

Public Roadway, the Parking Impact Overlay Zone, and the Residential Tandem Parking Overlay Zones of the La Jolla Community Plan area. The project site is currently developed with a single-story, 3,686 square feet, single-family home (Attachment 2). The house was built in 1972 within an urbanized community and is served by all utilities. The surrounding area is within the same zone and similarly developed with residential units to the north, west, and east, with open space areas located to the south. Topographically, the pie shape parcel lot is at an elevation of 377 feet above mean sea level (AMSL) at the north property boundary and slopes down to 343 feet AMSL at the southern tip of the property.

The proposed project site is located within the Residential Land Use Element of the La Jolla Community Plan (LJCP) and Local Coastal Program (LCP) Land Use Plan (Attachment 3). The LJCP designates the project site as Very Low Density Residential (0-5 dwelling units per acre). This density range is characterized by large, single dwelling unit, estate homes built on 10,000 to 40,000 square-foot parcels with steep slopes and/or open space areas. Furthermore, the LJCP states "This type of development is appropriate for the bluff top areas of La Jolla Farms..." and the RS-1-2 zone implement this designation.

In 1990, the City's Planning Director approved Coastal Development Permit No. 90-0132 to construct an 832 square-foot addition to the single family, but this addition was not constructed and the permit has since expired.

DISCUSSION

The proposed coastal development project proposes to demolish 77% of a 3,683 square-foot existing, single-story, single-family residence, and construct an 11,886 square-foot two story, single-family residence, with a new pool on the 0.83-acre lot. The proposed demolition and new construction in the Coastal Zone requires a Coastal Development Permit. The project site also contains environmentally sensitive lands in the form of steep hillsides and scattered native plant habitat at the south end of the lot and requires a Site Development Permit.

The new building will equal approximately 11,886 square feet of gross floor area with a Floor Area Ratio (FAR) of 0.33 and does not exceed the maximum FAR of 0.45 allowed for the underlying zone. In addition, the project will not exceed the 30-foot height limit in the coastal zone. The proposed development provides five off-street parking spaces, where two off-street parking spaces are required. The majority of the project site is finely graded and padded as a result of construction of the existing home and associated improvements of the property. Fine grading at the location of the concrete slab and footings for the foundation of the residence is required to implement the various improvement features proposed on the subject property.

The proposed residence is located adjacent to the City's Multiple-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) and is subject to those regulations. The proposed residence is 25 feet away from the MHPA on the south corner of the property. The proposed drainage system has been designed to direct all surface flows from the project site, north to the street public right-of-way and into the City's Municipal Storm Drain

System and will not impact the properties steep hillside area, the adjacent coastal canyon, or MHPA.

The La Jolla Farms Road is designated as a Scenic Roadway (i.e., partially obstructed views of the ocean between private properties) by the Community Plan and the project proposes dedicating two 10 feet wide view easements, one along the entire western property line and the other along the entire eastern property line.

The project site also contains an existing permitted wooden deck structure in the southern portion of the property and within the property's environmentally sensitive lands steep slope and habitat areas. The project proposes to repair the existing structure and meet the current 1-hour fire rating for the structure. In addition, the property owner will record a conservation easement for the remaining habitat (approximately 314 square feet) upon their property and south of the outermost footings of the wooden deck structure.

Community Plan Analysis:

The proposed development is within the La Jolla Community Plan and Local Coastal Program Land Use Plan and designates the site and surrounding area to the north, east and west as Very Low Density Residential (0-5 dwelling units/acre), and the canyon system south of the site as Parks/Open Space.

The surrounding area is single family in character and the project proposes a single-family home in conformance with specific policies and recommendations contained within the La Jolla Community Plan (including those regarding visual resources and community character). The project has been designed to avoid any adverse effect on the surrounding neighborhood and visual quality of the area. The surrounding neighborhood is built out with an eclectic mix of architectural styles and sizes of homes. The proposed project would adhere to community goals and has been designed in a manner so as not to intrude into any of the identified public view corridors. The home has also been designed to achieve a harmonious visual relationship between the bulk and scale of the existing and the adjacent structures.

The proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for the subject property per the adopted La Jolla Community Plan, the Environmentally Sensitive Lands regulations, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommends that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-2 zone. The proposed project will comply with all applicable provisions of the Municipal Code and Certified LCP and no deviations or variances are requested.

The exterior walls would be articulated and consist of earth tone colors, materials, stone features. The roof will be predominately sloped to no greater than 3.5:12. The project would be a custom design. The proposed home materials and architectural style would be compatible with the character of the surrounding homes. The project site would also be extensively landscaped in

order to soften and blend visual transitions between the proposed residence, hardscape surfaces, pool and other features. The project would therefore not create a negative aesthetic, or be incompatible (or markedly contrast) with the architectural design, bulk, scale, materials, height and style of other homes found in the surrounding neighborhood.

Environmental Analysis:

A Mitigated Negative Declaration (MND) No. 268481 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental affects to biological and historical (archaeological) resources. Subsequent revisions in the project proposal create the specific mitigation identified in the MND and a Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process. The project, as revised, now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided the draft environmental resolution and Mitigation, Monitoring, and Reporting Program, draft findings to support approval of the proposed development, and draft conditions of approval. City staff is recommending the Hearing Officer approve the project.

ALTERNATIVES

1. Approve Coastal Development Permit No. 944140 and Site Development Permit No. 944141, with modifications.
2. Deny Coastal Development Permit No. 944140 and Site Development Permit No. 944141, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Tim Daly, Development Project Manager

Attachments:

1. Project Location Map

2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Environmental Resolution with MMRP
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. Project Plans



Project Location

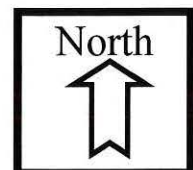
Contreras Residence, Project No. 268481
9554 La Jolla Farms Road

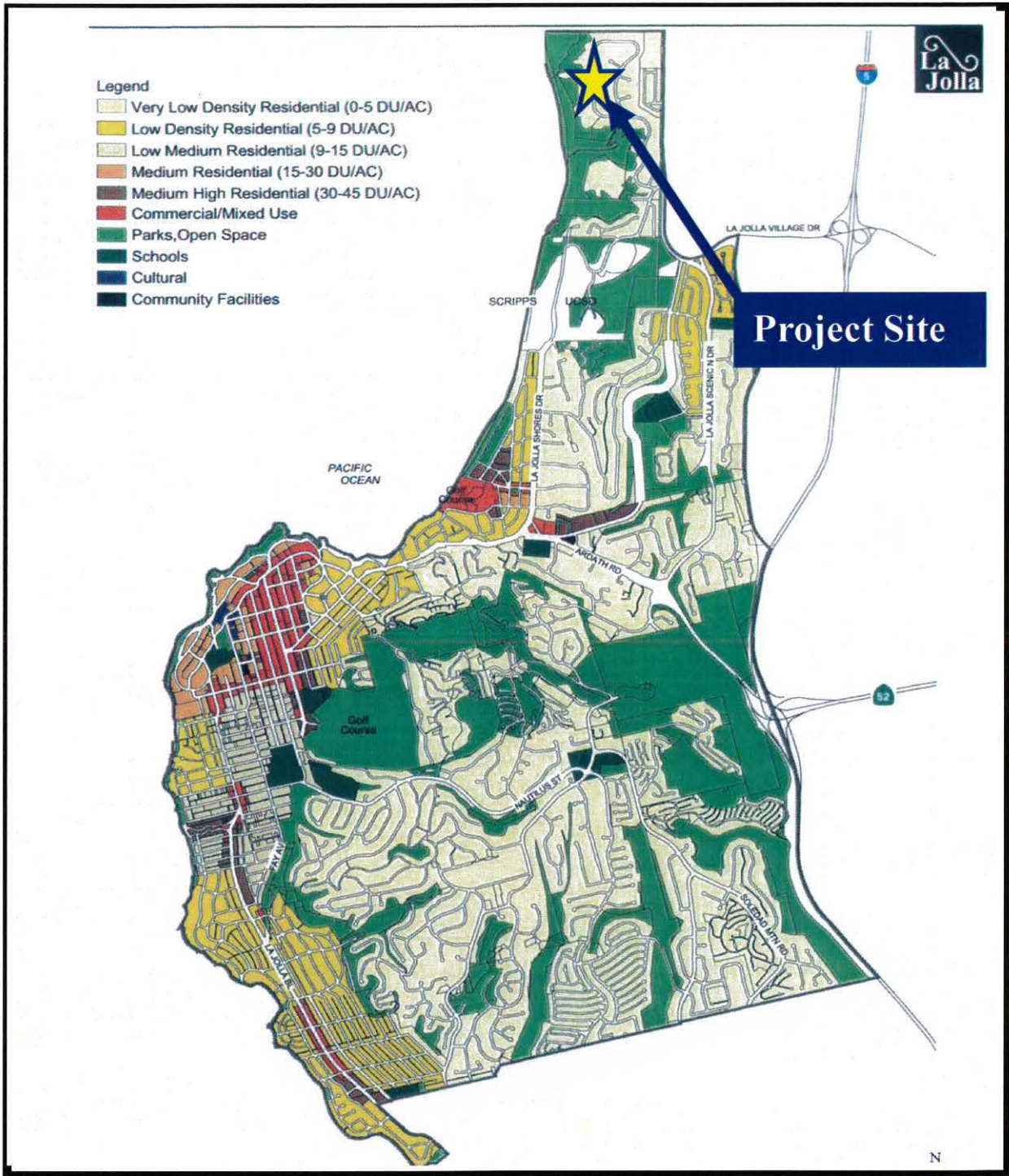




Aerial Photo

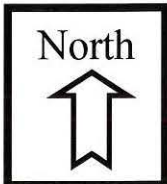
Contreras Residence, Project No. 268481
9554 La Jolla Farms Road





La Jolla Community Land Use Map

Contreras Residence, Project No. 268481
9554 La Jolla Farms Road



PROJECT DATA SHEET

PROJECT NAME:	Contreras Residence	
PROJECT DESCRIPTION:	Demolish an existing residence and construct a new 11,886-square-foot, two-story single-family residence.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (0-5 du/ac)	
<u>ZONING INFORMATION:</u>		
<p style="text-align: center;">ZONE: RS-1-2</p> <p style="text-align: center;">HEIGHT LIMIT: 30 maximum height limit</p> <p style="text-align: center;">LOT SIZE: Min. 20,000 square feet; 35,969 square feet existing</p> <p style="text-align: center;">FLOOR AREA RATIO: 0.45 Max.; 0.33 provided</p> <p style="text-align: center;">FRONT SETBACK: Min. 15 feet; 65 feet provided</p> <p style="text-align: center;">SIDE YARD SETBACK: Min. 32 feet combined; 32 feet provided (18'-8" and 13'-4")</p> <p style="text-align: center;">REAR SETBACK: Min. 25 feet; 147 feet provided</p> <p style="text-align: center;">PARKING: 2 parking spaces required; 5 provided</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Very Low Density Residential; RS-1-2	Residential
SOUTH:	Park/Open Space; RS-1-1	Open Space
EAST:	Very Low Density Residential; RS-1-2	Residential
WEST:	Very Low Density Residential; RS-1-2	Residential
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On May 3, 2012, the La Jolla Community Planning Association voted 14-0-1 to recommend approval of the proposed project with no additional conditions.	

HEARING OFFICER RESOLUTION NO.
Coastal Development Permit No. 944140
Site Development Permit No. 944141
CONTRERAS RESIDENCE PROJECT NO. 268481 - [MMRP]

WHEREAS, WHITEWATER SANDS-C, L.L.C., a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing 3,686 square feet single-family residence and construct a new two-story, approximately 11,886-square-foot single-family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 944140 and 944141), on portions of a 0.83-acre site;

WHEREAS, the project site is located at 9554 La Jolla Farms Road in the RS-1-2 Zone, the Coastal Overlay Zone (appealable), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Parking Impact Overlay Zone, and the Residential Tandem Parking Overlay Zones in the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 17 of La Jolla Farms, Map No. 3487 filed in the Office of the County Recorder, San Diego County on August 9, 1956;

WHEREAS, on December 12, 2012, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 944140 and Site Development Permit No. 944141 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 December 12, 2012.

FINDINGS:

Coastal Development Permit - Section 126.0708

A. Findings for all Coastal Development Permits

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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool. The nearby La Jolla Farms Road neighborhood, adjacent to, and across from, the proposed project, is fully developed. The property is not identified in the City's adopted Local Coastal Program ("LCP") Land Use Plan as a public access way. There is no physical access way used by the public on this property or any

proposed public access way as identified in the LCP Land Use Plan. There is a dedicated vertical easement between Torrey Pines Road and La Jolla Farms Road to the north of the site. There is a pedestrian and emergency vehicle access way via Blacks Canyon Road to the west of the site. There is another public access way to the west of the site via La Jolla Farms Scripps Knoll trail. The proposed development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the La Jolla Local Coastal Program Land Use Plan.

The proposed development conforms to all the requirements of the RS-1-2 Zone and the Environmentally Sensitive Coastal Bluff Regulations. The proposed home will not obstruct coastal or scenic view from any public vantage point. There will not be any increase in building footprint of the existing structure that would, from a public vantage point, result in public views blockage to, and along the ocean. The proposed home would be consistent with the height of many existing structures within this particular neighborhood. It has been concluded that implementation of the various improvement features will not obstruct public views to, or along the ocean and other scenic coastal area resources or as specified in the Local Coastal Program (LCP) and Land Use Plan. The development as proposed with the conditions of the permit will not affect the public views.

Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in a Local Coastal Program Land Use Plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The project site, located within an urbanized area of La Jolla, contains environmentally sensitive lands in the form of steep hillsides at the south end of the lot. The majority of the residence site is finely graded and padded as a result of construction of the existing home and associated improvements of the property. Fine grading at the location of the concrete slab and footings for the foundation of the residence is required to implement the various improvement features proposed on the subject property. No natural slopes, sensitive coastal or marine resources, or other environmentally sensitive areas will be adversely affected. The proposed home and pool are not located on the portion of the property containing the environmentally sensitive lands in the form of steep hillsides at the south end of the lot.

The project site is located in an urbanized area of the La Jolla Community Plan. The developed site does not contain sensitive biological resources. The site is twenty-five feet away from the steep hillsides at the south corner of the property. The proposed residence is designed and conditioned to meet all MSCP regulations and guidelines and does not affect the MSCP area. Therefore, the proposed development will not adversely affect environmentally sensitive lands. The new residence will conform will all applicable provisions of the Municipal Code and Certified LCP. No deviations or variances are requested.

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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The project is located in an area identified as Very Low Density Residential (0-5 du/ac), in the La Jolla Community Plan. The proposed residence would be consistent with the land use and would conform to all the requirements of the RS-1-2 zone, the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed project would adhere to community goals and has been designed in a manner so as not to intrude into any of the identified public view corridors. The home has also been designed to achieve a harmonious visual relationship between the bulk and scale of the existing and the adjacent structures.

The proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for the subject property per the adopted La Jolla Community Plan, the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommends that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-2 zone. The proposed project will comply with all applicable provisions of the Municipal Code and Certified LCP and no deviations or variances are requested.

Therefore, the proposed development is in conformity with the Certified LCP Land Use Plan and any other applicable adopted plans and programs in effect for this site.

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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The project site is located between the First Public Roadway and the Pacific Ocean. The property is a canyon edge lot located west of La Jolla Farms Road. Dedicated public access points are located to the west via Black's Canyon Road, and to the east via La Jolla Farm's Scripps Knoll trail. There will be no impact to public beach parking since the proposed residence will have five off-street parking spaces and all existing street parking would be maintained. The proposed site improvements would not encroach beyond the legal area of the subject property and would not

encroach on any of the adjacent residential lots. The project would conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 and the California Coastal Act.

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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The La Jolla Community Plan designates this lot for single-family residential development. The City of San Diego Progress Guide and General Plan, La Jolla Community Plan and LCP all apply to the land use designation for this site as very low density residential with regulations for minimum lot size and dimensional criteria. This project entails the construction of a new single family residence on a previously developed canyon edge lot. The design of the home will be compatible with the appearance of the existing neighborhood and incorporate façade, articulation, and architectural details similar in scale, color and appearance. The proposed home will not adversely affect any visitor-serving or recreational facility. No coastal scenic resources, recreational or visitor-serving facilities were identified on the project site. Therefore, no adverse impacts to such resources, would occur as a result of project implementation.

The project has been evaluated for compliance with the adopted La Jolla Community Plan. The proposed development plans will not conflict with these land use plans. Through the review of the proposed project, it was determined to be consistent with the plan's land use designation and the development regulations of the RS-1-2 Zone. Therefore, the proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources and will not adversely affect the applicable Land Use Plan.

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

The 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

This project has been designed to comply with all of the applicable development regulations. The subject site is developed and zoned for, and surrounded by, single-family residential use. The permit, controlling the development and continued use of this site, contains conditions addressing

project compliance with the City's 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 will require compliance with several operational constraints and development controls, to assure the continued health, safety, and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site and prevent adverse affects to those persons or other properties in the vicinity. All aspects of the development comply with the land use regulations so that the proposed development with the conditions of the permit, which include compliance with all applicable building codes, regulations, and standards, will 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, including any allowable deviations pursuant to the Land Development Code. The 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

This project complies with the development regulations of the RS-1-2 Zone, Environmentally Sensitive Lands Regulations, and the Local Coastal Program in La Jolla. The scale, design, and character incorporated into the proposed home are consistent with the scale, design and character of the existing single family development in the surrounding area. The proposed home will incorporate building materials and colors consistent with existing homes in the vicinity. The proposed project will be visually compatible with the architectural materials and varied design themes of existing one and two-story residential developments along this coastal zone. The proposed home will enhance the visual quality of the site and surrounding area. With the adoption of the permit conditions, the proposed single-family residence will be in conformance with all relevant regulations including floor area ratio, setbacks, height, parking and all other relevant regulations. No deviation or variances are proposed for the project. Therefore, the proposed development complies with the applicable regulations of the San Diego Municipal Code/Land Development Code.

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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The project site contains environmentally sensitive lands in the form of steep hillsides at the south end of the property. The subject property is not identified in the City's adopted Local Coastal

Program (“LCP”) Land Use Plan as a public access way. There is no physical access way legally used by the public on this property, or any proposed public access way as identified in the LCP Land Use Plan. There is a pedestrian and emergency vehicle access way via Black’s Canyon Road to the west of the site. There is another public access way to the west of the site via La Jolla Farms Scripps Knoll trail. The subject property is privately owned and improved with a single-family residence, and therefore would not encroach upon any existing physical access way legally utilized by the general public. The existing project site is finely graded and proposes minimum fine grading for new concrete pads and footings for the proposed residence. No environmentally sensitive lands will be affected by the proposed project.

No adjacent public parks or public recreational areas adjacent to and immediately surrounding the subject site will be adversely affected. No impacts to these resources would occur as a result of the development. Therefore, the site is physically suitable for the design and siting of this proposed residence and the developmental proposal. The project as designed and conditioned will ensure the sensitive coastal bluff will not be adversely impacted by the demolition of the existing residence nor the proposed home.

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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The site is located on a relatively flat building pad with a steep hillside on the southern part of the property that leads to the canyon edge. The site is located in Geologic Hazard Category 53 (level or sloping terrain with unfavorable geologic structure, low to moderate risk) and in Geologic Hazard Category 51 (level mesas, underlain by terrace deposits and bedrock, nominal risk) according to the City of San Diego Seismic Map. The existing project site is finely graded and proposes minimum fine grading for new concrete pads and footings for the proposed residence. No environmentally sensitive lands will be affected by the proposed project.

The project as designed and conditioned will ensure the environmentally sensitive lands will not be adversely impacted by the demolition of the existing residence nor the proposed development. In addition, a permit condition requires that all drainage be directed away from the coastal bluff in order to reduce, control, or mitigate erosion of the steep hillside. Based on the geologic investigation report prepared by a certified engineering geologist and the above information, the site is stable enough to support the proposed residence and site improvements and the proper engineering design for the new structure would ensure that the potential for geologic and erosional hazards would not be significant.

The proposed project will not result in undue risk to floor hazards. The project site is not located within the FW (Floodway) or FPF (Floodplain Fringe) zones. The existing drainage system designed for the project is consistent with relevant requirements of the City Engineer and would minimize risks associated with runoff and erosion. With the exception of possible seismic shaking, significant geologic hazards were not observed and are not known to existing on the site

that would adversely affect the proposed project. The site is adjacent to a highly flammable area of native or naturalized vegetation and will require brush management. A Brush Management plan has been prepared and will be implemented during construction of the proposed project. Therefore, the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic, erosional forces and/or flood and fire hazards

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The project site contains environmentally sensitive lands in the form of steep hillsides at the south end of the property. The existing project site is finely graded and proposes minimum fine grading for new concrete pads and footings for the proposed residence. No environmentally sensitive lands will be affected by the proposed project. The project as designed on the northern portion of the lot and conditioned to ensure the environmentally sensitive lands will not be adversely impacted by the demolition of the existing residence nor the proposed development. In addition, a permit condition requires that all drainage be directed away from the coastal bluff in order to reduce, control, or mitigate erosion of the steep hillside. The existing and proposed home is sited and designed to prevent adverse impacts on any adjacent 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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The proposed residence is located adjacent to the City's Multiple-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) and is subject to those regulations. The proposed residence is twenty-five feet away from the MHPA on the south corner of the property. The house is over 300 feet from the MHPA. The proposed residence is designed and conditioned to meet all MSCP regulations and guidelines and conforms with the applicable Land Use Adjacency Guidelines of the MSCP Subarea Plan for lighting, drainage, landscaping, grading and noise.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The project is located approximately 1,000 feet from the existing public beach. The proposed development was designed and conditioned to include drainage control measures to direct drainage to the public street to ensure that the proposed structure would not contribute to the erosion of the canyon edge or public beaches and will not adversely impact local shoreline sand supply. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline and 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 0.83-acre site is located at 9544 La Jolla Farms Road, on the west side of La Jolla Farms Road and east of the Pacific Ocean. The project is located within the RS-1-2 of La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit, and the First Public Roadway Overlay Zones. The project proposes to demolish the existing, one story, single-family residence, and construct an 11,886 sq. ft. two story, single-family residence, with a new pool.

The property is located at the top of a canyon edge facing the Pacific Ocean. This project has been designed and conditioned to meet all Environmental Sensitive Lands regulations. A Mitigated Negative Declaration (MND) No. 166524 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental effects to biological resources and historical (archaeological) resources. Subsequent revisions in the project proposal create the specific mitigation identified in the MND and a Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process. The project, as revised, avoids or mitigates the potentially significant environmental effects previously identified. Therefore, the nature and extent of the mitigation required, as a condition of the permit is reasonable related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 944140 and Site Development Permit No. 944141 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 944140 and Site Development Permit No. 944141, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: December 12, 2012

Job Order No. 24002428

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: 24002428

Coastal Development Permit No. 944140
Site Development Permit No. 944141
CONTRERAS RESIDENCE PROJECT NO. 268481 [MMRP]
Hearing Officer

This Coastal Development Permit No. 944140 and Site Development Permit No. 944141 is granted by the Hearing Officer of the City of San Diego to Whitewater Sands-C, L.L.C., a Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0504. The 0.83-acre site is located at 9554 La Jolla Farms Road in the RS-1-2 Zone, the Coastal Overlay Zone (appealable), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Parking Impact Overlay Zone, and the Residential Tandem Parking Overlay Zones of the La Jolla Community Plan area. The project site is legally described as Lot 17 of La Jolla Farms, Map No. 3487 filed in the Office of the County Recorder, San Diego County on August 9, 1956.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to demolish approximately 77 percent of the existing 3,686 square feet single-family residence and construct a new two-story, approximately 11,886-square-foot single-family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 12, 2012, on file in the Development Services Department.

The project shall include:

- a. Demolish approximately 77 percent of the existing 3,686 square feet single-family residence and construct a new two-story, approximately 11,886 square feet single-family residence, patio deck, swimming pool, and play court area;
- b. Landscaping (planting, irrigation and landscape related improvements);

- c. Off-street parking;
- d. Repair existing wooden deck structure located on south corner of property to include one-hour fire rating.
- e. 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 *[ENTER DATE including the appeal time]*.
2. 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, or following all appeals.
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. 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.
5. 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.
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Game [CDFG] pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

9. 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.

10. 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.

11. 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.

12. 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

14. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 268481, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 268481, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Biological Resources; and
Historical (Archaeology) Resources.

ENGINEERING REQUIREMENTS:

16. The project proposes to export 540 cubic yards of material from the project site. 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.

17. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
18. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit "A," satisfactory to the City Engineer.
19. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlet in the La Jolla Farms Road Right-of-Way.
20. Prior to the issuance of any construction permits, the Owner/Permittee shall remove the existing mailbox in the La Jolla Farms Road Right-of-Way and replace to comply with USPS mailbox standards, to the satisfaction of the City Engineer.
21. Prior to the issuance of any construction permits, the Owner/Permittee shall relocate the existing two vehicle access gates out of the driveway visibility area triangles, to the satisfaction of the City Engineer.
22. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
23. 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.
24. 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.
25. 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.

LANDSCAPE REQUIREMENTS:

26. Complete landscape and irrigation construction documents consistent with the Land Development Manual's Landscape Standards shall be submitted 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.

27. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A," Landscape Development Plan.

28. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40-foot radius area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

29. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

30. Prior to issuance of construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the re-vegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Coastal Bluffs, and Beaches Guidelines and to the satisfaction of the Development Service Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A", on file in the Office of the Development Services Department.

31. Prior to issuance of construction permits for grading, the Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to the MHPA and sensitive coastal canyon, shall not include non-native, 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.

32. Any required planting that dies within three years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

33. Required shrubs or trees that die within three years or more after installation shall be replaced with 15-gallon size or 60-inch box size/15-foot BTH material, respectively. Development Services may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15-gallon shrub or 60-inch box.

34. The Owner/Permittee shall maintain non-permanently irrigated landscape located for a period not less than 25 months. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

35. All native plants located within Brush Management Zone 1 area shall be able to tolerate permanent irrigation.

MULTIPLE SPECIES CONSERVATION PROGRAM:

36. The Owner/Permittee shall use native plants only in the conservation easement area.

PLANNING/DESIGN REQUIREMENTS:

37. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." The Owner/Permittee is providing five (5) parking spaces. The 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.

38. 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.

39. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

40. Prior to the issuance of any construction permits, the Owner/Permittee shall record a View Corridor Easement preserving visual corridors of a minimum of 10 feet wide along the interior side yard setbacks as shown on the approved Exhibit "A," in accordance with SDMC section 132.0403.

41. In accordance with SDMC Section 132.0403(e), open fencing and landscaping may be permitted within the view corridors and visual access ways, provided such improvements do not significantly obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views.

42. Within the driveway visibility areas, all existing walls/fences exceeding three (3) feet in height shall be reduced to a maximum height of three (3) feet as shown on the approved Exhibit "A."

43. 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.

GEOLOGY REQUIREMENTS:

44. Prior to issuance of any construction permits, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department.

45. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

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 December 12, 2012 and *[Approved Resolution Number]*.

Permit Type/PTS Approval No.: CDP No. 944140

SDP No. 044141

Date of Approval:

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.**

Whitewater Sands-C, L.L.C.
Owner/Permittee

By _____
NAME:
TITLE:

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

RESOLUTION NUMBER HO-XXXXXXXX

ADOPTED ON December 12, 2012

WHEREAS, on January 12, 2012, MARK D. LYON submitted an application to Development Services Department for a Coastal Development Permit and a Site Development Permit, for the CONTRERAS RESIDENCE Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on December 12, 2012; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 268481 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Department staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project 268481.

By: _____
Tim Daly, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM****COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP)
PROJECT NO. 268481**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 268481 shall be made conditions of COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) as may be further described below.

V. **MITIGATION, MONITORING AND REPORTING PROGRAM:** To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures shall be the responsibility of the applicant. The mitigation measures are described below.

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required

mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

- 1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Biologist

Qualified Archaeologist

Qualified Native American Monitor

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at **858-627-3360**

- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 268481, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit

Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable

- 4. MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

- 5. OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/ Notes</i>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction Meeting
Archaeology	Archaeology Reports	Archaeology Site Observation
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Report	Biology/Habitat Revegetation Inspection
Biology	Land Use Adjacency Guidelines	Land Use Adjacency Issue Site Observations
Bond Release	Request for Bond Release Letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

BIOLOGICAL RESOURCES

Requirements for Land in Proximity to Biological Resources

Preconstruction Measures

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of Entitlements verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):

A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of Entitlements stating that a qualified Biologist, as defined in the City of San Diego Biological Review References (BRR), has been retained to monitor construction operations.

B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names and of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.

C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant salvage/ relocation requirements and timing (i.e. per coastal cactus wren requirements etc.), avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information/plans are completed and are placed on the construction plans and approved by City MMC.

D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and arrange to perform any measures site specific fauna/flora surveys/salvage.

Construction Measures

1. The project biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (i.e. explain flag system for removal or retention, limit vegetation removal/demolition areas to fall only outside of sensitive biological areas).
2. As determined at the Precon Meeting, the qualified project biologist shall supervise the installation of the limit of work fence (per approved Exhibit A) to protect biological resources and during construction be on-site to prevent/note any new disturbances to habitat, flora, and/or fauna onsite. The biologist shall perform pregrading bird surveys; flag biological resources such as plant specimens etc. for avoidance during access (as appropriate). In the event of a positive bird nest survey, the biologist shall delay construction and notify City MMC to accommodate additional mitigation as needed/required.
3. All construction (including staging areas) shall be restricted to areas previously developed as shown on the aerial photo above (bare earth areas and dirt roads). The project biologist shall monitor construction activities as needed to ensure that construction activities do not

encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys.

Post Construction Measures

1. Prior to the release of the construction bond, the project biologist shall submit a letter report to the ADD of Entitlements that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Development Code, to the satisfaction of the City ADD.
2. The Principal Qualified Biologist (PQB) shall submit two copies of the Final Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
3. The PQB shall submit any required revised Report to MMC (with a copy to the Resident Engineering (RE)) for approval within 30 days.
4. MMC will provide written acceptance to the PQB and RE of the approved report.

Nesting Bird Mitigation (General) – Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

1. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. February 1-September 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
 - A. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting birds are detected per "A" above, mitigation under "A" is not required.

Species Specific Mitigation (Required to meet MSCP Subarea Plan Conditions of Coverage) Mitigation for Potential Impacts to California Gnatcatcher

1. Prior to the issuance of any grading or construction permit and/or prior to the preconstruction meeting), the ADD (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, WHICH EFFECT THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER WHOSE TERRITORY IS WHOLLY WITHIN/OR PARTIALLY WITHIN A MHPA AREA, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
- I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY MANAGER AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR
 - III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE

THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER. CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING* SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB(A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED IN PROJECT AREA MHPA'S DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

Revegetation-Ensure Prior to Permit Issuance (Entitlements Division Plan Check)

Prior to Permit Issuance the Permit Holder shall:

1. Direct the Qualified Project Biologist (QPB) to identify and adequately document all pertinent information from the approved conceptual revegetation plan including program goals and requirements shown on Exhibit A which include landscape construction documents (LCDs) and submit permit level construction plans to the City's Development Services Review Sections (Environmental, Landscape, Permits, etc.) Approval from MSCP Staff may also be required in this case. Information shall include but not be limited to: each type of habitat, specific species removal and replacement plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat (show and identify existing vegetation to remain), erosion and sediment control, performance/success criteria, inspection schedule, document submittals, contingency bonding, reporting schedule, tables, graphics, notes, and conformance check with the approved "Exhibit A" documentation associated with the Discretionary permit.
2. Direct the QPB to provide, on the LCD, a table showing types of each habitat impacted and how it is to be restored and or enhanced along with the corresponding acreage and/or total number of plants being replaced as well as specific success criteria for each type of habitat and each reporting period
3. Direct the QPB to ensure the LCD includes comprehensive notes addressing the 120 day Plant Establishment Period (PEP) and the 24 Month Monitoring Revegetation Period (which occurs after PEP) is accepted by the City. Notes shall also address and provide recommendations for the ongoing maintenance requirements (after final acceptance of the LTMMP by the City).
4. Direct the QPB to ensure the LCD includes a note requiring the Permit Holder to enter into a bonded Biological Mitigation Agreement to assure success of the revegetation during the LTMMP. This may not be necessary when the construction permit that has an associated performance bond that is active and has included the revegetation and monitoring costs in their entirety within it and adequately assures success of the revegetation program to the satisfaction of MMC.

Prior to Start of Construction the Permit Holder shall hold a Preconstruction Meeting (Pre Con) and shall:

1. Direct the QPB to attend the Pre con Meeting (refer to Requirements for Land in Proximity to Biological Resources above for additional information)

During Construction the Permit Holder shall have a Project Biologist Present During Construction/Grading/Excavation/Planting/Irrigation and shall:

1. Direct the QPB to supervise the placement of the orange construction fence (refer to Requirements for Land in Proximity to Biological Resources above for additional information)

During Plant Installation the Permit Holder shall:

1. Direct the QPB to ensure that all clearing, grubbing, grading, contouring, excavation, trenching, installation of plant materials, and any necessary actions required during installation are done per the approved LCD.
2. Direct the QPB to review the mitigation area and assess completion of the installation and submit a letter report to Permit Holder who then submits it to RE/MMC requesting the Plant Installation Inspection. RE/MMC will review the report and schedule the inspection (walk thru). Upon completion of the Plant Installation Inspection, including all punch list items, MMC will provide written acceptance of plant installation to the RE and Permit Holder.
3. Direct the QPB to begin the 120 Plant Establishment Period (PEP) monitoring.

During the 120 Day Plant Establishment Period (PEP) the Permit Holder shall:

1. Direct the QPB to ensure that all maintenance and/ or remedial activities required during the 120 day PEP are done per approved LCD/BCME.
2. Direct the QPB to supervise the maintenance and be responsible for the monitoring of the revegetation mitigation area for a minimum of 120 Days. Maintenance visits shall be conducted on a weekly basis throughout the PEP, unless otherwise noted in the MMRP and/or LCD/BCME.
3. Direct the QPB to review the mitigation area and assess completion of the PEP and submit a report to the Permit Holder who will then submit the report to RE/MMC requesting the PEP inspection. RE/MMC will review the report and schedule the inspection (walk thru). Upon completion of the PEP inspection, including all punch list items, MMC will provide written acceptance of the PEP to the RE and PERMIT HOLDER.
4. Direct the QPB to begin the 25-Month, Long Term Maintenance and Monitoring Period (LTMMP).

During Post Construction the Permit Holder shall conduct a 25-Month, Long Term Maintenance and Monitoring Period (LTMMP) and shall:

1. Direct the QPB to ensure the required LTMMP activities and reporting shall include all items and performance standards described in the LCD/BCME.
2. Direct the QPB to evaluate the Revegetation effort both qualitatively and quantitatively to determine compliance with the performance standards identified on the LCD/BCME.
3. Direct the QPB to supervise the removal of the temporary irrigation system and construction BMPs and to verify this in writing on the final post-construction phase CSVR.

During Post Construction the Permit Holder shall submit Progress and Annual Monitoring Reports and shall:

1. Direct the QPB to submit Annual Reports summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following that phase of required monitoring. A request for inspection shall accompany each annual report. After reviewing each report, MMC will schedule the inspection.

During Post Construction the Permit Holder shall submit a Final Monitoring Report and shall:

1. Direct the QPB to evaluate success of the mitigation effort and prepare a Final Monitoring Report upon achievement of the 25 month performance/success criteria.
2. Direct the QPB to submit the Final Monitoring Report and any outside agency reports to the RE/MMC for review and approval. A request for a final inspection shall also be submitted at this time. After review of the report RE/MMC will schedule the Final Inspection.
3. Direct the QPB to coordinate the final acceptance of the Revegetation Project. If at the end of the 25-months any of the revegetated/restored area fails to meet the project's final success criteria, the Permit Holder must consult with RE/MMC to resolve the situation.
4. It is the responsibility of the Permit Holder to understand that failure of any significant portion of the revegetation area may result in implementation of the contingency/remediation requirements to replace or renegotiate for failing portion(s) of the site and/or extend the establishment/maintenance/monitoring period until all success criteria are met to the satisfaction of MMC Staff.

MSCP Subarea Plan Land Use Adjacency Guidelines Mitigation

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the City ADD (or designee) shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:
 - A. Drainage - All new and proposed developed areas in and adjacent to the preserve must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems shall be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance shall include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay

compounds) when necessary and appropriate. In general, any man-made storm drains draining into the MHPA shall employ dissipation and filtering devices. Compliance with City of San Diego Engineering Drainage Standards shall be ensured to the satisfaction of the ADD and City Engineer.

- B. Toxics - Land uses, such as urban development, recreation and agriculture, that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. In addition, no trash, oil, parking, or other construction/development-related material/activities shall be allowed outside the established limits of disturbance (i.e. outside of the paved existing access roads). Measures shall include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance shall be provided. Where applicable, this requirement shall be incorporated into leases on publicly owned property as leases come up for renewal.
- C. Lighting- Lighting of all developed areas adjacent to the MHPA shall be directed away from the MHPA. Where necessary, development shall provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting. All lighting shall also comply with City Outdoor Lighting Regulations LDC 142.0740
- D. Noise -Uses in or adjacent to the MHPA shall be designed to minimize noise impacts. Berms or walls shall be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses (i.e. construction) or activities adjacent to breeding areas must incorporate noise reduction measures to reduce noise below 60 dB and/or be curtailed during the general and sensitive bird breeding season (February 1-September 15) per the City and Wildlife Agency protocol. Adequate noise reduction measures shall also be incorporated for the remainder of the year.
- E. Barriers- New development adjacent to the MHPA shall be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.
- F. Invasives - No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the Fire Marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands per LDC 142.045(b)(2). Prior to issuance of any notice to proceed, the ADD Environmental designee shall verify that the construction plans specify that areas within or adjacent to the MHPA shall be hydroseeded or planted with a native seed mix and or native container stock, as shown on Exhibit A. All revegetation within 100 feet of native habitat must be native chaparral or coastal sage scrub species. No

deviations shall be made from the EAS approved Exhibit A without prior EAS approval.

- G. Brush Management - New development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Brush management zones will not be greater in size that is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible per LDC 142.0412(d) and (h)(4). For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party. For existing project and approved projects, the brush management zones, standards and locations, and clearing techniques will not change from those required under existing regulations.
- H. Grading/Land Development- Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Permit Issuance

A. Entitlements Plan Check

- 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

- 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
- 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
- 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section 3.B-C and 4.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section 4 below.

- a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
- b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.

2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

5. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections 3 - During Construction, and 4 - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction and 4- Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

6. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical

Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

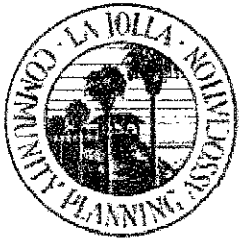
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section 4 – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.



PO Box 889, La Jolla, CA 92038
<http://www.LaJollaCPA.org>
 Voicemail: 858.456.7900
info@LaJollaCPA.org

President: Tony Crisafi
 Vice President: Joe LaCava
 Treasurer: Orrin Gabsch
 Assistant Treasurer: Jim Fitzgerald
 Secretary: Dan Allen

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month
 La Jolla Recreation Center, 615 Prospect Street

Thursday, 3 May 2012

FINAL MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Tom Brady, Devin Burstein, Laura Ducharme-Conboy, Michael Costello, Dan Courtney, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Phil Merten, Cindy Thorsen, Fran Zimmerman.

Absent: Tim Lucas, Nancy Manno.

1. Welcome and Call To Order: Tony Crisafi, President, at 6:05 PM

2. Adopt the Agenda

Trustee Gabsch asked that the item from the Traffic and Transportation Board minutes concerning Hillel, 8966 Cliffridge Avenue, be on the Consent Agenda. It was added as item 9.G.

Approved Motion: Motion to adopt the Agenda as modified, (Gabsch/Fitzgerald, 10-2-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Fitzgerald, Gabsch, Little, Merten, Thorsen.

Opposed: Costello, LaCava.

Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 5 April Regular Meeting

Approved Motion: Motion to approve the Minutes of the 5 April Meeting, (Gabsch/Fitzgerald, 12-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Little, Merten, Thorsen.

Abstain: Crisafi.

4. Elected Officials Report - Information Only

A. San Diego City Council District 2 - Councilmember Kevin Faulconer

Rep: Katherine Miles, 619.236.6622, kmiles@sandiego.gov

Ms. Miles was not present.

B. San Diego City Council District 1 - Councilmember Sherri Lightner

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Ms. Demorest spoke about the upcoming City infrastructure bond, the enthusiastic turnout (over 400) at the Post Office public meeting, and the construction status of the new Cove and La Jolla Shores lifeguard stations.

5. Non-Agenda Public Comment - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

A. UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://physicalplanning.ucsd.edu>

Ms. Delouri brought copies of UCSD's planning department monthly update and newsletter; current projects of note are at Scripps Institute of Oceanography and the Jacobs Medical Center. She also reported that the new chancellor was just named. He is Pradeep Khosla, and he will take office 1 August.

General Public Comment

Pat Granger had questions and comment on the procedures practiced by the Traffic & Transportation Board.

Michael Morton provided copies of his letter of resignation from the La Jolla Shores Permit Review Committee and a copy of the reply he received from the City on his criticisms of the fairness of the process that the PRC

used in considering the Hillel project. The City has referred the matter to the Community Planning Association, and he asks for an investigation (see further under President's Report).

6. Non-Agenda Items for Trustee Discussion

Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

Trustee LaCava commented on the departure of David Schwab from the staff of the La Jolla *Light*, noting his service to the community, among other things covering our meetings, and adding that he will surely be missed.

Trustee Conboy announced an upcoming summer camp for middle school and high schoolers about architecture sponsored by the La Jolla Historical Society. **Trustee Brady** thanked **Trustee LaCava** and others who organized the Post Office meeting. **Trustee Little** asked questions about environmental review and committee member conflict of interest. **Trustee Costello** commented on the likely success of an effort to prevent commercial party use of the former MTV Real World house.

7. Officer's Reports

A. Secretary

Trustee Allen stated LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. By providing proof of attendance one maintains membership and becomes eligible for election as a Trustee. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application. Forms are on-line at www.lajollacpa.org.

B. Treasurer

Trustee Fitzgerald presented the results for the past month. April Beginning Balance: \$258.01 + Income \$164.50 – Expenses \$140.18 = May Beginning Balance: \$282.33. Expenses for the month included agenda printing and telephone expenses.

Trustee Fitzgerald commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests: LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. All donations are in cash to preserve anonymity.

8. President's Report – Action Items where indicated

A. Committee Appointments for ratification by trustees – Action item

To the Development Permit Review Committee: Dan Grunow, Mike Costello, Paul Benton (Chair), Lynne Hayes, Phil Merten,

To the La Jolla Shores Permit Review Committee: John Shenk, Phil Merten, Laura Ducharme-Conboy,

To the La Jolla Planned District Ordinance Committee: Orrin Gabsch, Glen Rasmussen, David Little,

To the Traffic and Transportation Board: Dan Courtney, Orrin Gabsch,

To the Coastal Access and Parking Board: Tom Brady, Dan Allen,

Representative to the Community Planners' Committee: Joe LaCava, Tony Crisafi - alternate.

Approved Motion: Motion to ratify the LJCPA appointments to the Joint Committees and Boards, (LaCava/Gabsch, 14-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

B. Ad Hoc Committee on Trustees Representing Project Applicants or Project Opponents – Action item

Appointees: Phil Merten - Chair, Mike Costello - Vice Chair, Laura Ducharme-Conboy, Jim Fitzgerald, Joe LaCava, Tony Crisafi, Cindy Thorsen, Rob Whittemore.

The committee will meet in May; time & place to be announced.

Approved Motion: Motion to ratify the appointments to the Ad Hoc Committee on Trustees Representing Project Applicants or Project Opponents, (Courtney/Thorsen, 11-2-2).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, Merten, Thorsen.

Opposed: Little, Zimmerman.
Abstain: LaCava, Crisafi.

C. Form Special Election Committee – Action item

Trustee Ray Weiss has resigned with regret that his professional travel obligations make it impossible to regularly attend the required number of meetings. **President Crisafi** commented on his valuable service. There being no volunteers to form a Special Election Committee, **President Crisafi** will make appointments.

D. Letters Concerning Possible Violations of Bylaws or City Policy 600-24 – Information item

There have been two letters received, from **Michael Morton** and **Bob Whitney**, on different subjects. These will be reviewed by the officers and results of the inquiries will be reported to the Trustees.

E. President Crisafi thanked Bob Marco for setting up the meeting room each month and thanked the office of Councilmember Lightner for accelerating the permits for the "Teardrop" paving, which is being done at night and was paid for by private donations through the La Jolla Community fund of the San Diego Foundation.

9. Consent Agenda – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next CPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

A. Contreras Residence

DPR ACTION: Findings can be made for a Coastal Development Permit and Site Development Permit to demolish existing residence and construct a 11,886 SF single-family residence on a 0.82 acre site at 9554 La Jolla Farms Road. 5-0-2

9554 La Jolla Farms Road - CDP and SDP for Environmentally Sensitive Lands to demolish existing residence and construct a 11,886 SF single-family residence on a 0.82 acre site.

B. Kates Residence

DPR ACTION: Based on the revised drawings of the driveway gate and pilasters, findings can be made for a Coastal Development Permit to demolish existing residence and construct a 7,965 SF single family residence on a 0.52 acre site at 1545 La Cumbre Drive. 6-0-1

1545 La Cumbre Drive - CDP to demolish existing residence and construct a 7,965 SF single-family residence on a 0.52 acre site.

C. Abelkop Residence

PRC Action: Findings can be made for a Site Development Permit. 5-0-1

2481 Rue Denise - 2,298 square feet addition to an existing single family residence on a 0.29 acre site.

D. Browar Residence

PRC ACTION: Findings can be made for a SDP and a CDP based on the plans presented to the committee dated by presenter 4/24/12 (and to be submitted to the City), with front setbacks of 9' 6" and arching stone wall set back 8' 6" as indicated on sheet 2 of 12. 4-1-1

2725 Inverness Court - Demolish existing single family residence and construct new 6,566 sf single family residence with associated site walls and swimming pool on a 58,540 sf lot

E. Taste of the Cove

T & T ACTION: Approval of street closures 8-0-0

Street Closures - Taste of the Cove event on Sept 6th, 2012.

F. Green Zone at 1025 Prospect Street

T & T ACTION: Denial of Green Zone 8-0-0

Consideration of a green zone at 1025 Prospect Street

G. UCSD Hillel Center for Jewish Life – Pulled by Trustee Gabsch

T & T ACTION: Approval 4-3-0

8966 Cliffridge Avenue; Right of Way vacation located on north side of 8900 block of La Jolla Scenic Drive and adjoining cul-de-sac.

Approved Motion: Motion

To accept the actions of the Development Permit Review Committee: (A) Contreras Residence: Findings can be made for a Coastal Development Permit and Site Development Permit to demolish existing residence and construct a 11,886 SF single-family residence on a 0.82 acre site at 9554 La Jolla Farms Road, and (B) Kates Residence: Based on the revised drawings of the driveway gate and pilasters, findings can be made for a Coastal Development Permit to demolish existing residence and construct a 7,965 SF single family residence on a 0.52 acre site at 1545 La Cumbre Drive, and forward the recommendations to the City,

To accept the actions of the La Jolla Shores Permit Review Committee: (C) Abelkop Residence: Findings can be made for a Site Development Permit, and (D) Browar Residence: Findings can be made for a SDP and a CDP based on the plans presented to the committee dated by presenter 4/24/12 (and to be submitted to the City), with front setbacks of 9' 6" and arching stone wall set back 8' 6" as indicated on sheet 2 of 12, and forward the recommendations to the City,

To accept the action of the Traffic & Transportation Board: (E) Taste of the Cove: Approval of street closures, and forward the recommendation to the City, (Gabsch/Burstein, 14-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

Approved Motion: Motion

To accept the action of the Traffic & Transportation Board: (F) Green Zone at 1025 Prospect Street: Deny Green Zone, and forward the recommendation to the City, (LaCava/Fitzgerald, 14-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

10. Reports from Other Advisory Committees - Information only

- A. La Jolla Community Parking District Advisory Board** – Inactive
- B. Coastal Access and Parking Board** - Meets 1st Tues, 4pm, La Jolla Recreation Center.
Did not meet in April or May
- C. Community Planners Committee** – Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego
Trustee LaCava referred the Trustees to an e-mail distribution on the subject of parking requirements for affordable housing. Also, the City Council is revising policies in its 600 series related to land use.
- D. La Jolla Parks & Beaches, Inc.** – Meets 4th Mon, 4pm, La Jolla Recreation Center

11. City of San Diego - Sewer and Water Group 820 – Information Only

Replacements in the Village bounded by Torrey Pines Road, Coast Blvd., Ivanhoe Street and Prospect Place. Construction of the project will affect portions of the following streets and locations: Jenner St., Cave St., Prospect St., and Silverado St. Tentative start date: September 2012; 10mos to complete. Residents & Merchants will receive notice 30 days prior to start of construction.

Michael Ninth and **Meryl Jimenez**, City of San Diego Engineering and Capital Projects department presented and a handout was distributed. The project was first presented to the community two years ago but has been delayed due to limited funds. The sewer main in Coast Walk trail will be abandoned in place with work there all done manually. Completion will be in October 2013 considering the summer moratorium. **Trustee Courtney** commented on night work problems, and **Trustee Thorsen** asked about general policy of coordinating street work by various agencies. **Trustee LaCava** commented on the project impact to the community since it involves main streets.

12. Keating Residence – Action item

9633 La Jolla Farms Rd - CDP to demolish existing residence and construct a 10,834 SF single-family residence on a 1.07 acre site.

PREVIOUS ACTION (April 2012): Pulled from Consent Agenda by Trustee Courtney

DPR ACTION (March 2012): Findings can be made for a Coastal Development Permit to demolish existing residence and construct a 10,834 SF single-family residence on a 1.07 acre site at 9633 La Jolla Farms Rd. 3-2-1

Trustee Courtney explained that he pulled the item in April because there were unresolved issues. Architects **Taal Safdie** and **Scott Maas** presented and owner **Dr. Keating** added information. FAR is 0.25 where 0.45 is allowed. East and west neighbors have written letters of support. **Trustees Gabsch, Fitzgerald, Merten, Costello, LaCava, Thorsen, Burstein, Zimmerman, Little** and **Conboy** contributed to the discussion. A principal issue was the rectangular 30-foot tower element and its proximity to one of the neighbors with respect to the Community Plan criterion for transitions. **Bob Collins** and **Dr. Jane Reldan** commented.

Approved Motion: Keating Residence: Findings can be made for a Coastal Development Permit to demolish existing residence and construct a 10,834 SF single-family residence on a 1.07 acre site at 9633 La Jolla Farms Rd, (Burstein/Thorsen, 11-3-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Courtney, Fitzgerald, Gabsch, LaCava, Little, Thorsen.

Opposed: Costello, Merten, Zimmerman.

Abstain: Crisafi.

13. Taccone Residence – Action item, full hearing at request of Applicant

7206 Rue de Roark - EOT for CDP 588201 and SDP 588202 to demolish an existing SFR and construct a 7,366 sf SFR with a 555 sf guest quarters on a 13,263.3 sf lot

PRC ACTION (April 2012): The findings can be made for an Extension of Time (EOT) for the project as presented, per San Diego Municipal Code 126.0111. 4-1-1

Architect **Claude-Anthony Marengo** answered a question from **Trustee LaCava** that there were no changes to the project plan. **Bernie Segal** representing neighbor Mary Lowe raised concern that notice was not received and that the permit may not have been recorded since it was not found on her title search, but he withdrew objections when details were provided by **Mr. Marengo**.

Approved Motion: Taccone Residence: Findings can be made for an Extension of Time (EOT) for the project as presented, per San Diego Municipal Code 126.0111, (LaCava/Burstein, 14-0-1).

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Merten, Thorsen, Zimmerman.

Abstain: Crisafi.

14. SDG&E: TL617 Underground Cable Replacement in La Jolla – Information Only

No representative was present.

15. Adjourn, at 7:30 PM.

Next Regular Monthly Meeting, 7 June, 6:00 pm.



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: **CONTRERAS RESIDENCE** Project No. For City Use Only: **268481**

Project Address: **9554 LA JOLLA FARMS RD. LA JOLLA CA. 92037**

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): _____

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: _____

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: _____

Project Title:	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? _____ Corporate Identification No. 20-8870084
 Partnership

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 names, titles 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 corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **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

Corporate/Partnership Name (type or print):
Whitewater Sand, LLC

Owner Tenant/Lessee

Street Address:
2249 ULRIC ST.

City/State/Zip:
San Diego CA 92111

Phone No: 858-349-0442 Fax No: 858-5986611

Name of Corporate Officer/Partner (type or print):
Michael Contreras

Title (type or print):
owner

Signature: Michael Contreras Date: 12/19/11

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

DEVELOPMENT SERVICES
Project Chronology
Contreras Residence – Project No. 268481

Date	Action	Description	City Review Time	Applicant Response
1/12/12	First Submittal	Project Deemed Complete		
2/21/12	First Assessment Letter	2/6/12 meeting with applicant for possible scope change.	40 days	
3/28/12	Second Submittal			36 days
5/7/12	Second Review Complete		40 days	
6/14/12	Third Submittal	Applicant requests multiple Single Discipline Review Cycles.		38 days
7/27/12	Third Review Complete		43 days	
9/21/12	Draft MND	Applicant/Staff prepare	56 days	
10/30/12	Final MND		39 days	
12/12/12	HO Hearing		43 days	
TOTAL STAFF TIME			261 days	
TOTAL APPLICANT TIME				74 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing Officer	11 months	