

August 10, 2020

Via email: [scottkivel@kivellaw.com](mailto:scottkivel@kivellaw.com)

Scott Kivel  
1228 Park Row  
La Jolla, CA 92037

Subject: Villa K-L NDP/CDP Assessment Letter; Project No. 619886  
Internal Order No. 24008068; La Jolla Community Plan Area

Dear Mr. Kivel:

The Development Services Department has completed the fourth review of the project referenced above, and described as a Process 2 Neighborhood Development Permit and an amendment to Coastal Development Permit No. 1217056 for new work at 1228 Park Row that includes a steel lattice structure, barbeque, metal rods at roof parapet, vehicle gates that encroach into the public right-of-way (ROW), and air conditioning condensers on the garage roof. Fences, retaining walls, trees in the ROW, and an opening in the carport were also identified in the inspection correction that was issued on April 17, 2018. The 0.22-acre site is located in the RS-1-7 Zone and Coastal (Non-Appealable) Overlay Zone 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 proposed project requires a Process 2 Neighborhood Development Permit (NDP) and an amendment to Coastal Development Permit (CDP) No. 1217056. The decision to approve, conditionally approve, or deny the project will be made by the Development Services Department, 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 include the following:

Findings for NDP Approval:

- 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 applicable regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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 CDP 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.

- II. SIGNIFICANT PROJECT ISSUES:** There are still multiple review comments that have not been addressed from the previous review cycles. Carefully review the Cycle Issues Report (Enclosure 1) and respond accordingly. Please contact me should you need a meeting to go over any of the comments.

- 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 \$2,077 in the deposit account. 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 any questions.
- 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.

San Diego 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: COVID-19 Update** - To ensure the health, safety and well-being of customers and department staff, the Development Services Department has implemented operational service changes that will be in effect until further notice. Please visit our webpage for latest updates, <https://www.sandiego.gov/development-services/covid-19-public-notice>. Please be prepared to provide the following:
  - A. Plans and Reports: Provide the plans and reports as shown on the attached Submittal Requirements Report.
  - 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 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.

- C. Deposit Account: Our most recent records show that there is a balance of \$2,077 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://opensds.sandiego.gov/web/approvals/>. Invoices can be paid online by searching for the invoice number: <http://opensds.sandiego.gov/web/invoices/> or in person at the Cashier, located on the 3<sup>rd</sup> Floor of the Development Services Department.

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.

- D. 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 (CDFW) 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](mailto: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.

- E. 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 the locally recognized community planning group. If you have not already done so, please contact Diane Keaton, President of the La Jolla Community Planning Association (CPA) at (858) 459-9490 or by email at [info@lajollacpa.org](mailto:info@lajollacpa.org) to schedule your project for a recommendation from the CPA. If you have already obtained a recommendation, please indicate how your project incorporates any input suggested by the CPA.

Development Services Department (DSD) Information Bulletin 620, "Coordination of Project Management with Community Planning Committees" (available at <https://www.sandiego.gov/development-services>), provides additional information about the advisory role the Community Planning Groups. Council Policy 600-24 provides guidance to the Community Planning Groups and is available at [https://docs.sandiego.gov/councilpolicies/cpd\\_600-24.pdf](https://docs.sandiego.gov/councilpolicies/cpd_600-24.pdf)

- VIII. STAFF REVIEW TEAM:** Should you require clarification about specific comments from the staff reviewing team, please contact me, or the reviewer. 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

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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/opensd/>.

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](mailto:xdelvalle@sandiego.gov).

Sincerely,



Xavier Del Valle  
Development Project Manager

Enclosures:

1. Fourth Cycle Issues Report
2. Submittal Requirements Report

cc: File  
Dian Keaton, Chair, La Jolla Community Planning Association  
Reviewing Staff (Assessment letter only)