



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 16, 2013 **REPORT NO.** PC-13-012

ATTENTION: Planning Commission, Agenda of January 24, 2013

SUBJECT: UNDERGROUNDING UTILITY DISTRICT PROJECT
RESIDENTIAL BLOCK 1J WEST - PROJECT NO. 216751
PROCESS 4

**OWNER/
APPLICANT:** City of San Diego, Transportation & Storm Water Department,
Transportation Engineering Operations - Utilities Undergrounding
Program

SUMMARY

Issue(s): Should the Planning Commission approve a permit to allow work within the public right-of-way associated with a future utility undergrounding district?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 216751, and **Adopt** the Mitigation, Monitoring and Reporting Program; and
2. **Approve** Site Development Permit 771553.

Community Planning Group Recommendation: On October 6, 2011, the La Jolla Community Planning Association voted 17-0-1 to accept the recommendation of the La Jolla Shores Permit Review Committee and recommend approval of the project without conditions (Attachment 6).

Environmental Review: Mitigated Negative Declaration (MND) No. 216751/SCH No. 2012101014 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: There will no fiscal impact to the City's general fund since all costs associated with this project will be recovered from San Diego Gas & Electric Utility Undergrounding Fund.

Code Enforcement Impact: There are no Code Enforcement violations associated with this project.

Housing Impact Statement: There are no dwelling units being proposed to be constructed or demolished with this project.

BACKGROUND

The purpose of this project is to provide the necessary approval which would allow San Diego Gas & Electric (SDG&E) to construct an Underground Utility System pursuant to a franchise agreement once the City Council forms an undergrounding utility district for the area described.

The project area is located within the La Jolla Community Plan area. The area is bound by La Jolla Shores Drive and the row of homes immediately east of the road, properties adjacent to Avenida de la Playa to the south, UCSD property adjacent to El Paseo Grande at La Jolla Shores Drive to the north and the mean high tide line/Pacific Ocean on the west (Attachment 1). The work would occur within City right-of-way, as it crosses into various zones throughout the neighborhood including the LJSPD-SF, LJSPD-MF-1, LJSPD-MF-2, LJSPD-CC, LJSPD-V, LJSPD-PRF, and LJSPD-OP-1-1 zones of the La Jolla Shores Planned District. The land use designation of the La Jolla Community Plan identifies the surrounding area primarily as residential, varying in range between low to medium-high density, some commercial/mixed use, parks and open space. Residential, commercial, parks and open space designations allow for utility undergrounding and the community plan recommends this in order to preserve public views. The La Jolla Community Plan also allows for and recommends the undergrounding of utilities and related ancillary improvements as identified with this project (Attachment 2).

The future undergrounding work would be located within an area known to contain significant historical/archaeological resources and is also within the boundary of previously recorded archaeological sites. Due to the location and the nature of the proposed project area, a Site Development Permit (SDP) is required when an *Important Archaeological Site* is present; Historic Resources may be impacted and therefore this project cannot be exempt pursuant to Land Development Code (LDC) Section 143.0220. Implementation of a Data Recovery Program and a construction monitoring plan would reduce impacts to Historical Resources. The approval of an SDP does not authorize construction prior to or without subsequent approval by City Council as they will prioritize and form an undergrounding utility district at a later date. The project is exempt from a Coastal Development Permit pursuant to Land Development Code Section 126.0704(e), where public utility repair or maintenance is exempt under the Coastal Commission's Interpretive Guidelines on Exclusions from Permit Requirements filed with the City Clerk as Document No. OO-17067-2.

DISCUSSION

Project Description:

The project's objective is to remove existing overhead utility poles and lines and place them underground in order to preserve and enhance public views, while continuing to provide utilities services to meet the needs of the community. The work would occur within the City of San Diego's public right-of-way and within SDG&E easements. The work requires the excavation of trenches that are approximately 5 feet deep and 2.5 feet wide. These trenches would be located along one side of the public right-of-way, where SDG&E proposes to install conduit, substructures, and transformers located on concrete pads. The work also includes individual customer connections, removing existing overhead lines and poles, and installing streetlights where applicable. Curb ramps would be installed where missing and, if applicable, street trees would be relocated or installed. In addition to installing lines and appurtenance below grade, the project includes installing curb ramps at intersection corners, wherever ramps are not present within the project limits, as well as installing minor above ground utility facilities such as cabinets or related structures where needed. Following the trenching and utility installation, the streets will also be improved by repairing existing cracks and street surface damages.

The proposed project area is also located entirely within the Spindrift study area verified by a historical records search, and portions of the alignment fall within areas considered as an important archaeological site, as defined by the Land Development Code (LDC). Applicable regulations of the LDC would allow for the undergrounding activities and associated project improvements in conjunction with mitigation measures in order to protect cultural resources. The SDP and the associated MND mitigation measures would facilitate the protection of these important cultural resources (Attachment 4 & 5).

Environmental Analysis:

The City of San Diego conducted an Initial Study which determined that several of the proposed project areas within the proposed utility district boundary could have a significant environmental effect on Historical Resources which have been identified in this area which also includes an identified important archaeological site.

Through initial assessment and site testing it was identified that data recovery, salvage, as well as monitoring during construction would be required in areas having the potential for archaeological resources to exist. Additionally, trenching is planned to occur within the recorded archaeological site CA-SDI 20, 130/SDM-W-2, however the impacts would be limited based on the boundaries of the recorded site and the general archaeological disposition of the area. Any potential findings in this resource area would be mitigated through the environmental MMRP.

In order to protect and preserve the identified resources the implementation of specific mitigation measures identified in Section V of the MND would be required. As a result, project impacts would not be considered cumulatively significant to the resources. The project as presented avoids or mitigates the potentially significant environmental effects identified, and the preparation of an Environmental Impact Report (EIR) would not be required.

Conclusion:

Staff has reviewed the project and recommends the Planning Commission approve the project as it complies with the City Green Book, Landscape Manual, Historical Resources Guidelines, the California Environmental Quality Act Guidelines, and all other applicable regulations of the LDC.

ALTERNATIVES

1. **Certify** Mitigated Negative Declaration No. 216751/SCH No. 2012101014, and **Adopt** the mitigation, Monitoring and Reporting Program and **Approve** Site Development Permit 771553, **with modifications.**
2. **Deny** Site Development Permit 771553, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Helene Deisher, Project Manager
Development Services Department

KGB/HMD

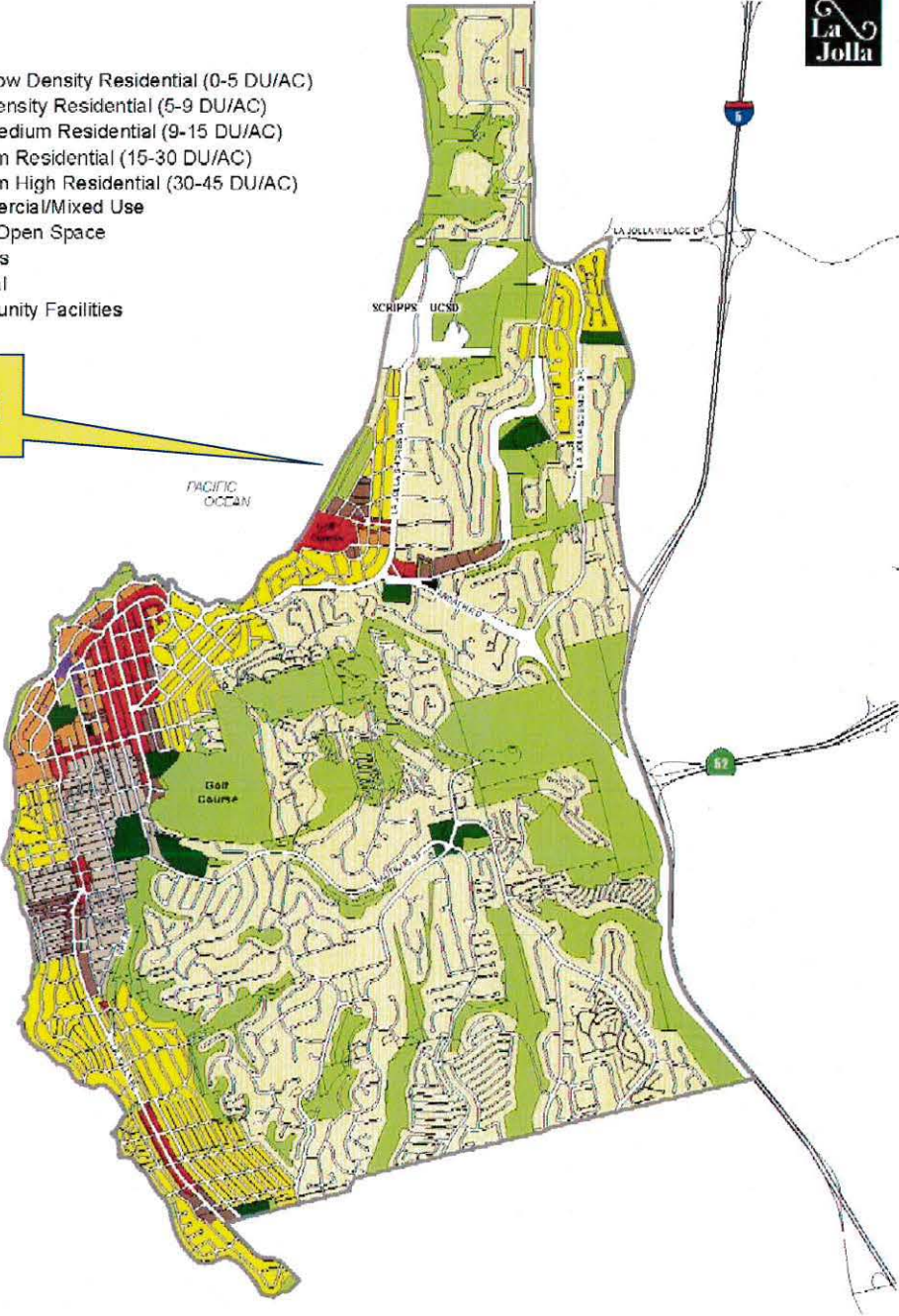
Attachments:

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



- Legend
- Very Low Density Residential (0-5 DU/AC)
 - Low Density Residential (5-9 DU/AC)
 - Low Medium Residential (9-15 DU/AC)
 - Medium Residential (15-30 DU/AC)
 - Medium High Residential (30-45 DU/AC)
 - Commercial/Mixed Use
 - Parks, Open Space
 - Schools
 - Cultural
 - Community Facilities

Project Area



Community Land Use Map



La Jolla Community Plan
City of San Diego - Planning Department

N
Figure 1

UNDERGROUNDING UTILITY DISTRICT 1J- WEST PROJECT NO. 216751

PLANNING COMMISSION RESOLUTION NO. XXX
SITE DEVELOPMENT PERMIT NO. 771553
U/G UTILITY 1J WEST-PROJECT NO. 216751 - [MMRP]

WHEREAS, THE CITY OF SAN DIEGO, TRANSPORTATION & STORM WATER DEPARTMENT, TRANSPORTATION ENGINEERING OPERATIONS - UTILITIES UNDERGROUNDING PROGRAM, Owner/Permittee, filed an application with the City of San Diego for a permit which would allow San Diego Gas & Electric (SDG&E) to construct an Underground Utility System per the franchise agreement. The project would excavate trenches located along the public right-of-way. In addition, the project would install cable through the conduits; provide individual customer connections, removal of existing overhead lines and poles, and the installation of streetlights where applicable. Curb ramps would be installed where missing and, if applicable, street trees would be relocated or installed (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 771553;

WHEREAS, the project site is located entirely within the public right-of-way and SDG&E easements. The project is bound by La Jolla Shores Drive and the row of homes immediately east of the road, properties adjacent to Avenida de la Playa to the south, the UCSD property adjacent to El Paseo Grande at La Jolla Shores Drive to the north and the mean high tide line/Pacific Ocean on the west within the La Jolla Community Plan area;

WHEREAS, on January 24, 2013, the Planning Commission of the City of San Diego considered Site Development Permit No. 771553 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 adopts the following written Findings, dated January 24, 2013 as follows:

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan. The land use designation of the La Jolla Community Plan identifies the surrounding area primarily as residential, varying in range between low to medium-high density, commercial/mixed use, parks and open space. Residential, commercial, parks and open space designations allow for utility undergrounding and the community plan recommends undergrounding in order to preserve public views. The purpose of this project is to remove overhead utility poles and lines in order to install the lines and related appurtenances at or below grade throughout the district in order to preserve and enhance public views. At the same time the project's MMRP would protect important cultural resources as identified by the community plan. New trenches would be required for the undergrounding of the utility lines, and the implementation of mitigation measures would preserve cultural resources. The project as proposed meets the land use designation and is consistent with the goals of the La Jolla Community Plan. Therefore, the proposed project would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The project would underground overhead utility lines within the City of San Diego's right of way and SDG&E easements in order to benefit the community. The objective is to place overhead utility poles and lines underground in order to preserve and enhance public views, while continuing to provide utilities services to meet the needs of the community. In addition to installing lines and appurtenance below grade, the project includes installing curb ramps at intersection corners, wherever ramps are not present within the project limits, as well as installing minor above ground utility facilities such as cabinets or related structures where needed. Following the trenching and utility installation, the streets would be improved by repairing existing cracks and street surface damages. In addition, the utility system will be designed to meet the necessary seismic requirements for underground utilities which would limit geologic risk along the entire alignment. As such, the overall scope of this project would not be a detriment to public health, welfare, and safety when constructed.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The project would be located mostly within City right of way, as it crosses into various zones throughout the neighborhood including the LJSPD-SF, LJSPD-MF-1, LJSPD-MF-2, LJSPD-CC, LJSPD-V, LJSPD-PRF, and LJSPD-OP-1-1 zones in the La Jolla Shores Planned District which allows for and recommends utility undergrounding and related ancillary improvements identified for this project. The project area is also located entirely within the Spindrift study area verified by a historical records search, and portions of the alignment fall within areas considered an important archaeological site, as defined by the Land Development Code (LDC). Applicable regulations of the LDC would allow for the undergrounding activities and associated project improvements, and mitigation measures are included in order to protect cultural resources. The project, as proposed, complies with the City Green Book, Landscape Manual, Historical Resources Guidelines, the California Environmental Quality Act Guidelines, and all other applicable regulations of the LDC. The proposed development would proceed in accordance with all applicable regulations as conditioned within the Permit.

F. Important Archaeological Sites and Traditional Cultural Properties

1. The site is physically suitable for the design and siting of the proposed development, the development will result in minimum disturbance to historical resources, and measures to fully mitigate for any disturbance have been provided by the applicant. The alignment within the City right-of-way are typically the preferred location for utilities particularly in the La Jolla area where overhead utility lines are recommended by the community plan for undergrounding in order to preserve and enhance public views. This project proposes to remove overhead utility poles and lines in order to install the lines and related appurtenances at or below grade within the City right-of-way and SDG&E easements throughout the future utility district. As such, the location of the trenches for the purposes of undergrounding such facilities is suitable. The design along with the testing in support of the archaeological resource preservation has been done to ensure the minimum disturbance necessary during construction would be required in order to construct the project. As compared to the recorded important archaeological sites located along the project alignment (CA-SDI 20,130/SDM-W-2), this project would constitute a minor encroachment consistent with the Historical Resource Regulations which allow a maximum encroachment of 25 percent plus 15 percent (total of 40 percent) for essential public services.

In addition, the cultural testing done during the design phase resulted in the development of specific mitigation that would be implemented in order to continue with the project. The mitigation would ensure that measures are taken to protect resources that may be discovered during construction activities, provide data collection, additional construction testing, as well as salvaging resources along segments would be done. The project area has been identified as having the potential to contain archaeological resources therefore monitoring would also occur during construction along the project's alignment. As such, the project implements proper design and mitigation measures to protect resources and ensure compliance with the City's Historical Resources Regulations.

2. All feasible measures to protect and preserve the special character or the special historical, architectural, archaeological, or cultural value of the resource have been provided by the applicant. With exception to the boundaries of the recorded archaeological sites in the Spindrift Study area, it is unknown exactly where such resources exist under ground in this area although many resources have been discovered. However, the preliminary testing conducted in coordination with City's Development Services Department staff and the project consultant narrowed and identified the necessary steps that would limit impacts to any such resources should they exist along the entire project alignment. Specific segments would require data collection and additional construction testing to ensure that areas where there is a high potential of discovery, would consider the sensitivity of the resources. Segments where prior disturbance has occurred would require salvaging of resources. Monitoring would occur along the alignment to ensure that any Historical Resources that may exist below ground would not be destroyed, but rather protected and preserved. This project makes every effort feasible to utilize measures that ensure such protections for such resource.

G. Supplemental Findings--Historical Resources Deviation for Important Archaeological Sites and Traditional Cultural Properties.

1. There are no feasible measures, including a less environmentally damaging location or alternative, that can further minimize the potential adverse effects on historical resources. Undergrounding of the overhead utility lines would place existing above ground lines below grade, and would install minor above ground utility facilities such as cabinets or related structures where needed. Throughout the entire project alignment utilities would be installed within new trenches that measure approximately 2.5 feet wide and 5 feet deep. All of the alignment would occur within the City right-of-way and SDG&E easement which would be accessible for future repair, maintenance, and improvement activities. The design would meet the Utility Undergrounding Conversion Program, City, and SDG&E requirements, while proposing the least impacts to Historical Resources. Historical Resources that occur in this area include those within identified important archaeological sites. The study area was identified by independent research conducted through the South Coastal Information Center at San Diego State University and the San Diego Museum of Man.

Through initial assessment and site testing it was identified that data recovery, salvage, as well as monitoring during construction would be required in areas having the potential for archaeological resources to exist. Based on the Historical Resource Regulations, projects are allowed to encroach into a resource up to 25 percent plus an added 15 percent for essential public services. Because trenching would occur in the recorded site CA-SDI 20,130/SDM-W-2, impacts would also occur however they would be limited based on the known boundaries of the recorded site and the general archaeological disposition of the area.

Based on the initial assessment, required ongoing project mitigation and monitoring was identified for this project, as a result, the project impacts would not be considered cumulatively significant to the resources because they would be well within the allowable maximum encroachment limits. In addition, mitigation measures are included in order to protect and preserve the resources. As such, the overall design considers the balance between the need for this essential public project that would continue to provide necessary power for the area, while at the same time having a limited impact to the environment and to the Historical Resources.

2. The proposed deviation is the minimum necessary to afford relief and accommodate the development and all feasible measures to mitigate for the loss of any portion of the resource have been provided by the applicant. The alignment within the City right-of-way are typically the preferred location for utilities particularly in the La Jolla area where overhead utility lines are recommended by the community plan for undergrounding in order to preserve and enhance public views. This project proposes to install above ground utility poles and lines underground within the City right-of-way and SDG&E easements. As such, the location of the trenches for the purposes of undergrounding such facilities is suitable. Through initial assessment and site testing it was identified that data recovery, salvage, as well as monitoring during construction would be required in areas having the potential for archaeological resources to exist. Based on the Historical Resource Regulations, projects are allowed to encroach into a resource up to 25 percent plus an added 15 percent for essential public services. Because trenching would occur in the recorded site CA-SDI 20,130/SDM-W-2 impacts would also occur however the impacts would be limited based on the boundaries of the recorded site and the general archaeological disposition of the area. The design along with the testing in support of the archaeological resource preservation has been done to ensure the minimum disturbance necessary during construction would be required in order to construct the project.

3. There are special circumstances or conditions apart from the existence of historical resources, applying to the land that are peculiar to the land and are not of the applicant's making, whereby the strict application of the provisions of the historical resources regulations would deprive the property owner of reasonable use of the land. Undergrounding of the overhead utility lines would place existing above ground lines below grade, and would install minor above ground utility facilities such as cabinets or related structures where needed. The entire project alignment would be installed in new trenches that measure approximately 2.5 feet wide and 5 feet deep. All of the alignment would occur within the City right-of-way and SDG&E easement which would be accessible for future repair, maintenance, and improvement activities. The undergrounding of utilities is for the public benefit as one of the objectives is to preserve and enhance public views according to the community plan. The majority of the future utility district and project area is built out with private dwellings and businesses which depend on these services. Complete avoidance of the Historical Resources is not feasible and the public

right of way is the universally agreed upon location of such facilities for repair and access. Therefore, strict application of the code would impact nearly everyone in the vicinity.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 771553, a copy of which is attached hereto and made a part hereof.

Helene Deisher
Development Project Manager
Development Services

Adopted on: January 24, 2013

Internal Order No. 21002155

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 21002155

SITE DEVELOPMENT PERMIT NO. 771553
U/G UTILITY 1J WEST PROJECT NO. 216751 [MMRP]
Planning Commission

This Site Development Permit No. 771553 is granted by the Planning Commission of the City of San Diego to the City of San Diego, Transportation & Storm Water Department, Transportation Engineering Operations -Utilities Undergrounding Program Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The project is bound by La Jolla Shores Drive and the row of homes immediately east of the road, properties adjacent to Avenida de la Playa to the south, the UCSD property adjacent to El Paseo Grande at La Jolla Shores Drive to the north and the mean high tide line/Pacific Ocean on the west. The work will be entirely within the public right-of-way, within the La Jolla Shores Planned District and the La Jolla Community Plan area.

Subject to the terms and conditions set forth in this Permit, permission is granted to the City of San Diego to the City of San Diego, Transportation & Storm Water Department, Transportation Engineering Operations -Utilities Undergrounding Program Permittee Owner to allow San Diego Gas & Electric (SDG&E) to construct an Underground Utility System per the franchise agreement once the City Council has formed the utility district. The project would excavate trenches located along the public right-of-way, install cable; provide individual customer connections, remove existing overhead lines and poles, and the installation of streetlights where applicable as described and identified within the geographic location on the approved exhibits [Exhibit "A"] dated January 24, 2013, on file in the Development Services Department.

The project shall include:

- a. Excavation of trenches located along the public right-of-way. Install cable through the conduits; provide individual customer connections, removal of existing overhead lines and poles, and the installation of streetlights where applicable. Curb ramps installed where missing and, if applicable, street trees would be relocated or installed; and
- b. Landscaping and street trees (planting, irrigation and landscape related improvements).

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; and
 - c. The City Council has formed a utility district with the boundaries described for this project area.
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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

11. The mitigation measures specified in the MMRP and outlined in the MITIGATED NEGATIVE DECLARATION NO. 216751/SCH No. 2012101014, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

12. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 216751/SCH No. 2012101014, to the satisfaction of the Development Services Department and the City Engineer. Prior to the issuance of the "Notice to Proceed" with construction, 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: **HISTORICAL Resources (ARCHAEOLOGY).**

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on January 24, 2013 and Resolution No. XXX

Site Development Permit No. 771553
Date of Approval: January 24, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Helene Deisher
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.

City of San Diego - Transportation & Storm Water Department
Owner/Permittee

By _____
NAME
TITLE

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

RESOLUTION NUMBER R- XXXX

ADOPTED ON JANUARY 24, 2013

WHEREAS, on July 29, 2010, the City of San Diego, Transportation & Storm Water Department, Transportation Engineering Operations - Utilities Undergrounding Program submitted an application to Development Services Department for a Site Development Permit for the UNDERGROUNDING UTILITY DISTRICT PROJECT RESIDENTIAL BLOCK 1J WEST (Project); and

WHEREAS, the matter was considered at a public hearing conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on January 24, 2013; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration No. 216751(Declaration) prepared for this Project; NOW THEREFORE,

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

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

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

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 .

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

By: _____
Helene Deisher, Development Project Manager

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

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

UNDERGROUNDING UTILITY DISTRICT PROJECT RESIDENTIAL BLOCK 1J WEST

SITE DEVELOPMENT PERMIT No. 771553

PROJECT NO. 216751

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 Advanced Planning & Engineering Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No.216751 shall be made conditions of Site Development Permit No. 771553 as may be further described below.

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

1. Prior to the issuance Bid Opening/Bid Award 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 have been incorporated.
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.

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:

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) 216751 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s ED, 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 that any other agency requirements or permits have been obtained or are in process 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.

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

Issue Area Document submittal Associated Inspection/Approvals/Note

General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring	Prior to or at Pre-Construction Meeting
Archaeology	Archaeology Reports	Archaeology observation
Final MMRP		Final MMRP Inspection

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

Historical Resources Archaeological Data Recovery Program

This Project requires implementation of an Archaeological Data Recovery Program (ADRP) prior to the issuance of ANY construction permits or the start of ANY construction if no permits are required. The ADRP with Native American participation shall provide the maximum opportunity to recover human remains and repatriate these remains with the Native American community. For the mitigation program, the governing protocol shall be that all cultural deposits to be affected by grading, drilling, or excavation shall be hand-excavated by archaeologists and shall be wet-screened on-site to provide the greatest opportunity possible to identify and recover human remains. All human remains if encountered shall be repatriated to the Kumeyaay representatives or MLD. Because of the potential for Native American human burial remains in this area, and with respect to the cultural heritage of the local Kumeyaay people, careful hand excavation shall be the basic field procedure prior to construction trenching to remove any midden soil that could contain human remains. Any discovery of such remains shall be treated in accordance with the protocol listed below and shall be implemented as described below after consultation with DSD ED in accordance with the Cultural Resources Report prepared by Laguna Mountain Environmental, Inc. (February 2012).

Specific Data Recovery Requirements

To reduce the impact to the archaeological component, a 15 percent controlled excavation sample of the total impacts within the area of intact deposits is recommended. Based on the results of testing, intact deposits would be limited to the original core area of the original site and are not expected further west in the fill. These data recovery units will be excavated as 0.5 by 1 m units within the proposed impact trench alignments prior to trenching.

All units would be hand-excavated in 10-cm intervals until two sterile levels are encountered or the bottom of the proposed impact trench is reached. Soils will be water-screened through 1/8-inch mesh hardware cloth. The artifacts and ecofacts will be recovered and placed in appropriately labeled bags to be cleaned, catalogued, and analyzed. Shellfish remains will be speciated and weighed. Any human remains or potential human remains and grave goods will be treated respectfully and appropriately, and will be repatriated to the Most Likely Descendant (MLD). Native American monitors will be present during the excavation, screening, and sorting, or upon request. The artifact collections shall be curated at an approved curation facility, or be repatriated, as appropriate.

To reduce the impact to the Native American cultural values component, 100 percent salvage of both primary and secondary site soils is being requested by the Native American community. Trench soils will be screened and all screen residue will be water-screened through 1/8-inch mesh hardware cloth. Standard archaeological screening and separation of archaeological material will occur, and cultural material will be catalogued as appropriate. Recovery of ecofacts other than bone is not necessary.

Construction Monitoring:

Intact cultural deposits - If intact midden soil is encountered, a research design and a data recovery program is recommended. The research design and data recovery program would involve controlled excavation of a representative sample of the intact deposit within the APE. All units would be hand-excavated in 10-cm intervals until two sterile levels are encountered or the bottom of the proposed impact trench is reached. Soils will be water-screened through 1/8-inch mesh hardware cloth. The artifacts and ecofacts will be recovered and placed in appropriately labeled bags to be cleaned, catalogued, and analyzed. Shellfish remains will be speciated and weighed. Any human remains or potential human remains and grave goods will be treated respectfully and appropriately and will be repatriated to the MLD. Native American monitors will be present

during the excavation, screening, and sorting, or upon request. The artifact collections shall be curated at an approved curation facility, or be repatriated, as appropriate.

Disturbed or secondary cultural deposits – Secondary cultural deposits include previously graded archaeological site deposits that were redeposited during leveling and development of the area. These deposits may be mixed with subsoil or other soils, and contains sparse cultural material. This type of soil has limited archaeological research value, but due to the potential for human remains, has a cultural value component. To reduce the impact to the Native American cultural values component, 100 percent data recovery of both primary and secondary site soils is being requested by the Native American community. Trench soils will be screened and all screen residue will be water-screened through 1/8-inch mesh hardware cloth. Standard archaeological screening and separation of archaeological material will occur, and cultural material will be catalogued as appropriate. Recovery of ecofacts other than bone is not necessary.

Sterile fill and non-site soils – Sterile fill soils are imported soils not local to the area that do not contain cultural material, subsoil deposits are soils that were initially below the level of the archaeological deposits and are either intact and sterile of cultural material, or redeposited sterile soils. Portions of the project may extend outside the areas of primary and secondary deposits associated with CA-SDI-20130/SDM-W-2. Non-site soils are those that do not contain cultural material. All three of these soil types would only require monitoring by a qualified archaeologist and Native American monitor.

HISTORICAL RESOURCES (ARCHAEOLOGICAL MONITORING)

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

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

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

II. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

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

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV 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 of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way
- The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way

including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

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

- A. Notification
 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the 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 CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
 - c. 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; or
 - (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 San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. 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 III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. 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 via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process 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 via the RE for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of 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.

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. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.

5. 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 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 of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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

La Jolla Shores Permit Review Committee – Minutes Tuesday September 27, 2011

Committee in attendance: Helen Boyden (chair), Dolores Donovan, Janie Emerson, Tim Lucas, Phil Merten, Michael Morton, Dale Naegle, John Schenck. None absent

1. Non-Agenda Public Comment - None

2. Chair Comments

---To date we have no information on when Gaxiola wants to schedule. Also in this category is a Torrey Pines Road slope repair between Little and Roseland, southeast side of road

---Cto Bello has deferred until they make another submission to the City.

---Palazzo project was withdrawn and therefore there will be no appeal to City Council

---LJCPA voted to appeal 8490 Whale Watch

---LJCPA approved on consent the T-Mobile approval and the Lundberg denial. The City approved the Lundberg SCR the next day and an appeal has been sent and according to recently passed LJCPA appeals procedures the LJCPA will hold a hearing to ratify or not on October 6.

---Nooren-8001 Calle de la Plata was pulled from the LJCPA consent and will have a full hearing at the LJCPA October 6 meeting

---LJCPA President Crisafi elected to hear the Rialto Storm drain as a full hearing at the Sept. 1, CPA meeting and it passed, the president of the HOA having been contacted.

---Hillel Student Center, NOA dated August 11-applicant asked for October 25th PRC hearing

---An NOA has been issued to replace and install storm drain, and sewer main and water main. The project area is in the public right-of-way along Avenida De La Playa from Paseo Del Ocaso west to the seawall adjacent to the beach. No other information as of 9/28/2011

---Plans received for a 10,755 sf residence at 8440-8450 Whale Watch Way—appears to have 5201 sf additional applied to GFA- #254765-Notice not received in the mail as of 9/29/2011

---LJCPA adopted a new appeals process – see September 1, 2011 LJCPA minutes

---LJSPRC potential procedure revisions will be deferred until after LJCPA action on recommendations of Ad Hoc Committee—tabled to October 6 LJCPA meeting

---the LJS PDO AB recommended three projects for Process One, stating reasons. One was a resubmittal of 8814 Robinhood Lane, adding ca. 800 sf, most of which went to enclosing portico between home and garage and extending 2nd story toward the middle of the house. LJSPDO AB recommendation amounted to not requiring SCR or amendment or new SDP.

---Review of current LJSPRC operating procedures/bylaws and meeting procedures

3. Project review

A. Chao Residence

- Project No. 242106
- Type of Structure: Single Family Residence
- Location: 8289 La Jolla Scenic Drive North
- Project Manager: Jeff Peterson; 619-446-5327; japeterson@sandiego.gov
- Owner's rep: Sasha Varone, Golba Arch.; 619-231-9905; svarone@golba.com

Project Description: Demolish existing 1-story single family residence. Construct new 4,655 sf 2-story single family residence with basement. Construct new hardscape and landscape including pool. [applicant] The proposed project will conform to the Council Policy 900-14 criteria by generating 50% or more of the projected total energy consumption on site through renewable energy resources (i.e. photovoltaic). . . . Coastal Height Limitation Overlay Zone, Airport Influence Area-Review Area 2 for MCAS Miramar, and Council District 1. The project site is not located within the Coastal Overlay Zone. [City]

Seeking: Site Development Permit (SDP)

The chair stated that she lived about ¼ mile from the project and walked by frequently.

Presented by: Tim Golba, Jim Neri

Tim Golba gave a general overview of the project:

- House is located on a 10,000 sq ft parcel.
- The neighborhood is predominantly 2-story homes.
- 2-story over a basement plus underground garage (5 spaces)
- FAR is .46, which conforms to zoning requirements anywhere in the city.
- Project sits in zone 52 in city geology survey – stable zone.
- House sets back from the top of the bluff.
- Six bedrooms total.
- Not in campus impact parking zone.
- Project is a sustainable expedite project.
- Cycle issues are clear with the city.

Landscaping and outside features presented by Jim Neri:

- Palm trees exist at site. Additional palm trees will be planted in front lining the street.
- They will try to retain existing trees on the property.
- The design has 34% greenscape.
- Driveway site lines will be clear – no landscaping will block visibility.
- Hanging plants will be lining the garage driveway
- Underground trash containers will store containers out of sight. They will need to be pulled up the sloping driveway.
- The pool equipment will be located in a subterranean vault on the property line.

Committee questions:

Donovan: Are there any views that will be blocked by the installation of the palm trees or other plantings? *Response: No. The palm trees in front will have no impact on views from the neighbors. The other plantings will not affect views. The houses on either side do not have side windows, so they will not be affected.*

Emerson: How wide is the driveway? *Response: driveway is 16' wide.* Q: What is the slope of the bluff in the rear? *Response: the grade is about 1 to 1. According to city geology report the grade varies from 38 to 42%.*

Naegle: There are drainage issues and slope stability issues elsewhere in this area. What is the drainage plan? *Response: The drainage plan was shown and explained to the committee. They will capture all runoff from top edge of the slope to the front of lot and sent it to the street in front. Currently falling in the yard and rear of the house runs down the rear slope. This will cut down on the slope stability issues as less water will run into the slope. Pumps will be used at the bottom of the garage driveway to pump the water to the street.*

Morton: Can you describe the location and layout of the pool pumps and equipment. *Response: Above ground pool equipment needs to be at least 3' back from the property line to meet code. Pool equipment underground can be located on the property line. The pool equipment will be located in an underground vault along the property line.*

Lucas: How will the pool water be drained? *Response: The pool will drain through sewer pipes. The equipment vault will have a connection to the sewer.*

House presentation: Tim Golba

- Elevations of structure were shown to the committee.
- There is a hidden roof deck not visible from the street.

Boyden: Houses in the 8400 block had drainage issues and slope stability issues – does this parcel have issues? *Response: The other lots had cuts into the bluff, but did not protect the cuts. For this project, most of the rear yard will be covered and drains to the street. There will be less drainage going to the bluff than there is now.* Question: The driveway has imposing utility boxes: cable, telephone, power on the south of the driveway restricting the ADA aspects of the sidewalk. The city pointed this out in the cycles? *Response: They discussed this with the City. It was not feasible and very costly to relocate those utility boxes that serve the neighborhood. The City has approved an alternate, keeping sidewalk as is and not disturbing the utility boxes.*

Merten: The aerial photographs show side setbacks are closer to neighbors than before and do not mirror the neighbors. How do the proposed setbacks fit in with the neighborhood? *Response: Neighbors have a deck on the north side that is hard to see in the photos. The current garage on this property is only 2' feet away. The new design has the garage farther away. On south side there is a lot of planting and cover that preserves privacy. The second floor is stepped back as well. The neighbors have blank walls on their second stories as well so this should not be an issue. Setbacks at minimum points: North: 5' 2"; South: 4' 2".*

Morton: Using the 300' survey, what is average side setback for the neighborhood? *Response: They didn't tabulate that. Boyden, referring to chart that doesn't have averages on it but doing some quick math: approximate average for LJ Scenic homes is about 6', Sugarman Drive is about 5'.* Question: Explain how the pool will be supported? *Response: The pool structure has not been designed yet, but will be supported by at least 4 caissons. The pool dimensions are: 12' x 20' max depth is 5'. The spa to the side is slightly raised above the pool.*

Boyden: She has calculated FARs for neighborhood properties. The lots are of similar size. Out of all the 29 houses, five are in the range .30 to .35. The other, this project, is .46 which is substantially larger than the average? *Response: You have to look at this from the standpoint of bulk and scale, not just a FAR number. This house fits in with the other houses in the neighborhood, especially since it is pushed back from the street. Photographs of homes in the neighborhood were shown and compared to the proposed design. The remaining older houses in the neighborhood are smaller and outdated. The more recent houses are much larger.*

Morton: Just to remind the committee, FARs do not apply to LJ Shores. A discussion of FARs is irrelevant. Bulk and scale is relevant. Question: What are the relative roof heights in the neighborhood? *Response: Relative heights 26', this project is 26.5', with max height of 28.6' for chimney. Other roof heights were pointed out on the photographs of neighboring properties.* Question: What are the heights of the rotunda? *Response: The rotunda is 21' high to eaves, 26' to the peak.*

Morton: Had further questions on front yard hedge and trees. The bulk and scale is reduced because house is back from street. The rotunda is the biggest feature in front.

Naegle: Is concerned about the mass of the house. FAR is an important mathematical method of viewing the size and bulk of a project. The front elevation shows the rotunda, and it is too massive. It can be narrowed somewhat, as most of the enclosed space is not used. He thinks that this could be reduced to be more compatible with the neighborhood.

Merten: Agrees with Naegle. The "Romanesque" tower in front looks like it is a different scale from the rest of the building. It is so dominant that you expect that the rest of the house should also be Romanesque, but it isn't.

Public Comment: None. No neighbors present.

Schenck: Where is the stairway to the roof deck? *Response: It is located in center of the house and is not visible from the street. It was shown on the plans.*

Lucas: Had questions on the sustainable expedite and the proposed solar panels. He has concerns that the space allotted for the panels won't have enough area to meet the goals? *Response: The solar array hasn't been designed yet. The sustainable expedite mandates that 50% of the load for the house be generated by alternative sources. There will be enough area for solar panels to meet the requirements. The array will be for photovoltaics only. There will be no solar water heating for the pool.*

Donovan: Agrees that the FAR can be a good indicator of bulk and scale. Responds to comments that the older houses in the neighborhood being small is not necessarily bad. Small houses in a neighborhood should not be denigrated.

Emerson: Visually this looks massive because of the turret (rotunda).

Merten: Not so troubled by the FAR, due to breaking up the facade and stepping back of the second floor. There are still bulk and scale issues. The circular, squat, Romanesque rotunda needs to be changed a bit to better fit in. He also has concerns on the proposed setbacks and their relation to the neighboring properties. The first floor roof overhang comes within 20" of the property line.

Morton: The rotunda feature can probably be changed in some way to mitigate the effect. Approaches such as, materials changes, different eaves, softening the recessed opening, different shapes windows... could all be used to make the rotunda fit in better.

Motion: Morton **Second:** Emerson

To continue the project. The committee would like to see next time:

- Calculated summary on setbacks for the neighborhood.
- FAR calculations for the neighborhood.
- Look to mitigating the bulk and scale, in particular the entry tower appearance.
- Materials board or display.

Motion carries: 7-0-1

Approve: Donovan, Emerson, Lucas, Merten, Morton, Naegle, Schenck; **Oppose:** None; **Abstain:** Boyden (chair)



B. Undergrounding Residential Block 1J West

- Project Number: 216751
- Type of Structure: Undergrounding of overhead utility lines and poles
- Location: See description below and map at hearing
- Project Manager: Helene Deisher; 619-446-5223; hdeisher@sandiego.gov
- Applicant: Mario Reyes, PM, City Utilities Undergrounding Program; 619-533-7426; mreyes@sandiego.gov

Project Description: Undergrounding of approximately 13,300 l. f. of overhead utility lines and poles in an area roughly described as north of Avenida de la Playa to SIO, west of La Jolla Shores Drive to the ocean. This description delineates a district and some lots already have undergrounding.

Seeking: Site Development Permit (SDP) and Coastal Development Permit (CDP)

Presented by: Mario Reyes, City of SD

- The California PUC has mandated undergrounding. The program is for streets that would benefit from the undergrounding of utilities. \$10 million a year grants are provided for some areas.
- A surcharge is being added to the utility bill for undergrounding areas not covered by grants.
- This undergrounding district is being created to prevent further poles from being installed in the district by other providers.
- During the preliminary phase, there were some native artifacts and remains found during sampling, so this project is going through the SDP and community review process.
- For some areas they will have a Native American monitor.
- A community forum will be held to discuss the process

Merten: Questions on undergrounding on the public right of way. Response: *Before 2003 the owners were responsible for the hookup from the right of way to the home. After 2003, the surcharge covers it all, and the power company will install to house. They will do the actual connection if the panel accepts feeds from underneath. If panel is recessed into the house, they can not touch a wall, but will install an adapter to link to the box or the homeowner can relocate the panel at their expense. If they have an undersized panel, the homeowner will be required to upgrade before the city can re-connect to the house.*

Merten: What if remains are found trenching on a homeowners property? Response: *The project will handle any remains found on a homeowner's property. An archeologist is always present during digging or trenching.*

Morton: Timeline for project? *A typical project takes 2 years in design and approval. After approval and additional 1.5 years is typical for construction. This project is projected for construction starting in 2013. Panels on houses will be upgraded first, which is independent of trenching.*

Naegle: There are other projects going on in the Shores: Sewer, storm water etc. Will the undergrounding be coordinated to minimize impacts? Response: *they will be coordinating through the city.*

Public comment:

Mark House, local architect: Cost to replace a pole? *Can't calculate it per pole, more of per house calculation. Usually around \$10,000 a house. What about street lights currently mounted on wooden poles? Streetlights will be replaced. The community will be contacted and trees will be planted.*

Mario Reyes : City-wide, there are 1100 miles of undergrounding to be done and it is a big task. Complete undergrounding of the city is scheduled to be completed in 2064. Community forums will be held and issues such as panel requirements, excavation schedules, tree replanting, streetlights, and other issues will be discussed.

Motion: Naegle; Second: Schenck

Findings can be made for a Site Development Permit for Environmentally Sensitive Lands and a Coastal Development Permit for the Undergrounding of Utilities Project 1J West. [properties not yet undergrounded in the district: Avenida de la Playa north to SIO and La Jolla Shores Drive west to the ocean with some outliers]

Motion carries: 7-0-1

Approve: Donovan, Emerson, Lucas, Merten, Morton, Naegle, Schenck; **Oppose:** None;

Abstain: Boyden (chair)

C. Hooshmand Residence –Fifth Review-Approximately 3rd version

- PROJECT NUMBER: 198459
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 2480 Rue Denise
- PLANNER: Glenn Gargas; Ph: 619-446-5142; ggargas@sanidiego.gov
- OWNERS REP: Scott Spencer; 858-8898; scottspencerarchitect@yahoo.com

PROJECT DESCRIPTION: An addition and remodel to an existing residence (Applicant)

Note: The NOA dated December 28, 2009 cites a (PROCESS 3) Coastal Development Permit and Site Development Permit for a 4,463 sq. ft. addition to an existing single family residence on a 0.29 acre site at 2480 Rue Denise in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone. Current revisions

Revised values for this July 27, 2011 version are listed below, does not add correctly because of some underfloor values.

- Lot Size: 12,660 sf. or 0.29 acres
- Existing Sq/Ft: 2015 sf plus 420 garage
- Proposed Addition: Main level 1504 sf
- Proposed Main Level Total: 3939 SF
- Proposed Addition Lower level: 2158 sf
- Total Sq/Ft 6173 sf includes garage

Seeking: Site Development Permit (SDP) and Coastal Development Permit (CDP)

Previous action March 23, 2010. See March 23, 2010 PRC minutes for more information
Continued the item

Previous Action May 25, 2010 Please see May 2010 PRC minutes for community and committee actions.

Motion: Furtek; Second: Lucas – amendment by Merten accepted. Motion to deny. Project does not conform to LJS PDO section 1510.0301(b): Specifically: “Conversely, 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.”

It also does not abide by the three principles on Page 4, three on Page 5, and the first principle on Page 6 of LJ Shores Design Manual. The perceived bulk and relationship of the northward (rear) expansion and extension of the house in relationship to the development on adjacent properties disrupts the architectural unity of the area.

Motion carries: 7-0-1; Approve: Furtek, Morton, Merten, Morrison, Naegle, Lucas, Schenck; Oppose: None; Abstain: Boyden (chair)

Previous action: Please see LJSPRC minutes for June 22, 2010 for additional info on another revision which was out of sync.

Previous Action: March 22, 2011 Please see meeting minutes for meeting discussion

Motion: Merten Second: Naegle.

The Findings for a SDP cannot be made because the relationship of the proposed development to its site is so different from that of structures on adjacent parcels that the proposed development would disrupt the architectural unity of the area.

(LJSPDO 1510.0301 (b) and LJSPD Design Manual p. 2). The Findings for a CDP cannot be made because the bulk and scale of the proposed structure when viewed from the rear (north) of the property is so different from that of older development on adjacent properties that it does not comply with the community character provisions of the residential element of the LJCP.

Motion carries: 4-1-1; approve: Merten, Morrison, Naegle, Schenck; oppose: Lucas; abstain: Boyden. (Morton took part in discussion but had to leave before the vote)

Presented by: Scott Spencer

The project was originally presented as a single level, house on stilts. The neighbors and committee were concerned with appearance, bulk and scale, and view blockage issues. The sloping lot is better for split level house than a single story house, so they have redesigned the project.

The design goal was to reduce the top story, and reduce its projection out. For the lower level to look proper, as was pointed out by the city staff, it should extend beyond the upper level. They now have an overall larger house, but if you included the covered area of the original design, the house size is about the same.

They have worked with the neighbors the Luetzows and the Cutler/Shaws on the design. This project is now the same height as present house on Rue Denise. The hedge has been the biggest issue and blocks public views. The hedge on the northeast will be cut down to 3'.

The master bedroom was narrowed by 2' (steps in from first floor). Lower level is still on stilts, but not enclosed, the slope will not be changed, and it will not count in Gross Floor Area. They have worked carefully on the design issues with Mr. Gargas and Mr. Stanko at the city.

Naegle: They should consider an elevator? *Response: The cost of an elevator is \$25,000. The elevator may be added later.*
Naegle: They should design a 5' pantry above and below for future expansion of an elevator. **Naegle:** Is very pleased with this design. It better fits the lot, and they have added a lot of value to their house.

Morton: Thinks this design is much improved. Wants to see the elevations and the materials. *Response: The lower level has some stonework to better fit in.*

Merten: Also thinks that this design is much improved, and appreciates the changes the owner has made. Doesn't think that the stone on lower level adds to the house, and it would probably better blend in to the slope if it was a plain stucco or similar material. *Response: Owner is willing to do that.*

Public Comment:

Bill Luetzow: Has questions about the ledge on the lower level west side. *Response: without the step-in there is an 18' unbroken high wall. This helps to break that up. The indent should help their view.* **Luetzow:** They don't think that this design helps their view. The original design was a bit more open on the lower level. **Dr. Hooshmand response:** The view corridor is improved because the balcony that used to stick out 9' is no longer there.

Boyden: The committee only considers public views.

Further committee discussions with architect were made looking at the various revisions of the plans, and how the new design sits. A roof plan was shown. The roof is asphalt composition tile.

Schenck: Does this design have 2,000 more space? *Response: the previous design had 4,800 sq. ft. of house and garage. This design is 6,100 ft now, so about 1500 feet larger. Considering the other design with the covered space under the stilts, this design has about the same footprint and mass.*

Donovan: Recommends that the landscaping on the slope blend in with the surrounding area and not block views.

Merten: Feels that the project has been improved to the point where it complies with the LJSPDO.

Motion: Merten Second: Naegle

Findings can be made for a Site Development Permit and a Coastal Development Permit.

Motions Passes: 6-0-2

Approve: Donovan, Lucas, Merten, Morton, Naegle, Schenck; **Oppose:** None; **Abstain:** Emerson, Boyden (chair)



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Regular Meeting – 06 October 2011

Attention: Helene Deisher, PM
City of San Diego

Project: Undergrounding Residential Block 1J West
north of Avenida de la Playa to SIO, west of
La Jolla Shores Drive to the ocean
PN: 216751

Motion: To accept the recommendation of the La Jolla Shores Permit Review Committee: Findings can be made for a Site Development Permit for Environmentally Sensitive Lands and a Coastal Development Permit for the Undergrounding of Utilities project Project 1J West. 7-0-1 **Vote: 17-0-1**

06 October 2011

Submitted by: Tony Crisafi, President
La Jolla CPA

Date