



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 2, 2010 **REPORT NO.** PC-10--079

ATTENTION: Planning Commission, Agenda of September 9, 2010

SUBJECT: WHITNEY MIXED USE - Project No.182513
Process 3

OWNER/ Bob Whitney, Owner
APPLICANT: Tim Martin, Martin Architecture, Applicant

SUMMARY

Issue(s): Should the Planning Commission approve or deny the appeals of the Hearing Officer decision to approve the demolition of an existing mixed use structure and the construction of a new mixed use condominium building within the La Jolla Community Plan area?

Staff Recommendations:

1. **Certify** Mitigated Negative Declaration No. 812513, and **Adopt** Mitigation, Monitoring, and Reporting Program; and
2. **Deny** the appeals and **Approve** Coastal Development Permit No. 662551, Site Development Permit No. 662678, and Tentative Map Waiver No. 683254.

Community Planning Group Recommendation: On October 1, 2009, the La Jolla Community Planning Association voted 14-1-1 to recommend denial of the proposed project (Attachment No. 13). See Discussion section for analysis.

La Jolla Shores Advisory Board: On April 20, 2010, the Board voted 4-0 with no consensus for a recommendation on the project (Attachment No. 14). See Discussion section for analysis.

Environmental Review: A Mitigated Negative Declaration No. 182513, 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 a level below significance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None

Housing Impact Statement: The project proposes to demolish the existing one single-story residence and one ground floor retail store, and construct a new mixed use development with two residential and one commercial condominium unit on the site. The proposed project is located within the La Jolla Shores Planned District area's Commercial Center (CC) Zone of the La Jolla Community Plan and the CC zone allows for community-serving commercial services, retail uses, and dwelling units with a minimum of 400 square feet. The proposed two residential units of 3,227 square feet and 2,890 square feet will meet the minimum square footage requirement and would provide a net gain of one additional unit. Also, prior to recordation of the Parcel Map, the applicant shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations.

BACKGROUND

The project site is located on a 0.09-acre lot at 2202 and 2206 Avenida de la Playa, on the northeast corner of El Paseo Grande and Avenida de la Playa intersection (Attachment No. 1), in the Commercial Center (CC) Zone of the La Jolla Shores Planned District, Coastal Overlay Zone (Non-appealable Area 2), Coastal Height Limit Overlay Zone, Residential Tandem Parking Overlay Zone, and the Parking Impact Overlay Zone (Beach Impact Area) of the La Jolla Community Plan area. The project site is currently developed with a one-story, single family residence and a retail store of approximately 1,538 square feet (Attachment No. 2).

The site is designated by the La Jolla Community Plan for commercial and mixed uses (Attachment No. 3). The purpose of the CC zone is to accommodate community-serving commercial services and retail uses. The project site is specifically located along Avenida de la Playa in La Jolla Shores and the specific recommendations for the various commercial areas are regulated and detailed in the La Jolla Shores Planned District Ordinance. The CC Zone allows for 100 percent lot coverage, zero setbacks, and no Floor Area Ratio (FAR) restriction. Also, commercial services on the ground floor area of a development shall not exceed 6,000 square feet and dwelling units require a minimum floor area of 400 square feet.

The proposed coastal development project will include the demolition of the existing structures on the 0.09-acre site, and the construction of a new three-story, mixed use building with residential and commercial condominiums (Attachment No. 4). The demolition and new construction in the Coastal Zone requires a Coastal Development Permit from the City. The project is also located in the La Jolla Shores Planned District area and requires a Site Development Permit for compliance with codified regulations of the La Jolla Shores Planned District Ordinance. Finally, the project requires a Tentative Map Waiver (Attachment No.5) for

the subdivision of a 0.091-acre site into one lot for two residential and one commercial condominium units, and to waive the requirement to underground existing offsite overhead utility facilities.

On July 28, 2010, the Hearing Officer of the City of San Diego considered the project's Coastal Development Permit, Site Development Permit, Variance, and Tentative Map Waiver. A Variance (Attachment No. 7) was requested for San Diego Municipal Code (SDMC) Division 2, Rules for Calculation and Measurement, sections 113.0273(a) and 113.0273(c), Measuring Visibility Area (Attachment No. 8), and applying these SDMC sections to project's development along Calle Clara, a public right of way street. However, after public testimony and open discussion with City staff, the Hearing Officer decided that a Variance is not required for the project because the specific SDMC sections in the Division are intended to provide the rules for calculating, determining, establishing, and measuring those aspects that are regulated by the City's Street Design Manual for engineering requirements in the public right-of-way and not an applicable development regulation of the Land Development Code. In addition, the City's Transportation and Engineering staff have allowed existing development along Calle Clara with modified curbs, gutters, driveways, and support the project as currently designed. Therefore, the Hearing Officer approved the development's Coastal Development Permit, Site Development Permit, Tentative Map Waiver, and removed the Variance along with the findings (Attachment 9).

On August 10, 2010, the La Jolla Community Planning Association filed an appeal of the Hearing Officer's decision and on August 11, 2010, appeals were also filed by Bernard Segal and La Jolla Shores Tomorrow (Attachment 12).

DISCUSSION

Project Description:

The project site is located on a 0.09-acre lot at 2202 and 2206 Avenida de la Playa, on the northeast corner of El Paseo Grande and Avenida de la Playa and proposes the demolition of the existing one single-story residence and one ground floor retail store, and the construction of a new mixed use development on site. The new development would be a new three-story building, with a maximum height of 30 feet, consisting of two residential condominium units on the second and third floors, basement parking, and 2,000 square feet of commercial condominium unit space on the ground floor (Attachment No. 6). The development's gross floor area will be approximately 8,950 square feet. Proposed work in the public right-of-way would also include new accessible ramps installed at two intersections at Avenida de la Playa and El Paseo Grande, and Calle Clara and El Paseo Grande.

The 2,000 square-foot commercial unit requires two off-street parking spaces and will be located in the rear of the property on Calle Clara. Access to the basement parking garage with the required residential five parking spaces would be from a ramp at the rear of the site, on the north side of the development along Calle Clara. The project would feature hardscape/permeable surface similar to the current development. Drought tolerant landscaping is also proposed. Roof drains and sheet flow from the site would be directed to proposed landscaped areas and to

existing non-contiguous sidewalk landscape areas for natural filtration prior to discharge into existing street storm drains surrounding the site. The topography of the site ranges from approximately 11 feet above mean sea level (AMSL) at the southwest portion of the site and 14 feet AMSL at the northeast corner.

Grading on the 0.091 acre site would cover the entire site with a total excavation of 1,700 cubic yards to a depth of 14 feet. All cut soils would be exported off-site and no fill soils would be required. Retaining walls would be in the basement only with a maximum height of 10 feet (below the current grade) and total length of 270 linear feet. The finished basement will be of a tight-seal construction to avoid any groundwater intrusion. During construction, any groundwater encountered will not be discharged to the municipal storm drain system, but disposed of in accordance with all applicable regulations.

Community Plan Analysis:

The project site is within the Commercial Center (CC) Zone of the La Jolla Shores Planned District in the adopted La Jolla Community Plan and Local Coastal Program Land Use Plan (LJ Plan) area. The LJ Plan identifies the site for commercial and mixed use. The La Jolla Shores Planned District Ordinance, as codified in the San Diego Municipal Code, establishes the zoning regulations to implement the policies of the General Plan and the LJ Plan. The purpose of the CC zone is to accommodate community-serving commercial services, and retail uses. The project site is specifically located along Avenida de la Playa in La Jolla Shores and the specific recommendations for the various commercial areas are regulated and detailed in the La Jolla Shores Planned District Ordinance.

The LJ Plan's Commercial Land Use Element provides goals to maintain a diversified, yet balanced land use pattern which includes providing adequate levels of commercial retail services, residential development and cultural opportunities within existing commercial areas, while limiting additional office use within commercially designated districts. The Element also visualizes the revitalization commercial retail areas to strengthen, reinforce and unify existing retail districts within La Jolla. Also, promote pedestrian-oriented features to improve pedestrian safety, access and ease of movement through all the commercial areas and finally, to promote mixed-use residential and commercial development along transit corridors and encourage affordable housing opportunities. Consistent with the aforementioned goals, the Element also includes overall Commercial Development Recommendations (pages 102 and 103) and specific Area Recommendations to implement to Element's goals. The project site is located in the specific recommendation area of Avenida de la Playa – Community Commercial (page 107).

Consistent with the LJ Plan's Element and Recommendations, the project incorporates the following shortened list of commercial goals and recommendations by: avoiding abrupt transition in scale with adjacent residential areas; providing building design articulation on the ground floor and step-backs on the upper floors to minimize bulk through the use of site; extending the existing brick paving pattern from the east in the parkway to the front of the project site and planting a new mature Jacaranda tree to match the existing street trees that would provide common pedestrian space already defined by existing improvements and development to the east; locating off-street parking to the rear of the development; storage areas and mechanical

equipment screened from public view; and utilizing energy efficient technology to promote green and clean use for the duration of the development. Also, the development retains retail and visitor oriented commercial areas in proximity to the beach and coastline parks in order to maintain a high degree of pedestrian activity and access to coastal resources. Finally, the project would adhere to policies and objectives established by the LJ Plan in that the design of the proposed structure does not affect any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan.

Environmental Analysis:

A Mitigated Negative Declaration (MND) No. 182513 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 a significant environmental affects to historical resources (archaeological) and paleontological 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.

Project-Related Issues:

Approvals

As noted previously, the proposed development requires a Coastal Development Permit, a Site Development Permit, and a Tentative Map Waiver. City staff recommended a Variance to SDMC sections 113.0273(a) and 113.0273(c), Measuring Visibility Area (Attachment No. 15), and applying these SDMC sections to their development along Calle Clara.

Calle Clara's public right of way, on the north side and rear of the project site, was established along with the original block's Subdivision Map No. 1913, La Jolla Shores Unit No. 1, June 1, 1926 (Attachment No10), with the dedication of 10 feet for an unnamed public right of way (approximately 1/2 width of an alley) between Paseo del Ocasco and El Paseo Grande. Typical of an alley, the project site's entire block is currently developed as such with zero lot line development along the alley. Later, Subdivision Map No. 2061, La Jolla Shores Unit No. 3, Sept. 26, 1927 (Attachment No. 11), was recorded for the proposed subdivision on the north side of this unnamed alley. This subdivision map required the additional dedication of 20 feet of public right of way (approximately 1/2 width of a street) and identified the total 30 feet of public right of way as "Calle Clara." This subsequent subdivision's development produced street side features such as curb and gutter along portions of the north side of Calle Clara. The combination of these subdivision requirements has created a unique situation in which the existing Calle Clara has dual street and alley features and Calle Clara does not meet the City's Street Design Standards. However, pursuant to the definition of an "alley" in the SDMC section 113.0103, an alley is a maximum of 25 feet wide.

Considering the unique situation and the existing development all along the southern side of Calle Clara observing a zero-foot setback as allowed in the LJSPDO, the City has reviewed the project as proposed with zero-setback and considered Calle Clara functioning as an alley rather than a street. Therefore, applying SDMC section 113.0273(a) would not be applicable to the project. Considering development along Calle Clara as an “alley,” the visibility areas at the intersection of a street and alley (El Paseo Grande and Calle Clara) would be provided as a 10 feet by 10 feet visibility triangle area pursuant to section 113.0273(b) instead of 15 feet by 15 feet for two streets. Also, a visibility area at the intersection of an alley and driveway is not required instead of a driveway and street of which requires 10 feet by 10 feet visibility triangle areas on each side of a driveway pursuant to section 113.0273(c).

Community Planning Group Recommendation

The La Jolla Community Planning Association voted to deny the project for two reasons. The following reasons are provided below along with the City staff’s analysis:

1. *Under the LJSPDO Section 1510.0301 and under Progress Guide and General Plan for the City of San Diego, the La Jolla Community Plan, and the La Jolla Shores Precise Plan: The form and relationship of the project would disrupt the character and architectural unity of the streetscape.*

The project site is located at 2202 and 2206 Avenida de la Playa, and proposes a mixed use development in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area. The development’s draft permit resolution contains the required findings related to conformity to the City’s General Plan and the adopted community plan and local coastal program land use plan. Specifically, the project is consistent with recommendations specific to the Avenida de la Playa Community Commercial area which promote a focus on pedestrian-related amenities such as sidewalk surface treatments and street trees, both of which will be consistent with existing patterns of development. The scale of the project is consistent with existing development which allows zero-foot yard setbacks and 100 percent building coverage. The project also avoids abrupt transition in scale with adjacent residential areas. Residential projects adjacent to the La Jolla Shores commercial district are multi-family structures, many of which are taller and bulkier than the commercial development. This project is located on the corner of El Paso Grande and Avenida de la Playa which leads directly into a residential area of existing large multi-unit projects. The proposed development is smaller in scale than the multi-unit projects to the west and north. Therefore, as reviewed by City staff and as detailed in the development’s draft permit findings, the proposed uses and design of the development are consistent with the adopted land use plans, zoning regulations, and the proposed development will not adversely affect the applicable land use plan.

2. *The plans and presentation do not show what dewatering will be needed by the project before and after completion and how any dewatering will be accomplished without violating LJSPDO Section 1510.0403 which prohibits discharging ground water into the storm drain on account of the need to protect the beach from such intrusion.*

The project's permit condition No. 26 requires the applicant to comply with SDMC sec. 1510.0403 for structures below the water table. The project will not be allowed to conduct dewatering discharges to the public streets or municipal storm drain system during construction or thereafter.

La Jolla Shores Advisory Board Recommendation

On March 16, 2010, the project was presented by the applicant to the La Jolla Shores Advisory Board (Board) and after public testimony and discussion; the Board was unable to obtain a majority vote on any motion for the development. However, the Board asked the applicant to consider some design changes on the project and thereafter, the Board continued this project's item to their next meeting. On April 20, 2010, the Board again conducted public testimony, discussed possible design changes, and was still unable to obtain a majority vote on any motion to recommend approval or denial for the project. Finally, the Board voted unanimously to not make a recommendation on the project.

Appeals

The La Jolla Community Planning Association filed an appeal on August 10, 2010. The following appeal reasons are provided below along with the City staff's analysis:

1. *The community planning group voted 14-1-1 to recommend denial of the application and voted 12-2-2 to file an appeal of the HO decision.*
The Community Group recommendation is discussed earlier in Recommendations section of this document and their appeal has been received.
2. *Incorrect application of SDMC §1510.0301 in judging the bulk and scale of the building.*
SDMC Section 1510.0301 establishes General Design Regulations for the La Jolla Shores Planned District. Consistent with the requirements of Section 1510.0301, "unity with variety" shall be used as a guiding principle in reviewing projects for conformance with the General Design Regulations. As required by Section 1510.0301, the project was determined to be generally consistent with the quality, form, materials, color, and relationship of other buildings in the surrounding area. Further, the General Design Regulations state that "building materials and color are the most critical unifying elements", of which the project complies. In accordance with Section 1510.0301(c), the project was also reviewed for its potential impact on any designated public views to the ocean. Section 1510.0301 does not contain regulatory controls for bulk and scale, such as a defined maximum Floor Area Ratio.
3. *Incorrect application of SDMC §1510.0301(b) in judging disruption of the architectural unity of the area.*
See City staff response to appeal issue No. 2 above.
4. *Incorrect application of the LDC in applying SDMC §1510.0401(j), (k) and (o).*
SDMC §1510.0401(j); The La Jolla Shores PDO states parking spaces shall be designed

in accordance with Land Development Code Section 142.0560, Development and Design Requirements for Parking. Pursuant to SDMC Section 142.0560, Table 142.05J, requires the minimum dimensions for a parking space to be 8 feet wide by 18 feet long. There are two commercial spaces proposed, a standard space and a van accessible space as shown on the Exhibit Plan's Main Level plan sheet. The Exhibit Plan dimensions are 9 feet wide by 18 feet long for the standard space and 9 feet wide by 20 feet long for the accessible space, plus a 8 feet wide by 18 feet long area for an access aisle. Therefore, the proposed two spaces are in compliance.

SDMC §1510.0401(k); The La Jolla Shores PDO states access shall be in conformance with Land Development Code Chapter 14, Article 2, Division 5, Parking Regulations. The access of the parking spaces and the underground parking garage is from Calle Clara. Per LDC Section 142.0560, Table 142-05M, the minimum driveway width required to the underground parking spaces for two residential units with lot width of 50 feet or less is 12 feet. The project proposes a 13 feet 9 inches driveway width.

SDMC §1510.0401(o); The La Jolla Shores PDO states all parking areas (excluding ingress and egress, but including areas between driveways) shall be screened from public rights-of-way and adjoining properties by fences, walls, buildings, planting or a combination thereof. Outside of the project's Line of Sight area on El Paseo Grande, the project proposes wrought iron lattice to screen the parking area.

5. *Incorrect application of §1510.0107(a) and §1510.0310 in applying §113.0273 in not applying Visibility Triangles and/or ignoring the Variance request.*
The Hearing Officer, after public testimony and open discussion with City staff, decided that a Variance is not required for the project because the specific SDMC sections related to Visibility Triangles in the Rules of Calculation and Measurement Division are intended to provide the rules for calculating, determining, establishing, and measuring those aspects that are regulated by the City's Street Design Manual for engineering requirements in the public right-of-way and not an applicable "development regulation" of the Land Development Code in which a Variance may be requested. In addition, the City has allowed existing development along Calle Clara with modified curbs, gutters, driveways, and support the project as currently designed.
6. *Non-compliance with §121.0308(a) in granting the Site Development and Coastal Development Permits.*
Consistent with SDMC sec. 121.0308(a), No Permission to Violate Codes, the decision by the Hearing Officer and the development's Site Development Permit and Coastal Development Permit conditions of approval will not grant any construction permit or any plan, specifications, computations, or inspection approval constituting any violation of any of the provisions of the Land Development Code, including the Building, Electrical, Plumbing, or Mechanical Regulations or any other ordinance of the City.

7. *Findings can not be made for either the Variance (as originally applied by DSD), the CDP, or the SDP.*

The Hearing Officer's decision was to approve the development's Coastal Development Permit, Site Development Permit, and Tentative Map Waiver consistent with the required findings. The Hearing Officer also decided a Variance is not required for the development and no action was taken on the specific Variance findings.

8. *Incorrect analysis and erroneous recommendations made by the Environmental Review Section as contained in the Final Mitigated Negative Declaration and subsequent errata.* Mitigated Negative Declaration (MND) No. 182513 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 a significant environmental affects to historical resources (archaeological) and paleontological 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.

9. *Other issues that may be raised at hearing.*

City staff will be available to discuss any additional hearing issues.

Mr. Bernard Segal filed an appeal on August 11, 2010. The following appeal reasons are provided along with the City staff's analysis:

1. *The grounds stated in the letter dated July 22, 2010 from Bernard Segal to Hearing Officer, a copy of which is attached hereto as Exhibit 1-1.*

The Hearing Officer was provided the referenced letter prior to the public hearing and Mr. Segal's issues were considered and/or discussed at the hearing prior to the Hearing Officer's decision.

2. *The response of La Jolla Community Planning Association to the Mitigated Negative Declaration filed by the applicant, a copy of which is attached hereto as Exhibit 1-2.*

On April 2, 2010, the La Jolla Community Planning Association (LJCPA) submitted a comment letter on the project's draft Mitigated Negative Declaration (MND) No. 182513. The City's responses to the LJCPA's comments are included in the final MND No. 182513, which was distributed to the public on July 6, 2010.

3. *The written arguments contained in the correspondence sent to the Development Services Department by Phil Merten, architect, including those arguments contending that Calle Clara in La Jolla Shores is a street and not an alley, and those arguments contending that the City is required to follow the criteria set forth in the Design Manual.*

City staff responded to Mr. Merten's emails regarding Calle Clara. City staff determined that Calle Clara, within the existing subdivision's block of the proposed development, would be considered a street that was altered from an alley when originally mapped. Calle Clara does not meet the SDMC's definition of an alley by exceeding the 25-foot width. However, all existing build-out development abutting the south side of Calle Clara

functions as a public right-of-way alley. Calle Clara's public right-of-way does not meet the City's Street Design Manual for engineering requirements regarding width and improvements along the public right of way street and the City Engineer has the authority to allow and accept modified engineering requirements.

4. *The grounds set forth in the appeal of La Jolla Shores Tomorrow.*
Please see the La Jolla Shores Tomorrow's project appeal issues discussed further below in this section of the report.

5. *The Hearing conducted by Chris Larson on July 28, 2010 was unfair and violated due process of law for the following reasons: He failed to grant a continuance of the Hearing despite the fact that the report from the City was furnished to members of the public requesting notice only a day or two before the Hearing. He limited statements from members of the public to 2 minutes each, thereby making it virtually impossible to present a complete opposition to the project. After terminating public comment, he inquired of the City staff whether the City in the past has granted a permit where a street functioned as an alley, and upon receiving an affirmative response, elected to treat Calle Clara as an alley despite the fact that by definition in the Land Development Code, it is a street. He found no need for a variance where, by Code, a variance is required. After ruling that a variance was not necessary, he failed to re-open public comment so that inquiry could be made by the public as to the circumstances in which the City previously treated a street as an alley. He failed to follow the criteria in the La Jolla PDO and the La Jolla Design Manual. He granted permit under circumstances where a variance was required, and he failed to make the findings required for a variance.*

The Hearing Officer conducted the public hearing in accordance with standard practices for the meeting and at the discretion of the Hearing Officer. The Hearing Officer's decision was to approve the development's Coastal Development Permit, Site Development Permit, and Tentative Map Waiver consistent with the required findings. The Hearing Officer also decided a Variance is not required for the development and no action was taken on the specific Variance findings.

6. *By allowing the construction of a mixed use building in La Jolla Shores with a floor area ratio one-third larger than could be built anywhere else in the City on similarly zoned property, the City has unconstitutionally discriminated against the residents of La Jolla Shores.*

The project site is within the Commercial Center (CC) Zone of the La Jolla Shores Planned District in the adopted La Jolla Community Plan and Local Coastal Program Land Use Plan (LJ Plan) area. The LJ Plan identifies the site for commercial and mixed use. The La Jolla Shores Planned District Ordinance, as codified in the San Diego Municipal Code, establishes the zoning regulations to implement the policies of the General Plan and the LJ Plan. The purpose of the CC zone is to accommodate community-serving commercial services, and retail uses. Specific to only the La Jolla Shores Planned District, the CC Zone allows for 100 percent lot coverage, zero setbacks, and no floor area ratios (FAR). Also, commercial services on the ground floor area of a development shall not exceed 6,000 square feet and dwelling units require a minimum floor area of 400 square feet.

7. *The City is required to apply to the La Jolla Shores the maximum floor area ratios allowed elsewhere in the City in similarly zoned property, and the City did not apply those floor area ratio maximums when it granted the permit to the applicant.*

The project site is within the Commercial Center (CC) Zone of the La Jolla Shores Planned District in the adopted La Jolla Community Plan and Local Coastal Program Land Use Plan (LJ Plan) area. The LJ Plan identifies the site for commercial and mixed use. The La Jolla Shores Planned District Ordinance, as codified in the San Diego Municipal Code, establishes the zoning regulations to implement the policies of the General Plan and the LJ Plan. Specific to only the La Jolla Shores Planned District, the CC Zone allows for 100 percent lot coverage, zero setbacks, and no floor area ratios (FAR). Consistent with the La Jolla Shores Planned District Ordinance, the CC Zone regulations have been applied to this project.

8. *The City granted the project a permit without applying to it the criteria prescribed in the La Jolla Shores PDO and La Jolla Shores Design Manual.*

The City has reviewed the project consistent with the La Jolla Shores Planned District Ordinance, the La Jolla Shores Design Manual, the policies of the City's General Plan, and the La Jolla Community Plan.

9. *From the manner in which the project was approved, it appears that the City has improperly decided not to give full effect to the La Jolla Shores Design Manual, which is an integral part of the La Jolla PDO.*

City staff reviewed the proposed development and considered all relevant documents for consistency with the documents, including the La Jolla Shores Design Manual (Design Manual). Consistent with the Design Manual, the project's design or architecture of the front façade of a new building should be modified or altered and staggered so that no façade runs more than 50 feet. The combination of many small lots is discouraged in the Avenida de la Playa commercial district. The proposed project on two 25-foot lots does not exceed the Manual's maximum façade width envisioned for the Avenida de la Playa commercial district.

The Design Manual also limits the ground floor retail area not to exceed 6,000 square feet. The project complies with this provision and proposes only 2,000 square feet of retail space.

In accordance with the Design Manual, only natural building materials and earth tone colors should be used. The project's proposed stucco exterior with landscaping added for texture, is consistent with the Design Manual and surrounding commercial district.

Pursuant to the Design Manual, buildings within the Avenida de la Playa commercial district should be allowed to cover 100 percent of the lot area. The project proposes 94 percent lot coverage.

10. *The City failed to treat Calle Clara as a street, and thereby allowed driveways and curbs not permitted by Code.*

The Hearing Officer acknowledged the existing Calle Clara's public right-of-way does not meet the City's Street Design Manual for engineering requirements regarding width and improvements along the public right of way street. Also, the existing development along Calle Clara is designed with alley improvements and functions as an alley rather than a street. Finally, the City Engineer has the authority to allow and accept modified engineering requirements.

11. *In treating Calle Clara as an alley and not a street without granting a variance, the permit for the project was issued in violation of the Code and is therefore invalid.*

The Hearing Officer acknowledged the existing Calle Clara's public right-of-way does not meet the City's Street Design Manual for engineering requirements regarding width and improvements along the public right of way street. Also, the existing development along Calle Clara is designed with alley improvements and functions as an alley rather than a street. Finally, the City Engineer has the authority to allow and accept modified engineering requirements. Therefore, the Hearing Officer's decision to not require a variance is because the specific sections in the SDMC's Rules for Calculation and Measurement Division are intended to provide the rules for calculating, determining, establishing, and measuring those aspects that are regulated by the City's Street Design Manual for engineering requirements in the public right-of-way and not an applicable development regulation of the Land Development Code.

La Jolla Shores Tomorrow, c/o Julie Hamilton, Esq., filed an appeal on August 11, 2010. The following appeal reasons are provided along with the City staff's analysis:

1. *The proposed project will adversely affect the applicable land use plan because its bulk and scale is out of character with the commercial community.*

The proposed project is consistent with the Commercial Development Recommendations of the La Jolla Community Plan and has incorporated these recommendations into the building design in order to reduce actual or apparent bulk. These recommendations include the use of building articulation on the ground floor, step-backs and offsetting planes on the upper floors, and the addition of landscaping to the exterior walls in order to soften edges and provide a sense of pedestrian scale.

2. *The proposed project will not comply to the maximum extent feasible with the Land Development Code because the project does not incorporate required visibility triangles, has not adequate information regarding the effect of the subterranean garage on pumping and subsidence, removes at least one public parking space, and does not conform in bulk and scale to the community.*

The proposed project provides the appropriate visibility areas at the intersections of El Paseo Grande and Avenida de la Playa and El Paseo Grande and Calle Clara.

A preliminary geotechnical investigation report and two addendums have been prepared for the project and have been reviewed and accepted by City staff. The report and addendums include analysis and conclusions regarding groundwater affects and

stabilization of the site. The project proposes tight seal construction methods that would avoid any periodic water pumping during the life of the development and pursuant to SDMC section 1510.0403(a), any temporary construction dewatering activities shall not be discharged to the municipal storm water system. Also, the accepted document concludes, with the implementation of proposed construction practices, the project will not destabilize or result in adverse settlement of adjacent property or the public right of way.

To comply with the City's current Line of Sight requirements, the proposed "red," no parking areas may be expanded and require adjustments to "on-street" parking.

Finally, regarding bulk and scale, please see City staff response to appeal issue No. 1 above.

3. *There are no special circumstances to justify a variance because all properties on that block are similarly situated, the project is on a flat, rectangular, unconstrained lot with access to three streets, and the owner is not deprived of reasonable use.*
The Hearing Officer's decision was to approve the development's Coastal Development Permit, Site Development Permit, and Tentative Map Waiver consistent with the required findings. The Hearing Officer also decided a Variance is not required for the development and no action was taken on the specific Variance findings.
4. *The proposed mitigation of potential significant effects to archaeological/paleontological resources is ineffective because the language allows modification of required mitigation.*
City staff believes this concern is a result from the strikeout language on pages 6 and 7 of the project's final MND. The edits to the archaeological monitoring language from the draft MND to the final MND do not change the monitoring requirements for either archaeological or paleontological resources. Specifically, the final MND's section V. Mitigation, Monitoring and Reporting Program, C.3, During Construction, strikeout language deleted, "The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activity" and corrected to read, "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 modifications of the PME (document typo error and should read AME)." The update allows for OSHA "modification" only as needed to ensure that the monitors are not exposed to dangerous situations such as being in a trench with an unreinforced side that could be subject to collapse. Again, the change to the MMRP protects monitors, but does not remove them from their full monitoring capacity. Prior to the release of the draft MND for Whitney, the City's standard paleontological monitoring language had already been updated to include these OSHA requirements.
5. *An EIR is required because the initial study failed to consider substantial evidence indicating significant impacts on aesthetics, community character, and inconsistency with applicable land use plan.*
The appellant's concerns were discussed during both the public review of the draft MND

and at the Hearing Officer meeting. Substantial Evidence, as defined by CEQA Guidelines Section 15384 means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Argument, speculation, unsubstantiated opinion or narrative...or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environments does not constitute substantial evidence.” Section 15384 continues to state that “Substantial evidence shall include facts, reasonable assumptions predicated on facts, and expert opinion supported by facts.”

The project has been reviewed by the City and has been determined to be in compliance with all of the applicable regulations. City staff does not believe that substantial evidence has been provided by the appellant indicating significant impacts as noted above. City staff acknowledges that the proposed project will be different and larger in scale than what exists on site today, in a community that has a variety of architectural styles and buildings sizes. Specifically, immediately east of the project site is a three-story mixed use structure; south from the site and across the street is a four-story commercial office structure; west of the site and across El Paseo Grande is a one-story commercial structure; north of the project site is a two-story apartment complex; and northwest of the project site is a four-story multi-family development. Various additional structures in the immediate project vicinity are widely mixed, and therefore staff determined that based on the varied development of the area, this project would not result in a substantial change to the community character, neighborhood aesthetics, or land use plan.

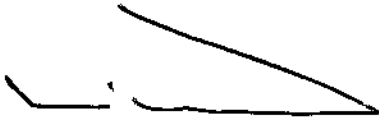
Conclusion:

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 (Attachment No. 19), draft findings to support approval of the proposed development (Attachment No. 15), draft conditions of approval (Attachment No. 16), and draft map resolution and conditions (Attachment Nos. 17 and 18). City staff is recommending the Planning Commissioners deny all the appeals and uphold the Hearing Officer’s decision to approve the project.

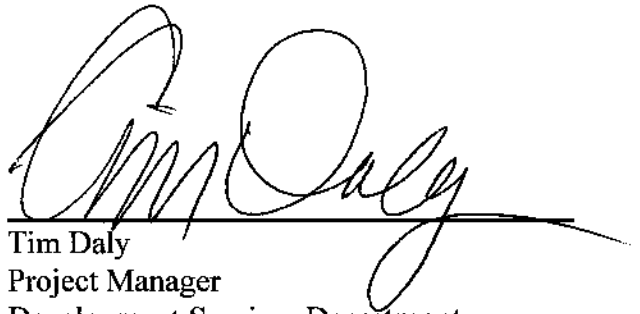
ALTERNATIVES

1. **Deny** the appeals and **Approve** Coastal Development Permit No. 662551, Site Development Permit No. 662678, and Tentative Map Waiver No. 683254, with or without Variance No. 765358, with modifications.
2. **Approve** the appeals and **Deny** Coastal Development Permit No. 662551, Site Development Permit No. 662678, and Tentative Map Waiver No. 683254, with or without Variance No. 765358, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Tim Daly
Project Manager
Development Services Department

BROUGHTON/TPD

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Site Plan
5. Map Exhibit
6. Project Plans
7. SDMC Chapter 12, Article 6, Division 8, Variance
8. SDMC Sec. 113.0273, Measuring Visibility Area
9. Draft Variance Findings
10. Subdivision Map No. 1913
11. Subdivision Map No. 2061
12. Copy of Appeal(s)
13. Community Planning Group Recommendation
14. La Jolla Shores Advisory Board Recommendation
15. Draft Permit Resolution with Findings
16. Draft Permit with Conditions
17. Draft Map Resolution with Findings
18. Draft Map Conditions
19. Draft Environmental Resolution with MMRP
20. Ownership Disclosure Statement
21. Project Data Sheet
22. Project Chronology



Project Location

Whitney Mixed Use, Project No. 182513
2202 and 2206 Avenida de la Playa

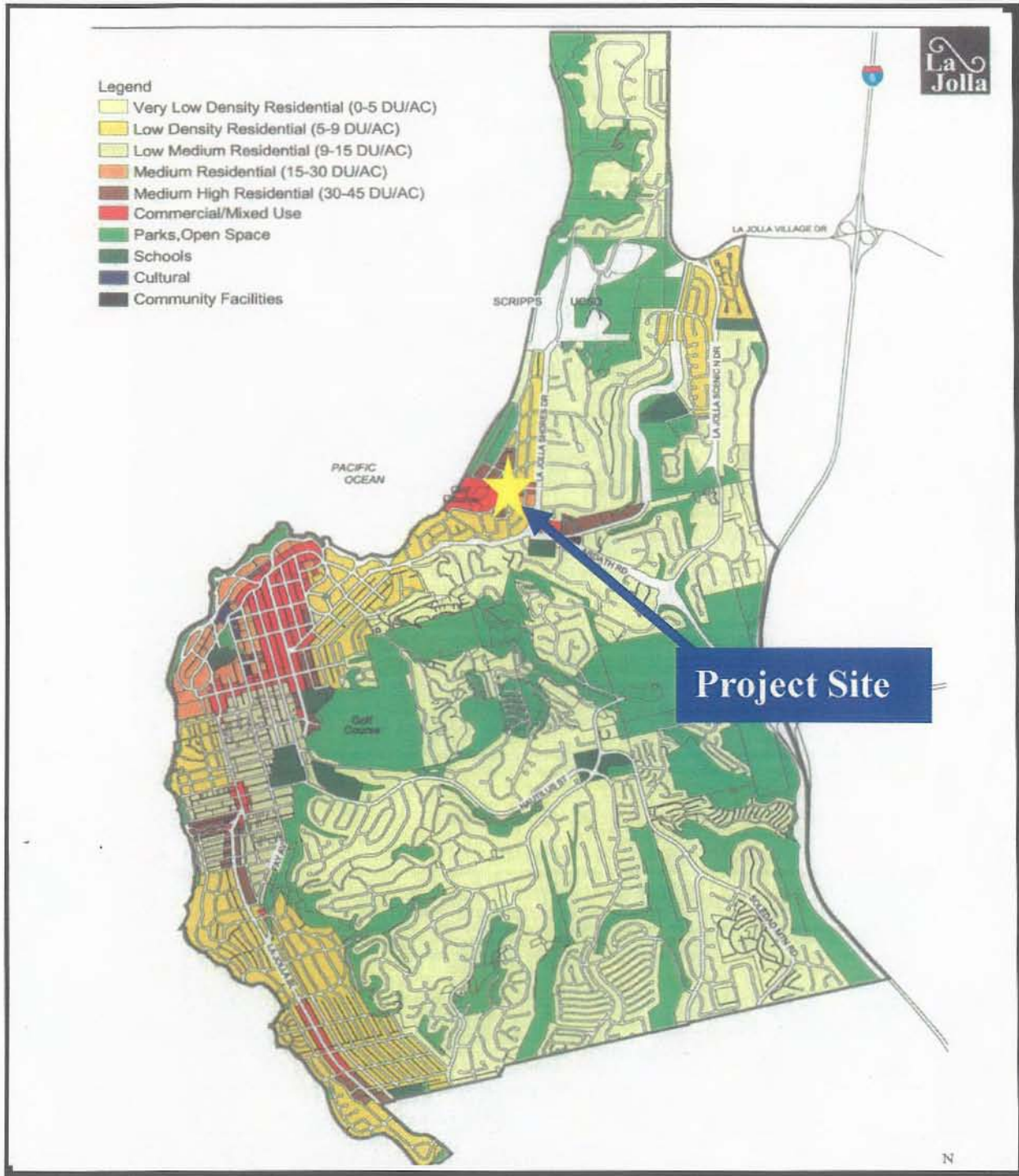




Aerial Photo

**Whitney Mixed Use, Project No. 182513
2202 and 2206 Avenida de la Playa**





La Jolla Community Land Use Map

Whitney Mixed Use, Project No. 182513
2202 and 2206 Avenida de la Playa

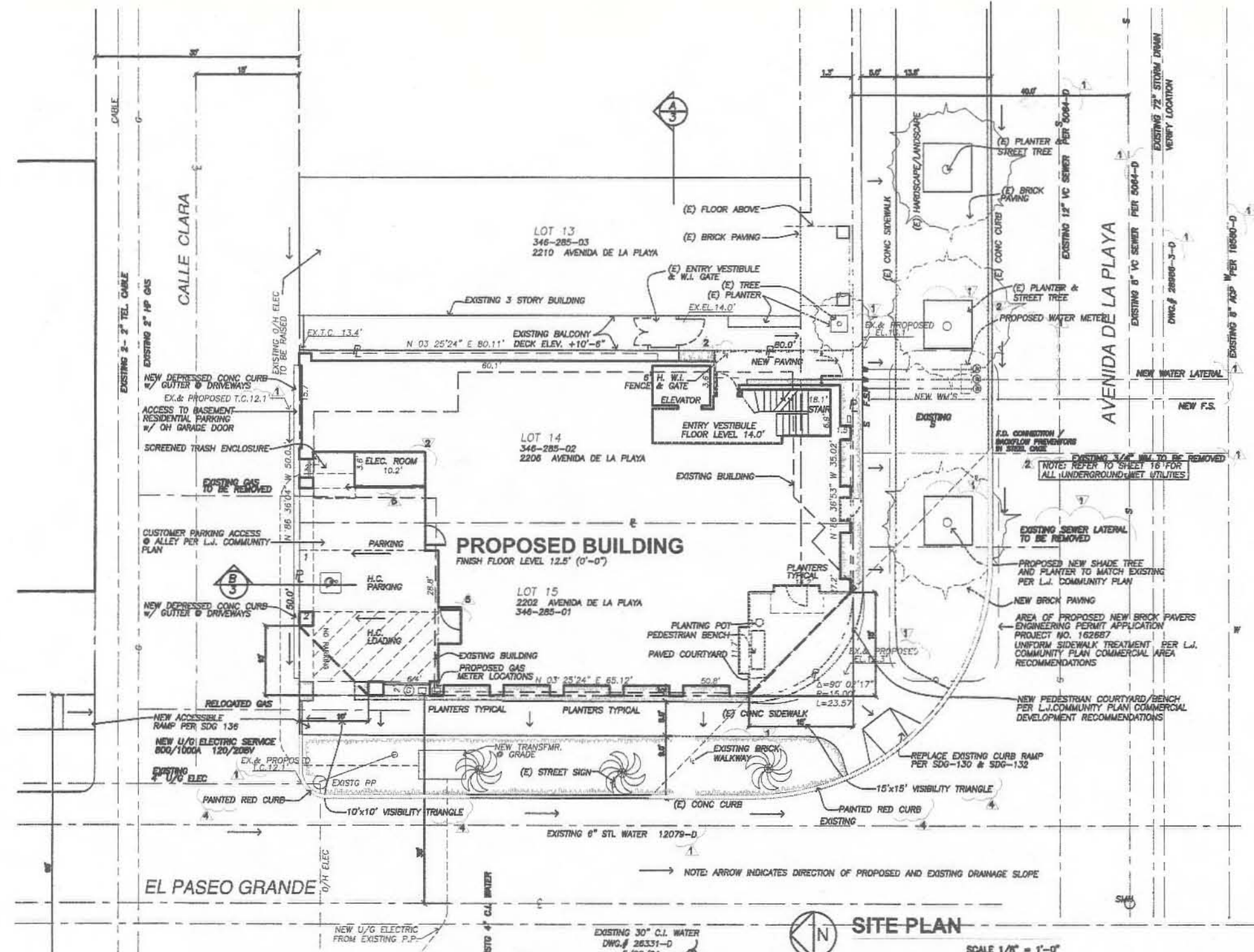




Shopkeeper / Whitney Family Residences
(A Mixed Use Project)
 2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

MARTIN ARCHITECTURE
 Tim Martin A.I.A.
 2333 State Street Suite 100 Carlsbad, CA 92008
 760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)
 tim@martinarchitecture.com

PROJECT TEAM		
PROJECT MANAGERS	PLAYA GRANDE LLC 8100 PASEO DEL OCASO SUITE C LA JOLLA CA 92037 CONTACT: ROBERT WHITNEY II MARGARET WHITNEY (858) 456 2240	GEOTECHNICAL ENGINEER: GEOTECHNICAL EXPLORATION INC. 7420 TRADE STREET SAN DIEGO, CA 92121 CONTACT: JAY HEISER 858-549-7222 (O)
ARCHITECT:	MARTIN ARCHITECTURE 2333 STATE STREET SUITE 100 CARLSBAD, CA 92008 CONTACT: TIM MARTIN 858-349-3474 (O) 760-729-3473 (F)	ARCHAEOLOGICAL CONSULTANT: AFFRIS SHADOW VALLEY CENTER 847 JAMACHA ROAD EL CAJON, CA 92019 CONTACT: MARY ROBBINS-WADE TEL 619-441-0144
ENGINEERING CONSULTANT:	FLORES LIND CONSULTANTS 7220 TRADE STREET SUITE 120 SAN DIEGO CA 92121 CONTACT: WILLIAM LIND 858-556-0526 (O) 858-556-0827 (F)	LANDSCAPE ARCHITECT: TODD FRY 7820 PRINCESS STREET LA JOLLA CA 92037 858-459-8005 (O)
SCOPE OF WORK		
NEW MIXED USE DEVELOPMENT IN THE LA JOLLA SHORES PLANNED DISTRICT CONFORMING TO THE LA JOLLA COMMUNITY PLAN RECOMMENDATIONS (THE COMMUNITY COMMERCIAL AREA - AVENIDA DE LA PLAYA), COASTAL DEVELOPMENT PERMIT & SITE DEVELOPMENT PERMIT FOR L.SFD		
1) EXISTING / DEMOLITION EXISTING ONE STORY RESIDENCE AND RETAIL STORE TO BE DEMOLISHED: SEE NOTES BELOW		
2) NEW BUILDING NEW EXCAVATION FOR BASEMENT CAR PARK FOR RESIDENTIAL USE ONLY WITH RAMP ACCESS OFF CALLE CLARA NEW 3 STORY BUILDING WITH BASEMENT PARKING PROPOSED MAIN LEVEL RETAIL STORE W/ ACCESSIBLE PARKING OFF CALLE CLARA TWO 3 BEDROOM CONDOMINIUM UNITS- ONE AT SECOND LEVEL AND THE OTHER AT THE THIRD LEVEL WITH ELEVATOR AND STAIRWAY PEDESTRIAN ACCESS FROM AVENIDA DE LA PLAYA EXCLUSIVELY RESIDENTIAL PARKING IN NEW UNDERGROUND BASEMENT PARKING ACCESSIBLE BY ELEVATOR AND STAIRWAY FROM UNITS ABOVE		
3) UTILITIES NEW BUILDING SPRINKLER INSTALLATION AND NEW CONNECTION TO EXISTING WATER MAIN NEW BUILDING PLUMBING AND NEW WATER METERS @ AVENIDA DE LA PLAYA. REMOVE EXISTING METER NEW ON SITE SEWER SYSTEM CONNECTING TO EXISTING (2) LATERALS AT AVENIDA DE LA PLAYA NEW UPGRADED ELECTRICAL SUPPLY AND TRANSFORMER. SUPPLY UNDERGROUND FROM EXISTING POWER POLE - NEW GAS METERS - REPLACE EXISTING AT CALLE CLARA NEW CONNECTION TO EXISTING STORMWATER DRAIN FOR SITE DRAINAGE		
4) PROPOSED WORK IN R.O.W. UPGRADED ACCESSIBLE CURB RAMPS AT INTERSECTIONS OF AVE. DE LA PLAYA AND EL PASEO GRANDE AND AT CALLE CLARA WITH EL PASEO GRANDE PROPOSED IMPROVEMENTS @ SIDEWALK, AVE. DE LA PLAYA (PROJECT NO. 162676) TEMPORARY STORMING		
PROJECT DATA		
PROJECT NAME:	WHITNEY MIXED USE	
PROJECT ADDRESS:	2202 & 2206 AVENIDA DE LA PLAYA LA JOLLA CA 92137 TEL (858) 344 2796	
OWNER:	PLAYA GRANDE LLC 8100 PASEO DEL OCASO Suite C LA JOLLA CA 92137	
A.P.N.:	346-285-01 346-285-02	CENSUS TRACT: 83.12
LOT AREA:	3,982 SF	
LEGAL DESCRIPTION:	LOTS 14 & 15 BLOCK 11 LA JOLLA SHORES UNIT NO. 1 MAP NO 1913 FILED IN OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 3rd 1926	
HISTORICAL RESOURCE SENSITIVITY AREA:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
ZONE:	LA JOLLA SHORES PLANNED DISTRICT- COMMERCIAL CENTER	
OVERLAY ZONES:	CITY COASTAL COASTAL HEIGHT LIMIT PARKING IMPACT RESIDENTIAL TANDEM PARKING	
ENVIRONMENT:	NO ENVIRONMENTAL SENSITIVE LAND	
	ZONING REQUIREMENTS	PROPOSED
MAX HEIGHT:	30 FT	30 FT
LOT COVERAGE:	100% MAXIMUM	94%
FLOOR AREA RATIO:	NO MAXIMUM	2.34 (SEE F.A.R. CALC. THIS SHEET)
SETBACKS:		
FRONT / STREET SIDEYARD SIDE / REAR YARD	NO REQUIREMENT	0.0 FT
	NO REQUIREMENT	0.0 FT
GROSS FLOOR AREA	NO MAXIMUM	6,880 SF
MIN FLOOR AREA:	400 SF PER DWELLING UNIT	3,000 SF PER DWELLING UNIT
GROUND FLOOR AREA:	6,000 SF MAXIMUM	2,833 SF MAIN LEVEL



GENERAL NOTES	EXISTING BUILDINGS	BUILDING DATA	SHEET INDEX
<p>5) ALL DAMAGED PORTIONS OF THE SIDEWALK SHALL BE REPAIRED, MAINTAINING THE EXISTING SCORED PATTERN AND PRESERVING ANY CONTRACTORS STAMP, ADJACENT TO THE SITE ON AVENIDA DE LA PLAYA AND EL PASEO GRANDE</p> <p>10) PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER / PERMITTEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ON GOING PERMANENT BMP MAINTENANCE AS WELL AS 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 SPECS</p> <p>11) PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER / PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP).</p> <p>12) ALL PROPOSED BMP'S SHALL BE LOCATED WITHIN THE PROJECT SITE</p> <p>13) BUILDING ADDRESS NUMBERS ARE TO BE VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER PDP POLICY P-20-6 (LFC 801.4.4). ALSO FIRE DEPARTMENT CONNECTIONS, AND ALARM BELL ARE TO BE LOCATED ON THE ADDRESS / ACCESS SIDE OF THE STRUCTURE. LFC 1001.4</p> <p>14) NO TREES OR SHRUBS EXCEEDING 3" IN HEIGHT AT MATURITY SHALL BE INSTALLED WITHIN 10' OF ANY PUBLIC SEWER FACILITY</p> <p>15) ALL ON SITE SEWER FACILITIES TO BE PRIVATE, DESIGNED & CONSTRUCTED PER REQUIREMENTS OF CA UNIFORM PLUMBING CODE AND CITY OF SD SEWER DESIGN GUIDELINES.</p> <p>16) PER LA SHORES PDD SECTION 1810.0403, NO SUBSURFACE WATERS SHALL BE DISCHARGED ONTO PUBLIC STREET OR INTO STORM DRAIN SYSTEM. TEMP. DRAINAGE TO BE DISCHARGED INTO STATIONARY SEWER. BUILDING FOUNDATION TO BE WATERPROOFED AND DESIGNED TO WITHSTAND HYDROSTATIC PRESSURE FROM SUB-SURFACE WATER. NO PERMANENT DRAINAGE REQUIRED.</p>	<p>2202 AVENIDA DE LA PLAYA</p> <p>FLOOR AREA 1,538 SF</p> <p>CONSTRUCTION 3'B</p> <p>OCCUPANCY RETAIL</p> <p>14 FT MAX SINGLE STORY</p> <p>DATE BUILT 1955</p> <p>EXISTING F.A.R.: 0.88 FOR COMBINED LOTS</p> <p>EXISTING LOT COVERAGE 68%</p>	<p>2206 AVENIDA DE LA PLAYA</p> <p>FLOOR AREA</p> <p>CONSTRUCTION</p> <p>OCCUPANCY</p> <p>14 FT MAX SINGLE STORY</p> <p>DATE BUILT</p> <p>EXISTING F.A.R.: 0.88 FOR COMBINED LOTS</p> <p>EXISTING LOT COVERAGE 68%</p>	<p>1 SITE PLAN</p> <p>2 NEIGHBORHOOD SITE PLAN</p> <p>3 SITE SECTIONS A, B</p> <p>4 STREET ELEVATIONS : AVE. DE LA PLAYA</p> <p>5 MAIN LEVEL PLAN</p> <p>6 BASEMENT PLAN</p> <p>7 SECOND LEVEL PLAN</p> <p>8 THIRD LEVEL PLAN</p> <p>9 EXTERIOR ELEVATIONS</p> <p>10 EXTERIOR ELEVATION / SECTION C</p> <p>11 PERSPECTIVE VIEWS</p> <p>12 ROOF PLAN / BUILDING HEIGHT PLAN</p> <p>13 TOPOGRAPHICAL PLAN / TENTATIVE MAP WAIVER EXHIBIT</p> <p>14 SCHEMATIC LANDSCAPE PLAN</p> <p>15 EXISTING SITE CONDITIONS & DEMO PLAN</p> <p>16 GRADING, PAVING & UTILITY PLAN</p> <p>17 BMP AND EROSION CONTROL PLAN</p>
<p>1) UTILITY LOCATIONS PER IMPROVEMENT PLANS REFERENCE DRAWING NOS. 28512-2-D, 28332-7-D</p> <p>2) SEE SHEET 2 NEIGHBORHOOD PLAN FOR FIRE HYDRANT LOCATIONS</p> <p>3) SEE SHEET 2 FOR MOUITY MAP</p> <p>4) SEE SHEET 2 FOR NEIGHBORHOOD PLAN AND TYPICAL AREA INFORMATION ALSO BOOKLET FOR INFORMATION ON EXISTING PROPERTIES WITHIN 300 FT RADIUS OF SITE</p> <p>5) SEE SHEET 13 FOR TOPOGRAPHICAL PLAN / SURVEY</p> <p>6) SEE SHEET 14 FOR SCHEMATIC LANDSCAPING PLAN</p> <p>7) GROUND FLOOR RETAIL SHALL BE CONSISTANT WITH THE PERMITTAL USES IN THE COMMERCIAL CENTER ZONE AS LISTED IN 1534C SECTION 1510.0308(4)</p> <p>8) ALL SIGNAGE PROPOSED ON THE PREMISES SHALL COMPLY WITH THE SIGN REGULATIONS OF THE LA JOLLA SHORES PLANNED DISTRICT, PER SECTION 1015.0310(6)</p>	<p>FLOOR AREA RATIO</p> <p>PARKING BASEMENT EXEMPT (MAIN LEVEL @ GRADE)</p> <p>MAIN FLOOR AREA 2,833 SF (825 SF CARPORT EXEMPT)</p> <p>SECOND FLOOR AREA 3,227 SF</p> <p>THIRD FLOOR AREA 2,890 SF</p> <p>GROSS FLOOR AREA 8,950 SF</p> <p>LOT AREA 3,982 SF PROPOSED F.A.R. 2.26</p>	<p>PARKING REQUIREMENTS</p> <p>REQUIRED</p> <p>1 SPACE PER 1000 SF RETAIL AREA</p> <p>5.5 SPACES PER 3 BEDROOM DWELLING UNIT</p> <p>PROPOSED</p> <p>2,300 SF RETAIL AREA</p> <p>2 SPACES (1 H.G. VEH ACCESSIBLE)</p> <p>2 - 3 BEDROOM DWELLING UNITS</p> <p>5 SPACES</p> <p>TOTAL 7 SPACES PROVIDED</p>	<p>MITIGATION MONITORING REQUIREMENTS</p> <p>1) PRIOR TO ISSUANCE OF A BUILDING OR GRADING PERMIT, THE OWNER SHALL RETAIN THE SERVICES OF A QUALIFIED ARCHEOLOGIST AND NATIVE AMERICAN MONITOR FOR ARCHEOLOGICAL MONITORING PER AN APPROVED TREATMENT PROGRAM DURING ALL GRADING AND EXCAVATION.</p>

PROJECT NAME: WHITNEY MIXED USE
CDP# 082551; **SDP#** 082678
TRF# 053254

PROJECT ADDRESS:
 2202/2206 AVENIDA DE LA PLAYA
 LA JOLLA, CA 92037

SHEET TITLE:
 SITE PLAN

DRAWING SCALE:
 1/8" = 1'-0"

ORIGINAL DATE: 05/19/2009

REVISION 1: 08/10/2009

REVISION 2: 10/16/2009

REVISION 3: 1/14/2010

REVISION 4: 6/3/2010

REVISION 5: 6/28/2010

REVISION 6:

REVISION 7:

REVISION 8:

COASTAL DEVELOPMENT PERMIT PROJECT NO.:

SHEET NO.

TENTATIVE MAP WAIVER # 683254 WHITNEY MIXED USE

SHEET 1 OF 1 SHEET

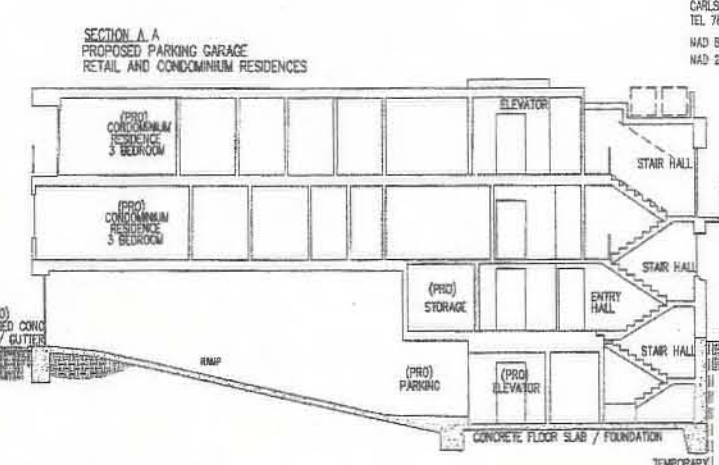
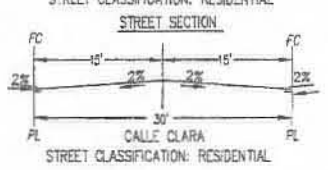
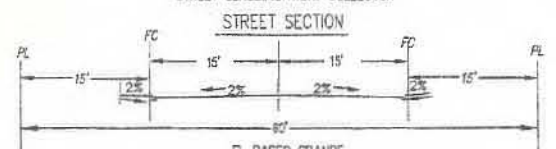
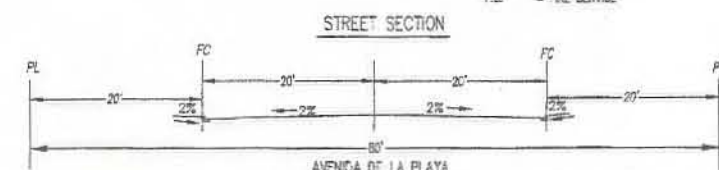
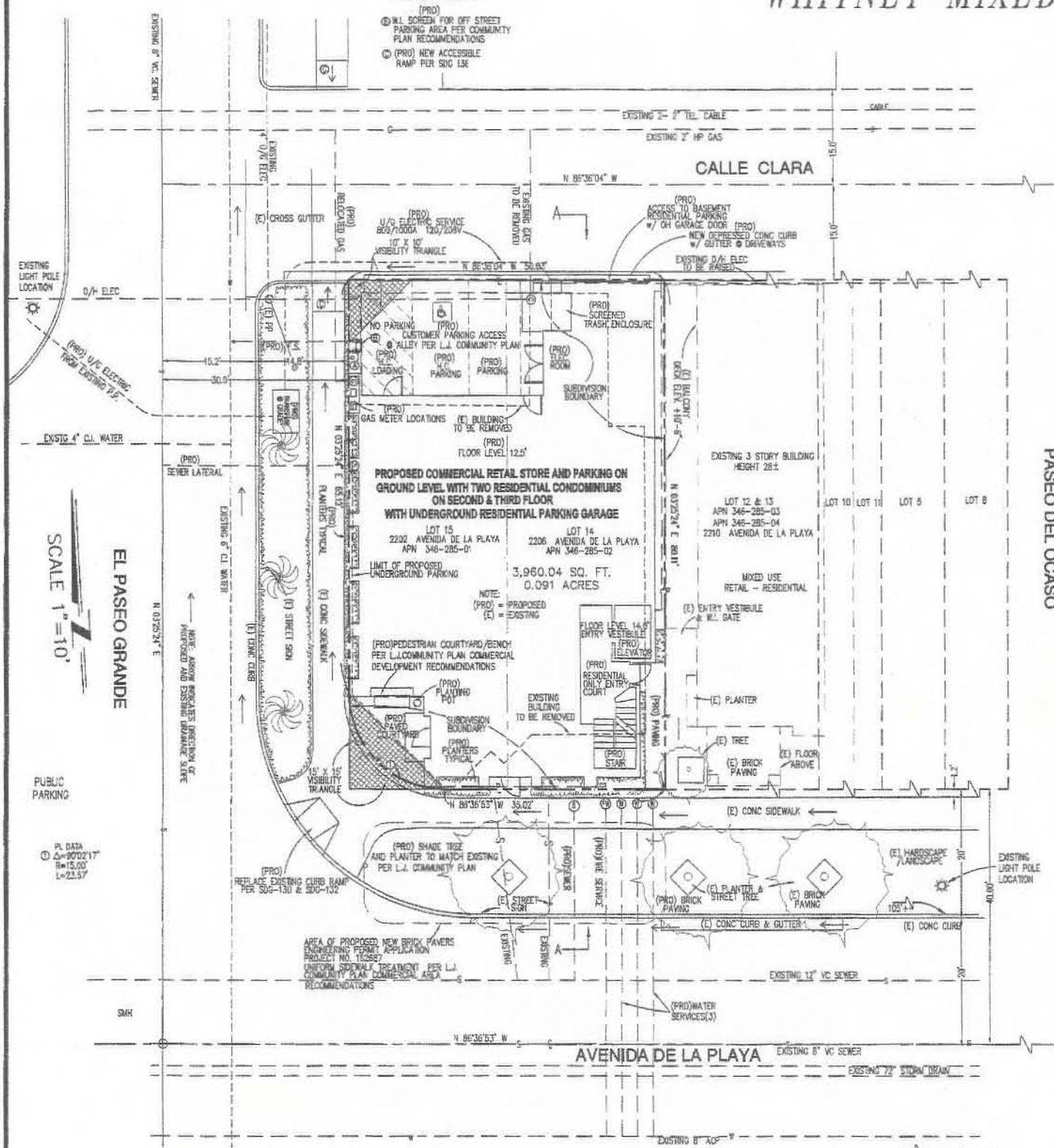
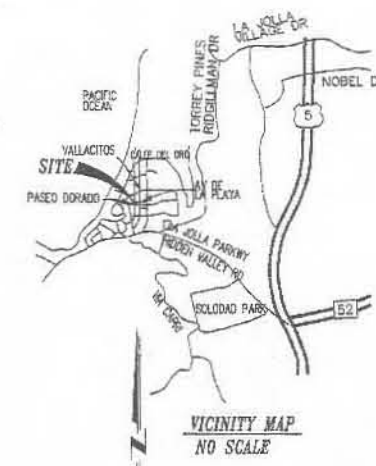
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FIRST AMERICAN TITLE INSURANCE COMPANY
PRELIMINARY REPORT
#NCS-399390-SD, DATED 5-26-2009

TENTATIVE MAP WAIVER # 683254
COASTAL DEVELOPMENT PERMIT # 662551
SITE DEVELOPMENT PERMIT # 662578

DATE OF PREPARATION: 07/07/2008
DATE OF REVISION: 10/26/2008
DATE OF REVISION: 05/03/2010

- (PRO) LOCATION SPRINKLER BACKFLOW DEVICE & FIRE DEPT CONNECTION
- (PRO) W/ SCREEN FOR OFF STREET PARKING AREA PER COMMUNITY PLAN RECOMMENDATIONS
- (PRO) NEW ACCESSIBLE RAMP PER SDG 136

- LEGEND:**
- AC = ASPHALT
 - BFP = BACK FLOW PREVENTER
 - CI = CURB INLET
 - CB = CATCH BASIN
 - CONC = CONCRETE
 - C = CENTERLINE
 - ELE = ELECTRIC
 - FF = FINISH FLOOR
 - FH = FIRE HYDRANT
 - G = GAS
 - IRG = IRRIGATION
 - IRGV = IRRIGATION VALVE
 - LT = LIGHT
 - MH = MAN HOLE
 - PB = PULL BOX
 - PED = PEDASTAL
 - P = PROPERTY LINE
 - PP = POWER POLE
 - SCD = SEWER CLEANOUT
 - SDG&E = SAN DIEGO GAS & ELECTRIC CO
 - SO = STORM DRAIN
 - S = SEWER
 - TELE = TELEPHONE
 - TRAF = TRANSFORMER
 - TS = TRAFFIC SIGNAL
 - (TYP) = TYPICAL
 - UG = UNDERGROUND POWER/GAS
 - W = WATER
 - WM = WATER METER
 - WV = WATER VALVE
 - PL = PROPERTY LINE
- (PRO) = PROPOSED
(E) = EXISTING
F.S. = FIRE SERVICE



PROJECT TEAM:

PROJECT MANAGERS: PLAYA GRANDE LLC
8100 PASEO DEL OCASO, SUITE C
LA JOLLA, CA 92037
(858) 498 2240

ARCHITECT: MARTIN ARCHITECTURE
2333 STATE STREET, SUITE 100
CARLSBAD, CALIFORNIA 92008
(760) 729 3470

ENGINEER: FLORES LIND CONSULTANTS
7220 TRADE STREET, SUITE 120
SAN DIEGO, CA 92122-2325
(619) 586 0825

SURVEYOR: MELCHIOR LAND SURVEYING, INC.
5731 PALMER WAY, SUITE G
CARLSBAD, CA 92005-7247
(760) 438 1725

GEOTECHNICAL ENGINEER: GEOTECHNICAL EXPLORATION INC.
7420 TRADE STREET
SAN DIEGO, CA 92121
(858) 549 7222 (O)

ARCHITECTURAL CONSULTANT: AFFINIS
SHADOW VALLEY CENTER
847 JAMACHA ROAD
EL CAJON, CALIFORNIA 92019
(619) 441 0144

LANDSCAPE ARCHITECT: TODD FRY
7920 PRINCESS STREET
LA JOLLA, CALIFORNIA 92037
(858) 498 8005 (O)

LEGAL DESCRIPTION:
LOTS 14 & 15 IN BLOCK 11 OF LA JOLLA SHORE UNIT NO. 1 MAP NO. 1913
FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 3rd 1928

A.P.N.
346-285-01 and 346-285-02

PROJECT NAME: WHITNEY MIXED USE
PROJECT ADDRESS: 2202 & 2208 AVENIDA DE LA PLAYA LA JOLLA CA 92037
OWNER: PLAYA GRANDE LLC
8100 PASEO DEL OCASO SUITE C
LA JOLLA CALIFORNIA 92037
(858) 344 2768

TYPE OF CONSTRUCTION (PROPOSED): TYPE II-B
OCCUPANCY CLASSIFICATION (PROPOSED): RETAIL, RESIDENTIAL R3, GARAGE S-2, CARPORT U

HISTORICAL RESOURCE SENSITIVITY AREA: YES

EXISTING NUMBER OF LOTS: 2
PROPOSED NUMBER OF LOTS: 1

EXISTING ZONE: LA JOLLA SHORES PLANNING DISTRICT - COMMERCIAL CENTER
PROPOSED ZONE: LA JOLLA SHORES PLANNING DISTRICT - COMMERCIAL CENTER (NO CHANGE)

OVERLAY ZONES: CITY COASTAL COASTAL HEIGHT LIMIT PARKING IMPACT RESIDENTIAL TANDOW PARKING

ENVIRONMENT: NO ENVIRONMENTAL SENSITIVE LAND

SETBACKS: FRONT/STREET/SIDEYARD NO REQUIREMENT 0.0 FEET
SIDE/REAR/BACK NO REQUIREMENT 0.0 FEET

GROSS FLOOR AREA (PROPOSED): 9,228 SQ. FT.
GROSS SITE AREA: 3,080 SQ. FT. 0.091 ACRES

EXISTING USE: MIXED-USE
PROPOSED USE: MIXED-USE DEVELOPMENT

EXISTING STRUCTURES: SINGLE STORY RESIDENTIAL AND RETAIL STORE
(2202 AVENIDA DE LA PLAYA) (2208 AVENIDA DE LA PLAYA)

MELCHIOR LAND SURVEYING, INC.
5731 PALMER WAY, SUITE G
CARLSBAD, CA 92010
TEL 760-438-1725 FAX 760-438-3951
NAD 83 COORDINATE INDEX: 1850-6253
NAD 27 COORDINATE INDEX: 251-1691

DOUGLAS R. MELCHIOR, P.L.S.
LICENSED SURVEYOR LS 4611
REGISTRATION EXPIRES 9-30-10
PLS #4611

DATE: 05-01-2010



UTILITY TABLE

ELECTRIC: SAN DIEGO GAS AND ELECTRIC
GAS: SAN DIEGO GAS AND ELECTRIC
TELEPHONE: AT&T
CABLE: TIME WARNER CABLE

MELCHIOR LAND SURVEYING, INC.
5731 PALMER WAY, SUITE G L.S. 4611
CARLSBAD, CALIFORNIA 92010
(760) 438-1725 FAX (760) 438-3951
JN 8192.DWG DATE 05/03/2010



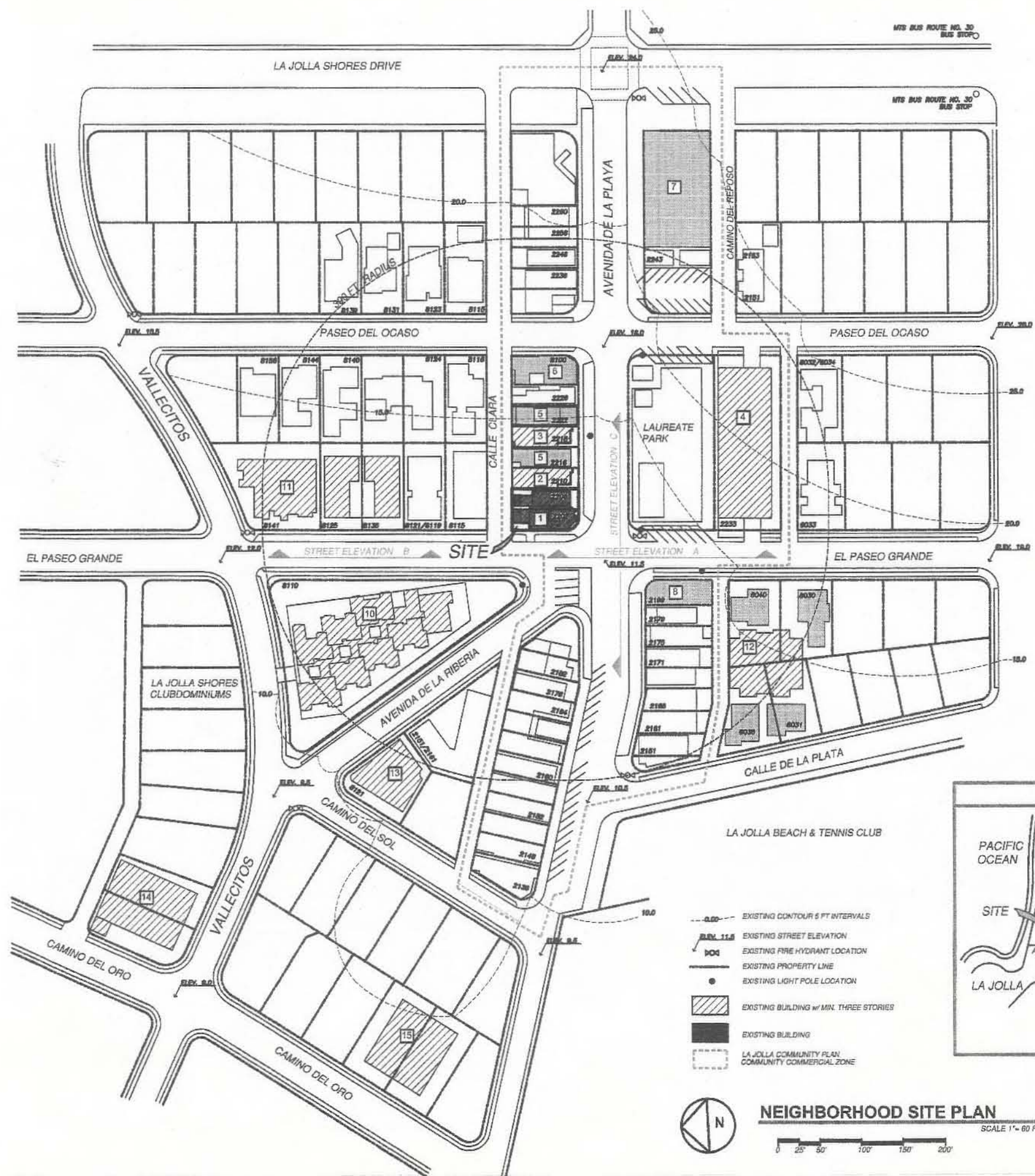
BENCH MARK:
THE BASIS OF BEARINGS FOR THIS SURVEY IS A CITY OF SAN DIEGO BENCH MARK PER CITY VERTICAL CONTROL NE BRASS PLUS; AVENIDA DE LA PLAYA AND EL PASEO GRANDE ELEVATION +11.81 (NEAR SEA LEVEL)

UTILITY LOCATIONS PER IMPROVEMENT PLANS
REFERENCE DRAWINGS NO.'S 26512-20, 26532-70



Shopkeeper / Whitney Family Residences
(A Mixed Use Project)
2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

MARTIN ARCHITECTURE
 Tim Martin A.I.A.
 2333 State Street Suite 100 Carlsbad, CA 92008
 760-729-3470 (C) 760-729-3473 (F) 858-349-3474 (C)
 tim@martinarchitecture.com



SITE ANALYSIS

1) SEE SURVEY BOOKLET FOR LOT SIZES, FLOOR AREAS, AND SETBACKS FOR ALL EXISTING PROPERTIES WITHIN 300 FT RADIUS OF THE PROJECT SITE
 2) SEE SHEET NO. 4 STREET ELEVATIONS FOR ELEVATIONS OF PROPERTIES ADJACENT TO PROPOSED DEVELOPMENT

COMPARABLE FLOOR AREA RATIOS

L.J.P.D. COMMERCIAL CENTER

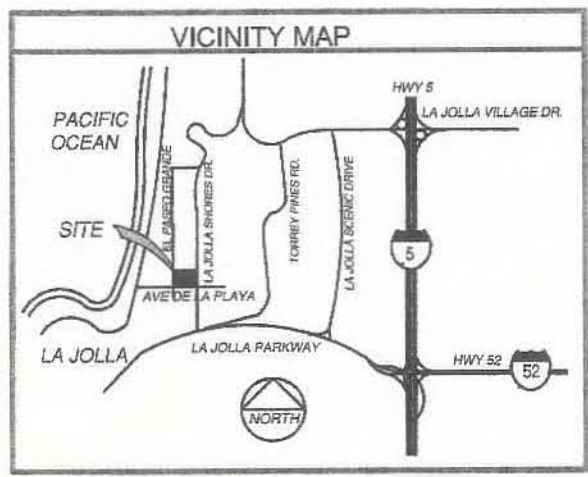
NO.	EXISTING BUILDING	USE	STORIES	YEAR	FAR
1	2202/2206 AVENIDA DE LA PLAYA	RETAIL / RESIDENTIAL	1 STORY	1955	FAR 0.87
	PROPOSED BUILDING	RETAIL / RESIDENTIAL	3 STORY		FAR 2.34
2	SHOPKEEPER TOWNHOMES 2210 AVENIDA DE LA PLAYA	RETAIL / RESIDENTIAL	3 STORY	1990	FAR 1.83
3	SHOPKEEPER TOWNHOMES 2218 AVENIDA DE LA PLAYA	RETAIL / RESIDENTIAL	3 STORY		FAR 1.83
4	EXISTING BUILDING 2223 AVENIDA DE LA PLAYA	OFFICE / PARKING	5 STORY	1970	FAR 3.6

BUILDINGS ONE OR TWO STORIES

5	EXISTING BUILDING 2222 / 2216 AVENIDA DE LA PLAYA	RETAIL	1STORY		FAR LESS THAN 1
6	EXISTING BUILDING 8100 PASEO DEL OCASO	OFFICE	2 STORY		FAR 1.6
7	KELLOG BUILDING 2255 AVENIDA DE LA PLAYA	RETAIL	2 STORY		FAR 2
8	EXISTING BUILDING 2199 AVENIDA DE LA PLAYA	RETAIL	2 STORY		FAR 2

L.J.P.D. MULTI FAMILY RESIDENTIAL

10	LA JOLLA CLUBDOMINIUMS 8110 EL PASEO GRANDE	CONDOMINIUMS	4 STORY		FAR 2.32
11	EL PASEO GRANDE CONDOMINIUMS 8141 EL PASEO GRANDE	CONDOMINIUMS	3 STORY	1990	FAR 1.4
12	SEACREST VILLAS 8035 CALLE DE LA PLATA	CONDOMINIUMS	3 STORY		FAR 2.1
13	VILLAS DE LA PLAYA 8121 CAMINO DEL SOL	CONDOMINIUMS	3 STORY	1980	FAR 1.9
14	LA JOLLA WINDIGO 2120 VALLECITOS	CONDOMINIUMS	3 STORY		FAR 1.8
15	EXISTING BUILDING 8110 CAMINO DEL ORO	APARTMENTS	5 STORY		FAR 1.9



PROJECT NAME
 WHITNEY MIXED USE
 COPY 022901; COPY 022478
 TAG 023254

PROJECT ADDRESS
 2202/2206 AVENIDA DE LA PLAYA
 LA JOLLA, CA 92037

SHEET TITLE
 NEIGHBORHOOD
 SITE PLAN

DRAWING SCALE
 1" = 50 FT

ORIGINAL DATE 05/19/2008

REVISION 1 8/10/2008
REVISION 2 10/16/2008
REVISION 3
REVISION 4
REVISION 5
REVISION 6
REVISION 7
REVISION 8

COASTAL DEVELOPMENT PERMIT
 PROJECT NO.

NEIGHBORHOOD SITE PLAN
 SCALE 1" = 50 FT

SHEET NO.

2

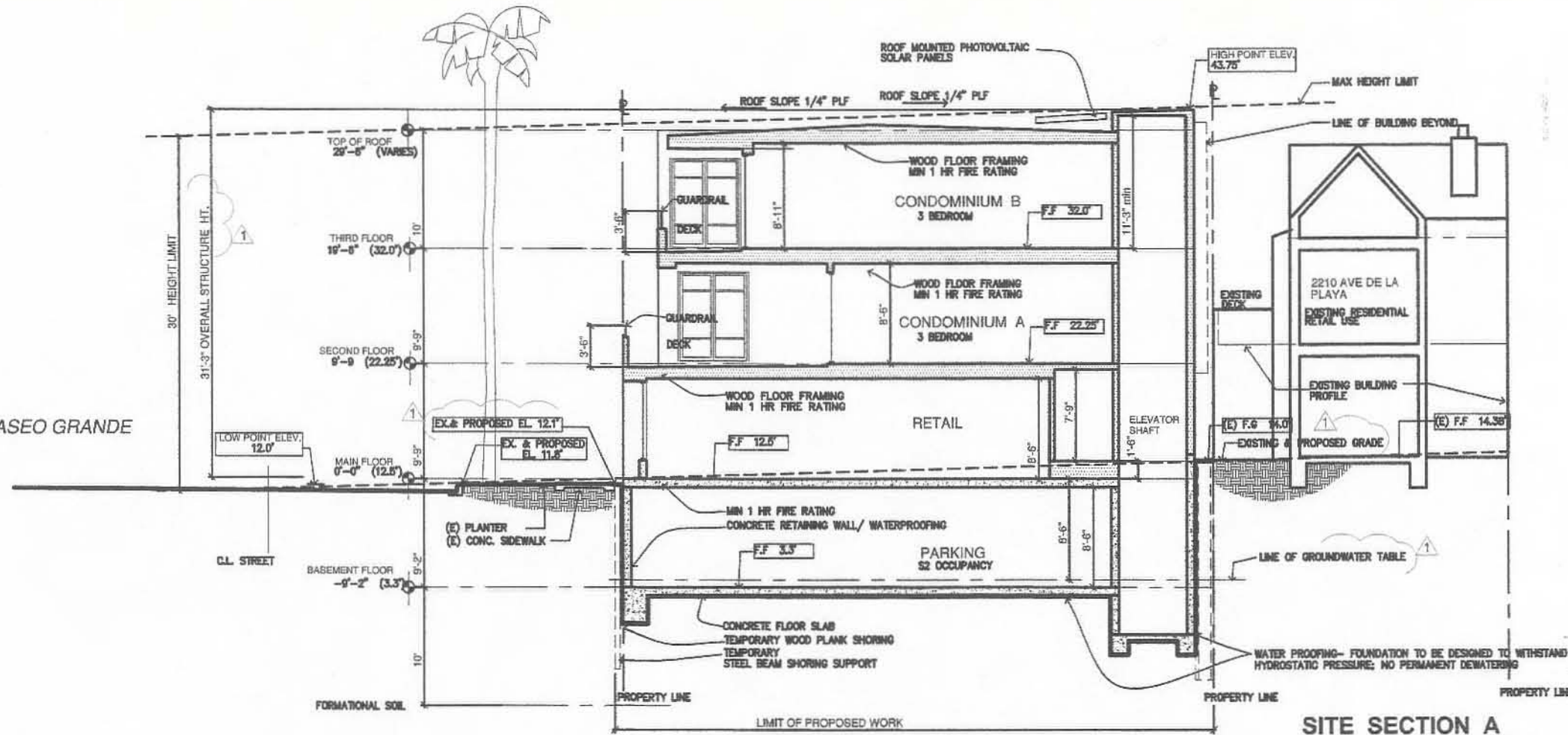
OF 15 SHEETS



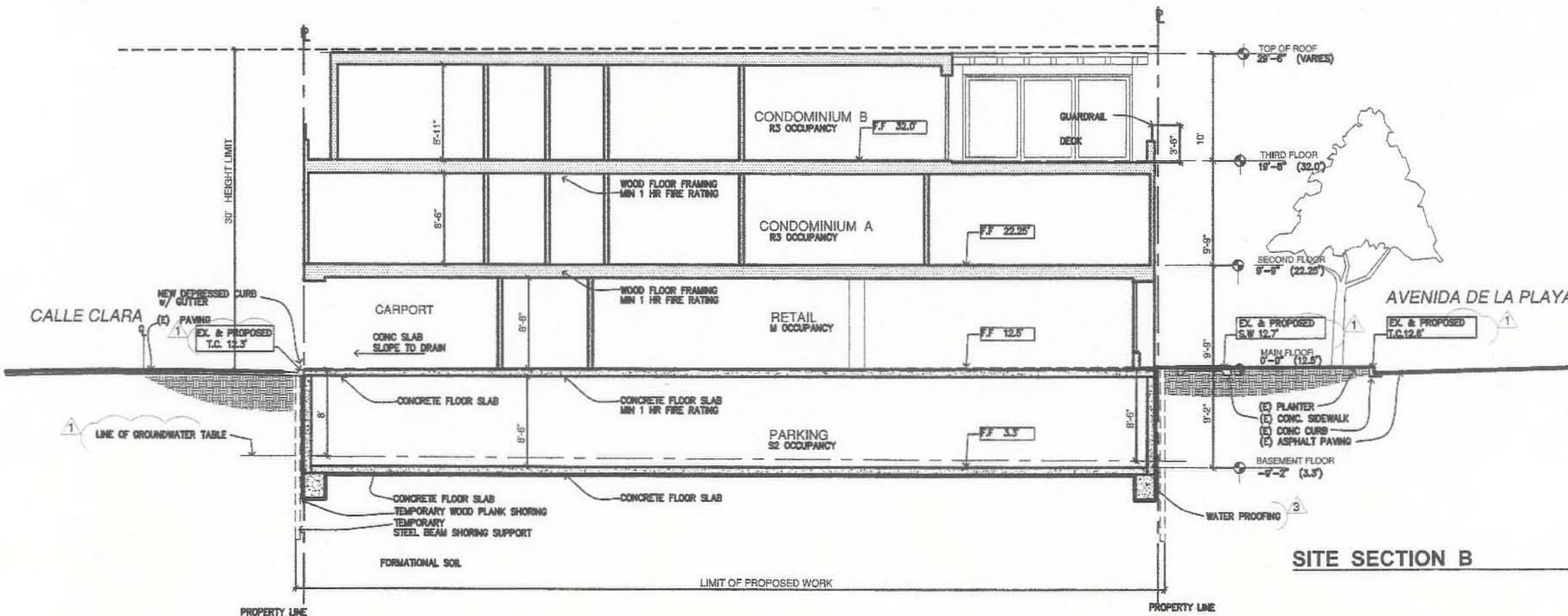
**Shopkeeper / Whitney Family Residences
(A Mixed Use Project)**

2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

EL PASEO GRANDE



SITE SECTION A



SITE SECTION B

PROJECT NAME
WHITNEY MIXED USE
CUP# 082261; 80PF 082676
14F 053254

PROJECT ADDRESS
2202/2206 AVENIDA DE LA PLAYA
LA JOLLA, CA 92037

SHEET TITLE
SITE SECTIONS

DRAWING SCALE
3/16" = 1'-0"

ORIGINAL DATE 05/19/2008

REVISION 1 8/10/2008

REVISION 2 10/16/2008

REVISION 3 5/3/2010

REVISION 4

REVISION 5

REVISION 6

REVISION 7

REVISION 8

COASTAL DEVELOPMENT PERMIT
PROJECT NO. _____

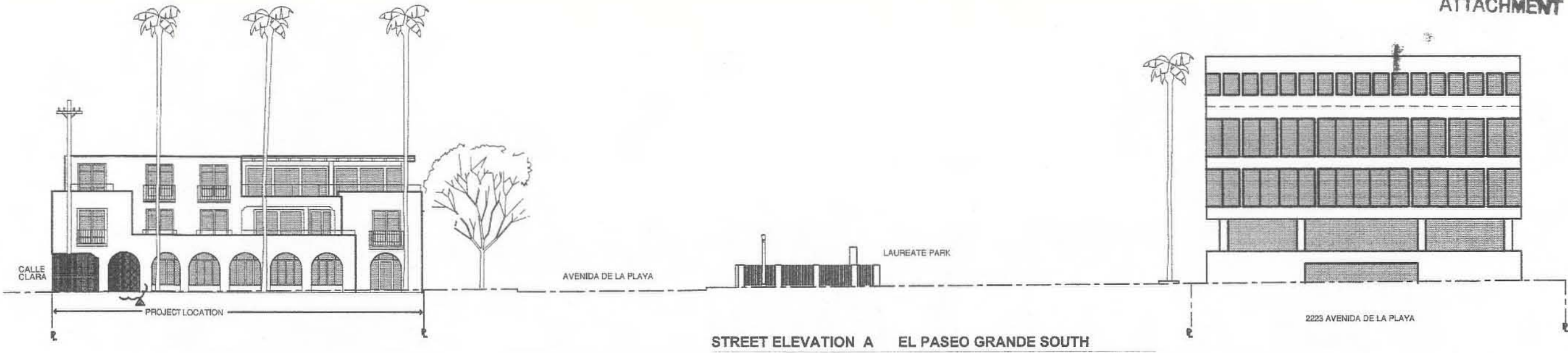
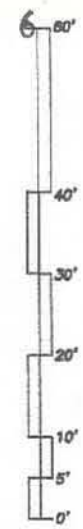
MARTIN ARCHITECTURE

Tim Martin A.I.A.

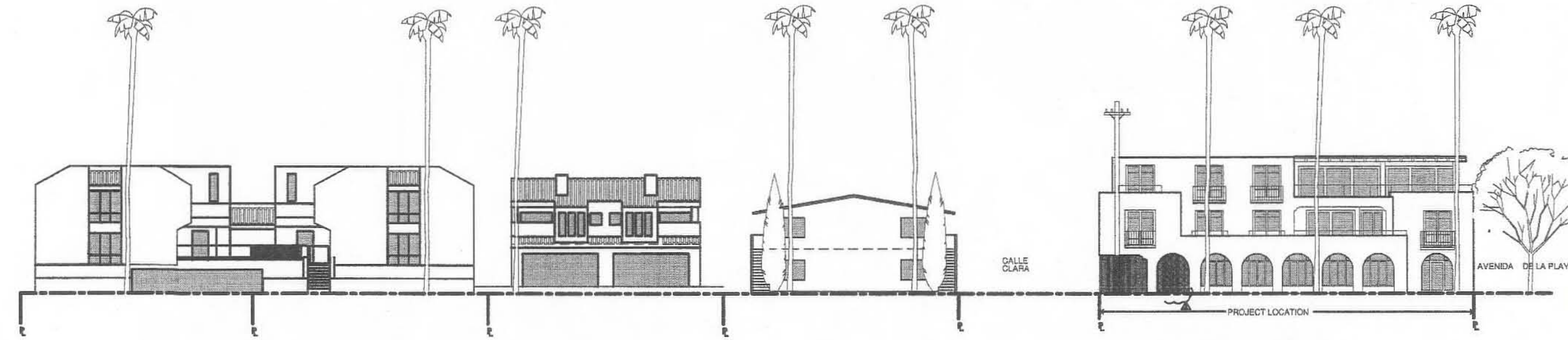
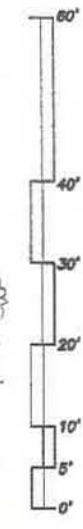
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tim@martinarchitecture.com

SHEET NO.

3



STREET ELEVATION A EL PASEO GRANDE SOUTH



STREET ELEVATION B EL PASEO GRANDE NORTH

PROJECT NAME
WHITNEY MIXED USE
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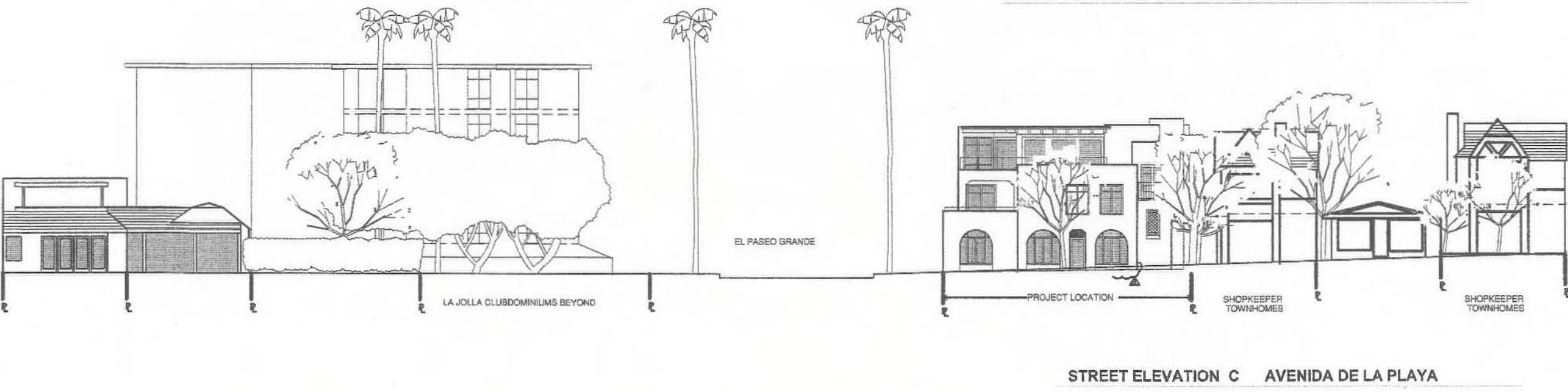
PROJECT ADDRESS
2202/2206 AVENIDA DE LA PLAYA
LA JOLLA, CA 92037

SHEET TITLE
STREET ELEVATIONS

DRAWING SCALE
3/32" = 1 FT

ORIGINAL DATE: 04/22/2008

REVISION 1	6/10/2008
REVISION 2	5/3/2010
REVISION 3	
REVISION 4	
REVISION 5	
REVISION 6	
REVISION 7	
REVISION 8	



STREET ELEVATION C AVENIDA DE LA PLAYA



Shopkeeper / Whitney Family Residences
(A Mixed Use Project)
2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

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Tim Martin A.I.A.
2333 State Street Suite 100 Carlsbad, CA 92008
760-729-3470 (C) 760-729-3473 (F) 858-349-3474 (C)
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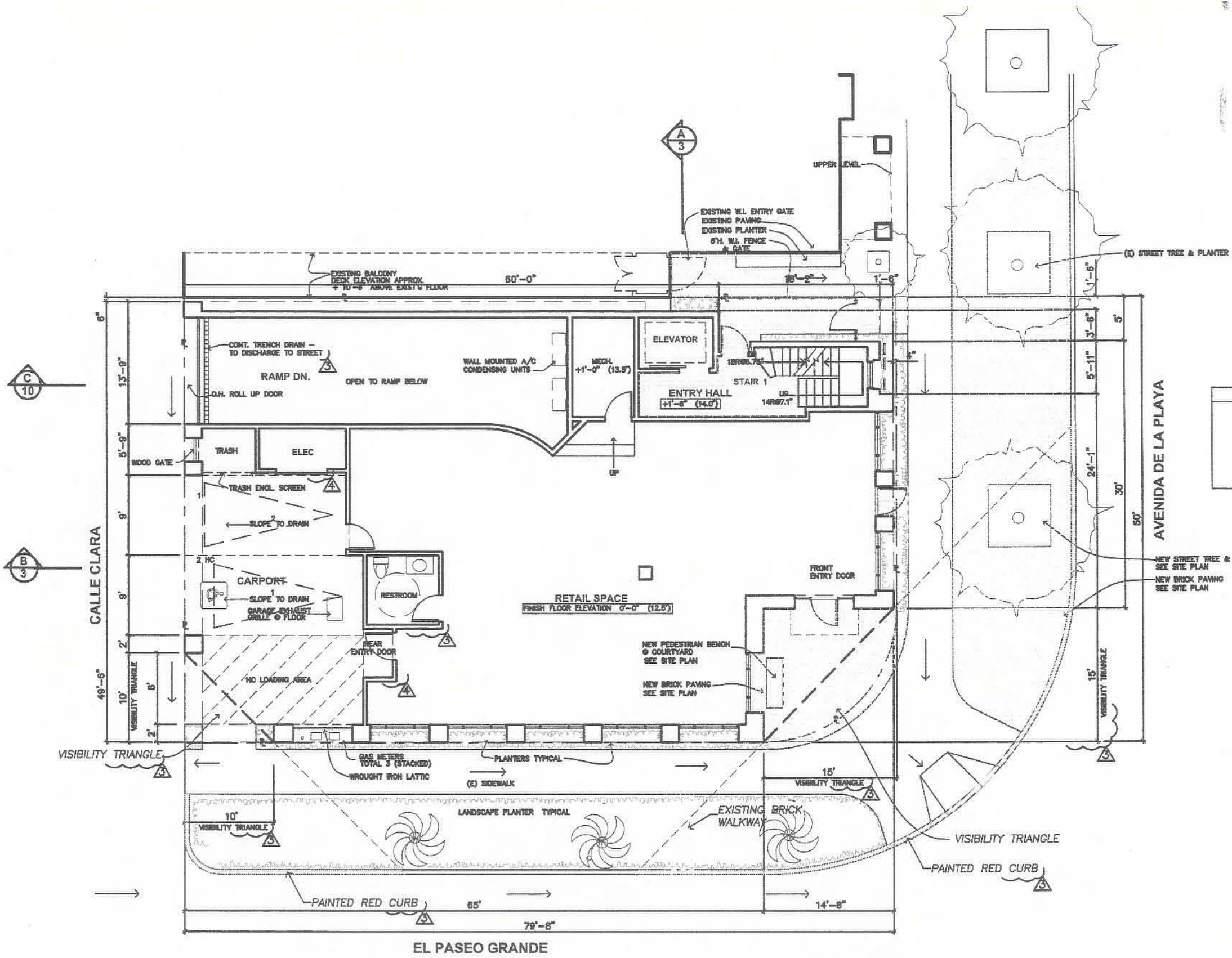
SHEET NO.

COASTAL DEVELOPMENT PERMIT PROJECT NO. _____



Shopkeeper / Whitney Family Residences
 (A Mixed Use Project)
 2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

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 Tim Martin A.I.A.
 2333 State Street Suite 100 Carlsbad, CA 92008
 760-729-3470 (C) 760-729-3473 (F) 858-349-3474 (C)
 tim@martinarchitecture.com



MAIN LEVEL FLOOR AREAS	
RETAIL FLOOR AREA	2,000 SF
CARPORY AREA	575 SF
RESIDENTIAL AREA	280 SF
GARAGE AREA	580 SF
TOTAL FLOOR AREA	3,395 SF
PATIO AREA	280 SF

MAIN LEVEL PLAN
 SCALE 3/16" = 1'-0"

ALLOWABLE AREAS	M (RETAIL)	R-3	S-2 (PARKING)	U (CARPORT)
OCCUPANCIES	M (RETAIL)	R-3	S-2 (PARKING)	U (CARPORT)
BASIC AREA SF	8,000 SF 1 STORY	U/L 3 STORY	13,500 SF 2 STORY	5,500 SF 1 STORY
ALLOWABLE AREA INCREASED 68% FOR YARDS 200% FOR SPRINKLERS	33,210 SF	U/L 3 STORY	48,315 SF	20,295 SF
AREA RATIO MIXED OCCUPANCY TOTAL LESS THAN 1 PER SECT. 508.3.2.3	0.067	0.0	0.08	0.03

FLOOR AREAS PER OCCUPANCY:	M (RETAIL)	R-3 (RES)	S-2 (GARAGE)	U (CARPORT)	SUM / FLOOR
OCCUPANCIES	M (RETAIL)	R-3 (RES)	S-2 (GARAGE)	U (CARPORT)	SUM / FLOOR
FLOORS	ft ²	ft ²	ft ²	ft ²	ft ²
BASEMENT			3,257 SF		3,257 SF
MAIN	2,000 SF	280 SF	580 SF	575 SF	3,395 SF
SECOND		3,227 SF			3,227 SF
THIRD		2,890 SF			2,890 SF
SUM / OCCUPANCY	2,000 SF	6,577 SF	3,817 SF	575 SF	

PROJECT NAME
 WHITNEY MIXED USE
 COP# 082581; SDP# 082578
 TRF# 083284

PROJECT ADDRESS
 2202/2206 AVENIDA DE LA PLAYA
 LA JOLLA, CA 92037

SHEET TITLE
 MAIN LEVEL PLAN

DRAWING SCALE
 3/16" = 1'-0"

ORIGINAL DATE: 05/19/2008

REVISION 1: 8/10/2009

REVISION 2: 10/18/2009

REVISION 3: 5/3/2010

REVISION 4: 5/28/2010

REVISION 5:

REVISION 6:

REVISION 7:

REVISION 8:

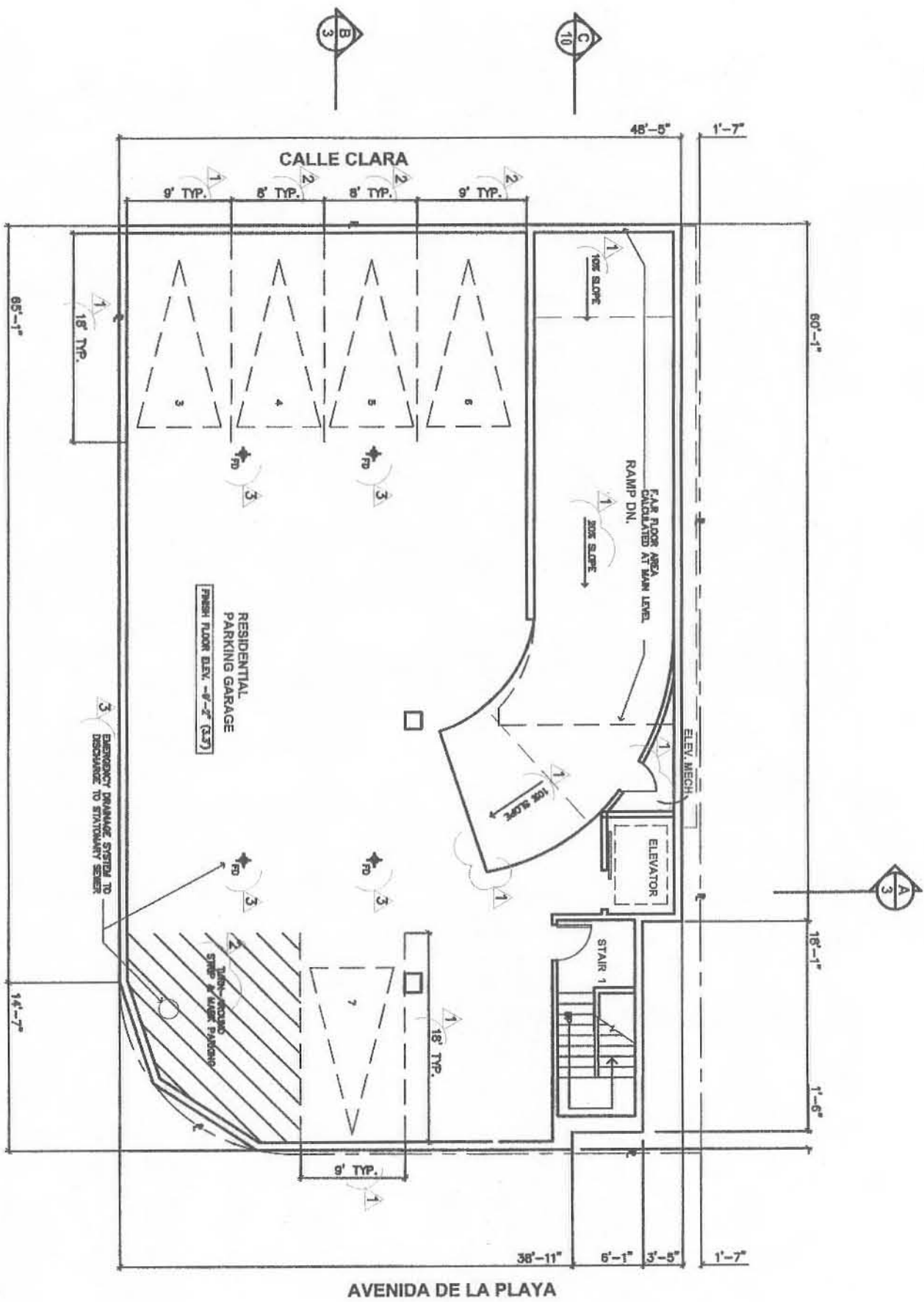
COASTAL DEVELOPMENT PERMIT
 PROJECT NO. _____



**Shopkeeper / Whitney Family Residences
(A Mixed Use Project)**
2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

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Tim Martin A.I.A.
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760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)
tim@martinarchitecture.com

BASEMENT FLOOR AREAS
TOTAL FLOOR AREA 3,587 SF



BASEMENT FLOOR PLAN

SCALE 3/16" = 1'-0"

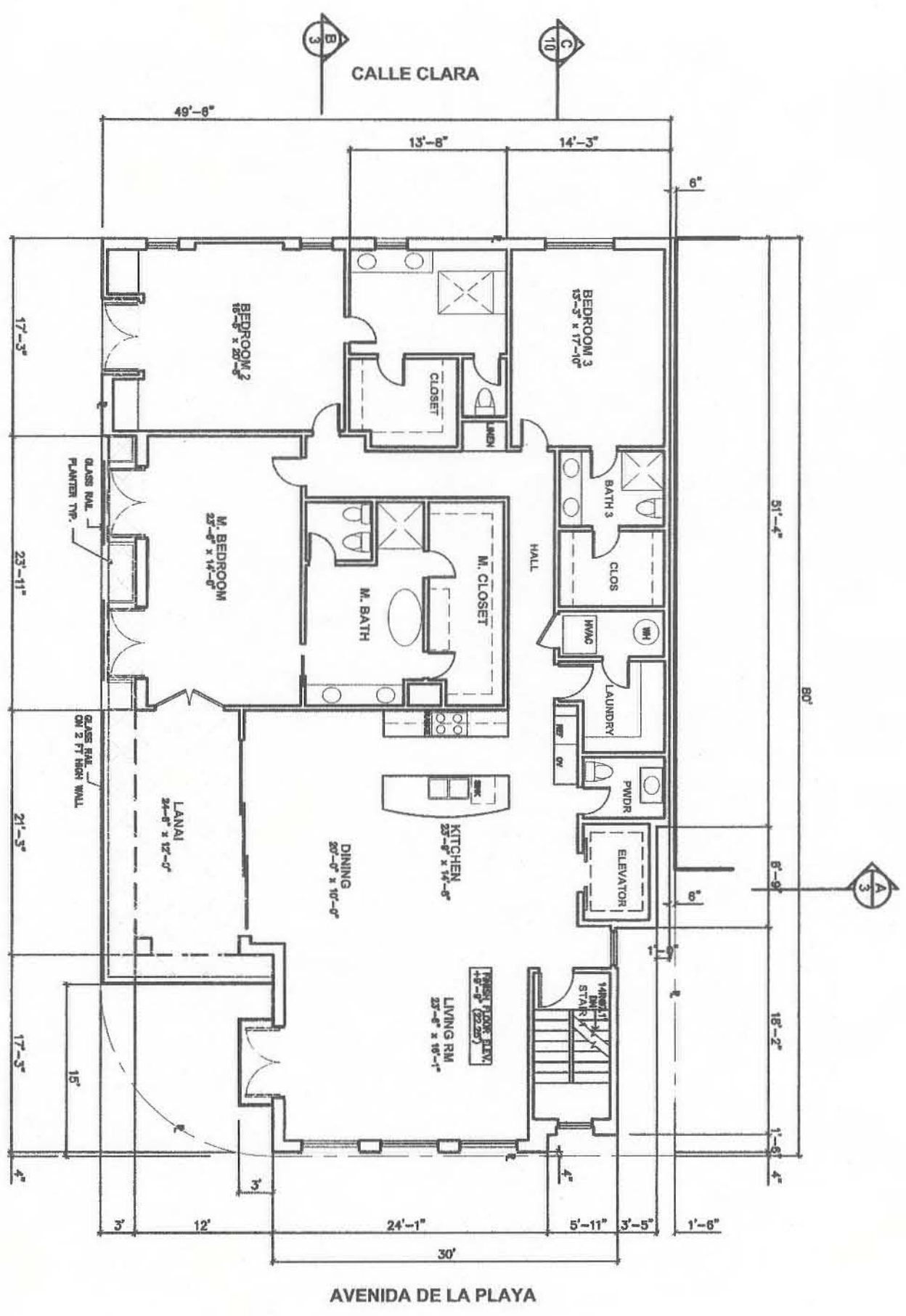
DATE	04/22/2008
REVISION 1	8/10/2008
REVISION 2	10/18/2008
REVISION 3	9/2/2010
REVISION 4	
REVISION 5	
REVISION 6	
REVISION 7	
REVISION 8	

SHEET NO. **6**
OF 13 SHEETS



Shopkeeper / Whitney Family Residences
(A Mixed Use Project)
 2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

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 Tim Martin A.I.A.
 2333 State Street Suite 100 Carlsbad, CA 92008
 760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)
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SECOND FLOOR PLAN
 CONDOMINIUM A FLOOR AREA 3,927 SF
 DECK AREA 418 SF
 SCALE 3/16" = 1'-0"

REVISIONS

REVISION 1	8/19/2008
REVISION 2	5/2/2010
REVISION 3	
REVISION 4	
REVISION 5	
REVISION 6	
REVISION 7	
REVISION 8	

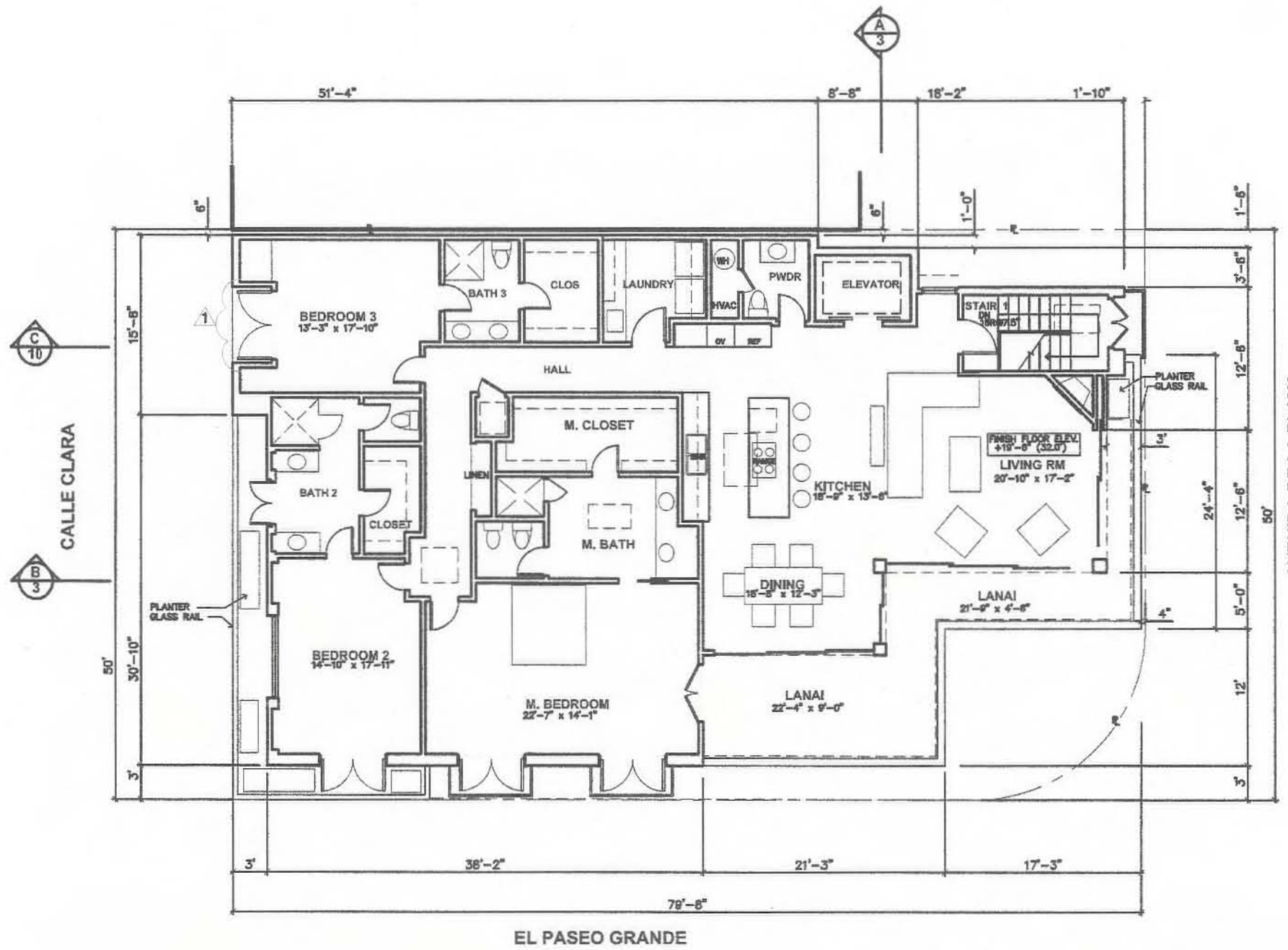
COASTAL DEVELOPMENT PERMIT PROJECT NO. _____

SHEET NO. **7**



Shopkeeper / Whitney Family Residences
 (A Mixed Use Project)
 2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

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 Tim Martin A.I.A.
 2333 State Street Suite 100 Carlsbad, CA 92008
 760-729-3470 (C) 760-729-3473 (F) 858-349-3474 (C)
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EL PASEO GRANDE

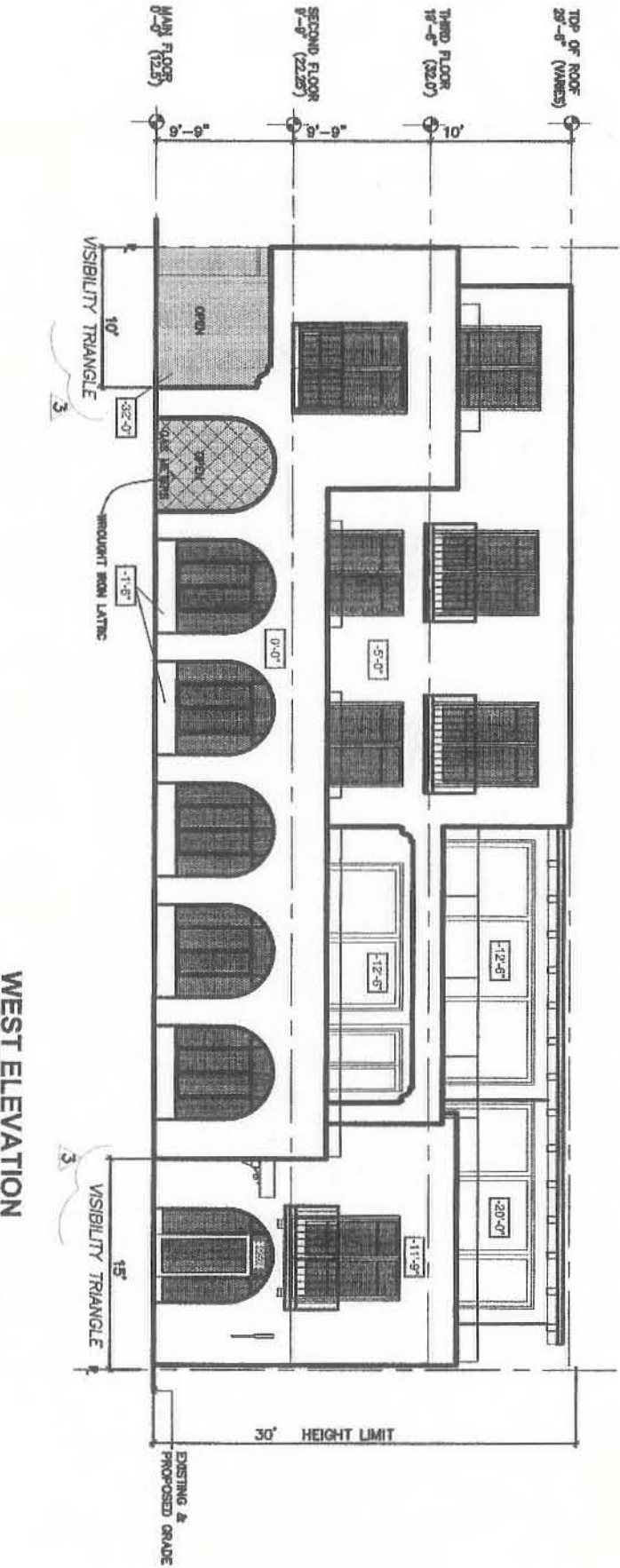
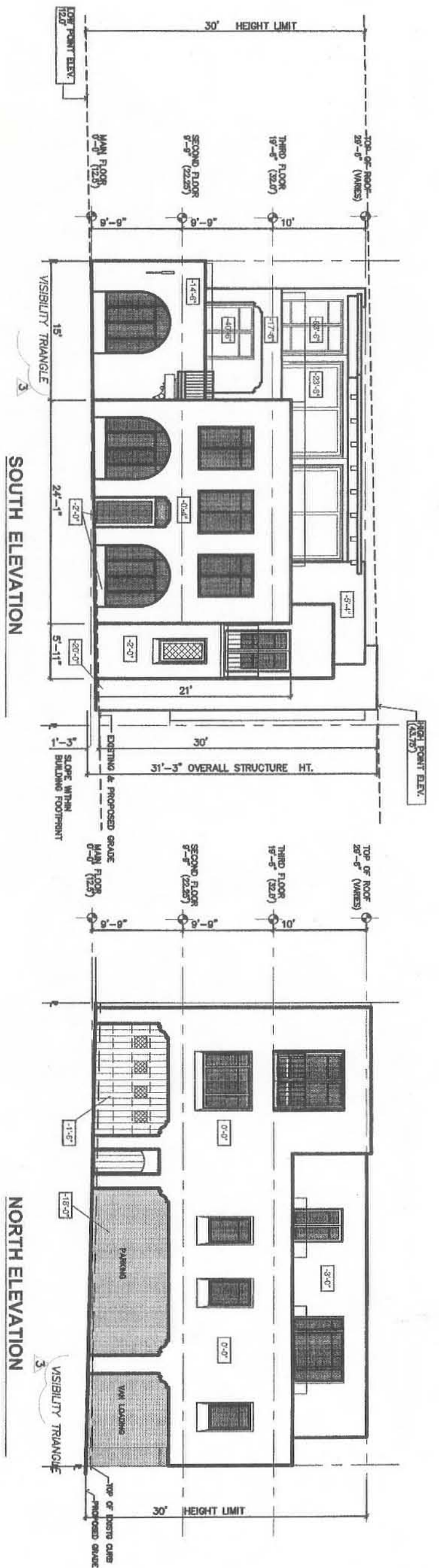


CONDOMINIUM B FLOOR AREA 2,890 SF
 DECKS 615 SF
THIRD LEVEL FLOOR PLAN
 SCALE 3/16" = 1 FT

PROJECT NAME	WHITNEY MIXED USE
PROJECT ADDRESS	2202/2206 AVENIDA DE LA PLAYA LA JOLLA, CA 92037
SHEET TITLE	THIRD LEVEL FLOOR PLAN
DRAWING SCALE	3/16" = 1 FT
ORIGINAL DATE	05/10/2009
REVISION 1	08/10/2009
REVISION 2	10/30/2009
REVISION 3	5/2/2010
REVISION 4	
REVISION 5	
REVISION 6	
REVISION 7	
REVISION 8	
COASTAL DEVELOPMENT PERMIT PROJECT NO.	

SHEET NO.

8



PROJECT NAME
WHITNEY MIXED USE
CLIENT: WHITNEY MIXED USE
PROJECT ADDRESS
2202 / 2206 AVENIDA DE LA PLAYA
LA JOLLA, CA 92037

SHEET TITLE
BUILDING
ELEVATIONS

DRAWING SCALE
3/16" = 1' FT

ORIGINAL DATE 02/19/2008

REVISION 1 02/11/2008

REVISION 2 03/24/2010

REVISION 3 05/24/2010

REVISION 4 05/24/2010

REVISION 5 05/24/2010

REVISION 6 05/24/2010

REVISION 7 05/24/2010

REVISION 8 05/24/2010

COASTAL DEVELOPMENT PERMIT
PROJECT NO. _____

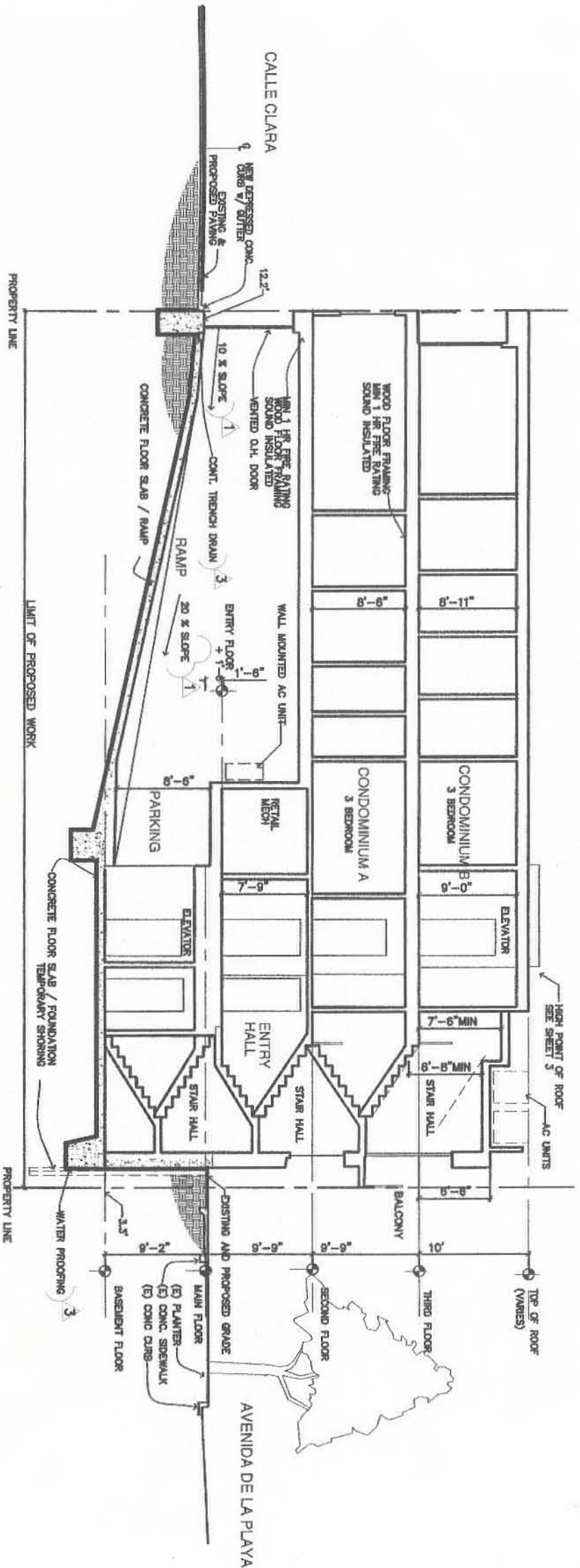
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Tim Martin A.I.A.
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Shopkeeper / Whitney Family Residences
(A Mixed Use Project)
2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA



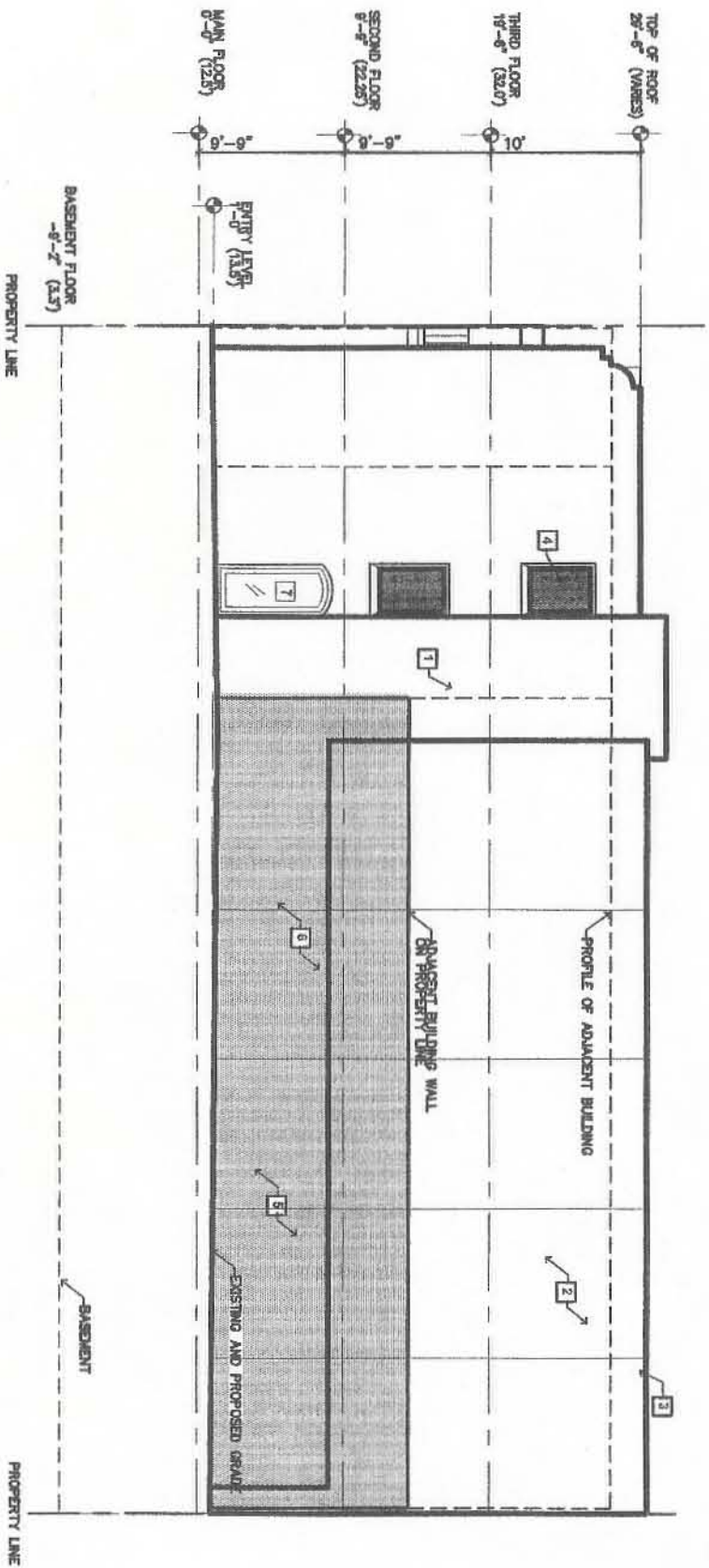
**Shopkeeper / Whitney Family Residences
(A Mixed Use Project)**

2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA



SECTION C

SCALE 3/8" = 1'-0"



EAST ELEVATION

SCALE 3/8" = 1'-0"

LEGEND	
1	STUCCO WALL FINISH
2	PERFORATED STUCCO PANELS
3	1" X 4" FINE MESH
4	ALUMINUM CLAD WOOD FRAME WINDOW
5	CONCRETE / CONCRETE BLOCK WALL
6	DECORATIVE W. SCREEN
7	W/ ENTRY DOOR

REVISION	DATE	DESCRIPTION
REVISION 1	08/10/2008	
REVISION 2	10/15/2008	
REVISION 3	8/2/2010	
REVISION 4		
REVISION 5		
REVISION 6		
REVISION 7		
REVISION 8		

PROJECT NAME
WHITNEY MIXED USE
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TIM ARCHITECT

PROJECT ADDRESS
2202/2206 AVENIDA DE LA PLAYA
LA JOLLA, CA 92037

SHEET TITLE
BUILDING
ELEVATIONS/
SECTION

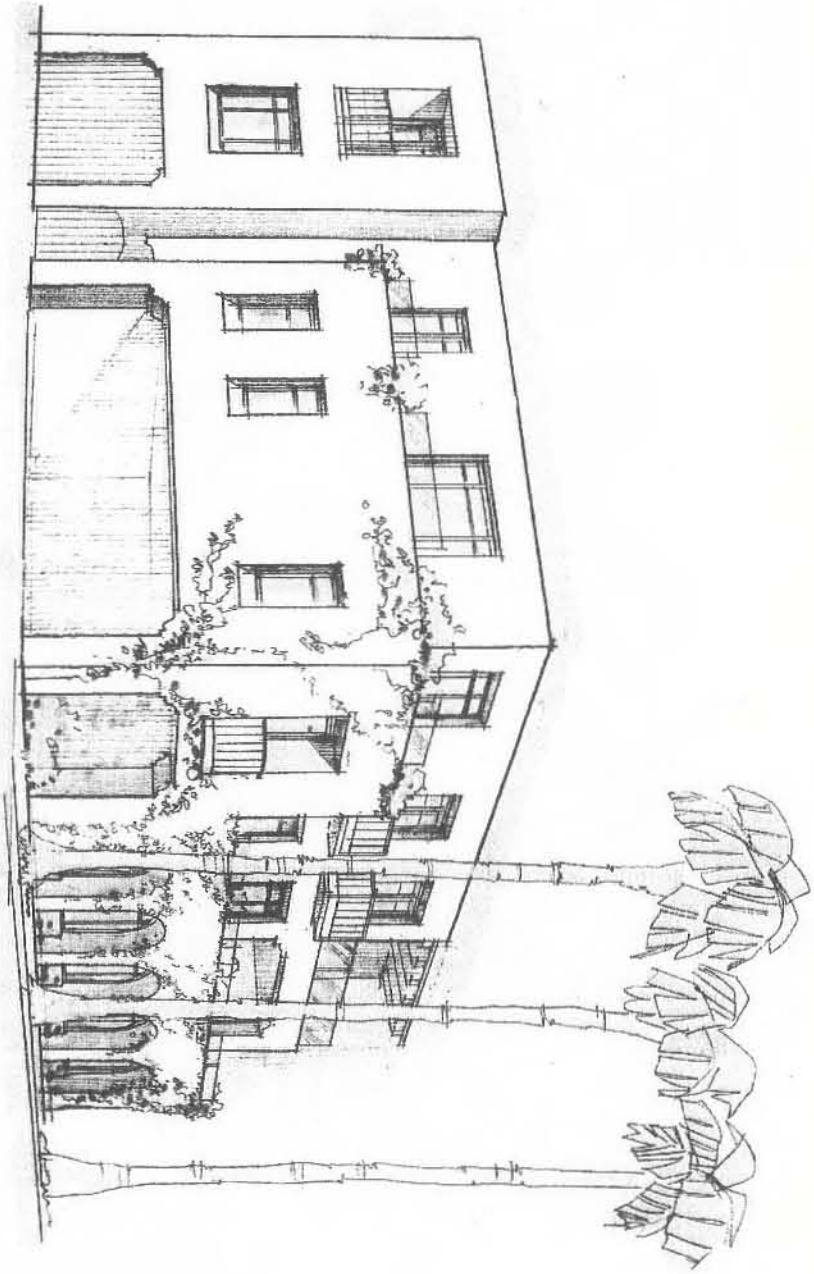
DRAWING SCALE
3/8" = 1'-0"

MARTIN ARCHITECTURE
Tim Martin A.A.

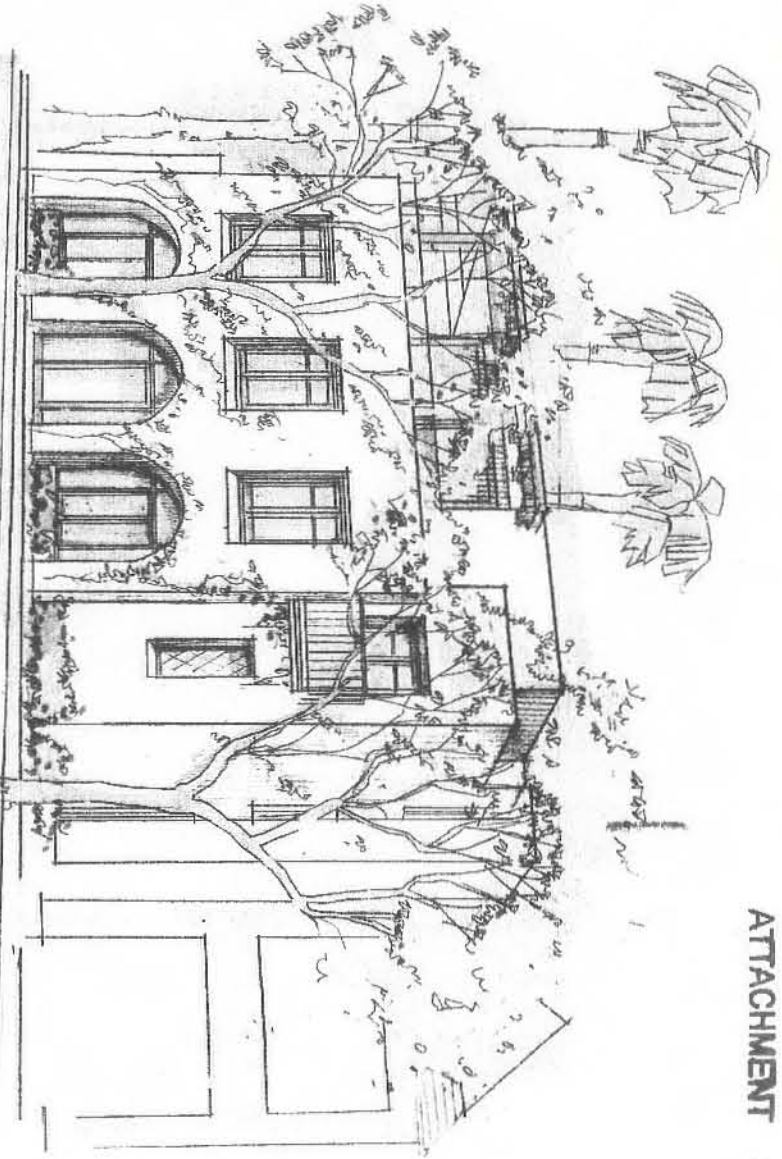
2333 State Street Suite 100 Carlsbad, CA 92008
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tim@martinarchitecture.com

SHEET NO.

10



NORTH WEST VIEW



SOUTH EAST VIEW



SOUTH WEST VIEW

PROJECT NAME
WHITNEY FAMILY
RESIDENCES
PROJECT ADDRESS
2202/2206 AVENIDA DE LA PLAYA
LA JOLLA, CA 92037

SHEET TITLE
PERSPECTIVE
VIEWS

DRAWING SCALE
NO SCALE

ORIGINAL DATE: 04/20/2008

REVISION 1 _____
REVISION 2 _____
REVISION 3 _____
REVISION 4 _____
REVISION 5 _____
REVISION 6 _____
REVISION 7 _____
REVISION 8 _____

COASTAL DEVELOPMENT PERMIT
PROJECT NO. _____



Shopkeeper / Whitney Family Residences
(A Mixed Use Project)
2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

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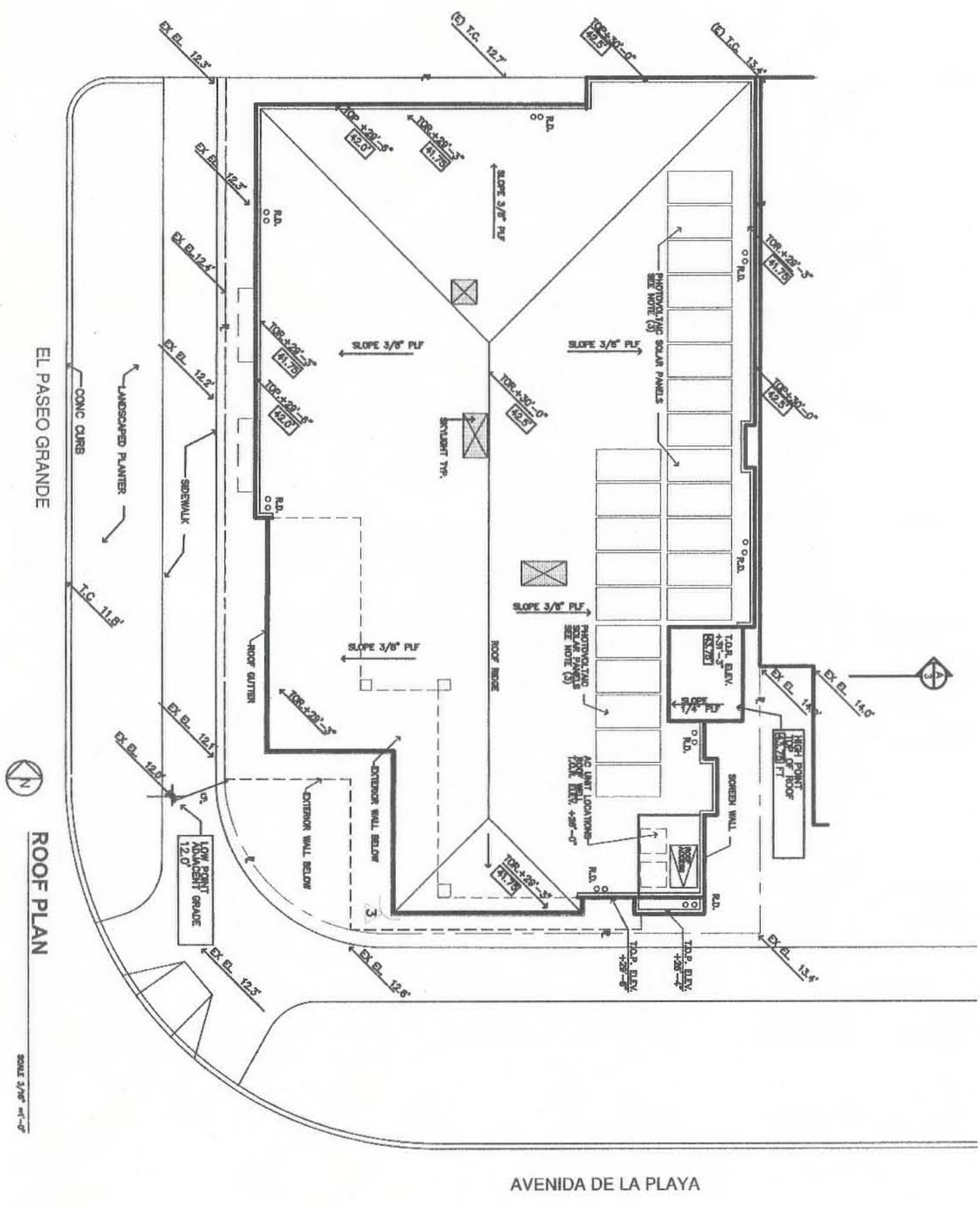
**Shopkeeper / Whitney Family Residences
(A Mixed Use Project)**
2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

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Tim Martin A.I.A.
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LEGEND	
T.O.B.	TOP OF ROOF
T.O.P.	TOP OF PARAPET
T.C.	TOP OF EXISTING CURB
EX. EL. 22'-0"	EXISTING ABOVE GRADE FLOOR LEVEL (0'-0")
EX. EL. 22'-0"	PROPOSED SPOT ELEVATION ABOVE GRADE LEVEL SEE DATA SHEET
EX. EL. 22'-0"	EXISTING SPOT ELEVATION
EX. EL. 22'-0"	DIRECTION OF ROOF SLOPE
R.D.	ROOF DRAIN AND OVERFLOW

NOTES

- EXISTING TOPOGRAPHIC INFORMATION BASED ON SURVEY BY LANDMARK CONSULTING DIV NO. 137-4 DATED 08-28-07 SEE TOPOGRAPHICAL PLAN SHEET 13
- BASES OF ELEVATIONS/ DATA FOR SURVEY: NORTHEAST CROSS PLUS AVENIDA DE LA PLAYA & EL PASO GRADE ELEVATION 11.81' M.S.L.
- ALTERNATIVE ENERGY TECHNOLOGY TO BE INCORPORATED INTO PROJECT PER LA JOLLA CHARTER PLAN RECOMMENDATIONS FOR MIXED USE COMMERCIAL DEVELOPMENT PROJECTS



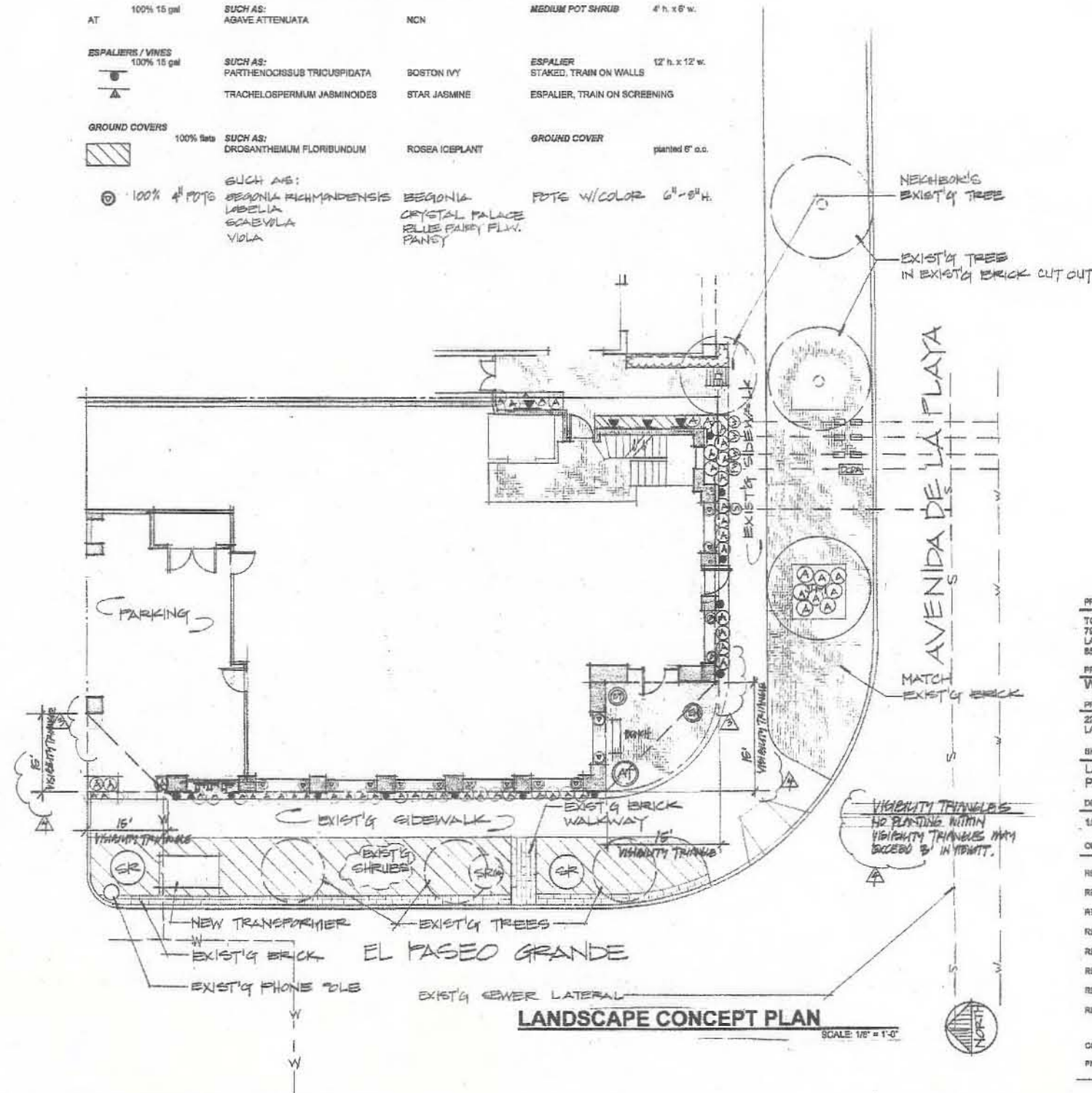
PLANT LEGEND					
SYMBOL	QUAN	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS
EXISTING TREES					
		30" caliper trunk size	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	
TREES & PALMS					
JM	100%	30" box	SUCH AS: JACARANDA MIMOSIFOLIA	JACARANDA	STREET TREE 26' h. x 20' w.
SHRUBS					
SR	100%	24" box	SUCH AS: STRELITZIA REGINAE	BIRD OF PARADISE	MEDIUM ACCENT SHRUB 8' h. x 2' w.
A	100%	1 gal	SUCH AS: AGAPANTHUS AFRICANUS	LILY OF THE NILE	SMALL ACCENT SHRUB 3' h. x 3' w.
EM	100%	3 or 5 gal	SUCH AS: EUPHORBIA MILI (large-leaved)	RED CROWN OF THORNS	SMALL POT SHRUB 4' h. x 3' w.
ET			EUPHORBIA TIRUCALLI 'STICKS ON FIRE'	STICKS ON FIRE	LARGE-LEAF AND FLOWER
AT	100%	15 gal	SUCH AS: AGAVE ATTENUATA	NCN	MEDIUM POT SHRUB 4' h. x 6' w.
ESPALEERS / VINES					
	100%	15 gal	SUCH AS: PARTHENOCCISSUS TRICUSPIDATA	BOSTON IVY	ESPALIER STAKED, TRAIN ON WALLS 12' h. x 12' w.
			TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	ESPALIER, TRAIN ON SCREENING
GROUND COVERS					
	100%	15 gal	SUCH AS: DROSERANTHEMUM FLORIBUNDUM	ROSEA ICEPLANT	GROUND COVER painted 6" o.c.
	100%	4" POTS	SUCH AS: BEGONIA RICHMONDENSIS LAEVILIA SCAEVOLA VIOLA	BEGONIA CRYSTAL PALACE ELLIE FAIRY FLX. PANSY	POTS W/COLOR 6"-8" H.

MINIMUM STREET TREE SEPARATION DISTANCES

IMPROVEMENT	MINIMUM DISTANCE TO STREET TREE
Traffic Signal, Stop Sign	20 feet
Underground Utility Lines	5 feet
Above Ground Utility Structure (Transformers, hydrants, utility poles, etc.)	10 feet
Driveways	10 feet
Intersections (intersecting curb lines of two streets)	25 feet

NOTES

1. Tree root barriers shall be installed where trees are placed within 5 feet of public improvements, including walks, curbs, or street pavement or where new public improvements are placed adjacent to existing trees. Root barriers will not be wrapped around root ball.
2. All canopy trees shall be provided with 40 s.f. root zone and planted in an air and water permeable landscape area. The minimum dimension (width) of this area shall be 5 feet.
3. Irrigation systems are to be installed in accordance with the criteria and standards of the City of San Diego Landscape Ordinance section 142.0403 and the City of San Diego Land Development Manual Landscape Standards.
4. All Landscape and Irrigation shall conform to the standards of the City-Wide Landscape Regulations, The City of San Diego Land Development Manual Landscape Standards and other Landscape related City and Regional standards.
5. Maintenance: All required landscape areas shall be maintained by property management company. Landscape and irrigation areas in the public ROW shall be maintained by property management company. The landscape areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced per the conditions of the permit.



PREPARED BY
TODD FRY LANDSCAPE ARCHITECT
7920 PRINCESS STREET
LA JOLLA, CA 92037
858.459.8005

PROJECT NAME
WHITNEY MIXED USE

PROJECT ADDRESS
2202/2206 AVENIDA DE LA PLAYA
LA JOLLA, CA 92037

SHEET TITLE
LANDSCAPE CONCEPT PLAN

DRAWING SCALE
1/8" = 1'-0"

ORIGINAL DATE: 5/19/06

REVISION 1: 8/10/06
REVISION 2: 10/16/09
REVISION 3: 5/3/10
REVISION 4: 6/10/10
REVISION 5:
REVISION 6:
REVISION 7:
REVISION 8:

COASTAL DEVELOPMENT PERMIT
PROJECT NO. _____

TODD FRY LANDSCAPE ARCHITECT A.S.L.A.
(858) 459-8005
Calif. Lic. # 1370
Hawaii Lic. #8878
La Jolla, CA 92037

Date	Revision

Checked By _____
Drawn By _____
Job No. _____

Shopkeeper/Whitney
Family Residences
(A Mixed Use Project)
2202/2206 AVENIDA DE LA PLAYA

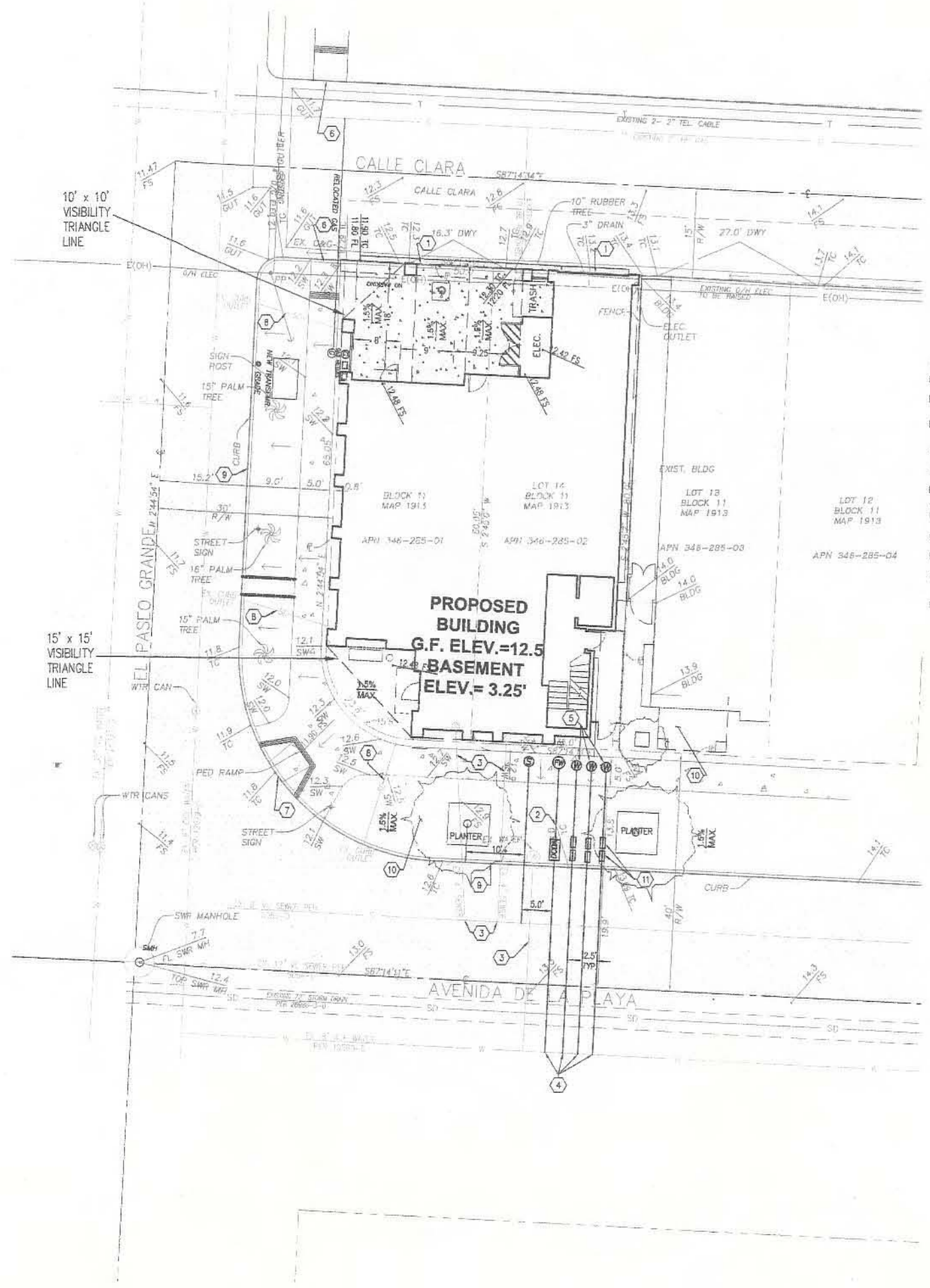
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**Shopkeeper / Whitney Family Residences
(A Mixed Use Project)**
2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

MARTIN ARCHITECTURE
Tim Martin A.I.A.
2333 State Street Suite 100 Carlsbad, CA 92008
760-729-3470 (O) 760-729-3473 (F) 858-349-3474 (C)
tim@martinarchitecture.com



- KEYNOTES**
- NEW DEPRESSED CURB FOR ENTRANCE ALONG PARKING AND ACCESS TO BASEMENT.
 - PROPOSED 4" FIRE SERVICE WITH 4" DCDA AND 2-PORT FDC MOUNTED ON THE INSIDE END OF DCDA. FINAL SIZING PER SPRINKLER DESIGNER.
 - EX. LATERAL TO BE ABANDONED. SEE SHEET 15 FOR INFORMATION.
 - CONNECT TO EXISTING WATER MAIN.
 - NEW WATER LATERAL FOR WATER SERVICE WITH WATER METERS AND BACKFLOW DEVICES. WATER LATERAL AND METER SIZE TO BE DETERMINED.
 - ACCESSIBLE RAMP PER SDG-136.
 - ACCESSIBLE RAMP PER SDG-130 AND 132.
 - PROTECT IN PLACE EXISTING SIDEWALK UNDERDRAINS. CONNECT TO NEW BUILDING ROOF DRAINS.
 - SAWCUT AND REPLACE ANY DAMAGED SIDEWALK, CURB OR GUTTER ALONG SITE FRONTAGE TO THE SATISFACTION OF RESIDENT ENGINEER. (TYP.)
 - NEW BRICK PAVERS PER PROJECT NUMBER 162867 AND L.J. COMMUNITY PLAN GROUP RECOMMENDATIONS. (TYP.)
 - NEW WATER METER AND BACKFLOW DEVICE. (TYP.)

LEGEND

EXISTING WATER MAIN	STD. DWG.	SYMBOL
EXISTING CURB & PAVING		
EXISTING STORM DRAIN		
EXIST. CONCRETE		
EXIST. SEWER LINE		
NEW BUILDING		
DIRECTION OF FLOW AND SLOPE		
TOP OF CURB ELEVATION		65.90 TC 65.40 FS
FLOW LINE ELEVATION		64.90 FL
PROPERTY LINE		
NEW PAVEMENT		
PROPOSED PEDESTRIAN RAMP	TYPE "SDG-132"	

GRADING DATA

TOTAL SITE AREA	3954.85 S.F. OR 0.0910 AC
TOTAL AMOUNT OF SITE TO BE GRADED:	0.910 ACRES
PERCENT OF TOTAL SITE GRADED:	100%
AMOUNT OF SITE WITH 25% SLOPES OR GREATER:	0.00 ACRES (EXISTING)
PERCENT OF TOTAL SITE WITH 25% SLOPES OR GREATER:	0.0% (EXISTING) 0.0% (PROPOSED)
AMOUNT OF SITE WITH SLOPES THAT ARE SUBJECT TO ESL REQS:	0.0 ACRES
PERCENT OF SITE WITH SLOPES THAT ARE SUBJECT TO ESL REQS:	0%
*AMOUNT OF CUT: 1,400 CUBIC YARDS AND MAX. DEPTH OF CUT: 16.0 FEET	
*AMOUNT OF FILL: 0 CUBIC YARDS AND MAX. DEPTH OF FILL: 0.0 FEET	
MAXIMUM HEIGHT OF FILL SLOPE(S): 0 FEET, SLOPE RATIO: 0	
MAXIMUM HEIGHT OF CUT SLOPE(S): 0 FEET, SLOPE RATIO: 0	
*AMOUNT OF EXPORT SOIL: 1,200 CUBIC YARDS	
BASEMENT RETAINING WALLS: LENGTH: 270 FEET MAXIMUM HEIGHT: 10 FEET	
SITE RETAINING WALLS: NONE	
NOTE: *EARTHWORK QUANTITIES ARE PRELIMINARY AND DO NOT ACCOUNT FOR SOIL CONDITIONS AT THE SITE. QUANTITIES HAVE BEEN PROVIDED FOR CITY REVIEW PURPOSES ONLY. THE ENGINEER DOES NOT CERTIFY TO THE QUANTITIES SHOWN HEREON.	

- LEGEND:**
- AC = ASPHALT
 - BFP = BACK FLOW PREVENTER
 - C.I. = CURB INLET
 - CB = CATCH BASIN
 - CONC = CONCRETE
 - C = CENTERLINE
 - ELE = ELECTRIC
 - FF = FINISH FLOOR
 - FF = FINISH FLOOR
 - TG = TOP OF GRATE
 - FH = FIRE HYDRANT
 - G = GAS
 - IRG = IRRIGATION
 - IRGV = IRRIGATION VALVE
 - LT = LIGHT
 - MH = MAN HOLE
 - OH = OVERHEAD
 - PED = PEDASTAL
 - P = PROPERTY LINE
 - PP = POWER POLE
 - SCD = SEWER CLEANOUT
 - SDG&E = SAN DIEGO GAS & ELECTRIC CO
 - SD = STORM DRAIN
 - S = SEWER
 - TRAN = TRANSFORMER
 - TELE = TELEPHONE
 - (TYP) = TYPICAL
 - UG = UNDERGROUND POWER/GAS
 - W = WATER
 - WM = WATER METER
 - WV = WATER VALVE
 - P = PROPERTY LINE

SEWER NOTE:
ALL ON SITE SEWER FACILITIES TO BE PRIVATE, DESIGNED AND CONSTRUCTED PER REQUIREMENTS OF THE CALIFORNIA UNIFORM PLUMBING CODE AND CITY OF SAN DIEGO SEWER DESIGN GUIDELINES

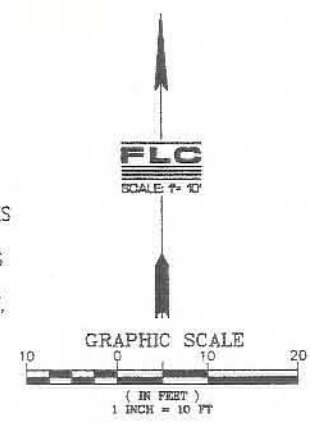
LEGAL DESCRIPTION
LOTS 14 AND 15 IN BLOCK 11 OF LA JOLLA SHORES UNIT NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1913, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 03, 1926.

BENCHMARK:
NORTHEAST BRASS PLUG AVENIDA DE LA PLAYA AND EL PASEO GRANDE ELEVATION = 11.811 M.S.L.

DATE OF SURVEY
08/24/2007

TOPOGRAPHICAL SOURCE:
LANDMARK SURVEYING 9555 GENESEE AVENUE, STE. 200 SAN DIEGO, CA 92121, 858.587.8070
ATTN: MARK A. BRENCICK

NOTE:
BOUNDARY ANNOTATION IS BASED UPON RECORD INFO AND A PRELIMINARY MONUMENTATION SEARCH AND IS FOR REFERENCE ONLY.



PROJECT NAME
WHITNEY MIXED USE
CDP# 662551 SDP# 662078
TM# 983254

PROJECT ADDRESS
2202/2206 AVENIDA DE LA PLAYA
LA JOLLA, CA 92037

SHEET TITLE
GRADING, DRAINAGE AND UTILITY PLAN

DRAWING SCALE
1" = 10'

ORIGINAL DATE: 05/19/2009

REVISION 1	08/10/2009
REVISION 2	10/16/2009
REVISION 3	01/14/2010
REVISION 4	05/03/2010
REVISION 5	
REVISION 6	
REVISION 7	
REVISION 8	

COASTAL DEVELOPMENT PERMIT

WILLIAM RYAN LUND R.C.E. NO. 36812 EXP. 06-30-2010 DATE

PRELIMINARY-NOT FOR CONSTRUCTION

DATE: 5/03/10
FLC PROJECT NO.: 00913
DESIGN BY: AAK
DRAWN BY: AAK
REVIEWED BY: WRL

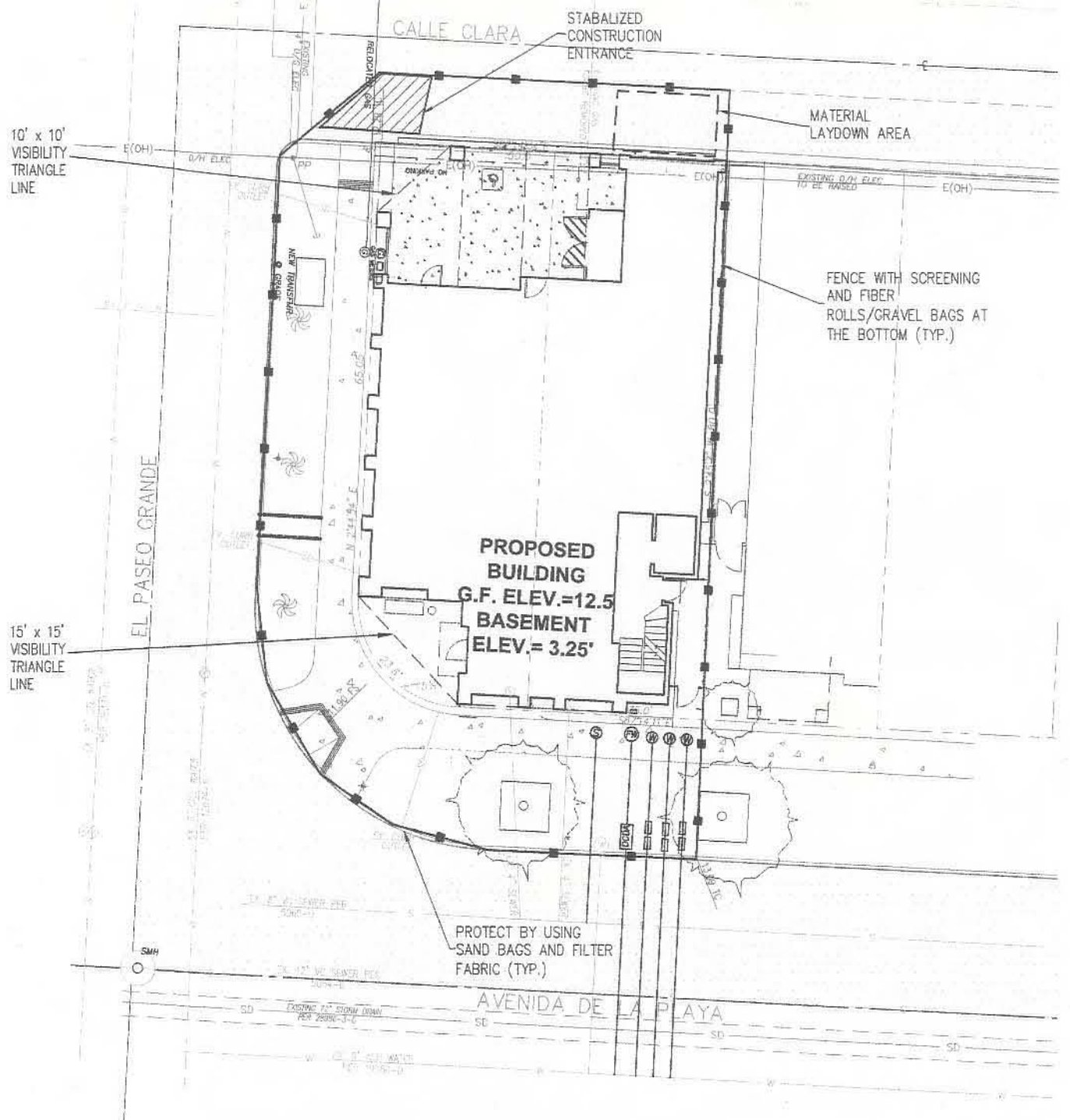
FLC FLORES LUND CONSULTANTS PROFESSIONAL ENGINEERS
7650 TRADE STREET, SUITE 200 SAN DIEGO, CALIFORNIA 92121
(619) 535-0265 FAX (619) 535-0267 EMAIL: FLORES@FLC-LLC.COM

REGISTERED PROFESSIONAL ENGINEER
WILLIAM RYAN LUND
NO. 36812
Expires 6/30/2010
CIVIL
STATE OF CALIFORNIA



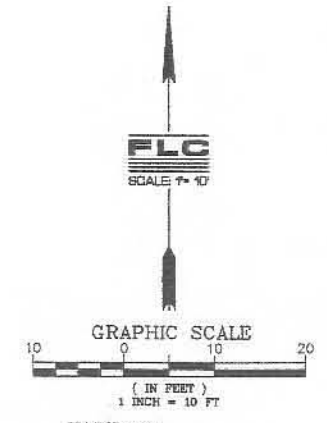
Shopkeeper / Whitney Family Residences
 (A Mixed Use Project)
 2202 / 2206 AVENIDA DE LA PLAYA LA JOLLA

MARTIN ARCHITECTURE
 Tim Martin A.I.A.
 2333 State Street Suite 100 Carlsbad, CA 92008
 760-729-3470 (C) 760-729-3473 (F) 858-349-3474 (C)
 tim@martinarchitecture.com



EROSION CONTROL NOTES	
1.	THE CONTRACTOR SHALL OBTAIN, READ, AND IMPLEMENT ALL PORTIONS OF THE STORM WATER POLLUTION CONTROL PLAN (SWPCP).
2.	THE CONTRACTOR IS RESPONSIBLE FOR DOING WEEKLY, PRE-STORM, MID-STORM, AND POST-STORM INSPECTIONS IN ACCORDANCE WITH THE SWPCP.
3.	THE CONTRACTOR IS RESPONSIBLE FOR TRAINING SUBCONTRACTORS AT LEAST ONCE A MONTH OR AS NEW SUBCONTRACTORS MOBILIZE ONSITE. TRAINING SHALL BE RECORDED IN THE SWPCP.
4.	PRIOR TO THE START OF DEMOLITION OR EARTHMOVING ACTIVITIES, THE CONTRACTOR SHALL INSTALL ALL PERIMETER CONTROLS AND THE CONSTRUCTION ENTRANCE PER THE PLANS.
5.	THE CONTRACTOR SHALL INSTALL PROTECTION AROUND ANY EXISTING INLETS WITHIN THE PROJECT AREA AND PUBLIC RIGHT-OF-WAY.
6.	DURING THE NON-RAINY SEASON, THE CONTRACTOR SHALL STORE ADEQUATE SEDIMENT CONTROL MATERIALS ONSITE TO CONTROL DISCHARGES AT THE DOWNGRADE PERIMETER AND OPERATIONAL INLETS IN THE EVENT OF A PREDICTED STORM.
7.	EQUIPMENT AND WORKERS SHALL BE AVAILABLE FOR EMERGENCY WORK AT ALL TIMES DURING THE RAINY SEASON. ALL NECESSARY MATERIALS SHALL BE STOCKPILED ONSITE AT CONVENIENT LOCATIONS TO FACILITATE THE RAPID INSTALLATION/CONSTRUCTION OF TEMPORARY EROSION CONTROL MEASURES WHEN RAIN IS IMMINENT.
8.	CLEARING AND GRUBBING SHALL BE DONE ONLY IN AREAS WHERE EARTHWORK WILL BE PERFORMED AND ONLY IN AREAS WHERE CONSTRUCTION IS PLANNED TO COMMENCE WITHIN 14 DAYS AFTER CLEARING AND GRUBBING OPERATIONS HAVE CEASED.
9.	DISTURBED AREAS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE CEASED FOR MORE THAN 14 DAYS SHALL BE TEMPORARILY STABILIZED WITH HYDROSEEDING, HYDROMULCHING, OR WITH A BIODEGRADABLE FIBER MATRIX.
10.	THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES AS NEEDED OR AS REQUESTED BY REGULATORY AGENCY INSPECTOR.
11.	THE CONTRACTOR SHALL BE RESPONSIBLE AND TAKE NECESSARY PRECAUTIONS TO PREVENT PUBLIC TRESPASS INTO AREAS WHERE IMPOUNDED WATERS CREATE A HAZARDOUS CONDITION.

SPECIAL NOTE:
 PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL ENTER INTO A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE.



PROJECT NAME
WHITNEY MIXED USE
 CDP# 662551; SDP# 662578
 TM# 683264

PROJECT ADDRESS
 2202/2206 AVENIDA DE LA PLAYA
 LA JOLLA, CA 92037

SHEET TITLE
BMP AND EROSION CONTROL PLAN

DRAWING SCALE
1" = 10'

ORIGINAL DATE:	05/19/2009
REVISION 1:	08/10/2009
REVISION 2:	10/16/2009
REVISION 3:	01/14/2010
REVISION 4:	05/03/2010
REVISION 5:	
REVISION 6:	
REVISION 7:	
REVISION 8:	

COASTAL DEVELOPMENT PERMIT

WILLIAM RYAN LURD R.C.E. NO. 36812 EXP. 06-30-2010 DATE

PRELIMINARY-NOT FOR CONSTRUCTION

FLC FLORES LUND CONSULTANTS
 PROFESSIONAL ENGINEERS

7000 TRADE STREET, SUITE 100, SAN DIEGO, CALIFORNIA 92121
 (619) 596-0367 FAX: (619) 596-0367 EMAIL: INFO@FLORESLUND.COM

DATE: 5/03/10
 FLC PROJECT NO: C0913
 DESIGN BY: AAK
 DRAWN BY: AAK
 REVIEWED BY: WRL

NO. 36812
 Expires 6/30/2010
 CIVIL
 STATE OF CALIFORNIA



Article 6: Development Permits**Division 8: Variance Procedures***(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§126.0801 Purpose of Variance Procedures**

The purpose of these procedures is to provide relief for cases in which, because of special circumstances applicable to the property including size, shape, topography, location, or surroundings, the strict application of the development regulations would deprive the property of privileges enjoyed by other property in the vicinity and under the same land use designation and zone.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§126.0802 When a Variance May Be Requested**

A variance may be requested for proposed *development* that would not comply with an applicable development regulation of the Land Development Code, except that *density* shall not be increased through a variance.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§126.0803 Application for a Variance**

An application for a variance shall be filed in accordance with Section 112.0102.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§126.0804 Decision Processes for a Variance**

A decision on an application for a variance shall be made in accordance with Process Three. The decision may be appealed to the Planning Commission unless otherwise specified by the Land Development Code.

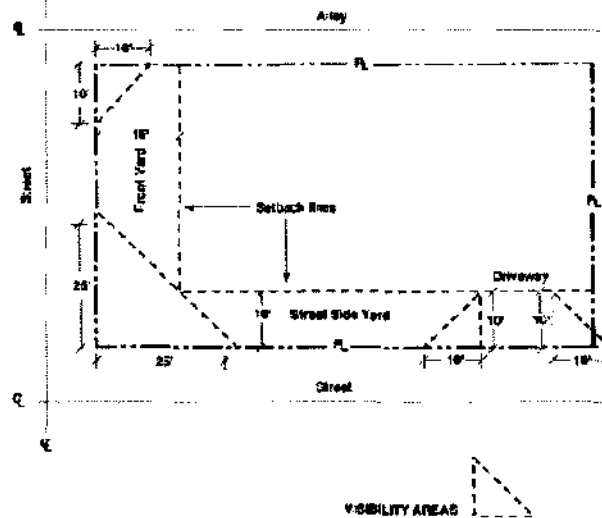
*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)**(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)***§126.0805 Findings for Variance Approval**

The decision maker may approve or conditionally approve an application for a variance only if the decision maker makes the following *findings*:

- (a) There are special circumstances or conditions applying to the land or *premises* for which the variance is sought that are peculiar to the land or *premises* and do not apply generally to the land or *premises* in the neighborhood, and these conditions have not resulted from any act of the *applicant* after the adoption of the applicable zone regulations;

- (b) The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the *applicant* of reasonable use of the land or *premises* and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or *premises*;
- (c) The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare; and
- (d) The granting of the variance will not adversely affect the applicable *land use plan*. If the variance is being sought in conjunction with any proposed *coastal development*, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified *land use plan*.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

Diagram 113-02RR
Visibility Area

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)
 (Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
 (Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)

§113.0276 Determining Yards

- (a) *Yards* are determined in the hierarchy described below and shown in Diagram 113-02SS:
- (1) **Front Yard.** The front yard is determined first. It is the area between the front *property line* and the front *setback line* and extends the full width of the *lot*.
 - (2) **Street Side Yard.** The street side yard, when applicable, is determined next. It is the area between the street side *property line* and the street side *setback line* that extends along the depth of the *lot* from the front *setback* to the rear *property line*. It does not include the front yard.
 - (3) **Rear Yard.** The rear yard is determined after the front and street side yards. It is the area between the rear *property line* and the rear *setback line* that extends along the width of the *lot* between the rear *property line* and the rear *setback*. It does not include the street side yard if one exists.

Ch. Art. Div.

11 3 2 41

(c) *Structure Height of Signs*

The height of a ground *sign* is measured from the lowest point of the *existing grade* or *proposed grade*, whichever is lower, immediately adjacent to the base of the *sign* to the highest point at the top of the *sign structure*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 11-13-2008 by O-19801 N.S.; effective 12-13-2008.)

§113.0273 Measuring Visibility Area

The *visibility area* is a triangular portion of a premises formed by drawing one line perpendicular to and one line parallel to the *property line* or *public right-of-way* for a specified length and one line diagonally joining the other two lines, as shown in Diagram 113-02RR. No *structures* may be located within a *visibility area* unless otherwise provided by the applicable zone or the regulations in Chapter 14, Article 2 (General Development Regulations).

- (a) For *visibility areas* at the intersection of *streets*, two sides of the triangle extend along the intersecting *property lines* for 25 feet and the third side is a diagonal line that connects the two.
- (b) For *visibility areas* at the intersection of a *street* and *alley*, two sides of the triangle extend along the intersecting *property lines* for 10 feet and the third side is a diagonal line that connects the two.
- (c) For *visibility areas* at the intersection of a *street* and driveway, one side of the triangle extends from the intersection of the *street* and the driveway for 10 feet along the *property line*. The second side extends from the intersection of the *street* and driveway for 10 feet inward from the property line along the driveway edge and the third side of the triangle connects the two.
- (d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the *visibility area* at the street intersection.

VARIANCE NO. 765358
WHITNEY MIXED USE PROJECT NO. 182513 [MMRP]

FINDINGS:

Variance - Section 126.0805

1. There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations. The Project site is located at the corner of Avenida de la Playa, El Paseo Grande and Calle Clara in the La Jolla Shores Commercial Center district. The La Jolla Shores Planned District Ordinance (LJSPDO) prohibits parking in the front half of the ground floor. Accordingly, parking must be provided from the rear of the property off Calle Clara. Calle Clara is 30 feet wide. Pursuant to the definition of an alley in the San Diego Municipal Code, Section 113.0103 an alley is a maximum of 25 feet wide. However, pursuant to the City's Street Design Manual an alley is 20 feet wide, but may be wider to accommodate utilities. Utilities are located in Calle Clara. Accordingly, the fact that Calle Clara is 30 feet wide is not the only factor to be used in determining whether it is an alley. The narrowest street as defined in the City's Street Design Manual is 30 feet from curb to curb in a 48-foot right of way plus sidewalks. Calle Clara does not have a 48-foot right of way nor does it have sidewalks or curbs on the south side where the project is located. Technically, the northern "half" of Calle Clara is 20 feet wide while the southern "half" is only 10 feet wide. There are curbs along a small portion of the northern side of Calle Clara, but not on the south side. Development along the southern side observes a zero-foot setback as allowed in the LJSPDO. Garage doors for all development on the south side of Calle Clara are located on the property line and none observe the visibility triangles required in Municipal Code Section 113.0273. Calle Clara has therefore, traditionally functioned as an alley, not a street.

The applicant did not create the physical conditions and configuration of the streets or of the lot on which the project is proposed. The conditions which require the Variance have not resulted from any act of the applicant after the adoption of the applicable zoning regulations. The proposed project has been developed with visibility triangle areas and curb cuts consistent with development along an alley. Therefore, special circumstances exist whereby the regulations related to visibility triangles for an alley rather than a street are appropriate in this case. Other than Land Development Code sections 113.0273(a) and 113.0273(c), Measuring Visibility Area, which require a Variance to approve the proposed project, the project will comply with all other applicable regulations of the Land Development Code.

2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises. The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in

the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area. Each side of Avenida de la Playa, along the three block retail corridor, is developed with commercial uses facing the street and vehicular and service access from the rear of the lots. Along the north side of Avenida de la Playa, the rear lot access is on Calle Clara, a 30-foot public right of way that previously functioned as an alley when subdivision block development was established.

The subject lot is 50 feet wide and parking is required to be accessed from Calle Clara and limited to the rear of the lot. The required minimum off street parking spaces for the development of two residential units and commercial space cannot be provided within this limited area, which necessitates the development proposing underground parking to supplement the ground level parking. Therefore, two point of vehicular access, one for the underground and one for the retail parking spaces is required. Without a variance the maximization of the commercial site would be reduced. The full effect of compliance with the visibility area regulations may result in abandonment of the project and the other improvements to the site would not be realized. While there may be other regulations that could be selected from which to vary, the visibility area variance is the minimum variance to allow a reasonable use of the land. However, pursuant to SDMC sec. 113.0273(b), the proposed project will still provide a 10 feet by 10 feet visibility triangle area at the intersection of El Paseo Grande and Calle Clara, in which Calle Clara would be deemed to function as an alley instead of a street. Other than Land Development Code sections 113.0273(a) and 113.0273(c), Measuring Visibility Area, which require a Variance to approve the proposed project, the project will comply with all other applicable regulations of the Land Development Code.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare. The regulations from which the variance is sought, Land Development Code sections 113.0273(a) and 113.0273(c), Measuring Visibility Area, are intended to assure safe pedestrian and transportation access to and from a property. In this case Calle Clara functions as an alley, and the project's parking access is consistent with development requirements adjacent to a public right of way alley. Pursuant to SDMC sec. 113.0273(b), the proposed project will still provide a 10 feet by 10 feet visibility triangle area at the intersection of El Paseo Grande and Calle Clara, in which Calle Clara would be deemed to function as an alley instead of a street. Therefore the project is in harmony with the general purpose and intent of the regulations and would be consistent with off-street parking and service access for all the properties fronting on Avenida de la Playa with rear access to Calle Clara.

In addition, all infrastructure improvements will be constructed and operationally complete prior to occupancy of any structures to assure water, wastewater, electrical, gas, and telephone services will be provided to the development. Prior to construction all structures will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare. Granting the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is

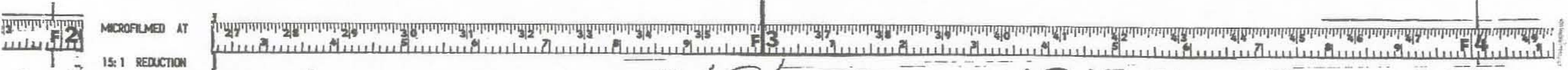
adequate to carry out, the provisions of the certified land use plan. The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area.

The Plan's Land Use Map identifies the site for commercial and mixed use. The La Jolla Shores Planned District Ordinance (LJSPDO), as codified in the San Diego Municipal Code, establishes the zoning regulations to implement the policies of the General Plan and the La Jolla Community Plan. The purpose of the CC zone is to accommodate community-serving commercial services, and retail uses. The project site is specifically located along Avenida de la Playa in La Jolla Shores and the specific recommendations for the various commercial areas are regulated and detailed in the La Jolla Shores Planned District Ordinance. The CC Zone allows for commercial services on the ground floor area of a development that does not exceed 6,000 square feet and dwelling units with a minimum floor area of 400 square feet.

The project will comply with all relevant regulations of the Land Development Code with the exception of sections 113.0273(a) and 113.0273(c), Measuring Visibility Area. Establishing visibility areas on a development is intended to assure safe pedestrian and transportation access to and from a property. Consistent with the Plan's commercial and mixed use designation and the LJSPDO's CC zoning, the proposed development is required to provide adequate off-street parking to serve the proposed two residential units and commercial space, especially within the Beach Impact Area of the coastal overlay zone.

As noted in Variance Findings No. 1 and 2, the project site's rear lot area is located on Calle Clara in which the public right of way functions as an alley rather than a street. Consistent with the LJSPDO, off-street parking would be located in the rear. The Variance would allow the mixed use development to provide adequate access and off-street parking along Calle Clara by applying visibility area features consistent with an alley designation rather than a street. Without a variance the maximization of the commercial site would be reduced and the full effect of compliance with the visibility area regulations may result in abandonment of the project.

In consideration of all facts, the proposed mixed use development is consistent with the La Jolla Community Plan and Local Coastal Land Use Plan, the LJSPDO regulations, and granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.



MICROFILMED AT
15:1 REDUCTION

MICROFILMED

7-10015-8161

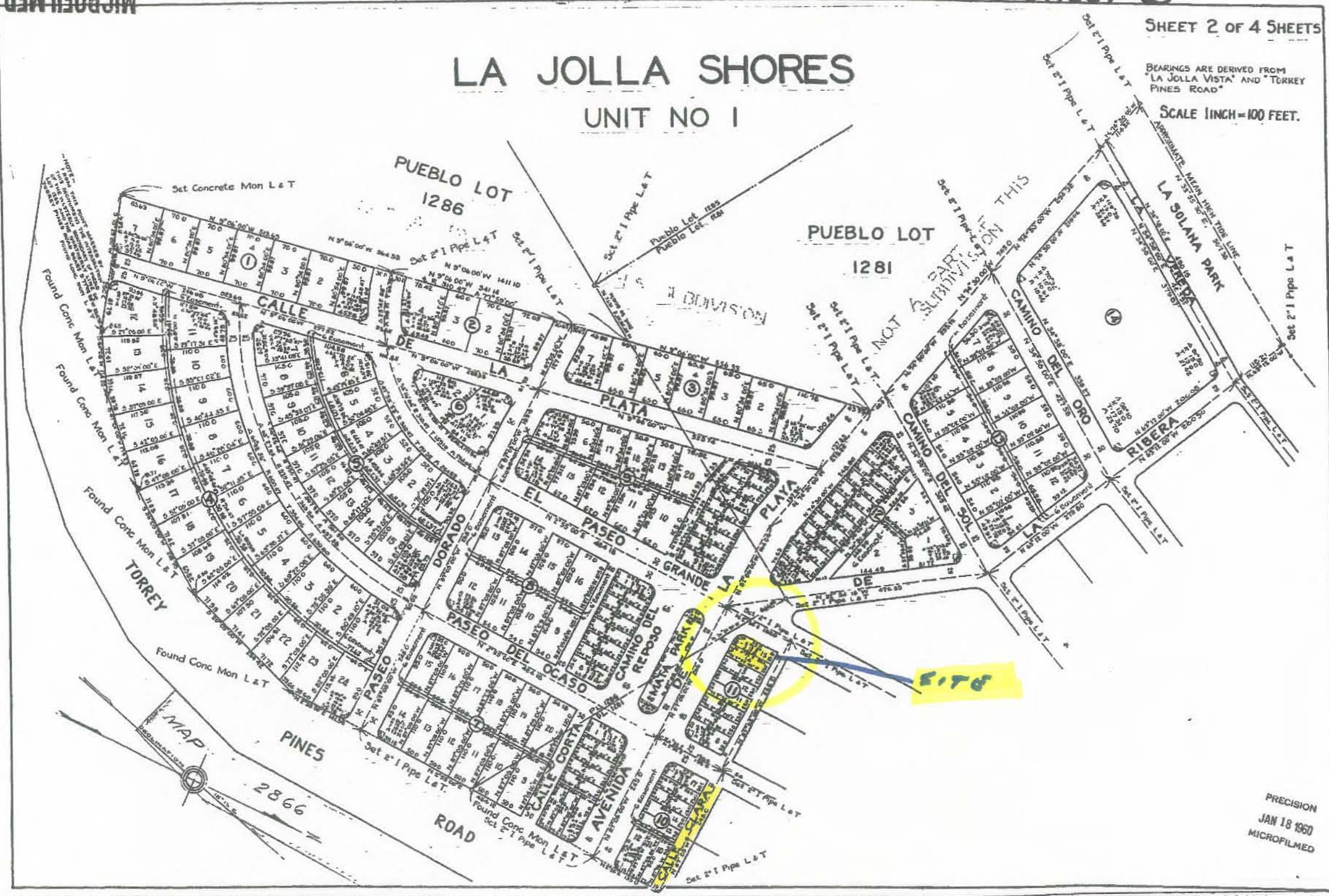
1913 Sheet 2

SHEET 2 OF 4 SHEETS

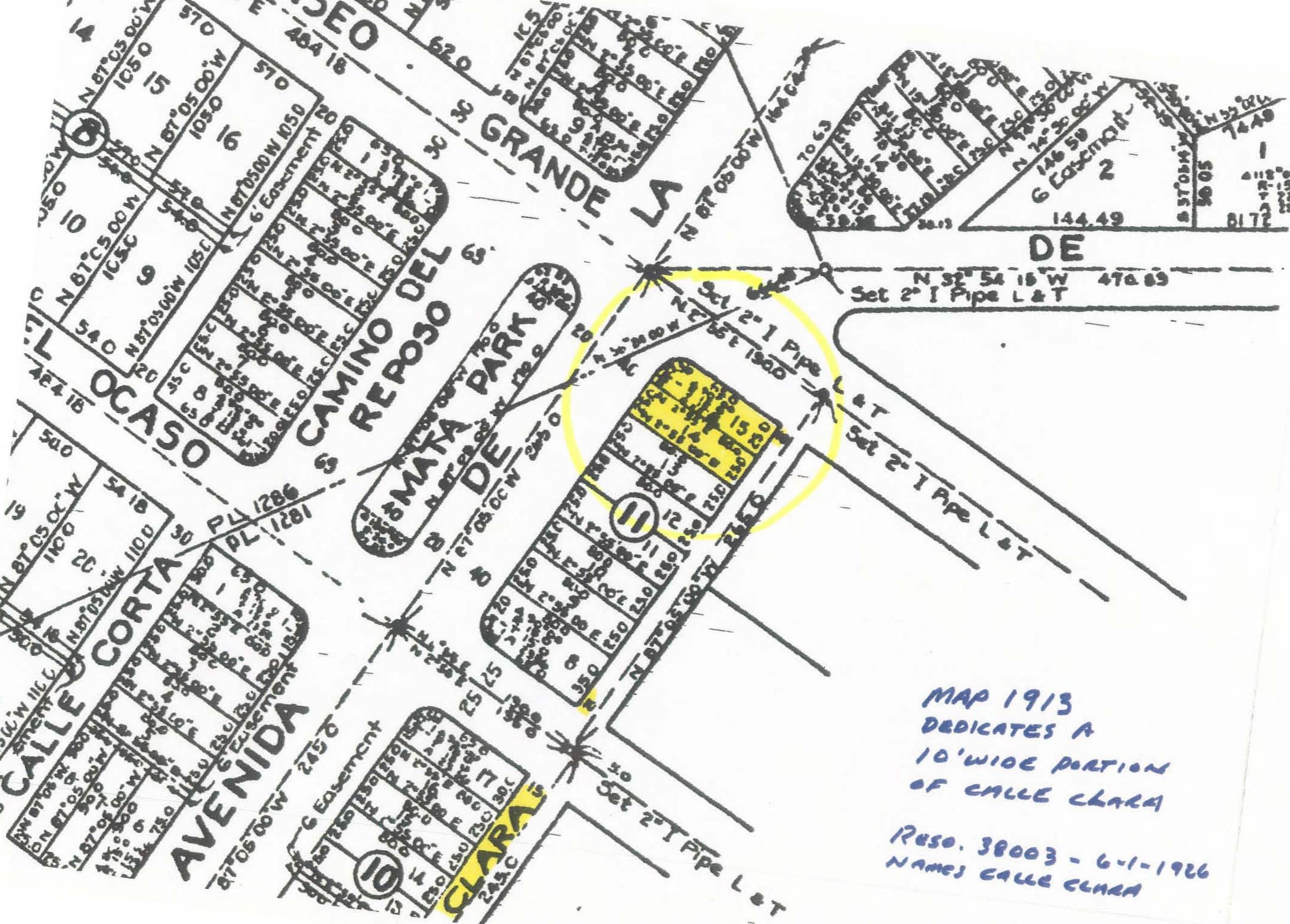
LA JOLLA SHORES UNIT NO 1

BEARINGS ARE DERIVED FROM
"LA JOLLA VISTA" AND "TORREY
PINES ROAD"

SCALE 1 INCH = 100 FEET.



PRECISION
JAN 18 1960
MICROFILMED



MAP 1913
 DEDICATES A
 10' WIDE PORTION
 OF CALLE CLARA
 RESO. 38003 - 6-1-1926
 NAMES CALLE CLARA

MICROFILMED AT
15:1 REDUCTION

2061 Sheet 2

2061 Sheet 2

LA. JOLLA SHORES UNIT Nº 3

SHEET 2 OF 3 SHEETS

BEARINGS IDENTICAL WITH OR DEDUCED
FROM THOSE OF LA JOLLA SHORES UNIT Nº 1

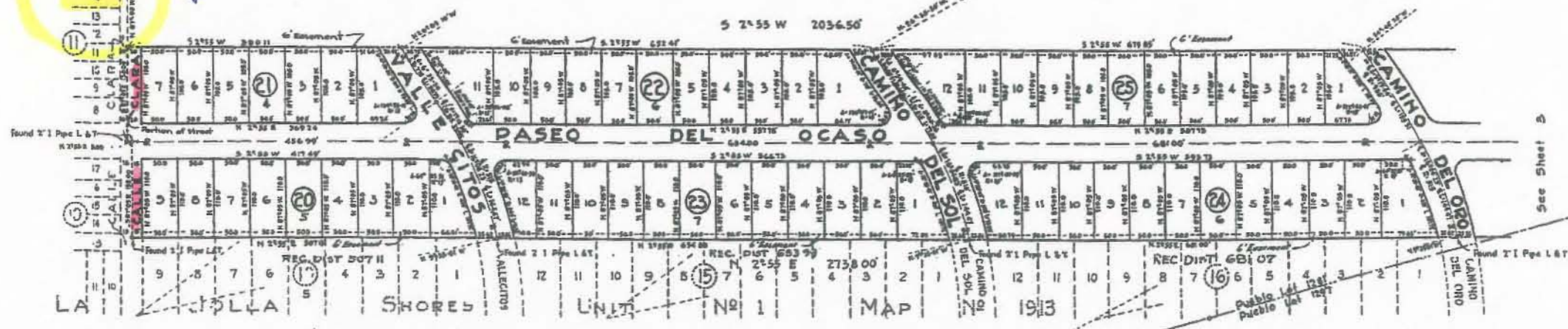
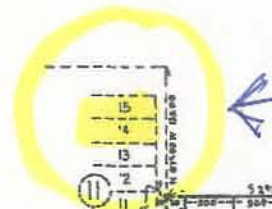
SCALE
1 inch = 100 feet

o Indicates 2' iron pipe set unless otherwise noted



PUEBLO LOT 1281

PROJECT SITE

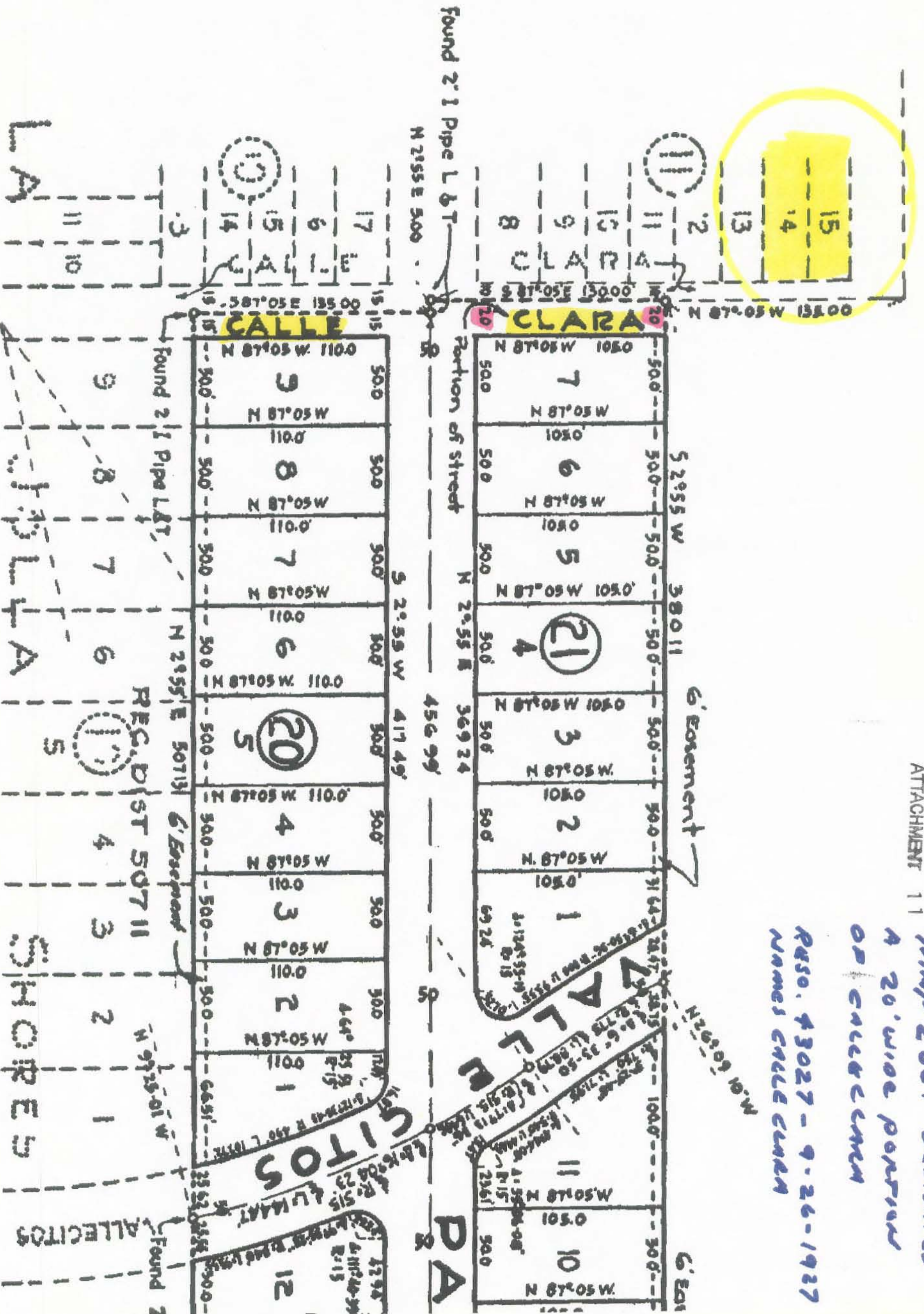


PUEBLO LOT 1297

PRECISION
JAN 20 1989
MICROFILMED

MAP 2061 DEDICATES
A 20' WIDE PORTION
OF CALLECAMA

RESO. 43027 - 9-26-1927
NAMES CALLECAMA





City of San Diego
Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101
 (619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
 MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
 Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name
 La Jolla Community Planning Association

Address City State Zip Code Telephone
 P. O. Box 889 La Jolla CA 92037 858.488.0160 (direct)

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Tim Martin, Architect

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Whitney MU/CDP_SDP_Var./PN182513/MND(#23432518)	July 28, 2010	Tim Daley

Decision (describe the permit/approval decision):

Hearing Officer approved the Coastal Development Permit and Site Development Permit, took no action on the Variance

& certified the Mitigated Neg Dec.

5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
 Conflict with other matters (Process Three and Four decisions only)
 Findings Not Supported (Process Three and Four decisions only)
 New Information (Process Three and Four decisions only)
 City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. The community planning group voted 14-1-1 to recommend denial of the application & 12-2-2 to file an appeal of the HO decision.

2. Incorrect application of §1510.0301 in judging the bulk and scale of the building

3. Incorrect application of §1510.0301(b) in judging disruption of the architectural unity of the area.

4. Incorrect application of the LDC in applying §1510.0401(j) (k) and (o).

5. Incorrect application of §1510.0107(a) and §1510.0310 in applying §113.0273 in not applying Visibility Triangles

and/or ignoring the Variance request.

6. Non-compliance with §121.0308(a) in granting the Site Development and Coastal Development Permits.

7. Findings can not be made for either the Variance (as originally applied by DSD), the CDP, or the SDP.

8. Incorrect analysis and erroneous recommendations made by the Environmental Review Section as contained in the Final

Mitigated Negative Declaration and subsequent errata .

9. Other issues that may be raised at hearing.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Joseph LaCava, President, La Jolla CPA Date: 10 August 2010

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	<h2 style="margin:0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM DS-3031 MAY 2010
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

<input type="checkbox"/> Process Two Decision - Appeal to Planning Commission	<input type="checkbox"/> Environmental Determination - Appeal to City Council
<input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission	<input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit
<input type="checkbox"/> Process Four Decision - Appeal to City Council	

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: BERNARD I. SEGAL E-mail Address: BISAPC@AOL.COM
 Address: 2406 VALLECITOS CT. City: LA JOLLA State: CA Zip Code: 92037 Telephone: (310) 567-8607

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

4. Project Information Permit/Environmental Determination & Permit/Document No.: <u>182513</u>	Date of Decision/Determination: <u>7-28-10</u>	City Project Manager: <u>TIM DALY</u>
---	---	--

Decision (describe the permit/approval decision):

HEARING OFFICER AUTHORIZED A PERMIT IN MIXED-USE PROJECT NO. 182513.

5. Grounds for Appeal (Please check all that apply)

<input checked="" type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input checked="" type="checkbox"/> New Information (Process Three and Four decisions only)
<input checked="" type="checkbox"/> Conflict with other matters (Process Three and Four decisions only)	<input type="checkbox"/> City-wide Significance (Process Four decisions only)
<input checked="" type="checkbox"/> Findings Not Supported (Process Three and Four decisions only)	

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

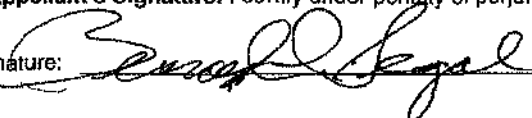
THE GROUNDS FOR APPEAL ARE SET FORTH IN EXHIBIT 1 ATTACHED HERETO. THE WORD "PROJECT" IN EXHIBIT 1 REFERS TO THE PROPOSED WHITNEY DEVELOPMENT AT 2202-2206 AVENIDA DE LA PLAYA, LA JOLLA, CA 92037. THE WORD "APPLICANT" AS USED IN EXHIBIT 1 REFERS TO THE PERSON WHO IS LISTED AS THE APPLICANT FOR THE PERMIT TO CONSTRUCT THE PROJECT.

RECEIVED

AUG 11 2010

DEVELOPMENT SERVICES

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: AUG 11, 2010

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

RECEIVED

ATTACHMENT 12(B)
182513

AUG 11 2010

EXHIBIT 1

DEVELOPMENT SERVICES

1. The grounds stated the letter dated July 22, 2010 from Bernard I. Segal to Hearing Officer, a copy of which is attached hereto as Exhibit 1-1.

2. The Response of La Jolla Community Planning Association to the Mitigated Negative Declaration filed by the applicant, a copy of which is attached hereto as Exhibit 1-2.

3. The written arguments contained in the correspondence sent to the Development Services Department by Phil Merten, architect, including those arguments contending that Calle Clara in La Jolla Shores is a street and not an alley, and those arguments contending that the City is required to follow the criteria set forth in the Design Manual.

4. The grounds set forth in the appeal of "La Jolla Shores Tomorrow".

5. The Hearing conducted by Chris Larson on July 28, 2010 was unfair and violated due process of law for the following reasons: He failed to grant a continuance of the Hearing despite the fact that the report from the City was furnished to members of the public requesting notice only a day or two before the Hearing. He limited statements from members of the public to 2 minutes each, thereby making it virtually impossible to present a complete opposition to the project. After terminating public comment, he inquired of the City staff whether the City in the past has granted a permit where a street functioned as an alley, and upon receiving an affirmative response, elected to treat Calle Clara as an alley despite the fact that by definition in the Land Development Code, it is a street. He found no need for a variance where, by Code, a variance was required. After ruling that a variance was not necessary, he failed to re-open public comment so that inquiry could be made by the public as to the circumstances in which the City previously treated a street as an alley. He failed to follow the criteria in the La Jolla PDO and the La Jolla Design Manual. He granted a permit under circumstances where a variance was required, and he failed to make the findings required for a variance.

6. By allowing the construction of a mixed use building in La Jolla Shores with a floor area ratio one-third larger than could be built anywhere else in the City on similarly zoned property, the City has unconstitutionally discriminated against the residents of La Jolla Shores.

7. The City is required to apply to La Jolla Shores the maximum floor area ratios allowed elsewhere in the City in similarly zoned property, and the City did not apply those floor area ratio maximums when it granted the permit to the applicant.

8. The City granted the project a permit without applying to it the criteria prescribed in the La Jolla Shores PDO and La Jolla Shores Design Manual.

9. From the manner in which the project was approved, it appears that the City has improperly decided not to give full effect to the La Jolla Shores Design Manual, which is an integral part of the La Jolla PDO.

10. The City failed to treat Calle Clara as a street, and thereby allowed driveways and curbs not permitted by Code.

11. In treating Calle Clara as an alley and not a street without granting a variance, the permit for the project was issued in violation of the Code and is therefore invalid.

ATTACHMENT 1 ~~182~~(B) 2513

EXHIBIT 1-1

BERNARD I. SEGAL

2406 Vallecitos Ct.
La Jolla, CA 92037

TELEPHONE:
(310) 567-8607

email: BISAPC@aol.com

July 22, 2010

VIA FEDERAL EXPRESS

RECEIVED

AUG 11 2010

DEVELOPMENT SERVICES

Hearing Officer
202 C Street
San Diego, California 92101

Re: Project No. 182513
WHITNEY MIXED USE
2202 and 2206 Avenida de la Playa
La Jolla, California 92037

Dear Sir:

I am a resident of La Jolla Shores in La Jolla, and I am opposed to the City of San Diego granting a permit or variance to the Applicant of the above-described Mixed-Use Project No182513 ("the project").

A POINT OF ORDER: For the reasons set forth in paragraph 9 below, the Notice of Hearing setting this matter for hearing on July 28, 2010 is fatally defective, and because of that the City has no jurisdiction to conduct the Hearing, and it should be postponed.

MY SUBSTANTIVE OBJECTIONS: I oppose the project based upon each and all of the following grounds:

EXHIBIT 1-1

Hearing Officer
July 22, 2010
Page 2

1. At the last public meeting in La Jolla Shores on June 9, 2010, the applicant admitted that unless Calle Clara is considered an alley and not a street, the project as presently designed does not have sufficient parking to comply with code. This is because if Calle Clara is a street (and not an alley), the project as presently designed would lose the two surface spaces that are part of the present design, and thereby fall short of the code parking requirement. But Calle Clara is street not an alley, because an alley means a public way that is no wider than 25 feet, whereas the Land Development Code defines a street as being 30 feet from property line to property line, and Calle Clara is 30 feet wide. To overcome this inherent obstacle to the project a variance would be necessary. However, the Applicant's original application did not seek a variance, and, as far as I am aware, the application was never amended to seek a variance, and certainly was never amended at any time before the La Jolla Community Planning Association (the "LJCPA") held a public hearing on this project. In addition to the LJCPA, the La Jolla community at large has never been notified that a variance was being sought, and has never had the opportunity to voice its objection to a variance.

2. Assuming Calle Clara is a street, the Notice of Hearing (Internal Order No. 23432518) setting the hearing for July 28, 2010 is jurisdictionally defective because it fails to disclose that to grant a permit for the project, a variance would have to be granted and also fails to disclose that the applicant would be asking the Hearing Officer to grant a variance. Separately, Section 112.0505 of the Municipal Code requires that there be a specific Notice of an Application for Variance, which means that there cannot be a hearing until that Notice has been sent to all interested parties, with adequate time for interested parties to comment thereon. The City staff cannot simply convert the original application to an Application for Variance and proceed to a variance hearing without having given the requisite Notice and afforded the requisite comment opportunity.

3. Section 126.0805 (a) through (d) of the San Diego Municipal Code requires that four specific findings must be made in

Hearing Officer
July 22, 2010
Page 3

order to grant a variance. In order to make the finding in subsection (b), the City must find:

"The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the city is the minimum variance that will permit the reasonable use of the land or premises."

Neither the Applicant nor the City has made ANY showing that the variance being sought is the minimum variance that will permit the reasonable use of the land or premises. And no reasonable person could conclude that erecting a second and third story condominium of 3,000 square feet each "is the minimum variance that will permit the reasonable use of the land and building".

4. The LJCPA and the La Jolla Shores residents have never had an opportunity to comment on whether the proposed variance is the minimum variance that will permit the reasonable use of the premises.

5. The project does not afford the adjacent property sufficient light and ventilation, thereby setting a precedent for future applicants who collectively would drastically change the entire La Jolla Shores neighborhood.

6. The massiveness and overreaching square footage of the project makes it totally incompatible with the immediately adjacent property and in violation of the La Jolla PDO 1510.0301, effective April 26, 2007, which reads in part: "No structure will be approved that is so different from that of an adjacent parcel in quality, form, materials, color and relationship as to disrupt the architectural unity of the area." The floor area ratio of this proposed Whitney project is one-third greater than the adjacent building, one third greater than any other property on Avenida de la Playa, and one third greater than allowed anywhere else in the City of San Diego on a similarly zoned property.

Hearing Officer
July 22, 2010
Page 4

7. If this project is allowed to be built with the present floor area ratios, it would set a precedent that would make it difficult for the City to deny the same floor area ratios to other applicants on the same block of Avenida de la Playa, and elsewhere on Avenida de la Playa, so as to allow conversion of that avenue, with its wonderfully quaint stores, into a "canyon" between massive structures that would drastically change the entire look, feel, and livability, of La Jolla Shores.

8. The Lack of Adequate Notice and Information From the City: The City's staff has never sent out notice of whether the applicant has applied for a variance, has never made available in written form whether it recommends approval of the project, or even whether a variance is required for the project, and if so, the specifics as to why it is required, and what the City's position is if a variance is required. The City has never responded to numerous requests asking whether it agrees that Calle Clara is a street rather than an alley, thereby keeping the opponents of this project in the dark as to whether the Applicant must seek a variance. The lack of information coming from the City has made it so difficult for the opponents of this project to know what the issues are, that it is unfair for the hearing to go forward on July 28, 2010. In short, the City has set the present July 28, 2010 hearing date prematurely, and it should be postponed until the City has disclosed whether a variance has been requested, the basis for it, the City's position with respect to it, the City's position with regard to whether Calle Clara is a street or alley, and if a variance is being sought, why the LJCPA should not be given an opportunity to comment on it.

MOST IMPORTANT: If the Applicant is seeking a variance, no hearing on this project should be held until the Applicant has made a showing that: "The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the city is the minimum variance that will permit the reasonable use of the land or premises." The City should inform all interested parties that a

Hearing Officer
July 22, 2010
Page 5

variance is being sought, the basis and scope of it, and the showing made in support of it.

The Notice of Hearing is also defective because it does not give the name of the Hearing Officer, and because the named Applicant (Tim Martin) is not the real party in interest.

9. In October, 2009, the LJCPA voted 14-1-1 to recommend non-approval of the project. Unless this voice of the La Jolla Shores community is to be totally disregarded, its overwhelming vote should be honored by denying the permit being sought by the Applicant.

10. I have read with interest the email correspondence sent by Phil Merten to the Project Manager, Tim Daly, and to other City officials in opposition to this project. I hereby incorporate by reference the arguments made, the authorities cited, and the questions asked by Mr. Merten as if they were set forth at length herein. I join in his opposition.

Very truly yours,

Bernard I. Segal

cc Tim Daly, Project Manager

BIS:ajj
Hearing Officer San Diego July 22, 2010



La Jolla Community Planning Association

RECEIVED

April 2, 2010

Comments Regarding the
Whitney Mixed Use - Draft Mitigated Negative Declaration
Project No. 182513 / SAP No. 23432518

AUG 11 2010

DEVELOPMENT SERVICES

Ms. Holly Smit Kicklighter, Environmental Planner
Development Services Department

Thank you for the opportunity respond to the referenced Draft Mitigated Negative Declaration and for extending the response period to April 2, 2010. The La Jolla Community Planning Association has reviewed the DRAFT Mitigated Negative Declaration for the project reference above. Please accept the following comments pertaining to the DRAFT document.¹

INITIAL STUDY CHECKLIST

Issue 1

Page 1 of the Initial Study Checklist (Page 23 of the Initial Study), under the heading of AESTHETICS / NEIGHBORHOOD CHARACTER, Paragraph 1.C. asks: "Will the proposal result in Project bulk and scale, materials, or style which would be incompatible with surrounding development?" The response is "No". An additional response is "See 1A above".

However, Paragraph 1A states: "Development would conform to required heights and setbacks per the City Land Development Code. See Initial Study".

Paragraph 1A refers to the "City Land Development Code"; however the list of references at the end of the document, omits the Land Development Code. When reviewing AESTHETICS / NEIGHBORHOOD CHARACTER, the Initial Study Checklist apparently only considered the City's General Plan, the Community Plan (but ignored key sections of the Community Plan referenced in the Appendix), and a View Corridor Analysis by the applicant; but apparently ignored the Land Development Code.

The City Land Development Code includes the La Jolla Shores Planned District Ordinance (LJSPDO) which incorporates the La Jolla Shores Design Manual (LJSMD). The General Design Regulations (Sec. 1510.0301) of the LJSPDO and the LJSMD establish specific design criteria to be used in the evaluation of the appropriateness of all development in La Jolla Shores Planned District. The General Design Guidelines of the LJSMD state: "The fitting in of new development, is, in a broad sense, a matter of scale...it requires a careful assessment of each

¹ Text in red is quoted from the Mitigated Negative Declaration while text in blue is quoted from the referenced documents.

Letter to Holly Smit Kicklighter
 RE: Whitney Mixed Use - Draft Mitigated Negative Declaration
 Project No. 182513 / SAP No. 23432518
 Date: April 2, 2010
 Page 2 of 5

building site in terms of the size...and a very conscious effort to achieve a balance and compatibility in the design of a new building...Good Scale depends on a bulk that is not overwhelming." (p.3) and "To conserve important design character in La Jolla Shores, some uniformity of detail, scale, proportion, texture, materials color and building form is necessary."

The Design Manual continues with the following mandates regarding this "bulk & scale" issue:

- "Large buildings interposed into communities characterized by small scale structures without adequate transition *should be avoided*" (p.4);
- "Visually strong building which contrast severely with their surroundings *impair the character* of the area." (p.4)
- " Structures *shall conform or complement* the general design and bulk of the buildings in surrounding and adjacent areas." (p.4);
- " new buildings should be *made sympathetic* to the scale, form and proportion of older development; (p.5)
- new designs should *promote "harmony* in the visual relationships and transitions between new and older buildings." (p.5); and
- "extreme contrasts in color, shape and organization of architectural elements *should be avoided*, so that new structures do not stand out in excess of their importance." (p.6)

[emphasis added]

The proposed project does not conform to the mandates of the *LJSPDO* nor the *LJS Design Manual* and is incompatible with surrounding development . The proposed design violates every tenet of the *LJSPDO* and *LJS Design Manual* regarding "bulk and scale". The proposed design would impose on the neighborhood the exact opposite result from that intended by the *LJSPDO* and the *LJS Design Manual*:

- The structure would be *so different* in form and relationship as to disrupt the architectural unity of the area. (Contrast with PDO section 1510.0301, Design Manual p. 2);
- Good *scale would not be achieved* because there is no balance and compatibility with older buildings and the bulk of the proposed structure would overwhelm adjacent development (Contrast with Design Manual p. 3);
- The proposed development is *not sympathetic* to the scale, form and proportion of adjacent older development (p.5);
- The scale, form and proportion of the proposed development *does not transition* to the scale, form and proportion of adjacent older development (Contrast with Design Manual p. 4);
- The proposed height, bulk, shape and color of the proposed development *will stand out* in excess of its importance in the neighborhood (p.6)

The *Design Principal* section of the *General Design Regulations* of the *LJSPDO* (Sec. 1510.0301) and the *LJS Design Manual* (p.2), both state that: "no structure will be approved that is so different in quality, form, materials, color and relationship as to disrupt the architectural unity of the area."

The DRAFT responses to both paragraphs 1A and 1C are incorrect. The correct response in both cases is "Yes"

Letter to Holly Smit Kicklighter
 RE: Whitney Mixed Use - Draft Mitigated Negative Declaration
 Project No. 182513 / SAP No. 23432518
 Date: April 2, 2010
 Page 3 of 5

Issue 2

Under the heading of AESTHETICS / NEIGHBORHOOD CHARACTER, Paragraph 1.D. asks: "Will the proposal result in substantial alteration to the existing character of the area? The response is "No". An additional response is "See 1A above". This response is not correct.

Presently the existing commercial buildings directly fronting Avenida de la Playa in the Commercial Center zone of La Jolla Shores with street facades do not exceeding 2 stories. The existing 3-story buildings next door present themselves as 2-story facades respecting the scale, form and proportion of adjacent older development while providing an interior 3-story space. In contrast to the existing development pattern, the proposed project will present a three story facade directly facing Avenida de la Playa, as well as a three story facade directly facing El Paseo Grande.

There are 13 corner parcels on Avenida de la Playa in the Commercial Center zone of La Jolla Shores. Currently there are seven two story structures and six one story or less structures on these corner parcels. The corner lot structures are generally low-rising buildings with edifices that step back and up from their street property lines resulting in a visually open environments at the street corners. *The height, bulk and mass of the proposed three story project is in direct contrast to the openness of the area's corner lots, and would substantially alter the predominate corner lot development pattern.*

The existing commercial buildings on Avenida de la Playa immediately adjacent and east of the proposed project are set back from their front property lines and provide small pedestrian oriented public spaces along the street in front yards of the buildings. However, significant portions of the south exterior wall of the proposed project front directly on the front property line and disrupt the established building setback along this block. Without question, the proposed project *will substantially alter the existing character* of the commercial area. The correct responses should be "Yes"

Page 1 of the Initial Study Checklist (Page 23 of the Initial Study), under the heading of AESTHETICS / NEIGHBORHOOD CHARACTER, Paragraph 1.C. asks: "Will the proposal result in Project bulk and scale, materials, or style which would be incompatible with surrounding development?" The response is "No". Under the same heading, Paragraph 1.D. asks: "Will the proposal result in substantial alteration to the existing character of the area? The response is "No".

The City Land Development Code includes the *La Jolla Shores Planned District Ordinance (LJSPDO)* which incorporates the *La Jolla Shores Design Manual (LJSDM)*. The General Design Regulations (Sec. 1510.0301) of the *LJSPDO* and the *LJSDM* establish specific design criteria to be used in the evaluation of the appropriateness of all development in La Jolla Shores Planned District. The General Design Guidelines of the *LJS Design Manual* state: "The fitting in of new development, is, in a broad sense, a matter of scale...it requires a careful assessment of each building site in terms of the size...and a very conscious effort to achieve a balance and compatibility in the design of a new building...Good Scale depends on a bulk that is not overwhelming." (p.3)

Letter to Holly Smit Kicklighter
 RE: Whitney Mixed Use - Draft Mitigated Negative Declaration
 Project No. 182513 / SAP No. 23432518
 Date: April 2, 2010
 Page 4 of 5

The La Jolla community contains five distinct commercial areas: La Jolla Downtown, Pearl Street, La Jolla Boulevard, Bird Rock and Avenida de la Playa. Development in the first four commercial areas is regulated by the *La Jolla Planned District Ordinance (LJPDO)*. The maximum permitted Floor Area Ratio for commercial development in the four areas is an FAR of 1.3. The maximum permitted Floor Area Ratio for mixed use development (commercial / residential) is an FAR of 1.7. Existing development on Avenida de la Playa is the smallest in size and scale and the most residential in character of all the commercial areas and is regulated and limited by the General Design Regulations of the *La Jolla Shores Planned District Ordinance (LJSPDO)* and the *La Jolla Shores Design Manual*. The largest Floor Area Ratio so far approved for any project since the approval of the LJSPDO in the Commercial Center Zone on Avenida de la Playa was an FAR of 1.7. In contrast to the small scale residential character of surrounding mixed use development, the Whitney Mixed Use project proposes a Floor Area Ratio of 2.34, **which is a 37 percent larger than any previously approved project under the LJSPDO or the LJPDO**. If approved, the bulk and scale of the substantially larger Whitney Mixed Use project will be incompatible with surrounding development and substantially alter the existing character of the area. **The correct responses to both checklist questions should be "Yes"**.

Issue 3

Page 8 of the Initial Study Checklist (Page 32 of the DRAFT Initial Study), under the heading of LAND USE, paragraph A states: "The project is consistent with the land use designation and applicable policies of the Community Plan". This statement is **not correct**.

The Community Commercial statement for Avenida de la Playa in the COMMERCIAL LAND USE ELEMENT on page 107 of the *LA JOLLA COMMUNITY PLAN* states: "The commercial structures that exist along this 4-block commercial district have generally maintained their original building scale and pedestrian orientation despite development pressures to expand over the years." The COMMERCIAL LAND USE ELEMENT on page 98 of the *LA JOLLA COMMUNITY PLAN* states: "The City should seek to strengthen the existing commercial districts by requiring pedestrian-related amenities with development, such as plazas and courtyards, ..." Additionally, the PLAN RECOMMENDATIONS Section of the COMMERCIAL LAND USE ELEMENT of the *LA JOLLA COMMUNITY PLAN* states: "Incorporate open spaces such as plazas, courtyards, tables or bench areas with shade trees or overhead trellises into the design of new commercial projects." The proposed project does not contain a plaza, courtyard, bench area, shade trees, overhead trellis or any pedestrian oriented features for public enjoyment anywhere within the project. The proposed project is **clearly inconsistent** with the applicable policies and recommendations of the Community Plan in this regard.

INITIAL STUDY

Paragraph IA (page 1 of the Initial Study Checklist) also says "See Initial Study". Page 18 of the *Initial Study* then states:

"The following environmental issues were considered during the review of the project and were determined not to be significant.

Letter to Holly Smit Kicklighter
RE: Whitney Mixed Use - Draft Mitigated Negative Declaration
Project No. 182513 / SAP No. 23432518
Date: April 2, 2010
Page 5 of 5

Aesthetics/Visual Quality

The project site is in a residential neighborhood and has previously been developed. The proposed project would be compatible with the underlying zone (see Land Use discussion) and the Community Commercial designation. The main physical change to the site with project is that the current one-story buildings would be replaced with a three-story building."


The *Initial Study fails to include* a discussion of Aesthetics or Visual Quality as it relates to the requirements of the underlying zone. The study only says the project would be compatible with the underlying zone and the Community Commercial designation, but *fails to consider* the *General Design Regulations* or the *Design Principal* section of the LJSPDO or the policies and recommendations of the *La Jolla Shores Design Manual* governing project compatibility aesthetics and visual quality, *all of which are requirements* of the underlying zone as contained in the Land Development Code.

For all the reasons contained in the Initial Study Checklist section above, the Initial Study statement regarding Aesthetics / Visual Quality compatibility with the underlying zone is incorrect. The proposed project is *not compatible* with the aesthetics and visual quality requirements of the underlying zone.

For all the reason listed above **the Mitigated Negative Declaration is inadequate** and should be rewritten to address the issues of Aesthetics/Neighborhood Character, Land Use, and Aesthetics/Visual Quality which are significantly affected by the proposed project and which require appropriate measures to mitigate those impacts.

Thank you for your consideration.

Sincerely,
La Jolla Community Planning Association



Joe LaCava, President



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101
 (619) 448-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
 MAY 2010

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: La Jolla Shores Tomorrow, c/o Julie M. Hamilton, Attorney at Law
 E-mail Address: julie@jmhhamiltonlaw.com
 Address: 2835 Camino del Rio S., Suite 100 City: San Diego State: CA Zip Code: 92108 Telephone: (619) 278-0701

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Tim Martin, Martin Architecture

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Whitney Mixed Use -- Project No. 182513	July 28, 2010	Tim Daly

Decision (describe the permit/approval decision):
 Coastal Development Permit, Site Development Permit, Variance, and Tentative Map Waiver, Mitigated Negative Declaration;

To demolish existing structures and construct a new three-story building with basement parking, including two condominium units and a commercial condominium unit space of approximately 2,000 square feet on a 0.09 acre site.

5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
- Conflict with other matters (Process Three and Four decisions only)
- Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

The proposed project will adversely affect the applicable land use plan because its bulk and scale is out of character with the commercial community.

The proposed project will not comply to the maximum extent feasible with the Land Development Code because the project does not incorporate required visibility triangles, has not provided adequate information regarding the effect of the subterranean garage on pumping and subsidence, removes at least one public parking space, and does not conform in bulk and scale to the community.

There are no special circumstances to justify a variance because all properties on that block are similarly situated, the project is on a flat, rectangular, unconstrained lot with access to three streets, and the owner is not deprived of reasonable use.

The proposed mitigation of potential significant effects to archeological/paleontological resources is ineffective because the language allows modification of required mitigation.

An EIR is required because the initial study failed to consider substantial evidence indicating significant impacts on aesthetics, community character, and the inconsistency with applicable land use plan.

See attached presentation dated July 28, 2010 and attached letter dated April 5, 2010.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Julie Hamilton Date: August 11, 2010

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.



Julie M. Hamilton
Attorney at Law

Holly Smit Kicklighter
Associate Environmental Planner
City of San Diego
Development Services
1222 First Avenue, MS 501
San Diego, CA 921101

**Re: Whitney Mixed Use Project - PTS No. 182513
Comments on Mitigated Negative Declaration**

Dear Ms. Smit Kicklighter:

I am providing the following comments on behalf of my client; La Jolla Shores Tomorrow. These comments are based on my review of the proposed Mitigated Negative Declaration (MND) and the project file in Development Services. The California Environmental Quality Act (CEQA) requires the preparation of an environmental impact report (EIR) if there is substantial evidence in the record to support a fair argument the proposed project may result in significant impacts on the environment. The proposed project will result in significant impacts to aesthetics/neighborhood character, hydrology/water quality and land use that have not been mitigated; therefore an EIR is required.

I. AESTHETICS / NEIGHBORHOOD CHARACTER.

There is substantial evidence in the record to support a fair argument the proposed project will substantially degrade the existing aesthetics and neighborhood character of the commercial center in La Jolla Shores. The applicant is proposing a three-story, mixed use building with 2,214 square feet of retail space on the first floor and two "for-rent" residential units on the second and third floors. The applicant will be providing seven parking spaces via ground level parking on the rear of the building and a 5-car, subterranean parking garage. As currently designed, the project is a three-story, 10,000¹ square foot building on a 4,000 square foot lot. The setbacks range from no setback on the north and west sides of the building to a maximum of six inches on the eastern side of the building. The floor area ratio ("FAR") of the proposed project is 2.34.

The Commercial Center of the La Jolla Shores Community is defined by small two and three-story buildings with a FAR of less than 2. Since the adoption of the La Jolla Shores Planned District Ordinance, no building has been permitted with an FAR greater than 1.7. The third story on all recently permitted buildings is substantially set

¹ Relying on the definition of gross floor area provided in Municipal Code Section 113.0234

Holly Smit Kicklighter
April 5, 2010
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back from the street facade of the structures and is essentially designed in the "shopkeeper" fashion with commercial/office space on the first floor and residential on the second floor. A few of the "shopkeeper" buildings have an attic third floor with peaked roofs that are well set back from the street.

The massive three-story structure proposed to be built in this quaint commercial area will result in a negative aesthetic that will substantially alter the character of the Commercial Center. The bulk, scale, materials and style of the proposed project is incompatible with surrounding development; in particular the "shopkeeper" buildings immediately east of the proposed project. The proposed project will have a significant impact on the aesthetics and neighborhood character of the La Jolla Shores Commercial Center.

IX. HYDROLOGY/WATER QUALITY

The MND fails to analyze the impact of the proposed basement on the flow and quality of groundwater or consider the impact of the basement on geologic stability. The placement of the basement and elevator well below the groundwater table requires specific engineering to protect the basement from groundwater intrusion and to avoid subsidence. Engineering solutions to protect against groundwater intrusion into the basement may range from waterproofing the structure to subsurface drains. It is unclear how this protection will occur; how subsurface water will be disposed and what type of permits will be required for this disposal. The La Jolla Shores PDO only allows for pumping subsurface waters in an emergency. The PDO requires the discharge from such a system be pumped onto the public street and does not allow connection to the storm drains. The design for such a system must be shown in detail on the plans submitted for approval. In my review of the plans; I have been unable to find any detail showing the pumping system for the subterranean garage or a subsurface drain system to prevent water from entering the garage.²

Similarly, the La Shores PDO requires the applicant to provide detail of a system for the avoidance of any subsidence of adjoining or nearby structures; both during and after construction. The plans shall indicate the procedures to be taken in the event subsidence occurs and the owner of the proposed project must provide an independent testing laboratory to monitor continuously for subsidence. Again, in my review of the plans I did not find detail of a system for the avoidance of any subsidence; nor did I find the procedures to be taken in the event subsidence occurs. There is no mitigation measure requiring the service of an independent laboratory to monitor the project for subsidence as required by the PDO.

If the lead agency (in this case the City of San Diego) fails to study an area of possible environmental impact, a fair argument may be based on the limited facts in the

² San Diego Municipal Code Section 1510.0403(b)

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record. "Deficiencies in the record may actually enlarge the scope of the fair argument by lending a logical plausibility to a wider range of inferences."³ The City's complete failure to consider the impacts of protecting the structure from groundwater intrusion and the potential for subsidence results in a significant deficiency in the record and certainly enlarges the scope of the fair argument the project results in significant environmental impacts. The inclusion of specific policies in the PDO addressing the impacts of structures below the groundwater table is sufficient evidence to support a fair argument any structure built below the water table may have significant impacts. The City's failure to consider and properly mitigate these impacts is not consistent with the requirements of CEQA for a mitigated negative declaration; therefore an environmental impact report must be prepared.

X. LAND USE

There is substantial evidence to support a fair argument the proposed project may cause significant land use impacts. The project site is located in the Commercial Center Zone of the La Jolla Shores Planned District. The project must be reviewed for consistency with the La Jolla Shores Planned District Ordinance, the La Jolla Shores Design Manual, the La Jolla Community Plan and Local Coastal Program and the San Diego Land Development Code.

"The California Coastal Act has designated La Jolla as a "special community" of regional and state-wide significance. This designation is embodied in all land use policies and plan recommendations contained in this plan. This designation emphasizes the importance of La Jolla as a prime visitor destination and has been used as basis for the approval of special grants to conserve and enhance the special character of La Jolla."⁴

In keeping with the designation of La Jolla as a special community; the La Jolla Community Plan and LCP specifically requires that improvements within the commercial center on Avenida de la Playa retain small scale establishments and focus on enhancing the pedestrian environment. This policy language is further defined through the language of the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual. The General Design Regulations of the La Jolla Shores PDO incorporates the La Jolla Shores Design Manual and clearly states that no structure will be approved that is so different in quality, form, materials, color and relationship as to disrupt the architectural unity of the area.⁵

The La Jolla Shores Design Manual contains the following statements:

³ *Sundstrom v. County of Mendocino*, supra, 202 Cal. App. 3d at 311.

⁴ La Jolla Community Plan and Local Coastal Program Land Use Plan, p. 26

⁵ San Diego Municipal Code Section 1516.0301(b)

Holly Smit Kicklighter
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Page 4

- Large buildings interposed into communities characterized by small-scale structure without adequate transition should be avoided.
- Structures shall conform or compliment the general design and bulk of buildings in surrounding and adjacent areas.
- Promote harmony in the visual relationships and transitions between new and older buildings.
- New buildings should be made sympathetic to the scale, form and proportion of older development...
- Extreme contrasts in color, shape and organization of architectural elements should be avoided, so that new structures do not stand out in excess of their importance. Materials should be compatible with the existing character of La Jolla Shores.

The applicant is proposing a three-story building with an FAR of 2.34 in an area characterized by two-story buildings with an FAR less than 2. Although there are a few three-story buildings along Avenida de la Playa, the third story on these buildings are well set back from the facades along Avenida de la Playa; resulting in a small scale village appearance.⁶ The proposed building is entirely out of scale with the surrounding development, disrupts the harmony in the visual relationships between the proposed building and existing development, and represents a contrast in shape that will cause this building to stand out in excess of its importance.

As stated above, the proposed project also fails to comply with the requirements of the La Jolla Shores PDO related to structures below the groundwater table.

These failures to meet the requirements of the La Jolla Community Plan and Local Coastal Program Land Use Plan, the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual will result in a significant land use impact. Approval of a structure so out of character with the existing commercial development along Avenida de la Playa could set a precedent to allow other disproportionate buildings in the Commercial Center Zone; in contravention to the many policies governing development in this zone. The land use impacts of this project are substantial and cannot be mitigated; therefore an environmental impact report must be prepared.

CONCLUSION

There is substantial evidence in the record to support a fair argument the proposed project may result in significant environmental impacts; therefore the City of San Diego cannot approve the Tentative Map Waiver,⁷ Coastal Development Permit and Site

⁶ There are two exceptions, built prior to adoption of the La Jolla Shores PDO and the impetus for adoption of the PDO and Design Manual

⁷ The project description is flawed in that the Initial Study describes the project as the construction of two "for-rent" units; but the project approvals authorize a tentative map waiver. Will the residential units be

Holly Smit Kicklighter
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Development Permit for this project without preparation of an environmental impact report.

Thank you for your time and attention to this matter, I remain available if you have any questions or need additional information.

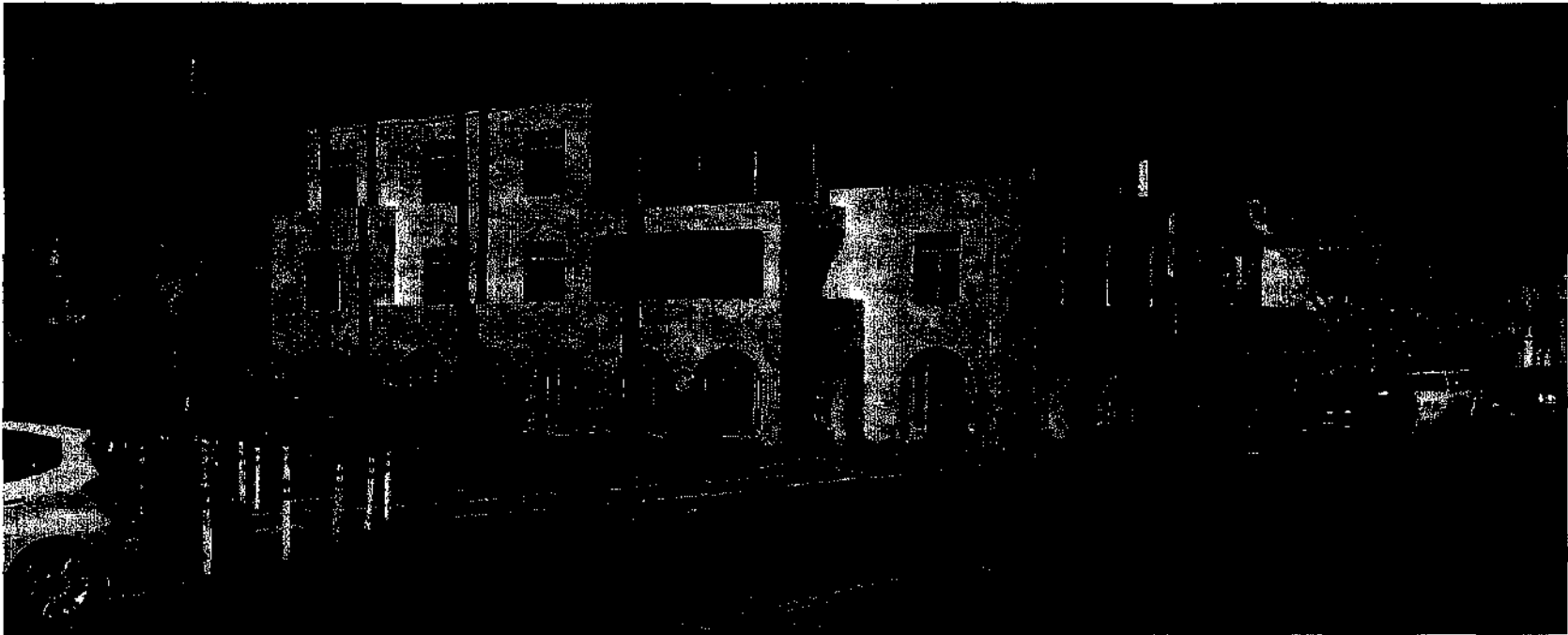
Very truly yours,


Julie M. Hamilton

CC: Client

separately owned and owned separately from the retail space? What kind of governing documents will be required?

La Jolla Shores Tomorrow Opposition to Whitney Project



7/28/2010, Hearing Officer
Public Hearing

La Jolla Shores Tomorrow Opposition to
Whitney Building

Findings

The Required Findings for a Variance,
Tentative Map Waiver, Site
Development Permit, Coastal
Development Permit, and Final MND
Cannot be Made.

Public Health, Safety and Welfare Findings

- **SDMC § 126.0805(c) – Findings for a Variance**
 - The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.
- **SDMC § 125.0440(e) – Findings for a Tentative Map Waiver**
 - The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, or welfare.
- **SDMC § 126.0504(a)(2) – Findings for a Site Development Permit**
 - The proposed development will not be detrimental to the public health, safety, and welfare.

The Required Public Health, Safety, and Welfare Findings Cannot Be Made

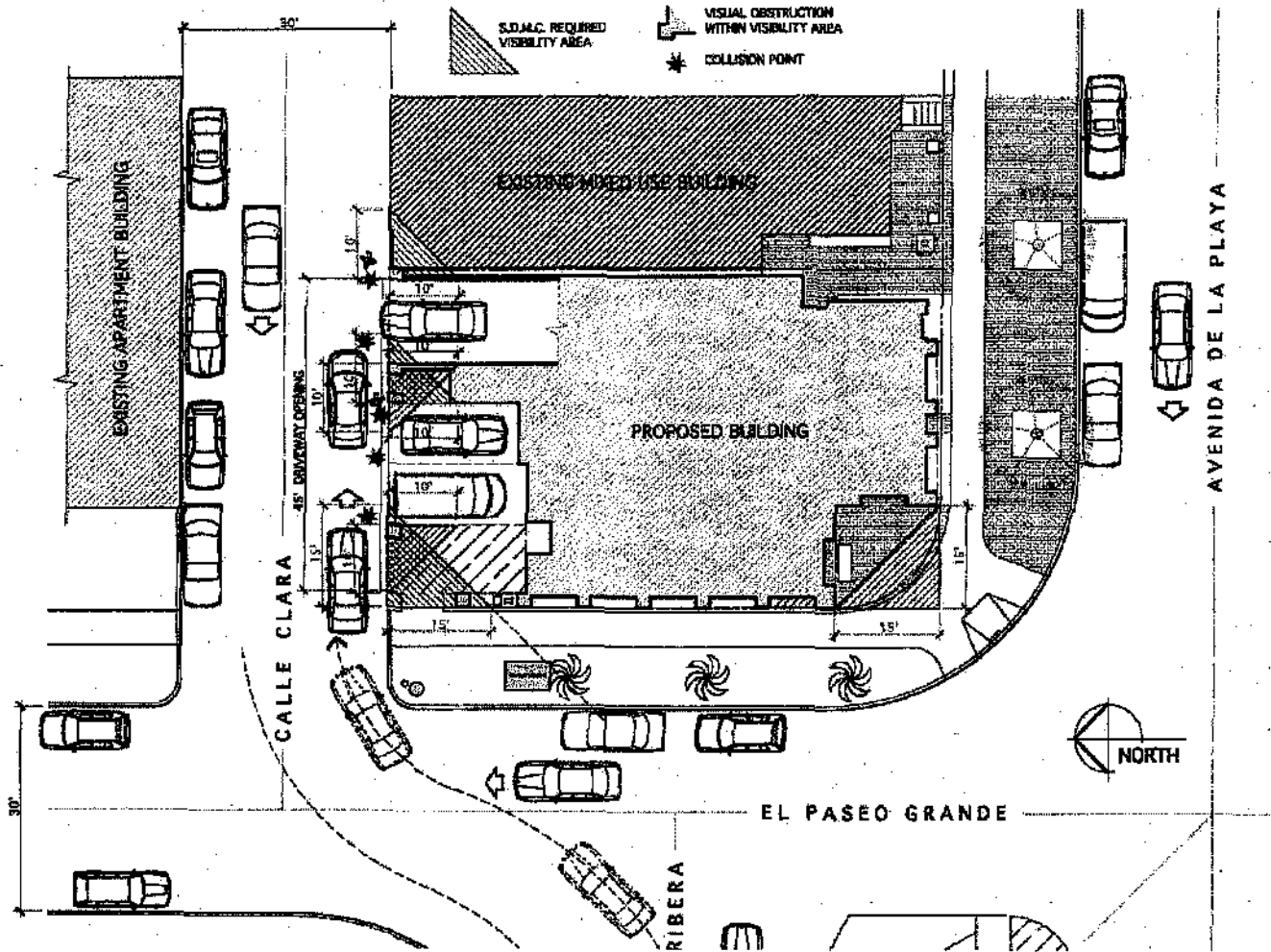
Required Visibility Triangles SDMC § 113.0273

- The visibility area is a triangular portion of a premises formed by drawing one line perpendicular to and one line parallel to the property line or public right-of-way for a specified length and one line diagonally joining the other two lines.
 - (a) For visibility areas at the intersection of streets, two sides of the triangle extend along the intersecting property lines for 25 feet and the third side is a diagonal line that connects the two.
 - (b) For visibility areas at the intersection of a street and alley, two sides of the triangle extend along the intersecting property lines for 10 feet and the third side is a diagonal line that connects the two.
 - (c) For visibility areas at the intersection of a street and driveway, one side of the triangle extends from the intersection of the street and the driveway for 10 feet along the property line. The second side extends from the intersection of the street and driveway for 10 feet inward from the property line along the driveway edge and the third side of the triangle connects the two.
 - (d) Where the required front and street side yards measure less than 25 feet when combined, that measurement or 15 feet, whichever is greater, establishes the visibility area at the street intersection.

Whitney Project

- **As currently designed, the project does not provide required visibility triangles for the exit of the parking garage onto Calle Clara.**
- **Visibility triangles ensure adequate site distance for vehicles exiting onto a street.**
- **Without the required visibility triangles, cars will have to pull halfway out of the garage before they can see, or are visible to, other vehicles and pedestrians.**

Required Visibility Triangles



7/28/2010, Hearing Officer
Public Hearing

La Jolla Shores Tomorrow Opposition to
Whitney Building

Land Use Plan Findings

- **SDMC § 126.0805(d) – Findings for a Variance**
 - The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.
- **Cal Gov Code § 66474(a) – Findings for a Tentative Map Waiver**
 - A legislative body of a city or county shall deny approval . . . If it makes any of the following findings: That the proposed map is not consistent with applicable general and specific plans.
- **SDMC § 126.0504(a)(1) – Findings for a Site Development Permit**
 - The proposed development will not adversely affect the applicable land use plan.
- **SDMC § 126.0708(a)(3) – Findings for a Coastal Development Permit**
 - 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 Required Land Use Plan Findings Cannot Be Made

La Jolla Community Plan and Local Coastal Program Land Use Plan

- **“The California Coastal Act has designated La Jolla as a **“special community”** of regional and state-wide significance. This designation is embodied in all land use policies and plan recommendations contained in this plan. This designation emphasizes the importance of La Jolla as a prime visitor destination and has been used as the basis for the approval of special grants to conserve and enhance the special character of La Jolla.” (p. 26)**

Whitney Project

- **The proposed building violates the Coastal Act by imposing on the community a massive and disruptive structure.**
- **The project will adversely affect La Jolla Shores as a prime visitor destination and will detract from the special character of the community.**

The Required Land Use Plan Findings Cannot Be Made

La Jolla Community Plan and Local Coastal Program Land Use Plan

- **“The City should encourage small lot development consistent with the traditional rhythm and spacing of buildings along major retail-oriented streets.” (p. 98)**
- **“Retain small scale establishments and install street trees to provide shade and enhance pedestrian environment.” (p. 107)**

Whitney Project

- **The Whitney Building represents a massive block out of proportion to the traditional rhythm and spacing of the “shopkeeper” development along Avenida de la Playa.**
- **The Whitney Building is a massive structure adjacent to small scale development that disrupts the pedestrian environment by providing long lengths of sheer walls with little relief and no setback from the sidewalk.**

The Required Land Use Plan Findings Cannot Be Made

La Jolla Community Plan and Local Coastal Program Land Use Plan

- **“Avoid abrupt transitions in scale between commercial buildings and adjacent residential areas. Utilize transitions in bulk and scale to create visual interest and create a sense of enclosure for pedestrians; gradual transitions in scale between commercial and residential uses are preferred.” (p. 102)**
- **“Incorporate open areas such as plazas, courtyards, tables or bench areas with shade trees or overhead trellises into the design of new commercial projects.” (p. 103)**

Whitney Project

- **The three-story sheer facade along Calle Clara causes an abrupt transition between the Avenida de la Playa commercial center and the two-story residential development on the north side of Calle Clara.**
- **The Whitney Building fails to provide any pedestrian amenities or open areas, such as a plaza, courtyard, reasonable bench area with shade trees or overhead trellises. Rather the Whitney Building provides a small corner area with one proposed shade tree.**

Land Development Code Findings

- **SDMC § 125.0122 – Findings for a Tentative Map Waiver**
 - The decision maker may approve a Map Waiver if the decision maker finds that the proposed division of land complies with requirements of the Subdivision Map Act and the Land Development Code.
- **SDMC § 126.0504(a)(3) – Findings for a Site Development Permit**
 - The proposed development will comply with the applicable regulations of the Land Development Code.
- **SDMC § 126.0708(a)(3) – Findings for a Coastal Development Permit**
 - 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 Required Land Development Code Findings Cannot Be Made

La Jolla Shores PDO

- **Purpose and Intent**
 - The development of land in La Jolla Shores should be controlled so as to protect the area's unique ocean-oriented setting, architectural character and natural terrain and enable the area to maintain its distinctive identity as part of one of the outstanding residential areas of the Pacific Coast. (SDMC §1510.0101(b))
- **Design Principle**
 - No structure shall be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area. (SDMC §1510.0301(b))

Whitney Project

- The La Jolla Shores Planned District Ordinance and Design Manual require new development be controlled to protect the community character of the area. These requirements demand that new development should be compatible with the bulk and scale of surrounding development.
- The commercial center is a quaint district defined by small two and three-story buildings, with substantial setbacks on all third stories.
- The project proposes a massive three-story building, with a gross floor area of 8,950 square feet on a 4,000 square foot lot.

The Required Land Development Code Findings Cannot Be Made

La Jolla Shores Design Manual

- “Large buildings interposed into communities characterized by small-scale structures without adequate transition should be avoided.” (p. 4)
- “Visually strong buildings which contrast severely with their surroundings impair the character of the area.” (p. 4)

Whitney Project

- **The Whitney Building provides sheer facades along all four property lines with minimal relief and articulation.**
- **The bulk and scale of the proposed building will substantially degrade the existing aesthetics and neighborhood character of La Jolla Shores.**

The Required Land Development Code Findings Cannot Be Made

La Jolla Shores Design Manual

- “Structures shall conform or complement the general design and bulk of the buildings in the surrounding and adjacent areas.” (p. 4)
- “New buildings should be made sympathetic to the scale, form and proportion of older development...” (p. 5)

Whitney Project

- The highest floor area ratio in the community since adoption of the La Jolla Shores PDO is 1.7. The Whitney Building has a FAR of 2.26 -- a 33% increase over any other building permitted under these regulations. The FAR is indicative of its incompatibility with the surrounding community.
- The proposed building is not sympathetic to the existing shopkeeper style of development, which features substantial setbacks, and/or peaked roofs on third stories.

The Required Land Development Code Findings Cannot Be Made

La Jolla Shores PDO

- Triangular visibility areas are required. (SDMC § 113.0273)
- The La Jolla Shores Planned District Ordinance allows the construction of structures below the water table only if specific conditions are met. (SDMC §1510.0403)
- Access to coastal resources must be maintained.

Whitney Project

- As currently designed, the project does not provide required visibility triangles for the exit of the parking garage onto Calle Clara.
- The Whitney project includes a subterranean garage constructed below the ground water table, but has failed to provide adequate information:
 - Pumping
 - Condo ownership
 - Subsidence
- There is public parking along both sides of Calle Clara. The project would remove at least one public parking space and hinder public access to the coast.

Additional Variance Findings

- **SDMC § 126.0805(a)**
 - There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.
- **SDMC § 126.0805(b)**
 - The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.

The Required Additional Variance Findings Cannot be Made

Special Circumstances

- The “special circumstances” must be peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations. (SDMC § 126.0805(a))
- A variance may be granted only when “special circumstances” applicable to the property exist, including size, shape, topography, location, or surroundings. (Gov. Code § 65906)

Whitney Project

- There are no “special circumstances” which justify granting a variance.
- All properties on that block are similarly situated on Calle Clara, a 30-foot street, and are not deprived of reasonable use.
- The proposed project is located on a standard, unconstrained lot.
 - Access to 3 streets
 - Flat
 - Rectangular
 - No grading
- The problem is that this standard La Jolla lot cannot support the massive development proposed.
- The applicant needs a variance because it cannot accommodate parking required for the intensity of use.

Final MND Findings

- **Public Resources Code § 21081(a)(1)**
 - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- **CEQA Guidelines § 15064**
 - An EIR is required whenever it can be fairly argued, on the basis of substantial evidence, that a project may have a significant impact.

The Required Final MND Findings Cannot Be Made

Public Resources Code § 21081(a)(1)

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- The Final MND determined that the proposed project could have a significant environmental effect on archaeological and paleontological resources.

Whitney Project

- The keystone of the mitigation is the presence of a full-time monitor during construction/grading/excavation/trenching activities.
- The Final MND incorporates language that allows the removal of the monitor for unspecified safety concerns.
- The removal of the monitor renders the proposed mitigation ineffective.
- An EIR is required.

The Required Final MND Findings Cannot Be Made

CEQA Guidelines § 15064

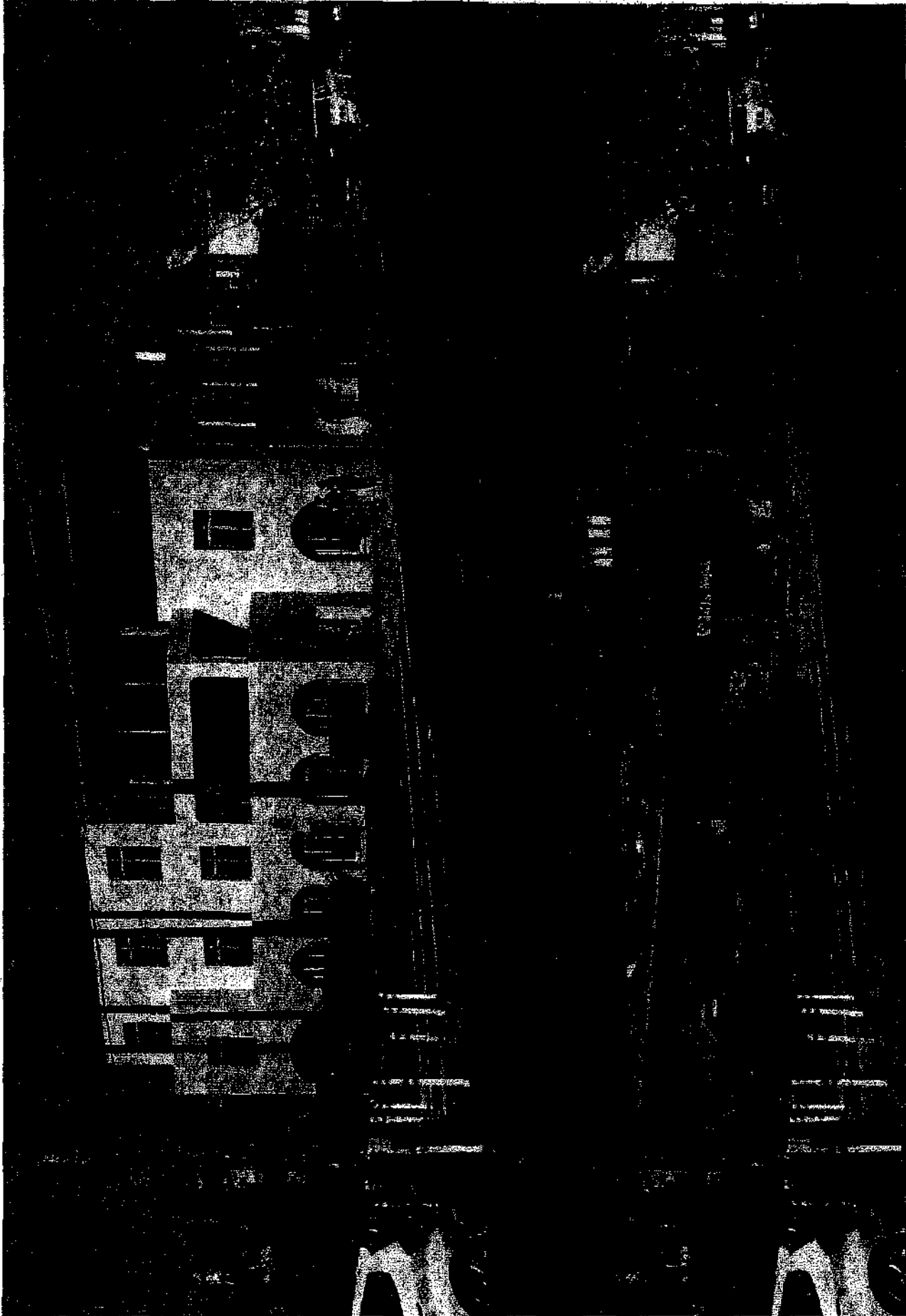
- An EIR is required whenever it can be fairly argued, on the basis of substantial evidence, that a project may have a significant impact.

Whitney Project

- **Failed to consider potential impacts of a variance.**
- **Failed to consider substantial evidence indicating significant impacts on aesthetics and community character.**
- **Failed to consider the inconsistency of the project with the applicable land use plans.**
- **An EIR is required.**

The Required Findings Cannot Be Made

- The project is detrimental to the public health, safety and welfare.
- The project is not consistent with the La Jolla Shores Community Plan and Local Coastal Program Land Use Plan.
- The project is not consistent with the Land Development Code.
- The Final MND does not reduce impacts to a level of insignificance.



La Jolla Shores Tomorrow Opposition to
Whitney Building

7/28/2010, Hearing Officer
Public Hearing



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

President: Joe LaCava
 Vice President: Tony Crisafi
 Treasurer: Jim Fitzgerald
 Secretary: Nancy Manno

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 1 October 2009

La Jolla Recreation Center, 615 Prospect Street

D R A F T MINUTES – REGULAR MEETING

Present: Michele Addington, Darcy Ashley, John Berol, Tom Brady, Michael Costello, Dan Courtney, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, David Little, Tim Lucas, Nancy Manno, Phil Merten, Glen Rasmussen, Greg Salmon.

Absent: Bob Collins, Ray Weiss.

1. Welcome and Call To Order: **Joe LaCava**, President @ 6:05 PM

2. Adopt the Agenda

Approved Motion: (with amendment to hear Agenda Item 13, Whitney Mixed Use Project, prior to Agenda Item 12, Fakhimi Residence). **To adopt the Agenda, (Ashley/Addington 10/0/1)**

In favor: Addington, Ashley, Berol, Brady, Costello, Fitzgerald, Little, Manno, Merten, Salmon.

Abstain: LaCava

3. **Meeting Minutes:** Review and Approval: 03 September 2009

Approved Motion: To approve the Minutes of September 03, 2009, (with two corrections: (1) Agenda Item 11: Trustee Costello listed as both approving and opposing motion on Agenda Item 11. Trustee Costello opposed the motion on Agenda Item 11. (2) Correct language pertaining to Motion on Consent Agenda Item 8: Approved Motion: To accept the recommendation of the DPR Committee: to approve (A) Benson Residence and forward the recommendation to the City. To accept the recommendation of the PRC Committee: to approve (C) Cohen Residence and forward the recommendation to the City. To accept the recommendation of the T & T Committee: (D) "Keep Clear" Designations on two Intersections of La Jolla Boulevard, Fern Glen and Belvedere, (E) Red Curb at Entrance to 2255 Paseo Dorado, (H) La Jolla Shores Fall Fest and forward the recommendations to the City). **(Ashley/Fitzgerald 9/0/2)**

In favor: Addington, Ashley, Berol, Brady, Costello, Fitzgerald, Little, Manno, Salmon.

Abstain: LaCava, Merten

4. Elected Official Reports – Information Only

A. Council District 2 – Councilmember Kevin Faulconer

Rep: **Thyme Curtis**, 619.236.6622, tcurtis@sandiego.gov

Ms. Curtis was not present.

B. Council District 1 – Councilmember Sherri Lightner

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

Present, made report: Community Canyon Fire Watch program, High Speed Rail project, A request for volunteers for the RSVP program. Information on these programs/projects can be accessed on Councilmember Lightner's web site.

5. Non-Agenda Public Comment

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

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

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.

11. 52nd CHRISTMAS PARADE & HOLIDAY FESTIVAL (Street Closures)

T&T ACTION: To approve proposed street closures, 8-0-0.

Sunday, December 6, 2009 - The parade route and staging areas are the same as last year. Parade route: closures are Girard from Torrey Pines to Prospect, Prospect from Girard to Cuvier Street. Staging area: closures are sections of Girard, Kline, Hershel and the alley located between Girard and Fay-south of Kline to the Vons parking lot.

Project presented by **Darcy Ashley**.

Approved Motion: To support the Traffic & Transportation Committee action to approve the proposed street closures. (Fitzgerald/Brady 14/0/2)

In favor: Addington, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Rasmussen, Salmon.

Abstain: Ashley, LaCava

13. WHITNEY MIXED USE

PRC ACTION: Findings can be met, conforms to LJSPDO for the commercial zone, and conforms to the unity with variety design principle, 3-1-1.

2202 & 2206 Avenida de la Playa - Coastal Development Permit, Site Development Permit and Tentative Map to demolish existing structures, construct 2 residential units and 2,300 square feet of commercial space (3-stories, 9228 SF total) with basement parking on a 0.09 acre (3952 SF) site in the CC Zone of La Jolla Shores Planned District.

Architect **Tim Martin** presented for applicant, the Whitney Family. Community members speaking in support of the Whitney Project: **Marcella DiMichieli, Lance Peto, Kim Woods, Peter Brubeck, David Brown, Martin Mosier**. Community members who registered their approval of the Whitney Project, but did not speak: **Claree Doty, Howard Doty, Tim Martin**.

Architect **Dale Nagle** and community member **Vaughn Woods** presented for those community members who oppose the Whitney Project. Community members speaking in opposition to the Whitney Project: **Joseph Dicks, Veryl Mortenson, Lynn Schenk, Peggy Davis**. Community members who registered their opposition to the Whitney Project, but did not speak: **Loraine Dorfman, Daisy Fitzgerald, C. Hugh Friedman, Peter Gantzel, Caroline Hendricks, Shirley R. Imber, Oliver Jones, Leslie Lucas, Betty Morrison, Edie Munk, Myrna Naegle, Maria S. Rothschild, Ann Thompson, Joe Thompson, Paula Tran, Sheila Wilensky**.

President LaCava expressed his profound gratitude for the civility and graciousness of the formal presentation speakers and the individual speakers.

Trustee's Addington, Berol, Costello, Crisafi, Courtney, Fitzgerald, Gabsch, Little, Lucas, Merten, Rasmussen, Salmon commented on the proposed project and questioned Presenter's **Mr. Martin, Mr. Nagle, Mr. Woods**.

President LaCava acknowledged those community members who registered their opposition to the project by letter and e-mail: **Suzanne Whitman, Helen M. Hammond, Mike Cavanaugh, Alice Cavanaugh, Meg Davis, Barbara Sheridan, John Sheridan, Ellen Checota, Herman F. Froeb, Yahya Al Zaben, Jeffrey Davis, Mila Vujovich-La Barre, Allison Trent, Joe Goddard, Marianne Zappella, Ellen Stuart, Anne Hubbard, Elizabeth C. Thomas, Wilfred Westlake, Marjorie A. Hughes, Marilyn Caires, Jenne Burdick, Lorraine Dorfman**.

Approved Motion: The CPA recommends denial of the Whitney Mixed Use Project for two reasons. (1) Under LJSPDO Section 1510.0301 and under the Progress Guide and General Plan for the City of San Diego, the La Jolla Community Plan, and the La Jolla Shores Precise Plan: The form and relationship of the project would disrupt the character and architectural unity of the street scape. (2) The plans and presentation do not show what dewatering will be needed by the project before and after completion and how any dewatering will be accomplished without violating LJSPDO Section 1510.0403 which prohibits discharging ground water into the storm drain on account of the need to protect the beach from such intrusion. (Berol/Fitzgerald 14/1/1)

In favor: Addington, Ashley, Berol, Costello, Crisafi, Courtney, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Rasmussen, Salmon

Opposed: Brady

Abstain: LaCava

LA JOLLA SHORES PLANNED DISTRICT

Applicant: Mr. Robert Whitney Item: 1 Whitney
 _____ Date: April 20, 2010

To: Planning Director
 From: La Jolla Shores Planned District Advisory Board
 Subject: Proposal Within La Jolla Shores Planned District

The La Jolla Shores Planned District Advisory Board has reviewed the applicant for:

THE ADVISORY IS DEADLOCKED 3-3 ON THIS PROJECT.
NO VOTE
THE MOTION WAS TO FORWARD THE PROJECT TO
THE HOARING OFFICER WITH NO CONSENSUS AND
RECOMMENDATION.

located _____

and recommends:

- A. Approval because of conformity to criteria and design standards adopted by the City Council
- B. Denial because of nonconformity to criteria and design standards adopted by the City Council. (Reasons for nonconformity on reverse side.)
- C. Approval subject to the following modifications to ensure conformity to criteria and design standards adopted by the City Council.

- D. Denial because of lack of four affirmative votes.

Board Signatures

Approving Item: 4

Disapproving Item: 0

J. Bull
Beyanne Weisman
Yane Potte

Absentees:

Chairman

PLANNING COMMISSION RESOLUTION NO. XXXX
COASTAL DEVELOPMENT PERMIT NO. 662551
SITE DEVELOPMENT PERMIT NO. 662678
WHITNEY MIXED USE PROJECT NO. 182513 [MMRP]

WHEREAS, PLAYA GRANDE, a Limited Liability Corporation, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit No. 662551 and Site Development Permit No. 662678 to demolish the existing structures and construct a new three-story building consisting of two residential condominium units on the second and third floors, basement parking, and approximately 2,000 square feet of commercial condominium unit space on the ground floor (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 662551 and 662678), on portions of a 0.09 acre site;

WHEREAS, the site is located at 2202 and 2206 Avenida de la Playa in the Commercial Center (CC) Zone of the La Jolla Shores Planned District, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limit Overlay Zone, Residential Tandem Parking Overlay Zone, and the Parking Impact Overlay Zone (Beach Impact Area) of the La Jolla Community Plan;

WHEREAS, the site is legally described as Lots 14 and 15, Block 11 of La Jolla Shores Unit No. 1, Map No. 1913 filed in the Office of County Recorder of San Diego County, June 3, 1926;

WHEREAS, on September 9, 2010, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 662551 and Site Development Permit No. 662678, pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated September 9, 2010.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 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 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 project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan (LJCP) area. This portion of Avenida de la Playa is not identified as a physical accessway or public view corridor in the Local Coastal Program. Therefore, the project will not encroach into any public accessway or public view corridor.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District in the La Jolla Community Plan (LJCP) area. The subject site is an urbanized property surrounded by commercial and mixed use development with all proposed development occurring on private property. The site is not within or adjacent to the Multiple Species Conservation Program, Multiple Habitat Planning Area, coastal bluff, beach, or any other environmentally sensitive lands. There are no sensitive habitats or species located on the site. The proposed project will have no significant environmental effect. In the absence of any environmentally sensitive lands present on the site the proposed development will have no adverse affect to or upon 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 project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area. This plan presents the coastal issues that have been identified for the community; it proposes policies and recommendations in the various elements of the community plan to address those issues.

Consistent with the Plan's Commercial Land Use Element, the proposed development retains retail and visitor oriented commercial areas in proximity to the beach and coastline parks in order to maintain a high degree of pedestrian activity and access to coastal resources. The retail/residential mix of uses helps maintain a diversified, yet balanced land use pattern by providing residential development within existing commercial area rather than additional office use. Additionally, the project will help revitalize the commercial area. By using an architectural style that is prevalent throughout La Jolla and activating an important corner in the La Jolla Shores commercial district, the project will strengthen, reinforce and unify the district. Finally, the project will promote pedestrian-oriented features to improve safety and ease of movement along the commercial street. A series of small scale arches in 2-foot thick walls front both primary streets, creating a pedestrian scale and rhythm. The enclosed stair serving the upper level residences is setback from the street and the adjacent building at the southeast corner, creating an entry corridor opposite the adjacent building and adding to a sense of space separating the buildings. The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east. Additional planting is proposed to climb and clad the building, adding further texture and softening the building at the pedestrian level.

The Plan's Residential and Commercial Elements includes the provision of affordable housing and recommends the encouragement for the development of more affordable housing units. The project proposes to demolish the existing single story residential unit and retail store and provide two new residential units and a commercial space. Along with providing an additional unit, the

project is conditioned to comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations by paying an in-lieu fee.

For all new development and redevelopment in the Plan area, the Community Facilities, Parks and Services Element contains references to the City of San Diego's nonpoint source pollution from urban runoff management strategy. This strategy is to identify, prevent and control nonpoint source pollution associated with urban runoff, and identifies associated policies and recommendations to ensure the protection of water resources in the La Jolla community. The project includes specific conditions for compliance with Storm Water Management and Discharge Control Ordinance and Storm Water Runoff and Drainage Regulations to comply with the City's Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit to preserve of local water resources and ensure that all applicable construction and permanent storm water requirements are implemented on the project site.

In addition, the project would adhere to policies and objectives established by the community plan in that the design of the proposed structure does not affect any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan. Furthermore the proposed project will have a harmonious physical and aesthetic relationship with other existing structures in the neighborhood. The proposed project will be consistent with the Plan's policies and objectives, the project is in conformity with the certified Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

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 project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area. 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. Therefore, the proposed project to construct an 8,950 square-foot mixed use development will have no affect upon public access and the recreation policies of Chapter 3 of the California Coastal Act and therefore be in conformance with such Act.

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use Plan. The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District in the La Jolla Community Plan (LJCP) area. The La Jolla Community Plan's Land Use Map identifies the site for commercial and mixed use. The La Jolla Shores Planned District Ordinance, as codified in the San Diego Municipal Code, establishes the

zoning regulations to implement the policies of the General Plan and the La Jolla Community Plan. The purpose of the CC zone is to accommodate community-serving commercial services, and retail uses. The project site is specifically located along Avenida de la Playa in La Jolla Shores and the specific recommendations for the various commercial areas are regulated and detailed in the La Jolla Shores Planned District Ordinance. The CC Zone allows for commercial services on the ground floor area of a development that does not exceed 6,000 square feet and dwelling units with a minimum floor area of 400 square feet.

In addition to the La Jolla Shores Planned District Ordinance, the La Jolla Community Plan's Commercial Land Use Element includes Commercial Development Recommendations (pages 102 and 103) of which this project is consistent and applies the following:

- a. The project avoids abrupt transition in scale with adjacent residential areas. Residential projects adjacent to the La Jolla Shores commercial district are multifamily structures, many of which are taller and bulkier than the commercial development. This project is located on the corner of El Paso Grande and Avenida de la Playa which leads directly into a residential area of large bulky multi-unit projects. The project is smaller in scale than the multi-unit projects to the west and north. The project creates visual interest and creates a sense of enclosure for pedestrians by continuing the existing development pattern with minimal to 0-foot setback from the sidewalk. At the same time, the portion of the building facing the corner of Avenida de la Playa and El Paseo Grande offers a welcoming entrance to the commercial retail space on the ground floor, providing a courtyard with an overhead balcony. The design reduces the apparent bulk through the use of building articulation on the ground floor and step-backs on the upper floors. Landscaping is provided to add texture to blank walls, soften edges and provide a sense of pedestrian scale. A series of small scale arches in 2-foot thick walls front both primary streets, creating a pedestrian scale and rhythm. The enclosed stair serving the upper level residences is setback from the street and the adjacent building at the southeast corner, creating an entry corridor opposite the adjacent building, adding to a sense of space separating the buildings. The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east. Additional planting is proposed to climb and clad the building, adding further texture and softening the building at the pedestrian level.
- b. The plaza/courtyard at the corner of the building provides an overhead balcony. A bench is proposed within the plaza leading into the retail space on the ground floor.
- c. The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east.
- d. A street tree consistent with the overall master plan will be planted along Avenida de la Playa. A new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east.

- e. The project site does not contain an established transit stop however, as a pedestrian node along Avenida de la Playa, the project proposes additional brick paving and a new shade tree this street.
- f. The off-street parking area is located behind the building along Calle Clara consistent with the existing subdivision's block pattern of development as well as the LJSPDO. The parking areas will be screened from El Paseo Grande with a planted wrought iron lattice.
- g. There is an existing street, Calle Clara, that has morphed from an original alley design function that abuts the project and access to the underground parking and surface spaces is located on Calle Clara behind the building. Parking along Calle Clara is consistent with the development pattern of the original subdivision's block design that has developed over the years.
- h. No mechanical equipment will be visible from public view. Storage areas are enclosed. Mechanical equipment is either inside the building or placed in sunken roof top wells, all screened from public view.
- i. Onsite signs will be tasteful and refined.
- j. The framed view corridor to the west of the project along Avenida de la Playa is not affected by this project. No view corridor is identified adjacent to the project.
- k. The project is a mixed use development in a commercial area of La Jolla as recommended in the Community Plan.
- l. Energy efficient appliances and technology will be used in the project.
- m. Photovoltaics are incorporated into the project.

The project is consistent with the Goals of the Commercial Land Use Element of the Community Plan. First, the retail/residential mix of uses helps maintain a diversified, yet balanced land use pattern by providing residential development within existing commercial area rather than additional office use. Second, the project will help revitalize the commercial area. By using an architectural style that is prevalent throughout La Jolla and activating an important corner in the La Jolla Shores commercial district, the project will strengthen, reinforce and unify the district. Third, the project will promote pedestrian-oriented features to improve safety and ease of movement along the commercial street. A series of small scale arches in 2-foot thick walls front both primary streets, creating a pedestrian scale and rhythm. The enclosed stair serving the upper level residences is setback from the street and the adjacent building at the southeast corner, creating an entry corridor opposite the adjacent building, adding to a sense of space separating the buildings. The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east. Additional planting is proposed to climb and clad the building, adding further texture and softening the building at the pedestrian level.

The project is consistent with recommendations specific to the Avenida de la Playa Community Commercial area which promote a focus on pedestrian-related amenities such as sidewalk surface treatments and street trees, both of which will be consistent with existing patterns of development. The scale of the project is consistent with existing development which allows and encourages a zero foot front yard and 100 percent building coverage. Being determined the proposed uses and design of the development are consistent with the community plan and zoning regulations, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The development will completely demolish the existing single-story residential unit and retail store and construct a new three-story building consisting of two residential condominium units on the second and third floors, basement parking, and 2,000 square feet of commercial condominium unit space on the ground floor for a total building floor area of approximately 8,950 gross square feet. The proposed development requires a Coastal Development Permit and Site Development Permit to allow the mixed use development and conditions the project for compliance with all applicable building, mechanical, electrical, plumbing and fire codes. Strict application of these conditions will contribute to the public safety, health and welfare.

Furthermore, the proposed development will obtain a bonded engineering permit for the required public improvements proposed for this project and all public work will conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. All infrastructure improvements will be constructed and operationally complete prior to occupancy of any structures to assure water, wastewater, electrical, gas, and telephone services will be provided to the development. Prior to construction all structures will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development 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. The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area.

The proposed development requires a Coastal Development Permit for development in the coastal zone area and a Site Development Permit for any new building or structure, or remodeling, alteration, addition, or demolition of any existing building or structure within the La Jolla Shores Planned District or any building which is moved into the La Jolla Shores Planned District or any grading or landscaping. The project will comply with all relevant regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 662551 and Site Development Permit No. 662678 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 662551 and Site Development Permit No. 662678, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: September 9, 2010

Internal Order No. 23432518

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: 23432518

COASTAL DEVELOPMENT PERMIT NO. 662551
SITE DEVELOPMENT PERMIT NO. 662678
WHITNEY MIXED USE PROJECT NO. 182513; MMRP
Planning Commission

This Coastal Development Permit No. 662551 and Site Development Permit No. 662678 is granted by the Hearing Officer of the City of San Diego to Playa Grande, a Limited Liability Corporation, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0701 and 126.0501. The 0.09-acre site is located at 2202 and 2206 Avenida de la Playa in the Commercial Center (CC) Zone of the La Jolla Shores Planned District, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limit Overlay Zone, Residential Tandem Parking Overlay Zone, and the Parking Impact Overlay Zone (Beach Impact Area) of the La Jolla Community Plan area. The project site is legally described as Lots 14 and 15, Block 11 of La Jolla Shores Unit No. 1, Map No. 1913 filed in the Office of County Recorder of San Diego County, June 3, 1926.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to demolish the existing structures and construct a new three-story building consisting of two residential condominium units on the second and third floors, basement parking, and approximately 2,000 square feet of commercial condominium unit space on the ground floor described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 9, 2010, on file in the Development Services Department.

The project shall include:

- a. The demolition of the existing single-story residential unit and retail store and the construction of a new three-story building (with a maximum height of 30 feet) consisting of two residential condominium units on the second and third floors, basement parking, and 2,000 square feet of commercial condominium unit space on

the ground floor for a total building gross floor area of approximately 8,950 square feet;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Depressed concrete curb and gutter driveways along Calle Clara;
- f. New pedestrian accessible ramps installed at two intersections where Avenida de la Playa and Calle Clara meet El Paseo Grande; and
- g. 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.
2. 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.
3. 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.
4. 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.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. 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.).
7. 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.
8. 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.
9. 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.

10. 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.

11. Prior to issuance of any construction permit, the Owner/Permittee shall be required to pay the Development Impact Fee (DIF), Regional Transportation Fee (RTCIP), and Housing Trust Fund (HTF) fees for this project.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No.182513, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No.182513, 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 of Historical and Paleontological resources.

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Affordable Housing Regulations (SDMC § 142.1301 et seq.).

ENGINEERING REQUIREMENTS:

16. The Coastal and Site Development Permit shall comply with the conditions of the parcel map for Tentative Map Waiver No. 683254.

17. 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.

18. 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.

19. 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.

20. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, the replacement of damaged portions of sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on El Paseo Grande and Avenida De La Playa, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, the reconstruction and installation of three City Standard curb ramps; one at the El Paseo Grande and Avenida De La Playa intersection, and two at the El Paseo Grande and Calle Clara intersection, adjacent to the site.

22. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement, for the brick pavers, planter, landscaping and appurtenances within the Avenida De La Playa right-of-way, satisfactory to the City Engineer.

23. 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 in accordance with the approved plans.

24. This project proposes to export 1,400 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit pursuant to SDMC section 141.0620(i).

25. The drainage system proposed for this development is private and subject to approval by the City Engineer.

26. Prior to the issuance of a construction permit for grading or building for the new structure, the Owner/Permittee shall detail on plans the compliance with all the requirements of SDMC section 1510.0403 for their structure below the water table.

GEOLOGY REQUIREMENTS:

27. Prior to the issuance of a construction permit for grading, the Owner/Permittee shall submit a geotechnical report prepared in accordance with the City of San Diego "Guidelines for Geotechnical Reports" satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to

the City Manager 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. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC section 142.0403(b)5.

29. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

30. 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.

31. The Permittee or subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

32. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

33. Prior to the issuance of a certificate of occupancy or final inspection, the Owner/Permittee shall maintain a minimum of seven off-street parking spaces, including one van accessible space, 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.

34. 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.

35. Any retail uses proposed on the ground level shall be consistent with the permitted uses of the Commercial Center (CC) zone of the La Jolla Shores Planned District as listed in SDMC section 1510.0309(a). Any other uses proposed will require approval by the Planning Commission in accordance with Section 1510.0309(d).

36. All signage proposed on the premises shall comply with the Sign Regulations contained in the Commercial Center (CC) zone, Development Regulations of the La Jolla Shores Planned District pursuant to SDMC section 1510.0310(e).

37. The Owner/Permittee shall post a copy of each approved discretionary Permit or Tentative Map in its sales office for consideration by each prospective buyer.

38. 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.

39. Prior to issuance of any construction for the building structure, the Owner/Permittee shall design and construct the structures' east side elevation, north of the entryway and elevator, with a minimum of three offsetting planes, that are a minimum 20 percent of the elevation, and to include a minimum offset of 6 inches.

40. Prior to the issuance of any construction permit for a building structure, the Owner/Permittee shall design, construct, and incorporate the following in compliance with the La Jolla Community Plan's Commercial Development Recommendations:

- The project avoids abrupt transition in scale with adjacent residential areas. The project creates visual interest and creates a sense of enclosure for pedestrians by continuing the existing development pattern with minimal to 0-foot setback from the sidewalk. At the same time, the portion of the building facing the corner of Avenida de la Playa and El Paseo Grande offers a welcoming entrance to the commercial retail space on the ground floor, providing a courtyard with an overhead balcony. The design reduces the apparent bulk through the use of building articulation on the ground floor and step-backs on the upper floors. Landscaping is provided to add texture to blank walls, soften edges and provide a sense of pedestrian scale. A series of small scale arches in 2-foot thick walls front both primary streets, creating a pedestrian scale and rhythm. The enclosed stair serving the upper level residences is setback from the street and the adjacent building at the southeast corner, creating an entry corridor opposite the adjacent building, adding to a sense of space separating the buildings. The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east. Additional planting is proposed to climb and clad the building, adding further texture and softening the building at the pedestrian level.
- The plaza/courtyard at the southwest corner of the building provides an overhead balcony and shall provide bench seating within the plaza leading into the retail space on the ground floor.
- The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees shall be provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east.

- A street tree consistent with the overall master plan will be planted along Avenida de la Playa. A new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east.
- The project site does not contain an established transit stop however, as a pedestrian node along Avenida de la Playa, the project proposes additional brick paving and a new shade tree this street.
- The off-street parking area is located behind the building along Calle Clara consistent with the existing subdivision's block pattern of development as well as the LJSPDO. The parking areas shall be screened from El Paseo Grande with a planted wrought iron lattice.
- The existing street, Calle Clara, has morphed from an original alley design function that abuts the project, and access to the underground parking and surface spaces is located on Calle Clara behind the building. Parking along Calle Clara is consistent with the development pattern of the original subdivision's block design that has developed over the years.
- No mechanical equipment shall be visible from public view. Storage areas shall be enclosed. Mechanical equipment is either inside the building or placed in sunken roof top wells, all screened from public view.
- All on-site signs will be tasteful and refined.
- The framed view corridor to the west of the project along Avenida de la Playa shall not be affected by this project. No view corridors are identified on or adjacent to the project.
- The project is a mixed use development in a commercial area of La Jolla as recommended in the Community Plan.
- Energy efficient appliances and technology shall be used in the project.
- Photovoltaics shall be incorporated into the project.

TRANSPORTATION REQUIREMENTS:

41. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, the replacement of damaged portions of sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, along the project on El Paseo Grande and Avenida De La playa, satisfactory to the City Engineer.

42. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond, the reconstruction of three City Standard curb ramps; one at the northeast

corner of the intersection of El Paseo Grande and Avenida De La Playa, and two at the northeast and southeast corner of the intersection El Paseo Grande and Calle Clara, satisfactory to the City Engineer.

43. The Owner/Permittee shall provide and maintain a fifteen feet visibility triangular area along the property line as set forth in the SDMC section 113.0273(d) at the intersection of El Paseo Grande and Avenida De La Playa. No obstacles higher than 36-inches shall be located within this area (e.g. walls, landscaping, shrubs, etc...).

44. The Owner/Permittee shall provide and maintain a ten feet visibility triangular area along the property line as set forth in the SDMC section 113.0273(b) at the intersection of El Paseo Grande and Calle Clara. No obstacles higher than 36-inches shall be located within this area (e.g. walls, landscaping, shrubs, etc...).

45. The Owner/Permittee shall provide depressed concrete curb and gutter at the driveway entrances along Calle Clara, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

46. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

47. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego Sewer Design Guide.

48. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.

WATER REQUIREMENTS:

49. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

50. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

51. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

52. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with City standards.

INFORMATION ONLY:

- 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 Planning Commission of the City of San Diego on September 9, 2010 and [Approved Resolution Number].

Permit Type/PTS Approval No.:
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.**

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE PLANNING COMMISSION
ADOPTING THE FINDINGS AND APPROVING MAP
WAIVER NO. 683254 FOR WHITNEY MIXED USE –
PROJECT NO. 182513; MMRP

WHEREAS, Playa Grande, a Limited Liability Corporation, Subdivider, and Douglas R. Melchior, Surveyor, submitted an application with the City of San Diego for Map Waiver No. 683254, to waive the requirement for a Tentative Map to demolish the existing structures and construct a new three-story building consisting of two residential condominium units on the second and third floors, basement parking, and approximately 2,000 square feet of commercial condominium unit space on the ground floor, and to waive the requirement to underground existing offsite overhead utilities. The project site is located east of El Paseo Grande, north of Avenida de la Playa at 2202 and 2206 Avenida de la Playa in the Commercial Center (CC) Zone of the La Jolla Shores Planned District, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limit Overlay Zone, Residential Tandem Parking Overlay Zone, and the Parking Impact Overlay Zone (Beach Impact Area) of the La Jolla Community Plan area.. The property is legally described as Lots 14 and 15, Block 11 of La Jolla Shores Unit No. 1, Map No. 1913 filed in the Office of County Recorder of San Diego County, June 3, 1926; and

WHEREAS, the Map proposes the subdivision of a 0.091-acre site into one lot for a two units residential and one unit commercial condominium development; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in California Civil Code section 1351(f) and filed pursuant to the Subdivision Map Act. The total number of residential condominium dwelling units is two and total number of commercial unit is one for the total of three condominium units.; and

WHEREAS, the request to waive the requirement to underground existing offsite overhead utility facilities qualifies under the guidelines of Council Policy No. 600-25, *Underground Conversion of Utility Lines at Developers Expense* in that: the conversion involves a short span of overhead facility, less than a full block in length, and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. The conversion would represent an isolated undergrounding with a minimum probability of extension in the future; and

WHEREAS, on September 9, 2010, the Planning Commission of the City of San Diego considered Map Waiver No. 683254, including the waiver of the requirement to underground existing offsite overhead utilities, and pursuant to sections 125.0122 and 144.0240 of the San Diego Municipal Code and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public

hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 683254:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Act §§ 66473.5, 66474(a), and 66474(b)).

The project is a mixed use development with approximately 2,000 square feet of ground floor retail uses and two residential units of approximately 3,200 and 2,900 square feet each above the retail. The property is located in the La Jolla Community Plan (LJCP) area. The LJCP identifies the property as part of the Commercial Center (CC) area of the La Jolla Shores Planned District Ordinance (LJSPDO).

The project is consistent with the goals of the Commercial Land Use Element of the LJCP. First, the retail/residential mix of uses helps maintain a diversified, yet balanced land use pattern by providing residential development within existing commercial area and not providing office use. Second, the project will help revitalize the commercial area. The commercial area in La Jolla Shores has aged and many of the smaller retail buildings are worn and dated. By using an architectural style that is prevalent throughout La Jolla and activating an important corner in the La Jolla Shores commercial district, the project will strengthen, reinforce and unify the district. Third, the project will promote pedestrian-oriented features to improve safety and ease of movement along the commercial street. A series of small scale arches in two-foot thick walls front both primary streets, creating a pedestrian scale and rhythm. The enclosed stair serving the upper level residences is setback from the street and the adjacent building at the southeast corner, creating an entry corridor opposite the adjacent building, providing a sense of space separating the buildings. The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east. Additional planting is proposed to climb and clad the building, adding further texture and softening the building at the pedestrian level.

The project is consistent with the Community Plan Recommendation for Commercial Development. In general, the project maintains the village character of what is called the Shores Center in the La Jolla Shores Precise Plan which is acknowledged in the Community Plan as a document contributing to its policies and recommendations.

- The project avoids abrupt transition in scale with adjacent residential areas. Residential projects adjacent to the La Jolla Shores commercial district are multifamily structure, many of which are taller and bulkier than the commercial development. This project is located on the corner of El Paseo Grande and Avenida de la Playa which leads directly into a residential area of large bulky multi-unit projects. The project is smaller in scale than the multi-unit projects to the west and north. The project creates visual interest and creates a sense of enclosure for pedestrians by continuing the existing development pattern with minimal to zero setback from the sidewalk. At the same time, the portion of the building facing the corner of Avenida de la Playa and El Paseo Grande offers an entrance to the commercial retail space on the ground floor, providing a courtyard with an overhead balcony. The design reduces the apparent bulk through the use of building articulation on the ground floor and step-backs on the upper floors. Landscaping is provided to add texture to blank walls, soften edges and provide a sense of pedestrian scale. A series of small scale arches in 2 foot thick walls front both primary streets, creating a pedestrian scale and rhythm. The enclosed stair serving the upper level residences is setback from the street and the adjacent building at the southeast corner, creating an entry corridor opposite the adjacent building and adding to a sense of space separating the buildings. The existing brick paving in the parkway to the east is extended to the front of the project site, and a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east. Additional planting is proposed to climb and clad the building, adding further texture and softening the building at the pedestrian level.
- The plaza/courtyard at the corner of the building provides an overhead balcony.
- The existing brick paving in the parkway to the east is extended to the front of the project site, and a new Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east.
- Street trees consistent with the overall master plan will be planted along a new mature Jacaranda tree to match the existing street trees is provided thereby continuing the existing sense of enclosure and pedestrian space already defined by existing improvements and development to the east.
- The off-street parking area is located behind the building along Calle Clara consistent with the existing pattern of development. The parking areas will be screened from El Paseo Grande with a planted wrought iron lattice.
 - There is no alley behind adjacent to the project. However, access to the underground parking and surface spaces is located on Calle Clara behind

the building consistent with the development pattern that has developed over the years.

- No landscape mechanical equipment will be visible from public view. Storage areas are enclosed. Mechanical equipment is either inside the building or placed in sunken roof top wells, all screened from public view.
- The framed view corridor to the west of the project along Avenida de la Playa is not affected by this project. No view corridor is identified adjacent to the project.
- The project is a mixed use development in a commercial area of La Jolla as recommended in the Community Plan.
- Photovoltaics are incorporated into the project.

The project is consistent with recommendations specific to the Avenida de la Playa Commercial Center area which promote a focus on pedestrian-related amenities such as sidewalk surface treatments and street trees, both of which will be consistent with existing patterns of development. The scale of the project is consistent with existing development which allows and encourages a zero front yard setback and 100% building coverage.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (San Diego Municipal Code § 125.0440(b)).

The mixed use project is consistent with the regulations of the La Jolla Shores Planned District Ordinance (LJSPDO) and the San Diego Municipal Code (SDMC) and allowances with the approved Variance. It is consistent with all development regulations regarding height, setbacks, coverage and parking. It is consistent with the character of the area as described in the LJSPDO with its use of decks which facilitate the “inside-outside” orientation. The project implements the theme of “unity with variety.” Pursuant to the LJSPDO “no structure shall be approved which is substantially like any other structure located on an adjacent parcel.” The project produces an architectural style with the use of stucco and clean lines rather than mimic adjacent structures. However, it does not deter in the quality, form, materials, color, and relationship as to disrupt the architectural unity of the area. A variety of materials and colors characterize the commercial area of La Jolla Shores and the development’s architecture with deep recessed arched windows, the use of neutral colors and an abundance of landscaping blends with the existing development.

The proposed project complies with LJSPDO development regulations regarding scale, architectural articulation, landscaping and decks and pedestrian scale consistent with LJSPDO’s SDMC section 1510.0301(c) such that:

- Building materials and roof pitches are consistent with the LJSPDO requirements.

- The white or natural earth color stucco exterior is consistent with the LJSPDO.
- Public views are not impacted by the project.
- Any exterior lighting is unobtrusive and shielded so as to not fall on adjacent properties.
- All roof top appurtenances are enclosed or shielded from public view.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The development will completely demolish the existing single-story retail store and the construction of a new three-story building consisting of two residential condominium units on the second and third floors, basement parking, and 2,000 square feet of commercial condominium unit space on the ground floor for a total building gross floor area of approximately 8,950 square feet. The property is located in the La Jolla Community Plan (LJCP) area. The LJCP identifies the property as part of the Commercial Center (CC) Zone area of the La Jolla Shores Planned District Ordinance (LJSPDO).

Consistent with LJSPDO SDMC sec. 1510.0309, the proposed mixed use development will provide retail goods and consumer services, not to exceed 6,000 square feet of ground floor area, and is conditioned in the Coastal Development Permit and Site Development Permit to provide specific services in accordance with SDMC sec. 1510.0309(a). In addition, the two dwelling units will each exceed the required minimum 400 square feet floor area requirement and the overall height of the development shall not exceed the established coastal height limit of 30 feet. The CC zone allows commercial structures to occupy 100 percent of the lot area and the proposed project will encompass approximately 94 percent. Therefore, this proposed development is consistent with the type of commercial with residential development that exists within the La Jolla Shores CC zone area and does not exceed the allowed density of the site.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The project's prepared Mitigated Negative Declaration proposes mitigation measures for potential impacts on archeological sites. This potential impact will be fully mitigated by these measures and therefore the project will not cause any substantial environmental damage. The site is currently fully developed. There is no fish or wildlife habitat on or adjacent to the site.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The development will completely demolish the existing single-story retail store and the construction of a new three-story building consisting of two residential condominium units on the second and third floors, basement parking, and 2,000 square feet of commercial condominium unit space on the ground floor for a total building gross floor area of approximately 8,950 square feet. The proposed development requires a Coastal Development Permit and Site Development Permit to allow the mixed use development and conditions the project for compliance with all applicable building, mechanical, electrical, plumbing and fire codes. Strict application of these conditions will contribute to the public safety, health and welfare. Furthermore, the proposed development will obtain a bonded engineering permit for the required public improvements proposed for this project and all public work will conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. All infrastructure improvements will be constructed and operationally complete prior to occupancy of any structures to assure water, wastewater, electrical, gas, and telephone services will be provided to the development. Prior to construction all structures will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

There are no public easements on the existing site and therefore, the development would not conflict with any easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes the use of photovoltaics and is designed to take advantage of natural heating and cooling opportunities, with large overhangs over the west facing openings and operable windows for natural light and ventilation.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The two residential units will replace a single residential unit currently on the site, and the retail space will replace existing retail space. Therefore the impact on public services will be minimal.

9. The proposed subdivision of land complies with requirements of the Subdivision Map Act and the Land Development Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or the Land Development Code enacted pursuant thereto (San Diego Municipal Code § 125.0122 and Subdivision Map Act § 66428(b)).

The project complies with all subgroup and Land Development Code regulations as to use, size/area, improvements, and design. No floodwater drainage control, road, sewer, or water issues. The project is located along an improved central business district street and the development of the property as proposed is planned and anticipated by the adopted community plan as far as utilization of existing streets, sewer and water availability are concerned. A Mitigated Negative Declaration has been prepared for the project to mitigate concerns for potential impacts to archaeological resources. This potential impact will be fully mitigated by these measures and therefore the project will not cause any substantial environmental impacts.

That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Map Waiver No. 683254, including the waiver of the requirement to underground existing offsite overhead utilities; is hereby granted to Playa Grande, a Limited Liability Corporation, Subdivider, subject to the attached conditions which are made a part of this resolution by this reference.

By

Tim Daly
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 23432518

PLANNING COMMISSION
CONDITIONS FOR MAP WAIVER NO. 683254
WHITNEY MIXED USE - PROJECT NO. 182513; MMRP
ADOPTED BY RESOLUTION NO. XXXX ON SEPTEMBER 9, 2010

GENERAL

1. This Map Waiver will expire on September 9, 2013.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map unless otherwise noted.
3. Prior to the Tentative Map Waiver expiration date, a Parcel Map to consolidate the existing lots into one lot shall be recorded in the Office of the San Diego County Recorder.
4. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
5. The Parcel Map shall comply with the provisions of Coastal Development Permit No. 662551 and Site Development Permit No. 662678 (*and/or Variance No. 765358*).
6. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify the Subdivider of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
9. The Subdivider shall comply with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980. Only those exceptions to the General Conditions which are shown on the Map Waiver and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

10. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
11. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

12. Every Parcel Map shall:
- a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

GEOLOGY

13. Prior to the issuance of a construction permit for grading, the Subdivider shall submit a geotechnical report prepared in accordance with the City of San Diego "Guidelines for Geotechnical Reports" satisfactory to the City Engineer.

INFORMATION:

- The approval of this Map Waiver by the Planning Commission of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Map Waiver will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Map Waiver, may protest the imposition within 90 days of the approval of this Map Waiver by filing a written protest with the San Diego City Clerk pursuant to Government Code Sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 23432518

WHITNEY MIXED USE - RESOLUTION NUMBER XXXX

ADOPTED ON SEPTEMBER 9, 2010

WHEREAS, on June 18, 2009, Playa Grande LLC, submitted an application to the Development Services for a Tentative Map Waiver, Coastal Development Permit, and Site Development Permit (*and/or a Variance*);

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego;

WHEREAS, the issue was heard by the Planning Commission on September 9, 2010; and

WHEREAS, the Planning Commission of the City of San Diego considered the issues discussed in the MND-Project No. 182513, NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego, that it is hereby certified that the MND No. 182513 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said MND Mitigation Monitoring and Reporting Program, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to

implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: TIM DALY

By: _____
Tim Daly
Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
WHITNEY MIXED USE
TENTATIVE MAP WAIVER, COASTAL DEVELOPMENT PERMIT, and SITE DEVELOPMENT
PERMIT (*and/or VARIANCE*)
PROJECT NO. 182513

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 Entitlement Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the MND (PTS No. 182513) shall be made conditions of the project as may be further described below:

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:

Paleontologist, Archaeologist, and 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) 182513, 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 for this project.

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/Note.</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
Archaeology	Archaeology Reports	Archaeology/Historic site observation
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, 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 appropriate construction documents.

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.
3. Prior to the start of work, the applicant must obtain 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 Coast 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, 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.
3. 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) 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).
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 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 grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **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 modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
3. The 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 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 and Native American monitor 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) 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.
 - c. If 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 that no further work is required.

4. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in 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).
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 provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
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 the California Public Resource 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 shall be determined between the MLD and the PI, 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.
 - 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 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 Museum of Man for analysis. The decision for interment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the 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 CSVR 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.

- c. **Potentially Significant Discoveries**
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction 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.
 - 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 in accordance with Section 4 – Discovery of Human Remains, subsection C(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.

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PALEONTOLOGICAL RESOURCES

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 Paleontological Monitoring have been noted on the appropriate construction documents.

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 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.

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 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. Identify Areas to be Monitored

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 identifying the areas to be monitored including the delineation of grading/excavation limits. 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).
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 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.

3. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and 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 from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - 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.

4. 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 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 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 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.

5. 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 for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program 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 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 Fossil Remains**

Attachment No. 19

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: 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 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 that the draft report has been approved.
 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.



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

Whitney Family Residences

182513

Project Address:

2202 / 2206 Avenida De La Playa, 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):

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Owner Tenant/Lessee Redevelopment Agency

Street Address:

Street Address:

City/State/Zip:

City/State/Zip:

Phone No:

Fax No:

Phone No:

Fax No:

Signature :

Date:

Signature :

Date:

Name of individual (type or print):

Name of individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Owner Tenant/Lessee Redevelopment Agency

Street Address:

Street Address:

City/State/Zip:

City/State/Zip:

Phone No:

Fax No:

Phone No:

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Signature :

Date:

Signature :

Date:

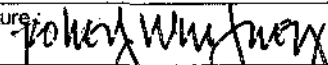
Project Title: Whitney Family Residences Project No. (For City Use Only) 182513

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. _____
 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):
 Playa Grande LLC
 Owner Tenant/Lessee
 Street Address:
 8100 Paseo del Ocaso Suite C
 City/State/Zip:
 La Jolla, CA 92037
 Phone No: (858) 456 2240 Fax No: (858) 456 0840
 Name of Corporate Officer/Partner (type or print):
 Robert Whitney
 Title (type or print):
 President
 Signature:  Date: 04/28/2009

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: _____

PROJECT DATA SHEET

PROJECT NAME:	Whitney Mixed Use	
PROJECT DESCRIPTION:	Demolish the existing structures and construct a new mixed use condominium building.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Tentative Map Waiver, Coastal Development Permit, and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Community Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: La Jolla Shores Planned District, Commercial Center (CC) HEIGHT LIMIT: 30 maximum height limit LOT SIZE: No Minimum; 3,952 square feet existing FLOOR AREA RATIO: No Maximum; 2.34 provided ALL SETBACKS: 0.0 feet Minimum; 0.0 feet provided PARKING: 7 parking spaces required		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Density Residential (5 – 9 du/ac); MF2.	Multi-Family Residential
SOUTH:	Park; OP-1-1	Laureate Park
EAST:	Community Commercial; CC	Commercial/Mixed Use
WEST:	Community Commercial; CC	Commercial/Mixed Use
DEVIATIONS OR VARIANCES REQUESTED:	None (Variance removed by Hearing Officer decision)	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 1, 2009, the La Jolla Community Planning Association voted 14-1-1 to recommend denial of the proposed project.	
LA JOLLA SHORES ADVISORY BOARD RECOMMENDATION:	On April 20, 2010, the Board voted 4-0 with no consensus for a recommendation on the project.	

DEVELOPMENT SERVICES
Project Chronology
Whitney Mixed Use - PTS# 182513

Date	Action	Description	City Review Time	Applicant Response
06/18/09	First Submittal	Project Deemed Complete		
07/24/09	First Assessment Letter		37 days	
08/19/09	Second Submittal			26 days
09/30/09	Second Review Complete		43 days	
11/5/09	Third Submittal			36 days
12/15/09	Third Review Complete		39 days	
05/4/10	Fourth Submittal			140 days
06/15/10	Issues Complete		41 days	
07/6/10	Final MND			
07/28/10	HO Hearing		43 days	
08/11/10	Appeal		14 days	
09/09/10	PC Hearing		29 days	
TOTAL STAFF TIME			246 days	
TOTAL APPLICANT TIME				202 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission	14 months and 12 days	