

002573

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-8447

SITE DEVELOPMENT PERMIT NO. 482270
KRETOWICZ RESIDENCE - PROJECT NO. 138513
AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 108967
PLANNING COMMISSION
DRAFT

This Site Development Permit No. 482270 an amendment to Site Development Permit No. 108967 is granted by the Planning Commission of the City of San Diego to DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees), Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.52 site is located at 7957 Princess Street, in the RS-1-7 Zone and the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The project site is legally described as all of Lots 10 and 11, Block 3 of the Amalfi Subdivision, according to Map 959; and all that portion of Pueblo Lot 1285 of Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870, Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to the DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees) Owner/Permittee to maintain the previously constructed improvements, modifications, and additions to an existing single-family residence, and add a new trellis and jacuzzi, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 2, 2008, on file in the Development Services Department.

The project shall include:

- a. The improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed (the upper level includes all new interior walls and portions of new exterior walls, new fireplace, reconstructed deck, new cantilevered balcony, new deck cover, modifications to the garage and front entry walls; the lower level addition of approximately 760

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square feet and the complete remodeling of the existing area; the existing detached accessory building addition of an approximately 52 square feet for a bathroom and the remaining existing exterior walls (portions are within the public right-of-way) and windows modifications; modifications to the existing retaining walls at the front property; and the walls, fences, and trash enclosure gate within the public right-of-way). A proposed new trellis over the existing deck and a new jacuzzi/structure, which includes new retaining walls and a raised platform;

- b. The existing detached accessory building located at the front of the property and partially within the public right-of-way shall not be used for living or sleeping purposes;
- c. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the Development Services Department 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.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. Prior to the issuance of any construction permits, the Owner/Permittee shall show evidence of a Coastal Development Permit (as an amendment to the original coastal development permit issued by the Commission) by the California Coastal Commission that includes the improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and the new trellis over the existing deck and the new jacuzzi/structure.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and

- b. The Permit is recorded in the Office of the San Diego County Recorder.
4. 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 Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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. The applicant 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

SUSTAINABLE BUILDINGS REQUIREMENTS:

12. Prior to the issuance of any building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

NEIGHBORHOOD CODE COMPLIANCE REQUIREMENTS:

13. The Owner/Permittee shall submit an application and plans for all necessary construction permits within 90 calendar days from the date of the Coastal Development Permit issued by the California Coastal Commission and shall provide the Neighborhood Code Compliance Department the application number within two calendar days from the date of the submittal.

14. The Owner/Permittee shall start construction within 30 calendar days from the start date of the construction and shall notify the Neighborhood Code Compliance Department within two calendar days prior to the starting date of the construction.

15. The Owner/Permittee shall obtain all final inspections and approvals within 120 calendar days from the date of the construction permits and shall provide evidence to the Neighborhood Code Compliance Department within two calendar days on the finalization of all construction permits.

ENGINEERING REQUIREMENTS:

16. The drainage system proposed for this development is private and subject to approval by the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the existing private structures that lie within the Princess Street right-of-way, which structures include walls, portion of an accessory building, and portions of the of a trash enclosure.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

19. Prior to the building occupancy, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

GEOLOGY REQUIREMENTS:

20. Prior to the issuance of any building permits, an updated geotechnical report shall be submitted and approved by Building Development Review that demonstrates that the project does not require additional footings and/or foundation to support the development authorized by this permit.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of any Construction Documents; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards and the Coastal Bluffs and Beaches Guidelines 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.

22. Prior to a Final Inspection, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape. All existing irrigation on the coastal bluff and within the 5-foot bluff setback, shall be capped and no new irrigation system(s) is permitted. All existing "flood lights" located on the Coastal Bluff and possibly within the 5-foot bluff setback shall be removed.

23. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees, including the existing "Torrey Pine" located in the front yard, is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

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

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

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26. Prior to a Final Landscape Inspection, all existing turf and irrigation located west of the existing residence, shall be removed and replaced with a stone patio as indicated on Exhibit "A" and consistent with the Land Development Manual's, Coastal Bluffs and Beaches Guidelines.

27. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habit and/or sensitive coastal bluffs, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

PLANNING/DESIGN REQUIREMENTS:

28. No fewer than two (2) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

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. The detached accessory building located at the front of the property and partially within the public right-of-way shall not be used for living or sleeping purposes.

31. Prior to the issuance of any construction permits, the Permittee or Subsequent Owner shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved development.

32. 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.

INFORMATION ONLY:

- 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on October 2, 2008,
Resolution No. xxxxxx.

Permit Type/PTS Approval No.: SDP/482270
Date of Approval: October 2, 2008

AUTHENTICATED BY THE 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.**

DUK Trust
Owner/Permittee

By _____
Ure R. Kretowicz
Trustee

[NAME OF COMPANY]
Owner/Permittee

By _____
Diane M. Kretowicz
Trustee

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

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LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900

http://www.LaJollaCPA.org Email: Info@LaJollaCPA.org

Regular Meeting – 4 September 2008

Attention: Jeff Peterson, PM, City of San Diego

Project: Kretowicz Residence PN: 138513
7957 Princess Street

Motion: To accept the recommendation of the CDP committee that the findings can be made to approve the Kretowicz residence with the following condition: To exclude the proposed Jacuzzi and trellis on the seaward side which does not conform to environmentally sensitive lands guidelines and forward the recommendation to the City. Vote: 11-0-2
Morton Recused

Submitted by: *Joseph LaCava* 5 September 2008
Joe LaCava, President Date
La Jolla CPA

CDP Committee Report for July 2008

Project Name:	KRETOWICZ RESIDENCE	Permits: CDP/SDP/ESL
	7957 Princess St.	DPM: Jeff Peterson JAPeterson@sandiego.gov
Project #:	JO#428447/138513	Applicant: Claude-Anthony Marengo 619-417-1111
Zone:	RS-1-7	

Scope of Work:

Existing Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands. Amend SDP 108967 for a 333 sq ft addition and remodel to an existing single family residence and a 52 SF addition to a casita within the La Jolla Shores PDO on a 22,725 sq ft site at 7957 Princess Street in the RS-1-7 and SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay (appealable), Coastal Ht. Limit, Residential Tandem Parking, Transit Area. Council District 1, Notice Cards =1.

Subcommittee Motion:

- * Motion to rescind motion from previous meeting (Crisafi/Ashley 7-0-0)
- * Findings can be made to approve the project with the following condition: 1.) To exclude proposed Jacuzzi & trellis on the seaward side which does not conform to environmentally sensitive lands guidelines. (Crisafi/Collins 6-1-0)

Little-opposed: no faith in conditions being enforced.

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NEIGHBORHOOD PETITION**Kretowicz Residence**

7957 Princess Street, La Jolla

City of San Diego Development Services Department

Project No. 138513

We, the undersigned, live in close proximity to 7957 Princess Street, the Kretowicz residence. For several years the Kretowicz residence has been periodically expanded, remodeled and landscaped without obtaining the required permit approvals. We hereby petition the City of San Diego to correct the numerous zoning and building code violations at this property.

We understand an application to the City to obtain the permits required for the existing structures and landscaping after-the-fact has recently been submitted. The City's Development Services Department has stated in its October 5 letter to Kretowicz that the application includes the improvements and additions that were constructed without obtaining an amendment to the property's original Coastal Commission Permit or obtaining building and public improvement permits pursuant to Neighborhood Code Compliance Department Case No. NC 40952.

We strongly urge the City to correct the property's numerous Municipal Code, Building Code and Coastal Commission Permit violations by requiring Mr. Kretowicz to obtain the applicable Site Development Permit and related Building Permits. If the City determines that any of the existing structures violate Municipal Code development regulations such as setback dimensions, building height, lot coverage, etc., we urge the City to require the property owner to correct such violations.

We also request that the City actively participate in the related Coastal Development Permit (CDP) application currently pending with the California Coastal Commission. Specifically, we ask the City to protect public safety for vehicular and pedestrian traffic on Princess St. and Spindrift Dr. which we believe to be threatened by a proposed public viewing area adjacent to the Kretowicz property addressed in the Coastal Development Permit.

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In addition, we respectfully request that the City process the Kretowicz application in a timely fashion. If the applicant does not complete the application within the timeframes established by City ordinance or policy, the violations should be sent to the Neighborhood Code Compliance Department for referral to the City Attorney.

THE EXISTING VIOLATIONS AT THE KRETOWICZ PROPERTY INCLUDE, BUT ARE NOT LIMITED TO:

- 1) Construction (remodel) without an amendment to the property's Coastal Permit;
- 2) Failure to provide public access pursuant to Coastal Permit conditions;
- 3) Construction of improvements within the coastal access area;
- 4) Installation of concrete pavers in the public right of way
- 5) Construction of and grading for new rooms below the original house;
- 6) Construction of a new deck on the second story;
- 7) Modifications to an accessory structure;
- 8) Construction of masonry walls in the public right of way and public view corridor;
- 9) Structural modifications to the garage, and
- 10) Installation of landscaping and irrigation on the coastal bluff.

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SIGNED:

NAME

ADDRESS

Joseph W. Checota 7956 Princess Street
Ellen Checota 7956 Princess St

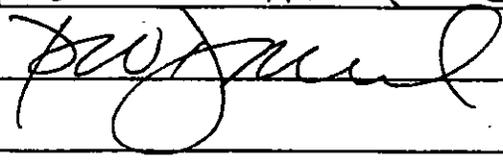
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SIGNED:

NAME

ADDRESS

PATRICK DANIELS 7907 PRINCESS ST.
VIRGINIA DE ROBERTIS LA JOLLA, CA 92037



002589

NAME Jean Deacy ADDRESS 1834 Spindrift La Jolla, CA

Virginia Miller 5834 Windsor Dr.
(Jean's daughter) Fairway, KS 66205

002590

SIGNED:

NAME

ADDRESS

Jay McDonald

2221 OCEAN AVENUE

SANTA MONICA, CA 90405

JAY McDONALD

SON OF JEAN DEACY

002593

SIGNED:

NAME

David Reynolds

ADDRESS

7964 POWERS ST.

Marlene Reynolds

Comments relate to paragraph #4 re: the CDP application for the public viewing area at the top of the stairs below Aircraft St. Region. We are strongly opposed to this "Park" viewing area for all of the reasons aforementioned.

002599



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

Ownership Disclosure Statement

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

Project Title: KRETOWICZ RES. Project No. For City Use Only: 138513

Project Address: 7957 PRINCESS ST.

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

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

Additional pages attached Yes No

Name of Individual (type or print): URE R. KRETOWICZ
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 7957 PRINCESS ST
 City/State/Zip: LA JOLLA CA 92037
 Phone No: (958) 922-8666 Fax No: _____
 Signature: [Signature] Date: AUGUST 15 2007

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

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

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

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DEVELOPMENT SERVICES DEPARTMENT
PROJECT CHRONOLOGY
 KRETOWICZ RESIDENCE - PROJECT NO. 138513

Date	Action	Description	City Review Time (Working Days)	Applicant Response
9/12/07	First Submittal	Project Deemed Complete	-	-
10/5/07	First Assessment Letter		17 days	
11/14/07	Preparing the Second Submittal	Applicant working on the next submittal		27 days
11/14/07	NCCD Notice	NCCD issued Civil Penalty Notice and Order	-	
12/6/07	NCCD Notice	NCCD issued Notice of Civil Penalty Hearing	15 days	
12/18/07	Civil Penalty Hearing	Public Hearing	8 days	
12/26/07	Order	Civil Penalty Administrative Enforcement Order Issued	5 days	
3/11/08	Second Submittal			48 days
3/25/08	Second Assessment Letter		10 days	
6/23/08	Third Submittal			63 days
7/8/08	Third Assessment Letter		10 days	
7/16/08	Fourth Submittal			6 days
7/29/08	Review Completed	Outstanding review issues completed except Community Group vote	9 days	
8/7/08	Community Group	Voted 6-5-0 to recommend approval		7 days
9/2/08	Environmental	ND Finalized	17 days	
9/4/08	Community Group	Reconsidered Voted from 8/7/08		2 days
10/2/08	Public Hearing	First available date	20 days	
TOTAL STAFF TIME		(Does not include City Holidays)	111 days	
TOTAL APPLICANT TIME		(Does not include City Holidays)		153 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing	264 working days (386 calendar days)	

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-8447

SITE DEVELOPMENT PERMIT NO. 482270
KRETOWICZ RESIDENCE - PROJECT NO. 138513
 AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 108967
PLANNING COMMISSION

This Site Development Permit No. 482270 an amendment to Site Development Permit No. 108967 is granted by the Planning Commission of the City of San Diego to DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees), Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.52 site is located at 7957 Princess Street, in the RS-1-7 Zone and the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The project site is legally described as all of Lots 10 and 11, Block 3 of the Amalfi Subdivision, according to Map 959; and all that portion of Pueblo Lot 1285 of Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870, Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to the DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees) Owner/Permittee to maintain the previously constructed improvements, modifications, and additions to an existing single-family residence, and add a new trellis and jacuzzi, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 9, 2008, on file in the Development Services Department.

The project shall include:

- a. The improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed (the upper level includes all new interior walls and portions of new exterior walls, new fireplace, reconstructed deck, new cantilevered balcony, new deck cover, modifications to the garage and front entry walls; the lower level addition of approximately 760

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square feet and the complete remodeling of the existing area; the existing detached accessory building addition of an approximately 52 square feet for a bathroom and the remaining existing exterior walls (portions are within the public right-of-way) and windows modifications; modifications to the existing retaining walls at the front property; and the walls, fences, and trash enclosure gate within the public right-of-way). A proposed new trellis over the existing deck and a new jacuzzi/structure, which includes new retaining walls and a raised platform;

- b. The existing detached accessory building located at the front of the property and partially within the public right-of-way shall not be used for living or sleeping purposes;
- c. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. Accessory improvements determined by the Development Services Department 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; and
- g. Correction of permit number for Site Development Permit No. 108967, which was recorded as Site Development Permit No. 8967 (correction of permit number only).

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. Prior to the issuance of any construction permits, the Owner/Permittee shall show evidence of a Coastal Development Permit (as an amendment to the original coastal development permit issued by the Commission) by the California Coastal Commission that includes the improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and the new trellis over the existing deck and the new jacuzzi/structure.

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3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

4. 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 Development Services Department.

5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.

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

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

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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" conditions(s) back to the discretionary body which approved the Permit for a

determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The applicant 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

SUSTAINABLE BUILDINGS REQUIREMENTS:

12. Prior to the issuance of any building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

NEIGHBORHOOD CODE COMPLIANCE REQUIREMENTS:

13. The Owner/Permittee shall submit an application and plans for all necessary construction permits within 90 calendar days from the date of the Coastal Development Permit issued by the California Coastal Commission and shall provide the Neighborhood Code Compliance Department the application number within two calendar days from the date of the submittal.

14. The Owner/Permittee shall start construction within 30 calendar days from the start date of the construction and shall notify the Neighborhood Code Compliance Department within two calendar days prior to the starting date of the construction.

15. The Owner/Permittee shall obtain all final inspections and approvals within 120 calendar days from the date of the construction permits and shall provide evidence to the Neighborhood Code Compliance Department within two calendar days on the finalization of all construction permits.

ENGINEERING REQUIREMENTS:

16. The drainage system proposed for this development is private and subject to approval by the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the existing private structures that lie within the Princess Street right-of-way, which structures include walls, portion of an accessory building, and portions of the of a trash enclosure.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

19. Prior to the building occupancy, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

GEOLOGY REQUIREMENTS:

20. Prior to the issuance of any building permits, an updated geotechnical report shall be submitted and approved by Building Development Review that demonstrates that the project does not require additional footings and/or foundation to support the development authorized by this permit.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of any Construction Documents; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards and the Coastal Bluffs and Beaches Guidelines 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.

22. Prior to a Final Inspection, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape. All existing irrigation on the coastal bluff and within the 5-foot bluff setback, shall be capped and no new irrigation system(s) is permitted. All existing "flood lights" located on the Coastal Bluff and possibly within the 5-foot bluff setback shall be removed.

23. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees, including the existing "Torrey Pine" located in the front yard, is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

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24. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
25. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.
26. Prior to a Final Landscape Inspection, all existing turf and irrigation located west of the existing residence, shall be removed and replaced with a stone patio as indicated on Exhibit "A" and consistent with the Land Development Manual's, Coastal Bluffs and Beaches Guidelines.
27. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habit and/or sensitive coastal bluffs, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

PLANNING/DESIGN REQUIREMENTS:

28. The subject property shall comply with all condition and requirements in Site Development Permit No. 108967 and this amended Site Development Permit No. 482270.
29. Prior to the commencement of any work or activity authorized by this Permit the Owner/Permittee shall record a Deed Restriction in a form and content acceptable to the Director of the Development Services Department to waive all rights to future shoreline protective devices associated with the property.
30. No fewer than two (2) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.
31. 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.
32. The detached accessory building located at the front of the property and partially within the public right-of-way shall not be used for living or sleeping purposes.

33. Prior to the issuance of any construction permits, the Permittee or Subsequent Owner shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved development.

34. 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.

INFORMATION ONLY:

- 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on October 9, 2008,
Resolution No. 4463-PC.

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ATTACHMENT 7

Permit Type/PTS Approval No.: SDP/482270

Date of Approval: October 9, 2008

AUTHENTICATED BY THE 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.**

DUK Trust
Owner/Permittee

By _____
Ure R. Kretowicz
Trustee

By _____
Diane M. Kretowicz
Trustee

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

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PLANNING COMMISSION
 RESOLUTION NO. 4463-PC-1
 SITE DEVELOPMENT PERMIT NO. 482270
 NEIGHBORHOOD USE PERMIT NO. 581890
KRETOWICZ RESIDENCE - PROJECT NO. 138513
 AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 108967

WHEREAS, DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees), Owner/Permittee, filed an application with the City of San Diego for a permit to maintain the previously constructed improvements, modifications, and additions to an existing single-family residence, and convert an existing accessory building into a guest quarters, add a new trellis and jacuzzi (as described in and by reference to the Exhibits "A"), on portions of a 0.52-acre site;

WHEREAS, the project site is located at 7957 Princess Street, in the RS-1-7 Zone and the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone;

WHEREAS, the project site is legally described as all of Lots 10 and 11, Block 3 of the Amalfi Subdivision, according to Map 959; and all that portion of Pueblo Lot 1285 of Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870, Miscellaneous Map No. 36;

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Site Development Permit No. 482270 and Neighborhood Use Permit No. 581890 pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings to APPROVE Site Development Permit No. 482270 and DENY Neighborhood Use Permit No. 581890, dated October 9, 2008.

FINDINGS:

I. 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 project site is located at 7957 Princess Street, the northern terminus of Princess Street, which is a public street and the cul-de-sac located at the terminus of the street is within the public right-of-way. The site contains three legal lots, two of the lots are at the nexus of a coastal bluff and coastal canyon, and are located in the RS-1-7 Zone. The third lot is approximately 436 square feet in size and is located at the terminus of Princess Street, and is located in the SF Zone of the La Jolla Shores Planned District. This lot contains an

existing detached accessory building located at the terminus of Princess Street which was approved on January 28, 1969, pursuant to Building Permit No. E40921. A portion or 1/3 of this existing accessory building is located within the public right-of-way and the remaining 2/3 of this structure is within the small lot. The project site is within the La Jolla Community Plan Area (LJCP), Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone.

The project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and a new trellis addition over the deck and a new jacuzzi. The existing detached accessory building, located at the terminus of Princess Street, is proposed to be used as a guest quarters, and would be classified as an accessory use to a single family residence. The zoning designations are for a single family residential and the LJCP designates the proposed project site for single family use (5-9 dwelling units per acre). Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and a new trellis addition over the deck and a new jacuzzi. An existing detached accessory building located at the terminus of Princess Street was approved on January 28, 1969, pursuant to Building Permit No. E40921. This existing detached accessory building is proposed to be converted from a non-habitable accessory use into a guest quarters (habitable accessory use). A portion or 1/3 of this existing accessory building is located within the public right-of-way and the remaining 2/3 of this structure is within the property lines. The building records for the detached accessory building indicate that the structure was a "Photo Lab," a non-habitable accessory use.

The Planning Commission did not recommend approval of Neighborhood Use Permit, because the approval of the permit would grant habitable living space/use within the public right-of-way, which creates a life and safety issue for those living and sleeping in the structure, a liability for the City, and does not benefit a public purpose. Therefore, the Planning Commission determined that approval of the Site Development Permit with the denial of the Neighborhood Use Permit would not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, in the RS-1-7 Zone and the SF Zone of the La Jolla Shores Planned District. The site is within the LJCP, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation

Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The zoning designations are for a single family residential and the LJCP designates the proposed project site for single family use (5-9 dwelling units per acre).

The project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and a new trellis addition over the deck and new jacuzzi. The existing and proposed development is consistent with the development regulations on size, location, and setbacks, and the intent of the regulations for the sensitive coastal bluffs guidelines. The accessory structures do not interfere with the free and unobstructed use of the public right-of way for public travel.

The Coastal Development Permit will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Commission) once all of the City's actions have been completed. The California Coastal Commission is exclusively responsible for the Coastal Development Permit and or amendments pursuant to Section 126.0717 of the Land Development Code (LDC). Therefore, the proposed development will comply with the applicable regulations of the LDC.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

The project site is located at 7957 Princess Street and contains three legal lots; two of the lots are at the nexus of a coastal bluff and coastal canyon, and the third lot at the terminus of Princess Street. The project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and a new trellis addition over the deck and new jacuzzi. The proposed new jacuzzi and new trellis would be located on top of existing retaining walls and columns that support the existing deck structure. No additional load-bearing support structures would be needed to support the proposed jacuzzi and trellis structures, consistent with the development regulations for sensitive coastal bluffs. The proposed jacuzzi and trellis provides the required 5 feet setback from the established coastal bluff edge. The existing and proposed development is consistent with the development regulations on size, location, and setbacks, and the intent of the regulations for the sensitive coastal bluffs guidelines. The accessory structures do not interfere with the free and unobstructed use of the public right-of way for public travel. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

The project site is located at 7957 Princess Street and contains three legal lots; two of the lots are at the nexus of a coastal bluff and coastal canyon, and the third lot at the terminus of Princess Street. The site is located in a seismically active region of California, in the geologic hazard category 43, and in a high sensitivity area for archaeological resources, and within close proximity to a recorded significant archaeological site (Spindrift site). A Negative Declaration has been prepared for the project in accordance with the State of the California Environmental Quality Act (CEQA) Guidelines.

The previously constructed improvements, modifications, and additions to the existing single-family residence were within the footprint of the existing structure. The proposed new jacuzzi and new trellis would be located on top of existing retaining walls and columns that support the existing deck structure. No additional load-bearing support structures would be needed to support the proposed jacuzzi and trellis structures, consistent with the development regulations for sensitive coastal bluffs. The proposed jacuzzi and trellis provides the required 5 feet setback from the established coastal bluff edge. The project site is not located within flood zone and would not contain any use that would create a fire hazard. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;

The project site is located at 7957 Princess Street and contains three legal lots; two of the lots are at the nexus of a coastal bluff and coastal canyon, and the third lot at the terminus of Princess Street. The site is located in a seismically active region of California, in the geologic hazard category 43, and in a high sensitivity area for archaeological resources, and within close proximity to a recorded significant archaeological site (Spindrift site). A Negative Declaration has been prepared for the project in accordance with the State of the California Environmental Quality Act (CEQA) Guidelines.

The previously constructed improvements, modifications, and additions to the existing single-family residence were within the footprint of the existing structure. The proposed new jacuzzi and new trellis would be located on top of existing retaining walls and columns that support the existing deck structure. No additional load-bearing support structures would be needed to support the proposed jacuzzi and trellis structures, consistent with the development regulations for sensitive coastal bluffs. The proposed jacuzzi and trellis provides the required 5 feet setback from the established coastal bluff edge. The project site is not located within flood zone and would not contain any use that would create a fire hazard. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, and is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

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

The project site is located at 7957 Princess Street and contains three legal lots, two of the lots are at the nexus of a coastal bluff and coastal canyon, and the third lot at the terminus of Princess Street. The previously constructed improvements, modifications, and additions to the existing single-family residence were within the footprint of the existing structure. The existing and proposed development is consistent with the development regulations on size, location, and setbacks, and the intent of the regulations for the sensitive coastal bluffs guidelines. The accessory structures do not interfere with the free and unobstructed use of the public right-of way for public travel. A Negative Declaration has been prepared for the project in accordance with the State of the California Environmental Quality Act (CEQA) Guidelines. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The previously constructed improvements, modifications, and additions to the existing single-family residence were within the footprint of the existing structure. The proposed new jacuzzi and new trellis would be located on top of existing retaining walls and columns that support the existing deck structure. No additional load-bearing support structures would be needed to support the proposed jacuzzi and trellis structures, consistent with the development regulations for sensitive coastal bluffs. The proposed jacuzzi and trellis provides the required 5 feet setback from the established coastal bluff edge. The existing and proposed development is consistent with the development regulations on size, location, and setbacks, and the intent of the regulations for the sensitive coastal bluffs guidelines. The accessory structures do not interfere with the free and unobstructed use of the public right-of way for public travel. A Negative Declaration has been prepared for the project in accordance with the State of the California Environmental Quality Act (CEQA) Guidelines.

O. Supplemental findings—Public Right-of Way Encroachments

1. The proposed *encroachment* is reasonably related to public travel, or benefits a public purpose, or all *record owners* have given the applicant written permission to maintain the *encroachment* on their property;

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, which is a public street and the cul-de-sac located at the terminus of the street is within the public right-of-way. The site contains three legal lots; two of the lots are at the nexus of a coastal bluff and coastal canyon, and the third lot is approximately 436 square feet in size

and is located at the terminus of Princess Street. This lot contains an existing detached accessory building located at the terminus of Princess Street which was approved on January 28, 1969, pursuant to Building Permit No. E40921. A portion or 1/3 of this existing accessory building is located within the public right-of-way and the remaining 2/3 of this structure is within the small lot. The previously constructed improvements and modifications (walls, fences, and gate) within the public right-of-way do not encroach further than the existing accessory building. Therefore, the proposed encroachment is reasonably related to public travel.

2. The proposed encroachment does not interfere with the free and unobstructed use of the public *right-of way* for public travel;

The northern side of the cul-de-sac, located at the terminus of Princess Street, is within the public right-of-way and does not contain public sidewalks. The previously constructed improvements and modifications (walls, fences, and gate) within the public right-of-way do not encroach further than the existing accessory building. Therefore, the accessory structures do not interfere with the free and unobstructed use of the public right-of way for public travel.

3. The proposed *encroachment* will not adversely affect the aesthetic character of the *community*; and

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, west of Spindrift Drive within the LJCP. The community plan designates the proposed project site for single family use (5-9 dwelling units per acre). This range is characterized by single dwelling unit residential homes on 5,000 - 7,000 square foot lots. The surrounding residential development is a mixture of styles, color, and scale. The previously constructed improvements and modifications (walls, fences, and gate) within the public right-of-way do not encroach further than the existing accessory building and are designed to be integrated into to the style and color of the existing single family residence. Therefore, the proposed encroachment will not adversely affect the aesthetic character of the community.

4. The proposed *encroachment* does not violate any other Municipal Code provisions or other local, state, or federal law; and

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, which is a public street and the cul-de-sac located at the terminus of the street is within the public right-of-way. The site contains three legal lots; two of the lots are at the nexus of a coastal bluff and coastal canyon, and the third lot is approximately 436 square feet in size and is located at the terminus of Princess Street. This lot contains an existing detached accessory building located at the terminus of Princess Street which was approved on January 28, 1969, pursuant to Building Permit No. E40921. A portion or 1/3 of this existing accessory building is located within the public right-of-way and the remaining 2/3 of this structure is within the small lot.

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The property has several improvements, modifications, and additions by the current owner that were constructed without obtaining an amendment to the original Coastal Development Permits and/or without obtaining building and public improvement permits pursuant to Neighborhood Code Compliance Case No. NC40952. A Civil Penalty Administrative Enforcement Order was issued by an Administrative Hearing Officer on December 26, 2007. This order required the immediate cessation of all work at the property, payment of civil penalty and costs, and all violations to be added to the plans and included in this project. The previously constructed improvements and modifications (walls, fences, and gate) within the public right-of-way do not encroach further than the existing accessory building.

The Coastal Development Permit will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Commission) once all of the City's actions have been completed. The California Coastal Commission is exclusively responsible for the Coastal Development Permit and or amendments pursuant to Section 126.0717 of the LDC.

5. For coastal development in the coastal overlay zone, the encroachment is consistent with Section 132.0403 (Supplement Use Regulations of the Coastal Overlay Zone).

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, west of Spindrift Drive within the LJCP. The site is located in an identified scenic overlook in the LJCP Subarea D, which is described as a scenic view over private properties from a public right-of-way along Princess Street. Additionally, the community plan sites this lot within a major viewshed, an unobstructed panoramic view from a public vantage point from Spindrift Drive. The previously constructed improvements, modifications, and additions to the single family residence would not create any obstruction of these identified viewsheds as the residence is situated much lower than the level of the right-of-way from where the view is observed. The existing view from these identified public viewing locations toward the ocean would not result in any substantial changes.

The Coastal Development Permit will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Commission) once all of the City's actions have been completed. The California Coastal Commission is exclusively responsible for the Coastal Development Permit and or amendments pursuant to Section 126.0717 of the LDC. Therefore, the encroachments are consistent with Section 132.0403 of the LDC.

II. Neighborhood Use Permit - Section 126.0205

Findings for all Neighborhood Use Permits

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

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The project site is located at 7957 Princess Street, the northern terminus of Princess Street, which is a public street and the cul-de-sac located at the terminus of the street is within the public right-of-way. The site contains three legal lots, two of the lots are at the nexus of a coastal bluff and coastal canyon, and are located in the RS-1-7 Zone. The third lot is approximately 436 square feet in size and is located at the terminus of Princess Street, and is located in the SF Zone of the La Jolla Shores Planned District. This lot contains an existing detached accessory building located at the terminus of Princess Street which was approved on January 28, 1969, pursuant to Building Permit No. E40921. A portion or 1/3 of this existing accessory building is located within the public right-of-way and the remaining 2/3 of this structure is within the small lot. The project site is within the La Jolla Community Plan Area (LJCP), Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone.

The project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and a new trellis addition over the deck and a new jacuzzi. The existing detached accessory building, located at the terminus of Princess Street, is proposed to be used as a guest quarters, and would be classified as an accessory use to a single family residence. The zoning designations are for a single family residential and the LJCP designates the proposed project site for single family use (5-9 dwelling units per acre). Therefore, the proposed development will not adversely affect the applicable land use plan.

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

This Finding can not be made. The project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and a new trellis addition over the deck and a new jacuzzi. An existing detached accessory building located at the terminus of Princess Street was approved on January 28, 1969, pursuant to Building Permit No. E40921. This existing detached accessory building is proposed to be converted from a non-habitable accessory use into a guest quarters (habitable accessory use). A portion or 1/3 of this existing accessory building is located within the public right-of-way and the remaining 2/3 of this structure is within the property lines. The building records for the detached accessory building indicate that the structure was a "Photo Lab," a non-habitable accessory use.

The Planning Commission did not recommend approval of Neighborhood Use Permit, because the approval of the permit would grant habitable living space/use within the public right-of-way, which creates a life and safety issue for those living and sleeping in the structure, a liability for the City, and does not benefit a public purpose. Therefore, the Planning Commission determined that approval of the Neighborhood Use Permit would be detrimental to the public health, safety, and welfare; and determined that this Finding can not be made.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, in the RS-1-7 Zone and the SF Zone of the La Jolla Shores Planned District. The site is within the LJCP, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The zoning designations are for a single family residential and the LJCP designates the proposed project site for single family use (5-9 dwelling units per acre).

The project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and a new trellis addition over the deck and new jacuzzi. The existing and proposed development is consistent with the development regulations on size, location, and setbacks, and the intent of the regulations for the sensitive coastal bluffs guidelines. The accessory structures do not interfere with the free and unobstructed use of the public right-of-way for public travel.

The Coastal Development Permit will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Commission) once all of the City's actions have been completed. The California Coastal Commission is exclusively responsible for the Coastal Development Permit and or amendments pursuant to Section 126.0717 of the LDC. Therefore, the proposed development will comply with the applicable regulations of the LDC.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission of the City of San Diego, Site Development Permit No. 482270 is hereby APPROVED and Neighborhood Use Permit No. 581890 is hereby DENIED by the Planning Commission to the referenced Owner/Permittee.

Jeffrey A. Peterson
Development Project Manager
Development Services

Adopted on: October 2, 2008

Job Order No. 42-8447

cc: Legislative Recorder

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RESOLUTION NUMBER 4463-PC-2

ADOPTED ON OCTOBER 9, 2008

WHEREAS, on September 12, 2007, DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees) submitted an application to the Development Services Department for a Site Development Permit (SDP) to amend SDP No. 108967 and Neighborhood Use Permit; and

WHEREAS, the permit was considered by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was considered by the Planning Commission of the City of San Diego on October 9, 2008; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in Negative Declaration No. 138513; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that Negative Declaration No. 138513 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission of the City of San Diego.

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

APPROVED: October 9, 2008

Jeffrey A. Peterson
Development Project Manager
Development Services Department

WERTZ MCDADE WALLACE MOOT BROWER

002620

LAWYERS

A PROFESSIONAL CORPORATION

Sandra J. Brower	John S. Moot	Of Counsel
Antberlynn Deaton	Gregory Rodriguez	
John P. Fiske	Elaine A. Rogers	Rebecca Michael
Richard T. Forsyth	John H. Stephens	Evan S. Ravich
Sarah H. Lanham	Bruce R. Wallace	
Joseph C. Lavelle	John Ross Wertz	
Julie A. Lewin	Pamela Lawton Wilson	Administrator
J. Michael McDade		Fred Mahady, Jr.

October 23, 2008

VIA HAND DELIVERY

Ms. Elizabeth Maland
City Clerk
City of San Diego
202 C Street, 2nd Floor
San Diego, CA 92101

RECEIVED
CITY CLERK'S OFFICE
08 OCT 23 PM 1:44
SAN DIEGO, CALIF.

Re: Appeal to City Council re: "Kretowicz Residence;" Project No. 138513

Dear Ms. Maland:

Enclosed, please find the required documents to appeal the October 9, 2008 Planning Commission decision regarding the Project referenced above to the City Council.

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully,


Greg Rodriguez

cc: Jeff Peterson, Project Manager

Enclosures

002621



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101
 (619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
 MARCH 2007

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

1. Type of Appeal:

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

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

Name
 George Krikorian

Address City State Zip Code Telephone
 1828 Spindrift Drive La Jolla CA 92037 619-233-1888

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

Ure R. Kretowicz and Diane M. Kretowicz

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Project No. 138513/Neg Dec No. 138513/SDP 482270	October 9, 2008	Jeff Peterson

Decision (describe the permit/approval decision):
 Certify Negative Declaration No. 138513, and Approve Site Development Permit No. 482270,
 and Deny Neighborhood Use Permit 581890.

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

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

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

Please see Attachment A.

RECEIVED
 CLERK'S OFFICE
 SAN DIEGO, CALIF.
 08 OCT 23 PM 4:44

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

Signature: [Handwritten Signature] Attorney for Appellant Date: 10/23/2008

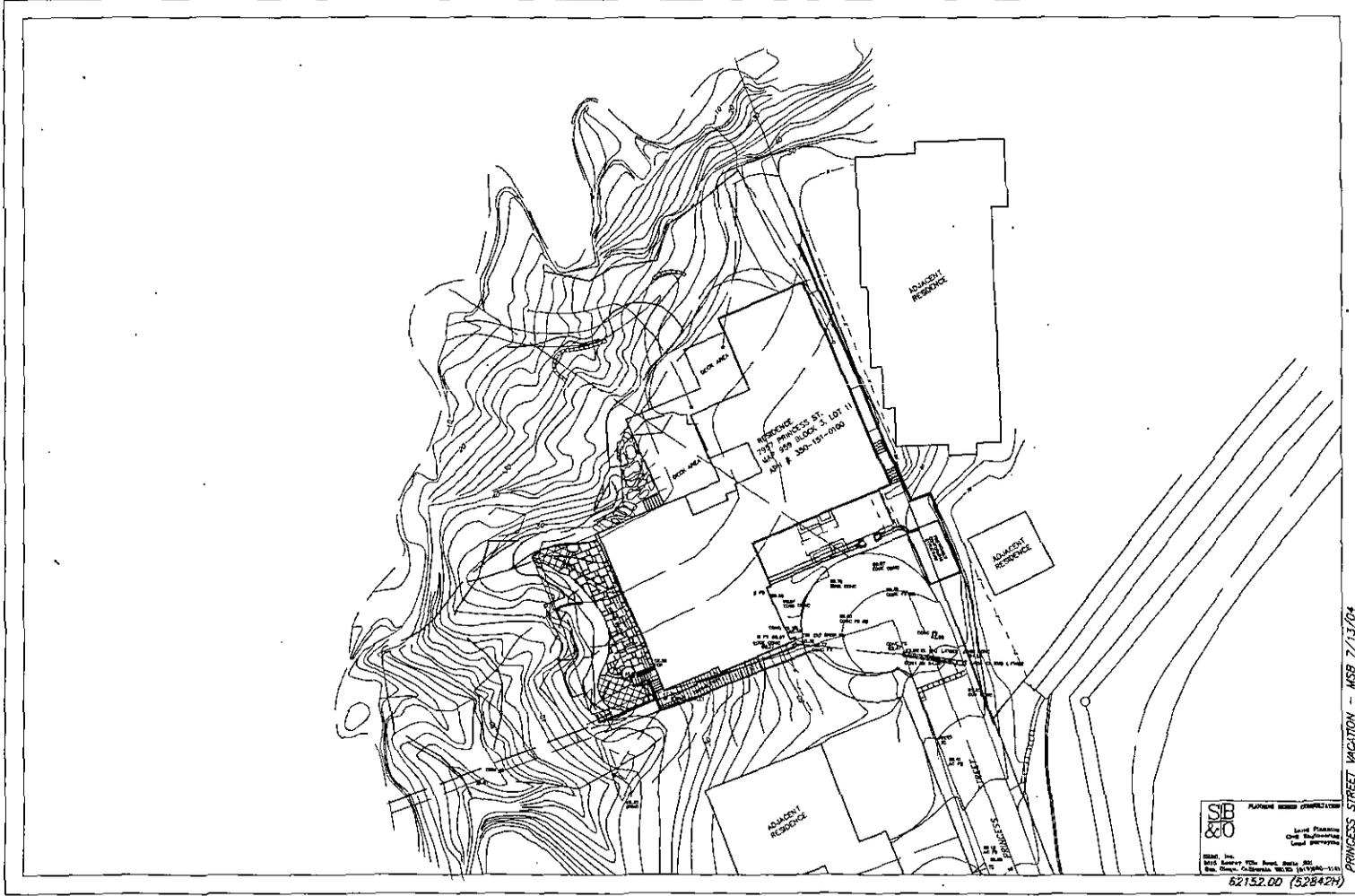
Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

002622

ATTACHMENT A**(Description of Grounds for Appeal)**

1. The certified Negative Declaration for the Project is inadequate since it fails to consider future development that will reasonably occur with approval of the Kretowicz Residence (the "Project"). Since an off-site public viewing area was never constructed, despite being a condition of the last amendment granted to the current Coastal Development Permit governing the property located at 7957 Princess Street, it is a "reasonably foreseeable" consequence of the Project that either an off-site public viewing area, coastal access near the Project site or funding for alternative coastal access will be part of the Project and all three possibilities should be considered in any environmental document for the Project. Thus, a new environmental document should be prepared by staff to address the potential environmental impacts of all reasonably foreseeable development as a result of the Project as required under the California Environmental Quality Act ("CEQA").
2. The Planning Commission failed to make findings as required under CEQA stating why a new and more comprehensive environmental document is not required despite a reasonably foreseeable consequence of the Project being that some type of coastal access will have to be granted and there is a fair argument that such coastal access may have a significant impact on the environment and that such impacts may need to be mitigated to a level of insignificance, if not studied more comprehensively by an environmental impact report.
3. The property located at 7957 Princess Street has a "controversial" history with the City of San Diego, including numerous Code violations issued to the current owner dating back to 2001 and the need for a code compliance hearing to be held at the end of 2007. The decision of the Planning Commission is of City-wide significance and should be overturned since it inappropriately condones and rewards ignoring the law and the City's adopted land development procedures that have been carefully put in place. By approving the Project, the City weakens the important development review process that has been put in place to ensure community harmony and safety for the residents of San Diego.
4. Currently, there is a non-conforming detached structure that is part of the Project and which is located in the public-right-of-way. The decision to allow this structure and other unpermitted improvements to remain in the public-right-of-way is an issue of City-wide significance, especially when one considers the need for emergency vehicle access to the homes and structures surrounding the Project, and liability to the City should an accident occur to a person while inside the detached structure.
5. The Planning Commission failed to consider the history of Code violations on the property located at 7957 Princess Street and failed to impose conditions on the Permit granted to ensure the Applicant complies with the conditions of the Permit, particularly with regard to the condition that the detached structures currently in the public-right-of-way not be used for living or sleeping purposes. The need for such conditions is of City-wide significance due to the fact that these structures are located in the public-right-of-way and may subject the City and the taxpayers to liability.

002625



TOPOGRAPHICAL SURVEY



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 Tel. (858) 459-3769
 Fax. (858) 459-3768
 Michael Mayer AIA
 Claude Anthony Marengo Dra.



All drawings and documents are prepared by the architect or under his direct supervision and control. The architect is not responsible for the accuracy of the information furnished by others. The architect is not responsible for the accuracy of the information furnished by others. The architect is not responsible for the accuracy of the information furnished by others.

KRETOWICZ RESIDENCE
 7957 PRINCESS ST.
 LA JOLLA, CA 92037

APPROVED BY THE CALIFORNIA BOARD OF ARCHITECTURE
 (SEAL) NEEDS Sealing Authority
 1/20/04/04 City Council for Signature



TYPE COASTAL DOCUMENTS

DATE: 07/13/04

PROJECT: CAJ

PROJECT: LA

DATE: 07/13/04

SIB & O
 PARTIAL SEWER CONNECTION
 David Parsons
 Civil Engineering
 License # 52152.00 (52842H)

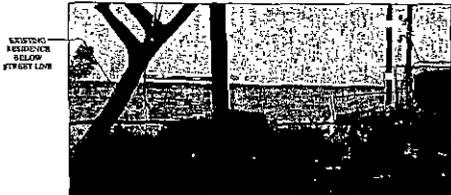
PRINCESS STREET VACATION - MSB 7/13/04

002625

032528



EXISTING RESIDENCE
 1 PROPERTY IS BELOW STREET LEVEL
 MAJOR VIEWHIND



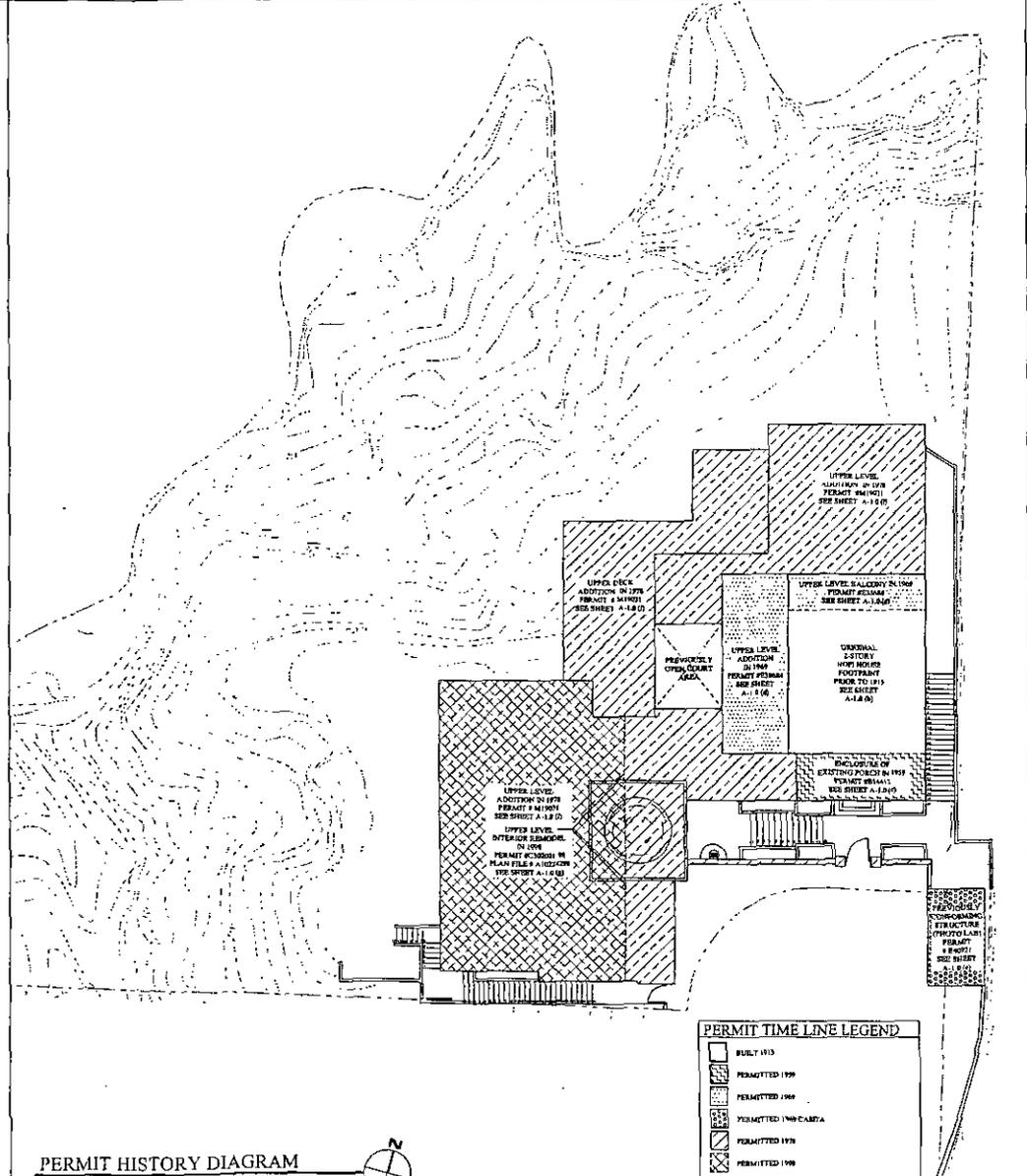
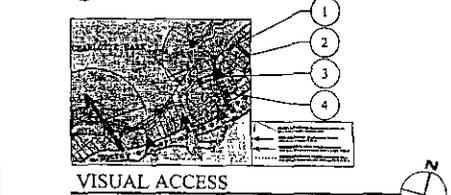
EXISTING RESIDENCE BELOW STREET LINE
 2 PROPERTY IS BELOW STREET LEVEL
 SCENIC OVERLOOK



EXISTING RESIDENCE BELOW STREET LINE
 3 PROPERTY IS BELOW STREET LEVEL
 SCENIC OVERLOOK



EXISTING RESIDENCE
 4 NOT IMPACTING SCENIC OVERLOOK
 SCENIC OVERLOOK



PERMIT TIME LINE LEGEND

[Symbol]	BUILT 1913
[Symbol]	PERMITTED 1999
[Symbol]	PERMITTED 1969
[Symbol]	PERMITTED 1969 CALIF.
[Symbol]	PERMITTED 1976
[Symbol]	PERMITTED 1998



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 Claude Anthony Marengo DArch



All drawings shall be prepared in accordance with the California Building Code and the California State Board of Building Standards. The architect shall be responsible for the accuracy of the information provided in these drawings. The architect shall not be responsible for the accuracy of the information provided in these drawings. The architect shall not be responsible for the accuracy of the information provided in these drawings.

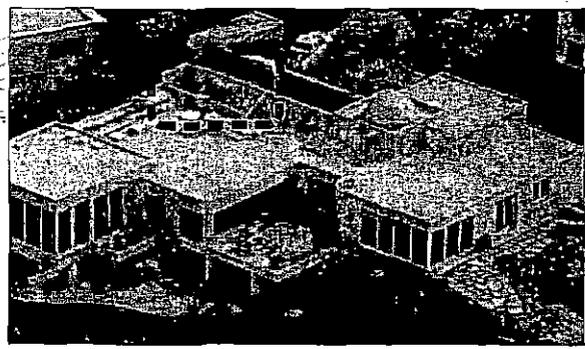
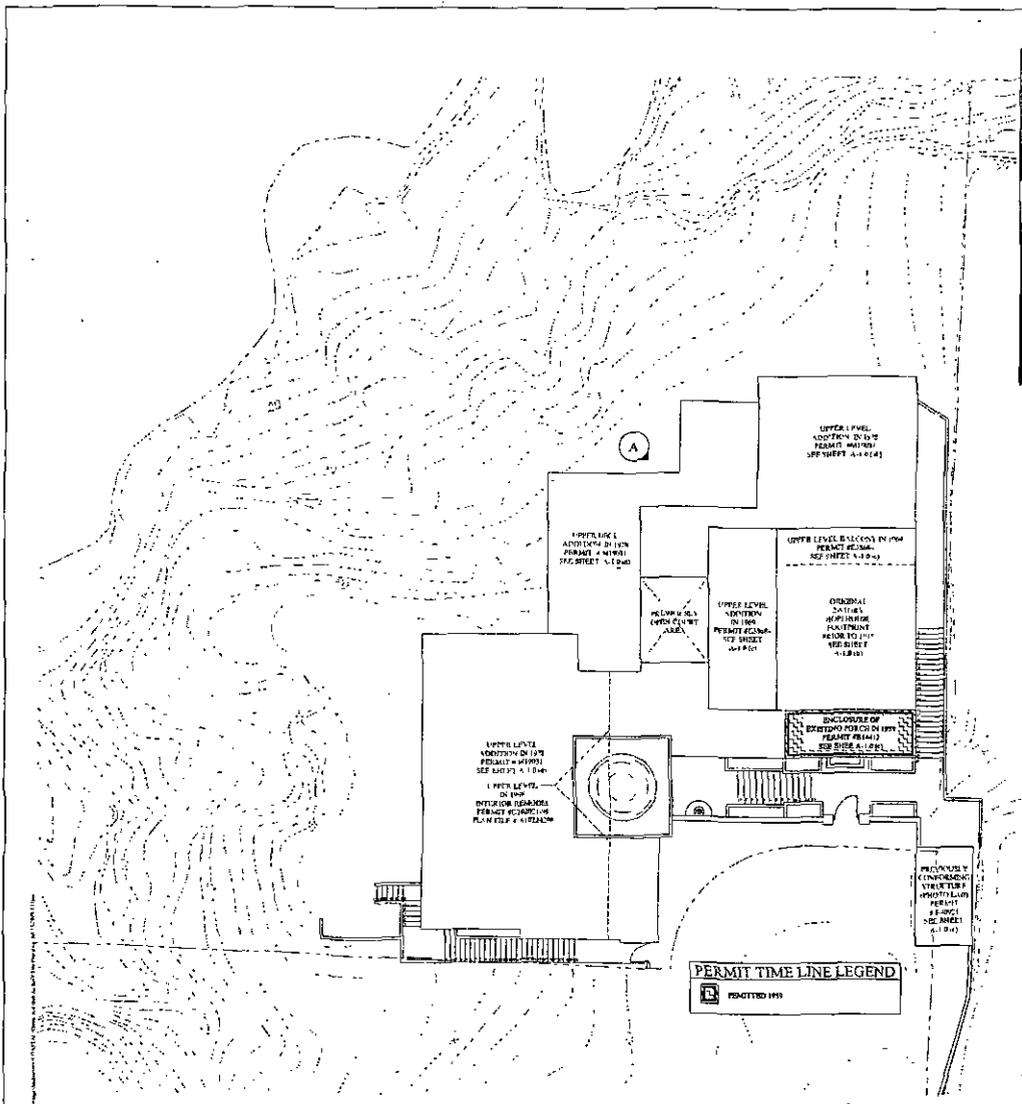
KRETOWICZ RESIDENCE
 797 PRINCESS ST.
 LA JOLLA, CA 92037

APPROVED: MICHAEL MORTON, AIA
 121645100 (CA) Planning Services
 121645100 (CA) Planning Services

Project	COASTAL DOCUMENTS
Number	032528
Author	CAM
Checker	EA
Date	05-13-08

PERMIT HISTORY STACKING
A-1.0(a)
 SHEET 4 OF 22

019628



A SOURCE NOT AVAILABLE

M

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 Fax. (858) 459-3768
 Michael Morton AIA
 Claude Anthony Mortgage Dba.

I am a duly Licensed Architect in the State of California. I am not responsible for the accuracy of the information provided in this document. I am not responsible for the accuracy of the information provided in this document. I am not responsible for the accuracy of the information provided in this document.

KRETOWICZ RESIDENCE
 1937 PRINCCESS ST.
 LA JOLLA, CA 92037

APPROVED BY: [Signature]
 12/26/97 PCEC Housing Submittal
 03/26/99 PD City Coastal Re-Review

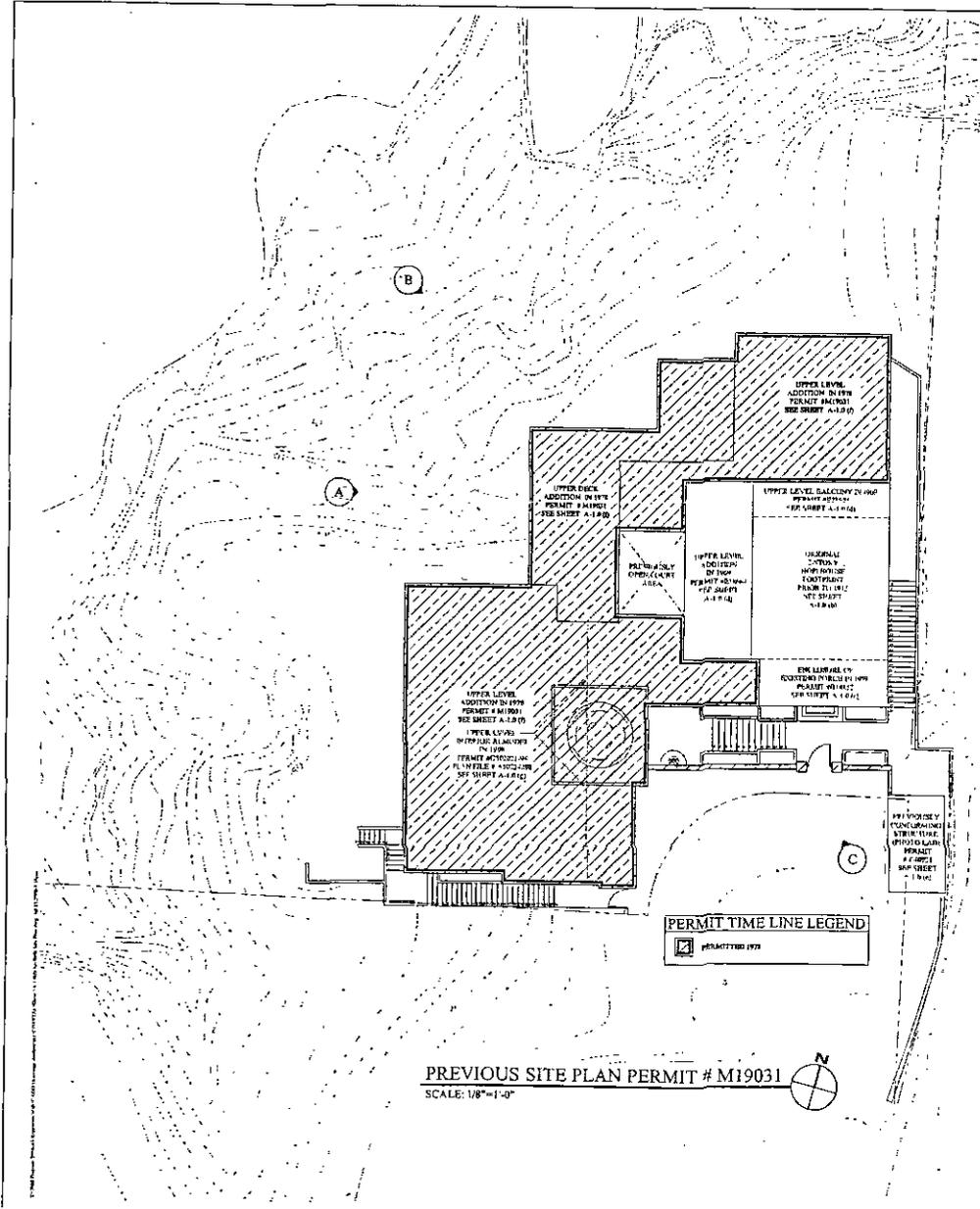
COASTAL DOCUMENTS	
PROJECT NO.	2004-01
APPROVED BY	CAM
DATE	03-15-08

PROJECT NO.
PREVIOUS SITE PLAN PERMIT #B14412
A-1.0(c)
 SHEET 4 OF 22

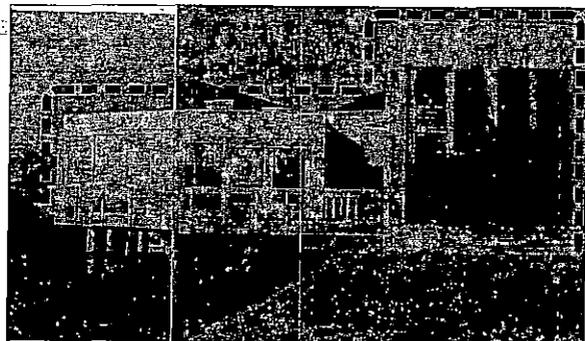
PREVIOUS SITE PLAN PERMIT #B14412
 SCALE: 1/8"=1'-0"



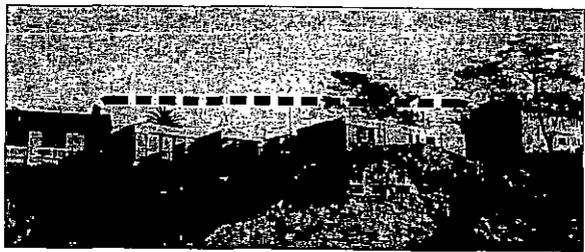
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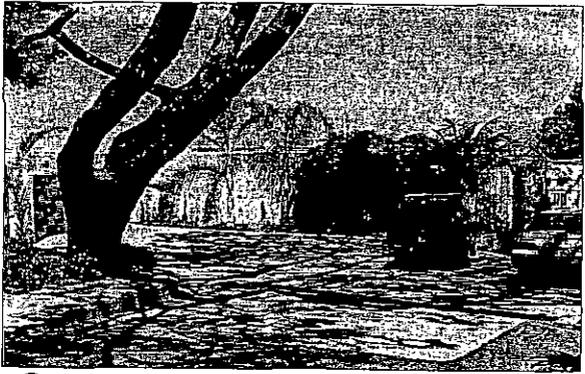
PREVIOUS SITE PLAN PERMIT # M19031
SCALE: 1/8"=1'-0"



A SOURCE NOT AVAILABLE



B SOURCE NOT AVAILABLE



C SOURCE NOT AVAILABLE



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Fax. (858) 459-3768
Michael Morton AIA
Claude Anthony Mortgage Des.



These drawings were prepared by the undersigned architect for the purpose of securing a permit from the City of La Jolla. It is the responsibility of the permittee to verify the accuracy of the information provided and to ensure compliance with all applicable laws, codes, and regulations. The architect assumes no liability for any errors or omissions in these drawings or for any consequences arising from their use.

KRETOWICZ RESIDENCE
7957 BRANNESS ST.
LA JOLLA, CA 92037

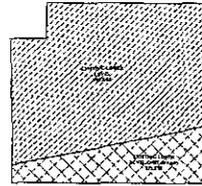
APPROVED BY: City Council
APPROVED BY: Planning Commission
APPROVED BY: City Engineer

COASTAL DOCUMENTS
PROJECT NO. 2009-01

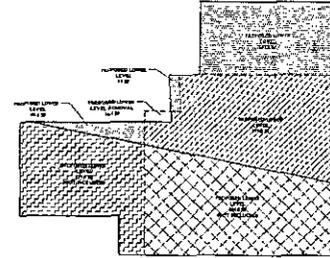
DESIGNED BY: CAM
DRAWN BY: LB
DATE: 07.15.08

PREVIOUS SITE PLAN PERMIT # M19031
A-1.0(f)
SHEET 9 OF 22

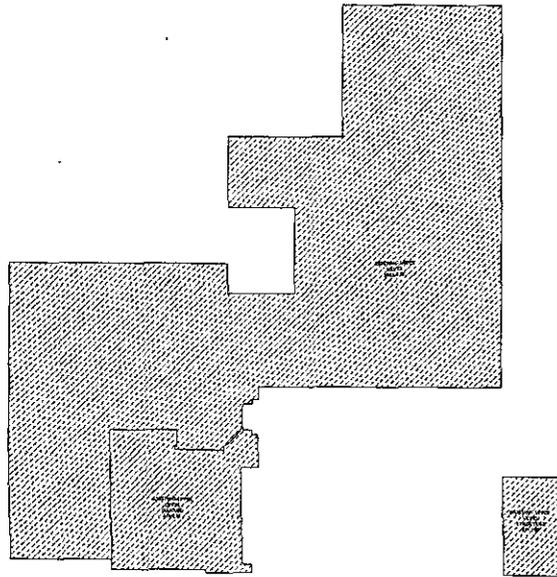
002633



EXISTING LOWER LEVEL - GFA PLAN
SCALE: 1/8"=1'-0"

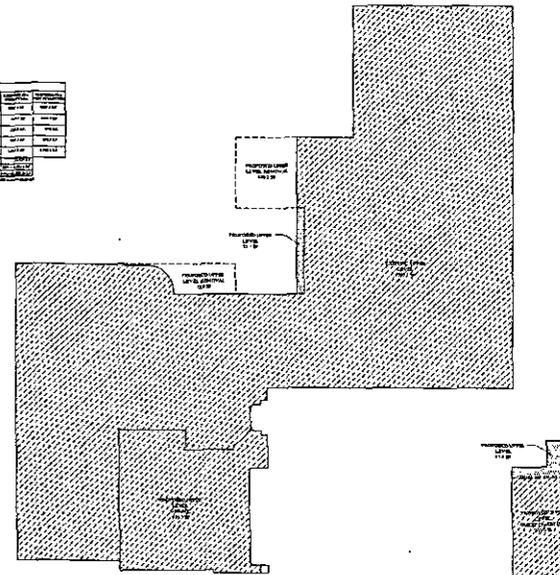


PROPOSED LOWER LEVEL - GFA PLAN
SCALE: 1/8"=1'-0"



EXISTING UPPER LEVEL - GFA PLAN
SCALE: 1/8"=1'-0"

GFA PLAN		GFA PLAN	
Area	Area	Area	Area
EXISTING LOWER LEVEL	1,200	PROPOSED LOWER LEVEL	1,500
EXISTING UPPER LEVEL	10,000	PROPOSED UPPER LEVEL	10,000
TOTAL	11,200	TOTAL	11,500



PROPOSED UPPER LEVEL - GFA PLAN
SCALE: 1/8"=1'-0"

M

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Michael Morton AIA
Claudia Anthony Marengo DMA

1/8"=1'-0"

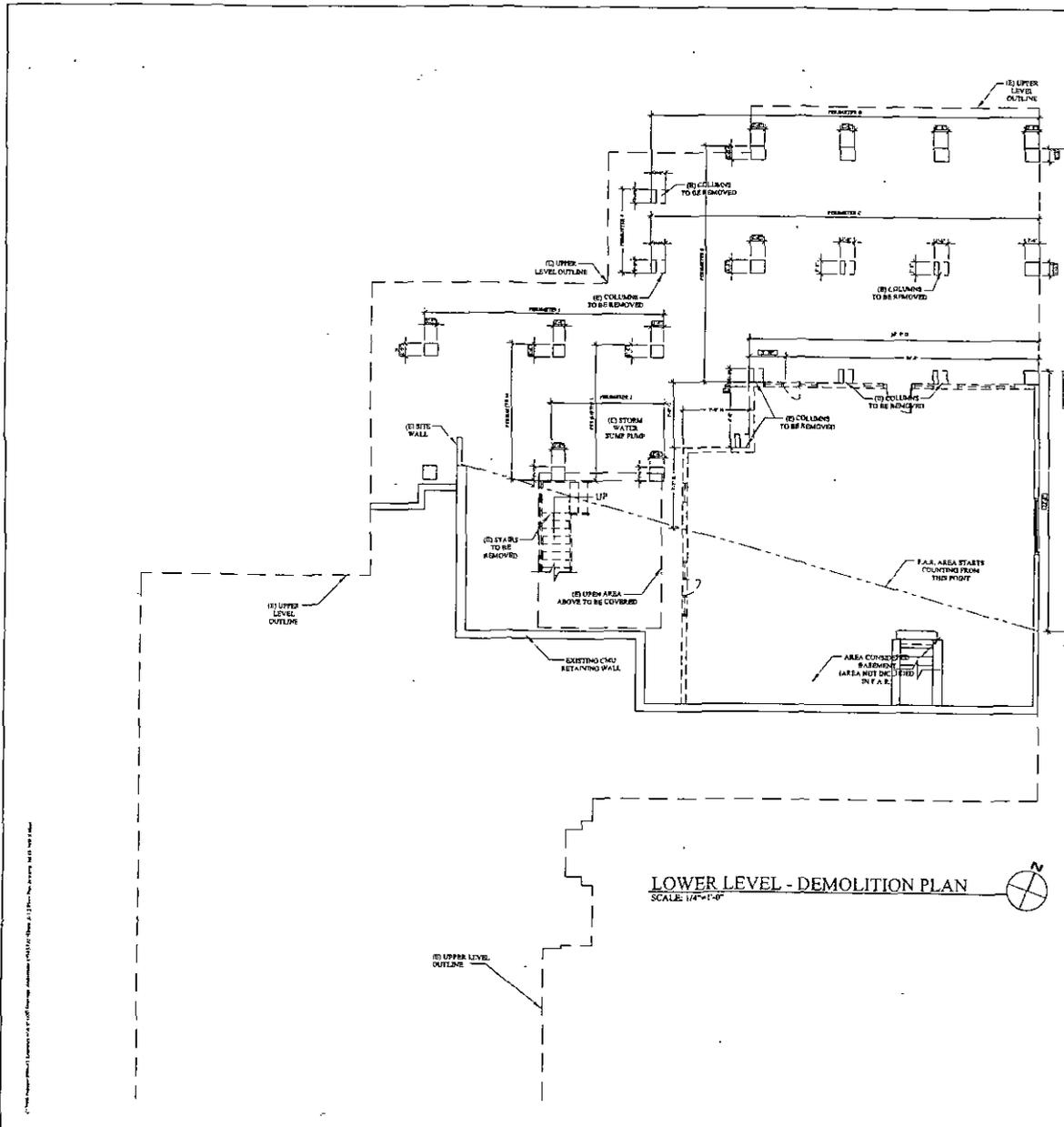
KRETOWICZ RESIDENCE
7957 PRINCESS ST.
LA JOLLA, CA 92037

REVISIONS

NO.	DATE	DESCRIPTION
1	07/15/08	ISSUED FOR PERMIT

PROJECT: GFA PLAN (EXISTING FLOOR AREA)
A-1.1
SHEET 11 OF 22

002634



DEMOLITION WALL LEGEND

- EXISTING WALL - TO BE DEMOLISHED WITH REPAIRS
- EXISTING WALL - TO BE REPAIR
- EXISTING WALL WITH EXPOSED REINFORCEMENT
- TRANSFER WALLS TO BE FINISH

PROJECT PERIMETER WORKSHEET

PERIMETER NUMBER	PERIMETER TYPE	PERIMETER LENGTH	PERIMETER AREA	PERIMETER VOLUME
1	PERIMETER 1	100.00	100.00	100.00
2	PERIMETER 2	100.00	100.00	100.00
3	PERIMETER 3	100.00	100.00	100.00
4	PERIMETER 4	100.00	100.00	100.00
5	PERIMETER 5	100.00	100.00	100.00
6	PERIMETER 6	100.00	100.00	100.00
7	PERIMETER 7	100.00	100.00	100.00
8	PERIMETER 8	100.00	100.00	100.00
9	PERIMETER 9	100.00	100.00	100.00
10	PERIMETER 10	100.00	100.00	100.00
11	PERIMETER 11	100.00	100.00	100.00
12	PERIMETER 12	100.00	100.00	100.00
13	PERIMETER 13	100.00	100.00	100.00
14	PERIMETER 14	100.00	100.00	100.00
15	PERIMETER 15	100.00	100.00	100.00
16	PERIMETER 16	100.00	100.00	100.00
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19	PERIMETER 19	100.00	100.00	100.00
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21	PERIMETER 21	100.00	100.00	100.00
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26	PERIMETER 26	100.00	100.00	100.00
27	PERIMETER 27	100.00	100.00	100.00
28	PERIMETER 28	100.00	100.00	100.00
29	PERIMETER 29	100.00	100.00	100.00
30	PERIMETER 30	100.00	100.00	100.00



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 Michael Morchon, AIA
 Charles Ashby, Manager, P.E.



I, the undersigned, being a duly licensed and qualified architect, do hereby certify that the above is a true and correct copy of the original drawings as submitted to the City of La Jolla for review and approval. I am a duly licensed and qualified architect under the laws of the State of California. My commission expires on 12/31/2010.

KRETOWICZ RESIDENCE
 7957 PRINCESS ST.
 LA JOLLA, CA 92037

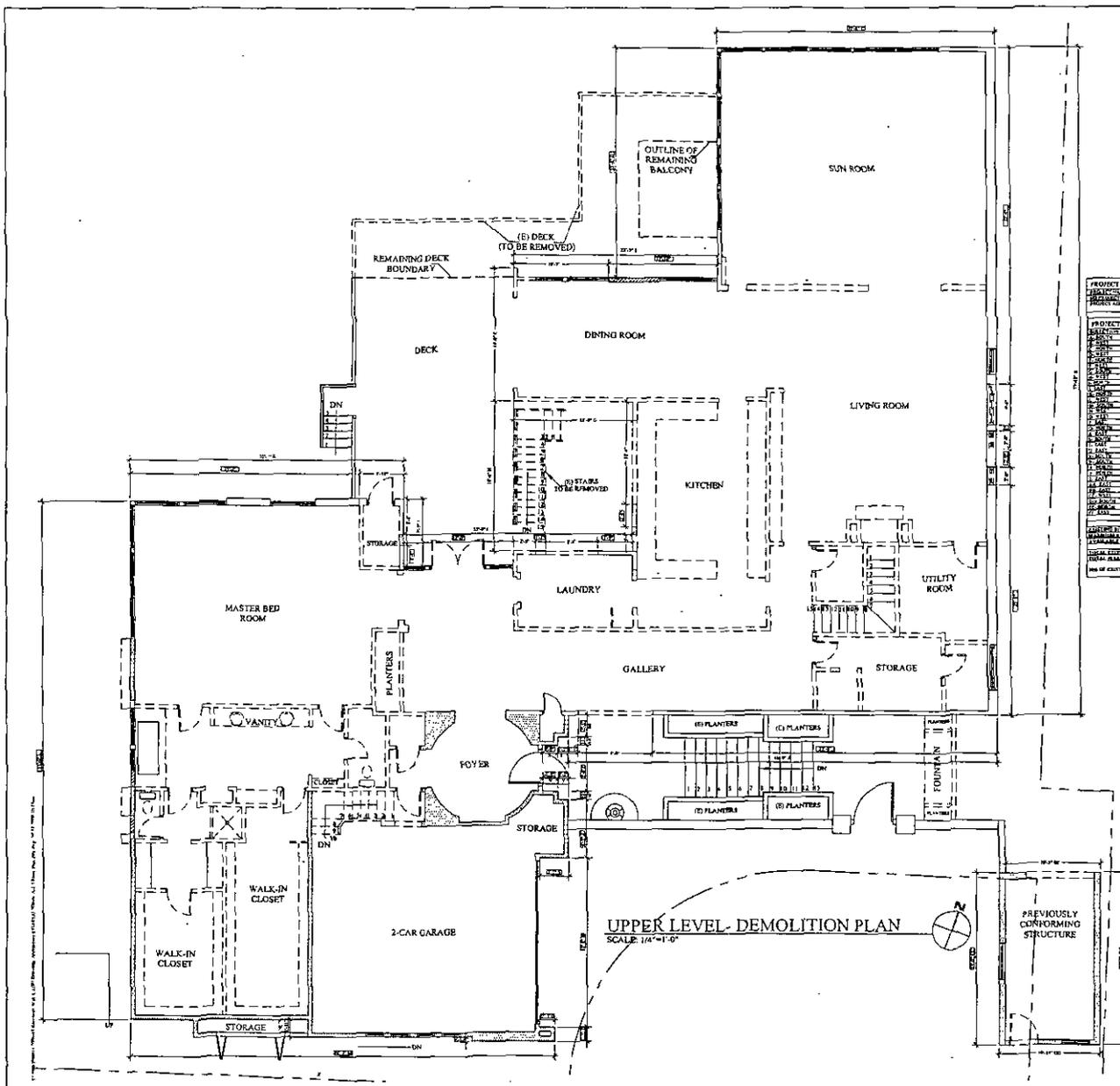
APPROVED BY: [Signature]
 PROJECT NO: 2006-03
 DATE: 07-13-06

COASTAL DOCUMENTS
 PROJECT NO: 2006-03
 DATE: 07-13-06

LOWER LEVEL DEMOLITION PLAN
A-1.2
 SHEET 13 OF 22

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002635



DEMOLITION WALL LEGEND

- EXISTING WALL - TO BE REMOVED
- EXISTING WALL - TO BE KEPT
- EXISTING WALL - TO BE REPAIRED

PROJECT PERIMETER WORKSHEET

NO.	DESCRIPTION	DATE	STATUS
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 Michael Morton, AIA
 Claude Anthony Morton, DArch



KRETOWICZ RESIDENCE
 7947 PRINCCESS ST.
 LA JOLLA, CA 92037

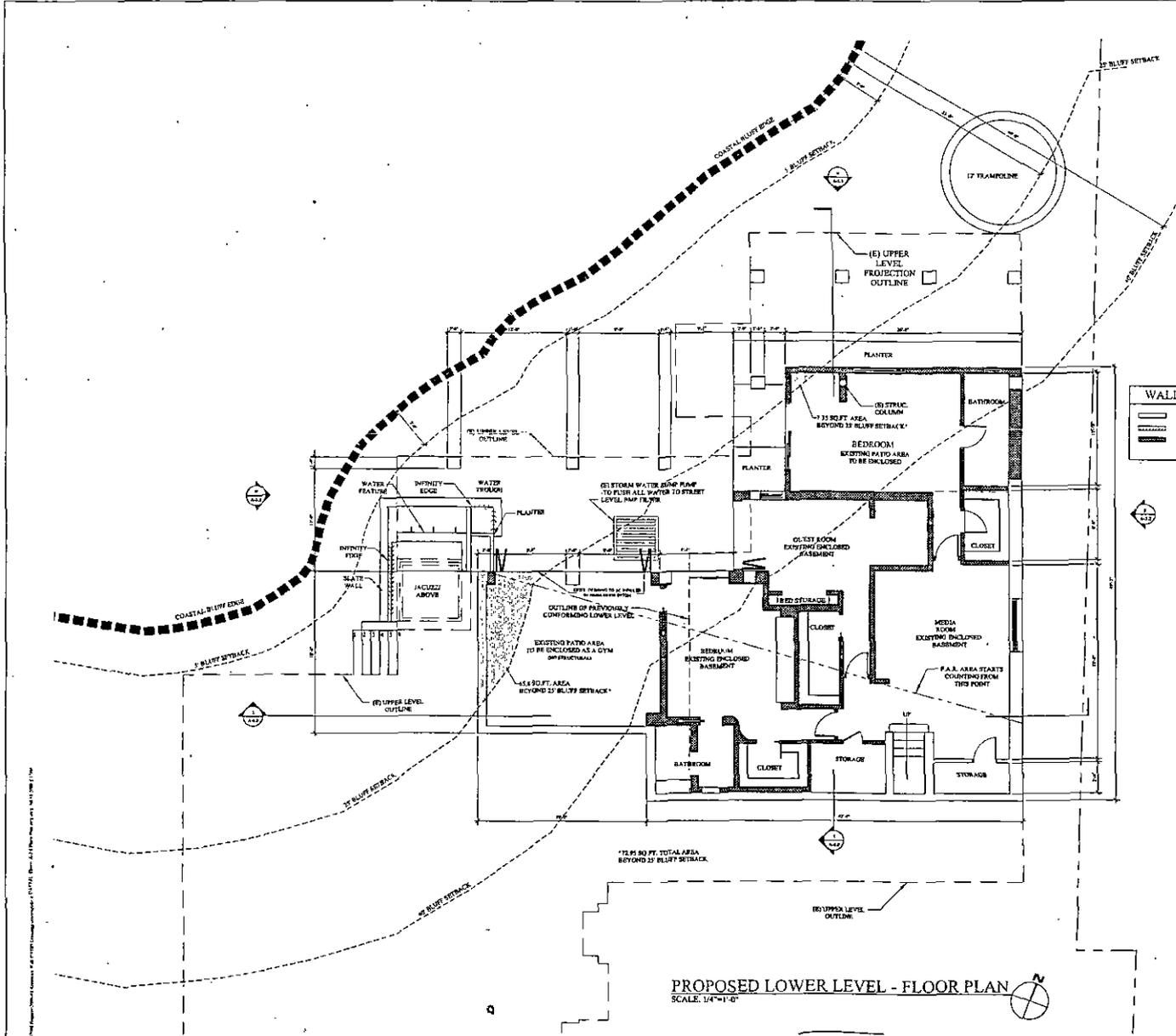
APPROVED BY: [Signature]
 DATE: 05/13/08

PROJECT NO: 080007-00
 DRAWING NO: 080007-00-01

DATE: 05/13/08

PROJECT: UPPER LEVEL DEMOLITION PLANS
 SHEET: A-1.3
 SHEET 13 OF 22

002036



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



WALL LEGEND

[Symbol]	EXISTING WALL - TO EXIST AND HAVE BEEN RELOCATED
[Symbol]	EXISTING WALL - TO BE DEMOLISHED
[Symbol]	NEW WALL - TO BE CONSTRUCTED
[Symbol]	GLASS WALL - TO BE CONSTRUCTED

1. All work shall conform to the applicable building codes and regulations of the City of La Jolla. The architect shall be responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable codes and regulations. The contractor shall be responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable codes and regulations. The architect shall not be responsible for the construction of the project.

KRETOWICZ RESIDENCE
 7937 PRINCCESS ST.
 LA JOLLA, CA 92037

PROJECT: 7937 PRINCCESS ST. (CIVIL) (RESIDENTIAL)
 CLIENT: KRETOWICZ RESIDENCE
 DESIGNER: MARENGO MORTON ARCHITECTS

DATE: 03/20/08

DESIGNED BY: CAM

DATE: 03/20/08

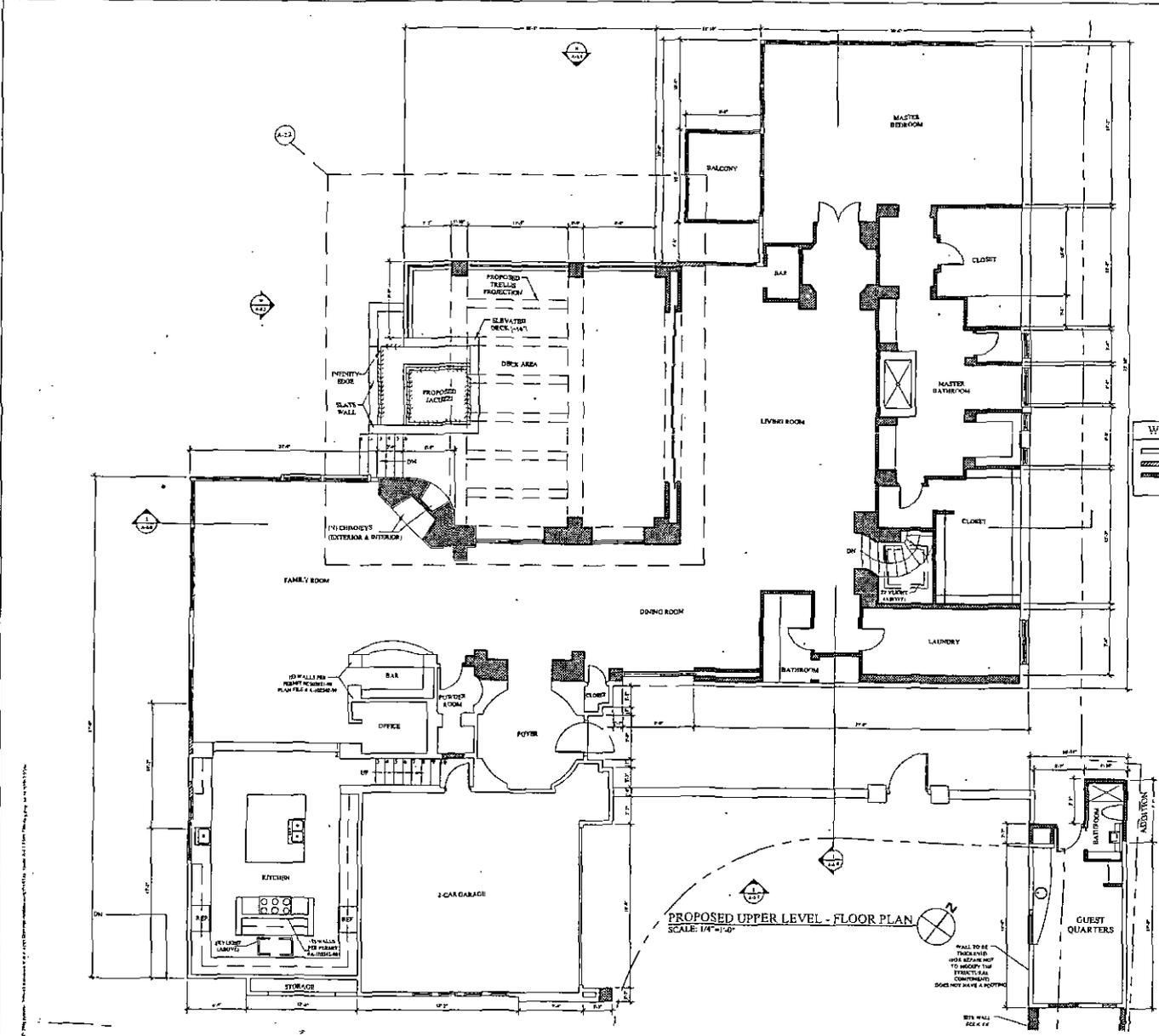
SCALE: AS SHOWN

NOTES:
 1. ALL WORK SHALL CONFORM TO THE APPLICABLE BUILDING CODES AND REGULATIONS OF THE CITY OF LA JOLLA.
 2. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR ENSURING THAT THE CONSTRUCTION COMPLIES WITH ALL APPLICABLE CODES AND REGULATIONS.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR ENSURING THAT THE CONSTRUCTION COMPLIES WITH ALL APPLICABLE CODES AND REGULATIONS.
 4. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.

PROPOSED LOWER LEVEL FLOOR PLAN
A-2.0

SHEET 14 OF 22

002637



WALL LEGEND

	EXISTING WALLS TO REMAIN AND HAVE BEEN REFINISHED
	EXISTING WALLS TO BE REPAIRED
	PROPOSED WALLS - WALLS ARE SHOWN TO INDICATE LOCATION OF WALLS - OTHERS NOT SHOWN



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 Fax. (858) 459-3768
 Michael Morton AIA
 Charles Anthony Marengo P.D.M.



I do hereby certify that the above plan or specification for the proposed work is a true and correct copy of the original as submitted to me and that I am a duly licensed and registered architect in the State of California. I am not providing any professional services in connection with this plan or specification. My commission expires on 12/31/2007.

KRETOWICZ RESIDENCE
 7957 PRINCESS ST.
 LA JOLLA, CA 92037

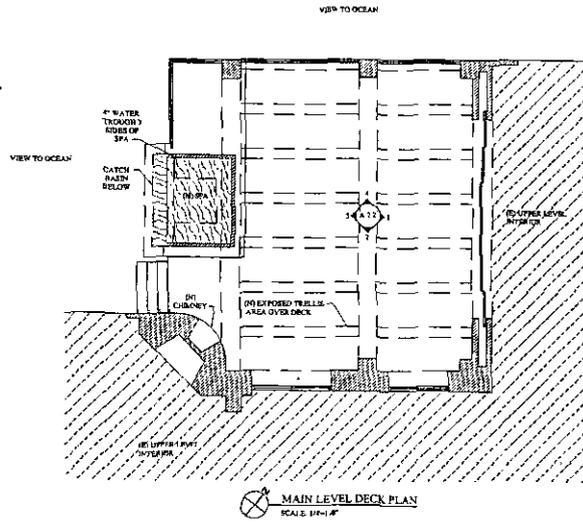
APPROVED BY CITY COUNCIL
 APPROVED BY CITY COUNCIL
 APPROVED BY CITY COUNCIL

COASTAL DOCUMENTS
 PROJECT NO. 2004-02
 DRAWING NO. CAM
 DRAWN BY LB
 DATE 07-11-04

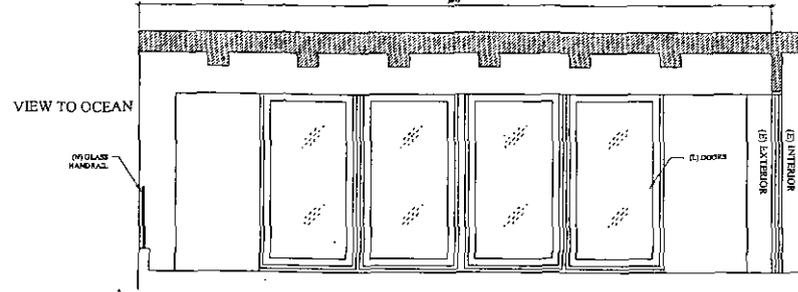
PROPOSED UPPER LEVEL FLOOR PLAN
A-2.1
 SHEET 15 OF 21

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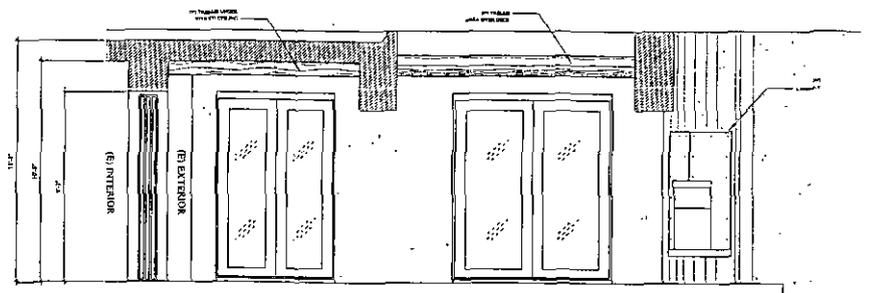
809300



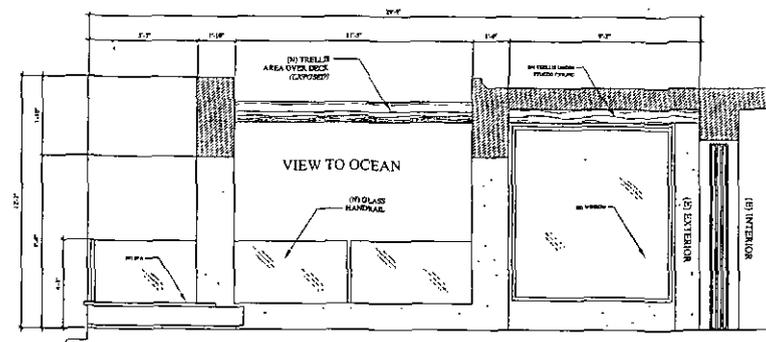
1 MAIN LEVEL DECK PLAN
SCALE: 1/4"=1'-0"



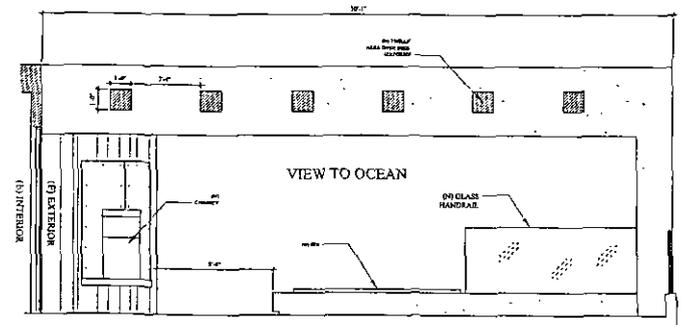
1 EAST ELEVATION
SCALE: 1/4"=1'-0"



2 SOUTH ELEVATION
SCALE: 1/4"=1'-0"



4 NORTH ELEVATION
SCALE: 1/4"=1'-0"



3 WEST ELEVATION
SCALE: 1/4"=1'-0"



Marengo Mortan Architects
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Suite 110
La Jolla, CA 92037
Tel. (858) 458-2769
Fax. (858) 458-1768
Michael Mortan AIA
Claudia Anthony Mortan P. Eng.



I hereby certify that the design of the above project was prepared by me or under my direct supervision and that I am a duly Licensed Architect in the State of California. I am duly Licensed in the State of California under License No. 12345. I am duly Licensed in the State of California under License No. 12345. I am duly Licensed in the State of California under License No. 12345.

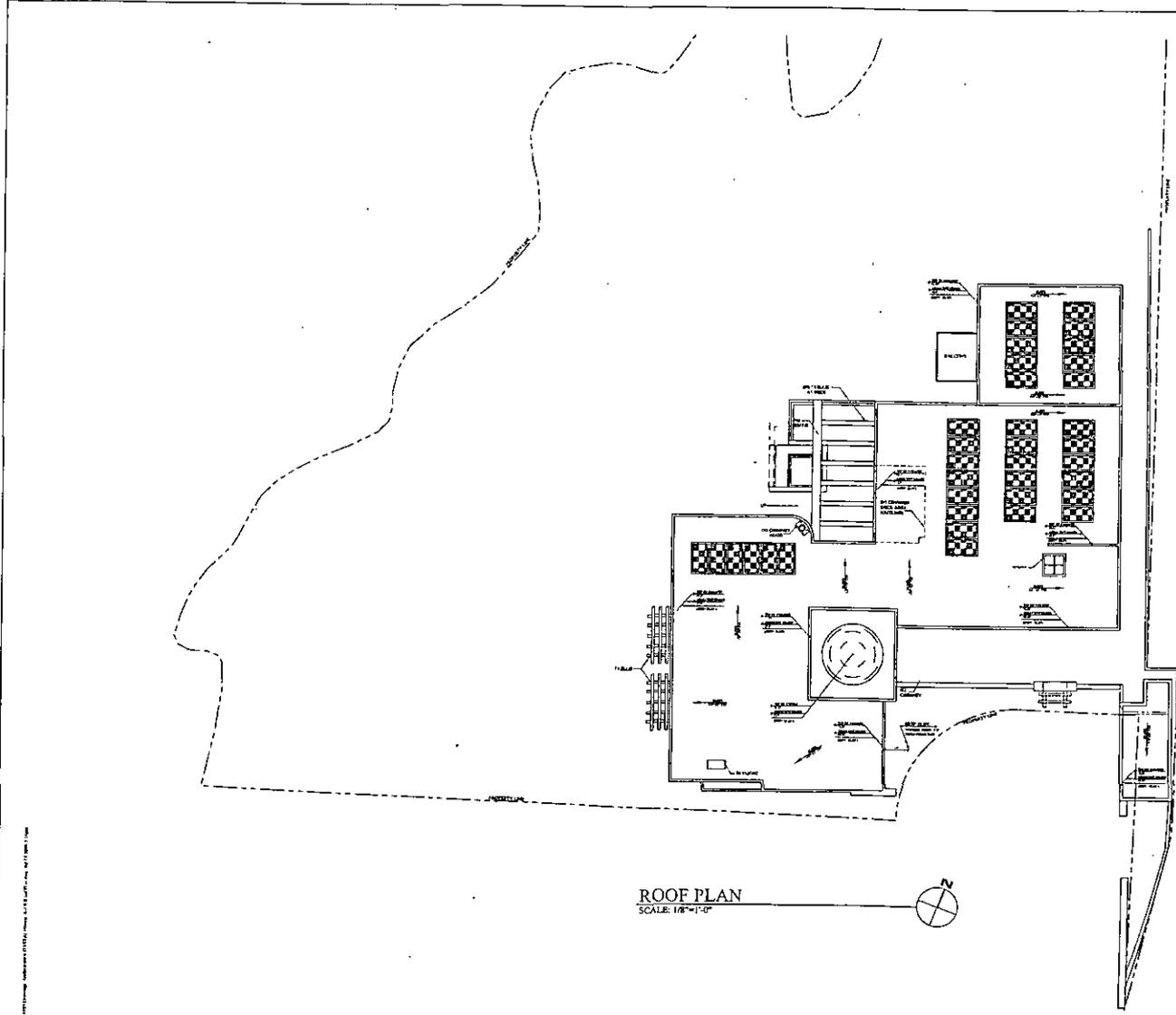
KRETOWICZ RESIDENCE,
7937 PRINCESS ST.
LA JOLLA, CA 92037

Project: COASTAL DOCUMENTS
Drawing No: 220043
Author: CAM
Checker: LB
Date: 01.13.08

COASTAL DOCUMENTS
DRAWING NO. 220043
DATE: 01.13.08
PROJECT: KRETOWICZ RESIDENCE
SHEET 18 OF 22

SPA PLAN & ELEVATIONS
A-2.2
SHEET 18 OF 22

002639



ROOF PLAN
SCALE: 1/8"=1'-0"

ROOF LEGEND

PARAPET WALL AT ROOF
 1/2" x 1/2" x 1/2" x 1/2" OF 20# REBAR PLAST OR 20# x 12" x 12" OF 20# REBAR & 2" x 2" x 2" OF 20# REBAR
 SLOPE 1/4" IN 12" RISE
 ROOF FINISH AS SHOWN



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 Michael Morton AIA
 Climate Authority, Marengo Dean



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KRETOWICZ RESIDENCE
 7957 PRINCESS ST.
 LA JOLLA, CA 92037

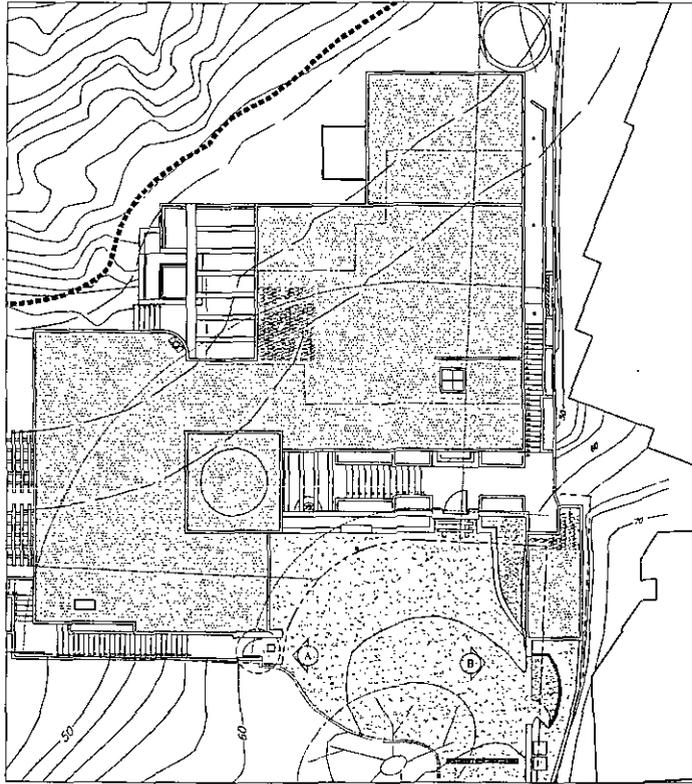
08/19/97 SD City Council Submittal
 03/19/97 PLCD Planning Submittal
 04/19/97 PD City Council Submittal

COASTAL DOCUMENTS
 PROJECT: 2004-01
 DRAWING: CAM
 DRAWN BY: LP
 DATE: 07-15-08

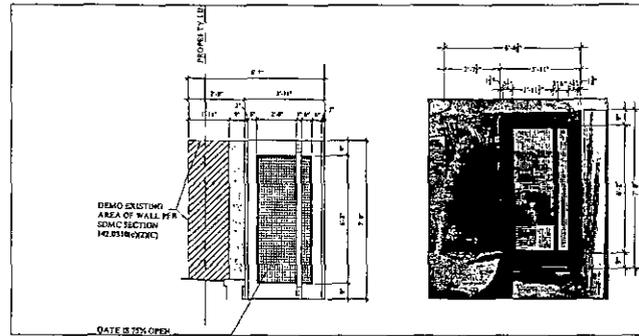
SHEET NO:
ROOF PLAN
A-4.0
 SHEET 11 OF 22

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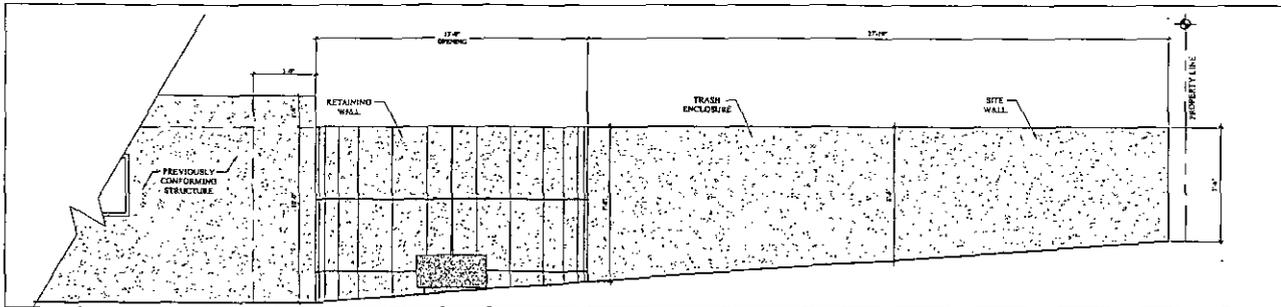
002640



PARTIAL SITE PLAN
SCALE: 1/8" = 1'-0"



A GATE/FENCE ELEVATION & PHOTO
SCALE: 1/2" = 1'-0"



B SITE WALL EAST ELEVATION
SCALE: 1/2" = 1'-0"



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Cecilia Anthony Marengo DMAA



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KRETOWICZ RESIDENCE
7957 PRINCESS ST.
LA JOLLA, CA 92037

APPROVED 10/18/10 City Council Resolution
10/18/10 City Council Resolution
APPROVED 03/08/10 City Council Resolution

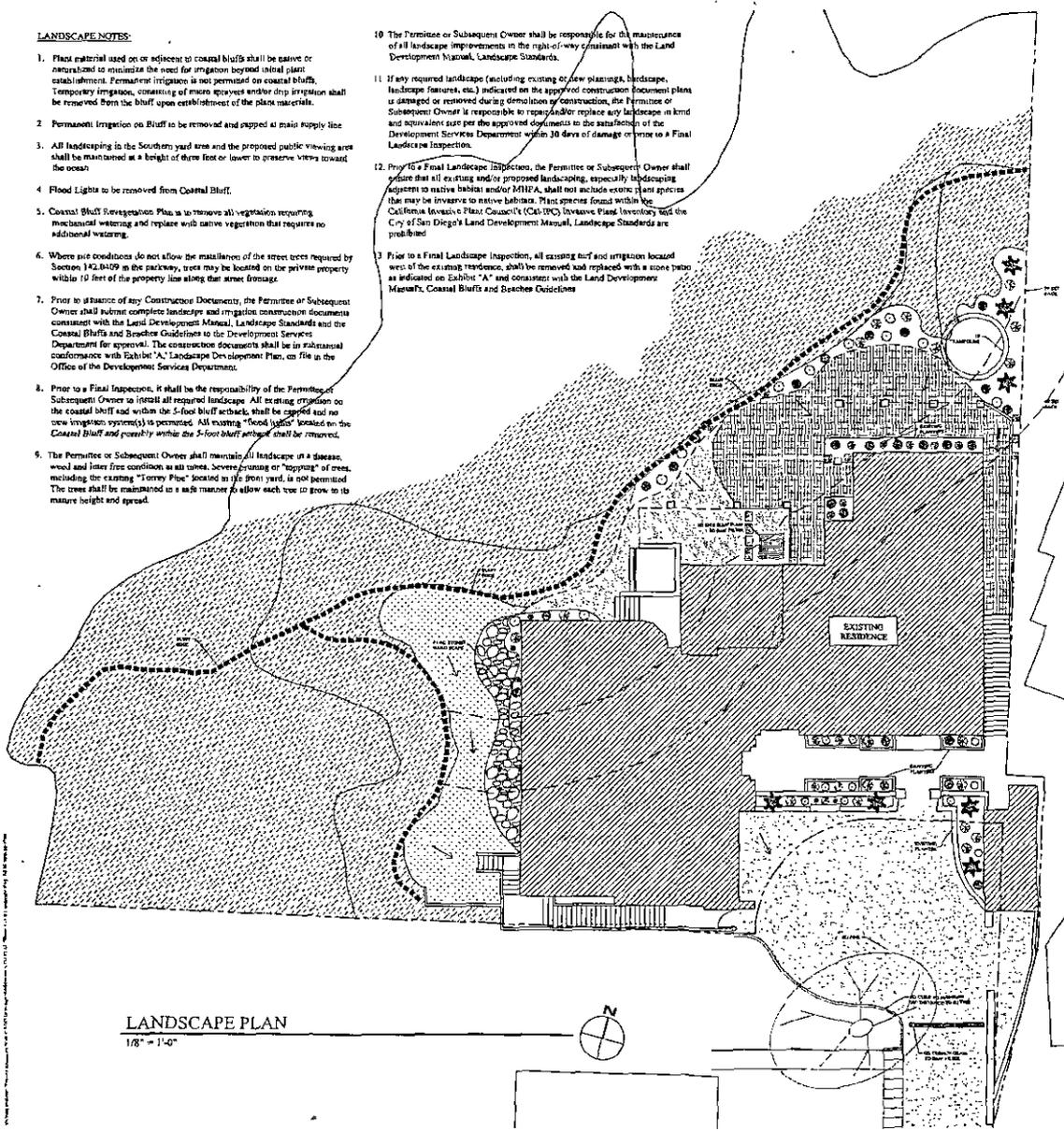
PROJECT	COASTAL DOCUMENTS
DATE	2006-02
DESIGNED BY	CAM
DRAWN BY	EB
DATE	07/12/08
PROJECT	SITE ELEVATIONS
PROJECT	A-5.0
PROJECT	SHEET 18 OF 22

052644

LANDSCAPE NOTES:

1. Plant material used on or adjacent to coastal bluffs shall be native or naturalized to minimize the need for irrigation beyond initial plant establishment. Permanent irrigation is not permitted on coastal bluffs. Temporary irrigation, consisting of micro sprayers and/or drip irrigation shall be removed from the bluff upon establishment of the plants/materials.
2. Permanent irrigation on Bluff to be removed and stepped at main supply line.
3. All landscaping in the Southern yard area and the proposed public viewing area shall be maintained at a height of three feet or lower to preserve views toward the ocean.
4. Flood Lights to be removed from Coastal Bluff.
5. Coastal Bluff Revegetation Plan is to remove all vegetation requiring mechanical watering and replace with native vegetation that requires no additional watering.
6. Where site conditions do not allow the maintenance of the street trees required by Section 142.0409 in the driveway, trees may be located on the private property within 10 feet of the property line along that street frontage.
7. Prior to issuance of any Construction Documents, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards and the Coastal Bluffs and Beaches Guidelines 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.
8. Prior to a Final Inspection, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape. All existing irrigation on the coastal bluff and within the 5-foot bluff setback shall be capped and no new irrigation system(s) is permitted. All existing "hood lights" located on the Coastal Bluff and possibly within the 5-foot bluff setback shall be removed.
9. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and insect free condition at all times. Severe pruning or "topping" of trees, including the existing "Torrey Pine" located in the front yard, is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

10. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
11. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to reestablish or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.
12. Prior to a Final Landscape Inspection, the Permittee or Subsequent Owner shall verify that all existing and/or proposed landscaping, especially landscaping adjacent to native habitat and/or MTEA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (CAL-IPC) Invasive Plant Inventory and the City of San Diego's Land Development Manual, Landscape Standards are prohibited.
13. Prior to a Final Landscape Inspection, all existing turf and irrigation located west of the existing residence shall be removed and replaced with a more permeable material as indicated on Exhibit "A" and consistent with the Land Development Manual, Coastal Bluffs and Beaches Guidelines.



LANDSCAPE PLAN
1/8" = 1'-0"

EXISTING LANDSCAPE PALATE LEGEND

BROAD LEAF TREES

- 6" DIA. PALM - *Archontophoenix*
8'-2" max. tall
mature height: 40'; mature spread: 10'
- DWARF MAGNOLIA - in pot
Magnolia Kousa Devon Hybrid - "Little Girl"
14 inch Dia. - Broadheaded
mature height: 12'; mature spread 8'
- FICUS NITIDA - in pot
Silk Ming Aralia - "Silk Ficus Cobana"
12 inch Dia. - Broadheaded
mature height: 7'; mature spread 10'

MEDIUM - LARGE SHRUBS

- BIRD OF PARADISE (Dwarf)
Strelitzia Reginae - 5 Gallon - upright
mature height: 4'; mature spread: 4'
- YELLOW HIBISCUS (Dwarf Variety)
Hibiscus Sabdariffa - 3 Gallon
- Broadheaded
mature spread: 8-12'; mature spread: 4'
- AGAPANTHUS AFRICANUS
LILY OF THE NILE - 3 Gal. - upright
mature height: 3'; mature spread: 2'

FLOWERING GROUND COVER

- COOPER'S HARDY ICE PLANTS
Temporary protection, consisting of macrophytes, and/or other vegetation.

GRASSY GROUND COVER

- TURF GRASS
To be replaced with native or naturalized plant materials of Temporary Irrigation, consisting of macrophytes and/or drip irrigation.
- HARDSCAPE

Coastal Bluff Revegetation Plan
DROUGHT TOLERANT PLANTS

- SEDUM SP (STONE CROP) - HEIGHT 24" MAX
- ACHILLEA (YARROW) - PERENNIAL FLOWER
- CERATU (SNOW IN SUMMER) - HEIGHT 6" MAX.

→ SURFACE DRAINAGE
* NOTE: All drainage from any unimproved areas shall be appropriately collected and discharged into existing drainage sump pump system in order to reduce, control, or mitigate erosion of coastal bluff.



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Creative Architecture Managing Office



KRETOWICZ RESIDENCE
7937 PRINCCESS ST.
LA JOLLA, CA 92037

DATE: 07-15-08

PROJECT: COASTAL DOCUMENTS

DATE: 2004-03

DESIGNED BY: CAM

APPROVED BY: LB

SCALE: 1/8" = 1'-0"

DATE: 07-15-08

PROJECT: LANDSCAPE

SHEET: L-1.0

SHEET 23 OF 33



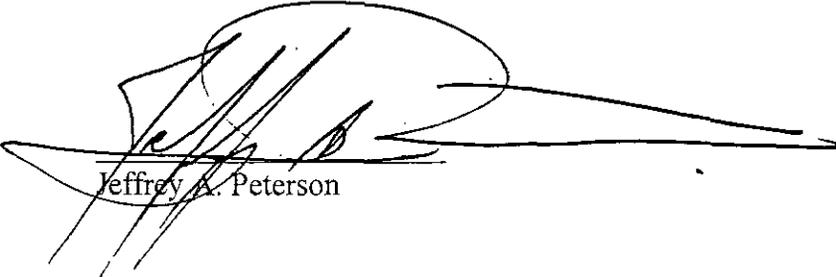
002645

THE CITY OF SAN DIEGO
M E M O R A N D U M

DATE: October 9, 2008
TO: Planning Commission
FROM: Jeffrey A. Peterson, Development Project Manger
SUBJECT: Kretowicz Residence, Project No. 138513, Item No. 9

The applicant has agreed to a Deed Restriction to waive all rights to future shoreline protective devices associated with the property, if the requested Site Development Permit No. 482270 is approved. Staff has reviewed the request in conjunction with the "Alternative Recommendation," and has agreed to the condition. Condition No. 29 has been added to the attached Draft Site Development Permit.

In addition, language has been added to the permit, item (g), for the correction of the original Site Development Permit No. 108967, which was recorded as Site Development Permit No. 8967 (correction of permit number only).


Jeffrey A. Peterson

Attachment: 1. Draft Site Development Permit No. 482270



Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

002646

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-8447

SITE DEVELOPMENT PERMIT NO. 482270
KRETOWICZ RESIDENCE - PROJECT NO. 138513
AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 108967
PLANNING COMMISSION
DRAFT

This Site Development Permit No. 482270 an amendment to Site Development Permit No. 108967 is granted by the Planning Commission of the City of San Diego to DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees), Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.52 site is located at 7957 Princess Street, in the RS-1-7 Zone and the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The project site is legally described as all of Lots 10 and 11, Block 3 of the Amalfi Subdivision, according to Map 959; and all that portion of Pueblo Lot 1285 of Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870, Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to the DUK TRUST (Ure R. Kretowicz and Diane M. Kretowicz Trustees) Owner/Permittee to maintain the previously constructed improvements, modifications, and additions to an existing single-family residence, and add a new trellis and jacuzzi, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 9, 2008, on file in the Development Services Department.

The project shall include:

- a. The improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed (the upper level includes all new interior walls and portions of new exterior walls, new fireplace, reconstructed deck, new cantilevered balcony, new deck cover, modifications to the garage and front entry walls; the lower level addition of approximately 760

002647

- square feet and the complete remodeling of the existing area; the existing detached accessory building addition of an approximately 52 square feet for a bathroom and the remaining existing exterior walls (portions are within the public right-of-way) and windows modifications; modifications to the existing retaining walls at the front property; and the walls, fences, and trash enclosure gate within the public right-of-way). A proposed new trellis over the existing deck and a new jacuzzi/structure, which includes new retaining walls and a raised platform;
- b. The existing detached accessory building located at the front of the property and partially within the public right-of-way shall not be used for living or sleeping purposes;
 - c. A roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14
 - d. Landscaping (planting, irrigation and landscape related improvements);
 - e. Off-street parking;
 - f. Accessory improvements determined by the Development Services Department 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; and
 - g. Correction of permit number for Site Development Permit No. 108967, which was recorded as Site Development Permit No. 8967 (correction of permit number only).

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. Prior to the issuance of any construction permits, the Owner/Permittee shall show evidence of a Coastal Development Permit (as an amendment to the original coastal development permit issued by the Commission) by the California Coastal Commission that includes the improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed, and the new trellis over the existing deck and the new jacuzzi/structure.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. 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 Development Services Department.
 5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.
 6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
 7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
 8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
 9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
 10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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.

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11. The applicant 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

SUSTAINABLE BUILDINGS REQUIREMENTS:

12. Prior to the issuance of any building permits, construction documents shall fully illustrate the incorporation of a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's projected energy consumption, as established by Council Policy 900-14.

NEIGHBORHOOD CODE COMPLIANCE REQUIREMENTS:

13. The Owner/Permittee shall submit an application and plans for all necessary construction permits within 90 calendar days from the date of the Coastal Development Permit issued by the California Coastal Commission and shall provide the Neighborhood Code Compliance Department the application number within two calendar days from the date of the submittal.

14. The Owner/Permittee shall start construction within 30 calendar days from the start date of the construction and shall notify the Neighborhood Code Compliance Department within two calendar days prior to the starting date of the construction.

15. The Owner/Permittee shall obtain all final inspections and approvals within 120 calendar days from the date of the construction permits and shall provide evidence to the Neighborhood Code Compliance Department within two calendar days on the finalization of all construction permits.

ENGINEERING REQUIREMENTS:

16. The drainage system proposed for this development is private and subject to approval by the City Engineer.

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17. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the existing private structures that lie within the Princess Street right-of-way, which structures include walls, portion of an accessory building, and portions of the of a trash enclosure.
18. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
19. Prior to the building occupancy, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

GEOLOGY REQUIREMENTS:

20. Prior to the issuance of any building permits, an updated geotechnical report shall be submitted and approved by Building Development Review that demonstrates that the project does not require additional footings and/or foundation to support the development authorized by this permit.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of any Construction Documents; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards and the Coastal Bluffs and Beaches Guidelines 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.
22. Prior to a Final Inspection, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape. All existing irrigation on the coastal bluff and within the 5-foot bluff setback, shall be capped and no new irrigation system(s) is permitted. All existing "flood lights" located on the Coastal Bluff and possibly within the 5-foot bluff setback shall be removed.
23. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees, including the existing "Torrey Pine" located in the front yard, is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
24. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
25. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the

satisfaction of the Development Services Department within 30 days of damage or prior to a Final Landscape Inspection.

26. Prior to a Final Landscape Inspection, all existing turf and irrigation located west of the existing residence, shall be removed and replaced with a stone patio as indicated on Exhibit "A" and consistent with the Land Development Manual's, Coastal Bluffs and Beaches Guidelines.

27. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habit and/or sensitive coastal bluffs, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

PLANNING/DESIGN REQUIREMENTS:

28. The subject property shall comply with all condition and requirements in Site Development Permit No. 108967 and this amended Site Development Permit No. 482270.

29. Prior to the commencement of any work or activity authorized by this Permit the Owner/Permittee shall record a Deed Restriction in a form and content acceptable to the Director of the Development Services Department to waive all rights to future shoreline protective devices associated with the property.

30. No fewer than two (2) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

31. 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.

32. The detached accessory building located at the front of the property and partially within the public right-of-way shall not be used for living or sleeping purposes.

33. Prior to the issuance of any construction permits, the Permittee or Subsequent Owner shall execute and record in favor of the City a hold harmless and/or indemnification agreement for the approved development.

34. 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.

INFORMATION ONLY:

- 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 §66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on October 9, 2008,
Resolution No. xxxxxx.

002653

Permit Type/PTS Approval No.: SDP/482270

Date of Approval: October 9, 2008

AUTHENTICATED BY THE 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.

DUK Trust
Owner/Permittee

By _____
Ure R. Kretowicz
Trustee

[NAME OF COMPANY]
Owner/Permittee

By _____
Diane M. Kretowicz
Trustee

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



ENTITLEMENTS DIVISION
(619) 446-5460

NEGATIVE DECLARATION

Project No. 138513

SUBJECT: **Kretowicz Residence**: SITE DEVELOPMENT PERMIT (SDP) to amend SDP No. 108967 and NEIGHBORHOOD USE PERMIT to allow for the following previously constructed improvements to an existing single family residence: remodel and a 480 square foot addition to the residence, trellis and deck improvements, retaining and site walls, gate improvements, and landscaping on a lot area of approximately 22,725 square feet. A Guest Quarters is also requested in an existing, previously constructed detached structure. The site is not included on any Government Code Listing of hazardous waste sites. The project site is located at 7957 Princess Street in the La Jolla Community planning area. (Lots 10&11 of Block 3, Amalfi Subdivision, Map No. 959 and a portion of Lot 1285, Pueblo Lands, Miscellaneous Map No. 0036).

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego has conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM: None required.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Negative Declaration were distributed to:

State of California

California Coastal Commission (47)

City Government

City of San Diego:
Councilmember Peters, District 1

City Attorney's office, Shirley Edwards
Jeff Peterson, Development Project Manager
Don Weston, Engineering Review
Billy Church, Planning Review
Jeff Oakley, Landscape
Neighborhood Code Compliance, Melody Negrete (MS 51N)
Development Services Department
Lesley Henegar, Community Planning

Others

La Jolla Community Planning Association (275)
La Jolla Town Council (273)
La Jolla Shores Association (272)
La Jolla Shores PDO Advisory Board (279)
La Jolla Light (280)
La Jollans for Responsible Planning (282)
Native American Heritage Commission (56)
Historical Resources Board (87)
Carmen Lucas (206)
Jerry Schaefer, Ph.D. (209)
South Coastal Information Center@ San Diego State University (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (Public Notice only 225A-R)
Tony Ciani
Matt Peterson
Claude Anthony Marengo
Ure Kretowicz

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Negative Declaration, and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.

Allison Sherwood

Allison Sherwood
Development Services Department

July 30, 2008

Date of Draft Report

August 25, 2008

Date of Final Report

Analyst: Sherwood

Sandra J. Brewer	John S. Moot	Of Counsel
Amberlynn Deaton	Gregory Rodriguez	
John P. Fales	Elaine A. Rogers	Rebecca Michael
Richard T. Forsyth	John H. Stephens	Evan S. Ravich
Sarah H. Larkins	Bruce R. Wallace	
Joseph C. Lavelle	John Ross Wertz	
Julie A. Lewin	Pamela Lavitan Wilson	Administrator
J. Michael McDade		Fred Mahady, Jr.

August 20, 2008

VIA E-MAIL AND HAND DELIVERY

Allison Sherwood
 Environmental Planner
 City of San Diego Development Services Center
 1222 First Avenue, MS 501
 San Diego, CA 92101

Re: Comments to Draft Negative Declaration for "Kretowicz Residence," Project No. 138513

Dear Ms. Sherwood:

Thank you for the opportunity to comment on the Draft Negative Declaration ("DND") that has been issued for the "Kretowicz Residence" ("Project"). We represent a neighbor who is concerned that the DND mischaracterizes the Project and does not adequately analyze the entire Project since it fails to take into consideration development that will foreseeable occur in connection with the Project. By not adequately analyzing the Project as a whole, the environmental document fails to consider the significant, adverse impacts the Project may have on the existing physical environment. Since there is a fair argument that the proposed Project, as a whole, may have a significant, adverse impact on the existing physical environment, a negative declaration is not the appropriate environmental document for the Project.

The analysis of a Project must embrace future development that will foreseeably occur if the agency approves the Project.

Under the California Environmental Quality Act (CEQA), an agency must consider "all phases of project planning, implementation, and operation. CEQA Guidelines §15063. Furthermore, under CEQA Guidelines Section 15378, the term "Project" means the "whole of an action..." This has been interpreted to mean that the environmental analysis of the Project by the agency must embrace future development that will foreseeably occur if the agency approves the Project. *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1333-1336.

In the case of the Project, a reasonably foreseeable consequence of the Project is that an off-site public viewing area will have to be constructed nearby the physical location of the

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RESPONSE TO COMMENTS

1. Project along local streets where existing curves, grade and parking constraints raise questions of safety and compatibility. Unfortunately, the City of San Diego has chosen to not consider this aspect of the Project since the Project also requires a Coastal Development Permit ("CDP") Amendment to be granted by the California Coastal Commission ("CCC"). As a condition of the last Amendment granted to the current CDP for the property (Permit No. A-133-79/F6760-A3), the applicant was required to construct an off-site public viewing area, which has not yet been done. In order to obtain an Amendment to the current CDP, it is a "reasonably foreseeable consequence" of the proposed Project that the off-site public viewing area will be a condition attached to any approved Amendment to the current CDP. For this reason, the potential environmental impacts of an off-site public viewing area should be considered in the current environmental document for the Project and not as a separate "segment of the Project" at a future date. *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 396.

2. Furthermore, by not considering the reasonably foreseeable construction of an off-site public viewing area, the DND is defective since it mischaracterizes the proposed Project and fails to acknowledge evidence of the significant, adverse environmental impacts that may result from the Project, as a whole. *Christian Ministry v. Superior Court* (1986) 184 Cal.App.3d 180.

There is a fair argument that the proposed Project may have a significant, adverse impact on the existing physical environment.

Due to the fact that the DND fails to evaluate the reasonably foreseeable requirement that an off-site public viewing area be constructed as a part of the Project, the DND fails to accurately consider the significant environmental, adverse impacts the Project, as a whole, may have on the surrounding environment and community.

3. Part "F" of the Transportation/Circulation Section of the Initial Study Checklist attached to the DND states that there will be no impact to present circulation movements on existing public access to beaches or other open space areas. This would not be case if an off-site public viewing area were constructed. Moreover, Part "B" of the Recreational Resources Section of the Initial Study Checklist attached to the DND states that the Project does not involve the expansion of recreational facilities which might have an adverse physical effect on the environment. Once again, this is not the case when you consider the reasonably foreseeable construction of the off-site public viewing area as a required part of the Project.

4. Additionally, because the DND fails to analyze future development that is likely to occur if the agency approves the Project, the DND is not accurate since it does not evaluate the potential environmental effects of the Project, as a whole, in connection with increased traffic, increased demand for parking and the increase in traffic hazards as the general public takes advantage of the public enjoyment that an off-site viewing area of the coast would provide. See

1. The Coastal Development Permit will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Coastal Commission) once all of the City's actions have been completed. While the applicant did have a pending amendment application to their permit (California Coastal Commission Permit No. A-133-79-A2/F60760-A3), that application was withdrawn on July 3, 2008 by the applicant. The applicant will submit a new coastal development permit application to the Coastal Commission upon completion of the City review. During the course of this review it became known that the proposed public viewing area on Princess Street was not necessarily viable for certain reasons. The applicant will be responsible for coordinating with the Coastal Commission to obtain an alternate means to provide for some sort of public viewshed in the area, however that was not and could not have been known at the time the environmental analysis was being done for the current project with the City. Therefore, the Commission is exclusively responsible for the Coastal Development Permit and or amendments pursuant to Section 126.0717 of the Land development Code (LDC). Therefore, any conditions included in the Coastal Commission permit will be adhered to during the review of that permit.

2. Refer to response #1.

3. As mentioned in comment #1, the public viewing area is longer a viable option and the applicant will coordinate with the Coastal Commission to resolve the public viewshed issue as part of the Coastal Permit Amendment review.

4. Refer to responses #1 and 3.

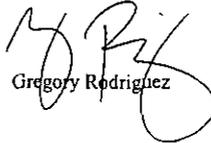
Answers to all Parts of Transportation/Circulation Section of Initial Study Checklist attached to DND.

Conclusion

5. As the construction of an off-site public viewing area is a reasonably foreseeable consequence of the Project, there is a fair argument that the proposed Project may have a significant, adverse environmental impact on the existing physical environment, particularly with regard to the potential impacts on the surrounding neighborhood such as increased traffic, increased demand for parking and disturbance of community character. For this reason, the DND should be set aside and an Environmental Impact Report should be required since there is a fair argument that significant environmental impacts may occur as a result of the Project. However, at the very least, the current DND should be set aside and a new environmental analysis should be completed since the current DND is defective because it mischaracterizes the Project and fails to accurately consider the Project as a whole. A new environmental analysis should take into consideration the potential disturbance to the character of the surrounding community and the significant environmental impacts to traffic, parking and public safety that may result from the reasonably foreseeable construction of an off-site public viewing area as a condition to final approval of the Project by all relevant decision-making agencies.

5. For reasons stated in responses #1 and 3, no new environmental analysis is required for the proposed project and an Environmental Impact Report is not required since there are no significant unmitigated impacts associated with the project.

Respectfully,



Gregory Rodriguez

cc: Michael Aguirre, San Diego City Attorney

City of San Diego
Development Services Department
ENTITLEMENTS DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
Project No. 138513

SUBJECT: **Kretowicz Residence:** SITE DEVELOPMENT PERMIT (SDP) to amend SDP No. 108967 and NEIGHBORHOOD USE PERMIT to allow for the following previously constructed improvements to an existing single family residence: remodel and a 480 square foot addition to the residence, trellis and deck improvements, retaining and site walls, gate improvements, and landscaping on a lot area of approximately 22,725 square feet. A Guest Quarters is also requested in an existing, previously constructed detached structure. The site is not included on any Government Code Listing of hazardous waste sites. The project site is located at 7957 Princess Street in the La Jolla Community planning area. (Lots 10&11 of Block 3, Amalfi Subdivision, Map No. 959 and a portion of Lot 1285, Pueblo Lands, Miscellaneous Map No. 0036).

I. PURPOSE AND MAIN FEATURES:

The project proposes a Site Development Permit (SDP) to amend the previously approved SDP No. 108967 to allow for approval of previous construction to an existing single family residence located on a lot containing sensitive coastal bluffs. A Neighborhood Use Permit (NUP) is also proposed to allow for guest quarters in a previously constructed, detached structure. The previous construction includes a 480 square foot addition and remodel to the existing residence, a trellis and deck, site and retaining walls (portions of which are located in the public right-of-way), and gate improvements. Changes to the existing landscaping located on and adjacent to the coastal bluff are also included with this proposal. The project site has a previously approved Coastal Development Permit (CDP) issued by the California Coastal Commission.

The project proposes to direct all drainage landward of the bluff edge to Princess Street, employing a sump pump, as necessary, and incorporate Best Management Practices (BMP). The applicant will be required to enter into a Maintenance Agreement for ongoing permanent BMP maintenance. In addition, all existing landscape irrigation on the coastal bluff and within the five foot bluff setback shall be capped and no new irrigation system(s) shall be permitted.

II. ENVIRONMENTAL SETTING:

The 22,725 square-foot lot is located on the western boundary of the La Jolla Community Planning Area along Princess Street between Torrey Pines Road and the Pacific Ocean. The La Jolla Beach and Tennis Club is located north of the project site. Surrounding land uses consist of developed residential lots to the north, south, and east and the Pacific Ocean to the west. The project site is characterized by a fairly level, developed pad,

gently sloping to the southwest along the steep coastal bluff at the rear of the property. The project is located in the RS-1-7 zone and the SF zone of the La Jolla Shores Planned District, and the Coastal Overlay zone.

- III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.
- IV. DISCUSSION:

Historical Resources (Archaeology)

The project site is located in a high sensitivity area for archaeological resources, and within close proximity to a recorded significant archaeological site (Spindrift site). Due to new information and heightened sensitivity of the Spindrift site further analysis relating to archaeological resources was required. The spindrift Archaeology study area is divided into two sections: north of Calle Frescota (which requires records search, survey and archae and Native American Monitoring), and south of Calle Frescota (which requires records search, survey and testing, archae and Native American monitoring). The existing residence is located within the southern portion of the study area.

An archaeological report, prepared by Jones and Stokes Associates, dated February, 2008, was submitted which included a testing program and survey of the project site. The investigation consisted of a four shovel test pits (STP's) which measured 50 centimeters by 30 centimeters and were excavated to a depth of 100 centimeters. The purpose of the investigation was to determine the presence or absence of cultural material that could be related to the Spindrift site. Following consultation with Red Tail Native American Monitoring, it was concluded that the two pieces of debitage discovered on the site were derived from highly disturbed deposits and do not constitute evidence of a prehistoric occupation of the project property. This is reinforced by the near absence of marine shell that is typical at prehistoric coastal sites. Based on the data from the extended testing program, the Spindrift site did not extend into the project boundaries. Therefore, no significant impacts to archaeological resources have occurred with the previous construction and no mitigation is required.

Visual Quality/Aesthetics

The project site is located in an identified scenic overlook in the La Jolla Community Plan, which is described as a scenic view over private properties from a public right-of-way. Additionally, the community plan sites this lot within a major viewshed, an unobstructed panoramic view from a public vantage point. The proposed addition and remodel to the existing residence as well as the trellis, retaining and site walls would not create any obstruction of these identified viewsheds as the residence is situated much lower than the level of the right-of-way from where the view is observed. The existing view from these identified public viewing locations toward the ocean would not result in any substantial changes. Therefore, no significant visual impacts would occur and no mitigation is required.

Geology/Soils

The project site is located in a seismically active region of California, and located within geologic hazard category 43 as shown on the San Diego Seismic Safety maps. Zone 43 encompasses generally unstable coastal bluffs characterized by locally high erosion rates. The applicant has submitted the following Geologic reports: Michael Hart, Engineering Geologist, September 14, 2004, and updated report dated January 2, 2008. The reports demonstrated that the slope stability analysis that was conducted for the site achieved a

factor of safety of 1.5 or greater. The Geology section has approved the updated geologic report and agrees that the geotechnical consultant has adequately addressed the soil and geologic condition potentially affecting the development. Therefore, no impacts to geology would occur and no mitigation is required.

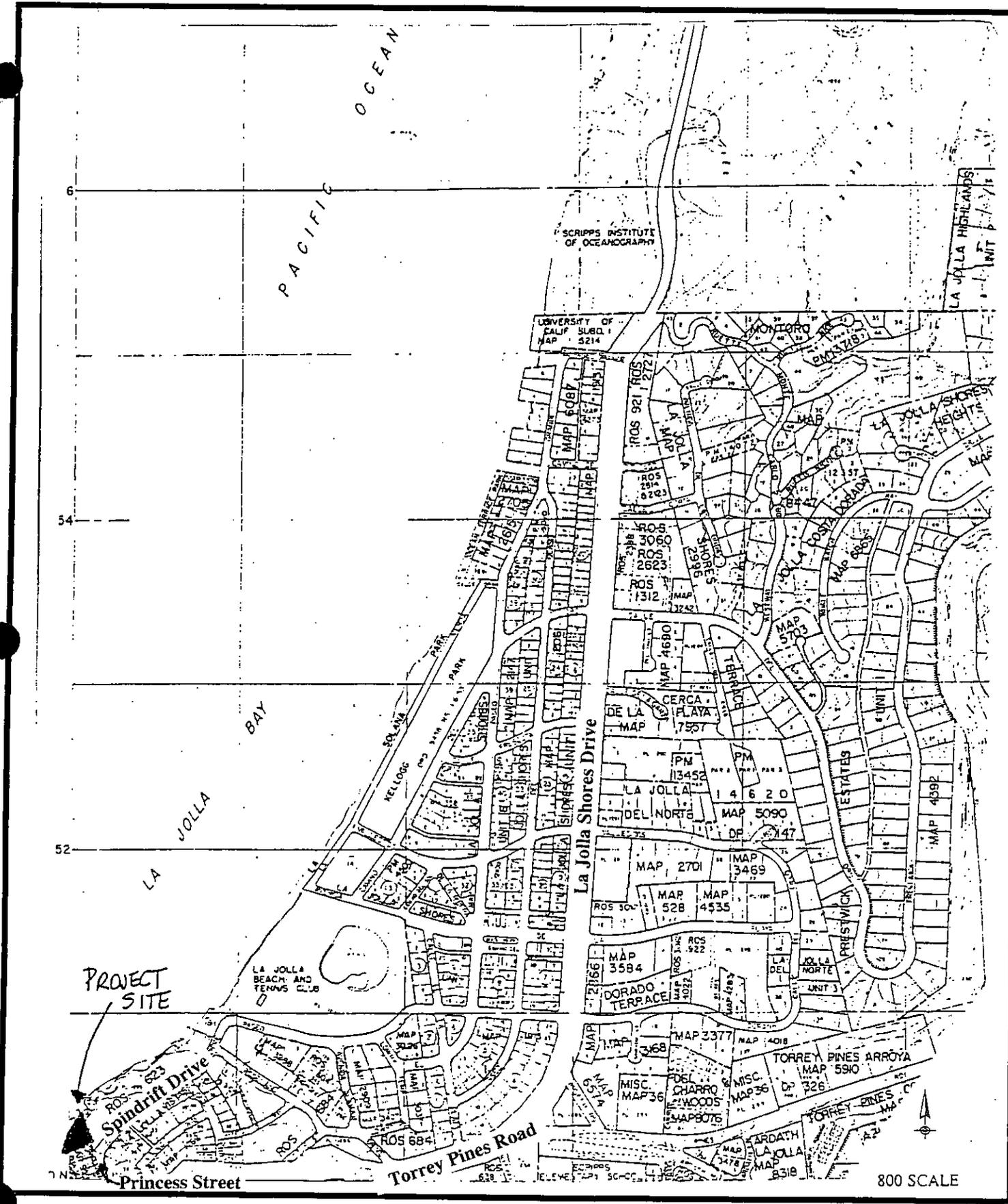
V. RECOMMENDATION:

On the basis of this initial evaluation:

- The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

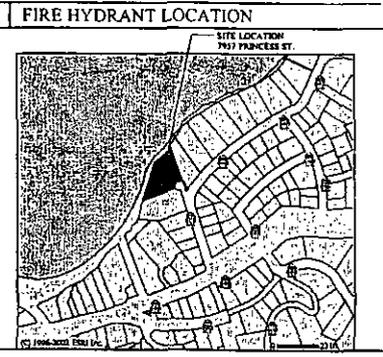
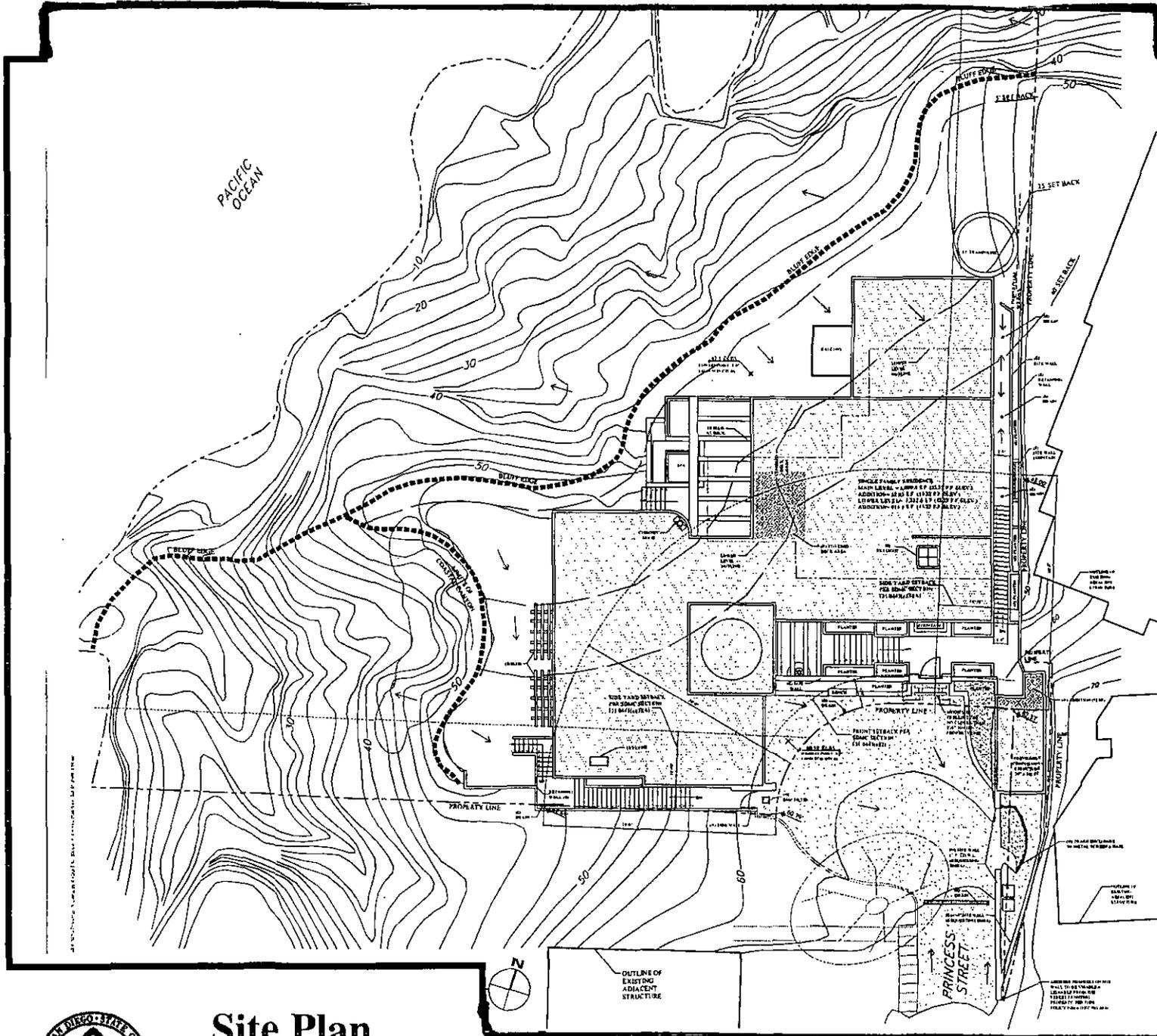
PROJECT ANALYST: Sherwood

Attachments: Figure 1 – Location map
Figure 2- Site Plan
Initial Study Checklist



Location Map
Kretowicz Residence / Project No. 138513
 City of San Diego – Development Services Department

FIGURE
No. 1



Owner's Certificate for Final Constructive EIRP*

I/we the undersigned, as owner(s) of the property described in the Certificate, do hereby certify that the project is in accordance with the San Diego Municipal Code, Land Development Manual - Storm Water Standards. This project is required to "Identify Pollutants from the Project Area" and incorporate "Site Design" and "Storm Control" EIRP's.

I certify the best of my knowledge, information and belief, that the proposed project and its use are as follows:

Substance
 Hazardous
 Toxic and Corrosive
 Organic Dissolving Substances
 Oil and Grease
 Sediments and Solids
 Pesticides

I will incorporate the following into the site design:

- Minimize pre-development runoff characteristics
- Minimize impervious foot print connecting walkways, patios and driveways with permeable surfaces
- Conserve natural areas
- Use natural drainage systems as opposed to flood control or underground drainage systems
- Drain roof tops, walkways, patios and driveways into adjacent landscaping prior to discharging to the public drainage system
- Preserve existing native trees and shrubs
- Protect all slopes from erosion

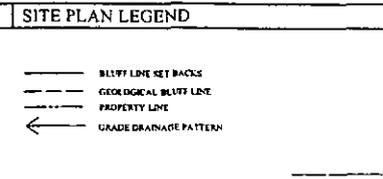
Additional 1/7 use will:

- Minimize the use of pesticides
- Use efficient irrigation systems and landscape design - incorporating rain barrels, devices and flow reduction

I/we will maintain the above Standard Permit EIRP's in perpetuity

Owner(s) Udo D. Kretowicz

Owner(s) [Signature] Date 1.11.2018



Site Plan

Kretowicz Residence / Project No. 138513

City of San Diego - Development Services Department

FIGURE
No. 2

Initial Study Checklist

Date: May 22, 2008
Project No.: 138513
Name of Project: Kretowicz Residence

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- A. The obstruction of any vista or scenic view from a public viewing area? X
The project site is located in a designated scenic overlook as identified in the La Jolla Community Plan. See Initial study.
- B. The creation of a negative aesthetic site or project? X
The project would be in compliance with the underlying zone. No negative aesthetic site or project would result from project implementation.
- C. Project bulk, scale, materials, or style which would be incompatible with surrounding development? X
The proposed residence would be compatible with the surrounding development in terms of bulk, scale, materials, and style.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Substantial alteration to the existing character of the area? <u>The proposed single-family development would be in conformance with the existing character of the area.</u>	—	—	<u>X</u>
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees? <u>No distinctive or landmark tree(s), or a stand of mature trees exist on the site.</u>	—	—	<u>X</u>
F. Substantial change in topography or ground surface relief features? <u>The project site does not contain steep slopes where a substantial change in topography or ground surface would occur. Modifications to landscaping on the coastal bluff would not create a substantial change.</u>	—	—	<u>X</u>
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? <u>The project site is located on the coastal bluff, however the project would conform to the required setbacks.</u>	—	—	<u>X</u>
H. Substantial light or glare? <u>The project would not produce a substantial amount of light or glare.</u>	—	—	<u>X</u>
I. Substantial shading of other properties? <u>The project would not exceed 30 feet at the highest point.</u>	—	—	<u>X</u>
 II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:			
A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state?	—	—	<u>X</u>

Yes Maybe No

The project site is on urban land that has been heavily disturbed and has supported previous development. No known mineral resources are present.

- B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?

— — X

The project site is located within a developed, urbanized area.

III. AIR QUALITY – Would the proposal:

- A. Conflict with or obstruct implementation of the applicable air quality plan?

— — X

The project would not generate any Particulate Matter through grading and demolition as all construction has been completed previously.

- B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

— — X

See IIIA.

- C. Expose sensitive receptors to substantial pollutant concentrations?

— — X

See IIIA.

- D. Create objectionable odors affecting a substantial number of people?

— — X

See IIIA.

- E. Exceed 100 pounds per day of Particulate Matter 10 (dust)?

— — X

See IIIA.

- F. Alter air movement in the area of the project?

— — X

The project site is developed with an existing single-family residence. Air movement is not expected to change.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>	
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>See IIIA.</u>	—	—	—	<u>X</u>
 IV. BIOLOGY – Would the proposal result in:				
A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>There are no such species of plants or animals on or adjacent to the site.</u>	—	—	—	<u>X</u>
B. A substantial change in the diversity of any species of animals or plants? <u>See IV-A.</u>	—	—	—	<u>X</u>
C. Introduction of invasive species of plants into the area? <u>Proposed project landscaping would conform to the City of San Diego's approved plant species and invasive species would not be introduced into the area.</u>	—	—	—	<u>X</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>No such corridors exist on or adjacent to the project site.</u>	—	—	—	<u>X</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>See IV-A.</u>	—	—	—	<u>X</u>
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>There are no wetlands on-site.</u>	—	—	—	<u>X</u>
G. Conflict with the provisions of the City's				

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>The project would not result in any such conflicts.</u>	—	—	<u>X</u>
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The existing single-family residential development would not use excessive amounts of fuel or energy.</u>	—	—	<u>X</u>
B. Result in the use of excessive amounts of power? <u>See V-A.</u>	—	—	<u>X</u>
VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? <u>The proposed project lies within Geologic Hazard Category 43. See initial study discussion- Geology.</u>	—	—	<u>X</u>
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? The project would not create a substantial increase in wind or water erosion of soils. <u>The proposed project would create any of these substantial increases.</u>	—	—	<u>X</u>
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>See initial study discussion – Geology.</u>	—	—	<u>X</u>
VII. HISTORICAL RESOURCES – Would the proposal result in:			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. Alteration of or the destruction of a prehistoric or historic archaeological site? <u>See Initial Study discussion – Historical resources - Archaeology.</u>	—	<u>X</u>	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>The existing single-family residence has been modified numerous times in the past and no longer retains the original architectural style. Therefore, there is no potential for the residence to be considered historic.</u>	—	—	<u>X</u>
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>See VII-B.</u>	—	—	<u>X</u>
D. Any impact to existing religious or sacred uses within the potential impact area? <u>No such potential exists on-site.</u>	—	—	<u>X</u>
E. The disturbance of any human remains, including those interred outside of formal cemeteries? <u>See VII-A.</u>	—	—	<u>X</u>
VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:			
A. Create any known health hazard (excluding mental health)? <u>No health hazards are expected to result from project implementation.</u>	—	—	<u>X</u>
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>See VIII-A.</u>	—	—	<u>X</u>
C. Create a future risk of an explosion or the			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? <u>See VIII-A.</u>	—	—	<u>X</u>
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>No such impairment is anticipated.</u>	—	—	<u>X</u>
E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? <u>The site is not listed on the County's DEH SAM case listing.</u>	—	—	<u>X</u>
F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <u>See VIII-A.</u>	—	—	<u>X</u>
 IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:			
A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. <u>The project would incorporate Best Management Practices.</u>	—	—	<u>X</u>
B. An increase in impervious surfaces and associated increased runoff? <u>No substantial increase would occur.</u>	—	—	<u>X</u>
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? <u>No such impact would occur. See Initial study discussion.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(d) list)? <u>Appropriate Best Management Practice's (BMP's) would be incorporated into the project.</u>	—	—	<u>X</u>
E. A potentially significant adverse impact on ground water quality? <u>See IX-A.</u>	—	—	<u>X</u>
F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? <u>See IX-A.</u>	—	—	<u>X</u>
X. LAND USE – Would the proposal result in:			
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project? <u>The proposed residential development is consistent with the La Jolla Community Plan.</u>	—	—	<u>X</u>
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? <u>See X-A.</u>	—	—	<u>X</u>
C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area? <u>The project would not conflict with any such plans.</u>	—	—	<u>X</u>
D. Physically divide an established community? <u>The project would not divide an established community.</u>	—	—	<u>X</u>
E. Land uses which are not compatible with aircraft accident potential as defined by			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
an adopted airport Comprehensive Land Use Plan? <u>The project is not located in an ACLUP.</u>	—	—	<u>X</u>
XI. NOISE – Would the proposal result in:			
A. A significant increase in the existing ambient noise levels? <u>The project is a residential development and would not result in an increase in the generation of noise.</u>	—	—	<u>X</u>
B. Exposure of people to noise levels which exceed the City's adopted noise ordinance? <u>The existing residence would not expose people to excessive noise levels.</u>	—	—	<u>X</u>
C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan? <u>See XI-B.</u>	—	—	<u>X</u>
XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>Grading quantities for the previously completed construction did not exceed the threshold for requiring paleontological monitoring.</u>	—	—	<u>X</u>
XIII. POPULATION AND HOUSING – Would the proposal:			
A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <u>The project would not induce substantial population growth through business or housing development</u>	—	—	<u>X</u>
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>The project includes the remodel and addition to an existing single-family residence. No substantial housing displacement would occur.</u>			
C. Alter the planned location, distribution, density or growth rate of the population of an area? <u>See XIII-A and B.</u>	—	—	<u>X</u>
XIV. PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
A. Fire protection? <u>The project is located in an urbanized area and is not anticipated to have a significant affect on fire protection. Fire protection would be available to the existing residence.</u>	—	—	<u>X</u>
B. Police protection? <u>Police protection would be available to the existing residence. See XIV-A.</u>	—	—	<u>X</u>
C. Schools? <u>The project would not have a significant impact on schools.</u>	—	—	<u>X</u>
D. Parks or other recreational facilities? <u>No effect would occur.</u>	—	—	<u>X</u>
E. Maintenance of public facilities, including roads? <u>Maintenance of public facilities would not be affected.</u>	—	—	<u>X</u>
F. Other governmental services? <u>No effect would occur.</u>	—	—	<u>X</u>
XV. RECREATIONAL RESOURCES – Would the proposal result in:			
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
substantial physical deterioration of the facility would occur or be accelerated? <u>The project would not have an affect on recreational resources.</u>	—	—	<u>X</u>
B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <u>No such adverse affects would occur.</u>	—	—	<u>X</u>
XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:			
A. Traffic generation in excess of specific/community plan allocation? <u>The project would not generate traffic in excess of the La Jolla Community Plan.</u>	—	—	<u>X</u>
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>See XVI-A.</u>	—	—	<u>X</u>
C. An increased demand for off-site parking? <u>No demand for off-site parking would occur.</u>	—	—	<u>X</u>
D. Effects on existing parking? <u>See XVI-A.</u>	—	—	<u>X</u>
E. Substantial impact upon existing or planned transportation systems? <u>The proposed project would not affect existing or planned transportation systems.</u>	—	—	<u>X</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>Public access to any such areas would not be impacted.</u>	—	—	<u>X</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
distance or driveway onto an access-restricted roadway)? <u>The project has been designed to engineering standards. No such impacts would result.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>It is not anticipated that the project would create any conflicts with such adopted transportation policies, plans, or programs.</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>The proposed project would not require new systems or substantial alterations to existing natural gas utilities.</u>	—	—	<u>X</u>
B. Communications systems? <u>No new systems or substantial alterations would be required.</u>	—	—	<u>X</u>
C. Water? <u>See XVII-B.</u>	—	—	<u>X</u>
D. Sewer? <u>See XVII-B.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>See Initial Study discussion in Purpose and Main features section.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>See XVII-B</u>	—	—	<u>X</u>
XVIII. WATER CONSERVATION – Would the proposal result in:			
A. Use of excessive amounts of water? <u>Project would not use excessive amounts of water.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Landscaping which is predominantly non-drought resistant vegetation? <u>Landscaping would be consistent with the City's Landscaping Regulations.</u>	—	—	<u>X</u>

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? <u>No sensitive vegetation or archaeological resources exists on site.</u>	—	—	<u>X</u>
---	---	---	----------

B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.) <u>The proposed single-family residence would not create any long-term impacts.</u>	—	—	<u>X</u>
--	---	---	----------

C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) <u>The project would not contribute to considerable cumulative impacts.</u>	—	—	<u>X</u>
--	---	---	----------

D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	—	—	<u>X</u>
--	---	---	----------

The proposed project would not cause substantial adverse environmental effects on human beings, either directly or indirectly.

Yes Maybe No

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

City of San Diego Progress Guide and General Plan.

Community Plan.

Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

City of San Diego Progress Guide and General Plan.

U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

Site Specific Report: _____.

III. Air

California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

Regional Air Quality Strategies (RAQS) - APCD.

Site Specific Report: _____.

IV. Biology

City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- Community Plan - Resource Element.
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- City of San Diego Land Development Code Biology Guidelines.
- Site Specific Report:_____.
- V. Energy N/A**
- _____
- VI. Geology/Soils**
- City of San Diego Seismic Safety Study.
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- Site Specific Report: Geologic report, Michael Hart, Engineering Geologist, September 14, 2004, and updated report January 2, 2008.
- VII. Historical Resources**
- City of San Diego Historical Resources Guidelines.
- City of San Diego Archaeology Library.
- Historical Resources Board List.
- Community Historical Survey:
- Site Specific Report: Archaeological report for the Kretowicz Residential project, 7957 Spindrift Drive, Jones and Stokes Associates, February, 2008.

VIII. Human Health / Public Safety / Hazardous Materials

- San Diego County Hazardous Materials Environmental Assessment Listing, 1996.
- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
- Airport Comprehensive Land Use Plan.
- Site Specific Report: _____.

IX. Hydrology/Water Quality

- Flood Insurance Rate Map (FIRM).
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- Clean Water Act Section 303(b) list, dated May 19, 1999, http://www.swrcb.ca.gov/tmdl/303d_lists.html.

X. Land Use

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- Airport Comprehensive Land Use Plan
- City of San Diego Zoning Maps
- FAA Determination

XI. Noise

- Community Plan
- Site Specific Report: _____.

- ___ San Diego International Airport - Lindbergh Field CNEl Maps.
- ___ Brown Field Airport Master Plan CNEl Maps.
- ___ Montgomery Field CNEl Maps.
- ___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
- ___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- ___ City of San Diego Progress Guide and General Plan.
- ___ Site Specific Report: : _____.

XII. Paleontological Resources

- X City of San Diego Paleontological Guidelines.
- ___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.
- ___ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.
- X Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.
- ___ Site Specific Report: _____.

XIII. Population / Housing

- ___ City of San Diego Progress Guide and General Plan.
- X Community Plan.
- ___ Series 8 Population Forecasts, SANDAG.
- ___ Other: _____.

XIV. Public Services

___ City of San Diego Progress Guide and General Plan.

X Community Plan.

XV. Recreational Resources

___ City of San Diego Progress Guide and General Plan.

X Community Plan.

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources:_____

XVI. Transportation / Circulation

___ City of San Diego Progress Guide and General Plan.

X Community Plan.

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ San Diego Region Weekday Traffic Volumes, SANDAG.

___ Site Specific Report:_____

XVII. Utilities N/A

___ _____

XVIII. Water Conservation N/A

___ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

Revised 01/04

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

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

1. Type of Appeal:

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

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

Name
George Krikorian

Address City State Zip Code Telephone
1828 Spindrift Drive La Jolla CA 92037 619-233-1888

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

Ure R. Kretowicz and Diane M. Kretowicz

4. Project Information	Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
	Project No. 138513/Neg Dec No. 138513/SDP 482270	October 9, 2008	Jeff Peterson

Decision (describe the permit/approval decision):
Certify Negative Declaration No. 138513, and Approve Site Development Permit No. 482270,
and Deny Neighborhood Use Permit 581890.

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

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

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

Please see Attachment A.

RECEIVED
CITY CLERK'S OFFICE
SAN DIEGO, CALIF.
08 OCT 23 PM 4:44

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

Signature: [Signature] Attorney for Appellant Date: 10/23/2008

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

ATTACHMENT A**(Description of Grounds for Appeal)**

1. The certified Negative Declaration for the Project is inadequate since it fails to consider future development that will reasonably occur with approval of the Kretowicz Residence (the "Project"). Since an off-site public viewing area was never constructed, despite being a condition of the last amendment granted to the current Coastal Development Permit governing the property located at 7957 Princess Street, it is a "reasonably foreseeable" consequence of the Project that either an off-site public viewing area, coastal access near the Project site or funding for alternative coastal access will be part of the Project and all three possibilities should be considered in any environmental document for the Project. Thus, a new environmental document should be prepared by staff to address the potential environmental impacts of all reasonably foreseeable development as a result of the Project as required under the California Environmental Quality Act ("CEQA").
2. The Planning Commission failed to make findings as required under CEQA stating why a new and more comprehensive environmental document is not required despite a reasonably foreseeable consequence of the Project being that some type of coastal access will have to be granted and there is a fair argument that such coastal access may have a significant impact on the environment and that such impacts may need to be mitigated to a level of insignificance, if not studied more comprehensively by an environmental impact report.
3. The property located at 7957 Princess Street has a "controversial" history with the City of San Diego, including numerous Code violations issued to the current owner dating back to 2001 and the need for a code compliance hearing to be held at the end of 2007. The decision of the Planning Commission is of City-wide significance and should be overturned since it inappropriately condones and rewards ignoring the law and the City's adopted land development procedures that have been carefully put in place. By approving the Project, the City weakens the important development review process that has been put in place to ensure community harmony and safety for the residents of San Diego.
4. Currently, there is a non-conforming detached structure that is part of the Project and which is located in the public-right-of-way. The decision to allow this structure and other unpermitted improvements to remain in the public-right-of-way is an issue of City-wide significance, especially when one considers the need for emergency vehicle access to the homes and structures surrounding the Project, and liability to the City should an accident occur to a person while inside the detached structure.
5. The Planning Commission failed to consider the history of Code violations on the property located at 7957 Princess Street and failed to impose conditions on the Permit granted to ensure the Applicant complies with the conditions of the Permit, particularly with regard to the condition that the detached structures currently in the public-right-of-way not be used for living or sleeping purposes. The need for such conditions is of City-wide significance due to the fact that these structures are located in the public-right-of-way and may subject the City and the taxpayers to liability.

EXECUTIVE SUMMARY SHEET

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DATE REPORT ISSUED: November 26, 2008 REPORT NO. 08-173

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: Appeal of Kretowicz Residence - Project Number 138513
COUNCIL DISTRICT: 1
STAFF CONTACT: Jeffrey A. Peterson, (619) 446-5237, JAPeterson@sandiego.gov

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve previously constructed improvements and additions to an existing single-family residence, which includes a new trellis and jacuzzi; and the Planning Commission's decision to deny a proposed guest quarters on a 22,725 square foot site located at 7957 Princess Street in the La Jolla Community Plan Area.

STAFF RECOMMENDATIONS:

1. CERTIFY Negative Declaration No. 138513;
2. DENY the appeal; APPROVE Site Development Permit No. 482270; and
3. DENY Neighborhood Use Permit No. 581890.

EXECUTIVE SUMMARY:

The project site is located at 7957 Princess Street, the northern terminus of Princess Street, west of Spindrift Drive. The site contains three legal lots; two of the lots are within the RS-1-7 Zone and the third lot is in the SF Zone of the La Jolla Shores Planned District. The site is within the La Jolla Community Plan Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, the Beach Impact Area of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone. The zoning designations allow for single family residential and the La Jolla Community Plan (LJCP) designates the proposed project site for single family use (5-9 dwelling units per acre). Princess Street is a public street and the cul-de-sac located at the terminus of the street is within the public right-of-way.

The property was purchased by the current applicant in 1993, and is developed with a two-story, 7,249 square foot, single family residence with an attached two car garage, and detached accessory structures. The property has undergone several improvements, modifications, and additions by the current owner that were constructed without obtaining an amendment to the original Coastal Development Permits and/or without obtaining building and public improvement permits (pursuant to Neighborhood Code Compliance Department (NCCD) Case No. NC40952). On December 26, 2007, a Civil Penalty Administrative Enforcement Order was issued by an Administrative Hearing Officer. This order required the immediate cessation of all work at the property, payment of civil penalty and costs, and all violations to be added to the plans and included in Project No. 138513 (this project).

The proposed project includes improvements, modifications, and additions to the existing single-family residence, the project site, and the accessory structures that have been previously constructed as outlined in the Planning Commission Report No. PC-08-120. The request included a new trellis addition over the second floor deck and a new jacuzzi, which includes new retaining walls and a raised platform. An existing detached accessory building is located at the terminus of Princess Street and was approved on January 28, 1969, pursuant to Building Permit No. E40921, and a portion or 1/3 of this structure is within the public right-of-way. The applicant was proposing to use the remodeled detached accessory building as a guest quarters. However, the approval of the Neighborhood Use Permit (NUP) for guest quarters would grant habitable living space/use within the public right-of-way, which creates a life and safety issue for those living and sleeping in the structure, a liability for the City, and did not benefit a public purpose. The Planning Commission denied the request for the NUP on the reasons stated above.

Because the project utilizes renewable technologies and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27, the land use approvals have been processed through the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program. The Coastal Development Permit (CDP) will be processed and issued by the California Coastal Commission (as an amendment to the original coastal development permit issued by the Commission) once all of the City's actions have been completed.

FISCAL CONSIDERATION:

All costs associated with the processing of this project are paid by the applicant.

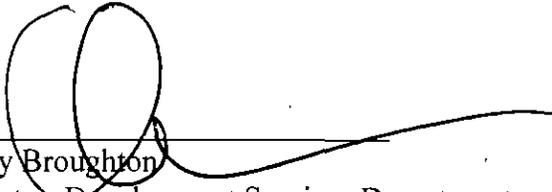
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

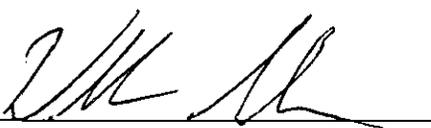
On October 9, 2008, the Planning Commission approved staff's alternative recommendation to Certify Negative Declaration No. 138513, Approve Site Development Permit No. 482270, and Deny Neighborhood Use Permit No. 581890. [The Motion made by Commissioner Naslund, second by Commissioner Ontai. Passed by a 5-0-2 vote with Commissioner Otsuji recusing and Commissioner Smiley not present (Resolution No. 4463-PC).]

On September 4, 2008, the La Jolla Community Planning Association voted 11-0-2 to recommend approval of the proposed project with conditions to exclude the proposed jacuzzi and the trellis on the seaward side which does not conform to the environmentally sensitive lands guidelines and forward the recommendation to the City.

KEY STAKEHOLDERS:

DUK Trust/ Ure R. Kretowicz and Diane M. Kretowicz, Owner/Applicant


Kelly Broughton
Director, Development Services Department


William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning and
Development

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NOTICE OF DETERMINATION

TO: Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

Project Number: 138513

Project Title: Kretowicz Residence

Project Location: 7957 Princess Street, within the Coastal Zone and the La Jolla Community Planning Area.
Legal Description: Lots 10&11 of Block 3, Amalfi Subdivision, Map No. 959 and a portion of Lot 1285, Pueblo Lands, Miscellaneous Map No. 0036, City and County of San Diego.

Project Applicant: Ure Kretowicz
7957 Princess Street
La Jolla, CA 92037
Phone: (858)-458-9700

Project Description: SITE DEVELOPMENT PERMIT (SDP) to amend SDP No. 108967 and NEIGHBORHOOD USE PERMIT to allow for the following previously constructed improvements to an existing single family residence: remodel and a 480 square foot addition to the residence, trellis and deck improvements, retaining and site walls, gate improvements, and landscaping on a lot area of approximately 22,725 square feet. A Guest Quarters is also requested in an existing, previously constructed detached structure. The site is not included on any Government Code Listing of hazardous waste sites.

This is to advise that the City of San Diego Planning Commission on October 2, 2008, approved the above described project and made the following determinations:

1. The project in its approved form ___ will, will not, have a significant effect on the environment.
2. ___ An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
___ An addendum to a Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Record of project approval may be examined at the address above.
3. Mitigation measures ___ were, were not, made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Entitlements Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Sherwood

Telephone: (619) 446-5379

Filed by: Allison Sherwood
Signature
SENIOR PLANNER
Title

Reference: California Public Resources Code, Sections 21108 and 21152.

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
OCTOBER 9, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:16 a.m. Chairperson Schultz adjourned the meeting at 7:00 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz –present (left @ 6:00pm)
Vice-Chairperson - Eric Naslund –present
Commissioner Robert Griswold – present
Commissioner Gil Ontai –present
Commissioner Dennis Otsuji – present
Commissioner Mike Smiley – not present
Commissioner Tim Golba - Present

Staff

Shirley Edwards, City Attorney - present
Mary Wright, Planning Department – present
Mike Westlake, Development Services Department – present
Brenda Clark, Legislative Secretary - present
Elisa Contreras, Recorder – present

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COMMISSION ACTION:

ITEM TRAILED TO OCTOBER 16, 2008 TO ALLOW ABSENT COMMISSIONER TO HEAR ITEM. Commissioner Otsuji recused Report No. PC-08-106.

Lunch Break 12:30-1:30

ITEM-8: *Appeal of Development Services Department and trailed from October 2, 2008:*

***NOLEN RESIDENCE – PROJECT NO. 145713**

City Council District: 2; Plan Area: Ocean Beach

Staff: Patrick Hooper

Speaker slip submitted opposed to appeal in favor of project by Craig Frieauf.

Speaker slips submitted in favor of appeal opposed to project by Bill Bucha, Gregory C. Hawkins, George Murphey, Landry Watson.

COMMISSION ACTION:

WITHDRAWN TO DUE PARKING REQUIREMENTS. REPORT NO. PC-08-128

ITEM-9: *Trailed from October 2, 2008:*

***KRETOWICZ RESIDENCE – PROJECT NO. 138513**

City Council District: 1; Plan Area: La Jolla

Staff: Jeff Peterson

Speaker slips submitted in favor of project by Ure Kretowicz, Diane Kretowicz, Matt Peterson, Claude-Anthony Marengo.

Speaker slip submitted opposed to project by Steve Ross.

COMMISSION ACTION:

MOTION BY COMMISSIONER NASLUND CERTIFY NEGATIVE DECLARATION NO. 138513;

APPROVE SITE DEVELOPMENT PERMIT NO. 482270; AND

DENY NEIGHBORHOOD USE PERMIT NO. 581890 AS PRESENTED IN REPORT NO. PC-08-120. Second by Commissioner Ontai. Passed by a vote of 5-0-2 with Commissioner Otsuji recusing and Commissioner Smiley not present. Resolution No. 4463-PC

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LAWYERS

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San Diego, CA 92101-8494
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OF COUNSEL
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MARSHAL A. SCARR
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ELOISE H. FEINSTEIN
MIRANDA M. BORDSON
AMY M. STRIDER
CHRISTOPHER R. MORDY

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5548.001
File No.

September 29, 2008

Chairman Barry Schultz and
Members of the Planning Commission
1222 First Ave, 4th floor,
San Diego, CA 92101

Re: Thursday October 2nd, 2008
Agenda Item No. 19, Kretowicz Residence
Project No. 138513

Dear Chairman Schultz and Members of the Planning Commission:

We represent Diane and Ure Kretowicz with regard to the above-referenced matter.

Our client is in agreement with the staff analysis with the exception of only one item; staff's recommendation of denial of the request Neighborhood Use Permit for the 259 sq. ft. Guest Quarters. In speaking with staff, they are in support of all of the other requested permits, but cannot support the 259 sq. ft. building as a sleeping quarters.

Staff has indicated that they cannot support the Guest Quarters because, as a policy, they do not want to allow any sleeping within a public right of way. However, this particular structure was built many many years ago. It was first built and utilized as a garage. The structure was later converted into a photographic studio and then for a

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Chairman Barry Schultz and
Members of the Planning Commission
September 29, 2008
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number of years it was used for living and sleeping, both for guests, family, and for housekeepers/caretakers.

To the best of our knowledge there is no public safety issue associated with someone sleeping in this particular structure. Staff has not been able to identify for us any public safety issue. In fact, whether one takes a nap in the existing structure on a couch during the day or night, or whether one sleeps overnight in the existing structure would not seem to make any difference at all. Further it is important to note that only a very small portion (approximately 60 sq. ft. of the previously existing structure) is actually located within the Princess Street right of way. Our client would agree not to place the bed within that 60 sq. ft. area so that there would be no sleeping within the Paper Street "right of way".

Finally this would not be the first situation in the City of San Diego where there is sleeping, habitation and actually a full single family home is within a public street. We are aware of numerous situations, both within Pacific Beach, La Jolla and Ocean Beach where portions of homes and apartments were built partially within the right of way. Currently there is a home located at 6111 La Jolla Hermosa, which is located significantly within the public right of way.

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Chairman Barry Schultz and
Members of the Planning Commission
September 29, 2008
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If staff is concerned with liability, this situation can be easily accommodated with the execution of a Neighborhood Use Permit and with the execution of a Encroachment Agreement which would address all liability issues that the City may have.

Therefore we would respectfully request that you authorize the Neighborhood Use Permit. We have attached as Tab 1, draft findings for your consideration. Should you decide to approve the Neighborhood Use Permit, the Site Development Permit Project Description located within paragraph B and Planning/Design requirement Condition No. 30 would need to be modified. Both the Project Description and Condition 30 indicate that the accessory structure shall not be used for living or sleeping purposes.

Thank you for your consideration of this request.

Sincerely,

PETERSON & PRICE
A Professional Corporation



Matthew A. Peterson

Enclosures

cc: Diane and Ure Kretowicz
Claude-Anthony Marengo D.E.S.A.
Jeff Peterson, Development Project Manager II, D.S.D.
Shirley Edwards, Planning Commission Attorney

002670

§126.0205 Findings for Neighborhood Use Permit Approval:

A Neighborhood Use Permit may be approved or conditionally approved only if the decision maker makes the following *findings*:

(a) The proposed *development* will not adversely affect the applicable *land use plan*;

The proposed development is located at 7957 Princess Street within the La Jolla Community Planning Area. The 22,725 sq. ft. site is located within the RS-1-7 Zone and the SF Zone of the La Jolla Shores Planned District, the Coastal Overlay Zone (appealable to the Coastal Commission), the Coastal Height Limit, the Residential Parking Overlay Zone, and the Transit Overlay Zone within City Council District 1, the Guest Quarters has frontage on both Princess Street and Spindrift Drive. The proposed development includes, 1) an amendment to the existing Coastal Development Permit, 2) a Site Development Permit for improvements to the existing home and, 3) a Neighborhood Development Permit to authorize a 52 sq. ft. addition to an existing guest 207 sq. ft. Guest Quarters. A small portion (approximately 60 sq. ft.) of the previously existing structure is located partially within the Princess Street right of way. The Guest Quarters would be comprised of a one bedroom and one bath. The existing 10 ft. tall structure is well below the 30-foot height limit. Drainage would be directed into the public-right-of-way designated to carry surface runoff. The RS-1-7 permits a maximum density of 9 dwelling unit/acre. There is an existing single family residence on site. As such, the request for a Guest Quarters conforms to the zoning and density identified in the Community Plan.

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The existing Guest Quarters was originally built as a one-car garage. It was then converted into a photo studio. It was also used for many years as a caretaker's unit.

The height, scale, design and building materials incorporated into the Guest Quarters are consistent with the varied architecture, design and character of existing single and family development in the surrounding area. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes in the vicinity and would be visually compatible with the varied design theme and character of the existing single homes of the surrounding area.

The Project will be visually compatible with the surrounding neighborhood. The Guest Quarters was designed to blend in with the surrounding area which consists of one, and two-story homes. The Project as designed is in conformance with the goals and objectives of the Community Plan, and the purpose and intent of the RS-1-7 Zone.

A Neighborhood Use Permit is required to allow the ongoing habitation of the existing detached Guest Quarters.

The Final Negative Declaration states that the proposed detached Guest Quarters, garage, and driveway are compatible with underlying zoning and community plan designation and would be built on a site which is designated for single-family development by the Community Plan.

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Therefore, the proposed development would not adversely affect the applicable land use plan (also see findings b and c below).

(b) The proposed *development* will not be detrimental to the public health, safety, and welfare; and

The Project requires a Neighborhood Use Permit for the existing Guest Quarters, a Site Development Permit and Coastal Development Permit for the additions and remodel of the existing home. The City of San Diego conducted an environmental review of this site. A Final Negative Declaration (Project no.138513) has been prepared for the Project *in accordance with CEQA indicating that there would be no adverse environmental affects associated with the Project.* Additionally, Best Management Practices (BMPs) are required to ensure drainage and run-off is appropriately dealt with. The Project site is not located within or adjacent to the Multi-habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The Project site is located within an existing urbanized area. The proposed Project was found to not have a significant effect on the environment. The Project would be designed and constructed pursuant to all applicable zoning and building codes and inspected for compliance with building standards.

This proposed Project will not adversely affect the neighborhood and will not be detrimental to the public health, safety or welfare (also see NUP findings a and c).

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(c) The proposed *development* will comply with the applicable regulations of the Land Development Code.

This proposed Project has been found to be in compliance with all applicable regulations of the *Land Development Code concerning the Neighborhood Use Permit for the Guest Quarters*.

The proposed development would be consistent with the recommended residential density land use prescribed by the La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the RS-1-7 Zone and comply with the applicable development regulations of the Land Development Code that is allowed through the discretionary review process.

Therefore, the proposed development would comply with all applicable regulations of Land Development Code.

The Final Negative Declaration states that the detached Guest Quarters is compatible with *underlying zoning and community plan designation and would be built on a site*, which is designated for single-family development by the Community Plan.

The proposed project is in compliance with all applicable regulations of the Land Development Code (also see findings b and c above).



WERTZ MCDADE WALLACE MOOT & BROWER

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12/02

LAWYERS A PROFESSIONAL CORPORATION

002675

Sandra J. Brower	John S. Moot	Of Counsel
Amberlynn Deaton	Gregory Rodriguez	
John P. Fiske	Elaine A. Rogers	Rebecca Michael
Richard T. Forsyth	John H. Stephens	Evan S. Ravich
Sarah H. Lanham	Bruce R. Wallace	
Joseph C. Lavelle	John Ross Wertz	
Julie A. Lewin	Pamela Lawton Wilson	Administrator
J. Michael McDade		Fred Mahady, Jr.

November 24, 2008

VIA HAND DELIVERY

Council President Scott Peters
San Diego City Council
202 "C" Street
San Diego, California 92101

Re: December 2, 2008; Council Chambers, 12th Floor
Kretowicz Residence; Project No. 138513 ("Project")

Dear Council President Peters and City Councilmembers:

We represent the Appellant, a property owner next door to the proposed Project. Our client believes that the Planning Commission failed to address serious issues with regard to the health, safety and environmental effects of the Project, and for this reason has filed this appeal. Specifically, we believe there are serious concerns that the applicant will not abide by the conditions included with the Site Development Permit ("SDP") approved for the Project, and that the certified Negative Declaration is inadequate under the California Environmental Quality Act ("CEQA"), since it fails to consider future development that will foreseeably occur if the Project is approved by the City. For the reasons stated herein, we respectfully urge the City Council to grant the appeal and deny approval of any permits for the Project.

Project History

As our correspondence to the Planning Commission details (attached hereto for your convenience), the applicant's property located at 7957 Princess Street ("Property") has a long, "controversial" history with the City of San Diego ("City"). There is a record of San Diego Municipal Code ("Code") violations dealing with the Property and the current owner has a history of Code violations dating back to 2001. At least two stop work orders were issued in 2001 and 2002. Furthermore, the Neighborhood Code Compliance Division of the City of San Diego ("NCCD") has conducted over 15 site inspections between 2001 and the present. Despite the continuous site inspections, issuance of notices and citations, and a code compliance hearing held at the end of last year in which the applicant was fined a large amount of money, the applicant continued to ignore the clearly defined development procedures of the Code by

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Council President Scott Peters
November 24, 2008
Page 2

continuing to have construction materials delivered to the Property and engaging in unpermitted and unlawful construction.

The current existing violations related to unpermitted construction on the Property include, but are not limited to the following:

- (1) a new deck;
- (2) a new deck cover;
- (3) a cantilevered balcony;
- (4) a new exterior wall;
- (5) a new fireplace;
- (6) remodeled garage, kitchen and bar;
- (7) staircase;
- (8) front entry wall and door;
- (9) remodel of detached structure and retaining walls not in compliance with the Code, which are **located in the public right-of-way**;
- (10) new bathroom; and,
- (11) several other smaller improvements.

As you can see from the list above, these unpermitted modifications involve major construction and cannot be classified as minor alterations where an owner would not think that permits are required, especially when the owner of the property is a sophisticated land developer.

The Planning Commission Hearing

1) The current Negative Declaration is inadequate since it fails to evaluate all "reasonably foreseeable" development and environmental consequences of the Project.

Under the California Environmental Quality Act (CEQA), an agency must consider "all phases of project planning, implementation, and operation. CEQA Guidelines §15063. Furthermore, under CEQA Guidelines Section 15378, the term "Project" means the "whole of an action..." This has been interpreted to mean that the environmental analysis of the Project by the agency must embrace future development that will foreseeably occur if the agency approves the Project. *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1333-1336.

With this Property, an off-site public viewing area was never constructed as required by the last amendment granted to the current CDP for the Property. Thus, in order to obtain an amendment to the current CDP, it is a reasonably foreseeable consequence of the proposed Project that a Viewing Area, the granting of coastal access or funding for alternative coastal access will be a condition attached to any approved amendment to the current CDP. For this

Council President Scott Peters

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reason, the potential environmental impacts of a Viewing Area, coastal access near the Project **and** funding for alternative coastal access should be considered in the current environmental document for the Project and not as a separate "segment of the Project" at a future date since all are reasonable foreseeable consequences of the proposed Project. *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 396.

Due to the reasons stated above, the current Negative Declaration is deficient and a new environmental document should be prepared by staff to address all "reasonably foreseeable" development and environmental consequences of the Project. Although the argument has been made that any decision with regard to the CDP will be made by the California Coastal Commission and not the City, this does not change the fact that a reasonably foreseeable consequence of the Project is that some type of coastal access will have to be granted and there is a fair argument that such coastal access may have a significant impact on the environment and that such impacts may need to be mitigated to a level of insignificance, if not studied more comprehensively by an environmental impact report.

In the alternative, findings should be made and placed into the record as to why the current Negative Declaration is satisfactory despite the reasonably foreseeable consequence of the proposed Project that a Viewing Area, the granting of coastal access or funding for alternative coastal access will be a condition attached to any approved amendment to the current CDP.

2) The Planning Commission failed to consider the history of Code violations on the Property and the blatant disregard for the Code demonstrated by the Applicant.

As mentioned above, the applicant has a history of Code violations dating back to 2001. Despite numerous notices of Code violations, the applicant continued to engage in unlawful construction forcing NCCD to bring an Administrative hearing against the applicant in December of last year. Although the applicant was forced to pay a large fine, that does not condone his actions and does not mean that he will now adhere to the conditions of the SDP approved by the Planning Commission.

The decision of the Planning Commission to approve the SDP and the Negative Declaration is of City-wide significance and should be overturned since it inappropriately condones and rewards ignoring the law and the City's adopted land development procedures. By approving the Project, the City weakens the important development review process that has been put in place to ensure community harmony and safety for the residents of San Diego.

Specifically, we are concerned that based on the applicant's blatant disregard for the City Code and the fact that the City's numerous requests to obtain the necessary development permits

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were ignored by the applicant until the Administrative hearing was brought against the applicant and decided in favor of the City, the applicant will not follow the condition that the detached structure currently located in the public right-of-way not be used for habitable purposes as the applicant intended in his original plans. As you can imagine, there are serious concerns with regard to the City's liability for such a structure located in the public right-of-way should use of the structure result in personal injury or damage. Unfortunately, the disturbing history of non-compliance by the applicant was not discussed by the Planning Commission.

3) A condition should be added that all structures and all improvements located in the public right-of-way should be removed in the interest of public safety and health.

The decision to allow the detached structure and other improvements to remain in the public right-of-way is also an issue of City-wide significance. City staff has made it clear on the record that it does not support the use of the structures currently located in the public right-of-way for living or sleeping purposes. Based on the applicant's history of non-compliance with the law, as noted above, legitimate concerns exist that the applicant will continue to use the structures as he pleases and will ignore any conditions restricting the use of the structures to only non-habitable purposes. Due to the fact that the structure and improvements are located in the public right-of-way, we hope the City Council would have concerns regarding the City's potential liability for such structures and improvements. Moreover, the location of such structures and improvements in the public right-of-way threatens to affect the ability of emergency vehicles to turn around, and access the Property itself and the other homes and structures surrounding the Property in the case of an emergency such as a fire.

For these reasons, we request that should the City Council impose the condition that all improvements and structures located in the public right-of-way be removed since the applicant does not own fee title to the underlying public land and cannot adversely acquire title to the underlying public land where the structures are located.

Requested Action

For the reasons stated herein, we urge the City Council to grant the appeal and deny approval of the Kretowicz Project and order every illegal improvement, both on and off the Property, be immediately removed. Additionally, we urge the City Council to require a new environmental document be prepared that takes into consideration the Project as a "whole" and analyzes all reasonably foreseeable development resulting from the Project that may have a significant effect on the sensitive coastal environment in which the Project is located. Such an action by this City Council will send a clear message to the community that the blatant disregard of the law and approved development procedures, under the veil of ignorance, is not supported by the City of San Diego.

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Council President Scott Peters
November 24, 2008
Page 5

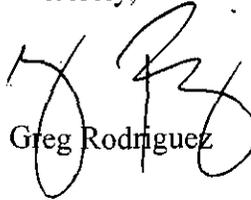
However, should the City Council decide to approve the decision of the Planning Commission, the following conditions must be added to the SDP:

(1) allow for regular inspections of the property for a certain amount of time to ensure all unpermitted construction is brought up to Code and that any unlawful improvements that remain on the Property be removed with a major fine being imposed on the applicant for his egregious disregard for the law and proper development procedure; and,

(2) that all improvements and structures currently located in the public right-of-way be removed since the applicant does not own fee title to the underlying public land and cannot adversely acquire title to the underlying public land where the structures are located.

We appreciate your time and careful consideration of these materials.

Sincerely,



Greg Rodriguez

Enclosure

cc: Jeff Peterson, Development Services

&

WERTZ MCDADE WALLACE MOOT BROWER

002681

LAWYERS

A PROFESSIONAL CORPORATION

Sandra J. Brower	John S. Moot	Of Counsel
Amberlynn Deaton	Gregory Rodriguez	
John P. Fiske	Elaine A. Rogers	Rebecca Michael
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Sarah H. Lanham	Bruce R. Wallace	
Joseph C. Lavelle	John Ross Wertz	
Julie A. Lewin	Pamela Lawton Wilson	Administrator
J. Michael McDade		Fred Mahady, Jr.

September 24, 2008

VIA HAND DELIVERY

Mr. Barry Shultz, Chairperson
City of San Diego Planning Commission
1222 First Avenue
San Diego, CA 92101

Re: October 2, 2008 Planning Commission Hearing
Project No. 138513; Kretowicz Residence ("Project")

Dear Chairperson Shultz and Members of the Planning Commission ("Commission"):

We represent the owner of property located next door to the proposed Project. Our client, and other residents within the vicinity of the Project, has serious concerns with regard to the applicant's history of disregard for the San Diego Municipal Code, the proposed structures and improvements currently located in the public-right-of-way and the potential environmental impacts of the Project.

Project History

The property located at 7957 Princess Street ("Property") has a "controversial" history with the City of San Diego ("City"). There is a long history of San Diego Municipal Code ("Code") violations dealing with the Property and the current owner has a history of Code violations dating back to 2001. At least two stop work orders were issued in 2001 and 2002 and the surrounding neighbors have sent a petition to the Neighborhood Code Compliance Division of the City of San Diego ("NCCD") requesting that the City correct the numerous zoning and building code violations that currently exist on the Property. These unlawful improvements are listed below and depicted in Attachment A, which is attached hereto and incorporated herein. NCCD has conducted over 15 site inspections between 2001 and the present. Despite the continuous site inspections, issuance of notices and citations and a code compliance hearing held at the end of last year in which the applicant was fined a large amount of money, the applicant continues to ignore and make a mockery of the Code and clearly defined development procedures by continuing to have construction materials delivered to the Property and engage in unpermitted and unlawful construction.

&

945 Fourth Avenue, San Diego, California 92101

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The current existing violations related to unpermitted construction on the Property include, but are not limited to the following:

- (1) a new deck;
- (2) a new deck cover;
- (3) a cantilevered balcony;
- (4) a new exterior wall;
- (5) a new fireplace;
- (6) remodeled garage, kitchen and bar;
- (7) staircase;
- (8) front entry wall and door;
- (9) remodel to auxiliary structure and walls located in the public right of way;
- (10) new bathroom; and,
- (11) several other smaller improvements.

As the Commission can see from the list above and the enclosed attachment, these unpermitted modifications involve major construction and cannot be classified as minor alterations where an owner would not think that permits are required, especially when the owner of the property is a sophisticated land developer.

The Project

- (1) The structures currently located in the public-right-of-way should be removed.

As the Assessment Letters issued by the City point out, City staff does not support the use of the structures currently located in the public-right-of-way for living or sleeping purposes. Based on the applicant's history of non-compliance with the law, as noted above, our client has legitimate concerns that the applicant will continue to use the structures as he pleases and will ignore any conditions restricting the use of the structures to only non-habitable purposes. For this reason, we request that should the Commission vote to approve the Project, it impose the condition that all improvements and structures located in the public-right-of-way be removed since the applicant does not own fee title to the underlying public land and cannot adversely acquire title to the underlying public land where the structures are located. We hope the Commission agrees that there are serious concerns regarding the City's liability for such structures and improvements in the public-right-of-way in the event the applicant's use of the Property results in personal injury or damage to the public property.

Mr. Barry Shultz
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(2) Clarification is needed with regard to whether an off-site viewing platform is a part of the Project.

Another issue that deserves serious consideration by the Planning Commission is the fact that the Project application may not accurately detail the "whole project." Due to the fact that the Project is located along the coastal bluff, it is also under the jurisdiction of the California Coastal Commission ("CCC"). The Project requires an amendment to the current Coastal Development Permit that has been issued by the CCC. Unfortunately, the CCC and the City do not appear to be in close communication with each other.

As a condition of the last amendment granted to the current CDP for the Property, the applicant was required to construct an off-site public viewing area ("Viewing Area"), which has not yet been done. In order to obtain an amendment to the current CDP, as required by the application, it is a reasonable foreseeable consequence of the proposed Project that the Viewing Area will be a condition attached to any approved amendment to the current CDP. Unfortunately, the draft environmental document for the Project does not take into consideration the potential disturbance to the character of the surrounding community and the significant environmental impacts to traffic, parking and public safety that may result from the construction of a Viewing Area.

In the Project's recent consideration before the La Jolla Community Planning Association ("LJCPA"), it was represented that the off-site viewing platform is no longer an option being considered by the CCC due to community opposition and public safety concerns. Instead, the applicant claims to be in negotiations with the CCC to enter into a settlement agreement to provide funding for alternative coastal access. Although this may be true, there is no way for the community or our client to truly be able to guarantee that such private negotiations are indeed occurring, that the details regarding such private negotiations as disclosed by the applicant are accurate or that such negotiations will result in a final agreement. For this reason, we request that should the Commission vote to approve the Project, it require the applicant to provide documentation, which meets the approval of the City Attorney and this Commission, that the previously proposed Viewing Platform is no longer proposed by the applicant, the City or the CCC nor is it part of any mitigation requirement or settlement agreement associated with the Project or the Kretowicz property.

(3) The current environmental document is inadequate.

Under the California Environmental Quality Act (CEQA), an agency must consider "all phases of project planning, implementation, and operation. CEQA Guidelines §15063. Furthermore, under CEQA Guidelines Section 15378, the term "Project" means the "whole of an action..." This has been interpreted to mean that the environmental analysis of the Project by the

Mr. Barry Shultz
September 24, 2008
Page 4

agency must embrace future development that will foreseeably occur if the agency approves the Project. *City of Antioch v. City Council* (1986) 187 Cal.App.3d 1325, 1333-1336.

As noted above, an off-site public viewing area was never constructed as required by the last amendment granted to the current CDP. Thus, in order to obtain an amendment to the current CDP, it is a reasonably foreseeable consequence of the proposed Project that a Viewing Area, the granting of coastal access or funding for alternative coastal access will be a condition attached to any approved amendment to the current CDP. For this reason, the potential environmental impacts of a Viewing Area, coastal access near the Project **and** funding for alternative coastal access should be considered in the current environmental document for the Project and not as a separate "segment of the Project" at a future date since all are reasonable foreseeable consequences of the proposed Project. *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 396.

Due to the reasons stated above, the current Negative Declaration is deficient and a new environmental document should be prepared by staff to address all "reasonable foreseeable" development and environmental consequences of the Project and the Commission should deny the Project until such an environmental document can be reconsidered by the public and this Commission.

Requested Action

The applicant's continuous violations of the Code, blatant disregard to notices issued by NCCD resulting in an administrative hearing being called and lack of respect for adhering to the development procedures clearly laid out in the Code have left our client with little opportunity for recourse. As the representatives who are tagged with the responsibility of enforcing and ensuring the City's development procedures are respected and followed, we urge the Commission to: (1) **deny** approval of the Kretowicz Project; (2) order every illegal improvement, both on and off the property, be immediately removed; and, (3) require the applicant to reimburse the City for its costs associated with enforcement of the applicant's long history of violations since the City's taxpayers should not bear the burden of such egregious disregard for the law.

Such an action by this Commission will send a clear message to the community that the blatant disregard of the law and approved development procedures, under the veil of ignorance, is not supported by the City of San Diego. The Commission must send a clear message that it is not willing to negotiate with those who refuse to comply with the Code and the requests of the City and that such willful ignorance will face repercussions. A failure to take such action in this case will result in a missed opportunity to set the record clear to other potential violators that the built first, permit later approach to development will not be permitted, especially when such

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improvements are done purposely to avoid the proper scrutiny and review that the land development code requires.

Furthermore, at the very least, since the environmental document is deficient, the Project should be denied until a proper environmental document, that takes into consideration the whole project and all reasonably foreseeable development and environmental impacts, as noted above, is completed.

Our client and the multiple neighbors who supported the attached letter to the LJCPA support denial of the Project and strongly believe denying the Project is the only appropriate action that should be taken by the Commission. However, should the Planning Commission vote to approve the Project, we request that the Planning Commission carefully take into consideration the fact that although the applicant has made promises to "correct" all the code violations in its current application, the applicant's history of *non-compliance* and total disregard for the City's past requests supports the concern that without specific conditions being imposed and a promise of enforcement from the City, these code violations will never be corrected and the applicant will be rewarded for going around the lawful, code-required process by building first and permitting later under the veil of ignorance. As the Hearing Officer stated at the administrative hearing that took place last December, the ignorance defense is hard to accept when the applicant earns his living in the development and construction business as an experienced professional developer. For this reason, should the Planning Commission vote to approve the Project, we respectfully urge the Planning Commission to impose the following conditions on the Project:

(1) allow for regular inspections of the property for a certain amount of time to ensure all unpermitted construction is brought up to Code and that any unlawful improvements that remain on the Property be removed with a major fine being imposed on the applicant for his egregious disregard for the law and proper development procedure;

(2) that all improvements and structures currently located in the public-right-of-way be removed since the applicant does not own fee title to the underlying public land and cannot adversely acquire title to the underlying public land where the structures are located; and,

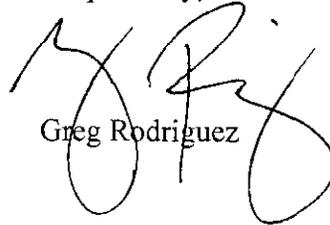
(3) require the applicant to provide documentation, which meets the approval of the City Attorney and this Commission, that the previously proposed Viewing Platform is no longer proposed by the applicant, the City or the CCC nor is it part of any mitigation requirement or settlement agreement associated with the Project or the Kretowicz property.

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Mr. Barry Shultz
September 24, 2008
Page 6

We appreciate your time and careful consideration of these materials.

Respectfully,



Greg Rodriguez

Attachments



THE CITY OF SAN DIEGO

City of San Diego
Office of the City Clerk
202 C Street
Second Floor
San Diego, CA 92101
(619) 533-4000

343
12/02

Recommendations
Community Planning Group/
Staff's/Planning Commission

002687

Project Manager **must** complete the following information for the Council docket:

CASE NUMBER: 149437

Staff's:

Please indicate the recommended action for each item (i.e. Resolution/Ordinance):

Certify the Mitigated Negative Declaration No. 149437, and Adopt the Mitigation Monitoring and Reporting Program; Approve Site Development Permit No. 527861; Approve Public Right-of-Way Vacation No. 527860; and Approve Easement Acquisition No. 584509.

Planning Commission:

(List names of Commissioners voting yea or nay)

YEAS: Naslund, Golba, Schultz, Griswold

NAYS: Otsuji

ABSTAINING: Ontai Recused, Smiley Absent

Recommended Action: Motion by Commissioner Naslund to Recommend City Council Not Certify Mitigated Negative Declaration No. 149437, and Not Adopt Mitigation Monitoring and Reporting Program; Not Approve Site Development Permit No. 527861; Not Approve Public Right-Of-Way Vacation No. 527860; and Not Approve Easement Acquisition No. 584509.

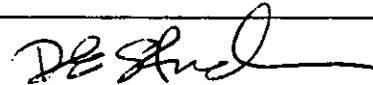
Community Planning Group:

Choose one:

LIST NAME OF GROUP:

- No officially recognized community planning group for this area.
- Community Planning Group has been notified of this project and has not submitted a recommendation.
- Community Planning Group has been notified of this project and has not taken a position.
- Community Planning Group has recommended approval of this project.
- Community Planning Group has recommended denial of this project.
- This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

The La Jolla Community Planning Association voted 14-0-0 to Recommend Denial. The La Jolla Shores Planned District Advisory Board voted 4-0 to Recommend Denial

By: 
Project Manager

*This information is available in alternative formats for persons with disabilities.
To request this information in alternative format, call (619)446-5446 or (800)735-2929 (TDD)*

12/2

342

From: McNair, Rae on behalf of CLK City Clerk
Sent: Tuesday, December 02, 2008 10:43 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Soria, Patricia; Vetter, Gary; Yepiz, Lauren; Young, Anthony
Subject: FW: Kretowiicz -Project No. 138513

From: aciani@cianiarchitecture.com [mailto:aciani@cianiarchitecture.com] **On Behalf Of** Anthony Ciani
Sent: Tuesday, December 02, 2008 10:00 AM
To: CLK City Clerk
Subject: Fwd: Kretowiicz -Project No. 138513

----- Forwarded message -----
From: Anthony Ciani <cianidesign@aol.com>
Date: Tue, Dec 2, 2008 at 9:57 AM
Subject: Kretowiicz -Project No. 138513
To: cityclerk@sandiego.gov
Cc: donnafrye@sandiego.gov

Dear City Clerk,

I can not attend today's City Council Hearing and request that you convey my opposition to approval of the Permits and Environmental Documents for the above referenced development.

I am strongly opposed to the after-the-fact approval of a Coastal Development Permit, Building Permits and Public Improvement permits that would not otherwise been approved because therequired findings can not be made. The various developments of this project violate the provisions of the original CDP, La Jolla Community Plan and LCP and directly and cummulative result in significant adverse impacts to Coastal Resources.

Tony Ciani

RECEIVED
 CITY CLERK'S OFFICE
 08 DEC - 2 AM 10:55
 SAN DIEGO, CALIF.