEVATIONS
A-5.1
SHEET 15 OF 25



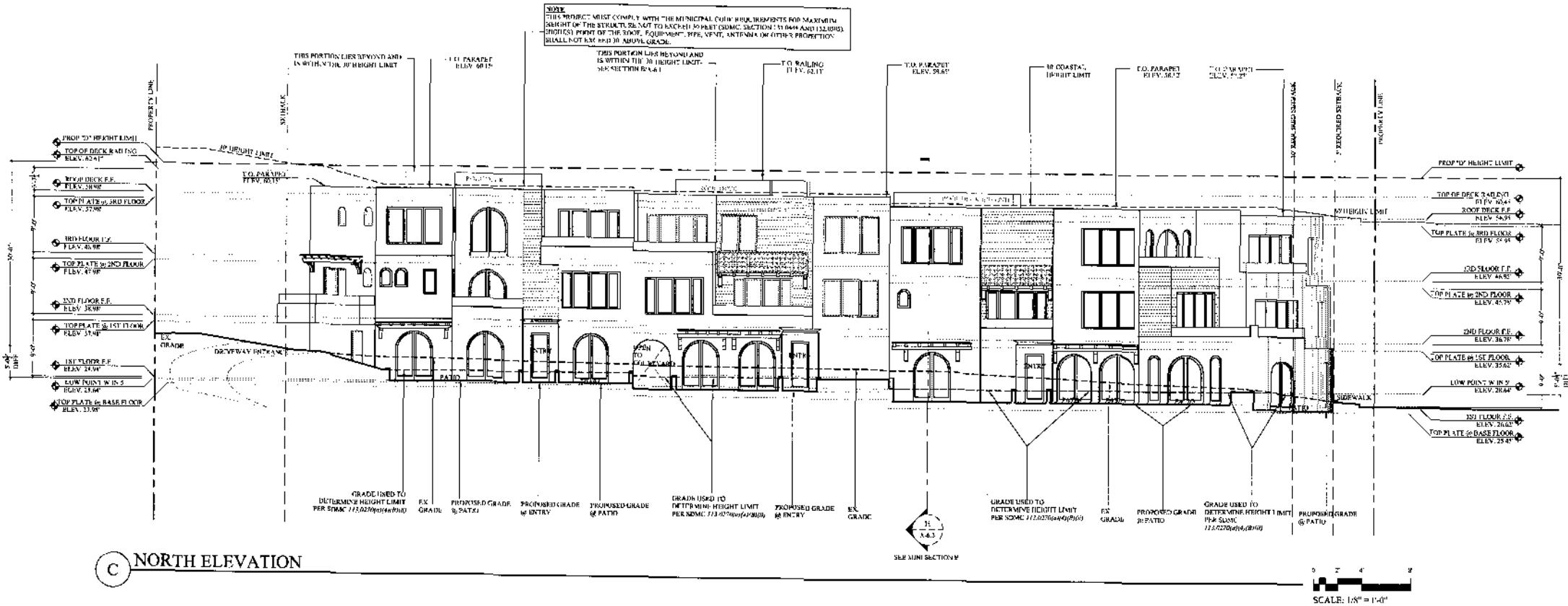
A WEST ELEVATION



B EAST ELEVATION

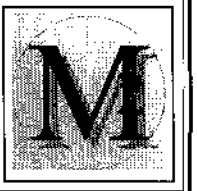
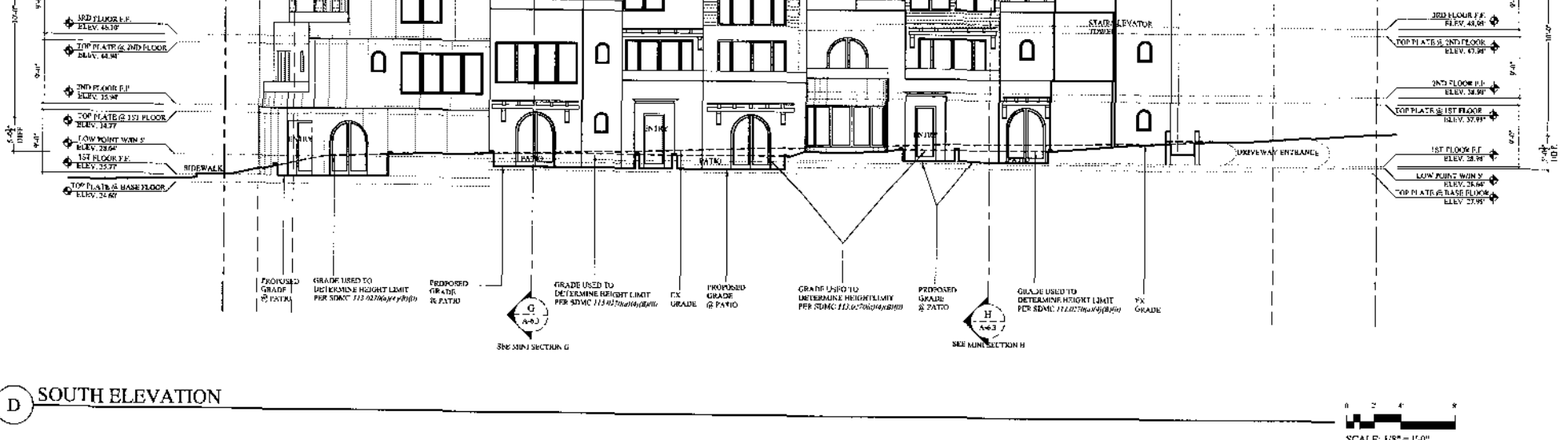


V:\2007\2007-11-Neptune Place\2007-11-Neptune Place\Drawings\05-01-09\05-01-09-11-Neptune Place\A-5.1-Neptune Place.dwg Date: 10/30/09 10:41 AM



C NORTH ELEVATION

D SOUTH ELEVATION



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NEPTUNE PLACE
6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037

REVISIONS:
11-13-07 Preliminary Review
02-25-08 Full Coastal Submission
07-24-09 Coastal Re-submission
09-10-09 City Issues Responses
Comments
10-30-09 City Comments

PHASE	COASTAL PHASE
PROJECT#	2007-11
REVISION#	CAM
DESIGNED BY	MJK/KLD
DATE	10-30-2009

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SHEET TITLE
ELEVATIONS
A-5.2
SHEET 16 OF 25

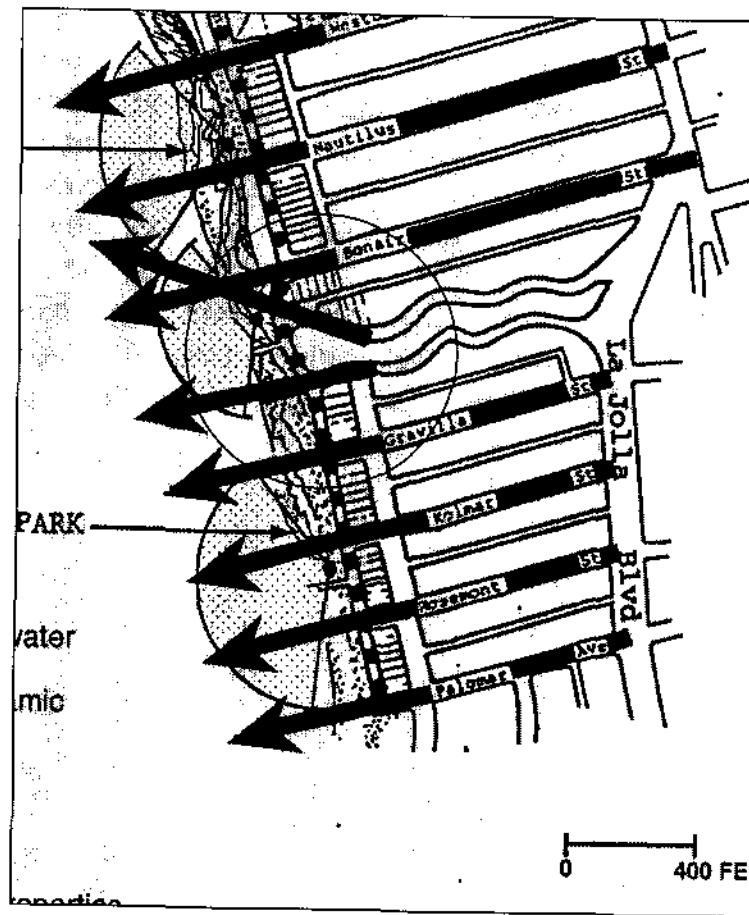


FIG. F - La Jolla Community Plan

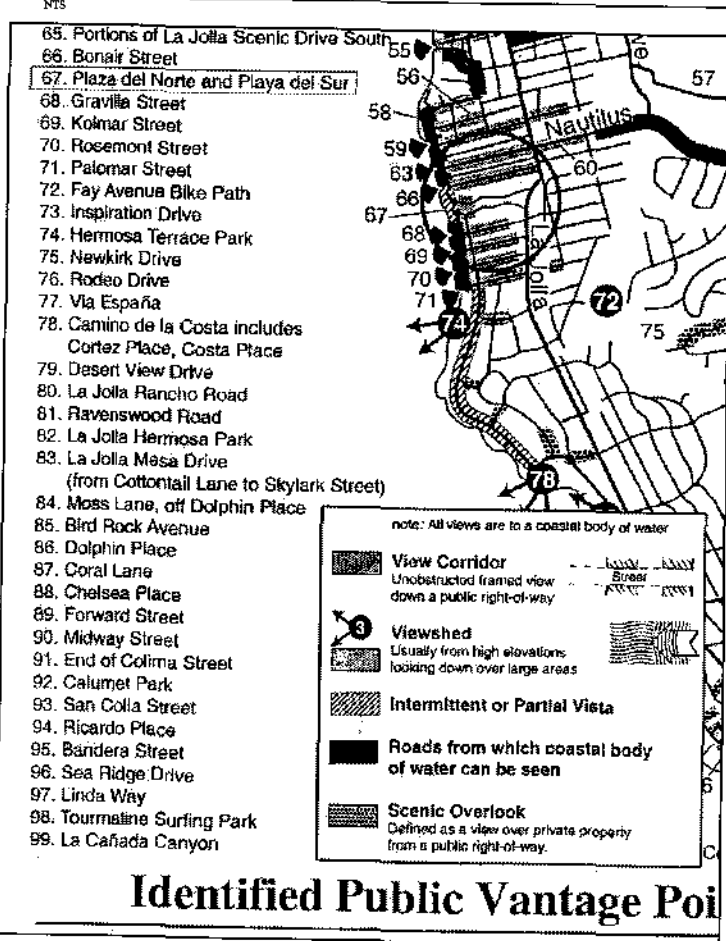
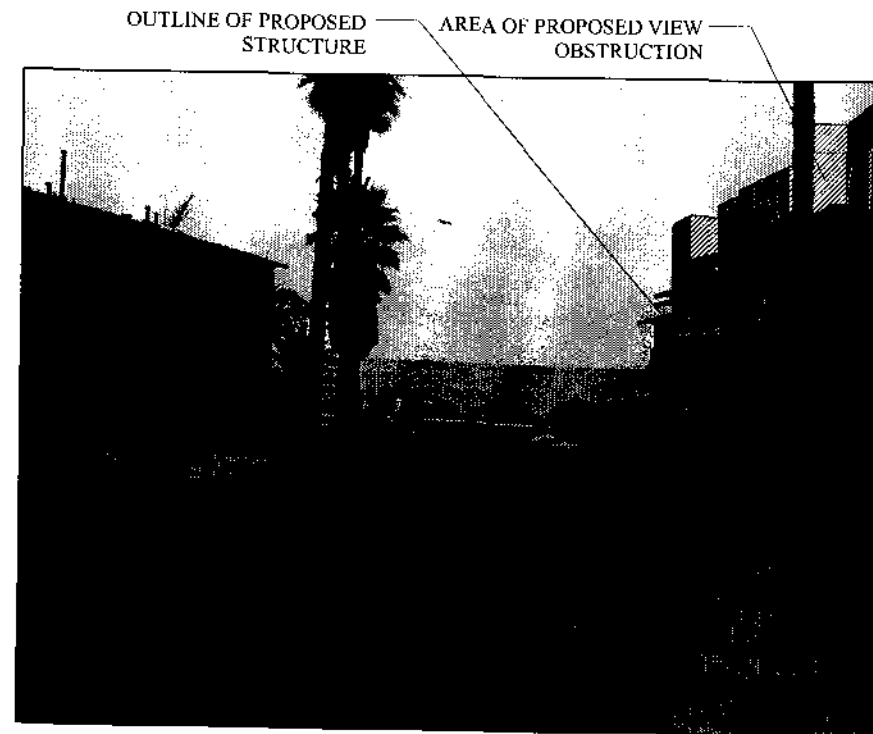
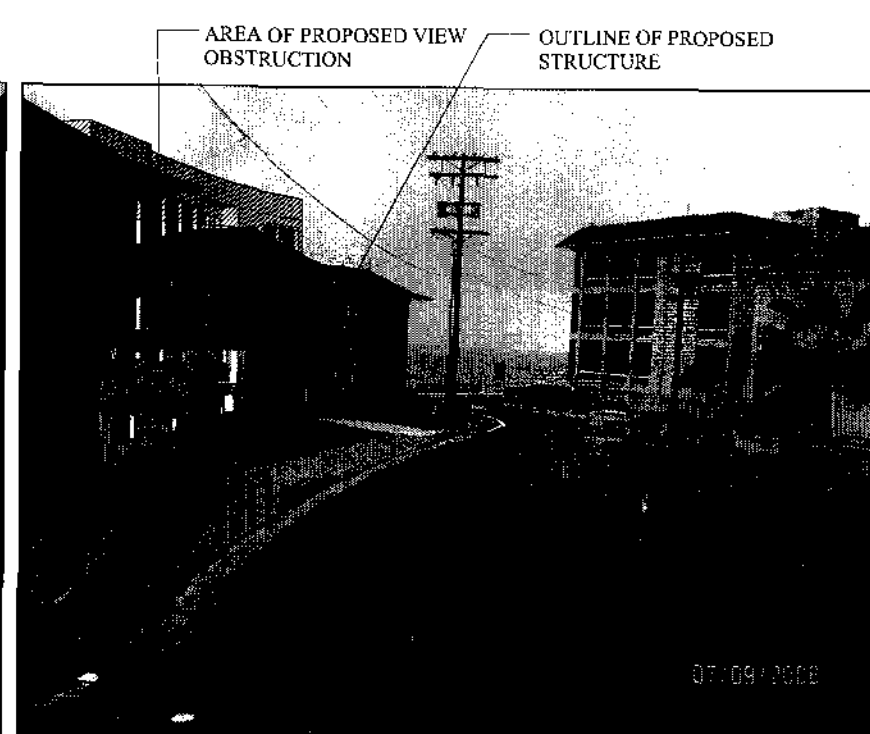


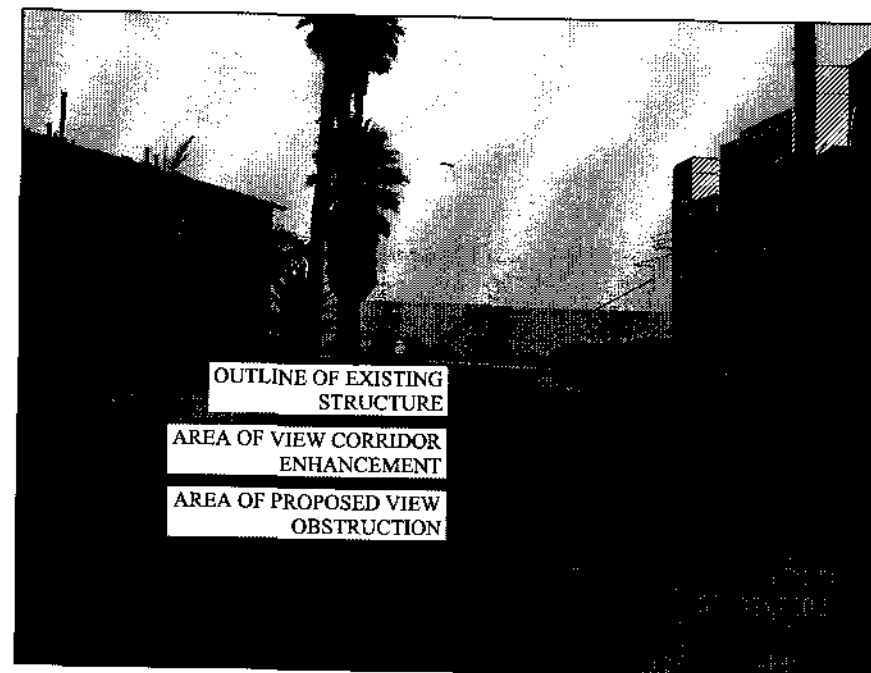
FIG. 9 - La Jolla Community Plan



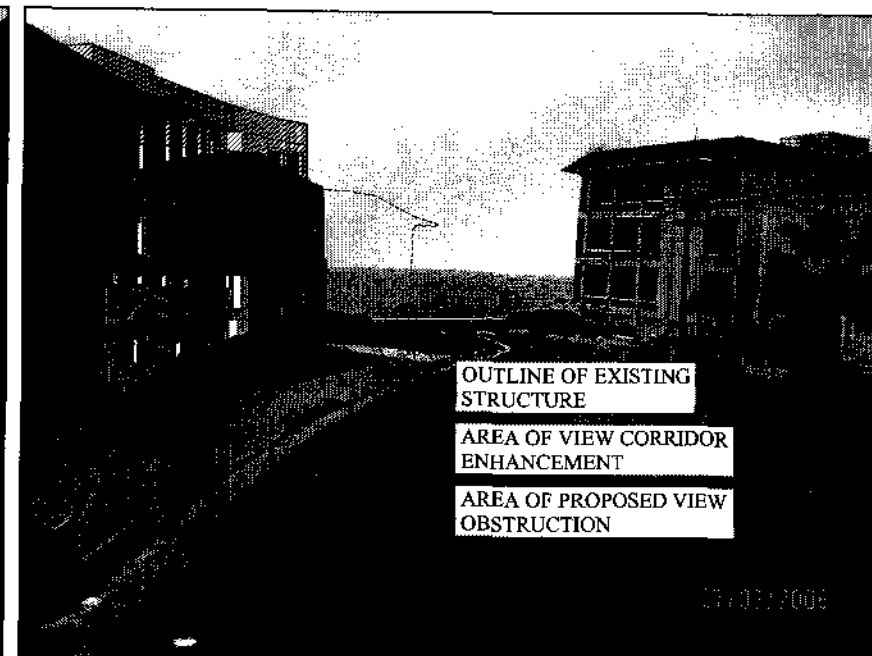
A PLAYA DEL SUR VIEW CORRIDOR



B PLAYA DEL NORTE VIEW CORRIDOR



A1 PLAYA DEL SUR VIEW CORRIDOR



B1 PLAYA DEL NORTE VIEW CORRIDOR



AERIAL VIEW

M

Marengo Morton Architects

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Tel. (858) 459-3769
Fax. (858) 459-3768
Michael Morton AIA
Claude Anthony Marengo Drex

REGISTERED ARCHITECT
CALIFORNIA
1924 0056 0001
STATE OF CALIFORNIA

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NEPTUNE PLACE
6767-69 NEPTUNE PLACE
LA JOLLA, CA 92037

REVISIONS

11-12-07	Preliminary Review
02-15-08	Final Coastal Submittal
07-24-09	Coastal Re-submittal
09-16-09	Cycle Issues Response/Community Comments
10-06-09	City Comments

Phase COASTAL PHASE

PROJECT NO. 2007-11

REVIEWED BY CAM

DRAWN BY MJK/KD

DATE 10-30-2009

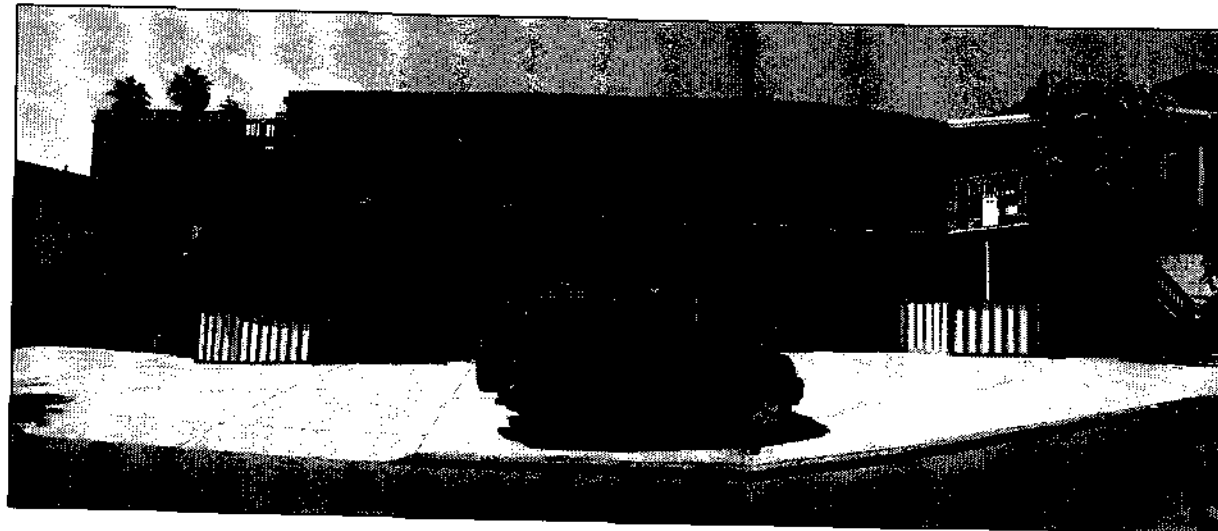
PROJECT TITLE
PHOTO SURVEY VIEW CORRIDORS

PS-1.1

SHEET 22 OF 25



K 254 PLAYA DEL NORTE, 2-STOREY
3,332 S.F. - SFR - GARAGE PARKING



L 290 PLAYA DEL SUR, 2-STOREY (SPLIT LEVEL)
S.F. - UNITS - 4 PARKING SPACES - STREET PARKING



M 235 PLAYA DEL SUR, 2-STOREY
S.F. - SFR - GARAGE PARKING



N 235 PLAYA DEL SUR, 2-STOREY
4,736 S.F. - 10 UNITS - 7 CARPORTS IN BACK



O 6721 VISTA SEL MAR, 1-STOREY
S.F. - SFR - GARAGE PARKING



P 6717 VISTA DEL MAR, 1-STOREY
S.F. - SFR - PARKING SPACE IN ALLEY



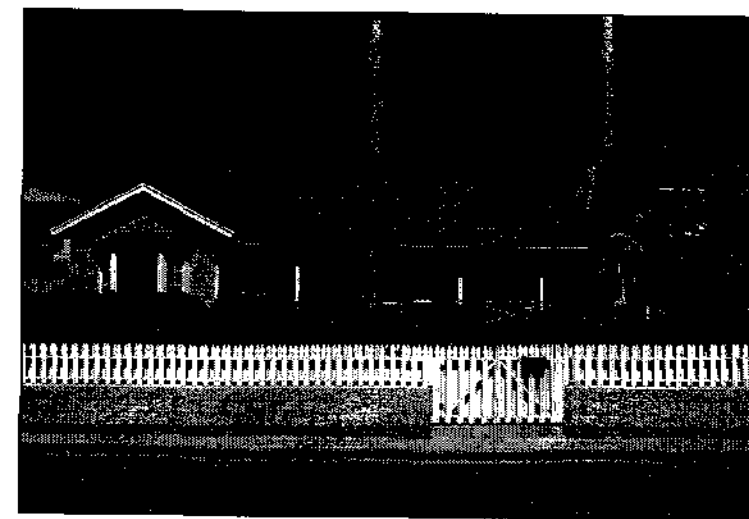
Q 6713 VISTA DEL MAR
2-STOREY OVER GARAGE - S.F. - SFR



R 6725 NEPTUNE, 2-STOREY
S.F. - SFR - STREET PARKING



S 6715 NEPTUNE, 2-STOREY
S.F. - SFR - 5 CAR GARAGE



T 6705 NEPTUNE, 1-STOREY
S.F. - SFR - 2 CAR GARAGE



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7724 Girard Ave,
Second Floor
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NEPTUNE PLACE
6707-69 NEPTUNE PLACE
LA JOLLA, CA 92037

REVISIONS
11-12-07 Preliminary Review
12-15-08 Full Coastal Submittal
07-24-09 Coastal Resubmittal
07-16-09 Cycle Issues Revisions
Community & Commerce
10-30-09 City Comments



PROJECT NO. 2007-11
DRAWN BY MICHELO
DATE 10-30-2009

PHOTO SURVEY
BULK & SCALE
PS-1.3
SHEET 24 OF 25

1/2/2009 10:40:02 AM Project: 2007-11 - Neptune Place - 6707-69 Neptune Place - 6707-69 Neptune Place - 6707-69 Neptune Place - 6707-69 Neptune Place

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MARCH 2007
--	--	---	--

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

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

Name

La Jolla Community Planning Association

Address

P. O. Box 889

City

La Jolla

State

CA

Zip Code

92037

Telephone

858.488.0160 (direct)

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Claude-Anthony Marengo, Architect

4. Project Information

Permit/Environmental Determination & Permit/Document No.:

Date of Decision/Determination:

City Project Manager:

Neptune Apts/CDP, SDP/PN 147066/MND(#23430092)

April 7, 2010

Diane Murbach

Decision (describe the permit/approval decision):

Hearing Officer approved the Coastal Development Permit and Site Development Permit & certified the Mitigated Neg Dec.

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

- Factual Error (Process Three and Four decisions only)
 Conflict with other matters (Process Three and Four decisions only)
 Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
 City-wide Significance (Process Four decisions only)

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

- The community planning group voted 8-3-2 to recommend denial of the application.
- The project does not conform to the Community Plan due to bulk & scale and lack of conformance to Community Character.
- The applicant was unwilling to work with the planning group to resolve concerns.
- Other concerns that may be presented at hearing.

CITY PLANNING
COMMISSION

APR 16 2010

RECEIVED

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

Signature:

Joseph LaCava

, President, La Jolla CPA

Date:

19 April 2010

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

NEPTUNE APARTMENTS PTS 147066 INTERESTED PERSONS & HEARING OFFICER LIST OF SPEAKERS – 04 07 2010				
IN FAVOR or OPPOSED?	NAME	ADDRESS	REPRESENTING	PHONE
In Favor	Claude-Anthony Marengo	347 Nautilus St, La Jolla, CA 92037	owner	619-417-1111
In Favor	John Kuehn	6655 Neptune Place, La Jolla, CA 92037	Self	619-886-0464
In Favor	David Russell	4930 Emelene St, San Diego, CA 92109	CWE – Geotechnical Consultant	
In Favor	Karen Lieberman	13631 Putney Rd, Poway, CA 92064	Property Manager	
In Favor	Dale Christensen	1773 Torrance St, San Diego, CA 92103	self	
In Favor	Osama A. Alkasabi	5470 La Jolla Blvd H301, La Jolla, CA 92037	self	
In Opposition	Amanda Cropper	6767 Neptune Place, La Jolla, CA 92037	Self	619-213-2773
In Opposition	Angela Goding	6767 Neptune Place #14, La Jolla, CA 92037		917-992-6668
In Opposition	Devin Burstein	6767 Neptune Place, La Jolla, CA 92037	self	917-627-5966
In Opposition	Joe La Cava	PO Box 889, La Jolla, CA 92037	LJ CPG	858-488-0160
In Opposition	Neville Rich	222 Playa del Norte Sur, La Jolla, CA 92037	Self	858-456-1810
In Opposition	Robert Manfredi	201 Bonair St Unit A & B, La Jolla, CA 92037	Self	619-300-2452
In Opposition	Ryan Stein	242 Gravilla St, La Jolla, CA 92037	Self	858-344-8046
In Opposition	Michael Costello	emsmike@san.rr.com	Self	858-488-2711
In Opposition	Anissa Manfredi	201 Bonair St Unit B, La Jolla, CA 92037	self	858-349-5470
In Opposition Not attending HO	Ashley Muller	210 Bonair St #E, La Jolla, CA 92037		



LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900
http://www.LaJollaCPA.org Email: Info@LaJollaCPA.org

Regular Meeting – 3 December 2009

Attention: Diane Murbach, PM, City of San Diego

Project: Neptune Apartments
6767 Neptune Place
PN: 147066

Motion: Motion to ratify the Development Permit Review committee's decision to deny the Neptune Apartments project. **Vote: 8-3-2**

Submitted by:	<i>Joseph LaCava</i>	3 December 2009
	Joe LaCava, President La Jolla CPA	Date

DPR Committee report for October 2009

Project Name: NEPTUNE APARTMENTS
6767 Neptune Place
Permits: CDP & SDP
Project #: JO#43-0092/147066
DPM: Diane Murbach 619-446-5042, dmurbach@sanidiego.gov
Zone: RM-3-7 Applicant: Claude Anthony Marengo, (858) 459-3769, cmarengo@san.rr.com

Scope of Work:

(Process 3) Coastal Development Permit & Site Development Permit to demolish existing buildings and construct 24 residential for rent units on a 0.56 acre site in the RM-3-7 Zone within the La Jolla community plan, Coastal Overlay (appealable), Coastal Height Limit, Sensitive Coastal Overlay Zone, Parking Impact, Residential Tandem Parking, Transit Area. Notice Cards =3.

Subcommittee Motion: The findings can not be made for CDP & SDP due to proposed bulk & scale and community character of proposed structure as required by the La Jolla Community Plan. 4-2-0.



May 16, 2008

Mr. Dale Christensen
1773 Torrance Street
San Diego, CA 92103

SUBJECT: Coastal Affordable Housing Compliance Permit, 6767 Neptune Place,
PTS #147066

Dear Mr. Christensen:

The purpose of this letter is to notify you of the Coastal Affordable Housing Compliance Permit Determination for the proposed demolition and new construction of 24 residential units at 6767 Neptune Place.

Upon receipt of your application on April 2, 2008, Housing Commission staff carried out an income survey of the tenants who reside at the property, pursuant to the City's Coastal Overlay Zone Affordable Housing Replacement Regulations (Municipal Code Sections 143.0810 through 143.0860). **The tenant income survey identified no low- or moderate-income tenants in accordance with established criteria.**

Therefore, you do not have an obligation to provide affordable replacement housing or an in-lieu fee pursuant to the Coastal regulations. Please note, however, that this determination applies only to the Coastal regulations and does not address obligations that may attach to the proposed project by virtue of other ordinances or regulations, such as Inclusionary Housing or Tenant Relocation requirements.

Should you have any questions regarding this matter, you are welcome to contact Bill Luksic at (619) 578-7593.

Sincerely,

Cissy Fisher
Director, Housing Finance

cc: Bill Luksic
Diane Murbach, DSD Project Manager, via email



Community Plan and Local Coastal Program Land Use Plan

(Community Character sections Pages 81-91; February 2004)

RESIDENTIAL LAND USE

GOALS:

- Provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides and to open space.
- Promote the development of a variety of housing types and styles in La Jolla.
- Introduce opportunities for the production of more affordable housing within La Jolla to meet the housing needs of all income levels.
- Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

BACKGROUND

La Jolla, firmly established as a residential community, is virtually a built-out community with over 15,025 total housing units. Of this total, approximately 71 percent or 10,733 are single dwelling units and 29 percent or 4,286 are multiple dwelling units (SANDAG Population and Housing Estimates for January 1, 2000).

There are very few vacant parcels remaining in La Jolla where construction of single-family homes can occur. All of the available vacant parcels are isolated single lots that are expected to develop at the density permitted by the existing zone.

Based on the future development of these single dwelling unit lots and on the present residential zoning designations in the community, La Jolla can anticipate having a total of approximately 15,228 dwelling units by the year 2020 (SANDAG 2020 Cities/County Forecast).

Prior to the adoption of Proposition D in 1972 and the La Jolla Planned District Ordinance in 1988, multiple dwelling unit development in La Jolla was built to accommodate a range of densities, some much higher than 45 dwelling units per acre, which is the highest residential designation in this plan. Many of these higher density structures were built on or near major streets, such as North Torrey Pines Road and Prospect Street, or along transit corridors, such as La Jolla Boulevard. The bulk and scale of these high-rise multiple dwelling units, such as 939 Coast Boulevard and The Seville, created adverse impacts on the overall character of the

community as well as providing an increased level of traffic on major streets and a deterioration of the visual quality of the community.

However, since the adoption of both Proposition D, which established a 30- foot height limit, and the La Jolla Planned District Ordinance, which set development standards for residential and commercial projects within specific zones of La Jolla, the scale of more recent multiple dwelling unit construction is more in harmony with the traditional themes of the community. The use of facade articulation, the placement of driveways underground or along the alleyway for vehicular access rather than from the street, as well as landscaping of interior yards, has helped to make multiple dwelling unit development more consistent with the character of La Jolla. The definition of height, changed in 2000, should also help to reinforce community themes regarding the bulk and scale of multiple dwelling unit development. The Residential Land Use Element of this plan addresses the following issues: Community Character, Development Near Coastal Bluffs, Seismic Risk Areas and Balanced Communities.

Community Character

Single dwelling unit residential development in La Jolla covers a spectrum of densities and architectural styles and expressions. One of the more critical issues associated with single dwelling unit development is the relationship between the bulk and scale of infill development to existing single dwelling units. New construction of single dwelling unit homes have tended to be larger in size than the traditional development in some neighborhoods.

In La Jolla Shores, bulk and scale for single dwelling unit and multiple dwelling unit redevelopment has been subject to the La Jolla Shores Planned District Ordinance which was adopted by City Council in 1974. The La Jolla Shores Planned District Ordinance addresses the use, and density of structures that are located within the boundary of the La Jolla Shores Planned District Area.

In some areas of La Jolla, certain features that contribute to community character are quite evident. However, in many areas, residential diversity is emphasized more than a uniform theme or development pattern.

A 2002 historic survey will identify individual structures that are potentially eligible for historic designation, and may identify certain areas as historic districts.

Common development patterns or streetscape themes that reoccur within the public domain or right-of-way of a particular block or occur throughout the entire neighborhood can be identified. These features help to contribute to a neighborhood's sense of identity and place within the community. Neighborhoods do not have static or clearly defined boundaries. Elements of character blend from one area to another, and it is this association of varying elements which create neighborhood character. Public amenities such as sidewalks, curb side vegetation, street furniture, fences or walls should be considered important elements to neighborhood character.

POLICIES

2. Community Character

In order to promote development compatible with the existing residential scale:

- a. The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.
- b. The City should ensure that new residential development within La Jolla complies with the landscape and streetscape guidelines that are identified in this element and in Appendix E of this plan.
- c. The City should ensure that residential development within La Jolla complies with the landscape and streetscape recommendations that are identified in this element as well as the policies and recommendations contained within the Visual Resources section of the Natural Resources and Open Space System Element of this plan.

PLAN RECOMMENDATIONS

2. Community Character

a. In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:

- 1) Bulk and scale - with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space;
- 2) Street landscape - with regard to size and shape or generalized type of planting materials;
- 3) Hardscapes - with regard to pavement types, patterns or lack of patterns, colors, widths, colors and contours;
- 4) Street fixtures - with regard to type, size and location (street light fixtures, benches, street signage);
- 5) Site fixtures - with regard to height, type, material and location (fences, walls, retaining walls, curb cuts and driveways);
- 6) Curbs, gutters and street pavements -with regard to types and materials; and
- 7) Public physical and visual access as identified in Figure 9 and Appendix.

b. In order to regulate the scale of new development, apply development regulations to all residential properties in La Jolla that proportionally relate the building envelope to the

existing lot dimensions. Apply minimum side and rear yard setback requirements that separate structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Side yard setbacks should be incrementally increased for wider lots.

c. In order to promote transitions in scale between new and older structures, create visual relief through the use of diagonal or off-setting planes, building articulation, roofline treatment and variations within front yard setback requirements.

d. For large lots in single dwelling unit areas, apply development regulations that will limit the perceived bulk and scale differences relative to surrounding lots. Apply a sliding scale for floor area ratios that will decrease building scale as the lot size increases.

e. In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D. Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air.

f. Review and revise applicable Planned District Ordinance (PDO) residential regulations to implement the community character recommendations in this Plan.

NEPTUNE APARTMENTS PTS 147066 Ownership/Interest % Disclosure: 3 Arizona LLC's**1. WESTGATE PARK, LLC =28.57%**

*Carlyle June &
Correct: Dale Christensen
10/20/09*

Member Information

GRANT T CARDONE MANAGER 6450 CAMINO DE LA COSTA LA JOLLA, CA 92037 Date of Taking Office: 03/07/2003 Last Updated: 10/24/2006	DALE CHRISTENSEN MANAGER 6767 NEPTUNE PLACE NO 2 LA JOLLA, CA 92037 Date of Taking Office: 03/07/2003 Last Updated: 10/24/2006
GRANT T CARDONE MEMBER 6450 CAMINO DE LA COSTA LA JOLLA, CA 92037 Date of Taking Office: 10/20/2006 Last Updated: 10/24/2006	G CARDONE ENTRPRS INC RTRMT PL MEMBER GRANT T. CARDONE, TRUSTEE 6450 CAMINO DE LA COSTA LA JOLLA, CA 92037 Date of Taking Office: 10/20/2006 Last Updated: 10/24/2006

2. WEST PRINCE ROAD, LLC = 14.74%

GRANT CARDONE MEMBER 6450 CAMINO DE LA COSTA LA JOLLA, CA 92037 Date of Taking Office: 10/30/2006 Last Updated: 11/07/2006	DALE CHRISTENSEN MEMBER 6767 NEPTUNE PL #2 LA JOLLA, CA 92037 Date of Taking Office: 10/30/2006 Last Updated: 11/07/2006
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3. 250 NORTH ARCADIA, L.L.C. = 56.69%

GRANT CARDONE MANAGER 6450 CAMINO DE LA COSTA LA JOLLA, CA 92037 Date of Taking Office: 10/28/2003 Last Updated: 10/17/2006	DALE CHRISTENSEN MANAGER 6767 NEPTUNE PLACE #2 LA JOLLA, CA 92037 Date of Taking Office: 10/28/2003 Last Updated: 10/17/2006
GRANT CARDONE MEMBER 1710 OLLOLE DR LOS ANGELES, CA 90069 Date of Taking Office: 10/13/2006 Last Updated: 10/17/2006	GARY CARDONE MEMBER * THE CROWS NEST 11 QUEENS RD RICHMOND SURREY, EN tw1 -o6jw Date of Taking Office: 10/13/2006 Last Updated: 10/17/2006
DALE CHRISTENSEN MEMBER 6767 NEPTUNE PLACE #2 LA JOLLA, CA 92037 Date of Taking Office: 10/13/2006 Last Updated: 10/17/2006	



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

Ownership Disclosure Statement

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

Project Title: NEPTUNE APARTMENTS Project No. For City Use Only: 147066

Project Address: 6767 Neptune Place, La Jolla CA 92037

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

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

Additional pages attached Yes No

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

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

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

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

Project Title: _____ Project No. (For City Use Only) _____

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

Legal Status (please check):
 Corporation Limited Liability -or- (General) What State? AZ Corporate Identification No. 72-1574631
68-0516091
33-1047565
 Partnership

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

Corporate/Partnership Name (type or print):
Westgate PARK L.L.C. 28.75%
 Owner Tenant/Lessee Arizona LLC
Street Address:
1773 Torrance St
City/State/Zip:
San Diego CA 92103
Phone No: 619 981 1408 Fax No: 619 756 6833
Name of Corporate Officer/Partner (type or print):
Graunt CARDOLE
Title (type or print):
Manager
Signature: [Signature] Date: 2/21/08

Corporate/Partnership Name (type or print):
West Prince Road LLC 14.74%
 Owner Tenant/Lessee Arizona LLC
Street Address:
1773 Torrance St
City/State/Zip:
San Diego CA 92103
Phone No: 619 981 1408 Fax No: 619 756 6833
Name of Corporate Officer/Partner (type or print):
Graunt CARDOLE
Title (type or print):
Manager
Signature: [Signature] Date: 2/21/08

Corporate/Partnership Name (type or print):
750 N. Arcadia LL 56.69%
 Owner Tenant/Lessee Arizona LLC
Street Address:
1773 Torrance St
City/State/Zip:
San Diego CA 92103
Phone No: 619 981 1408 Fax No: 619 756 6833
Name of Corporate Officer/Partner (type or print):
Graunt CARDOLE
Title (type or print):
Manager
Signature: [Signature] Date: 2/21/08

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee _____
Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____
Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee _____
Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____
Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee _____
Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____
Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature: _____ Date: _____

Neptune Apartments - Project No. 147066

PROJECT CHRONOLOGY

Date	Action	Description	City Review Time	Applicant Response
07/24/09	Project Deemed Complete and accepted into the Affordable Sustainable Housing Expedite Program.	Applicant paid Affordable Housing Expedite program fees. Project distributed for City staff review as a Process 3.		
07/24/09 - 08/20/09	First Review and preparation of Initial Assessment Letter	Initial/First Assessment Letter to Applicant	19 days	
08/20/09 - 10/16/09	Applicant resubmits for City review	2 nd project review resubmittal from applicant		40 days
10/16/09- 10/30/09	2 nd Expedite staff review and Assessment Letter	Second Assessment Letter to Applicant	10 days	
10/30/09- 12/01/09	3 rd Applicant resubmittal for City review	3 rd project review resubmittal from applicant		19 days
12/01/09- 12/11/09	3 rd Expedite staff review and Assessment Letter	Third Assessment Letter to Applicant.	8 days	
01/29/10	MND Distributed	Environmental document distributed for Public Review		
02/24/10	MND Final	Environmental document approved and final		
04/07/10	Public Hearing	Hearing Officer - APPROVAL		
04/19/10	La Jolla CPG Appeal	Appeal of Hearing Officer Decision		
06/03/10	Public Hearing	Planning Commission		
TOTAL STAFF TIME		Review Working Days	37 working days	
TOTAL APPLICANT TIME		Review Working Days		59 working days
TOTAL PROJECT RUNNING TIME		From Deemed Complete submittal to Hearing Officer Hearing (07/24/09 to 04/07/10)	8 Months, 14 days (Calendar Days)	