

April 24, 2020

Via email: kevin@mdla.net

Kevin Leon
Architect Mark D. Lyon, Inc.
410 Bird Rock Avenue
La Jolla, CA 92037

Subject: Salvagio Residence CDP/SDP Assessment Letter; Project No. 659048
Internal Order No. 24008551; La Jolla Community Plan Area

Dear Mr. Leon:

The Development Services Department has completed the first review of the project referenced above, and described as a Process 3 Coastal Development Permit and Site Development Permit to demolish an existing single-family residence and construct a two-story, 5,067 square-foot single-family residence with garage, carport, decks, balconies, and associated improvements at a site located at 411 Sea Ridge. The 0.21-acre site is in the RS-1-7 Zone, the Coastal (Appealable) Overlay Zone, the Sensitive Coastal Overlay Zone (Coastal Bluff), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Parking Impact Overlay Zone (Beach and Coastal), the Residential Tandem Overlay Zone, the Transit Overlay Zone, and the Transit Priority Area within the La Jolla Community Plan area, and Council District 1.

Enclosed is a Cycle Issues Report (Enclosure 1) which contains review comments from staff representing various disciplines. The purpose of this assessment letter is to summarize the significant project issues and identify a course of action for the processing of your project. If any additional requirements should arise during the subsequent review of your project, we will identify the issue and the reason for the additional requirement. To resolve any outstanding issues, please provide the information that is requested in the Cycle Issues Report.

The Development Services Department will generally formulate a formal recommendation for your project subsequent to completion of the following milestones: 1) After the City Council recognized Community Planning Group has provided a formal project recommendation; 2) After all City staff project-review comments have been adequately addressed; and 3) During the final stages of the environmental review process.

As your Development Project Manager, I will coordinate all correspondence, emails, phone calls, and meetings directly with you. Please notify me if you change your Point of Contact for the project.

I. REQUIRED APPROVALS/FINDINGS: The project requires a Process 3 Coastal Development Permit (CDP) and Site Development Permit (SDP). The decision to approve, conditionally

approve, or deny the project will be made by the Hearing Officer, and the decision is appealable to the Planning Commission. To recommend approval of your project, certain findings must be substantiated in the record. The findings for the project include the following:

Findings for CDP approval:

- 1) The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.
- 2) The proposed coastal development will not adversely affect environmentally sensitive lands;
- 3) The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and
- 4) For every proposed Coastal Development Permit issued for any coastal development between the nearest public road and the sea of 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.

Findings for SDP approval include:

- 1) 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
- 3) The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

II. SIGNIFICANT PROJECT ISSUES: The significant project issues are summarized below. Resolution of these issues could affect your project. Additional explanation is provided in the Cycle Issues Report (Enclosure 1).

- 1) Pursuant to San Diego Municipal Code Section (SDMC) 143.0143(j), a site specific analysis shall be conducted to determine and quantify the impact of the proposed development upon visual access to the ocean. If a visual corridor is feasible, the visual corridor shall be required as a condition of approval pursuant to SDMC section 132.0403.
- 2) Due to development near the coastal bluff, a condition of approval will require a waiver of liability against the public and any governmental agency for liability due to damage

from storm waves to real property associated with the improvement, which shall be recorded as a deed restriction against the property.

- 3) Revise the site plan to call out an additional 2.5 feet of right-of-way dedication along the property frontage to provide a 10 feet minimum curb to property line.
- 4) Revise the site plan to call out the closure of the non-utilized driveway, and replace it with a standard curb, gutter, and sidewalk adjacent to the site on Sea Ridge.
- 5) The project is located within the Parking Impact Overlay Zone, therefore, revise the site plan to provide a maximum driveway width of 12 feet.

III. STUDIES/REPORTS REQUIRED: A number of documents have been identified as necessary to the project's review. Reference the attached Submittal Requirements Report (Enclosure 2).

IV. PROJECT ACCOUNT STATUS: Our current accounting system does not provide for real-time information regarding account status. However, our records show approximately \$1,000 billed to date. No additional deposit is needed at this time. During the processing of your project, you will continue to receive statements with the break-down of staff charges to your account. Please contact me should you have questions about the charges.

V. TIMELINE: Upon your review of the attached Cycle Issues Report, you may wish to schedule a meeting with staff and your consultants prior to resubmitting the project. Please contact me if you wish to schedule a meeting with staff. During the meeting, we will also focus on key milestones that must be met to facilitate the review of your proposal and to project a potential timeline for a hearing date. Your next review cycle should take approximately 28 days to complete.

Municipal Code Section 126.0115 requires that a development permit application be closed if the applicant fails to submit or resubmit requested materials, information, fees, or deposits within 90 calendar days. Once closed, the application, plans and other data submitted for review may be returned to the applicant or destroyed. To reapply, the applicant shall be required to submit a new development permit application with required submittal materials, and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.

If you wish to continue processing this project, please note that delays in resubmitting projects and/or responding to City staff's inquiries negatively impact this Department's ability to effectively manage workload, which can lead to both higher processing costs and longer timelines for your project.

VI. RESUBMITTALS/NEXT STEPS: Resubmittals are done on a walk-in basis. Please check in on the third floor of the Development Service Center (1222 First Avenue). Please be prepared to provide the following:

- A. Plans and Reports: Provide the number of sets of plans and reports as shown on the attached Submittal Requirements Report. The plans should be folded to an approximate 8 ½ x 11 inch size.
- B. Response to Cycle Issues Report: Prepare a cover letter that specifically describes how you have addressed each of the issues identified in the Cycle Issues Report and any issues identified in this cover letter, if applicable. Or, you may choose to simply submit the Cycle Issues Report, identifying within the margins how you have addressed the issue. If the issue is addressed on one or more sheets of the plans or the reports, please reference the plan, sheet number, report or page number as appropriate. If it is not feasible to address a particular issue, please indicate the reason. Include a copy of this Assessment Letter, Cycle Issues Report and your response letter if applicable, with each set of plans.
- C. Deposit Account: Our most recent records show that there is a balance of \$15,000 in the deposit account for your project. However, please be advised that the cost of this review has not been posted to your account, and it may take four to six weeks to post these charges to the account. Statements are mailed to the Financially Responsible Party for this project on a monthly basis.

If an invoice is attached to this letter, you will need to pay the invoice prior to resubmitting your project. Additional deposits can be made online through Open DSD by entering your project number in the Project ID field: <http://opensd.sandiego.gov/web/approvals/>. Invoices can be paid online by searching for the invoice number: <http://opensd.sandiego.gov/web/invoices/> or in person at the Cashier, located on the 3rd Floor of the Development Services Center.

- D. San Diego County Clerk Fee: The San Diego County Clerk requires \$50 to post the required public notice informing the public that a draft environmental document has been prepared. A check made out to the San Diego County Clerk for this amount will be required prior to the distribution of the draft environmental document for public review.
- E. CEQA Filing Fees: If an environmental document is needed, a California Environmental Quality Act (CEQA) Notice of Determination (NOD) must be filed within five working days after the project's approval and all appeal periods have been exhausted. Filing the NOD would start a 30-day statute of limitations on legal court challenges to the approval under CEQA. The NOD must be accompanied by a California Department of Fish and Wildlife Fee (CDFG) filing fee or a CDFW "No Effect" form, and a San Diego County document handling fee.

If the applicant believes or has evidence (e.g. aerial images, photographs, etc.) to verify that the project will have no effect on fish and wildlife, please consult the process for "No Effect Determination" on the California Department of Fish and Wildlife web site: <https://www.wildlife.ca.gov/Conservation/CEQA/NED>. San Diego is in South Coast Region 5 and forms may be submitted via email to: R5NoEffect@dfg.ca.gov

Prior to scheduling your project for a decision, the following must be forwarded to me to be filed with the CEQA NOD:

- The **original** approved CDFW “No Effect” Form and a check for \$50 (handling fee) made payable to the “San Diego County Clerk”; or
- A check, payable to the “San Diego County Clerk” in the amount of \$2,404.75 (\$2,354.75 CDFW fee + \$50 handling fee) if a Negative Declaration or a Mitigated Negative Declaration was prepared for your project; **or** \$3,321 (\$3,271 CDFW Fee + \$50 handling fee) if an Environmental Impact Report was prepared for your project. Please include your project number on the check.

A receipt for the fee and a copy of the CDFW “No Effect” Form or NOD will be forwarded to you after the 30-day posting requirement by the County Clerk.

If your project is determined to be exempt from the provisions of the California Environmental Quality Act (CEQA), a Notice of Exemption (NOE) will be filed with the County Clerk after your project approval and all appeal periods have been exhausted. The County requires a \$50 documentary handling fee to file a CEQA NOE. Prior to scheduling your project for a decision, a check payable to the “San Diego County Clerk” in the amount of \$50 must be forwarded to my attention. Please include your project number on the check. A receipt for this fee and a copy of the NOE will be forwarded to you after the 30-day posting requirement by the County Clerk.

- F. Records Fee: Prior to scheduling your project for a decision you must pay the Records Fee to cover the cost of imaging and archiving your complete project record electronically (see Information Bulletin 503). Please forward to me a check payable to the “City Treasurer” in the amount of \$90.

VII. COMMUNITY PLANNING GROUP: Staff provides the decision maker with the recommendation from your locally recognized community planning group. If you have not already done so, please contact Tony Crisafi, President of the La Jolla Community Planning Association at (858) 869-2831 or by email at info@lajollacpa.org to schedule your project for a recommendation from the group. If you have already obtained a recommendation from the community planning group, indicate how your project incorporates any input suggested by the community planning group.

Information Bulletin 620, “Coordination of Project Management with Community Planning Committees” (available at <http://www.sandiego.gov/development-services>), provides some valuable information about the advisory role of the Community Planning Group. Council Policy 600-24 provides standard operating procedures and responsibilities of recognized Community Planning Committees and is available at <http://www.sandiego.gov/city-clerk/officialdocs/index.shtml>.

VIII. STAFF REVIEW TEAM: Should you require clarification about specific comments from the staff reviewing team, please contact me, or the reviewer directly. The names and telephone numbers of each reviewer can be found on the enclosed Cycle Issues Report.

IX. PROJECT ISSUE RESOLUTION CONFERENCE: Project Issue Resolution (PIR) conferences provide customers an opportunity to have issues heard and considered by executive department management. A PIR will be considered if, after the issuance of the third Assessment Letter for discretionary projects, customers and staff have been unable to resolve project issues. The PIR would address issues such as disagreements between the applicant and staff on interpretations of codes or ordinances, requests for additional information or studies, or project-related processing requirements. Any determinations from a PIR are not binding on any City decision-making body, such as City Council, Planning Commission, or Hearing Officer. Qualifying PIR requests should be coordinated with your Development Project Manager.

In conclusion, please note that information forms and bulletins, project submittal requirements, and the Land Development Code may be accessed on line at <http://www.sandiego.gov/development-services>. Many land use plans for the various communities throughout the City of San Diego are now available on line at <http://www.sandiego.gov/planning/community/profiles/index.shtml>.

Open DSD: To view project details online, visit: <http://www.sandiego.gov/development-services/opendsd/>.

For modifications to the project scope, submittal requirements or questions regarding any of the above, please contact me prior to resubmittal. I can be reached at (619) 557-7941 or by e-mail at xdelvalle@sandiego.gov.

Sincerely,



Xavier Del Valle
Development Project Manager

Enclosures:

1. First Cycle Issues Report
2. Submittal Requirements Report

cc: File
Tony Crisafi, President, La Jolla Community Planning Association
Reviewing Staff (Assessment letter only)