

RESOLUTION NUMBER R- 309988

DATE OF FINAL PASSAGE SEP 21 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING COASTAL DEVELOPMENT PERMIT NO. 137557 AND SITE DEVELOPMENT PERMIT NO. 1387447 FOR SILVER STREET VILLAGE HOMES – PROJECT NO. 393503.

WHEREAS, EHOFF LA JOLLA, LLC, a Delaware Limited Liability Company, Owner and Permittee, filed an application with the City of San Diego for a Coastal Development Permit (CDP) and Site Development Permit (SDP), for the demolition of two existing commercial structures (a 2,800-square-foot veterinary clinic and an 11,000-square-foot United States Post Office Annex) and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements, on a 0.739-acre parcel of land known as the Silver Street Village Homes project (Project); and

WHEREAS, the project site is located at 720 Silver Street and 7601 Draper Avenue in the LJPD-3 Zone of the La Jolla Planned District within the La Jolla Community Plan and Local Coastal Program Area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable Area 2), the Parking Impact Overlay Zone (Coastal Impact Area), the Residential Tandem Parking Overlay Zone and the Transit Area Overlay Zone; and

WHEREAS, the property is legally described as: Parcel 1 of Parcel Map No. 3935, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, July 17, 1975, and all of Lot 1, Block 11, of the La Jolla Park, according to Map thereof No. 352, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, March 22, 1887,

together with all that portion of the south half of Ravina Street, lying north of and adjoining said Lot, as vacated and closed to public use by Resolution No. 50978, on July 29, 1929; and

WHEREAS, on August 13, 2015, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 1375775 and Site Development Permit No. 1387447, and pursuant to Resolution No. PC-4724 voted to recommend approval of the Permit; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

WHEREAS, the matter was set for public hearing on September 21, 2015, 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 City Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 1375775 and Site Development Permit No. 1387447:

I. Coastal Development Permit - Section 126.0708(a)

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

The 0.739 acre site is located at 720 Silver Street and 7601 Draper Avenue. The project proposes the demolition of two existing commercial structures (a 2,800-square-foot veterinary clinic and an 11,000-square-foot United States Post Office Annex) and the

construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. The buildings would contain two-, three- and four-bedroom units, ranging from 1,878 square feet to 2,585 square feet. As a component of the proposed project, the project would achieve a Leadership in Energy and Environmental Design (LEED) Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The property is a corner lot and is located approximately 1,425 feet from the Pacific Ocean. The property is not located between the ocean and the first public roadway paralleling the ocean, and Silver Street and Draper Avenue at this location is not designated as a physical accessway or view corridor, and therefore will not encroach upon any physical accessway or view corridor. The site does not contain intermittent or partial vistas, viewsheds or scenic overlooks as in identified within the adopted La Jolla Community Plan (LJCP) and Local Coastal Program Land Use Plan.

The project proposes a maximum building height of 30 feet, so the building and any projections will not exceed the maximum 30 foot height limit allowed by the Coastal Height Limitation Overlay Zone (CHLOZ). Therefore, will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan and would enhance and protect any public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan.

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

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The property is a corner lot and is located approximately 1,425 feet from the Pacific Ocean and is not located between the ocean and the first public roadway paralleling the ocean. The site is approximately 85 feet above Mean Sea Level (MSL), and is located above the 100-year floodplain. The property is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA) and

does not contain any other type of Environmental Sensitive Lands (ESL) as defined in San Diego Municipal Code (SDMC) section 113.0103.

A Mitigated Negative Declaration (MND) No. 393503 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, which address potential impacts to Historical Resources (Archaeology), Noise, and Paleontological Resources. A Mitigation, Monitoring and Reporting Program (MMRP) would be implemented with this project, which will reduce the potential impacts to below a level of significance. Therefore, the proposed coastal development would not adversely affect ESL.

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; and

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue in the LJP3 Zone of the La Jolla Planned District (LJPD) within the La Jolla Community Plan and Local Coastal Program Area. The zoning designation allows for community serving retail/office and encourages residential use. The zone restricts residential development to a maximum 29 dwelling units per acre (du/ac). The community plan designates the proposed project site for Medium High Density Residential use at 30-45 du/ac. The project site, occupying 0.739 acres, could accommodate 21 dwelling units based on the underlying zone and 22-33 dwelling units based on the community plan. The project is consistent with the multi-family residential land use designation of the community plan and local coastal program and is consistent with the maximum allowed density of the LJP3 Zone of the LJPD.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The property is a corner lot and is located approximately 1,425 feet from the Pacific Ocean. The property is not located between the ocean and the first public roadway paralleling the ocean, and Silver Street and Draper Avenue at this location is not designated as a physical accessway or view corridor, and therefore will not encroach upon any physical accessway or view corridor. The site does not contain intermittent or partial vistas, viewsheds or scenic overlooks as identified within the adopted LJCP and Local Coastal Program Land Use Plan.

The project proposes a maximum building height of 30 feet, so the building and any projections will not exceed the maximum 30 foot height limit allowed by the CHLOZ. The project includes a request for deviations to the development regulations for no retail uses on the ground floor, ground floor residential use in the front half of the lot, vehicle circulation or vehicle turnaround areas, the number of driveways, and driveway design and distance between the driveways.

The proposed residential development would not be inconsistent with the purpose of the underlying zone that encourages residential uses as a transitional zone to the multi-family residential areas that are located west of Fay Avenue and would provide a larger transitional zone from the school and parks to the surrounding residential development. In addition, the project would implement the LJCP designation, goals, and objectives for the site, and would reduce the pedestrian vs. vehicular conflicts along the streets, which provides for a more pedestrian friendly and interaction along Silver Street and Draper Avenue. The deviations are appropriate and necessary, and will result in a more desirable project than would be achieved if designed in strict conformance with the applicable development regulations. Therefore, the development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

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

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue. The property is a corner lot and is located approximately 1,425 feet from the Pacific Ocean. The property is not located between the ocean and the first public roadway paralleling the ocean. Furthermore, Silver Street and Draper Avenue at this location are not designated as a physical accessway or view corridor. Therefore, the proposed development is not subject to the public access and recreation policies of Chapter 3 of the California Coastal Act.

II. Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

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

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue in the LJP3 Zone of the LJP3 within the LJCP and Local Coastal Program Area. The zoning designation allows for community serving retail/office and encourages residential use. The zone restricts residential development to a maximum 29 du/ac. The community plan designates the proposed project site for Medium High Density Residential use at 30-45 du/ac. The project site, occupying

0.739 acres, could accommodate 21 dwelling units based on the underlying zone and 22-33 dwelling units based on the community plan. The project is consistent with the multi-family residential land use designation of the community plan and local coastal program and is consistent with the maximum allowed density of the LJP3 Zone of the LJP3.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program and the Conservation Elements of the General Plan. Therefore, the proposed residential development would not adversely affect the applicable land use plan.

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

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The property is a corner lot and is located approximately 1,425 feet from the Pacific Ocean and is not located between the ocean and the first public roadway paralleling the ocean. The site is approximately 85 feet above MSL, and is located above the 100-year floodplain. The property is not within or adjacent to the MSCP MHPA and does not contain any other type of ESL as defined in SDMC section 113.0103.

A MND No. 393503 has been prepared for the project in accordance with CEQA Guidelines, which address potential impacts to Historical Resources (Archaeology), Noise, and Paleontological Resources. A MMRP would be implemented with this project, which will reduce the potential impacts to below a level of significance and are conditions of the approval.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions within the permit have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in Coastal Development Permit No. 1375775 and Site Development Permit No. 1387447, and other regulations and guidelines pertaining to the subject property per the SDMC. Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the owner/permittee shall be required to obtain grading and public improvement permits. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project includes a request for deviations to the development regulations for no retail uses on the ground floor, ground floor residential use in the front half of the lot, vehicle circulation or vehicle turnaround areas, the number of driveways, and driveway design and distance between the driveways. The following are the code sections and justification for the deviations:

No Retail Use on the Ground Floor: A deviation from San Diego Municipal Code (SDMC) Section 159.0306(a) to provide no retail uses on the ground floor where the regulation requires that projects located in Zone 3 are to provide a "minimum" of 50 percent of retail uses on the ground floor.

This portion of Silver Street and Draper Avenue is primarily developed with multi-family residential structures, a school, and park land. The community commercial/retail development is located approximately a block north and south, and east of the project site and the site is not

located within a designated commercial area or district within the LJCP. The project site is located within Zone 3 and part of the intent of the regulations is to encourage residential uses to provide a transition zone to the multi-family residential areas to the west of Fay Avenue. The proposed residential development would implement the LJCP designation, goals, and objectives for the site, and would provide a larger transitional zone from the school and parks to the surrounding residential development.

Residential Uses on the Ground Floor: A deviation from SDMC Section 159.0306(c) to allow 100 percent of the ground floors for residential use where the regulation restricts residential uses on the ground floor within the front 50 percent of the lot.

As stated above, the project site is located within Zone 3 and part of the intent of the regulations is to encourage residential uses to provide a transition zone to the multi-family residential areas to the west of Fay Avenue. The proposed residential development would implement the LJCP designation, goals, and objectives for the site, and would provide a larger transitional zone from the school and parks to the surrounding residential development.

Vehicle Circulation or Vehicle Turnaround Areas: A deviation from SDMC Section 142.0560(d) (3), to allow for no through vehicle circulation or vehicle turnaround areas where the regulation requires "aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum area equivalent to a parking space."

The gated on-site driveways and drive aisles provide access to the private garages for the residential units only, and all guest parking is provide off-site. (There are 20 on-street parking spaces adjacent to the property on Silver Street and Draper Avenue.) A red painted 'No Parking' and backup area is provided at the end of each drive aisle for the garages adjacent to the area. This requested deviation reduces the number of driveways required for the development and reduces the pedestrian vs. vehicular conflicts, which provides for a more pedestrian friendly and interaction along Silver Street and Draper Avenue.

Number of Driveways: A deviation from SDMC Section 142.0560(j)(8), to allow for two driveways on Silver Street where the regulation requires that for properties with no access to an alley, there shall be at least one driveway opening permitted per street frontage with a maximum of one driveway opening for each 100 feet of street frontage.

On the eastern side of the property, along Silver Street, the topography impacts the ability to provide access from the private drive aisle to the

garage for the residential unit fronting Silver Street. This requested deviation is to allow for a separate driveway to access the one unit fronting Silver Street, which would be located 10 feet from the driveway servicing the 4 rear units and a 10 foot visibility area has been provided to assure pedestrian vs. vehicular safety.

Driveway Design and Distance Between: A deviation from SDMC Section 159.0405(c) and Chapter 15 Article 9 Appendix D (3), to allow for two non-standard driveways on Silver Street with a 10 foot clearance between the driveways where the regulation requires driveways to be designed to current City standards and require a minimum of 150 feet between driveways constructed along the same frontage.

As stated above, the topography of the site and drive aisle impacts the ability to provide access from the private drive aisle to the garage for the residential unit fronting Silver Street. This requested deviation is to allow for a separate driveway to access the one unit fronting Silver Street, which would be located 10 feet from the driveway servicing the 4 rear units and a 10 foot visibility area has been provided to assure pedestrian vs. vehicular safety.

The proposed residential development is consistent with the purpose of the underlying zone that encourages residential uses as a transitional zone to the multi-family residential areas that are located west of Fay Avenue and would provide a larger transitional zone from the school and parks to the surrounding residential development. In addition, the project would implement the LJCP designation, goals, and objectives for the site, and would reduce the pedestrian vs. vehicular conflicts along the streets, which provides for a more pedestrian friendly and interaction along Silver Street and Draper Avenue. For all of these reasons, including the justifications listed above, the deviations are appropriate and necessary, and will result in a more desirable project than would be achieved if designed in strict conformance with the applicable development regulations.

M. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings.

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants;

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of

48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. Therefore, the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic) to generate electricity needed by the buildings and its occupants.

2. The development will not be inconsistent with the purpose of the underlying zone; and

The 0.739 acre project site is located at 720 Silver Street and 7601 Draper Avenue in the LJP3 Zone of the LJP within the LJCPL and Local Coastal Program Area. The zoning designation allows for community serving retail/office and encourages residential use. The zone restricts residential development to a maximum 29 du/ac. The community plan designates the proposed project site for Medium High Density Residential use at 30-45 du/ac. The project site, occupying 0.739 acres, could accommodate 21 dwelling units based on the underlying zone and 22-33 dwelling units based on the community plan. The project is consistent with the multi-family residential land use designation of the community plan and local coastal program and is consistent with the maximum allowed density of the LJP3 Zone of the LJP.

The proposed residential development would not be inconsistent with the purpose of the underlying zone that encourages residential uses as a transitional zone to the multi-family residential areas that are located west of Fay Avenue and would provide a larger transitional zone from the school and parks to the surrounding residential development.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The project proposes the demolition of two existing commercial structures and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements. As a component of the proposed project, the project would achieve a LEED Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the

criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.

The project includes a request for deviations to the development regulations for no retail uses on the ground floor, ground floor residential use in the front half of the lot, vehicle circulation or vehicle turnaround areas, the number of driveways, and driveway design and distance between the driveways. The following are the code sections and justification for the deviations:

No Retail Use on the Ground Floor: A deviation from San Diego Municipal Code (SDMC) Section 159.0306(a) to provide no retail uses on the ground floor where the regulation requires that projects located in Zone 3 are to provide a "minimum" of 50 percent of retail uses on the ground floor.

This portion of Silver Street and Draper Avenue is primarily developed with multi-family residential structures, a school, and park land. The community commercial/retail development is located approximately a block north and south, and east of the project site and the site is not located within a designated commercial area or district within the LJCP. The project site is located within Zone 3 and part of the intent of the regulations is to encourage residential uses to provide a transition zone to the multi-family residential areas to the west of Fay Avenue. The proposed residential development would implement the LJCP designation, goals, and objectives for the site, and would provide a larger transitional zone from the school and parks to the surrounding residential development.

Residential Uses on the Ground Floor: A deviation from SDMC Section 159.0306(c) to allow 100 percent of the ground floors for residential use where the regulation restricts residential uses on the ground floor within the front 50 percent of the lot.

As stated above, the project site is located within Zone 3 and part of the intent of the regulations is to encourage residential uses to provide a transition zone to the multi-family residential areas to the west of Fay Avenue. The proposed residential development would implement the LJCP designation, goals, and objectives for the site, and would provide a larger transitional zone from the school and parks to the surrounding residential development.

Vehicle Circulation or Vehicle Turnaround Areas: A deviation from SDMC Section 142.0560(d) (3), to allow for no through vehicle circulation or vehicle turnaround areas where the regulation requires "aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum area equivalent to a parking space."

The gated on-site driveways and drive aisles provide access to the private garages for the residential units only, and all guest parking is provide off-site. (There are 20 on-street parking spaces adjacent to the property on Silver Street and Draper Avenue.) A red painted 'No Parking' and backup area is provided at the end of each drive aisle for the garages adjacent to the area. This requested deviation reduces the number of driveways required for the development and reduces the pedestrian vs. vehicular conflicts, which provides for a more pedestrian friendly and interaction along Silver Street and Draper Avenue.

Number of Driveways: A deviation from SDMC Section 142.0560(j)(8), to allow for two driveways on Silver Street where the regulation requires that for properties with no access to an alley, there shall be at least one driveway opening permitted per street frontage with a maximum of one driveway opening for each 100 feet of street frontage.

On the eastern side of the property, along Silver Street, the topography impacts the ability to provide access from the private drive aisle to the garage for the residential unit fronting Silver Street. This requested deviation is to allow for a separate driveway to access the one unit fronting Silver Street, which would be located 10 feet from the driveway servicing the 4 rear units and a 10 foot visibility area has been provided to assure pedestrian vs. vehicular safety.

Driveway Design and Distance Between: A deviation from SDMC Section 159.0405(c) and Chapter 15 Article 9 Appendix D (3), to allow for two non-standard driveways on Silver Street with a 10 foot clearance between the driveways where the regulation requires driveways to be designed to current City standards and require a minimum of 150 feet between driveways constructed along the same frontage.

As stated above, the topography of the site and drive aisle impacts the ability to provide access from the private drive aisle to the garage for the residential unit fronting Silver Street. This requested deviation is to allow for a separate driveway to access the one unit fronting Silver Street, which would be located 10 feet from the driveway servicing the 4 rear units and a 10 foot visibility area has been provided to assure pedestrian vs. vehicular safety.


The proposed residential development is consistent with the purpose of the underlying zone that encourages residential uses as a transitional zone to the multi-family residential areas that are located west of Fay Avenue and would provide a larger transitional zone from the school and parks to the surrounding residential development. In addition, the project would implement the LJCP designation, goals, and objectives for the site, and would reduce the pedestrian vs.

vehicular conflicts along the streets, which provides for a more pedestrian friendly and interaction along Silver Street and Draper Avenue. For all of these reasons, including the justifications listed above, the deviations are appropriate and necessary, and will result in a more desirable project than would be achieved if designed in strict conformance with the applicable development regulations.

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

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 1375775 and Site Development Permit No. 1387447 are granted to EHOFF LA JOLLA, LLC, a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
09/03/15
09/24/15 REV.
Or.Dept: DSD
Doc. No.: 1096622_2

ATTACHMENT: Coastal Development Permit and Site Development Permit

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24005220

COASTAL DEVELOPMENT PERMIT NO. 1375775
SITE DEVELOPMENT PERMIT NO. 1387447
SILVER STREET VILLAGE HOMES - PROJECT NO. 393503 [MMRP]
CITY COUNCIL

This Coastal Development Permit No. 1375775 and Site Development Permit No. 1387447 is granted by the City Council of the City of San Diego to EHO LA JOLLA, LLC, a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0504 and 126.0708. The 0.739-acre site is located at 720 Silver Street and 7601 Draper Avenue in the LJPD-3 Zone of the La Jolla Planned District within the La Jolla Community Plan and Local Coastal Program Area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Non-Appealable Area 2), the Parking Impact Overlay Zone (Coastal Impact Area), Residential Tandem Parking Overlay Zone, and Council District 1. The project site is legally described as Parcel 1 of Parcel Map No. 3935, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, July 17, 1975, and all of Lot 1, Block 11, of the La Jolla Park, according to Map thereof No. 352, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, March 22, 1887, together with all that portion of the south half of Ravina Street, lying north of and adjoining said Lot, as vacated and closed to public use by Resolution No. 50978, on July 29, 1929;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish two existing commercial structures and to construct eighteen (18) attached single family residential condominium units, and associated improvements; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated SEP 21 2015, on file in the Development Services Department.

The project shall include:

- a. Demolition of two existing commercial structures (a 2,800-square-foot veterinary clinic and an 11,000-square-foot United States Post Office Annex) and the construction of three, two-story buildings with a combined square-footage of 48,905-square feet, and comprised of 18 attached multi-dwelling condominium units with 17 subterranean, two-car garages, 1 attached, two-car garage, and associated site improvements;
- b. Deviations as follows:
 1. Deviation from SDMC Section 159.0306(a) to provide no retail uses on the ground floor where the regulation requires that projects located in Zone 3 are to provide a "minimum" of 50 percent of retail uses on the ground floor;
 2. Deviation from SDMC Section 159.0306(c) to allow 100 percent of the ground floors for residential use where the regulation restricts residential uses on the ground floor within the front 50 percent of the lot;
 3. Deviation from SDMC Section 142.0560(d)(3), to allow for no through vehicle circulation or vehicle turnaround areas where the regulation requires "aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum area equivalent to a parking space";
 4. Deviation from SDMC Section 142.0560(j)(8), to allow for two driveways on Silver Street where the regulation requires that for properties with no access to an alley, there shall be at least one driveway opening permitted per street frontage with a maximum of one driveway opening for each 100 feet of street frontage; and
 5. Deviation from SDMC Section 159.0405(c) and Chapter 15 Article 9 Appendix D(3), to allow for two non-standard driveways on Silver Street with a 10 foot clearance between the driveways where the regulation requires driveways to be designed to current City standards and require a minimum of 150 feet between driveways constructed along the same frontage.
- c. The project would achieve a Leadership in Energy and Environmental Design (LEED) Silver Certification as well as incorporate a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program.
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and

- f. 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 SEP 21 2018.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. 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.).
7. 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.

8. 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.

9. 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.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 393503, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 393503, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archaeology)

Noise

Paleontological Resources

AFFORDABLE HOUSING REQUIREMENTS:

14. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City’s Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

15. This Coastal Development Permit No. 1375775 and Site Development Permit No. 1387447 shall comply with all Conditions of the Final Map for the Vesting Tentative Map No. 1375776.

LANDSCAPE REQUIREMENTS:

16. Prior to issuance of any construction permits for structures or grading, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit “A,” Landscape Development Plan, on file in the Office of the Development Services Department.

17. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit “A” Landscape Development Plan.

18. An approved Water Budget, including MAWA and ETWU calculations shall be provided on the Landscape Construction plans and shall be in conformance with water conservation requirements of the Municipal Code Section 142.0413 for landscaped areas over 1,000 square feet.

19. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

20. Existing trees to remain on site within the area of work shall be protected in place. A bright yellow or orange temporary fence will be placed around existing trees at the drip line. Stockpiling, topsoil disturbance, vehicle use, and material storage of any kind is prohibited within the drip line. A tree watering schedule will be maintained and documented during construction.
21. Prior to occupancy and use, the Owner/Permittee shall submit to the City an Irrigation Audit consistent with San Diego Municipal Code (SDMC) 142.0413(F) and Section 2.7 of the Landscape Standards of the Land Development Manual.
22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.
23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.
24. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.
25. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

PLANNING/DESIGN REQUIREMENTS:

26. Prior to issuance of building permits, the Owner/Permittee shall provide documentation that the project has been submitted to the U.S. Green Building Council for review and will achieve at least a Leadership in Energy and Environmental Design (LEED) Silver Certification. Construction documents shall note all criteria included in the design and construction of the project as identified in the LEED certification application.
27. Prior to the issuance of building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 30 percent of the project's projected energy consumption.
28. 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.

29. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
30. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.
31. 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.
32. Prior to the issuance of building permits, construction documents shall fully illustrate the installation of eight (8) foot wide sidewalks within the public right-of-way to comply with clear path requirement pursuant to SDMC Section 159.0405(e)(2).

TRANSPORTATION REQUIREMENTS

33. Owner/Permittee shall maintain a minimum of 36 off-street parking spaces (with 36 off-street parking spaces provided) permanently maintained on the property within the approximate location shown on the project's 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

34. Prior to issuance of any engineering permits, the Owner/Permittee shall obtain Encroachment and Maintenance Removal Agreement (EMRA) for proposed improvements of any kind, including utilities, landscaping, enriched paving, and electrical conduits to be installed within the public- right-of-way or public easement.
35. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s)[BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPD's are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.
36. 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) 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 Public Utilities Director and the City Engineer.
37. Prior to the issuance of any building permits, the Owner/Permittee shall vacate all easements on the property within the approximate location shown on the project's Exhibit "A."

38. Prior to the issuance of any building permits, the Owner/Permittee shall construct all water and sewer facilities required by the Public Utilities Department necessary to serve this development and assure them by permit and bond.

39. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

40. All proposed public water and sewer facilities, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

41. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer and five feet of any water facilities.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on SEP 21 2015, pursuant to Resolution No. R-309988.

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

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

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

**EHOFLA JOLLA, LLC, a Delaware
Limited Liability Company**
Owner/Permittee

By _____
Name:
Title:

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

Passed by the Council of The City of San Diego on SEP 21 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 21 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By Mary Tenenby, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309988