



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 8, 2012 **REPORT NO. PC-12-017**

ATTENTION: Planning Commission, Agenda of March 15, 2012

SUBJECT: GIANGUILIO COMPANION UNIT - PROJECT NO. 232498.
PROCESS 2

**OWNER/
APPLICANT:** Mr. Ben Gianguilio
Mr. Tom Morley, Designer/ Agent

SUMMARY

Issue: Should the Planning Commission uphold the decision by the Development Services Department to approve a companion unit with a detached garage at 13056 Via Latina in the Torrey Pines Community Plan area?

Staff Recommendation: DENY the appeal and uphold the Development Services Department's decision to APPROVE Coastal Development Permit No. 835836.

Community Planning Group Recommendation: The Torrey Pines Community Planning Board voted 11-1-1 to "Forward the plan to the City with no comment" at their meeting of May 12, 2011 (ATTACHMENT 14).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, "Existing Facilities". This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on December 6, 2011, and the opportunity to appeal that determination ended on December 21, 2011 (ATTACHMENT 7).

Fiscal Impact Statement: None. The processing of this application is paid for through a deposit account established by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The subject property is an existing legal building site

family zone and is consistent with other newer residences in the neighborhood. The proposed new companion unit also is consistent with the plan for location and streetscape recommendations. Staff recommended approval of the proposed new companion unit as it is consistent with the community plan's policies for residential development.

Appeal Issues:

On December 22, 2011, the Development Services Department approved the project. On January 11, 2012, a neighbor, Wes Hilton, appealed that decision.

The appeal states that, "The decision maker's stated findings to approve the permit are not supported by the information provided to the decision maker. See previously submitted letter and exhibits" (ATTACHMENT 12), which is a letter from the appellant's Attorney, Mr. Fred James (ATTACHMENT 13). That letter states a number of concerns and issues. The following is a listing of each issue related in Mr. James's Letter followed by City Staff's response.

1. The project site does not contain the required minimum of 10,000 square feet of lot area to have a companion unit.

STAFF RESPONSE:

Municipal Code Section 141.0302(b) states that within single family residential zones, a companion unit is allowed where the existing lot area is equal to or greater than two times the minimum lot area required for the zone. This site is in the RS-1-7 Zone, which has a minimum lot size of 5,000 square feet. After the Fred James letter of May 6, 2011, the applicant submitted a "Map Data Closure" document prepared by a licensed Land Surveyor. This document determined that the lot area totals 10,124 square feet. That document was reviewed and accepted by Development Services Department's Mapping Section (ATTACHMENT 11). Thus, the lot area is large enough to allow a companion unit.

2. The proposal to construct a three car garage for the companion unit, to a site containing an existing two car garage is inconsistent with the neighborhood.

STAFF RESPONSE:

The proposed project requires that a minimum of one off-street parking space be added to the existing two off-street spaces, for a minimum total of three off-street parking spaces. The proposed five off-street spaces meet and exceed that requirement. The Municipal Code does not set a maximum limit of off-street parking spaces for single-family residential zones.

3. The proposed rear driveway on Via Grimaldi has limited visibility at that location of a tight curve; the use of the driveway will pose a danger to those using the driveway, the cars attempting to negotiate the curve, as well as pedestrians.

STAFF RESPONSE:

The project's proposed driveway design was reviewed by Development Services Department's Engineering Section for compliance with the visibility requirements. The Engineering Section found the proposed design in compliance with those requirements.

Conclusion:

Staff has reviewed the proposed companion unit with a detached garage to be constructed on a site with an existing residence and found the project to be in conformance with all the applicable sections of the San Diego Municipal Code, as well as the Torrey Pines Community Plan and Local Coastal Program Land Use Plan. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends denial of the appeal and approval of the project as proposed.

ALTERNATIVE

1. **Deny the appeal and Approve Coastal Development Permit No. 835836, with modifications.**
2. **Approve the Appeal and Deny Coastal Development Permit No. 835836, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Glenn R. Gargas
Development Services Department

Attachments:

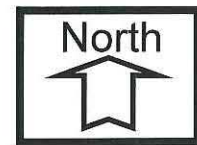
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Environmental Exemption
8. Project Site Plan
9. Building Elevations
10. Floor Plans

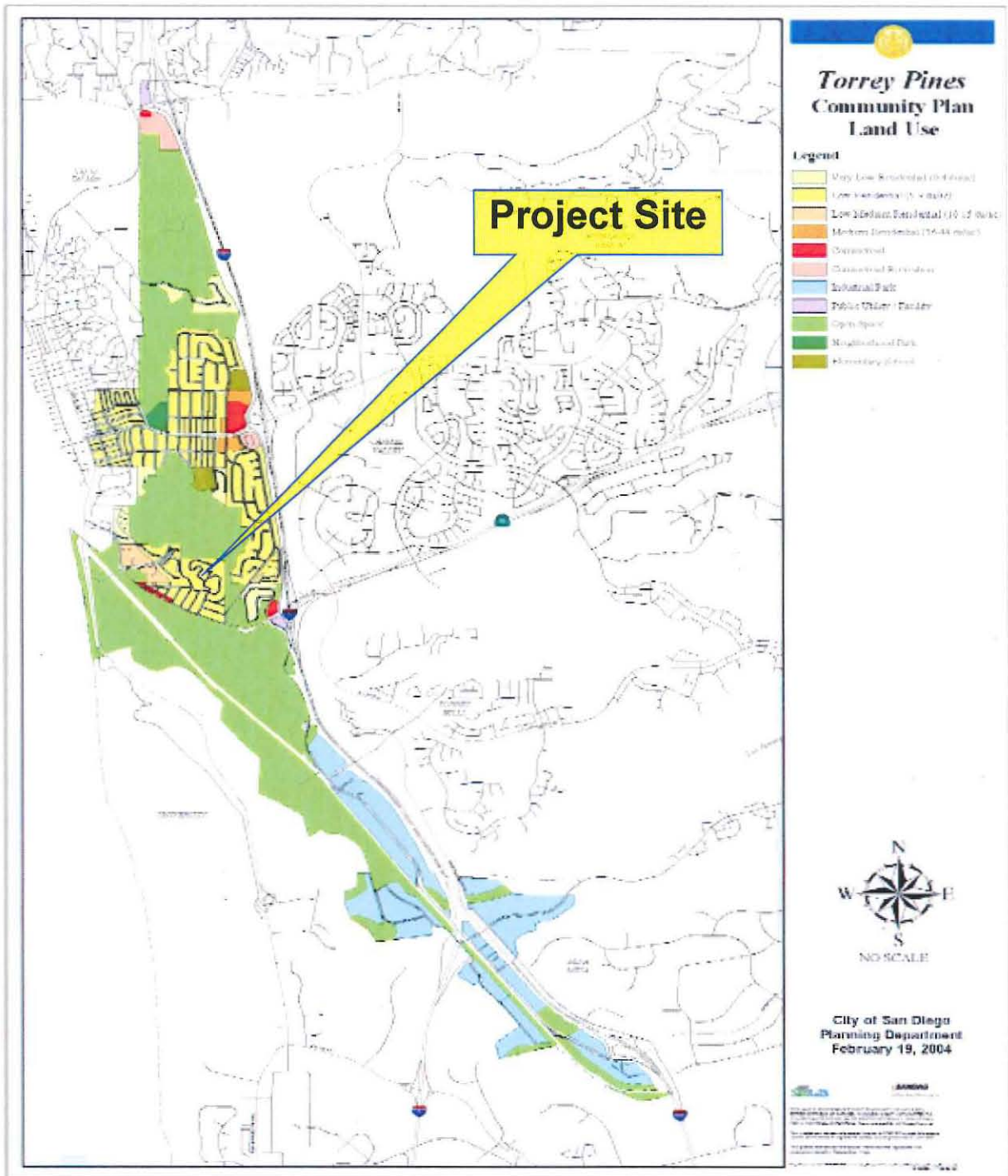
11. Land Surveyor's – Map Data Closure
12. Copy of Appeal
13. Letter from Fred James reference by appeal
14. Community Planning Group Recommendation
15. Copy of previous CDP 89-0803
16. Ownership Disclosure Statement
17. Project Chronology



Aerial Photo

13056 VIA LATINA – GIANGUILIO COMPANION UNIT
PROJECT NUMBER 232498





Land Use Map

13056 VIA LATINA – GIANGUILIO COMPANION UNIT
PROJECT NUMBER 232498





Project Location Map

13056 VIA LATINA - GIANGUILIO COMPANION UNIT

PROJECT NUMBER 232498



PROJECT DATA SHEET

PROJECT NAME:	Gianguilio Companion Unit – Project No. 232498	
PROJECT DESCRIPTION:	Coastal Development Permit for an approximate 700 square foot companion unit with an approximate 600 square foot detached three car garage on a site containing an existing single family residence on a 10,124 square-foot property.	
COMMUNITY PLAN AREA:	Torrey Pines	
DISCRETIONARY ACTIONS:	Coastal Development Permit.	
COMMUNITY PLAN LAND USE DESIGNATION:	Low Density Residential (5-9 DU/AC)	
<u>ZONING INFORMATION:</u>		
ZONE: RS-1-7		
HEIGHT LIMIT: 30-Foot maximum height limit.		
LOT SIZE: 5,000 square-foot minimum lot size – 10,124 sq. ft. existing lot.		
FLOOR AREA RATIO: 0.54		
FRONT SETBACK: 15 feet minimum		
SIDE SETBACK: 5.7 feet minimum		
STREETSIDE SETBACK: NA.		
REAR SETBACK: 13 feet		
PARKING: 3 parking spaces required.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Density Residential; RS-1-7 Zone.	Single Family Residence
SOUTH:	Low Density Residential; RS-1-7 Zone.	Single Family Residence
EAST:	Low Density Residential; RS-1-7 Zone.	Single Family Residence
WEST:	Low Density Residential; RS-1-7 Zone.	Single Family Residence
DEVIATIONS OR	None.	

ATTACHMENT 4

VARIANCES REQUESTED:	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On May 12, 2011, the Torrey Pines Community Planning Board voted (11-1-1) to “Forward the plan to the City with no comment” on this project. The recommendation did not include any conditions.

PLANNING COMMISSION - RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 835836
GIANGIULIO COMPANION UNIT - PROJECT NO. 232498
AN AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 89-0803

WHEREAS, Ben Giangiulio, Trustee of Ben Giangiulio Trust, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a detached companion unit on a property with an existing single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 835836), on portions of a 0.232-acre property;

WHEREAS, the project site is located at 13056 Via Latina in the RS-1-7 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone of the Torrey Pines Community Plan area;

WHEREAS, the project site is legally described as Lot 13, Block 14, Del Mar Terrace, Map No. 1527;

WHEREAS, on December 22, 2011, the Development Services Department of the City of San Diego considered and approved Coastal Development Permit No. 835836 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on January 11, 2012, that decision was appealed by Mr. Wes Hilton represented by attorney Fred James;

WHEREAS, on March 15, 2012, the Planning Commission of the City of San Diego considered the appeal of Coastal Development Permit No. 835836 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 6, 2011, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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

That the Planning Commission adopts the following written Findings, dated March 15, 2012.

FINDINGS:

Coastal Development Permit - Section 126.0708

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

The development proposes to construct an approximate 700 square foot detached single story companion unit with a detached three car garage on a site containing an existing residence. The 10,124 square foot project site is located approximately one half mile from the coastline and contains an existing single family residence. The proposed development is for a rear yard companion unit with a detached garage and is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located along or adjacent to an identified public view within the North City Local Coastal Program. The project site is situated along Via Latina, within a developed single family residential neighborhood. The proposed project meets the development setbacks, required lot area, minimum off-street parking and height limit required by the underlying zone and the proposed development will not obstruct any identified public view.

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

The 10,124 square foot project site is currently developed with a single family residence, and does not contain any form of environmentally sensitive lands. The development proposes to construct an approximate 700 square foot detached single story companion unit with a detached three car garage on a site containing the existing residence. The environmental review, determined that the project would not have any significant environmental effect on environmentally sensitive lands and the proposed project was found to be categorically exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines. The project proposes a minimal amount of grading to an area which has previously been disturbed and will not result or propose any encroachment into Environmentally Sensitive Lands.

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

The proposed development, to construct an approximate 700 square foot detached single story companion unit with a detached three car garage on a site containing an existing residence is located in an area which has a Low Density (5-9 Dwelling Units per Acre) Residential land use designation by the Torrey Pines Community Plan. The proposed residential development to add the companion unit was found consistent with the residential designation of the Torrey Pines Community Plan. During environmental review, it was determined that the project was categorically exempt under the CEQA Guidelines. The project design was also determined to be in compliance with all of the applicable development regulations, primarily those of the RS-1-7 Zone, the Companion Unit development regulations pursuant to Municipal Code Section 131.0422 and Coastal Overlay Zone. The project site is not located adjacent to an identified public view as identified within the North City Local Coastal Program. Due to these factors the proposed addition of a companion unit to the existing single family residence was found to be in compliance with the City of San Diego adopted Torrey Pines Community Plan and the certified North City Local Coastal Program Land Use Plan.

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 10,124 square foot project site is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the addition of the proposed companion unit to this site. The proposed companion unit on a site with an existing single family residential project is designed to take access off the existing public street, Via Grimaldi, with adequate off street parking. The existing character and pedestrian design of the streets and public walkways will be improved or remain unaltered.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 835836 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 835836, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas, AICP
Development Project Manager
Development Services

Adopted on: March 15, 2012

Job Order No. 24001580

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: 24001580

COASTAL DEVELOPMENT PERMIT NO. 835836
GIANGIULIO COMPANION UNIT - PROJECT NO. 232498
AN AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 89-0803
PLANNING COMMISSION

This Coastal Development Permit No. 835836, an amendment to Coastal Development Permit No. 89-0803, is granted by the Development Services Department of the City of San Diego to Ben Giangiulio, Trustee of Ben Giangiulio Trust, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Section 126.0702. The 0.232 -acre site is located at 13056 Via Latina in the RS-1-7 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the Torrey Pines Community Plan area. The project site is legally described as: Lot 13, Block 14, Del Mar Terrace, Map No. 1527.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a detached companion unit on a property with an existing single family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 15, 2012, on file in the Development Services Department.

The project shall include:

- a. An existing, approximate 2,850 square foot, single family residence with an attached two car garage, a new approximately 700 square foot, single story, detached companion unit and a new approximate 600 square foot detached three car garage on a 10,124 square foot property;
- b. Existing landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by January 11, 2015.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Prior to recordation of this Permit with the County Recorder, a fee of \$41.15 shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the Owner/Permittee and verified by the Development Services Department.
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.

ENGINEERING REQUIREMENTS:

12. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
13. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
14. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
16. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

PLANNING/DESIGN REQUIREMENTS:

17. Owner/Permittee shall maintain a minimum of three (3) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
18. 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.
19. Prior to building permit issuance, the record owner of the property must enter into an agreement with the City that neither the primary dwelling unit nor the companion unit may be sold or conveyed separately and that the owner of the property shall reside in the primary dwelling unit or the companion unit pursuant to Municipal Code Section 141.0302(a), to the satisfaction of the Development Services Department.
20. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

21. 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 and sewer service(s), if required, outside of any driveway, 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.

22. Prior to the issuance of any certificates of occupancy, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

23. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices.

INFORMATION ONLY:

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

APPROVED by the Development Services Department of the City of San Diego on March 15, 2012, by Resolution No. PC - ____.

NOTICE OF EXEMPTION

ATTACHMENT 7

TO: X RECORDER/COUNTY CLERK
P.O. Box 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT No.: **232498** PROJECT TITLE: **GIANGUILIO COMPANION UNIT**

PROJECT LOCATION-SPECIFIC: **13056 VIA LATINA**
PROJECT LOCATION-CITY/COUNTY: **SAN DIEGO/SAN DIEGO**

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: **COASTAL DEVELOPMENT PERMIT TO CONSTRUCT A 700-SQUARE-FOOT COMPANION UNIT AND 3 CAR GARAGE ON A 0.23 ACRE SITE WHICH HAS AN EXISTING SINGLE FAMILY RESIDENCE. THE SITE IS LOCATED AT 13056 VIA LATINA IN THE RS-1-7 ZONE WITHIN THE TORREY PINES COMMUNITY PLAN, COASTAL OVERLAY (NON-APPEALABLE) ZONE, AND THE COASTAL HEIGHT LIMIT ZONE, AND COUNCIL DISTRICT 1.**

NAME OF PUBLIC AGENCY APPROVING PROJECT: **CITY OF SAN DIEGO**

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: **TOM MORLEY, TBM DESIGN, 2137 PACIFIC HIGHWAY, STE. A, SAN DIEGO CA, 92101, PHONE (619) 231-8070**

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
- DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- CATEGORICAL EXEMPTION: SECTION 15301(E)(1)- EXISTING FACILITIES**

REASONS WHY PROJECT IS EXEMPT: **THE PROPOSED ACTIVITY IS EXEMPT FROM CEQA PURSUANT TO SECTION 15301(E)(1), WHICH ALLOWS FOR ADDITIONS WHICH ARE LESS THAN 50% OF THE EXISTING FLOOR AREA OF THE STRUCTURES PRIOR TO THE ADDITION, OR 2,500 SQUARE FEET (WHICHEVER IS LESS), AND THE PROJECT IS NOT LOCATED IN AN ENVIRONMENTALLY SENSITIVE AREA. THE PROJECT WOULD NOT HAVE THE POTENTIAL FOR CAUSING A SIGNIFICANT EFFECT ON THE PHYSICAL ENVIRONMENT AS THE NEW CONSTRUCTION ADD A 700 SQUARE FEET (GFA) AND A 3 CAR GARAGE TO A LOT WITH AN EXISTING RESIDENCE AND WOULD OCCUR UPON AN EXISTING DISTURBED/DEVELOPED PAD WHICH IS CURRENTLY SERVED BY ALL PUBLIC SERVICES AND FACILITIES. ADDITIONALLY, NONE OF THE EXCEPTIONS DESCRIBED IN CEQA GUIDELINES SECTION 15300.2 APPLY.**

LEAD AGENCY CONTACT PERSON: **HOLLY SMIT-KICKLIGHTER**

TELEPHONE: **(619) 446-5378**

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
(X) YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

Matt Oba / Senior Planner
SIGNATURE/TITLE

December 6, 2011
DATE

CHECK ONE:

- SIGNED BY LEAD AGENCY
- SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, outside of any driveway or drive aisle, in the right-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

All proposed public water facilities, including services and meters, must be designed and constructed 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 wastewater facilities to serve the proposed project are existing within the right-of-way adjacent to the project site.

All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed. Re-design may include, but not limited to, land form modification and changes to street alignments.

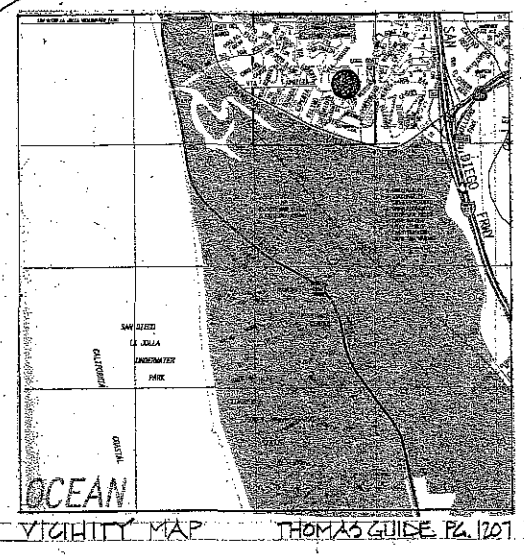
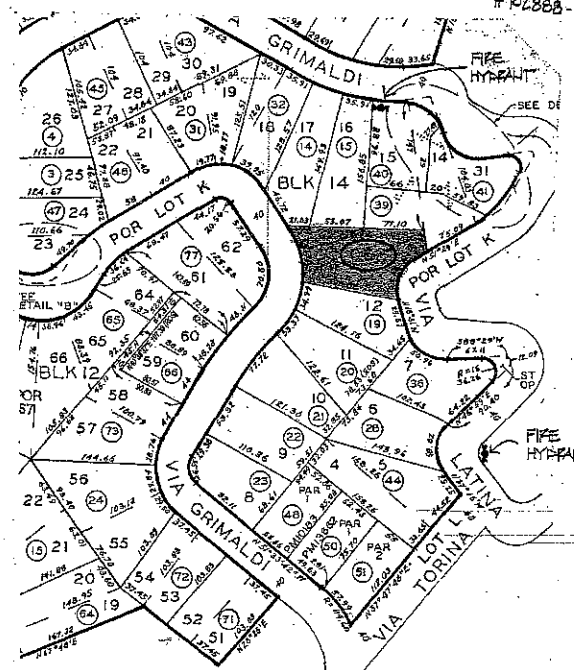
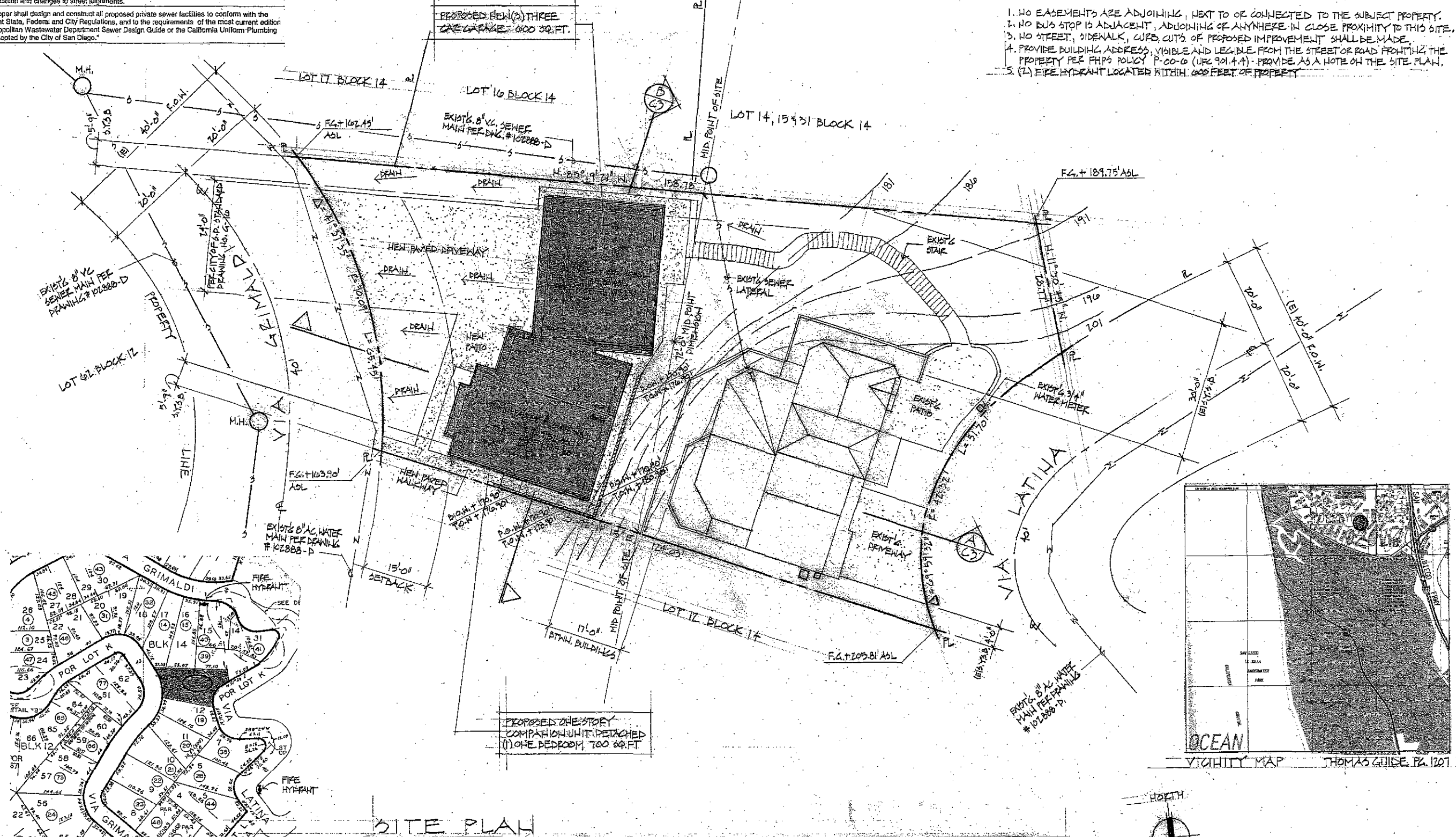
The developer shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.

PARKING CALCULATIONS
 MINIMUM REQUIRED PARKING SPACES FOR (E) AND (H) DWELLING UNITS
 EXISTING (3) BEDROOM S.F.D. REQUIRES: 1 PARKING SPACES
 NEW (1) BEDROOM S.F.D. REQUIRES: 1.5 PARKING SPACES
 ON SITE PARKING SPACES PROVIDED 5 PARKING SPACES

REVISIONS	BY

ATTACHMENT 8

1. NO EASEMENTS ARE ADJOINING, NEXT TO OR CONNECTED TO THE SUBJECT PROPERTY.
2. NO BUS STOP IS ADJACENT, ADJOINING OR ANYWHERE IN CLOSE PROXIMITY TO THIS SITE.
3. NO STREET, SIDEWALK, CURB CUTS OF PROPOSED IMPROVEMENT SHALL BE MADE.
4. PROVIDE BUILDING ADDRESS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PHPS POLICY P-00-0 (UPC 901.4.A) - PROVIDE AS A NOTE ON THE SITE PLAN.
5. (1) FIRE HYDRANT LOCATED WITHIN 600 FEET OF PROPERTY



- Site Plan Notes**
1. All surface water to drain away from building and property line to alley or street.
 2. Verify all utility locations (existing or new) prior to start of construction.
 3. The hose bibbs and lawn sprinkler's systems shall have approved back flow prevention devices.
 4. Contractor to comply with all OSHA requirements

Provide a soils report or add the following notes and signature on the site plan: "The structure(s) will be located entirely on undisturbed native soil. If the Building Inspector suspects fill, expansive soils or any geologic instability based upon observation of the foundation excavation, a soils or geological report, and resubmittal of plans to plan check to verify that the report recommendations have been incorporated, may be required." Signature _____ Owner/Licensed Engineer or Architect

Prior to the foundation inspection, the applicant 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.

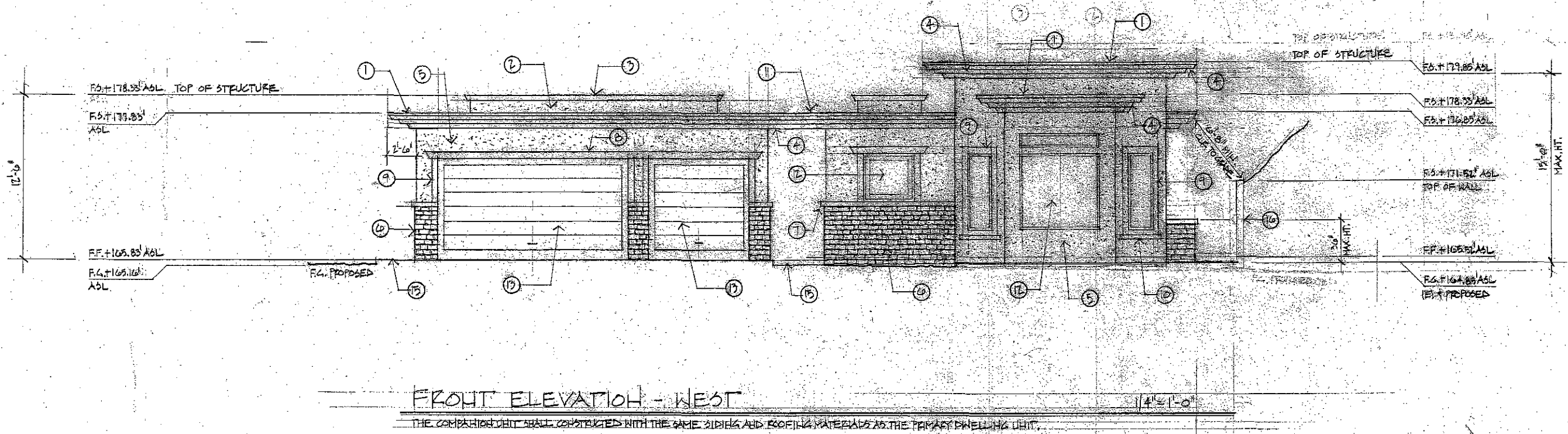
CONTRACTORS TO FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION AND CONSULT WITH DESIGNER IF THERE ARE ANY INCONSISTENCIES WITH EXISTING CONDITIONS AND THE PLANS.

TBM DESIGN

2137 Pacific Highway, Suite A, San Diego, CA 92101 ph: 619.231.8070

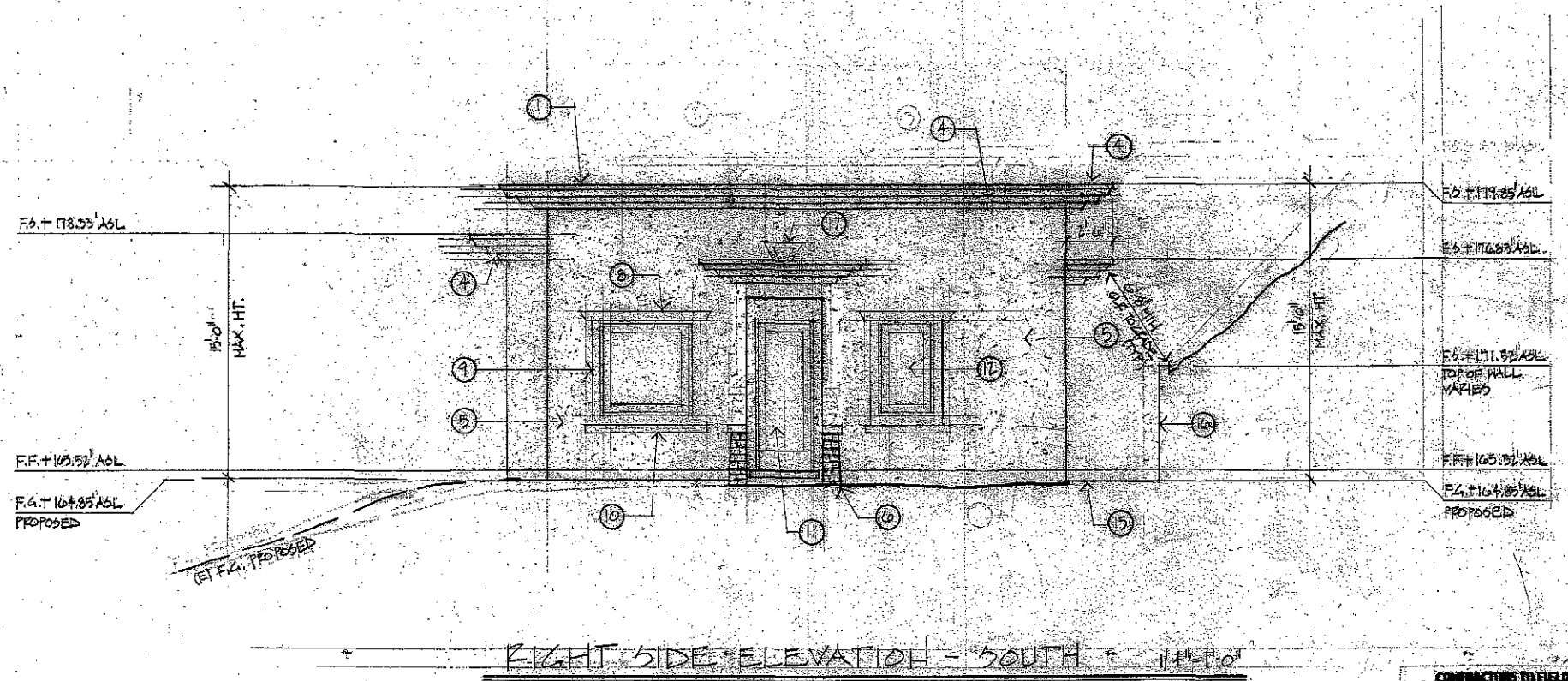
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 Drawn: TBM
 Job: SPANGLIO
 Sheet: C-1
 of 2 Sheets

ASSESSOR'S MAP PAGE 301-062-18



EXTERIOR ELEVATION NOTES

1. CLASS A ROOF ASSEMBLY PER GRAVEL OVER MODIFIED BITUMEN PER MANUFACTURER SPECIFICATIONS. SEE PLANS
2. ROOF EQUIPMENT SCREEN WALL AT 2 ft IN HEIGHT AS SHOWN PER PLAN WITH 7/8 inch EXTERIOR STUCCO FINISH
3. 4 inch WOOD TRIM CAP AT TOP OF SCREEN WALL STAINED OR PAINTED TO MATCH TRIM PER PLAN
4. 2x4 WOOD TRIM LIP OVER 2x6 CONTINUOUS WOOD BOARD OVER 2x12 WOOD FASCIA BOARD WITH GRAVEL STOP FLASHING. STAINED OR PAINTED TO MATCH TRIM BOARDS PER PLAN
5. 7/8 inch EXTERIOR STUCCO FINISH AS SHOWN PER PLAN COLOR PER OWNER
6. STONE VENEER/LEDGER STONE AT 4 ft IN HEIGHT AS SHOWN PER PLAN COLOR AND STONE ARRANGEMENT PER OWNER
7. LEDGER STONE CAP AT TOP OF VENEER TERMINATION AS SHOWN PER PLAN
8. 2x6 WOOD TRIM HEADER ABOVE DOOR OPENINGS AS SHOWN PER PLAN STAINED OR PAINTED COLOR TO MATCH TRIM AND FASCIA BOARDS
9. 2x4 WOOD TRIM BOARDS AROUND WINDOW AND DOOR OPENINGS AS SHOWN PER PLAN STAINED OR PAINTED COLOR TO MATCH FASCIA BOARDS
10. WOOD WINDOW SILLS AS SHOWN PER PLAN STAINED OR PAINTED TO MATCH TRIM AND FASCIA BOARDS
11. ENTRY DOOR AS SHOWN PER PLAN STAINED OR PAINTED COLOR TO MATCH TRIM AND FASCIA BOARDS
12. WINDOWS AS SHOWN PER PLAN STAINED OR PAINTED TO MATCH TRIM AND FASCIA BOARDS OR PER MANUFACTURER'S PREFINISH PRODUCT
13. DECORATIVE WOOD PANEL GARAGE DOORS AS SHOWN PER PLAN STAINED OR PAINTED COLOR TO MATCH TRIM AND FASCIA BOARDS
14. DOORS AS SHOWN PER PLAN STAINED OR PAINTED COLOR TO MATCH TRIM AND FASCIA BOARDS OR PER MANUFACTURER'S PREFINISH PRODUCTS
15. CONCRETE PATIOS AND WALKWAYS AS SHOWN PER PLAN
16. CONCRETE MASONRY WALL PER CITY STANDARDS AS SHOWN PER PLAN



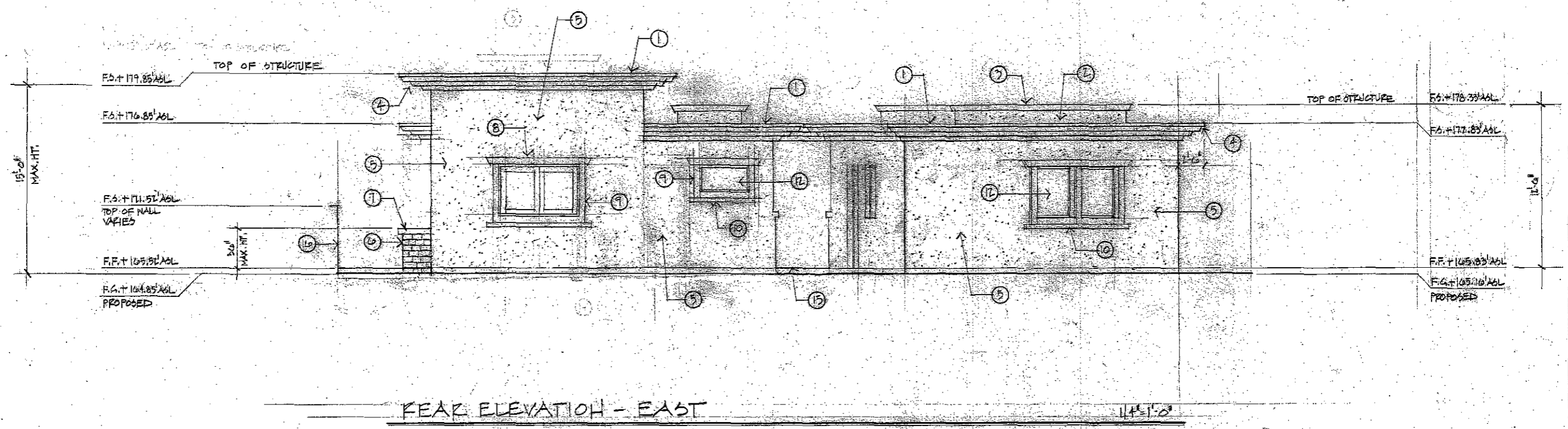
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2187 pacific highway suite a, san diego, ca 92101 ph: 619.291.8870

EXTERIOR ELEVATION 1010

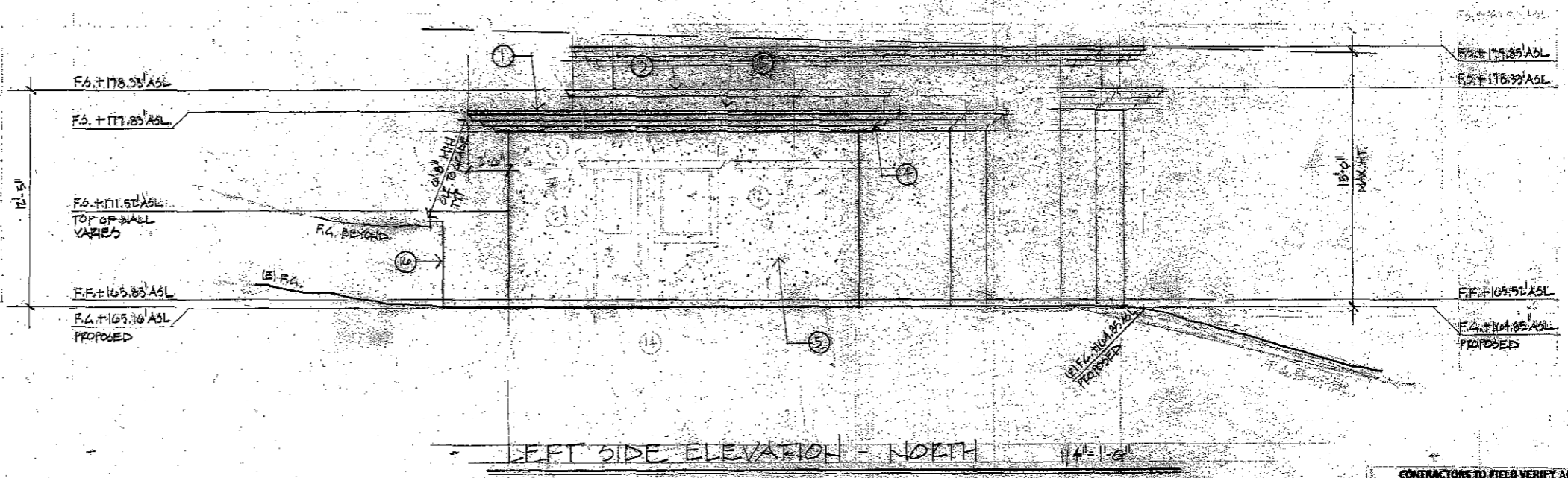
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 Sheet: A-5
 Of: 5

CONTRACTOR TO FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION AND CONSULT WITH DESIGNER IF THERE ARE ANY INCONSISTENCIES WITH EXISTING CONDITIONS AND THE PLANS.



EXTERIOR ELEVATION NOTES

1. CLASS A ROOF ASSEMBLY PER GRAVEL OVER MODIFIED BITUMEN PER MANUFACTURER SPECIFICATIONS. SEE PLANS
2. ROOF EQUIPMENT SCREEN WALL AT 2 R IN HEIGHT AS SHOWN PER PLAN WITH 7/8 inch EXTERIOR STUCCO FINISH
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13. DECORATIVE WOOD PANEL GARAGE DOORS AS SHOWN PER PLAN STAINED OR PAINTED COLOR TO MATCH TRIM AND FASCIA BOARDS
14. DOORS AS SHOWN PER PLAN STAINED OR PAINTED COLOR TO MATCH TRIM AND FASCIA BOARDS OR PER MANUFACTURER'S PREFINISH PRODUCTS
15. CONCRETE PATIOS AND WALKWAYS AS SHOWN PER PLAN
16. CONCRETE MASONRY WALL PER CITY STANDARDS AS SHOWN PER PLAN



TBM DESIGN

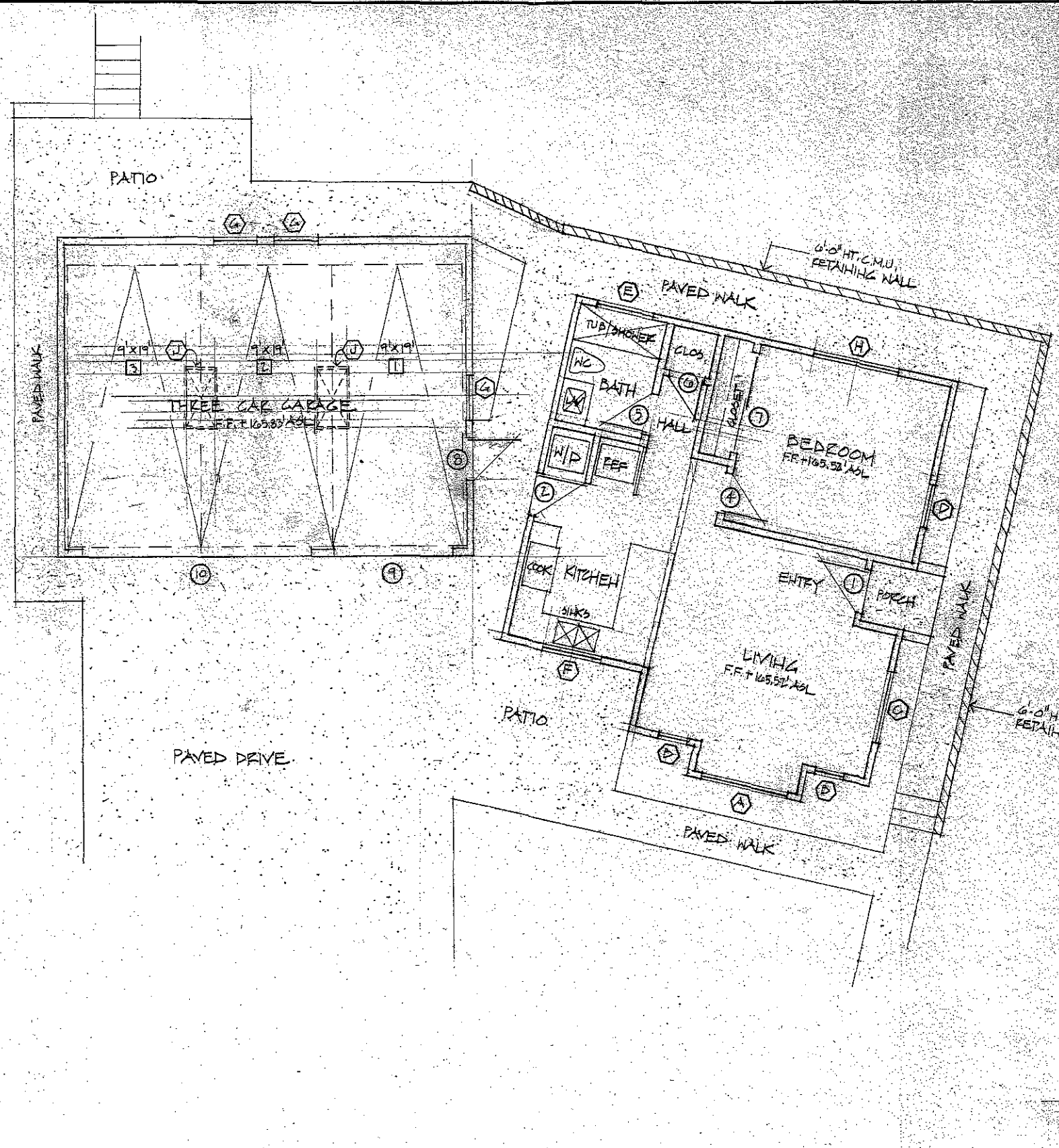
2137 pacific highway, suite a, san diego, ca 92101 ph: 619.231.8070

EXTERIOR ELEVATIONS

Date 12-7-10
 Scale 1/4" = 1'-0"
 Drawn TBM
 Job # 10-0410-10
 Sheet A-6
 of 12 sheets

CONTRACTORS TO FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION AND CONSULT WITH DESIGNER IF THERE ARE ANY INCONSISTENCIES WITH EXISTING CONDITIONS AND THE PLANS.

REVISIONS	BY



- WINDOW SCHEDULE
- (A) 6060 WOOD FRAME DUAL GLAZED FIXED PICTURE WINDOW
 - (B) 2060 WOOD FRAME DUAL GLAZED CASEMENT WINDOWS
 - (C) 5050 WOOD FRAME DUAL GLAZED SLIDING WINDOWS
 - (D) 3050 WOOD FRAME DUAL GLAZED DOUBLE HUNG WINDOWS
 - (E) 4020 WOOD CLAD TEMPERED DUAL GLAZED SLIDING WINDOW
 - (F) 4030 WOOD FRAME DUAL GLAZED SLIDING WINDOW
 - (G) 3040 WOOD FRAME DUAL GLAZED DOUBLE HUNG WINDOWS
 - (H) 6050 WOOD FRAME DUAL GLAZED SLIDING WINDOW
 - (I) 7040 SKYLIGHT

- DOOR SCHEDULE
- (1) 3080 FRONT ENTRY DOOR WOOD FRAME WITH SINGLE LIGHT VIEW PANEL
 - (2) 3088 DUTCH DOOR WOOD FRAME WITH SINGLE LIGHT UPPER HALF
 - (3) 3080 PAIR FRENCH DOOR WOOD FRAME SINGLE LIGHT
 - (4) 3080 SOLID CORE RAISED PANEL WOOD DOOR
 - (5) 3080 HOLLOW CORE RAISED PANEL WOOD DOOR
 - (6) 2680 HOLLOW CORE RAISED PANE WOOD DOOR
 - (7) 3080 PAIR WARDROBE MIRROR DOORS AT CLOSET
 - (8) 3080 SOLID CORE WOOD FRAME MAN DOORS AT GARAGE WITH SINGLE LIGHT UPPER HALF
 - (9) 8086 WOOD PANEL GARAGE DOOR CARRIAGE STYLE WOOD FRAME
 - (10) 14080 WOOD PANEL GARAGE DOOR CARRIAGE STYLE WOOD FRAME

FLOOR PLAN - COMPANION UNIT AND GARAGE
 TOTAL OF 700 SQ. FT. TOTAL OF 600 SQ. FT.



TBM DESIGN

2137 pacific highway, suite B, san diego, ca 92101 ph: 619.281.8070

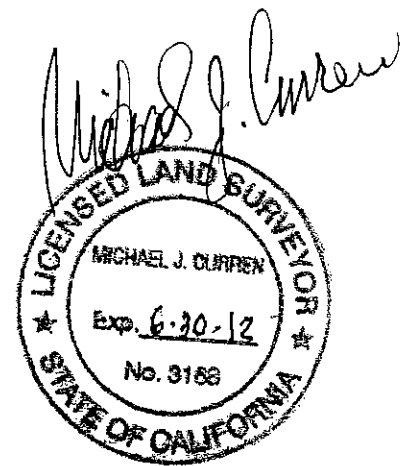
FLOOR PLAN AT PROPOSED COMPANION UNIT AND GARAGE

Date	12-7-10
Scale	1/4" = 1'-0"
Drawn	TBM
Job	CAH2102
Sheet	A-3
Of 9	Sheet 13

CONTRACTORS TO FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION AND CONSULT WITH DESIGNER IF THERE ARE ANY INCONSISTENCIES WITH EXISTING CONDITIONS AND THE PLANS.

MAP DATA CLOSURE

1	LOT 13,BLK 14	1-3C4L5,6C7L8,1	
1			
	S11 30 19E		28.77
2			
	S51 28 31W		19.15
3			
	B.C. to Radius pt		
	S38 31 29E		42.32
4			
		70 00 00 Delta	
		42.32 Radius	
		51.71 Arc Length	
	S16 28 31W	48.55 Chord	
		29.63 Tangent	
	Radius pt to E.C.		
	S71 28 31W		42.32
5			
	N72 11 15W		124.03
6			
	B.C. to Radius pt		
	N84 43 43W		90.09
7			
		41 37 35 Delta	
		90.09 Radius	
		65.45 Arc Length	
	N15 32 19W	64.02 Chord	
		34.25 Tangent	
	Radius pt to E.C.		
	N53 38 42E		90.09
8			
	S85 19 21E		158.78
1			
	Closing course		
	S74 23 15.2W		0.00
		447.89 Total dist	
		367801 Precision	
		10124.664 SF	
		0.232 AC	



268947

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210</p>	<h2 style="margin: 0;">Development Permit/ Environmental Determination Appeal Application</h2>	<p>FORM DS-3031 MARCH 2007</p>
		<p>THE CITY OF SAN DIEGO</p>

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

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

Name: WES HILTON

Address: 13068 VIALAPINA, DELMAR, CA 92014 Telephone: 858-755-4843

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

BEN GIANGIULIO TRUST

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
<u>232498 / DPER 2401580</u>	<u>12/23/11</u>	<u>GLEN GARBAJ</u>

Decision (describe the permit/approval decision):
APPROVAL OF COMPANION WEST AND COSTAL DEVELOPMENTS PERMIT

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

Factual Error (Process Three and Four decisions only) New Information (Process Three and Four decisions only)
 Conflict with other matters (Process Three and Four decisions only) City-wide Significance (Process Four decisions only)
 Findings Not Supported (Process Three and 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 DECISION MAKERS STATED FINDINGS TO APPROVE THE PERMIT ARE NOT SUPPORTED BY THE INFORMATION PROVIDED TO THE DECISION MAKER. SEE PREVIOUSLY SUBMITTED LETTER AND EXHIBITS ADDITIONAL EXHIBITS TO BE SUBMITTED PRIOR TO HEARING 12.0584(0)(3)

RECEIVED

JAN 11 2012



DEVELOPMENT SERVICES

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

Signature: [Handwritten Signature] Date: 1/11/12

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

GUEVARA, PHIPPARD & JAMES
PROFESSIONAL CORPORATION

Attorneys at Law

Daniel L. Guevara
William J. Phippard
Fred C. James
Scott D. Waddle
Margarita R. Solis

Of Counsel

Pablo C. Palomino

Karen A. Guevara
Administrator

Direct Dial (619) 531-8785 Ext. 234
E-mail: fjames@gpjsdlaw.com

May 6, 2011

Via Personal Delivery

Mr. Glenn Gargas
Development Project Manager
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101-4155

Re: **Opposition to Project No. 232498:** The Costal Development Permit Application of Thomas Morley for the Giangiulio Companion Unit, and Three Car Garage Project in the Torrey Pines Community Plan Area.

Dear Mr. Gargas:

This firm Represents Wes Hilton who lives at 13068 Via Latina, an adjoining property owner to the applicant Ben Giangiulio, who resides at 13056 Via Latina, San Diego, CA. Mr. Hilton respectfully requests that the application be Denied.

The applicant's property is located in an area known as the Del Mar Terrace, which is at the northern edge of the City of San Diego, bordering on the Torrey Pines State Preserve, and the City of Del Mar. It is a very rural area. There are no sidewalks or street lights. The applicant's property is bordered on two sides by two streets which ultimately form a loop, which is constantly being walked by all the residents of the broader neighborhood.

Simply put, the applicant's lot does not meet the City of San Diego Municipal Code requirements for the proposed project. Based upon surveys going back 45 years, the applicant's lot only contains approximately 9,944 square feet. The previous owners who built the existing home on the property represented to the City in various applications that the lot in question only contained 9,990 square feet. This total is less than the 10,000 square feet required by SDMC 141.0302(b), to be able to construct a companion unit on this property.

1420 Kettner Boulevard, Suite 600
San Diego, California 92101-2496
Telephone (619) 531-0123
Telefax (619) 544-0056
www.gpjlw.net



Guevara, Phippard & James P.C. is a member of MSI, a network of independent professional firms

Mr. Glenn Gargas
Development Project Manager
May 6, 2011
Page 2

A recent survey conducted by the applicant, which does not even show the existence of the adjoining Hilton lot to the north, admits in its notes that "the Northerly and Southerly lines (of the applicant's lot) do not agree with Record of Survey 6584 and Record of Survey 12499 Respectively". Without even attempting to explain why the existing surveys may be in error, this new survey simply moves the northeastern corner of the applicant's lot so that the northern property line, which separates the two properties, **now encroaches onto the Hilton property** by approximately 1 to 1½ feet, and now claims that the applicant's lot contains 10,106 square feet. This alleged new property line, if recognized, would cut approximately 1 to 1½ feet into the required four foot setback, and 1 to 1½ feet off of the stairs leading up to the Hilton's front door.

In addition, the use applied for is not consistent with the neighborhood. Of the 84 houses around the "loop" most have two car, and a very few have three car garages. This project seeks to add a three car garage to support a 700 sq. ft. companion unit which would bring the total number of garage spaces on the property to five (5). Finally, the proposed driveway is located at the apex of a very tight corner. Because of the substandard width of the existing streets, and the limited visibility, the use of the driveway will pose a danger to both those using the driveway, and the cars attempting to negotiate the curve.

SOME HISTORY

I believe that some history will be helpful in reaching your decision.

1. The northern property line of the Giangiulio property, Lot 13, separates the Giangiulio property from three properties owned by Hilton, Ramachandra, and Brav. (See **Exhibit "A"** (Brav-Blue, Ramachandra-Green, Hilton-Pink, Giangiulio-Yellow);
2. The Hilton Property was created in 1974 by Record of Survey ("ROS") 6584. See **Exhibit "B"**. The location of the property line between the Hilton and Giangiulio properties has been recognized as the property line for a least 37 years;
3. The Giangiulio property was developed in July 1989, and acknowledged the property line created by ROS 6584. There are three documents contained in the files of the City of San Diego since 1989: the City of San Diego Permit Application, the Costal Development Permit Application, and the Project Summary, all specifically representing to the City of San Diego that the property contained 9,990 square feet. See **Exhibit "C"**;
4. The Costal Development Permit No. 89-0803 which authorized the building of the existing home on the Giangiulio property contains a photograph taken from the building pad which shows the existence of the Hilton home with stairway in place. See **Exhibit "D"**; and

Mr. Glenn Gargas
Development Project Manager
May 6, 2011
Page 3

5. Gianguilio purchased the property approximately ten years ago, and installed a chain link fence parallel to the existing northerly property line of his property.

THE CURRENT SITUATION:

6. On July 31, 2009, Gianguilio asked the City of San Diego for permission to split his lot into two lots. The application was denied on August 10, 2009 because the resulting lots could not meet various City of San Diego Municipal Code requirements. See **Exhibit "E;"**
7. On August 4, 2010, I wrote to Mr. Gianguilio regarding what I believed to be the incorrect placement of survey pins as part of a survey being conducted on his behalf. A copy of that letter is attached as **Exhibit "F";** and
8. On February 22, 2011, as can be seen from the plans submitted, Mr. Gianguilio applied for a permit to build a companion unit of approximately 700 square feet, and a three car garage of approximately 600 square feet, which is three times the size of his existing two car garage.

In order to obtain a permit to build the companion unit on the property, the San Diego Municipal Code Section 141.0302(b) requires that the lot contain a minimum of 10,000 square feet. When seeking approval to build the existing home on the property, the prior owner of the property represented to the City of San Diego that the property only contained 9,990 square feet (See **Exhibit "C".**) An independent calculation by a surveyor of the square footage of the property using the monuments recognized by ROS 6584 determined that the lot only contains 9,944 square feet. See **Exhibit "G."**

As part of the application, the applicant has provided a new ROS 20802, which purports to show that the applicant's Lot 13 now contains 10,108 square feet. As can be seen from a copy of a portion of this new survey map, the map does not even include the Hilton lot. See **Exhibit "H"** compared with **Exhibit "A"**. While showing the location of the pre-existing survey pins along the northerly lot line separating the Gianguilio property from the Hilton property with black dots, the map offers no explanation as to why the pre-existing pins may have been placed in error.

The map, however, does acknowledge that the location of the northern property line on this map is inconsistent with ROS 6584 (the survey which created the Hilton lot), and that the southern property line on this map is inconsistent with ROS 12499, which previously established the placement of the property line separating the applicant's Lot 13 from Lot 12 directly to its south. The map itself states, "The northerly and southerly lines do not agree with ROS 6584 and ROS 12499 respectively." See **Exhibit "I"**.

Mr. Glenn Gargas
Development Project Manager
May 6, 2011
Page 4

The new survey has essentially moved the location of the pin which identifies the northeasterly corner of the lot in a north-easterly direction by 1.4 feet. As can be seen within the circled portion of the new survey map attached as **Exhibit "H"**, the measurement of the north easterly property line has expanded from (27.41') to 28.77 feet; adding 1.36 feet to the property. The (27.41) measurement is in parentheses "(")" to reflect that was the distance listed on a prior map. In this instance, Map1527, also referenced in this new survey.

Therefore, the line traveling between the northwesterly corner to the new northeasterly corner, gradually travels along **encroaching onto the Hilton property, as it moves eastward**. See **Exhibit "G"**. Moving the line to this new location progressively invades the Hilton 4 foot set back between the property line and the Hilton home, and would cut through a portion of the stairs leading to the front door of the Hilton home. The attached exhibit shows with orange tape where the new survey's northerly property line would cross over the stairway of the Hilton's property. This tape was set by a surveyor using the line set forth in the new survey. See **Exhibit "J"**.

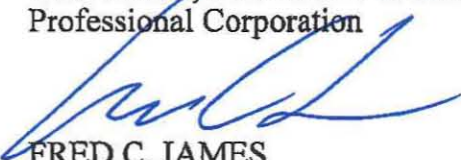
In addition to not having sufficient square footage, the requested use is inconsistent with the neighborhood. Of the 84 homes located around the loop, most have a two car garage with few having a three car garage. In this instance the applicant is seeking an additional three car garage to support a 700 square foot companion unit. The requested three car garage is depicted in the plans as being approximately 600 square feet. This is approximately three times the size of the existing two car garage depicted on the plans of the existing home filed in connection with this application.

Finally, the proposed driveway is located at the apex of a very tight corner. See **Exhibit "K"**. Because of the substandard width of the existing streets and the limited visibility of the tight curve, the use of the driveway will pose a danger to those using the driveway; the cars attempting to negotiate the curve, as well as, the many residents engaging in the time honored tradition of "walking the loop".

Based on all of the foregoing, Mr. Hilton requests that this application be denied. When reached, please forward a copy of your "Notice of Decision" to me at the address listed on the first page of this letter.

Yours very truly,

GUEVARA, PHIPPARD & JAMES
Professional Corporation



FRED C. JAMES
Attorney at Law

FCJ:ecl

5-22-95 RJO

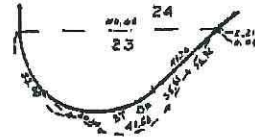
SAN LEANDRO COUNTY ASSESSOR'S MAP
301 - 06

1" = 100'

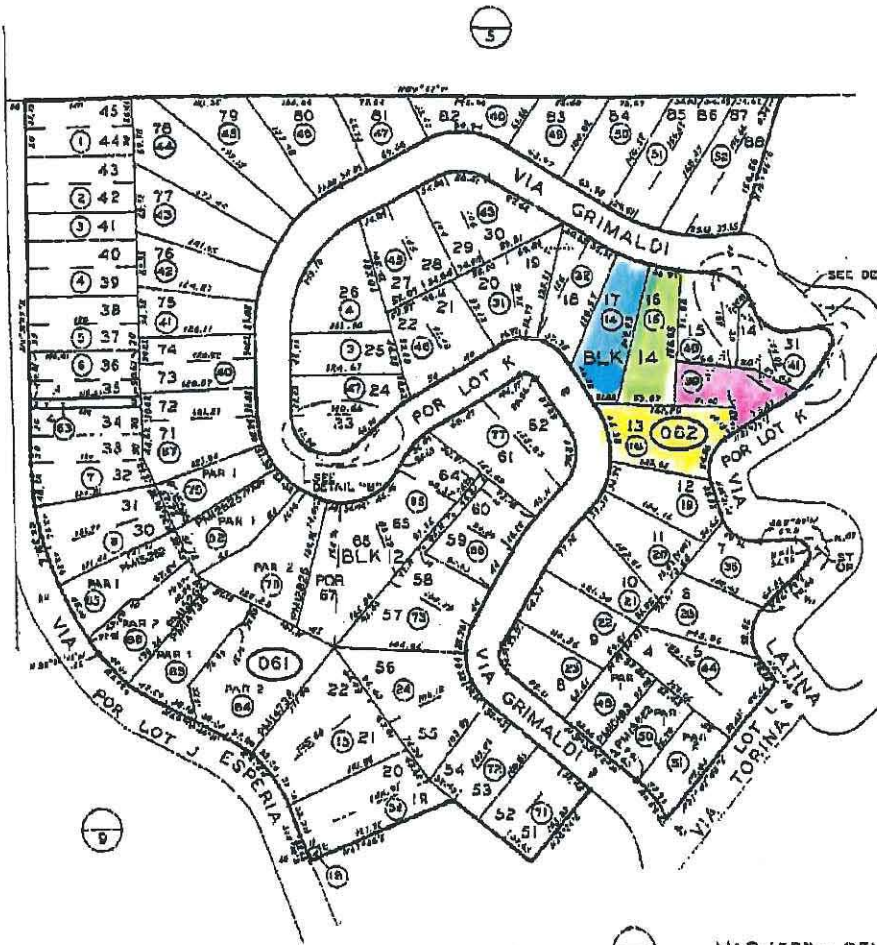
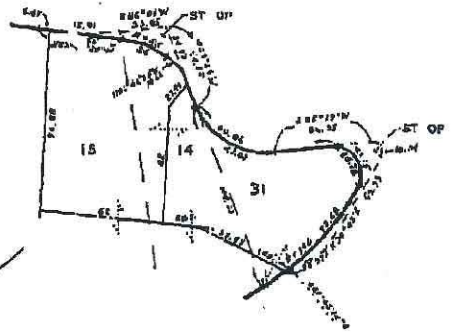
CHANGES

NO.	DATE	BY	REASON
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02	05/22/95	RJO	REVISION
03	05/22/95	RJO	REVISION
04	05/22/95	RJO	REVISION
05	05/22/95	RJO	REVISION
06	05/22/95	RJO	REVISION
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52	05/22/95	RJO </tr	

DETAIL "B" - 1" = 50'



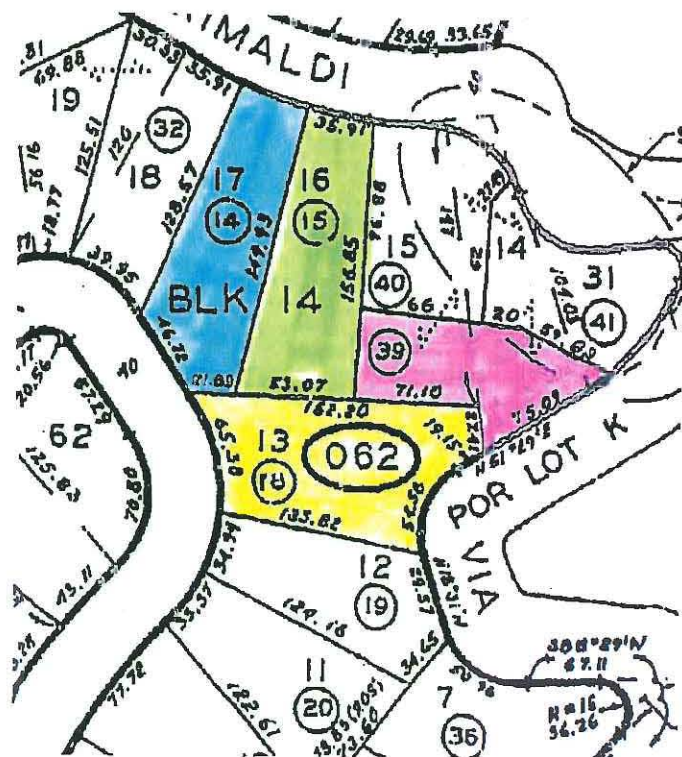
DETAIL "A" - 1" = 50'



JUN 14 1995

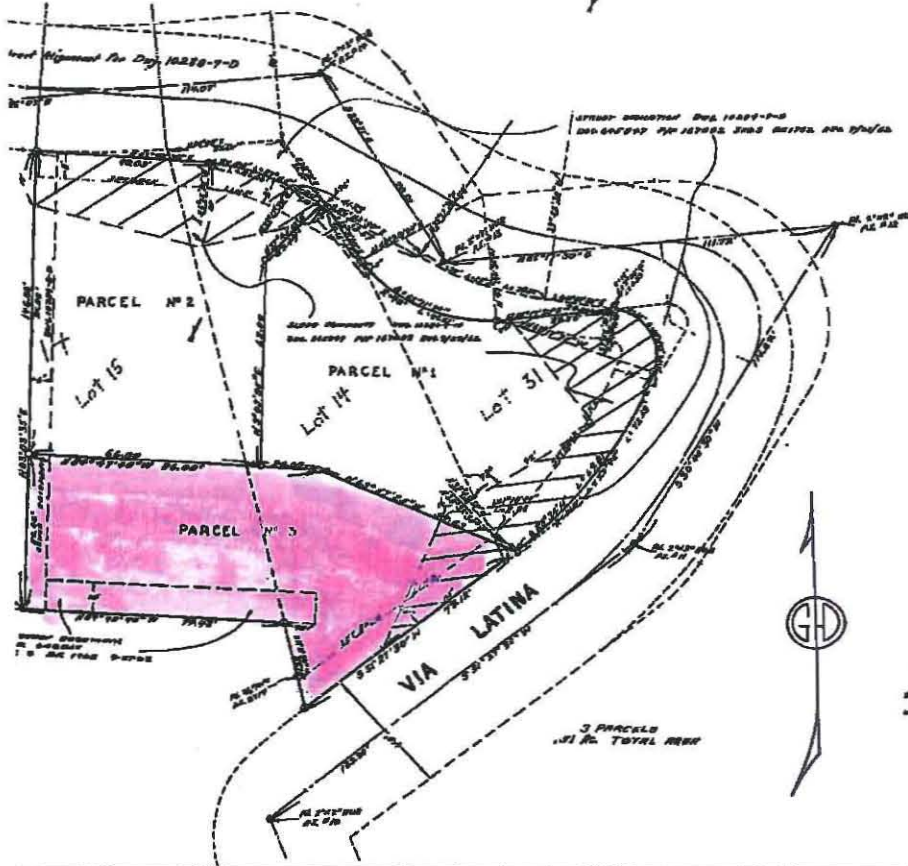
11

MAP 1527 - DEL MAR TERRACE - BLK 14 & POR 12
NOS 8208, 8543, 12489, 13439



R. OF S. MAP No. **6584**
 SHEET 4 OF 1 SHEETS

RECORD OF SURVEY
 OF A PARTITION
 OF LOTS 14, 15, 31, BLOCK 14,
 DEL MAR TERRACE MAP 1527
 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO,
 STATE OF CALIFORNIA



LEGEND
 O - INDICATES SET 3" X 4" IRON PINS L.S. 2724
 @ - INDICATES POINTS FOUND AS SHOWN
 O - INDICATES SET 3" X 4" IRON PINS L.S. 2724
 TOTAL NO LOTS = 3

SCALE 1" = 40'
 THE BOUNDARY BEARING FOR THIS SURVEY IS THE CENTER LINE OF
 THE ORIGINAL SURVEY LOCUS NOW SHOWN IN REDDISH AS
 SHOWN ON MAPSHEET #1 OF DEL MAR TERRACE

THIS MAP IS HEREBY RECORDED AS A JOINT ACT OF THE
 RECORDERS AND DISTRICT CLERK OF SAN DIEGO COUNTY, CALIFORNIA,
 AT THE REQUEST OF THE PARTIES HERETO AND
 BECAME EFFECTIVE ON JULY 1984.

John L. Sipe
 L.S. 2724

THIS MAP HAS BEEN RECORDED
 FOR COMPLIANCE WITH THE REQUIREMENTS OF
 THE LAND SURVEYS ACT THIS 27th DAY OF AUGUST 1984.
 BY *[Signature]* COUNTY CLERK
 AT 2:00 PM, AUGUST 2, 1984, IN SAN DIEGO, CALIFORNIA.
 FILE NO. 152762
 PAID BY THE COUNTY OF SAN DIEGO \$100.00
 THIS 27th DAY OF AUGUST 1984.
 AT 2:00 PM, AUGUST 2, 1984, IN SAN DIEGO, CALIFORNIA.
 PER DEED *[Signature]* COUNTY CLERK
 SAN DIEGO COUNTY, CALIFORNIA
 BY *[Signature]*
 GUARANTEE THE LAND SURVEYOR

Fee \$1500 T.M. 63-27
 W.D. 74921

#1.3 Dve



CITY OF SAN DIEGO PLANNING DEPARTMENT
 CITY ADMINISTRATION BUILDING
 202 C Street
 San Diego, CA 92101

APPLICATION

CHECK ALL PERMITS YOU ARE APPLYING FOR

PROJECT NUMBER 890803
 PROJECT NAME Jordan Residence
 AMOUNT OF DEPOSIT \$2800.00
 RECEIPT # 784435

- CLASSIFICATION OF USE
- COMPREHENSIVE SIGN PLAN
- CONDITIONAL USE PERMIT
- CONDOMINIUM CONVERSION PERMIT
- DEMOLITION PERMIT
- ENCROACHMENT PERMIT
- FLOOR AREA RATIO EXCEPTION PERMIT
- HEIGHT LIMIT EXCEPTION
- HILLSIDE REVIEW PERMIT
- LAND DEVELOPMENT PERMIT
- LEASE OF CITY PROPERTY

- MANUFACTURING INDUSTRIAL PERMIT
- PLANNED COMMERCIAL DEVELOPMENT
- PLANNED DISTRICT
- PLANNED INDUSTRIAL DEVELOPMENT
- PLANNED RESIDENTIAL DEVELOPMENT
- REZONING TO _____
- TENTATIVE SUBDIVISION
- PARCEL MAP
- STREET VACATION
- VARIANCE
- ENVIRONMENTAL ANALYSIS

OTHER (SPECIFY) Coastal Development Per

HAS ENVIRONMENTAL ANALYSIS BEEN DONE ON THE SITE BEFORE

YES NO

EQD NO. (if yes) _____

FINANCIALLY RESPONSIBLE PARTY recognizes that additional deposits may be required if permit processing expenses exceed the original deposit.

SIGNATURE: [Signature]
 Refund or bill: Agent Owner Other _____

PERMITTEE

NAME Same as Below
 ADDRESS (Number) _____ Street) _____
 CITY AND STATE _____ ZIP _____ TELEPHONE _____

STATUS (Check One) Owner Optionee Lessee
 LEGAL STATUS (Check One)
 CORPORATION: WHAT STATE INCORPORATED _____
 PARTNERSHIP LIMITED GENERAL
 INDIVIDUAL

AGENT / CONTACT

NAME Same as Below
 ADDRESS (Number) _____ Street) _____
 CITY AND STATE _____ ZIP _____ TELEPHONE _____

CONTACT PERSON (Print) _____

OWNER OF PROPERTY

NAME CAROL JORDAN / DON JORDANSEN
 ADDRESS (Number) 2201-172 (Street) CARMEL VISTA RD.
 CITY AND STATE SAN DIEGO ZIP 92130 TELEPHONE (619) 4810470
 STATUS (Check One) Owner Other
 LEGAL STATUS (Check One)
 CORPORATION: WHAT STATE INCORPORATED _____
 PARTNERSHIP LIMITED GENERAL
 INDIVIDUAL
 SIGNATURE: [Signature]

EXACT LEGAL DESCRIPTION OF PROPERTY: WHEN APPLICABLE, PLEASE FURNISH METES AND BOUNDS LEGAL DESCRIPTIONS (Attach if insufficient space)

Del Mar Terrace 1527
Bk 14
Lot 13

PROPERTY LOCATION: 13050 VIA LATINA
 ASSESSOR'S PARCEL: 301 002 18
 STREET ADDRESS: 13050 VIA LATINA
 N S E W SIDE OF
 BETWEEN 13048 Via Latina AND 13068 Via Latina
 TOTAL SITE AREA: 9990.734 NET AREA: _____

THIS SPACE TO BE USED BY THE PLANNING DEPARTMENT

DATE RECEIVED: 7-10-89

E.Q.D. NO. _____ B SHEET NO. _____

LAMBERT COORDINATES 282-1693

COUNCIL DISTRICT 01 CENSUS TRACT 083.24

ZONE DISTRICT _____ SCHOOL DISTRICT SDUSD

COMMUNITY PLAN TORREY PINES

EXISTING ZONE(S) _____

DWELLING UNITS: ATTACHED _____ DETACHED _____ MULTI _____

COASTAL YES NO NO. OF LOTS _____

IMPACT REPORT YES NO

DEVELOPMENT AREA: URBANIZED PLANNED FUTURE

PERMIT TYPE: CDP (HR) HEARING DATE: 8-14-89 ACTION BY: DRC

**COASTAL DEVELOPMENT PERMIT
SENSITIVE COASTAL RESOURCE (SCR) ZONE PERMIT
HILLSIDE REVIEW (HR) ZONE PERMIT
(FLOODWAY AND FLOODPLAIN FRINGE REVIEW)**

SUPPLEMENTAL APPLICATION
PLANNING DEPARTMENT - CITY OF SAN DIEGO

SUMMARY OF REQUEST: The applicant requests a: Coastal Development Permit as specified in Section 105.0201 of the Municipal Code, () Sensitive Coastal Resource Permit as specified in Section 101.0480 of the Municipal Code, () Floodway/Floodplain Fringe Review as specified in Section 101.0403 and Section 101.0403.1 of the Municipal Code, () Hillside Review Permit as specified in Section 101.0454 of the San Diego Municipal Code, to allow the following development in the Coastal Zone:

REQUIRED INFORMATION

SECTION I - PROPOSED DEVELOPMENT

Please answer ALL questions. Where a question does not apply to your project (for instance, project height for a land division), indicate "Not Applicable" or "N.A."

A. Site Data:

Total Gross Site Area 9990.73 sq. ft. or Acres

<u>Lot Coverages</u>	<u>Existing</u>	<u>Proposed</u>	<u>Total</u>
Building Coverage	<u>0</u> sq. ft.	<u>1770</u> sq. ft.	<u>1770</u> sq. ft.
Paved Area	<u>0</u> sq. ft.	<u>200</u> sq. ft.	<u>200</u> sq. ft.
Landscaped Area	<u>2200</u> sq. ft.	<u>500</u> sq. ft.	<u>2700</u> sq. ft.
Unimproved Area	<u>7190</u> sq. ft.	<u>750</u> sq. ft.	<u>7940</u> sq. ft.
Project Height	<u>Varies (29'-6" Max.)</u>		
Gross Floor Area (includes covered parking)	<u>20216</u>		sq. ft.
Covered Parking Area	<u>2000</u>		sq. ft.
Number of Units (residential only)	<input checked="" type="checkbox"/> 2 BR ⁺	<input type="checkbox"/> 1 BR	<input type="checkbox"/> Studio

5
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20

PROJECT SUMMARY

LEGAL DESCRIPTION:

LOT NUMBER:

BLOCK:

SUB-DIVISION:

ASSESSOR'S PARCEL NUMBER:

USE ZONE:

CLIMATE ZONE:

SEISMIC ZONE:

SITE AREA:

FLOOR AREA:

FLOOR AREA:

FLOOR AREA:

FLOOR AREA (TOTAL):

FLOOR AREA RATIO:

COVERED AREA:

% COVERAGE:

BUILDING CONSTRUCTION TYPE:

OCCUPANCY GROUP:

GOVERNING CODES



Cycle Issues



THE CITY OF SAN DIEGO
Development Services

8/2/10 11:29 am

Page 1 of 2

L64A-003A

1222 First Avenue, San Diego, CA 92101-4154

Project Information

Project Nbr: 191068 Title: 13056 Via Latina Single Prelim.
Project Mgr: Pangilinan, Carl (619) 446-5124 cpangilinan@sandiego.gov



Review Information

Cycle Type: 1 Prelim(LDR-Planning Review) Submitted: 07/31/2009 Deemed Complete on 08/03/2009
Reviewing Discipline: LDR-Planning Review Cycle Distributed: 08/03/2009
Reviewer: Stanco Jr, Joseph Assigned: 08/04/2009
(619) 446-5373 Started: 08/10/2009
Hours of Review: 3.00 Review Due: 08/10/2009
Next Review Method: Prelim(LDR-Planning Review) Completed: 08/10/2009 COMPLETED ON TIME
Closed: 08/10/2009

The reviewer has indicated they want to review this project again. Reason chosen by the reviewer: First Review Issues.

Your project still has 15 outstanding review issues with LDR-Planning Review (all of which are new).

Last month LDR-Planning Review performed 135 reviews, 54.8% were on-time, and 52.4% were on projects at less than < 3 complete submittals.

PRELIMINARY REVIEW - AUG 09

Cleared?	Issue Num	Issue Text
<input type="checkbox"/>	1	The following issues Report addresses answers to the specific questions asked on the single-discipline preliminary review and identifies major issues with the project. LDR-Planning did not conduct a comprehensive plan review and staff responses are based on the information provided by the applicant. Issues other than those the applicant identified on the Preliminary Review Questionnaire were not addressed. (New Issue)
<input type="checkbox"/>	2	Additional issues, corrections and changes may arise during subsequent reviews of your project which may result in the project's being infeasible. Although it is the intent of this preliminary review to aid you in the development of your project, it is ultimately the applicant's responsibility to ensure compliance with all applicable laws, including information that may not have been addressed in this review. (New Issue)

Project Information

Cleared?	Issue Num	Issue Text
<input type="checkbox"/>	3	The proposed project is located at 13056 Via Latina, in the RS-1-7 zone, within the Torrey Pines Community Plan area, Coastal Overlay Zone (Non-Appealable Area 1), and the Coastal Height Limit Overlay Zone. The proposed project is for the subdivision of an existing 10,000 square-foot lot to create two, 5,000 square-foot lots. A single dwelling unit exists on the lot, and a single dwelling unit is proposed on the new lot. The existing single dwelling unit was developed with Coastal Development Permit (CDP) No. 89-0803. (New Issue)

Request

Cleared?	Issue Num	Issue Text
<input type="checkbox"/>	4	Variance requested for deviations to lot depth in the RS-1-7 zone, as a result of the proposed subdivision. (New Issue)

Staff Response

Cleared?	Issue Num	Issue Text
<input type="checkbox"/>	5	Per Section 131.0431, Table 131-04D, the RS-1-7 zone requires a minimum of 95-feet of lot depth. The proposed subdivision will result in the eastern lot ("Parcel 1") with approximately 70-feet of lot depth, and the western lot ("Parcel 2") with approximately 55-feet of lot depth. Per SDMC Section 113.0243, lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line. Both lots will be substandard and will require deviations to the San Diego Municipal Code (SDMC). (New Issue)
<input type="checkbox"/>	6	Per SDMC Section 126.0801, the purpose of the Variance procedures is to provide relief for cases in which, because of special circumstances applicable to the property, the strict application of the development regulations would deprive the property of privileges enjoyed by other property in the vicinity. (New Issue)
<input type="checkbox"/>	7	Per SDMC Section 126.0805, four findings of approval will need to be made in order for the Hearing Officer to approve the Variance. Finding (a) requires that special circumstances apply to the premises that are unique and do not apply generally to other properties in the neighborhood, and have not resulted from any act of the applicant. (continued) (New Issue)

For questions regarding the 'LDR-Planning Review' review, please call Joseph Stanco Jr. at (619) 446-5373. Project Nbr: 191068 / Cycle: 1

Cycle Issues

THE CITY OF SAN DIEGO
Development Services
1222 First Avenue, San Diego, CA 92101-4154

8/2/10 11:29 am

Page 2 of 2

L64A-003A

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	8	The proposed subdivision, which will result in two, substandard lots, is an action of the applicant's making. In addition, the presence of two street frontages is not unique to the subject lot since other properties in the vicinity contain two street frontages. (New Issue)
<input type="checkbox"/>	9	Finding (b) requires that circumstances or conditions are such that the strict application of the regulations would deprive the applicant of reasonable use of the land, and the Variance granted is the minimum that will permit reasonable use of the land. (continued) (New Issue)
<input type="checkbox"/>	10	The subject lot is currently developed with a single dwelling unit, consistent with other single dwelling unit lots in the vicinity. The lower portion of the lot adjacent to Via Grimaldi is useable and may be developed in conformance with the use and development regulations of the RS-1-7 zone. Staff finds that a denial of the proposed project would not deprive the applicant of reasonable use of the land. (New Issue)
<input type="checkbox"/>	11	Staff cannot make the required findings of approval for a Variance, and does not recommend that the applicant pursue the proposed application. However, Variances are processed in accordance with Process Three and the final decision-maker is the Hearing Officer (appealable to Planning Commission), per SDMC Section 126.0804. (New Issue)
<input type="checkbox"/>	12	If the applicant chooses to pursue the proposed application a Coastal Development Permit (CDP) will be required. Per SDMC Section 126.0707(e), any subdivision of land in the Coastal Overlay Zone will require a CDP, processed in accordance with Process Two (staff as decision-maker, appealable to Hearing Officer), per SDMC Section 126.0707(a). The CDP will effectively amend existing CDP 89-0803 on the premises. The comprehensive application will be processed at the highest decision level of the required permits/approvals (Process Three). (New Issue)
<input type="checkbox"/>	13	The Project Submittal Manual identifies all the forms, documents, and plans that are required for the Variance, CDP, and Tentative Map submittal. The Submittal Manual is available online at the following address (Section 4 pertains to CDP and Variance, Section 5 pertains to Subdivisions):

<http://www.sandiego.gov/development-services/industry/codes.shtml#submanual> (New Issue)

➤ Municipal Code

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	14	The San Diego Municipal Code (SDMC) can be accessed online at: http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni.shtml
		Certain issues above will have SDMC Sections referenced. All Code sections are arranged, from left to right, by Chapter, Article, Division, and Section. For example, SDMC Section 126.0801 can be found in Chapter 12, Article 6, Division 8, Section 1. (New Issue)

➤ Reviewer Contact

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	15	For any questions regarding the review issues above please contact the LDR-Planning reviewer, Joseph Stanco Jr. Email: jstanco@sandiego.gov Phone: 619.446.5373 Fax: 619.446.5499 (please include a cover letter) (New Issue)

Attorneys at Law

Daniel L. Guevara
William J. Phippard
Fred C. James
Scott D. Waddle
Margarita R. Solis

Of Counsel

Joel J. Bergsma
Pablo C. Palamino

Karen A. Guevara
Administrator

August 4, 2010

VIA FEDERAL EXPRESS TRK# 7937 9108 7220

Direct Dial (619) 531-8785 Ext. 234
E-mail: fjames@gpjsclaw.com

Mr. Ben Giangiuilio
13056 Via Latina
Del Mar, CA 92014

Re: Michael Curren Survey

Dear Mr. Giangiuilio:

Please be advised that this firm has been retained to represent your neighbor, Wes Hilton, with regard to issues raised by the recent conduct of Michael Curren, a surveyor, whom I understand has performed some form of a survey regarding the location of your property lot lines.

As you know, Mr. Hilton, lives at 13068 Via Latina. A portion of your Northernmost property line is also the Southernmost property line of Mr. Hilton's property, as well as, the Southernmost property line for the two adjoining properties to the West of Mr. Hilton owned by Mr. and Mrs. Ramachandran, and Mr. and Mrs. Brav, respectively.

Recently, Mr. Hilton observed Michael Curren on his property. Mr. Curren advised that he was conducting a survey on your behalf. As a result of his activities, Mr. Curren has set at least two pins to identify the alleged location of the Northwest and Northeast corner of your property. You have provided Mr. Hilton with a one page map of the purported survey, a copy of which is enclosed (the "Curren Map").

Having set those two pins, and others, as part of his work, Mr. Curren must record a map of the survey with the County of San Diego, reflecting the survey that was performed and identifying the location of any pins that he set as part of the survey. When performing such a survey, a surveyor must look for, and identify any pins which were set as part of a prior survey for the same area. Further, the surveyor must indicate on his map the location of all existing pins and, to the extent there are any inconsistencies in the location of the pins, attempt to reconcile those inconsistencies.

I am concerned about the Curren Map that you provided to Mr. Hilton because it appears from the map that Mr. Curren has specifically ignored the pre-existing pins which do, and have identified the location of the dividing property line for the past 35 years.

1420 Kettner Boulevard, Suite 600
San Diego, California 92101-2496
Telephone (619) 531-0123
Telefax (619) 544-0056
www.gpjlw.net



Guevara, Phippard & James P.C. is a member of MSI, a network of independent professional firms

Mr. Ben Giangiulio
August 4, 2010
Page 2

In fact, Mr. Curren specifically made no attempt to identify, locate and then indicate on his map, where the existing pins were located. When Mr. Hilton offered to show Mr. Curren the location of the pre-existing pins, Mr. Curren stated that he did not want, or need to see them. As such, they are not reflected on the Curren Map, and Mr. Curren made no attempt to reconcile the inconsistencies between the pre-existing pins, and the pins that he set on the property. Finally, a review of Mr. Curren's map shows that the lot lines for Mr. Hilton's property are not even shown on the map. Rather, the map reflects the existence of Lots 14, 15, 16 and 31 as they existed prior to Mr. Hilton's lot being created. As the parcel map shows, Mr. Hilton's lot was created by combining portions of Lot 14, 15 and 31. For some unknown reason Mr. Curren has chosen not to show Mr. Hilton's property on his map.

A review of the pins set by Mr. Curren depict an alleged northern boundary of your property as being at least ½ feet to the north of the pre-existing pins and property line, a line which encroaches upon Mr. Hilton's property by approximately 1½ feet. This alleged line would cut the main stairway entrance leading to Mr. Hilton's front door almost in half. At one point along the main stairway entrance, the alleged property line is only 1½ feet from the side of Mr. Hilton's home.

Mr. Hilton has retained the services of Joe Yuhas who is a civil engineer and a registered surveyor. Mr. Yuhas has viewed the existing boundary markers on the property, which formed the basis for the creation of Mr. Hilton's lot, as well as the location of the driveway easement over Lots 16 and 17 which exists in order for the Ramachandrans and Mr. Hilton to have access to their properties.

The new survey pins placed by Mr. Curren are inconsistent with the pre-existing survey pins, and the recognition of those pre-existing pins by all parties for the past 35 years. At the time you constructed the chain link fence along your Northern property line, you advised Mr. Hilton that the fence was being set back approximately 3 feet from the property line. The fence was then constructed parallel to the property line that you recognized, and was established by the pre-existing survey pins. Mr. Curren's survey has ignored these pre-existing monuments.

In reviewing records from the City of San Diego, it appears that in August 2009, an attempt by you to split your lot into two parcels was rejected for a number of reasons, one of which was a lack of proper lot depth for the two resulting parcels, as would be required by the city's zoning regulations. Further, it is my understanding that you may now be in the process of seeking approval from the City of San Diego to construct a "Companion Unit" or "Guest Quarters" along with a multi-car garage on the lower portion of your lot. In order for such a project to be approved, among other issues, the City of San Diego zoning regulations would require a minimum lot size of two times the minimum lot area required for the zone in which the property is located. In this case, two times the minimum RS-1-7 square footage of 5,000 sq. ft. or 10,000 square feet. I have reviewed other records that indicate the square footage of your lot at 9,100 square feet. I sincerely hope that Mr. Curren's failure to identify, include and reconcile the pre-existing survey pins on his map, is not part of an attempt to claim the existence of additional footage that may be necessary for such a project. Given the nature of the steep slope which makes up a substantial portion of your property and the size of the existing premises, the floor area ratio requirements of the City of San Diego would seem to impact any proposed project as well.

Mr. Ben Giangiulio
August 4, 2010
Page 3

The purpose of this letter is to advise you that Mr. Hilton believes that the survey pins set by Mr. Curren to identify the alleged Northern boundary of your property have been placed in error, and in fact, encroach upon Mr. Hilton's property by at least 1 to 1½ feet. Accordingly, you are cautioned that any encroachment beyond the property line identified by the old pre-existing survey pins, the pins which have confirmed the location of the property line between the two properties for the past thirty-five years, will be considered to be trespass on Mr. Hilton's property.

Please advise me whether or not Mr. Curren has in fact recorded his survey map with the County of San Diego. In addition, have you applied for or do you intent to apply for a building permit of any sort, for your property, in connection with the survey conducted by Mr. Curren. If so, would you please provide me with a copy of the application and any plans submitted therewith. Once I have received this information from you and have had the opportunity to review it, I will contact you to discuss the matter further.

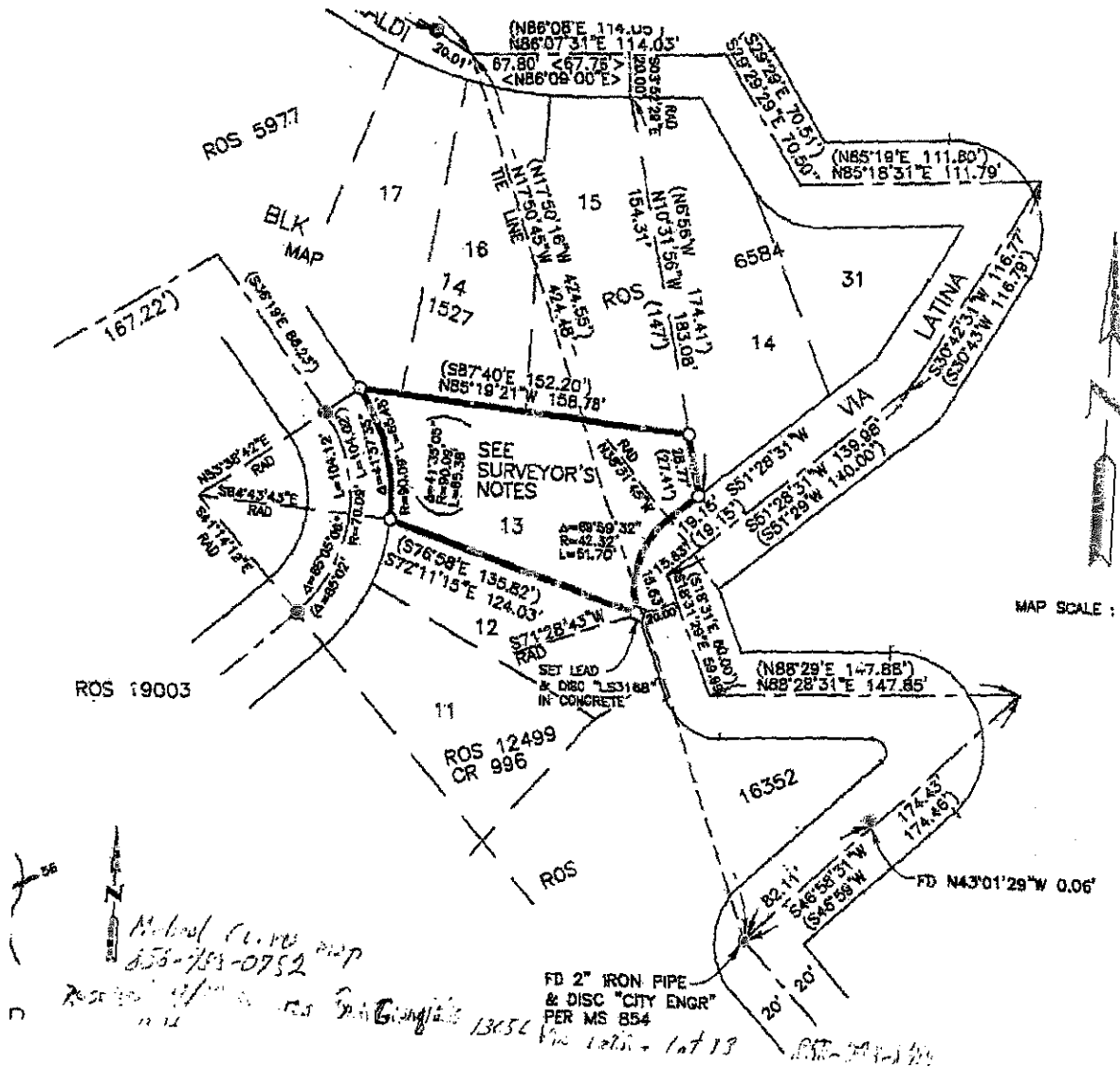
Yours very truly,

GUEVARA, PHIPPARD & JAMES
Professional Corporation



FRED C. JAMES
Attorney at Law

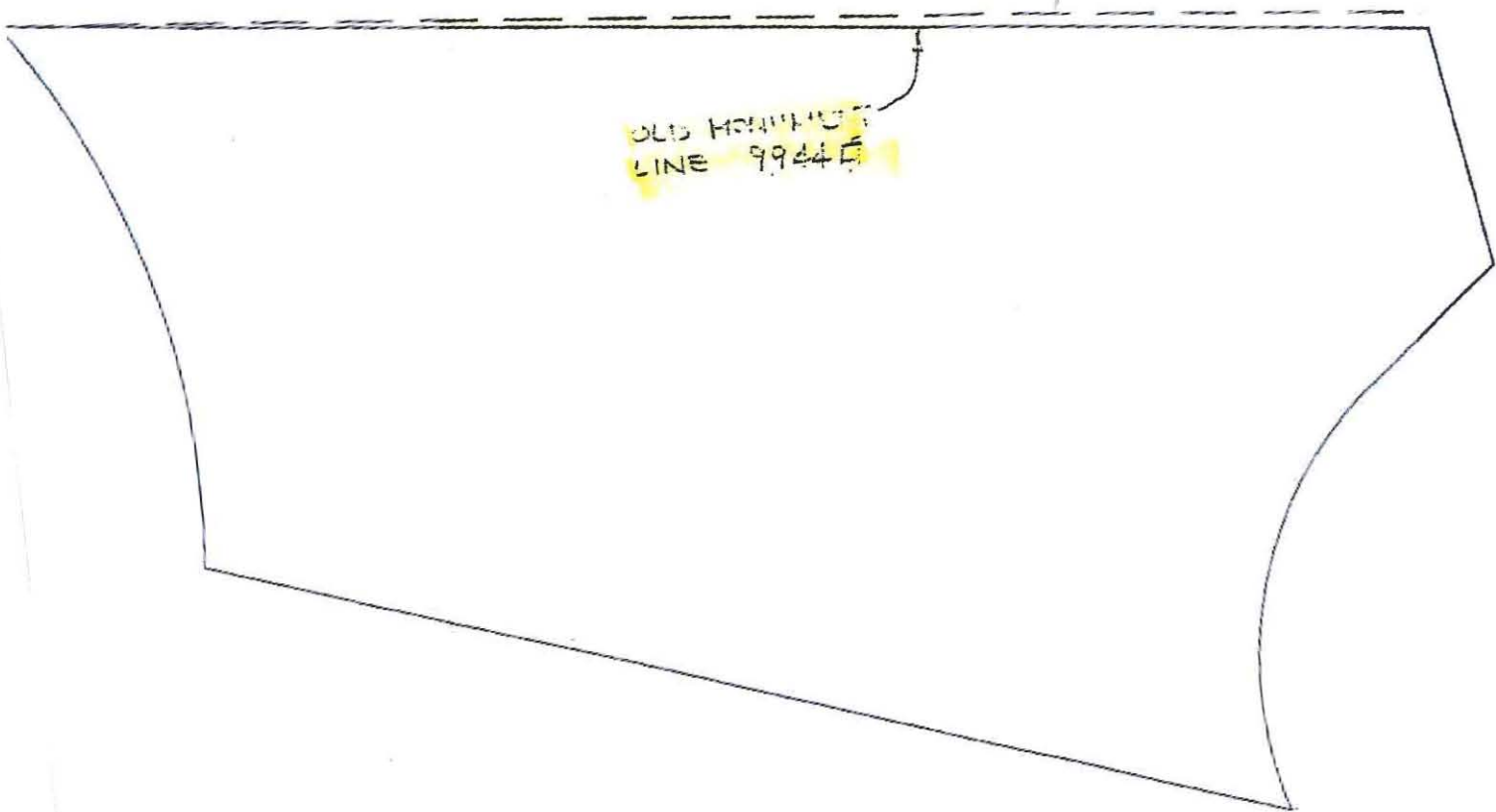
FCJ:ecl
cc: W. Hilton

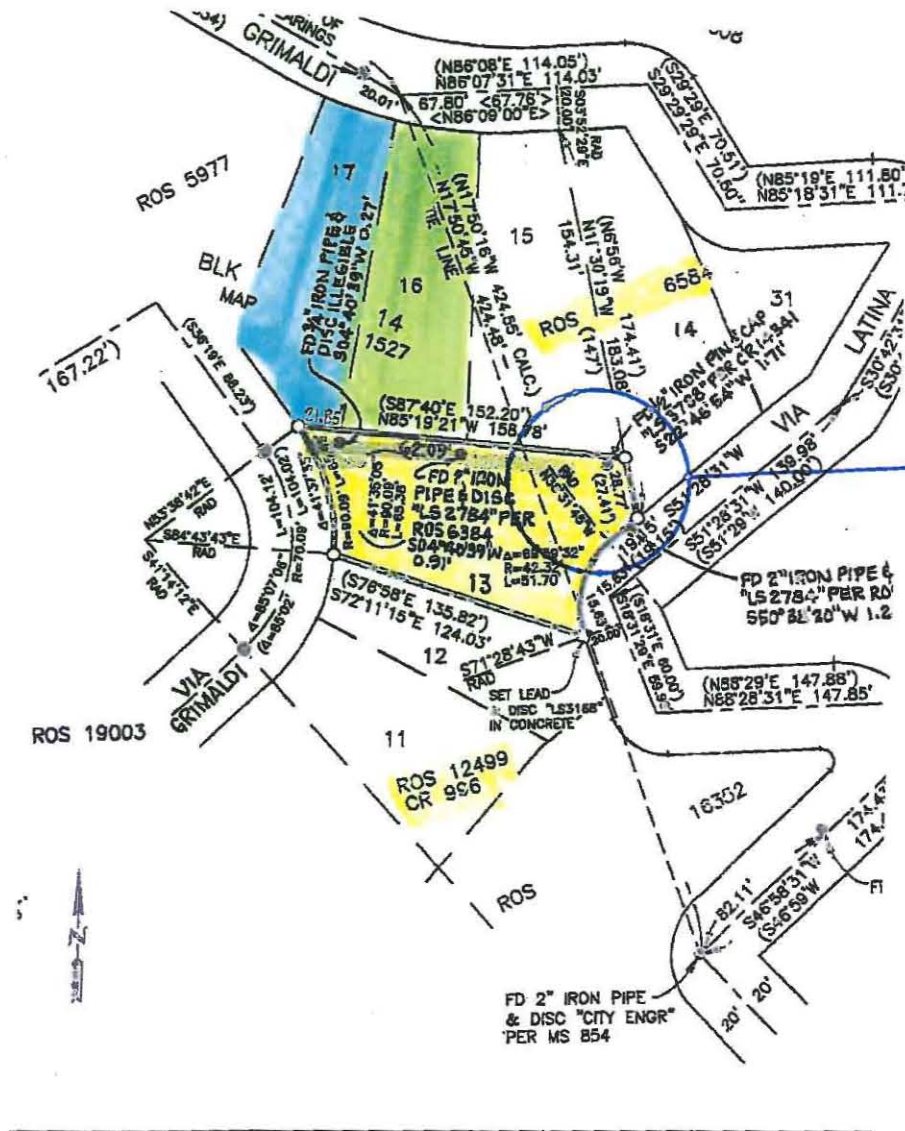


Michael C. V. map
 858-753-0752
 13652
 in lot 11 - lot 13

CURRENT LINE
10,106 USING
S.E. CLOSURE

OLD MONUMENT
LINE 9944 F





R.O.S. MAP NO. 20802

R.O.S. MA

THE N.W., S.W., & S.E. CORNERS OF LOT 13 WERE ESTABLISHED AT CURVE POINTS OF STREET RIGHT-OF-WAYS AS SHOWN ON MAP 1527 AS WELL AS THE NE'LY CURVE POINT.

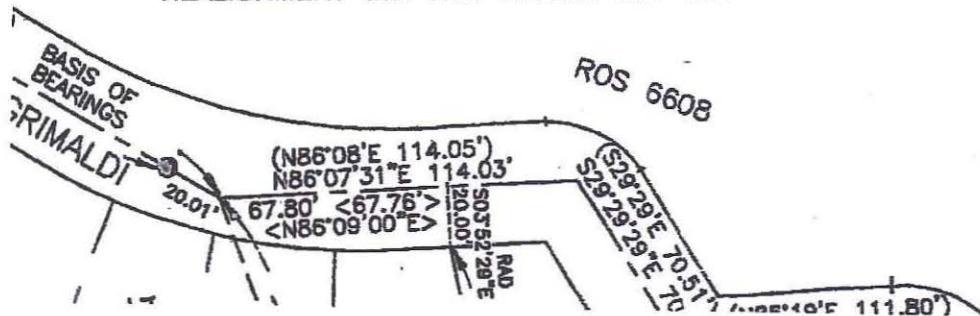
THE MOST EASTERLY CORNER OF LOT 13 WAS ESTABLISHED AT A PRORATED DISTANCE FROM THE N'LY CURVE POINT

THEN ESTABLISHING THE NW'LY CORNER OF LOT 14 USING DATA FROM MAP 1527 AND MONUMENTATION FOUND AS SHOWN ON R.O.S. 6608 (NOT FOUND DURING THIS SURVEY), THEN CONNECTING THIS CORNER TO THE MOST EASTERLY CORNER OF LOT 13, THEN ESTABLISHING THE NE'LY CORNER OF LOT 13 AT A PRORATED DISTANCE ALONG THE WESTERLY LINE OF LOT 14.

IT IS TO BE NOTED THAT INTERIOR LOT LINE DATA PER MAP 1527 WILL NOT CLOSE IN MOST CASES BY MANY FEET.

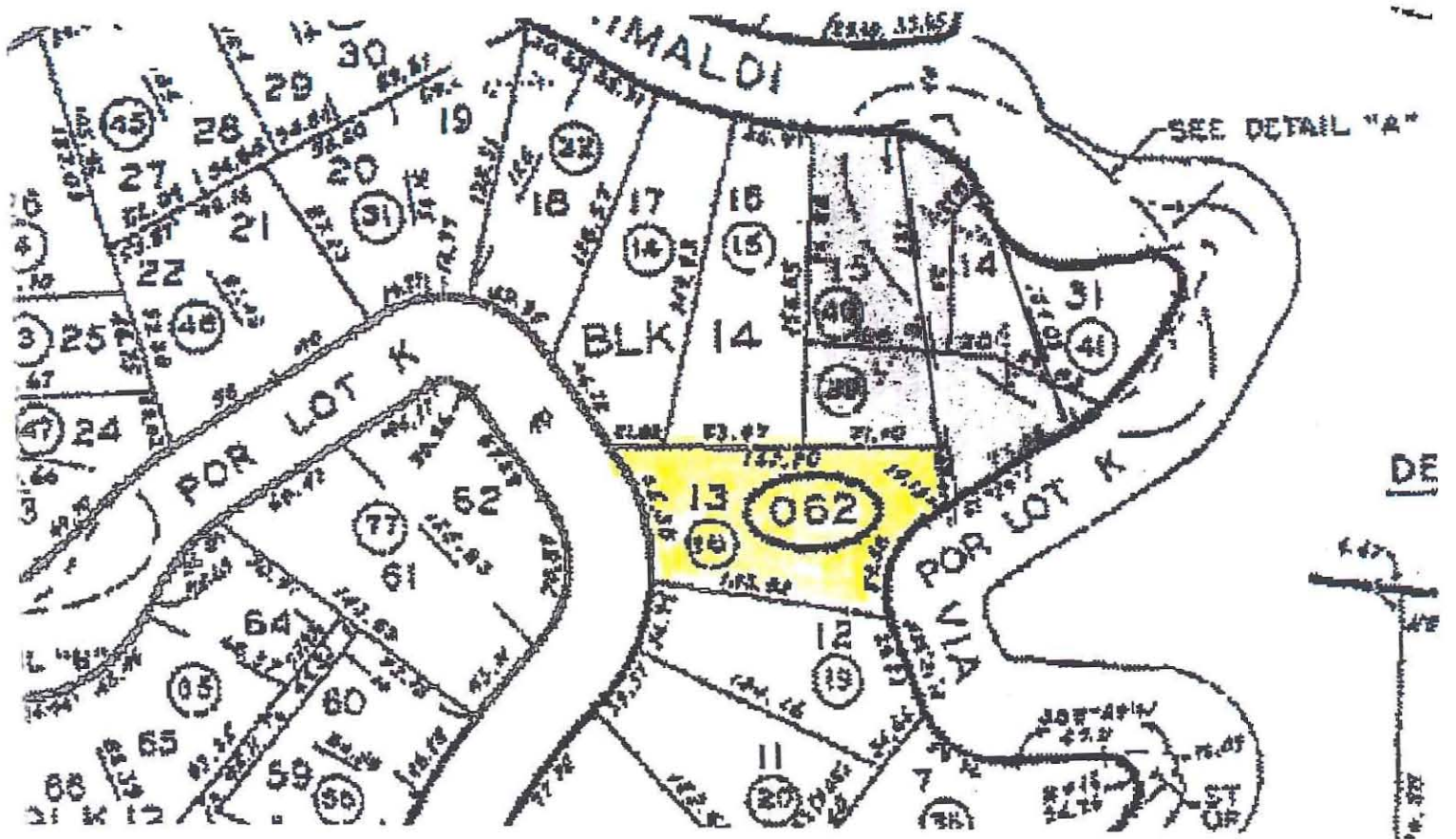
THE NORTHERLY & SOUTHERLY LINES DO NOT AGREE WITH ROS 6584 AND ROS 12499 RESPECTIVELY

ADDITIONAL MONUMENTATION WAS FOUND ON REALIGNED STREET CENTERLINE PER MS 854, BUT WAS NOT USED AS THE REALIGNMENT DID NOT AFFECT LOT 13.



R.O.S. MAP NO. 20802





MINUTES
TORREY PINES COMMUNITY PLANNING BOARD
Thursday, May 12, 2011
Del Mar Hills School

Board Members Present: Dennis E. Ridz, Chair, dennisridz@hotmail.com;; Cathy Kenton, Vice-Chair; Kenneth Jenkins, Treasurer; Patti Ashton, Norman Ratner, Roy Davis, Michael Foster, Greg Heinzinger, Bill Kachioff, Rick Jack, Nancy Moon, Norman Ratner, Noel Spaid, Bob Shopes, Michael Yancelli

Board Members Absent: Richard Caterina, Chris Cooper
Meeting called to order at 7:08 PM

CALL TO ORDER/INTRODUCTIONS

A. NON-AGENDA PUBLIC COMMENT

None

B. GENERAL ANNOUNCEMENTS & COMMENTS

Scott Tillson had a heart attack and was admitted to Sharp Memorial

C. MODIFICATIONS TO THE AGENDA

Mo Kantner was moved to 8 PM time certain

Motion to approve the agenda was made by Rick Jack, seconded by Michael Foster and approved unanimously.

D. REVIEW AND ACTION TO APPROVE PAST MEETING MINUTES-

Change to March minutes: Michael Foster was not present, change to Rick Jacks section.

Motion to approve the minutes of March 2011 was made by Cathy Kenton, seconded by Michael Foster and approved unanimously with Noel Spaid and Bill Kachioff abstaining.

E. REPORT BY TREASURER

Kenneth Jenkins: \$52.50 in account.

F. CONSENT AGENDA ITEMS

None

G. ANNOUNCEMENTS

Dennis Ridz announced that the SD City Council did not overturn "hold harmless" with implications for trash picks up on private streets.

San Diego Police Dept

Officer Adrian Lee reported on residential burglaries in Carmel Valley and asked that we lock our doors.

H. LISTING AND ORDER OF AGENDA ITEMS FOR May 2011

Item 1. DISCUSSION/Possible Action Item: Giangiulio Companion Unit on 13056 Via Latina

Mr. Giangiulio gave a summary of the issue. The original idea was to build a guesthouse on an unused lower part of his lot. The proposal is to build a "companion unit" above a three-car garage. The lot is about 10,000 s.f. and the total housing area will be below the maximal ratio. There is a controversy on the exact size of the lot. In one document it is listed as a 10,000 s.f. and in another at 9991 vs.. This is an issue since the minimum lot size for a second unit is 10,000 vs. and the latter, small lot size is below the standard. There is also a possible encroachment of neighbor's property as an issue.

Noel Spaid had a question about the cost of the project.

Nancy Moon had a question on the nature of the encroachment of the neighbor's property.

Mr. James, an attorney speaking for one of Mr. Giangiulio's neighbors, Mr. Hilton, discussed that the lot line of the old survey showed that Mr. Giangiulio's lot was less than 10,000 vs. and was actually 9990.73 vs..

Mr. Giangiulio replied that a recent survey showed that the lot was over 10,000 vs. and according to that survey the property line actually passes through Mr. Hilton's front porch and entry stairs.

Bill Kachioff asked how far the setback of the porch was from the old lot line? The answer was that there was no setback and it was right at the lot line.

Michael Foster had some concern about the size of the garage that the companion unit was to be built over.

Mr. Hilton commented that he was a long time resident of the Del Mar Terraces and that he was opposed to the building of the unit in question.

Bob Shopes remarked that a three-car garage seemed to be very large for a 700 vs. addition living unit and asked if there were other similar units or parking structures in the area.

Mr. Nelson Broad gave a statement as owner of "lot 17" which is adjacent to Mr. Hilton and Mr. Giangiulio's lots. The lot marker is actually on his property. He answered that there are approx. 84 houses in that area and none have 5-6 car garages wide. Mr. Broad also mentioned that he was concerned about cars exiting the lot at that point of the curve and with added street traffic.

Ms. Diana Scheffler remarked that the city will deal with the legal issues and the board needs to make sure the neighbors are heard.

Mr. John Certan gave his comment that there was no real traffic safety issue and that the dispute was based on the true property line.

Mr. Charles Krause, a neighbor, remarked that the original survey for area was done in 1913 for the county and was not done well. In the 1960's the city of San Diego did a better survey. He however, was opposed to the new survey and the using of this approach to build a larger unit on the lot.

Michael Yancelli discussed the rationality of the TPCPB getting involved in what essentially a legal dispute where the TPCPB has no jurisdiction.

Bob Shopes answered that the legal issue of whether or not the lot was 10,000 vs. or not was not a question that the TPCPB could, or even should, address. But the issue of scale and appropriateness was an issue for the TPCPB. We should take comments and judge how this project meets with the written community plan or not.

Ms. Diana Scheffler responded that she was in favor of companion units, for greater density of living spaces and more affordable units but was not in favor of added garages.

Kenny Jenkins said that he thought compromise was in order in this issue.

Mr. Giangiulio responded that he has offered a boundary adjustment that would resolve all the issues.

Cathy Kenton said that the issue of 10,000 vs. lot size was not our concern but up to the city.

Noel Spaid added that this was a legal issue to be decided elsewhere.

Dennis Ridz asked if the board had further comments and what the action might be.

Bill Kachioff remarked that both parties had a problem.

Michael Foster noted that the property was split into two areas and impacted both sets of neighbors and potentially traffic. The issue he had was with the size of the garage and that it seemed out of scale with the lot and the neighborhood.

Michael Foster moved that "Assuming that the lot size meets the 10,000 vs. limit for a companion unit that a 2 car garage is preferable to 3 car garage"
Patty Ashton seconded the motion.

Nancy Moon commented that we should not dictate how to build as long as it is lawful.

Bob Shopes responded that the TPCPB should address issues that may or may not conform to the community plan without regard to legal issues that should be settled elsewhere.

The motion failed. (vote 6-6-1; Yea: MF, DR, BS, PA, BK, RJ; Nay: MY, KJ, RD, CK, NR; Abstain: NS).

Roy Davis motioned to "Forward the plan to the city with no comment". After some discussion on the wording of the motion it was seconded by Norm Ratner.

The motion passed 11-1-1 (Nay: DR; Abstain: NS).

CHANGE TO AGENDA: Given the length of discussions on item H1 Mo Kantner will email her comments and skip to Item H3 with H2 to be later.

ITEM 3 Informational Update: County Supervisor Pam Slater-Price's Office
- Nadia Moshirian –Policy Aide

Ms. Moshirian announced a Small Business meeting to be held June 3 and the initiation of a new program called "coast to coast" Rx. This is program for discounted medications at no cost to the county.

Ms. Moshirian reported a new county budget of \$4.8 billion had cuts ion capital improvements but left social services largely intact.

There was a letter from CSA 17 that the board was going to consider on 5/24 suggesting a \$400 per trip payment for ambulance service.

ITEM 2 Possible Action Item; Response to SANDAG 2050 RTP DEIR

Michael Foster moved that we "Approve a letter from Dennis Ridz on behalf of the TPCPB as a response to SANDAG"
Patty Ashton seconded the motion.

The motion passed (vote 11-0-2; Abstain: DR & BS)

Dennis Ridz added that we need a response to the city land use and housing committee and speakers to address the SANDAG RTP DEIR.

Recording requested by
and mail to:
City of San Diego
Planning Dept.-LCP
202 C Street, M.S. 5B
San Diego, CA 92101-3864

646

NOTE: COUNTY RECORDER, PLEASE RECORD
RESTRICTION ON USE OR DEVELOPMENT OF
REAL PROPERTY AFFECTING THE TITLE TO
OR POSSESSION THEREOF.

90-077469
Page 10 of 17
ATTACHMENT 15
RECORDED IN
OFFICIAL RECORDS
OF SAN DIEGO COUNTY, CA
1990 FEB 12 PM 12:30
VERA L. LYLE
COUNTY RECORDER

PLANNING DIRECTOR RESOLUTION NO. 8364
COASTAL DEVELOPMENT PERMIT NO. 89-0803

WHEREAS, GREG JORDAN AND DON JORGENSEN, a California partnership, Owner/Permittee, filed an application for a Coastal Development permit to develop subject property located at 13056 Via Latina, on the west side of Via Latina, north of Via Aprilia, and east of Via Grimaldi within the Torrey Pines community, described as Lot 13, Block 14, Del Mar Terrace, Map No. 1527, City of San Diego, in the R1-5000 Zone; and

RF	8
AR	6
MG	1

WHEREAS, on November 15, 1989, the Planning Director of the City of San Diego considered Coastal Development Permit No. 89-0803 pursuant to Section 105.0200 of the Municipal Code of the City of San Diego; NOW, THEREFORE,


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

1. That the Planning Director adopts the following written Findings, dated November 15, 1989:
 - a. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The proposed 2,850-square-foot single-family home will not be located on or adjacent to any existing public accessway. The project development will not obstruct views to Torrey Pines State Reserve or other scenic coastal areas from public vantage points.
 - b. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The proposed project is located on an infill lot in an urban area which would preclude any adverse impacts on marine resources, ecologically sensitive areas, or archaeological or paleontological resources.
 - c. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources. This area is designated for and developed as a residential area, therefore, there will be no adverse impacts on recreational, visitor-serving facilities, or coastal scenic resources.
 - d. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer

areas to protect such resources. The project site is not located on or near park and recreation areas. Thus, the proposed development would not affect environmentally sensitive habitats and scenic resources located in such areas.

- e. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The proposed development will be stepped down the hillside and will minimize alterations to the natural landform. Grading will involve 275 cubic yards of cut. A geologic reconnaissance report was prepared and made recommendations which have been incorporated into the design of the project. The landscape plans incorporate brush management and the site is not subject to flooding.
- f. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas. The proposed home is a custom single-family home in an area of a mix of architectural styles of one and two-story homes. The proposed home is similar in scale and design to existing homes in the area.
- g. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs. The proposal complies with the residential land use designation of the Torrey Pines Community Plan and conforms to the North City Local Coastal Program.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Director, Coastal Development Permit No. 89-0803 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions as set forth in Coastal Development Permit No. 89-0803, a copy of which is attached hereto and made a part hereof.


Robert Korch
Senior Planner

Adopted on: November 15, 1989

PD RESO NO. 8364/PD CDP NO. 89-0803

RESOLUTION NUMBER R-8363

ADOPTED ON November 15, 1989

WHEREAS, on July 10, 1988, Mr. Greg Jordan and Mr. Don Jorgensen submitted an application to the Planning Department for a Coastal Development Permit; and

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

WHEREAS, the issue was heard by the Planning Director; and

WHEREAS, the Planning Director of the City of San Diego considered the issues discussed in Negative Declaration No. 89-0803; NOW THEREFORE,

BE IT RESOLVED, by the Planning Director of the City of San Diego, that it is hereby certified that the information contained in Negative Declaration No. 89-0803, together with any comments received during the public review process, 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 Administrative Code Section 15000 et. seq.), and that said report has been reviewed and considered by the Planning Director.

BE IT FURTHER RESOLVED that the Planning Director finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

By Robert Korch

Robert Korch
Senior Planner

COASTAL DEVELOPMENT PERMIT NO. 89-0803
JORDAN RESIDENCE
PLANNING DIRECTOR

This Coastal Development Permit is granted by the Planning Director of the City of San Diego to GREG JORDAN AND DON JORGENSEN, a California partnership, Owner/Permittee, pursuant to Section 105.0200 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a Coastal Development located at 13056 Via Latina, on the west side of Via Latina, north of Via Aprilia, and east of Via Grimaldi, described as Lot 13, Block 14, Del Mar Terrace, Map No. 1527, City of San Diego, in the R1-5000 Zone.
2. The facility shall consist of the following:
 - a. One, 2,850-square-foot single-family home;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to the Planning Department; and
 - b. The Coastal Development Permit is recorded in the office of the County Recorder.
4. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 15, 1989, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
5. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The Plans shall be in substantial conformity to Exhibit "A," dated November 15, 1989, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not

be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.

6. This Coastal Development Permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

7. This Coastal Development Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

8. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

9. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

10. Prior to the issuance of any building permits, the applicant shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for future street improvements on Via Patina.

11. Unless appealed this Coastal Development Permit shall become effective on the eleventh day following the decision of the Planning Director.

12. Unless appealed this Coastal Development Permit shall become effective on the tenth working day following receipt by the Coastal Commission of the Notice of Final Action.

13. This Coastal Development Permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.

14. In the event that 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.

APPROVED by the Planning Director of the City of San Diego on November 15, 1989.

AUTHENTICATED BY:

Robert Korch
Robert Korch, Senior Planner, City of San Diego Planning Department

LS

STATE OF CALIFORNIA) SS.
COUNTY OF SAN DIEGO)

On this 30th day of January, in the year 1990, before me, Catherine L. Meyer, a Notary Public in and for said County and State, personally appeared Robert Korch, personally known to me (~~on proved to me on the basis of satisfactory evidence~~) to be the person who executed this instrument as Senior Planner of the Planning Department of the City of San Diego and acknowledged to me that the Municipal Corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Catherine L Meyer
Catherine L. Meyer
Notary Public in and for the County of San Diego, State of California



PERMITTEE(S) SIGNATURE/NOTARIZATION:

The undersigned Permittee(s), by execution thereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee(s) thereunder.

BY: *Greg Jordan*
GREG JORDAN
OWNER/PERMITTEE
A PARTNERSHIP

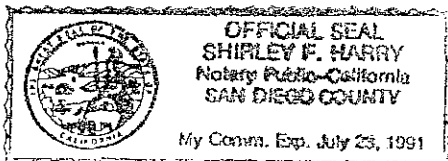
BY: *Don Jorgensen II*
DON JORGENSEN II
OWNER/PERMITTEE
A PARTNERSHIP

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

} SS.

On this 30TH day of JANUARY, in the year 1990, before me, the undersigned, a Notary Public in and for said State, personally appeared GREG JORDAN AND DON JORGENSEN II



_____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument on behalf of the _____ Partnership named therein, and acknowledged to me that the _____ Partnership executed it.

WITNESS my hand and official seal.

Shirley F. Harry
Notary Public in and for said State.



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 **Project No. For City Use Only**

COMPANION UNIT

Project Address:

13056 VIA LATINA

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):

BEN GIANGIULIO

Owner Tenant/Lessee Redevelopment Agency

Street Address:

13056 VIA LATINA

City/State/Zip:

SAN DIEGO

Phone No:

858-793-8414

Fax No:

Signature:

Ben Giangiuolo 8-26-10

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:

GIANGUILIO COMPANION UNIT
Project No. 232498
Project Chronology

Date	Action	Description	City Review Time	Applicant Response
03/23/11	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
05/06/11	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 13 Days	
7/21/11	Applicant submits second full set of plans.	Applicant's revised set of plans submitted in response to first assessment letter from City staff.		2 Months 15 Days
9/21/11	Second Assessment Letter	Second Assessment Letter identifying all remaining/outstanding issues.	2 Months	
9/23/10	Applicant submits third set of plans.	Applicant's revised set of plans submitted in response to second assessment letter from City staff.		2 Days
12/01/11	Issues resolved	Staff determines project issues resolved, prepares CEQA Exemption, okay Process 2 DSD approval to proceed.	1 Month 8 Days	
12/22/11	DSD Approval	DSD Approves project and sends out Notice of Decision	21 Days	
01/11/12	Appeal	Appeal of DSD Approval filed by Mr. Hilton	19 Day	
03/15/12	Planning Commission Appeal Hearing	Public Hearing	2 Months 4 Days	
TOTAL STAFF TIME		Averaged at 30 days per month	8 Months 6 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		2 Months 17 Days
TOTAL PROJECT RUNNING TIME			10 Months, 23 Days	