

Item 332-7/25/17
(R-2017-679)
Sub Item 'C'

RESOLUTION NUMBER R- 311269

DATE OF FINAL PASSAGE JUL 25 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING COASTAL DEVELOPMENT
PERMIT NO. 1480999 FOR THE SU CASA PROJECT –
PROJECT NO. 420956.

WHEREAS, Su Casa Properties, a California Limited Partnership, Owner/Permittee, filed an application with the City of San Diego to demolish an existing single-story commercial unit and a two-story residential unit, and to construct a three-story residential building, a two-story residential building, each with six, two-bedroom units, and one, two-story mixed-use building containing four residential units, 3,000 square feet of retail space and a 18,639 square-foot basement parking garage containing 37 parking spaces; and

WHEREAS, the project site is located 6738 La Jolla Boulevard and 350 Playa Del Sur Street. The 0.51-acre site is legally described as: Parcels A and B according to the Map thereof No. 1127 of Parcel Maps filed in the Office of the County Recorder of San Diego County, November 28, 1972. The project site is within the La Jolla Community Plan area and Local Coastal Program area, and within the La Jolla Planned District and the RM-3-7 zones; and

WHEREAS, On March 30, 2017, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 1480999, and pursuant to Resolution No. 4854-PC 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, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on July 25, 2017, 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. 1480999, as required by San Diego Municipal Code 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 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 project site is located between Playa Del Norte Street on the north and Playa Del Sur Street on the south, and La Jolla Boulevard to the east. The project site is located approximately 500 feet to the east of the Pacific Ocean and the project would be constructed entirely on private property. There are no view areas, view corridors, or physical access areas on the site. No aspect of the project would encroach upon, or hinder, any coastal access to the Pacific Ocean on, near or adjacent to the project site. No public views to the ocean are available through Playa Del Norte or Playa Del Sur adjacent to the project site. Views of the ocean are only available from the western ends of Playa Del Sur and Playa Del Norte. These view locations are approximately 500 feet to the west of the project site. Playa Del Sur and Playa Del Norte are serpentine in configuration, and, therefore, no views of the ocean are available from the project site. The building envelope and setbacks comply with the San Diego Municipal Code and the La Jolla Planned District Ordinance. Both the proposed setbacks and sidewalk clearances maintain all view and physical access. Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in 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.

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

The project site is a developed site within an urbanized residential area. The project site is relatively flat and has no Environmentally Sensitive Lands or sensitive environmental resources

on or adjacent to the project site. The project will implement required Best Management Practices and control drainage to assure off-site resources are not impacted. Therefore, the proposed project will not adversely affect environmentally sensitive lands.

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

The La Jolla Community Plan/Local Coastal Program recommends that public views be protected and enhanced. There is no physical or visual access on the site, and therefore the proposed project would not encroach upon physical or visual access to the Pacific Ocean. The La Jolla Community Plan designates the project site for residential and commercial development. As the project proposes residential and retail development, the project would be consistent with this designation. As the project is consistent with access and site designations of the La Jolla Community Plan and Local Coastal Program, the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

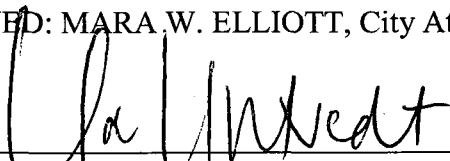
(4) For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter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

The project site is not located between the nearest public roadway (Neptune Place) and the sea or shoreline. Therefore, the finding is not applicable.

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 1480999 is hereby granted to Su Casa Properties, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Inga B. Lintved
Deputy City Attorney

IBL:mcm
July 14, 2017
Or.Dept: DSD
Doc. No.: 1530967_2

ATTACHMENT(S): Exhibit A, Coastal Development Permit No. 1480999

Passed by the Council of The City of San Diego on JUL 25 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 25 2017

(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 Sty Meady, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311269

EXHIBIT A

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

INTERNAL ORDER NUMBER 24005811

COASTAL DEVELOPMENT PERMIT NO.1480999
SU CASA PROJECT NO. 420956 MMRP
 CITY COUNCIL

This Coastal Development Permit No. 1480999 is granted by the City Council of the City of San Diego to Su Casa Properties, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0707(a) and 126.0502. The 0.51-acre site is located at 6738 La Jolla Boulevard and 350 Playa Del Sur Street in the La Jolla Planned District and the RM-3-7 zones of the La Jolla Community Plan. The project site is legally described as: Parcels A and B according to the Map thereof No. 1127 of Parcel Maps filed in the Office of the County Recorder of San Diego County, November 28,1972.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner Su Casa Properties, Owner/Permittee, to demolish an existing single-story commercial unit and a two-story residential unit, and construct one, three-story residential building; one, two-story residential building each with six bedrooms; and construct one, two-story mixed-use building containing four residential units; 3,000 square feet of retail space and a 18,639 square-foot basement parking garage containing 37 parking spaces described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 30, 2017, on file in the Development Services Department. The project shall include:

- a. Demolish an existing single-story commercial unit and a two-story residential unit;
- b. Construct one, three-story residential building; one, two-story residential building each with six bedrooms; and construct one, two-story mixed-use building containing four residential units totaling 28,884 square feet; 3,000 square feet of retail space and a 18,639 square-foot basement parking garage containing 37 parking spaces;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; (37 parking spaces in garage);
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of

the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by JUL 25, 2020

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. 420956, 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. 420956, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources.

CLIMATE ACTION PLAN REQUIREMENTS:

14. The Owner/Permittee shall comply with The Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three sheets of the construction plans under the heading "Climate Action Plan Requirements."

15. Climate Action Plan strategies as identified on Exhibit "A" shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.). The applicant must either provide four replacement units with rent affordable to low-income households for a period of five years or pay an in-lieu fee.

ENGINEERING REQUIREMENTS:

17. The project proposes to export 5,300 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

18. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall remove the existing private encroachments including brick pavers, concrete planters, brick pillars, wood rail fence, wood and glass fencing, in the La Jolla Boulevard, Playa Del Norte, and Playa Del Sur Right-of-Way, satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlet in the Playa Del Norte Right-of-Way.

21. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to close the non-utilized driveways with current City Standards curb, gutter and sidewalk, adjacent to the site on La Jolla Boulevard, Playa Del Norte, and Playa Del Sur, satisfactory to the City Engineer.

22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standards concrete driveway, adjacent to the site on La Jolla Boulevard, satisfactory to the City Engineer.

23. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to construct current City Standard concrete sidewalks, adjacent to the site on La Jolla Boulevard, Playa Del Norte, and Playa Del Sur, satisfactory to the City Engineer.

24. Prior to the issuance of any building permits, the Owner/Permittee shall vacate Right-of-Way on Playa Del Norte and Playa Del Sur, per approved Exhibit 'A', satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate additional Right-of-Way on Playa Del Norte and Playa Del Sur, per approved Exhibit 'A', satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

26. Prior to building permit issuance, landscape and irrigation plans substantially conforming to Exhibit "A," (Landscape Development Plan) shall be submitted to the Development Services Department for approval.

27. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees. In the event that the Landscape Plan and the Public Improvement Plan conflict, the Public Improvement Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A" Landscape Development Plan.

28. Any existing landscape to remain, as indicated on the approved plans, that is damaged during construction shall be replaced in kind to the satisfaction of the Development Services Department within 30 days of damage or final inspection.

PLANNING/DESIGN REQUIREMENTS:

29. 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.

30. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

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.

TRANSPORTATION REQUIREMENTS:

32. No fewer than 37 parking spaces (35 parking spaces and 2 accessible spaces are proposed) shall be maintained on the property at all times in the approximate locations shown on Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Department.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

33. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director, the City Engineer.

34. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

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

36. Prior to Final Inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Director and the City Engineer.

37. 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 and Sewer Facility Design Guidelines and City regulations, standards and practices.

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 JUL 25 2017 and Approved Resolution No. R-311269

Coastal Development Permit No. 1480999
Date of Approval: ~~XX~~ JUL 25 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Morris E. Dye
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.

Su Casa Properties
Owner/Permittee

By

NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____

NAME
TITLE

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