



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 19, 2014 REPORT NO. HO 14-011

ATTENTION: Hearing Officer

SUBJECT: McILVAINE RESIDENCE - PTS PROJECT NUMBER: 282104

LOCATION: 8415 Avenida De Las Ondas

APPLICANT: Bill Hayer, Hayer Architects

SUMMARY

Issue(s): Should the Hearing Officer approve the proposed demolition of a single-family home and the construction of a new single-family home in the La Jolla Shores Planned District?

Staff Recommendation(s) -

1. CERTIFY Mitigated Negative Declaration No. 282104 and ADOPT the Mitigation, Monitoring and Reporting Program (MMRP); and
2. APPROVE Coastal Development Permit No. 991359 and Site Development permit No. 991360.

Community Planning Group Recommendation – On November 1, 2012, the La Jolla Community Planning Association voted 11-0-1 (with the Chair abstaining) to recommend the project be approved after a plan revision decreased the number of bedrooms from five to four. On May 21, 2013, the La Jolla Shores Advisory Board voted 5-0-0 in favor of the project.

Environmental Review: Mitigated Negative Declaration No. 282104 has been prepared for the project in accordance with state of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

BACKGROUND

The project site is a 0.6-acre parcel located at 8415 Avenida De Las Ondas. The property is in the Single-Family (SF) Zone of the La Jolla Shores Planned District Ordinance (LJSPDO) and the La Jolla Community Planning area. The property is currently developed with a single-family home, detached two-car garage and a swimming pool. The surrounding hillside neighborhood is similarly developed with large single-family homes. The existing structure was constructed in 1954 in the Modern Custom Ranch style of architecture. The home and accessory structure were previously analyzed by the Planning - Historic staff and determined not to be historically significant.

DISCUSSION

Project Description

This application is requesting a Coastal Development Permit and a Site Development Permit to demolish the existing structures and develop the property with a new two-story over basement, 7,245 square-foot single family residence. The project requires the Coastal Development Permit for both the demolition of the existing structure and the new home construction within the Coastal Overlay Zone. The project requires the Site Development Permit because the property is in the La Jolla Shores Planned District Ordinance which also requires the discretionary action for new construction.

The project proposes to demolish the existing single-story ranch style home, a detached garage and storage building and the existing swimming pool. These elements would be replaced with a new two-story over a basement single-family home with attached garage, deck areas and a new pool. The new structure would include 7,811 square-feet of measurable gross floor area and an additional 3,212 square-feet of enclosed area made up of patios, storage and basement area.

The proposed project would utilize a classic Craftsman design style. The structure itself has multiple off-setting planes and articulations that minimize the bulk of the home. The low-pitched gabled roof extends to provide a covered patio entrance supported by several tapered columns on stone piers. The building façade includes exposed rafter tails and beams under deep roof eaves, double hung paned windows with custom tapered frames and cedar shingle siding. Building materials include a combination of stone, wood, glass and wrought iron in a variety of earth tone colors.

Regulatory Compliance

There are no outstanding issues with the McIlvaine project. The existing house was reviewed for historical significance and was subsequently cleared for demolition. The new structure is consistent with the low density residential land use designation in the community plan and the structure complies with the regulations of the La Jolla Planned District Ordinance. The size of the home would be compatible with the large custom homes in the vicinity. The project was reviewed and supported by the La Jolla community planning group and the La Jolla Shores

advisory board. Staff has applied conditions to ensure compliance with the Planned District Ordinance and the applicable sections of the Land Development Code. An environmental Initial Study determined the proposed project could have a potential impact on paleontological resources based on known areas of high sensitivity. A Mitigated Negative Declaration was prepared for the project, including a Mitigation, Monitoring and Reporting Program (MMRP) and has been incorporated as a part of the Coastal Development and Site Development Permit. The MMRP establishes preconstruction, construction and post construction procedures, including on-site monitoring during grading activities and establishes protocols for the discovery of any resource.

Conclusion

The proposed McIlvaine Residence project has been reviewed by the Development Services Department and determined to be consistent with the applicable land use plan, compliant with the Land Development Code and compatible with the surrounding community. The project would not have any adverse, unmitigated environmental impacts and would not be detrimental to the public's health, safety and welfare. The new single-family home would be a vast improvement to the existing 1954 ranch home and the project would greatly enhance and benefit the neighborhood. The project has the support of the recognized community planning groups and the City of San Diego review staff. Therefore, the required findings should be affirmed and the project should be approved.

ALTERNATIVES:

1. Approve Coastal Development Permit No. 991359 and Site Development permit No. 991360, with modifications.
2. Deny Coastal Development Permit No. 991359 and Site Development permit No. 991360, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

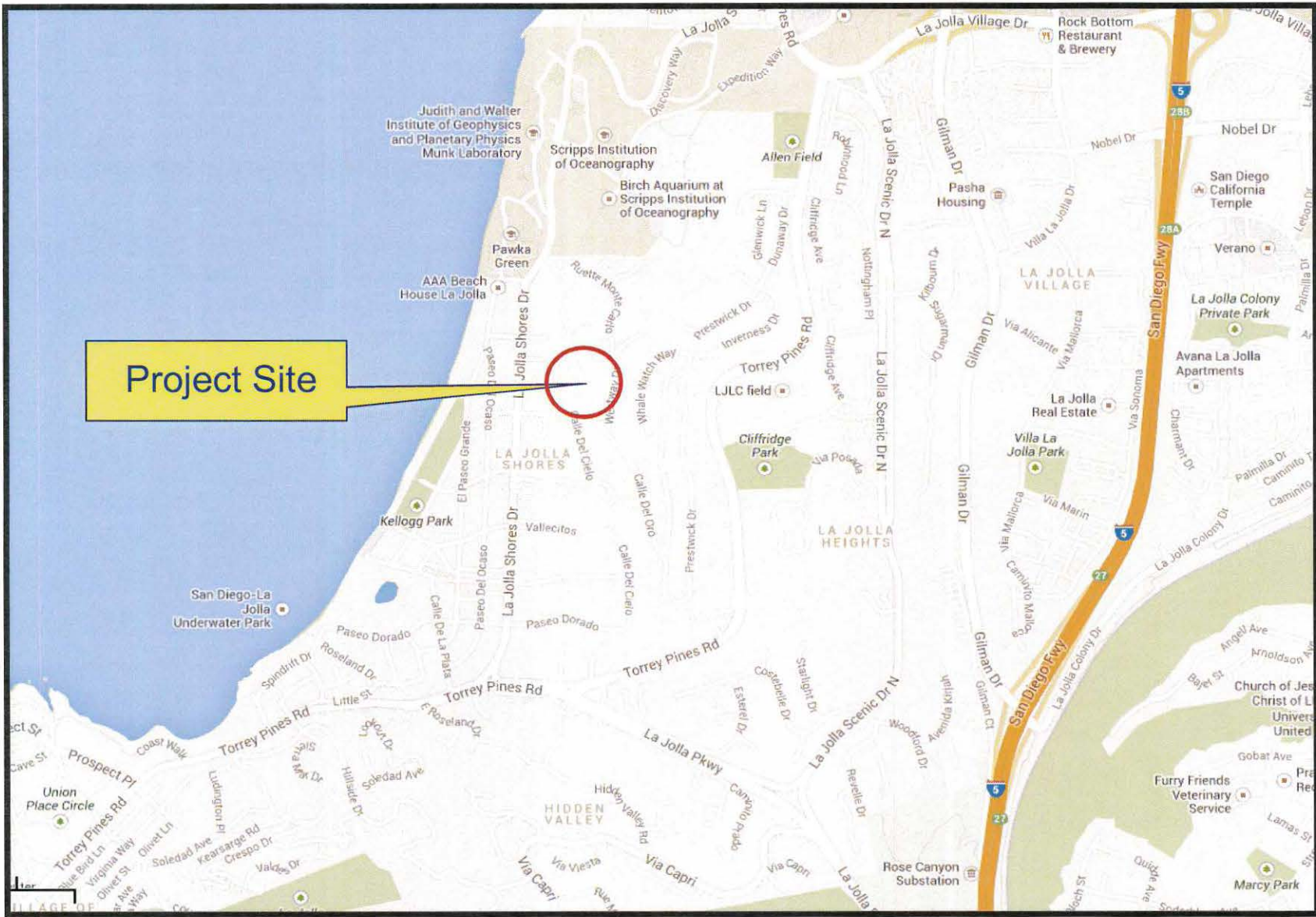


John P. Hooper, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP

7. Project Plans (Plan set forwarded to Hearing Officer)
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement

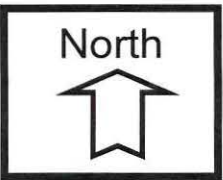


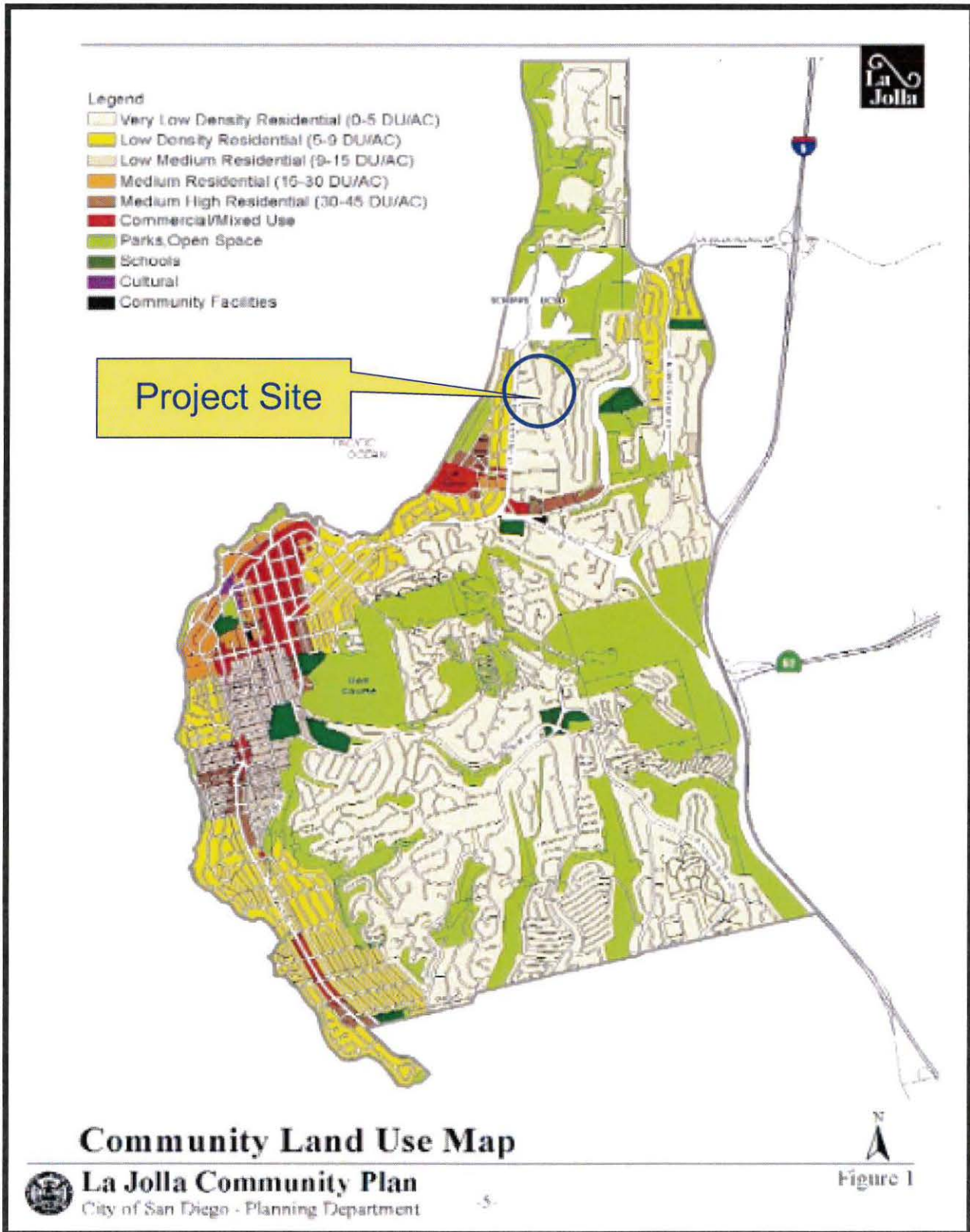
Project Site



Project Location Map

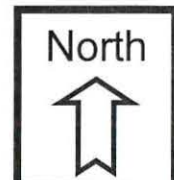
**McILVAINE RESIDENCE – 8415 AVENIDA DE LAS ONDAS
PROJECT NO. 282104**





Land Use Map

McILVAINE RESIDENCE – 8415 AVENIDA DE LAS ONDAS
PROJECT NO. 282104





Aerial Site Photo

McILVAINE RESIDENCE – 8415 AVENIDA DE LAS ONDAS
PROJECT NO. 282104

HEARING OFFICER RESOLUTION NO. **(DRAFT)**
COASTAL DEVELOPMENT PERMIT NO. 991359
SITE DEVELOPMENT PERMIT NO. 991360
MCILVAINE RESIDENCE - PROJECT NO. 282104
MMRP

WHEREAS JENNIFER McILVAINE, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single-family home detached garage and swimming pool and construct a new single-family home (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 991359 and Site Development Permit No. 991360, on portions of a 0.6-acre site; and

WHEREAS, the project site is located at 8415 Avenida de las Ondas in the SF Zone of the La Jolla Shores Planned District Ordinance within the La Jolla Community Plan; and

WHEREAS, the project site is legally described as: Lot 30 of La Jolla Shores Terrace, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2996, filed in the Office of the County Recorder of San Diego County, May 29, 1953; and

WHEREAS, on February 19, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 991359 and Site Development Permit No. 991360 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 February 19, 2014.

FINDINGS:

Coastal Development Permit - Section 126.0708

A.

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way 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 proposed Coastal Development is located within a fully developed subdivision approximately one-quarter mile from the shoreline. There is no existing public access through or from the project site used by the public nor does the Local Coastal Program propose any future public access on the project site or within the immediate vicinity. Similarly, there are no existing public views in, through or around the project site to or along the ocean or any other scenic views as specified in the Local Coastal Program that would be affected by the proposed coastal development.

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

An environmental initial study conducted by the City of San Diego determined the project as proposed could paleontological resources. Mitigated Negative Declaration No. 282104 was prepared and included a Mitigation, Monitoring and Reporting Program (MMRP) to address potential impacts to the sensitive resource. The MMRP establishes pre-construction, construction and post construction requirements including monitoring during excavation and grading activities, as well as protocols for any relics discovered during construction. The MMRP would reduce the potential impact to less than significant. The site contains no other environmentally sensitive lands.

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

The certified Local Coastal Program and regulations of the certified Implementation Program are the La Jolla Shores Planned District Ordinance, the Land Development Code, the La Jolla Community Plan and the City of San Diego General Plan. The proposed coastal development would comply with the La Jolla Shores Planned District Ordinance and all applicable regulations of the Land Development Code and would be consistent with the land use designation, density and goals of the La Jolla Community Plan and the City of San Diego General Plan. No variance or deviation is requested as a part of this application.

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 proposed coastal development is located at 8415 Aveneda de Las Ondas in the La Jolla Shores community. The project site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Further, the coastal development does not include any existing or proposed public access or public recreation therefore; the policies of Chapter 3 of the California Coastal Act would not apply.

Site Development Permit – Section 159.0210

B.

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

The project is within the La Jolla Community Plan which designates the site for low density residential development. The property is currently developed with a single-family home that would be demolished and replaced with a new single-family home. The recommended land use and density would remain consistent with the community plan and the size and scale of the proposed structure would be compatible with the surrounding neighborhood. Therefore; the proposed development would not adversely affect the applicable land use plan.

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

The proposed development would demolish an existing home and construct a new home that would be consistent with the community plan and compliant with the applicable zoning and building codes. The design, siting and construction of the structure would ensure the safety of the occupants and surrounding neighborhood. A thorough review of the project determined the proposed development posed only a potential impact to paleontological resources and a Mitigation, Monitoring and Reporting Program (MMRP) for monitoring during construction activities would be applied. Additionally, best management practices for pre and post construction activities would ensure the development of the structure would not adversely affect the surrounding properties. Therefore the proposed development would not be detrimental to the public health, safety or welfare.

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

The proposed development would comply with the La Jolla Shores Planned District Ordinance and all applicable sections of the City of San Diego Land Development Code. No variance or deviation is requested with this application.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 991359 and Site Development Permit No. 991360, 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. 991359 and Site Development Permit No. 991360, a copy of which is attached hereto and made a part hereof.

John P. Hooper
Development Project Manager
Development Services

Adopted on: February 19, 2014

Job Order No. 24002693

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

INTERNAL ORDER NUMBER: 24002693

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 991359
SITE DEVELOPMENT PERMIT NO. 991360
MCILVAINE RESIDENCE - PROJECT NO. 282104
Hearing Officer

This Coastal Development Permit No. 991359 and Site Development Permit No. 991360 are granted by the Hearing Officer of the City of San Diego to JENNIFER McILVAINE Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 159.0210. The 0.6-acre site is located at 8415 Avenida de las Ondas in the SF Zone of the La Jolla Shores Planned District Ordinance within the La Jolla Community Plan. The project site is legally described as: Lot 30 of La Jolla Shores Terrace, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2996, filed in the Office of the County Recorder of San Diego County, May 29, 1953

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing single-family home and accessory structures and construct a new single-family home described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 19, 2014, on file in the Development Services Department.

The project shall include:

- a. A two-story, 7,245 square-foot single-family home; and
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in

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

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by March 6, 2017.
2. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
3. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
5. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
6. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
7. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
8. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. 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.

11. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 282104, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 282104, 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 area:

1. Paleontological Resources

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveway with a 12-foot wide City standard driveway, on Avenida De Las Ondas, satisfactory to the City Engineer.
14. Prior to the issuance of any building permit, the Owner/Permittee shall remove the existing red brick pavers from Avenida De Las Ondas right-of-way, satisfactory to the City Engineer.
15. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the curb outlet locate in Avenida De Las Ondas right-of-way, satisfactory to the City Engineer.
16. 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.
17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.
19. The drainage system proposed for this development is private and subject to approval by the City Engineer.
20. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

21. Prior to issuance of a grading or building permit, the permittee shall submit a site/plot plan consistent with the plans submitted for a building permit showing the required 30% landscaped area in a crosshatch pattern and labeled "Landscape Area Diagram".
22. The following note shall be provided on the "Landscape Area Diagram": All of the landscape to meet the 30% area requirement shall be installed as required by the La Jolla Shores Planned District Ordinance prior to final inspection".
23. Any modifications or changes to the "Landscape Area Diagram" and existing or proposed plant material, as shown on the approved Exhibit 'A' Landscape Concept Plan, is permitted

provided the resulting landscape meets the minimum area requirements of the La Jolla Shores Planned District Ordinance.

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

PLANNING/DESIGN REQUIREMENTS:

25. 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." 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.

26. 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.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on February 19, 2014 pursuant to Hearing Officer Resolution No. **(DRAFT)**

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John P. Hooper
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.**

[JENNIFER McILVAINE]
Owner/Permittee

By _____
Jennifer McIlvaine
Owner

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

RESOLUTION NUMBER R-
MITIGATED NEGATIVE DECLARATION NO. 282104
MCILVAINE RESIDENCE
ADOPTED ON FEBRUARY 19, 2014

WHEREAS, on June 7, 2012, Jennifer E. McIlvaine, Owner, submitted an application to Development Services Department for a Coastal Development Permit and Site Development Permit for the McIlvaine 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 February 19, 2014; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 282104 (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, 92101.

BE IT FURTHER RESOLVED, that Development Services 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.

By: _____
John P. Hooper, Development Project Manager

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

MND Resolution Form for Any Decision Maker

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
 COASTAL DEVELOPMENT PERMIT _____
 SITE DEVELOPMENT PERMIT _____
MCILVAINE PROJECT NO. 282104

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. 282104 shall be made conditions of Coastal Development Permit No. _____ and Site Development Permit No. _____ as may be further 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 Paleontological 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) Number 282104 and /or Environmental Document Number 282104, 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

<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
Paleontology	Paleontology Reports	Paleontology site observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, 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 paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution 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.

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, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological 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. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)

The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.

3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. Monitoring shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records search data which supports monitoring at depths less than ten feet.
 - b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - c. MMC shall notify the PI that the PME has been approved.
4. 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 conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
5. Approval of PME and Construction Schedule

After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or moderate resource sensitivity. **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 PME.**
 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr'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 Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery 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.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - 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. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance cannot be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching Projects
- The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.
1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.

- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. 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 CSVR and submit to MMC via the RE via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-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.

V. 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 Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE 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 Fossil Remains
 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.
 4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



P.O. BOX 889
• LA JOLLA •
CALIFORNIA 92038

LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900
<http://www.LaJollaCPA.org> Email: Info@LaJollaCPA.org

Regular Meeting – 01 November 2012

Attention: Paul Godwin, PM
City of San Diego

Project: McIlvaine (Landa) Residence
8415 Avenida de las Ondas
PN: 282104

Motion: To accept the actions of the La Jolla Shores Permit Review Committee: The findings can be made for a SDP & CDP based on plans dated 5-10-2012 but presented today with bedrooms reduced from five to four with no change in footprint. 5-0-1 **Vote: 11-0-1**

01 November 2012

Submitted by: Tony Crisafi, President
La Jolla CPA

Date



THE CITY OF SAN DIEGO

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

Project No. For City Use Only

McILVAINE LANDA RESIDENCE

Project Address:

8415 AVENIDA DE LAS ONDAS, LA JOLLA, CA 92014

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):

Jennifer McIlvaine

 Owner Tenant/Lessee Redevelopment Agency

Street Address:

1421 Torrey Pines Rd

City/State/Zip:

La Jolla, CA 92037

Phone No:

858-232-2522

Fax No:

Signature:

Date:

6/10/12

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: