

RESOLUTION NUMBER R-295218

ADOPTED ON JULY 24, 2001

WHEREAS, Frank R. Warren and Zakary Hitchcock, Individuals, Owners, and Frank R. Warren, Individual, Permittee, filed an application with the City of San Diego for Site Development/Coastal Development [SD/CD] Permit No. 40-0242 to consolidate four lots into one for condominium project known as the Warren Development project, located at the southeast corner of Ravina Street and Olivetas Avenue, and described as portions of lots 1, 2, 3, and 4 in Block 14 of La Jolla Park, Map No. 352, in the Zone 5, La Jolla Planned District Ordinance [PDO]; and

WHEREAS, on April 19, 2001, the Planning Commission of the City of San Diego considered SD/CD Permit No. 40-0242, and pursuant to Resolution No. 3123-2-PC voted to approve the permit; and

WHEREAS, Gunter Zittel, represented by Worden, Williams, Richmond, Brechtel & Gibbs appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, after approval of the above referenced project by the City Council, Zachary R. Hitchcock, a single man, will transfer the property to Frank R. Warren and Joanne C. Warren, Trustees of the Restated Trust Agreement for the Frank R. Warren and Joanne C. Warren Trust dated August 2, 1985, thereby making Frank R. Warren and Joanne C. Warren, Trustees, the new Owners of the Warren Development project; and

WHEREAS, the matter was set for public hearing on July 24, 2001, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to CD/SD Permit No. 40-0242:

I. SITE DEVELOPMENT PERMIT FINDINGS

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

The proposed project will fulfill a community need by providing additional dwelling units to the housing base of the community. The La Jolla Community Plan designates this site for medium density residential land use. The proposed residential development conforms with the regulations of the La Jolla Planned District Ordinance. The project conforms with other recommendations of the La Jolla Community Plan regarding residential development. The proposed project will not adversely affect the City's Progress Guide and General Plan and is consistent with the community plan.

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

The permit controlling the development, and continued use of the residential project, contains conditions addressing the project compliance with the San Diego Municipal Code and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

Conditions of approval included in the project require conformance with the applicable regulations, variances granted herein excepted, of the San Diego Municipal Code during construction and occupancy of the project. These conditions specifically address lighting, the generation of noise, the appearance of landscaping, and the continued operation of the development to prevent adverse affects to those persons or other properties in the vicinity.

C. The proposed development will comply with the applicable regulations of the San Diego Municipal Code.

Specific conditions of approval require the continued compliance with all relevant regulations of the Municipal Code effective for this site and have been written as such into the Permit No. 40-0242. All relevant regulations shall be complied with at all times for the life of the project.

II. COASTAL DEVELOPMENT PERMIT FINDINGS

A. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in 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 proposed site does not contain any existing physical accessway utilized by the general public to and along the ocean and other scenic coastal areas. The proposed site is not identified in the La Jolla Community Plan or Local Coastal Program Land Use Plan as a proposed accessway to be utilized by the general public for providing access to the ocean or other scenic coastal area.

The proposed project has been analyzed to confirm that views from public vantage points to and along the ocean, and other scenic coastal areas, will not be encroached upon by the proposed six new townhomes. Staff analysis verified that views of the ocean do not exist from this site.

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

Environmental review of the proposed project did not identify any potential for impacts to marine resources, environmentally sensitive areas, archaeology. Potential paleontology resources will be protected through the proposed mitigation monitoring and reporting program required by conditions in the permit.

C. 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 project is located in an area identified as medium density residential in the La Jolla Community Plan and is consistent with this land use. The proposed project is located adjacent to a visual access corridor as identified in the 1985 La Jolla / La Jolla Shores Local Coastal Program. The proposed project does not impact the identified view corridor. The proposed development conforms with all aspects of the certified Local Coastal Program and the Implementation Program.

D. 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.

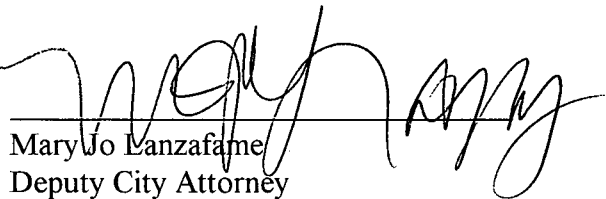
The proposed project site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone.

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

BE IT FURTHER RESOLVED, that the appeal of Gunter Zittel is denied; the decision of the Planning Commission is sustained; and Site Development/Coast Development Permit No. 40-0242 is granted to Frank R. Warren and Joanne C. Warren, Trustees of the Restated Trust Agreement for the Frank R. Warren and Joanne C. Warren Trust dated August 2, 1985, Owners, and Frank R. Warren, Individual, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:mdw:lc
08/29/01
12/17/01 COR.COPY (Resolution and Permit)
Or.Dept:Clerk
R-2002-278
Form=permitr.frm
Reviewed by John Fisher

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

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SITE DEVELOPMENT/COASTAL DEVELOPMENT
PERMIT NO. 40-0242 (MMRP)
WARREN DEVELOPMENT**

City Council

This Site Development/Coastal Development [SD/CD] Permit is granted by the Council of the City of San Diego to Frank R. Warren and Joanne C. Warren, Trustees of the Restated Trust Agreement for the Frank R. Warren and Joanne C. Warren Trust dated August 2, 1985, Owners, and Frank R. Warren, Individual, Permittee, pursuant to San Diego Municipal Code [SDMC] sections 132.0401, 144.0101 and 103.1200. The 0.28 acre site is located at 415, 417, and 425 Ravina Street and 7515 Olivetas Avenue in the Zone 5 of the La Jolla Planned District of the La Jolla Community Plan area. The project site is legally described as Lots 1, 2, 3, and 4, Block 14, Map No. 352, filed March 22, 1887.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to demolish four residences, and construct one three-story building for six units with an underground parking garage, landscaping, and improvements in the public right-of-way described and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated July 24, 2001, on file in the Development Services Department. The project shall include:

- a. Demolition of four residences, and construction of one three-story building with six units with approximately 17,587 square feet of total project gross floor area, not including 10,422 square feet of garage area;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street subterranean parking garage; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the SDMC in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
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 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. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
4. This 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.
5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*)
7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable Building, Fire, Mechanical and Plumbing Codes and state law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated July 24, 2001, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment to this permit have been granted.
9. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is entitled as a result of this Permit. It is the intent of the City that the Owner of the property, which is the subject of this Permit, either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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. 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. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Project as specified in the Mitigated Negative Declaration (LDR No.40-0242), satisfactory to the City's Environmental Review Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the final map, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources
Paleontological resources

ENGINEERING REQUIREMENTS:

13. Prior to issuance of any engineering permit for improvement and grading plans, an updated geotechnical investigation report will be required to be submitted for review and approval by the City Manager. The geotechnical investigation should be prepared in accordance with the most recent edition of the City of San Diego Technical Guidelines for Geotechnical Reports. The report should specifically address designs for protection of adjacent property during excavation for the subterranean garage.

TRANSPORTATION REQUIREMENTS:

14. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of all non-utilized driveways on Ravina Street with full height curb, gutter, and sidewalk, satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of a pedestrian ramp on the corner of Olivetas Avenue and Ravina Street, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

16. Prior to the submittal of any public improvement drawings or issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of the required public sewer facilities, necessary to provide sewer service to the proposed development in a manner satisfactory to the Director of the Metropolitan Wastewater Department.

17. The Owner/Permittee agrees to design all public sewer facilities in accordance with the established criteria in the most current edition of the City of San Diego Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or redesigned.

18. Prior to the issuance of any building or grading permit, the Owner/Permittee shall provide evidence, satisfactory to the Director of the Metropolitan Wastewater Department indicating that each lot will have its own sewer service or provide Covenants, Conditions and Restrictions [CC&Rs] for the operation and maintenance of on-site private sewer facilities that serve more than one ownership.

PLANNING/DESIGN REQUIREMENTS:

19. No fewer than fourteen off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated July 24, 2001, on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

20. A topographical survey conforming to the provisions of SDMC section 101.0216 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 regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

21. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the

greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Director of the Development Services Department.

22. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

24. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.

25. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated July 24, 2001, on file in the Development Services Department.

26. Prior to the issuance of building permits, the Owner/Permittee shall submit detailed construction documents indicating the east and west building elevations have been refined and provided with specific improvements similar to and equal to those shown on the north and south elevations, as indicated on the approved Exhibit "A," dated July 24, 2001, on file in the Development Services Department, with respect to the level of detail and quality of materials, to the satisfaction of the City Manager.

LANDSCAPE REQUIREMENTS:

27. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated July 24, 2001, on file in the Development Services Department. No change, modification or alteration shall be made unless appropriate application or amendment to this Permit has been granted.

28. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

29. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications

such as severe pruning or topping of trees is not permitted unless specifically noted in this Permit. The Owner/Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

30. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the Council of the City of San Diego on July 24, 2001, by Resolution No. R-295218.

8/29/01; Corrected 12/17/01

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AUTHENTICATED BY THE CITY MANAGER

By _____

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

Frank R. Warren
Owner/Permittee

By _____

Joanne C. Warren
Owner

By _____

NOTE: Notary acknowledgments must be attached per Civil Code section 1180 et seq.

8/29/01; Corrected 12/17/01

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