

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON OCT 31, 2014
DOCUMENT NUMBER 2014-0475216
Ernest J. Dronenburg, Jr., COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 2:25 PM

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

INTERNAL ORDER NUMBER: 24003000

Site Development Permit No. 1314584
Coastal Development Permit No. 1012109
LAMBERT FELICE RESIDENCE PROJECT NO. 288444
Hearing Officer

This Site Development Permit No. 1314584 and Coastal Development Permit No. 1012109 are granted by the Hearing Officer of the City of San Diego to J. Robert Lambert and Robin M. Felice, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0708. The 0.30-acre site is located at 2382 Via Capri Court in the SF zone of the La Jolla Planned District within the La Jolla Community Plan. The project site is legally described as Lot 9 of Hidden Valley Hills, Unit No. 1, according to Map No. 3921, filed in the Office of the County Recorder of San Diego County, June 30, 1958.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct additions to an existing single family residence and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 8, 2014, on file in the Development Services Department.

The project shall include:

- a. Remodel and construction of a 1,286 square-foot addition to an existing 4,204 square-foot, single story, single family residence with a partial below grade garage, and a 554 square-foot, second garage for a total of 6,044 square feet;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by October 23, 2017.
2. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
3. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. 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.).
6. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
7. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
8. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable,

this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

9. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

10. Prior to the issuance of any construction permits, 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, satisfactory to the City Engineer.

11. 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 G of the City's Storm Water Standards, satisfactory to the City Engineer.

12. The drainage system proposed for this development and outside of the public right-of-way is private, shall be privately maintained and subject to approval by the City Engineer.

13. All driveways and curb openings shall comply with City Standard Drawings SDG-159 and SDG 164, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

14. Prior to issuance of any construction permit, the Owner/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."
15. The following note shall be provided on the "Landscape Area Diagram":
"All of the landscape to meet the 30 percent area requirement shall be installed as required by the La Jolla Shores Planned District Ordinance prior to final inspection."
16. 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.
17. 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.

PLANNING/DESIGN REQUIREMENTS:

18. Owner/Permittee shall maintain a minimum of two off-street parking spaces 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 appropriate City decision maker in accordance with the SDMC.
19. 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.
20. 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:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of

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

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

APPROVED by the Hearing Officer of the City of San Diego on October 8, 2014 and resolution number HO-6744.

Permit Type/PTS Approval No.: SDP No. 1314584

CDP No. 1012109

Date of Approval: October 8, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

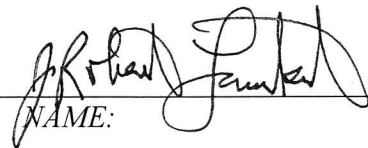


Tim Daly
Development Project Manager

**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.

J. Robert Lambert or Robin M. Felice
Owner/Permittee

By 
NAME: _____

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

**SEE ATTACHMENT FOR
OFFICIAL NOTARIZATION**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California

County of San Diego

On October 30, 2014

Date

before me

Stacie L. Maxwell, Notary Public

Name and Title of the Officer

personally appeared Tim Daly

Name(s) of Signer(s)



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]

Signature of Notary Public

Place Notary Seal Above

PTS 288444

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Lambert Police Res.

Document Date: October 8, 2014

Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

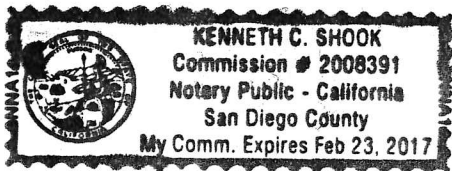
ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of **San Diego**

On 17 Oct 2014 before me, **Kenneth C. Shook, Notary Public,**

personally appeared J. Robert Lambert



who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Kenneth C. Shook

OPTIONAL

This information not required by law, but may prevent fraudulent removal and reattachment to another document.

Title/Type of Document

Lambert Felice Residence Project

Document Date

Number of Pages

6

CAPACITY(IES) CLAIMED BY SIGNER(S)

Signer's Name

☐ Individual

☐ Corporate Officer - Title(s)

☐ Partner

☐ Limited

☐ General

☐ Attorney In Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other

Signer Is Representing

Right Thumbprint
Of Signer

Signer's Name

☐ Individual

☐ Corporate Officer - Title(s)

☐ Partner

☐ Limited

☐ General

☐ Attorney In Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other

Signer Is Representing

Right Thumbprint
Of Signer

ORIGINAL

HEARING OFFICER RESOLUTION NO. 6744
SITE DEVELOPMENT PERMIT NO. 1314584
COASTAL DEVELOPMENT PERMIT NO. 1012109
LAMBERT FELICE RESIDENCE PROJECT NO. 288444

WHEREAS, J. Robert Lambert and Robin M. Felice, Owner/Permittee, filed an application with the City of San Diego for a permit to remodel and construct additions to an existing single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Numbers 1314584 and 1012109), on portions of a 0.30-acre site; and

WHEREAS, the project site is located at 2382 Via Capri Court in the SF zone of the La Jolla Planned District within the La Jolla Community Plan area; and

WHEREAS, the project site is legally described as Lot 9 of Hidden Valley Hills, Unit No. 1, according to Map No. 3921, filed in the Office of the County Recorder of San Diego County, June 30, 1958; and

WHEREAS, on October 8, 2014, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1314584 and Coastal Development Permit No. 1012109, pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, on August 29, 2014, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15301 (Existing Facilities); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

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 for Approval of Site Development Permit No. 1314584 and Coastal Development Permit No. 1012109 dated October 8, 2014.

FINDINGS:

Site Development Permit - Section 126.0504.

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

The proposed 1,286 square-foot addition, second, 554 square-foot garage, and remodel to an existing 4,204 square-foot, one-story, single family residence on a 0.30-acre lot will not adversely affect the La Jolla Community Plan and Local Coastal Land Use Plan. The proposed development is consistent with the plan's Very Low Density Residential land use designation and is not located adjacent to any public view. Additionally, the development meets the regulations of the SF Zone, allowed density, and design recommendations of the La Jolla Shores Planned District Ordinance. This overall design complies with the La Jolla Community Plan and Local Coastal Land Use Plan and therefore, the proposed additions to the existing single family

residential are in compliance with the City of San Diego adopted La Jolla Community Plan and the certified Local Coastal Program Land Use Plan.

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

The proposed 1,286 square-foot addition, second, 554 square-foot garage, and remodel to an existing 4,204 square-foot, one-story, single family residence 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 Ordinance. The proposed development contains specific conditions and corresponding exhibits to ensure compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls which include the review of all construction plans by professional staff to determine that construction will comply with all regulations, the inspection of construction to assure construction permits are implemented in accordance with the approved plans and verification that final construction complies with all regulations. Based on all these factors, the proposed development will not be detrimental to the public health, safety, and welfare of persons residing or working in the area.

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

The proposed 1,286 square-foot addition, second, 554 square-foot garage, and remodel to an existing 4,204 square-foot, one-story, single family residence, will comply with the development regulations of the SF Zone of the La Jolla Shores Planned District Ordinance and the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project does not propose any deviations to any of the applicable development regulations and does not negatively impact any public views as identified by the La Jolla Community Plan and Local Coastal Land Use Plan. Therefore, the proposed additions to the existing single family residence was found to be in compliance with all of applicable development regulations, specifically those of the SF Zone of the La Jolla Shores Planned District Ordinance and the Coastal Overlay Zone.

Coastal Development Permit - Section 126.0708

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.

The 0.30-acre lot is currently developed with a 4,204 square-foot, one-story, single family residence. The proposed development is to remodel and add a 1,286 square-foot addition to the residence and a 554 square-foot, second garage for a total of 6,044 square feet. The site is approximately 1.5 miles from the coastline. The proposed development is a low profile, one-story single family residence that will be entirely within the boundaries of the existing legal lot. The development will not encroach upon any existing or proposed physical access to the coast. The project site is not located adjacent to any identified public view as identified within the La Jolla

Community Plan and Local Coastal Land Use Plan. The project site is situated along Via Capri Court, within a developed single family residential neighborhood. The proposed additions to the single family residence meet the development setbacks and height limit required by the underlying zone and therefore, will not negatively impact any identified public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The 0.30-acre site was previously graded and is currently developed with a single family residence. The surrounding properties are also fully developed properties. Due to the previous disturbance of this site and surrounding properties, the proposed project was determined not to be subject to the Environmentally Sensitive Lands Regulations. Additionally, the proposed remodel and additions were determined to be Exempt from the California Environmental Quality Act (CEQA) and therefore, the proposed project would not adversely affect environmentally sensitive lands.

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

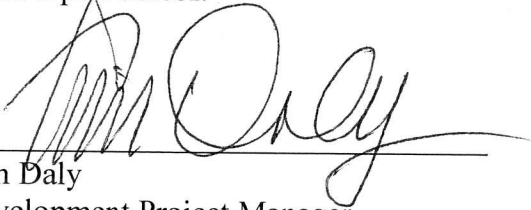
The proposed 1,286 square-foot addition, second, 554 square-foot garage, and remodel to an existing 4,204 square-foot, one-story, single family residence is located on a site that designates the land use as Very Low Density Single Family Residential. The environmental review determined that this project is exempt from the California Environmental Quality Act (CEQA). The proposed project was designed to be in compliance with all of the applicable development regulations, primarily those of the SF Zone of the La Jolla Shores Planned District and Coastal Overlay Zone. The project site is not located adjacent to any identified public view as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The project as designed is a relatively low profile home determined by City Staff and the La Jolla Community Planning Association to be in compliance with the La Jolla Community Plan and the certified Local Coastal Program Land Use 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 0.30 acre site, currently developed with an existing single family residence, is located within a well developed residential neighborhood approximately 1.5 miles from the coastline. The project site is not located between the first public road and the sea or coastline. The proposed 1,286 square-foot addition, second, 554 square-foot garage, and remodel to an existing 4,204 square-foot, one-story, single family residence will be entirely within the boundaries of the legal lot. There is no identified public access or public recreation area on or adjacent to the project site and these stated resources will not be impaired by the re-development of this site. The proposed single family residential project is designed to take access off the existing public street and has adequate off street parking. The existing character and pedestrian design of the streets and public walkways will be improved or remain unaltered. Therefore, the proposed development is in

conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1246655 and Coastal Development Permit No. 101210 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Numbers 1314584 and 1012109, a copy of which is attached hereto and made a part hereof.

A handwritten signature in black ink, appearing to read 'Tim Daly', is written over a horizontal line.

Tim Daly
Development Project Manager
Development Services

Adopted on: October 8, 2014

Job Order No. 24003000