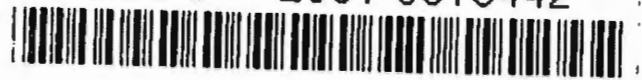


DOC # 2007-0573442



AUG 29, 2007 11:16 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 35.00
PAGES: 10



2007-0573442

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-4797

COASTAL DEVELOPMENT PERMIT NO. 237655
SITE DEVELOPMENT PERMIT NO. 242996
LESSER RESIDENCE - PROJECT NO. 76870
HEARING OFFICER

This Coastal Development Permit and Site Development Permit are granted by the HEARING OFFICER of the City of San Diego to Todd Lesser, Individual, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] 126.0701 and 126.0501. The 20,095 square-foot site is located at 2717 Hidden Valley Road, in the SF Zone of the La Jolla Shores Planned District, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone and within the La Jolla Community Planning Area. The project site is legally described as Lot 1, Hidden Valley View, Map No. 4718.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a new, second and first floor addition to an existing, two-story, single-family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated July 18, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of an approximate 2,694 square-foot, first and second floor addition to an existing, two-story, 2,768 gross square foot single family residence resulting in an approximate total of 5,462 square feet of gross floor area, including a 324 square-foot pool house, retaining walls and swimming pool, all on a 20,095 square-foot property.
- b. Existing Landscaping (planting, irrigation and landscape related improvements);
- c. Existing off-street parking facilities (two-car garage);
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan,

California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The applicant 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.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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.

ENGINEERING REQUIREMENTS:

11. All excavated material listed to be exported shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional standards Committee.

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

13. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

14. Prior to foundation inspection, the Owner/Permittee shall submit an building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit 'A', satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 17.5 ft driveway per current City Standards, adjacent to the site on Hidden Valley Road.

16. 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 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

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

GEOLOGY REQUIREMENTS:

20. An updated geotechnical report will be required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15 days of completion of grading operations.

Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of a grading or building permit, the permittee shall submit a site/plot plan consistent with the plans submitted for a building permit showing the required 30% landscaped area in a crosshatch pattern and labeled 'Landscape Area Diagram.'

22. Provide the following note on the 'Landscape Area Diagram': "All of the landscape to meet the 30% area requirement shall be installed as required by the La Jolla Shores Planned District Ordinance prior to final inspection."

23. Any modifications or changes to the 'Landscape Area Diagram' and existing or proposed plant material, as shown on the approved Exhibit 'A' Landscape Concept Plan, is permitted provided the resulting landscape meets the minimum area requirements of the La Jolla Shores Planned District Ordinance.

24. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

25. Prior to issuance of any construction permits for structures, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

26. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

27. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

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

29. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

30. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

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 Permittee.

32. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

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

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 section 66020.

APPROVED by the HEARING OFFICER of the City of San Diego on July 18, 2007, by Resolution No. HO-5802.

HEARING OFFICER
RESOLUTION NO. – HO -5802
COASTAL DEVELOPMENT PERMIT NO. 237655
SITE DEVELOPMENT PERMIT NO. 242996
LESSER RESIDENCE – PROJECT NO. 76870

WHEREAS, Todd Lesser, Individual, Owner/Permittee, filed an application with the City of San Diego to construct a new first and second floor addition to a existing two-story single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 237655 and 242996, on portions of a 20,095 square foot property;

WHEREAS, the project site is located at 2717 Hidden Valley Road, in the SF Zone of the La Jolla Shores Planned District, Coastal Overlay Zone (appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning Area;

WHEREAS, the project site is legally described as Lot 1, Hidden Valley View, Map No. 4718;

WHEREAS, on July 18, 2007, the HEARING OFFICER of the City of San Diego considered Coastal Development Permit No. 237655 and Site Development Permit No. 242996 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the HEARING OFFICER of the City of San Diego as follows:

That the HEARING OFFICER adopts the following written Findings, dated July 18, 2007.

FINDINGS:

Coastal Development Permit - Section 126.0708

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

The 20,095 square-foot project site is currently developed with an existing two-story single family residence within a well developed area of single family residential development. The development proposes to construct a new first and second floor addition to an existing two-story single family residence with an attached garage and is located approximately one mile from the coastline. The proposed development is contained within the existing legal lot area, which will not encroach upon any existing or proposed physical access to the coast. The project site is not located on or adjacent to an identified visual access corridor as identified within the La Jolla/La Jolla Shores Local Coastal Program. The project site is situated within a well developed residential

neighborhood. The proposed addition to the existing structure meets the development setbacks and height limit required by the SF Zone and the proposed addition will not block any identified visual corridor.

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

The 20,095 square-foot project site is currently fully developed with an existing two-story single family residence. The proposed addition includes approximately 550 cubic yards of grading and the site was found not to contain any form of Environmentally Sensitive Lands. The environmental review, determined that the project would not have a significant environmental effect and prepared Negative Declaration, Project No. 76870 under the California Environmental Quality Act (CEQA). The proposed addition to the existing single family residence does not potentially effect any environmentally sensitive lands.

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

The proposed construction of a new first and second floor addition to an existing two-story single family residence with an attached garage is on a site which has a residential land use designation. The environmental review, determined that the project would not have a significant environmental effect and prepared Negative Declaration, Project No. 76870 under the California Environmental Quality Act (CEQA). The project design was also determined to be in compliance with all of the applicable development regulations. Due to these factors the proposed construction of a new first and second floor addition to an existing two-story single family residence with an attached garage was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the Progress Guide, the certified Local Coastal Program Land Use Plan and General Plan.

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

The 20,095 square foot site, currently fully graded and developed with an existing single-family residence is located within an area of existing single family residences. The project site is approximately one mile from the Pacific Ocean and is not located between the first public road and the sea or coastline. Development of the project will be fully within the private property. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the further development of this site. The proposed construction of a new first and second floor addition to the existing single family residence takes access off the existing street, Hidden

Valley Road, with adequate off street parking. The existing character and pedestrian design of the street will be improved with street trees and remain residential.

Site Development Permit - Municipal Code Section 126.0504

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

The proposed construction of a first and second floor addition to an existing two-story single family residence with an attached garage to total approximately 5,462 square-feet of gross floor area will not adversely affect the La Jolla Community Plan, because the proposed development has been found consistent with the plan's residential land use designation, the development regulations of the SF Zone of the La Jolla Shores Planned District, allowed density, and design recommendations. The 20,095 square foot project site is designated for very low density residential development, which allows for the proposed residential use. The current proposal is for the construction of a new first and second floor addition to the existing two-story residence with an attached garage with existing vehicular access and parking to be taken from a driveway off of the public street, Hidden Valley Road.

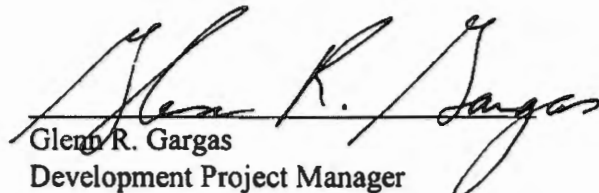
2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed construction of a first and second floor addition to an existing two-story single family residence with an attached garage for a total of approximately 5,462 square-feet of gross floor area on a 20,095 square-foot property has been designed to comply with all of the applicable development regulations, including those of the SF Zone of the La Jolla Shores Planned District. During environmental review, it was determined that the project would not have a significant environmental effect, which included an analysis of the project's potential impact on public health and safety, and prepared Negative Declaration, Project No. 76870 under the California Environmental Quality Act (CEQA). The construction of a new first and second floor addition to the existing single family residence with an attached garage would therefore 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 proposed construction of a first and second floor addition to an existing two-story single family residence with an attached garage, to total approximately 5,462 square-feet of gross floor area, was found to comply to the development regulations of the SF Zone of the La Jolla Shores Planned District and the Local Coastal Program for the La Jolla Community Plan area. The proposed addition is located on a site that was found not to contain any form of Environmentally Sensitive Lands. There is no identified public access and public recreation area on or adjacent to the project site and these stated resources will not be impaired by the further development of this site.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the HEARING OFFICER, Coastal Development Permit No. 237655 and Site Development Permit No. 242996, are hereby GRANTED by the HEARING OFFICER to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 237655 & 242996, a copy of which is attached hereto and made a part hereof.


Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: July 18, 2007

Job Order No. 42-4797

cc: Legislative Recorder, Planning Department

4438

Project No. 76870
 Type/PTS Approval Number of Document CDP No. 237655' &
SDP No. 242996
 Date of Approval July 18, 2007 STATE

OF CALIFORNIA
 COUNTY OF SAN DIEGO

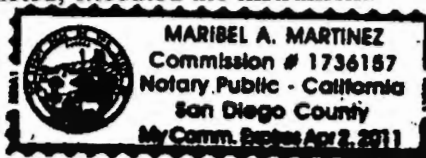
Glenn R. Gargas
 Glenn R. Gargas, Development Project Manager

On August 24, 2007, before me, Maribel A. Martinez, (Notary Public), personally appeared Glenn R. Gargas, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

Maribel A. Martinez
 Maribel A. Martinez



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED OWNER(S)/PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF OWNER(S)/PERMITTEE(S) THEREUNDER.

Signed

Todd Lesser
 Typed Name

Signed

 Typed Name

STATE OF

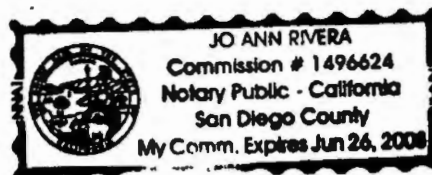
COUNTY OF

California
San Diego

On 8/20/07 before me, Jo Ann Rivera (Name of Notary Public) personally appeared Todd Lesser, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature



ORIGINAL