



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: October 17, 2013 **REPORT NO. PC-13-110**

ATTENTION: Planning Commission, Agenda of October 24, 2013

SUBJECT: SIERRA MAR RESIDENCE APPEAL - PROJECT NO. 152957.
PROCESS 3

REFERENCE: Report to Hearing Officer - Report No. HO-12-070

**OWNER/
APPLICANT:** Mr. Phil Stewart, Owner
Mr. John Oleinik, Architect

SUMMARY

Issue: Should the Planning Commission approve an appeal of the Hearing Officer's decision to approve an addition to an existing, historically designated, single-family residence within the La Jolla Community Plan area?

Staff Recommendation:

1. CERTIFY Mitigated Negative Declaration No. 152957 and ADOPT the Mitigation, Monitoring and Reporting Program (MMRP); and
2. DENY the appeal and UPHOLD Coastal Development Permit No. 139245, and Site Development Permit No. 141335.

Community Planning Group Recommendation: The La Jolla Community Planning Association voted 10-0-0 to recommend denial of the project at their meeting on December 4, 2008. This denial was based on recommendations from their Permit Review Subcommittee, which raised issues on bulk, scale, and impacts on the adjacent neighborhood (Attachment 17). However, on October 3, 2013 the applicant presented the revised/reduced project and the La Jolla Community Planning Association voted 9-5-1 to recommend approval of this project.

Other Recommendations – The La Jolla Shores Advisory Board voted 4-1 to recommend denial of the project at their meeting of January 19, 2010. The denial was based on concerns with the project's height, bulk and scale.

Environmental Review: Mitigated Negative Declaration No. 152957 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented, which will reduce the potential impacts to Historical Resources (Archaeology) and Paleontological Resources to a level below significance.

Fiscal Impact Statement: None. The processing of this application is paid for through a deposit account established by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The subject property being developed is an existing dwelling unit on a legal building site zoned for single-family residential use. The project proposes to add on to the existing single family residence. There will be no net gain or loss to the available housing stock within the La Jolla Community Planning Area.

BACKGROUND

The project site is currently developed with an existing single-family, Spanish Eclectic style residence built in 1929. The surrounding properties are fully developed and form a well established single family residential neighborhood. The project site is located at 7755 Sierra Mar Drive, in the SF Zone of the La Jolla Shores Planned District Ordinance, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and Parking Impact Overlay Zone within the La Jolla Community Plan Area. The existing 1929 residence was designated as a historical resource on May 22, 2008 (HRB Site No. 866) (Attachment No. 16) as an excellent example of Spanish Eclectic architecture and as the work of Master Architect Herbert Palmer and Master Landscape Architect Milton Sessions. A Coastal Development Permit is required, by the Land Development Code (Section 126.0702), for the proposed development on property within the Coastal Overlay Zone. A Site Development Permit is required, by the Land Development Code (Section 1510.0201), for the proposed development on a site within the La Jolla Shores Planned District.

On September 26, 2012, the Hearing Officer approved the Sierra Mar Residence project. On October 9, 2012, two appeals were filed of the Hearing Officer decision. One was filed by Tony Crisafi, chair of the La Jolla Community Planning Association. The other appeal was filed by Jeffrey Patterson, an Attorney on behalf of his client Ms. Barbara Levy. Copies of those Appeals are included as Attachment 11, and the issues raised in the Appeals are discussed later in this Staff Report.

Since the Appeals were filed, the applicant has tried to reach out to both the La Jolla Community Planning Association and Ms. Levy to resolve their issues with this proposal. However, not much progress has been made with Ms. Levy and her Attorney over that period of time. On October 3, 2013, the La Jolla Community Planning Association voted 9-5-1 to recommend approval of the revised/reduced project.

DISCUSSION

Project Description:

The project proposes to construct an approximate 6,356 square-foot addition/remodel to an existing approximate 5,300 square foot, historically designated, single-family residence and a 561 square foot addition to an existing 757 square-foot garage and pool house, resulting in a total of an approximately, 12,974 square-foot single-family residence including an eight car garage and swimming pool on a 37,790 square-foot property. During the project's review with City staff, the applicant has modified the project to conform with all of the development regulations of the SF Zone La Jolla Shores Planned District Ordinance, Historical Resources Regulations and the applicable Coastal Development Regulations.

The proposed building elevations indicate the use of stucco exterior walls, arch frame windows, columns, wrought iron and stucco framed corbels and pitched Mission clay tile roofing. As a designated historic resource, all modifications to the existing residence must be consistent with the U. S. Secretary of the Interior Standards and the City's Historical Resources Regulations. The applicant has worked closely with the City's Historic Resource Staff throughout the processing of this project. The project has been designed to be consistent with the Standards and therefore a Site Development Permit in accordance with the Historical Resources Regulations is not required. The project proposes approximately 2,910 cubic yards of cut to be exported from the site. The project is designed to comply with the 30 foot height limit with the highest portions of the structure being approximately 28 feet high.

The project site is not identified as being on or adjacent to a public view, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The proposed new addition/remodeled structure does not impact any identified public view and the project's design was found to be in conformance with the La Jolla Community Plan and Local Coastal Land Use Plan. The proposed structure, meets the development setbacks and height limit required by the underlying zone. Vehicular access to the property will be provided from the existing street at the front of the property along Sierra Mar Drive, with two existing 14 foot wide driveways to remain. The existing streetscape adjacent to the project, for a pedestrian will remain unaltered.

Since the original recommendation of denial by the La Jolla Community Planning Association, the project's design has changed a number of times, reducing the project's square footage of the addition to the existing single-family residence from 8,592 square feet down to 6,356 square feet. The overall resulting total square footage has been reduced from 15,026 square feet down to 12,974 square feet. However, the applicant had not gone back to the Community Planning Association to seek a revised recommendation until just recently. Instead, the applicant focused their attention on trying to work with the immediate neighbors in an effort to address their concerns.

APPEAL OF THE HEARING OFFICER APPROVAL

On September 26, 2012, the Hearing Officer approved the project and adopted the project resolutions after hearing public testimony. The Appeals of that decision were filed on October 9, 2012 (Attachment 12). The Appeals focus primarily on bulk and scale and impacts to the

Historic Resource. The following is a list of the Appeal issues followed by the City staff response.

Appeal Issues

1. The Community Planning Association recommended denial of the project based on bulk, scale and impact on the neighborhood. The applicant has not returned to the Community Planning Association to present any new designs and for these reasons and any other potential impacts not known at this time.

STAFF RESPONSE:

On October 3, 2013, the applicant presented the revised/reduced project and the La Jolla Community Planning Association voted 9-5-1 to recommend approval of the project.

2. The Hearing Officer relied upon inaccurate statements and/or evidence contained within the Recirculated MND with respect to the City of San Diego's, Historical Resources Board (HRB) Design Assistance Subcommittee (DAS). The DAS failed to properly consider all applicable Secretary of Interior's Standards for the Rehabilitation of Historic Properties ("Standards") and failed to make the necessary findings with regard to the consistency of the Project with the Standards.

STAFF RESPONSE:

The appellant has stated that the review by the Design Assistance Subcommittee (DAS) of the Historical Resources Board (HRB) occurred prior to the designation of the property, and therefore the DAS did not consider the historic significance of the property when reviewing the project. This is incorrect. The DAS reviewed the project over the course of three meetings in 2007 and 2008, during which time they understood that the building appeared eligible for designation for architectural significance as a Spanish Eclectic residence, and as the work of Master Architect Herbert Palmer. Additionally, the DAS conducted an on-site meeting to better understand the resource, its significance, and the impacts of the proposed project. The project was revised several times during the course of these meetings to address issues raised by the DAS, who determined that the project could be considered consistent with the Standards with some additional revisions (Attachment 15). The project was revised to address these concerns, and was later modified in scope to further reduce massing and direct physical impacts to the historic building. Staff continues to support the statements and evidence contained within the Recirculated MND as accurate and that the applicable U.S. Secretary of Interior's Standards for the Treatment of Historic Properties (Standards) were properly considered.

3. The project description with regard to the size and scope of the Project is deceptive, uncertain and inconsistent.

STAFF RESPONSE:

The project design has been revised, reduced in building height and reduced above grade square footage, which may have caused some of the confusion over the project's square footage. In the Hearing Officer Report the total square footage of 12,974 was stated correctly, however, when adding up the various portions of the project as stated in the report, there was an error, the portions added up to totaled 13,535 square feet, 561 square feet greater than the 12,974 square-foot total. The project Architect and LDR-Planning Staff re-reviewed the square footage and confirmed that there was a 561 square foot portion that was counted twice which resulted in the error. Staff believes that aside from over stated 561 square feet, the square footage figures currently stated in the environmental document, the staff report, public notice and draft permit are accurate and correct.

4. The Hearing Officer's stated findings in approving the Project and avoidance of substantial, adverse impacts to the historical resource are not supported by information provided to the decision maker with respect to CEQA compliance, the City of San Diego's Land Development Code, Historical Resources Guidelines, and Secretary of the Interior's Standard Nos. 2, 3, 5, 9 and 10.

STAFF RESPONSE:

Staff has reviewed the analysis provided by Mr. Judd and disagrees with his conclusions regarding the project's consistency with the Standards as follows (Attachment 14).

It should first be noted that Mr. Patterson and Mr. Judd refer primarily to the size of the proposed addition when discussing the project's consistency with the Standards. However, square footage alone does not determine whether or not a project is consistent with the Standards. The Standards do not provide any quantitative limitation on square footage, either in number or percentage. Rather, the Standards require that each historic resource be evaluated individually to identify the significant character defining features and how new improvements could be sited in such a way to minimize or eliminate impacts to these features, while at the same time not overwhelming the massing and character of the resource.

Standard #2: Mr. Judd states that the project does not preserve enough of the historic character, distinctive materials and spatial relationships of the property. The size of the addition is the primary basis for this determination. Additionally, Mr. Judd states that much of the original historic fabric will be removed as a result of the project. Staff disagrees with this analysis. The historic resource is sited on an unusually large lot, nearly a full acre in size. The generous lot size accommodates a larger addition, contained in a single story with minimal direct physical impact to the historic resource. The addition will be connected to the rear of the historic building at the ends of the "U"-shaped footprint,

requiring just 91 linear feet of demolition on a resource containing 676 linear feet of wall area. The areas proposed for demolition do not contain significant character defining features. Additionally, the vast majority of the single-level addition, with the exception of the square hipped roof at the rear and the chimneys, will have a finish elevation lower than the tower of the existing building. Given the topography of the site and adjacent right-of-way, the additions will not overwhelm the massing of the historic building as perceived from the primary elevations.

Standard #3: Mr. Judd raises concerns that the additions will create a false sense of historical development. Staff disagrees with these concerns. The additions have been designed using compatible materials such as stucco and clay tile roofing to ensure that the project is compatible with the original historic materials, consistent with Standard #9. However, the additions have also been differentiated from the original historic materials through the use articulation and features not found on the historic building, such as arches and bracketed shed roofs. Additionally, it will be impossible to exactly match existing historic materials such as roofing, which will create a natural, subtle differentiation. As a result, there will be no confusion between the original, historic portion of the house and later additions. As a designated historic resource, historic resources staff will be involved in review of the building permit application, where additional details regarding finish materials will be addressed.

Standard #5: Mr. Judd states that compliance with this Standard, which requires retention of distinctive materials and features, cannot be determined. As stated in the discussion of Standard #2, the project requires minimal demolition of the historical resource, and no significant character defining elements of the building are present at the areas of demolition. Other significant site features dating to the 1927 date of construction and period of significance, including the garage, motor court, porte-cochere, old pool house and historic landscape will be retained.

Standard #9: Again, the primary basis for Mr. Judd's determination that the project does not comply with this Standard is the size of the addition and the issue of material compatibility, which has been addressed by staff. The relationship of the project to the surrounding neighborhood is not relevant, as the historic resource is limited to the subject parcel and not the neighborhood, which is not a historic district.

Standard #10: Mr. Judd states that it is difficult to determine whether the essential form and integrity of the property would be unimpaired if the new construction were removed in the future. As stated previously, the additions require minimal demolition of the building, which is limited to elevations containing non-character defining features and could be readily reconstructed.

5. The Hearing Officer's findings do not support the adoption of the Recirculated MND. The written report of expert Bruce Judd, FAIA, constitutes substantial evidence upon which a fair argument can be made that the Project will result in a significant impact to historic resources. For the reasons outlined in correspondence dated

September 21, 2012 (Attachment No. 13) submitted by Jeffrey Patterson, Esq., to Glenn Gargas, an environmental impact report was required.

STAFF RESPONSE:

The project was thoroughly reviewed by historic resources staff and the DAS acting in an advisory capacity to staff for consistency with all ten of the U.S. Secretary of the Interior's Standards for Rehabilitation. It was found that the project is consistent with all ten Standards (as discussed in Issue No. 4 above) and would not adversely impact the designated historic resource. It was therefore determined that the project is in compliance with the Municipal Code and the Mills Act Agreement, and would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Section 15064.5 of the State CEQA Guidelines. Staff supports statements and evidence contained within the Recirculated MND as accurate and that the applicable Secretary of Interior's Standards were properly considered.

The appellant has misinterpreted the facts in the review for consistency with the Standards. The appellant believes that the review by the Design Assistance Subcommittee (DAS) of the Historical Resources Board (HRB) occurred prior to the designation of the property, and therefore the DAS did not consider the historic significance of the property when reviewing the project. This is incorrect. Although, the property was not designated a historical resource prior to review by DAS, members of DAS were fully aware that a historical nomination from the property owner was pending. Therefore, in their review of the project DAS assumed the property was historically significant. The project was revised to address concerns raised by DAS, and was later modified in scope to further reduce massing and direct physical impacts to the historic building. Staff believes that the statements and evidence contained within the Recirculated MND are accurate and that the applicable Standards were properly considered. Staff believes that the Recirculated Mitigated Negative Declaration properly analyzed the historic resources, that there is no significant impact to historical resources under the City's Significance Determination Thresholds and that an Environmental Impact Report would not be required under the California Environmental Quality Act.

6. The Hearing Officer's stated findings in approving the Project and the Recirculated MND are not supported by information provided to the decision maker with respect to the proper evaluation or inclusion of adequate mitigation measures to ensure that the significance of the historical resource would not be impacted, as mandated by CEQA and the City of San Diego's Land Development Code, Historical Resources Guidelines.

STAFF RESPONSE:

The project was thoroughly reviewed by historic resources staff and the DAS acting in an advisory capacity to staff for consistency with all ten of the Standards for Rehabilitation. It was found that the project is consistent with all ten Standards (as discussed in Issue No. 4 above) and would not adversely impact the designated historic resource. It was therefore determined that the project is in compliance with the

Municipal Code and the Mills Act Agreement, and would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Section 15064.5 of the State CEQA Guidelines. Staff believes that the statements and evidence contained within the Recirculated MND are accurate and that the applicable Secretary of Interior's Standards were properly considered.

Community Plan Analysis:

The proposed project is located within the La Jolla Community Plan (LJCP) area and the subject site is designated for very low density residential development at 0-5 du/acre. The proposed project conforms to the LJCP designated land use. The LJCP recommends maintaining the character of residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

The property fronts along Sierra Mar Drive, which does not contain nor is it in the vicinity of any public view as identified by the LJCP. The proposed project does not impact any public view. The proposed height for the residence is less than thirty feet which is consistent with the community plan and the thirty foot height limit.

The community plan also recommends maintaining the existing residential character of La Jolla's neighborhoods by encouraging build out of residential areas at the plan density. The neighborhood is one which is mainly made up of moderate to large size homes which are mainly older with a few newer residences typically built to the city's standards. The proposed new addition/remodel to this existing residence is consistent with other newer residences in the neighborhood. However, this project site is one of the larger lots in the neighborhood. The proposed new addition to the residence also is consistent with the plan for landscaping and streetscape recommendations. Staff recommends approval of the proposed addition to the existing residence as it is consistent with the community plan's policies for residential development.

Environmental Analysis:

The City of San Diego conducted an Initial Study and determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required. Therefore, a Mitigated Negative Declaration No. 152957 has been prepared for the project in accordance with the State of the California Environmental Quality Act (CEQA) Guidelines. The analysis from the Initial Study documents the reasons to support the determination as follows:

Historical Resources (Architecture): - A Historical Assessment Report was prepared in accordance with the Historical Resources Regulations and Guidelines. The report concluded that the existing residence was originally constructed in 1927 and was designed in the Spanish Eclectic architectural style by Master Architect Herbert Palmer for the McClintock Family. Research also identified landscaping that can be attributed to Master Landscape Architect Milton Sessions nephew of pioneering horticulturist and mother of Balboa Park, Kate O. Sessions.

Based on the analysis provided in the historical evaluation report, the 1929 “U” shaped Spanish Eclectic style residence was designated as a historical resource on May 22, 2008 (Site No. 866) under Criterion C as an excellent example of Spanish Eclectic architecture, and Criterion D as the work of Master Architect Herbert Palmer and Master Landscape Architect Milton Sessions. As a designated resource, all modifications to the existing residence must be consistent with U.S. Secretary of the Interior Standards and the City’s Historical Resources Regulations. The project plans were thoroughly reviewed by historical staff and the Historical Resources Board Design Assistance Subcommittee (DAS) who provided specific guidance and direction for assuring the projects conformance with the U.S Secretary of the Interior Standards. With the recent revision to the project scope to address design issues associated with building height, scale and floor area ratio resulting in a reduction of overall square footage, the project was re-evaluated by Historical Resources staff and determined to be consistent with all applicable regulations and guidelines; therefore, no further historic review is necessary and no mitigation required.

Historical Resources (Archaeology): – During limited testing a single fine-grained metavolcanic flake with minimal amounts of marine shell were encountered during the cultural survey conducted by Brian F. Smith Associates (Cultural Resource Study, January 9, 2009). The consulting archaeologist concluded that the recovered materials were disturbed, possess no additional research potential, and are not unique. However, due to the high potential for archaeological resources within the La Jolla Shores neighborhood, monitoring is recommended during any subsurface excavation in order to reduce potential impacts to unknown buried resources. Therefore, implementation of the Mitigation, Monitoring and Reporting Program, contained in Section V of the Mitigated Negative Declaration, would mitigate potential resource impacts to below a level of significance.

Conclusion:

The Hearing Officer reviewed the proposed Coastal Development Permit and Site Development Permit and determined the project is consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan and the applicable Land Development Code regulations. Staff has provided draft findings supporting the Coastal Development Permit and Site Development Permit approval (Attachment No. 5) and the CEQA determination (Attachment No. 7). Staff recommends that the Planning Commission affirm the Hearing Officer’s approval of the proposed Coastal Development Permit and Site Development Permit as proposed (Attachment No. 6).

ALTERNATIVES

1. Uphold Coastal Development Permit No. 139245 and Site Development Permit No. 141335, with modifications.
2. Deny Coastal Development Permit No. 139245 and Site Development Permit No. 141335, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



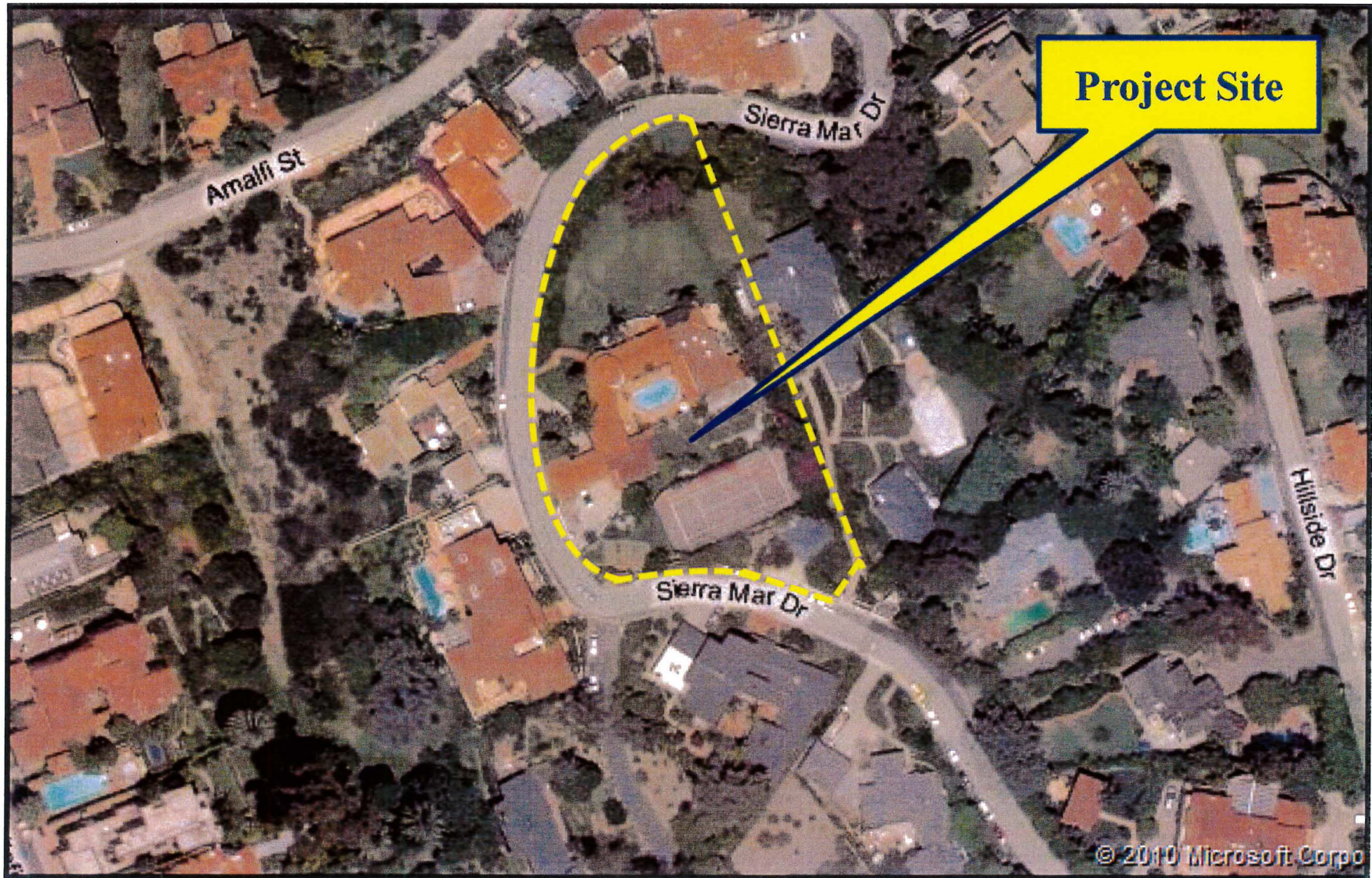
Mike Westlake
Acting Deputy Director
Development Services Department



Glenn Gargas, Project Manager
Development Services Department

Attachments:

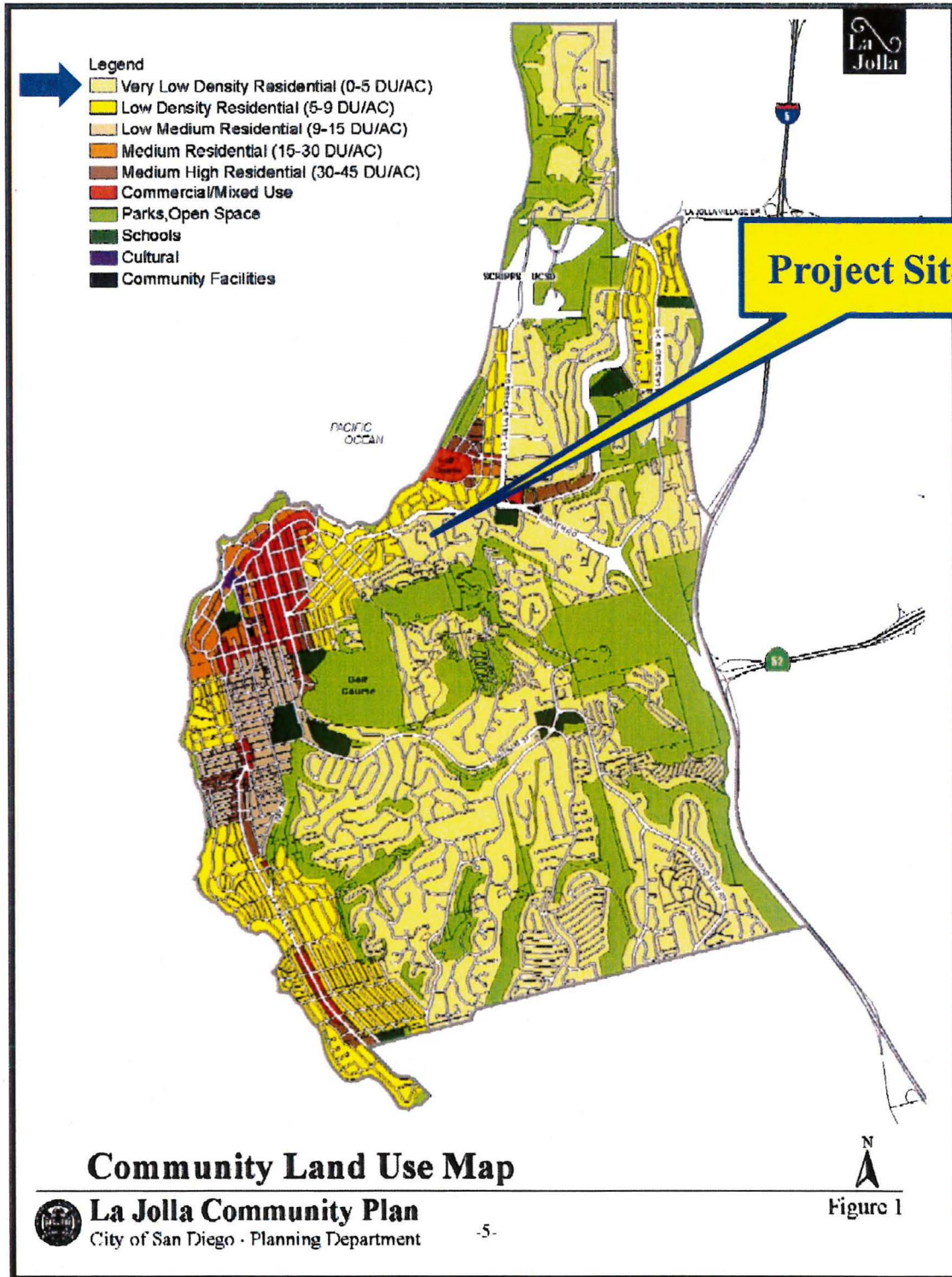
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Environmental Resolution with MMRP
8. Project Site Plan
9. Project Plans – Building Elevations
10. Project Plans – Building Cross Sections
11. Project Plans – Landscape Plan
12. Copy of Appeals
13. Copy of Jeffrey Patterson's letter dated September 21, 2012.
14. Copy of September 24, 2012, Kelley Stanco and Myra Herrmann Memo to Hearing Officer
15. Copy of Historical Resources Board Design Assistance Subcommittee Minutes
16. Historical Designation Resolution
17. Community Planning Group Recommendation
18. Ownership Disclosure Statement
19. Project Chronology



Aerial Photo

SIERRA MAR RESIDENCE – 7755 SIERRA MAR DRIVE
PROJECT NO. 152957

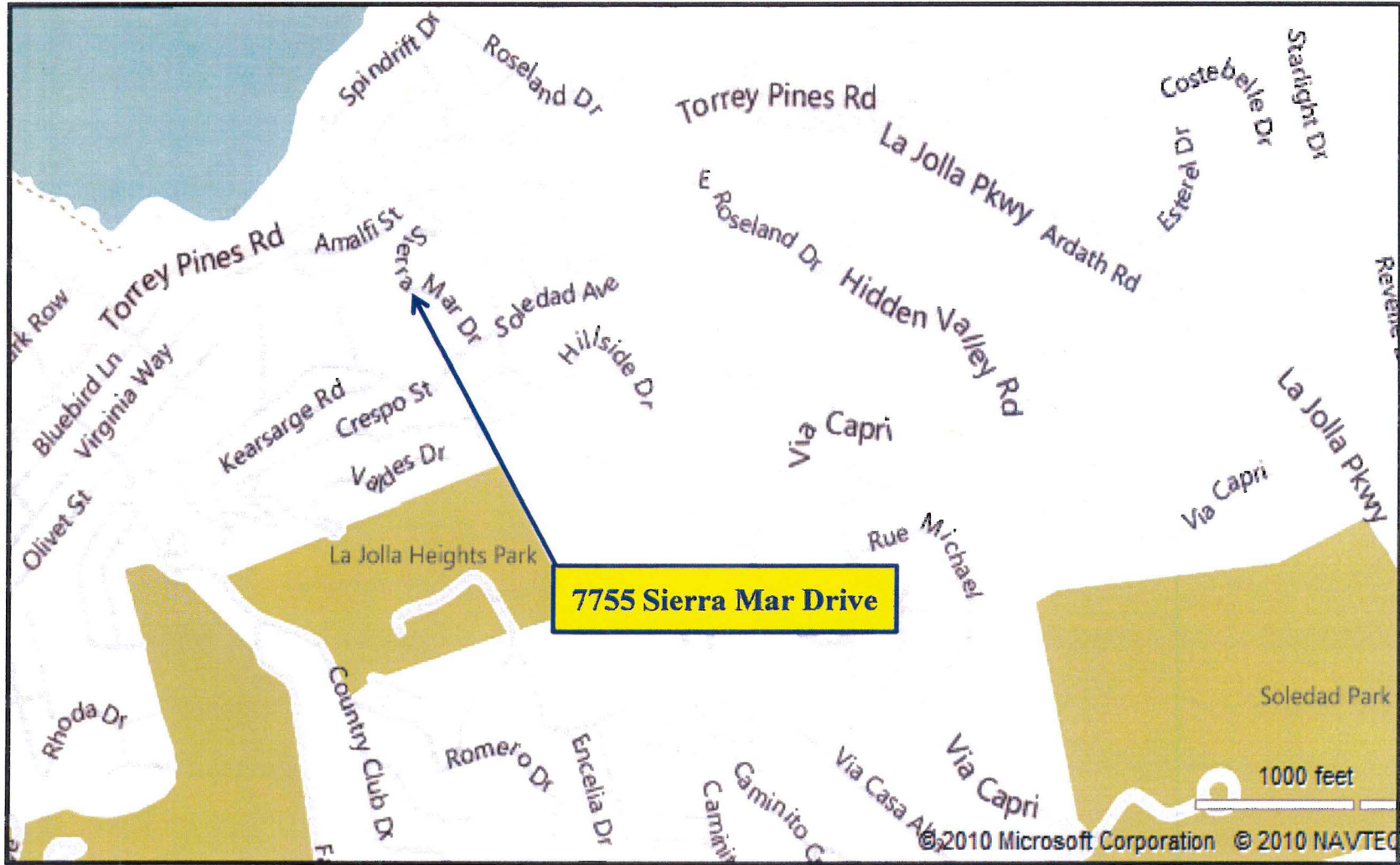




Land Use Map

SIERRA MAR RESIDENCE – 7755 SIERRA MAR DRIVE
PROJECT NO. 152957 La Jolla





Project Location Map

SIERRA MAR RESIDENCE – 7755 SIERRA MAR DRIVE
PROJECT NO. 152957



PROJECT DATA SHEET

PROJECT NAME:	Sierra Mar Residence – Project No. 152957	
PROJECT DESCRIPTION:	CDP and SDP to construct an addition remodel to an existing, historically designated, single family residence, resulting in a total 12,974 square foot single family residence on a 37,790 square foot property.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development and Site Development Permit.	
COMMUNITY PLAN LAND USE DESIGNATION:	Very Low Density Residential (0-5 DUs per acre)	
<u>ZONING INFORMATION:</u>		
ZONE: SF Zone of La Jolla Shores PDO		
HEIGHT LIMIT: 30-Foot maximum height limit.		
LOT SIZE: Approx. 8,000 square-foot minimum lot size – existing lot 37,790 sq. ft.		
FLOOR AREA RATIO: 0.34		
FRONT SETBACK: 15 feet		
SIDE SETBACK: 7 feet		
STREETSIDE SETBACK: 31 feet		
REAR SETBACK: 7 feet		
PARKING: 2 parking spaces required.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Very Low Density Residential; RS-1-5 Zone	Single Family Residence
SOUTH:	Very Low Density Residential; RS-1-5 Zone	Single Family Residence
EAST:	Very Low Density Residential; SF Zone - La Jolla Shores PDO	Single Family Residence
WEST:	Very Low Density Residential; RS-1-5 Zone	Single Family Residence

ATTACHMENT 4

DEVIATIONS OR VARIANCES REQUESTED:	None.
COMMUNITY PLANNING GROUP RECOMMENDATION:	The La Jolla Community Planning Association voted to deny the project by a vote of 10-0-0 at their meeting on December 4, 2008. Denial is based on the recommendations from the permit review subcommittee based on bulk, scale, and impact on neighborhood. On October 3, 2013, the La Jolla Community Planning Association voted 9-5-1 to recommend approval of the revised/reduced project. (Attachment 17).

PLANNING COMMISSION RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 800267
AND SITE DEVELOPMENT PERMIT NO. 541823
SIERRA MAR RESIDENCE - PROJECT NO. 152957 (MMRP)

WHEREAS, Mr. Philip Stewart, managing member of Terravista Partners LTD, a Texas Limited Partnership, Owner/Permittee, filed an application with the City of San Diego for a permit to construct an addition to an existing single-family residence (as described in and by reference to the approved Exhibit "A" and corresponding conditions of approval for the associated Permit Nos. 800267 and 541823), on portions of a 0.87-acre property;

WHEREAS, the project site is located at 7755 Sierra Mar Drive, in the SF Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, the property is a historically designated resource (HRB No. 866) and is within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as a portion of Pueblo Lot 1285 of Pueblo Lands of San Diego, according to map thereof made by James Pascoe in 1870, a copy of which was filed in the office of the County Recorder of San Diego County, November 14, 1921, and is known as Miscellaneous Map No. 36;

WHEREAS, on October 24, 2013, on appeal of the decision of approval by the Hearing Officer on September 26, 2012, the Planning Commission the City of San Diego considered Coastal Development Permit No. 800267 and Site Development Permit No. 541823 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 October 24, 2013.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The 37,790 square-foot project site is currently developed with an existing single-family residential structure, which is a historically designated resource (HRB No. 866). The development proposes to add on to the existing structure by constructing a new addition to the single family residence and is located approximately four blocks from the coastline. The proposed development is contained within the existing legal lot area, and the lot is not adjacent to an existing public access to the beach, nor is it located adjacent to or within an identified public view corridor by the La Jolla Community Plan and Local Coastal Land Use Plan. The project site is located along Sierra Mar Drive, approximately two blocks east of Torrey Pines Road and is not identified as

being on or adjacent to a public view, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The public access to the coastline located within Sierra Mar Drive, would not be altered or impacted by this development. The proposed addition to the existing residence will not encroach upon, negatively alter or reduce the existing physical accessway to the coast. The proposed residence meets the applicable development regulations required by the Land Development Code, the development regulations of the underlying zone, and the proposed structure will not block any identified visual corridor.

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

The 37,790 square-foot project site is currently developed with a single-family residence, which is a historically designated resource (HRB No. 866). The property has been previously disturbed and was not found to contain any biological resources on site. The proposed addition is located within the existing disturbed portions of the property. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontological Resources and prepared a Mitigated Negative Declaration, Project No. 152957, in accordance with the California Environmental Quality Act (CEQA). The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. Thus, with the implementation of Mitigation Monitoring and Reporting Program the proposed project will not adversely affect environmentally sensitive lands.

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

The proposed addition to the existing single-family residence is located on a site approximately four blocks from the ocean and coastline, which has a Residential – Very Low Density (0-5 DU/AC) land use designation by the La Jolla Community Plan and La Jolla Local Coastal Land Use Plan. During environmental review, it was determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontological Resources and incorporated mitigation measures to reduce the potential impact to a level below significance. The Environmental Analysis Section prepared a Mitigated Negative Declaration, Project No. 152957, in accordance with the California Environmental Quality Act (CEQA). The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. The proposed addition was found to comply with all the development regulation of the SF Zone of the La Jolla Shores Planned District. The proposed addition to the residence will not encroach upon, negatively alter or reduce the existing physical access or visual access to the coast. The project site is not located adjacent to an identified visual access corridor as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. Due to these factors the proposed addition to the existing single family residence with an attached garage was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and Local Coastal Land Use Plan.

4. For every Coastal Development Permit issued for any coastal development

between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 37,790 square-foot site is currently developed with an existing single family residence, which is a historically designated resource (HRB No. 866), and an addition is proposed to the existing structure. The proposed addition to a single family residence is designed to take access off the existing public streets, Sierra Mar Drive, with adequate off street parking. The existing character and pedestrian design of the street will remain open and improved to maintain public access. The project site is located east of Torrey Pines Road and is not located between the first public road and the sea or coastline. The proposed development will be fully within the private property and will not negatively impact or encroach on any coastal resources identified by the La Jolla Community Plan and Local Coastal Land Use Plan. The project site is located approximately four blocks from the Pacific Ocean and is not located on or adjacent to any public access or public recreation resources, which are identified by the La Jolla Community Plan and Local Coastal Land Use Plan. The project site is not located in or adjacent to an area identified as a public view corridor, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan.

Site Development Permit - Section 126.0504

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

The proposed 6,356 square-foot addition to an existing approximate 5,300 square foot residence and a 561 square-foot addition to an existing 757 square foot garage and pool house, resulting in a total of approximate 12,972 square foot single family residence will not adversely affect the La Jolla Community Plan, because the proposed development has been found consistent with the plan's Very Low Density (0-5 DU/AC) land use designation, La Jolla Community Plan and Local Coastal Land Use Plan, and the development regulations of the La Jolla Shores Planned District's SF Zone, allowed density, and design recommendations. The 37,790 square foot project site is designated for residential development and will continue to be single-family residential with development of this project. The new addition/ remodeled single family residence with an attached garage has its vehicular access and parking designed to be taken from a driveway off of Sierra Mar Drive. As such, 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 proposed addition to the existing single-family residence with an attached garage has been designed to comply with all of the applicable development regulations, including those of the SF Zone of the La Jolla Shores Planned District. The environmental review determined that the project may have a significant environmental effect on Historical Resources (Archaeology) and Paleontological Resources and prepared a Mitigated Negative Declaration, Project No. 152957; in accordance with the California Environmental Quality Act (CEQA). The project includes mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontological Resources, to reduce the potential impacts to a level below significance. The environmental review did not find any significant impacts to public health, safety and welfare.

The proposed new addition to the single family residence with an attached garage would therefore not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

The proposed addition to an existing single family residence with an attached garage, to total approximately 12,974 square-feet of gross floor area, will comply with the development regulations of the La Jolla Shores Planned District's SF Zone and Local Coastal Program for the La Jolla Community Plan area. City staff reviewed the setbacks, bulk and scale relationship, building height, submitted historical reports, included mitigation measures for potential impacts to Historical Resources (Archaeology) and Paleontological Resources, and found the proposed development consistent with all of the required development regulations. No deviations to the development regulations are proposed. The proposed addition to the existing single-family residence will comply with the applicable 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. 800267 and Site Development Permit No. 541823 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 800267 and 541823, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas, AICP
Development Project Manager
Development Services

Adopted on: October 24, 2013

Internal Order No. 23430593

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: 23430593

**COASTAL DEVELOPMENT PERMIT NO. 800267 AND SITE DEVELOPMENT
 PERMIT NO. 541823
 SIERRA MAR RESIDENCE - PROJECT NO. 152957 (MMRP)
 PLANNING COMMISSION**

This Coastal Development Permit No. 800267 and Site Development Permit No. 541823 is granted by the Planning Commission of the City of San Diego to Philip Stewart, managing member of Terravista Partners LTD, a Texas Limited Partnership, Owner / Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0707, 126.0501-126.0505 and 1510.0201. The 0.87-acre site is located at 7755 Sierra Mar Drive in the SF Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone and within the La Jolla Community Plan area. The property is a historically designated resource (HRB No. 866). The project site is legally described as: a portion of Pueblo Lot 1285 of Pueblo Lands of San Diego, according to map thereof made by James Pascoe in 1870, a copy of which was filed in the office of the County Recorder of San Diego County, November 14, 1921, and is known as Miscellaneous Map No. 36;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct an addition to an existing single-family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 24, 2013, on file in the Development Services Department.

The project shall include:

- a. Construct of an approximate 6,356 gross square-foot addition to an existing approximate 5,300 square-foot single-family residence and a 561 square-foot addition to an existing 757 square-foot garage and pool house, resulting in a total of approximate 12,974 gross square-foot single-family residence on a 37,790 square-foot property;

- b. Existing and proposed landscaping (planting, irrigation, and landscape related improvements);
- c. Off-street parking (a minimum of two parking spaces);
- d. Existing pool with existing and proposed site walls; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by November 7, 2016.
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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] as specified in Mitigated Negative Declaration No. 152957, shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration, No. 152957, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Recirculated Mitigated Negative Declaration, No. 152957, 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:

Historical Resources (Archaeology) and Paleontological Resources**ENGINEERING REQUIREMENTS:**

14. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Agreement for the existing buildings, walls and landscape located in Sierra Mar Drive right-of-way.

15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

17. 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 the pad elevation based on USGS datum is in accordance with the approved Coastal Development Permit exhibits.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of construction permits for grading or building, the Owner/Permittee or Subsequent Owner shall submit a landscape plan consistent with Approved Exhibit "A" [Landscape Development Plan]. The planting plan shall show the required 30% landscaped area in a crosshatch pattern and labeled "Landscape Plan" [LDC 1510.0304(h)]. The plan shall also show the location of the required Street Trees as per Section 142.0610 of the Land Development Code, Public Facility Regulations.

19. Prior to issuance of construction permits for grading and building, Owner/Permittee shall provide the following note on the "Landscape Plan": "All of the landscape to meet the 30% area requirement shall be installed as required by the La Jolla Shores Planned District Ordinance [LDC 1510.0304(h)] prior to final inspection."
20. Any modifications or changes to the "Landscape Plan" and existing or proposed plant material, as shown on the Approved Exhibit "A," Landscape Development Plan, is permitted provided the resulting landscape meets the minimum area requirements of the La Jolla Shores Planned District Ordinance [LDC 1510.0304(h)].
21. 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.
22. The Owner/Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
23. 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 Final Inspection.

HISTORICAL REQUIREMENTS:

24. The project site, located at 7755 Sierra Mar Drive, was designated by the City of San Diego Historical Resources Board (HRB) as a historical resource #866 on May 22, 2008. As a designated historic resource, all modifications must be consistent with the U.S. Secretary of the Interior's Standards and the City's Historic Resources Regulations, or a Site Development Permit is required. Therefore, all ministerial permit applications associated with this discretionary permit must be reviewed and approved by historic resources staff prior to issuance.
25. The project as approved reflects significant design review and input by the City of San Diego Historical Resources Board Design Assistance Subcommittee ("Design Assistance Subcommittee"). Therefore, any significant changes to the project scope will require review and approval by the Design Assistance Subcommittee, which may also require an amendment to this permit as detailed in Condition No. 8 of this permit.
26. Due to the considerable size of the project, a historic preservation architect meeting the U.S. Secretary of the Interior's Standards in preservation architecture (and not currently involved in the project) shall be retained to periodically monitor construction and compliance with the approved plans and U.S. Secretary of the Interior's Standards for Rehabilitation. Prior to building permit issuance the Owner/Permittee shall submit the resume of the selected preservation architect and a monitoring schedule for approval by City of San Diego Historic Resources staff.

PLANNING/DESIGN REQUIREMENTS:

27. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

28. 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.

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

INFORMATION ONLY:

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

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

RESOLUTION NUMBER R-_____
ADOPTED ON OCTOBER 24, 2013
SIERRA MAR RESIDENCE – PROJECT NO. 152957

WHEREAS, on April 21, 2008, Phil Stewart of Terravista Partners, LTD, submitted an application to the Development Services Department for a Site Development Permit (SDP) and Coastal Development Permit (CDP) for the Sierra Mar Residence, Project No. 152957; and

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

WHEREAS, the issue was heard by the Hearing Officer on September 26, 2012 and subsequently appealed to the Planning Commission; and

WHEREAS, the appeal was heard by the Planning Commission on October 24, 2013, and

WHEREAS, the Planning Commission considered the issues discussed in Recirculated Mitigated Negative Declaration No. 152957 (Declaration) prepared for this Project; NOW THEREFORE,

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

BE IT FURTHER RESOLVED, that the 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 may 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 DEVELOPEMNT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 or CITY CLERK, 202 C STREET, 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.

APPROVED:

By: _____
Glenn Gargas, Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

**MITIGATION MONITORING AND REPORTING PROGRAM
SIERRA MAR PROJECT No. 152957
SITE DEVELOPMENT PERMIT No. 541823
COASTAL DEVELOPMENT PERMIT No. 800267**

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Recirculated Mitigated Negative Declaration (Project No. 152957) shall be made conditions of the Site Development Permit and Coastal Development Permit as may be further described below.

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to 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, NATIVE AMERICAN MONITOR AND PALEONTOLOGIST

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, **PTS No. 152957**, 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.

- *None required 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

<u>Issue Area</u>	<u>Document submittal</u>	<u>Associated</u>
<u>Inspection/Approvals/Note</u>		
General	Consultant Qualification Letters	Prior to Pre-construction Mtg.
General	Consultant Const. Monitoring	Prior to or at Pre-Con Mtg.
Archaeology	Archaeology Reports	Archaeology observation
Paleontology	Paleontology Reports	Paleontology observation
Final MMRP		Final MMRP Inspection

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**HISTORICAL RESOURCES (ARCHAEOLOGY)****I. Prior to Permit Issuance****A. Entitlements Plan Check**

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

B. Letters of Qualification have been submitted to ADD

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

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 ¼ mile radius.

B. PI Shall Attend Precon Meetings

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

III. During Construction

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

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section 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) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

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 provenance of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, **OR** the MLD failed to make a recommendation within 48 hours after being notified by the Commission; **OR**;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, **THEN**,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and

buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

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 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. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the**

allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES**I. 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.

II. Prior to Start of Construction**A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. 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.

III. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities 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.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via 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.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC 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
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.

SITE PLAN 1"=20'-0"



LEGEND

- PROPERTY LINE
- ===== EXISTING FOOTPRINT
- ===== ADDED FOOTPRINT
- ===== EXISTING SECOND LEVEL
- ===== ADDED SECOND LEVEL
- COVERED OUTDOOR SPACE
- ADDED SUB-T SPACE

PROJECT TEAM:

ARCHITECT
John Oleinik, Architect
829 Verona Ct
San Diego, Ca. 92109
858 488 1221

STRUCTURAL ENGINEER
Lovelace Engineering
5910 Cornerstone Ct
Suite 100
San Diego, Ca. 92121
858 535 9111

SOILS ENGINEERING
Christina Wheeler
4925 Mercury Street
San Diego, Ca. 92111
858 496 9760

LAND SURVEY
Precision Survey and Mapping
1094 Cudahy Pl
Suite 222
San Diego, Ca. 92110
619 275 4033

HISTORICAL
Archaeos
Ruth Alter
11209 Golden Birch Way
San Diego, Ca. 92131
858 549 2181

ARCHAEOLOGIST
Brian F Smith & Associates
14010 Poway Road, Suite A
Poway, Ca. 92064
858 484 0915

SCOPE OF WORK

ADDITIONS:

- GROUND LEVEL**
1. Add garage & storage
 2. Add breakfast room
 3. Extend existing north bedroom wing (3 added - 6 total)
 4. Move existing servant quarters to subterranean
 5. Add courtyard, loggia, garden, pool.

UPPER LEVEL

1. Add multi-purpose/game room

SUBTERRANEAN

1. Add exercise room
2. Add Theater
3. Add Wine cellar
4. Add parking area

REMODEL EXISTING:

1. Remodel Master bed into family room
2. Remodel kitchen
3. Remodel existing servant quarters into utility space

GENERAL:

The existing exterior of residence is to remain unchanged as viewed from public right-of-ways. Added areas are to be connected to each end of the two wings of the house. No added area is located in the front 136 feet of property.

DISCRETIONARY PERMITS

1. Site Development Permit for LJSFD
2. Historic Designation of existing 1927 residence in conjunction with all other required permitting

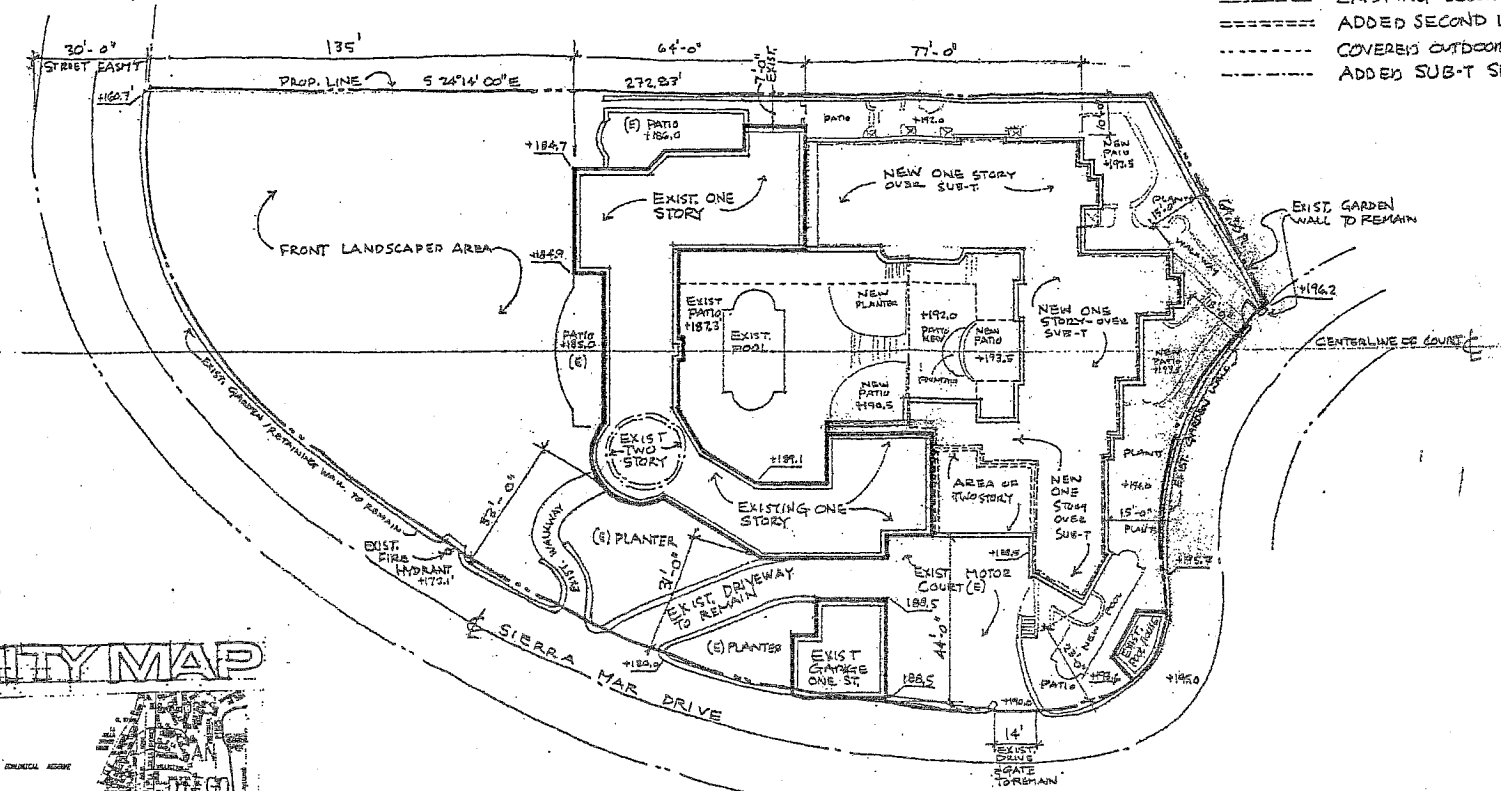
EASEMENTS

NO KNOWN EASEMENTS EXIST.

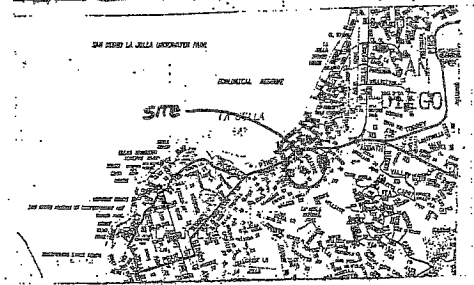
BUS STOPS

NO KNOWN BUS STOPS EXIST

BUILDING ADDRESS: PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)



VICINITY MAP



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SHEET INDEX

1. SITE PLAN, GENERAL INFO., VICINITY MAP, PROJECT TEAM, GRADING CALC.
2. GROUND LEVEL FLOOR PLAN 1/8"=1'-0"
3. SUBTERRANEAN LEVEL FLOOR PLAN 1/8"=1'-0"
4. SITE SECTION 1/8"=1'-0" & KEY MAP
5. ROOF PLAN 1/8"=1'-0"
6. EXISTING FLOOR PLAN 1/8"=1'-0"
7. NORTH & SOUTH ELEVATION 1/8"=1'-0"
8. WEST & EAST ELEVATION 1/8"=1'-0"
9. COURTYARD ELEVATIONS (looking east & west) 1/8"=1'-0"
10. COASTAL EXEMPTION DEMO. PLAN 1/8"=1'-0"
11. LANDSCAPE PLAN: NEW AREAS 1"=10'-0"
12. LANDSCAPE PLAN: HISTORIC PRESERVATION CONTINUED
13. LANDSCAPE PLAN: GRAPHIC CALCULATION 1/8"=1'-0"
14. STREET TREE PLAN, HISTORICAL DATA, NOTES
15. NEIGHBORHOOD SITE SURVEY
16. SITE SURVEY AND TOPOGRAPHIC MAP
17. NEIGHBORHOOD SITE SURVEY
- 18.
- 19.

GENERAL INFORMATION

OWNER: TERRAVISTA, LIMITED PARTNERSHIP
PHIL STEWART
3106 ROSELAWN ROAD
SAN ANTONIO, TX 78228
210 922 8700

LOT ADDRESS: 7755 SIERRA MAR DRIVE
LA JOLLA, CA 92037

LEGAL DESCRIPTION:
PORTION OF PUEBLO LOT 1285 OF PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AS DESCRIBED IN DOCUMENT RECORDED JUNE 16, 1971 AS FILED/PAGE NO. 126870 OF OFFICIAL RECORDS, MM 36

APN: 350-272-01

ZONE/OVERLAYS: LA JOLLA SHORES PLAN DISTRICT, SINGLE FAMILY ZONE, COASTAL OVERLAY, COASTAL HEIGHT LIMIT, PARKING IMPACT ZONE, RESIDENTIAL TANDEM PARKING, TRANSIT AREA.

BUILDING TYPE: Type 5-N

YEAR BUILT: 1927 ALL PRE-EXISTING STRUCTURES

STATISTICS

LOT SIZE (8.7 ACRES)	37,799 sq ft
LOT STREET FRONTAGE	467 linear ft
EXISTING RES HABITABLE GROUND LEVEL	5,006 sq ft
EXISTING RES HABITABLE SECOND LEVEL	294 sq ft
TOTAL EXISTING HABITABLE	5300 SF
EXISTING GARAGE & POOL HOUSE	757 sq ft
EXISTING TOTAL EXISTING including garage	6057 sq ft
ADDED HABITABLE ABOVE GRADE	5795 sq ft
ADDED SECOND LEVEL	561 sq ft
ADDED GARAGE AREA	561 sq ft
ADDED TOTAL ABOVE GRADE	6917 sq ft
ADDED AREA SUB-TERRANEAN	6150 sq ft
EXISTING+ADDED ABOVE GRADE	12974 sq ft
EXISTING FLOOR AREA RATIO	16 %
FLOOR AREA RATIO: FAR (omit sub-t)	34 %
(Portions of proposed garage are subterranean and may not count as floor area in the floor area calculation.)	
LOT COVERAGE	30 %

NOTES:

1. Prior to the issuance of any building permit, the applicant shall obtain an Encroachment Maintenance Agreement for the existing buildings, walls and landscape located in Sierra Mar Drive right-of-way.
2. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
3. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
4. Prior to the issuance of any construction permit, the applicant 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.
5. Prior to the issuance of any construction permit, the applicant shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the construction drawings, consistent with the approved Water Quality Technical Report.
6. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevations based on USGS datum is in accordance with the approved Coastal Development Permit exhibits.
7. Prior to issuance of construction permits for grading or building, the Permittee or Subsequent Owner shall submit a landscape plan consistent with Approved Exhibit 'A' (landscape development plan). The planting plan shall show the required 30% landscaped area in a crosshatch pattern and labeled "Landscaped Plan" (LDC 1510.0304 (h)). The plan shall also show the location of the required Street Trees as per Section 142.0610 of the Land Development Code. Public Facilities Regulations.
8. Provide the following notes on the "Landscape Plan": "All of the landscape to meet the 30% area requirement shall be installed as required by the La Jolla Shores Planned District Ordinance (LDC 1510.0304 (h)) prior to final inspection.
9. Any modifications or changes to the "Landscape Plan" and existing or proposed plant material, as shown on the Approved Exhibit 'A' Landscape Development Plan, is permitted provided the resulting landscape meets the minimum area requirement of the La Jolla Shores Planned District Ordinance.

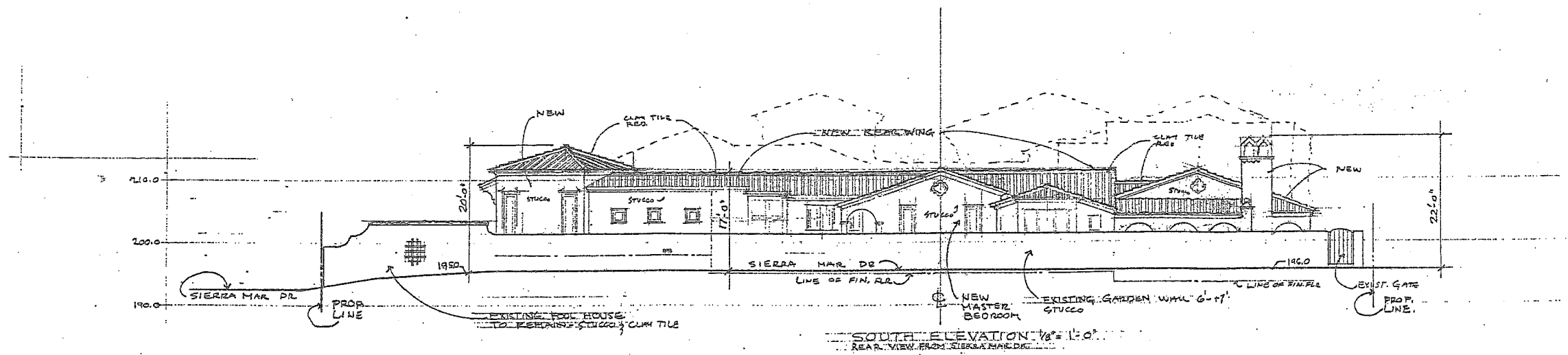
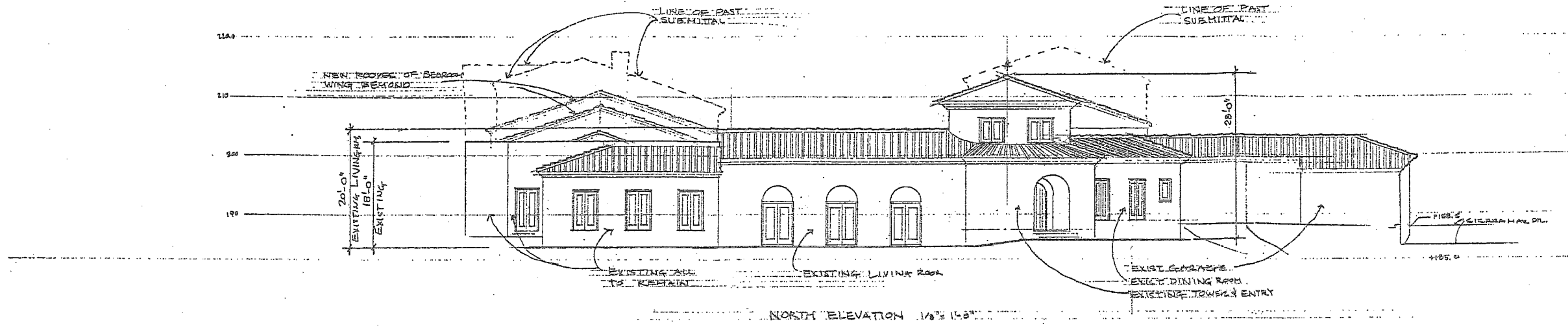
GRADING CALCULATION AND AMOUNTS

1. There are no out or fill amounts that exceed 5 ft outside of the building envelope. No grading permit is needed.
 2. A licensed shoring contractor will be retained and will be responsible for obtaining any permits required.
- | | |
|---|-------------|
| Grading amounts | |
| EXPORT OUTSIDE OF BUILDING FOOTPRINT | 0 |
| EXPORT UNDER BUILDING FOOTPRINT | 2500 CU YDS |
| EXPORT FROM FOOTINGS | 410 CU YDS |
| TOTAL EXCAVATION | 2910 CU YDS |
| MAX. RETAINING OUTSIDE OF BUILDING FOOTPRINT | 4'-11" |
| MAX. DEPTH OF EXCAVATION (including footings) | 15'-5" |

SITE PLAN
7755 SIERRA MAR DRIVE
PROJECT No. 152957

SIERRA MAR

JOHN OLEINIK ARCHITECT
829 VERONA COURT
SAN DIEGO, CA. 92109
PHONE/FAX: 858.488.1221
EMAIL: JOHN@OLEINIKARCHITECT.COM

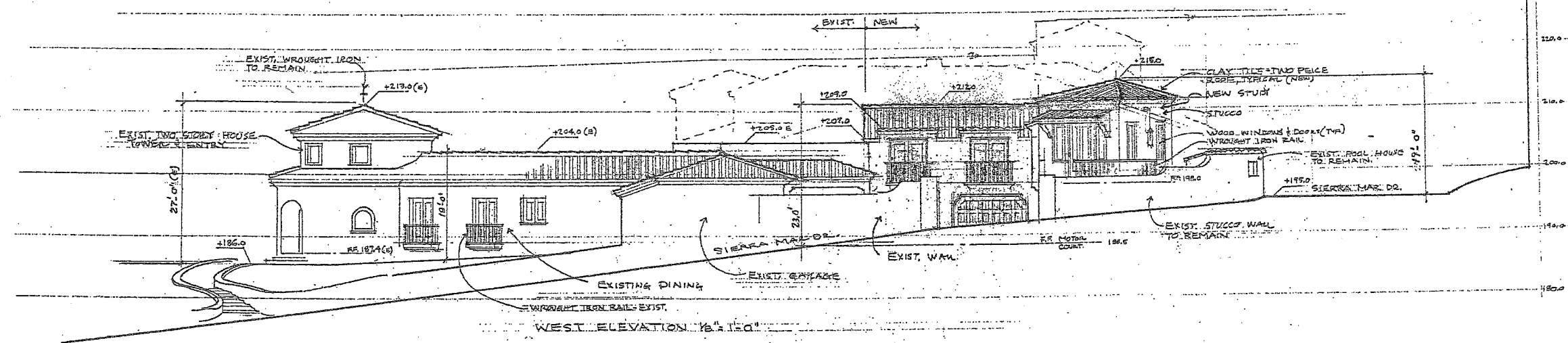
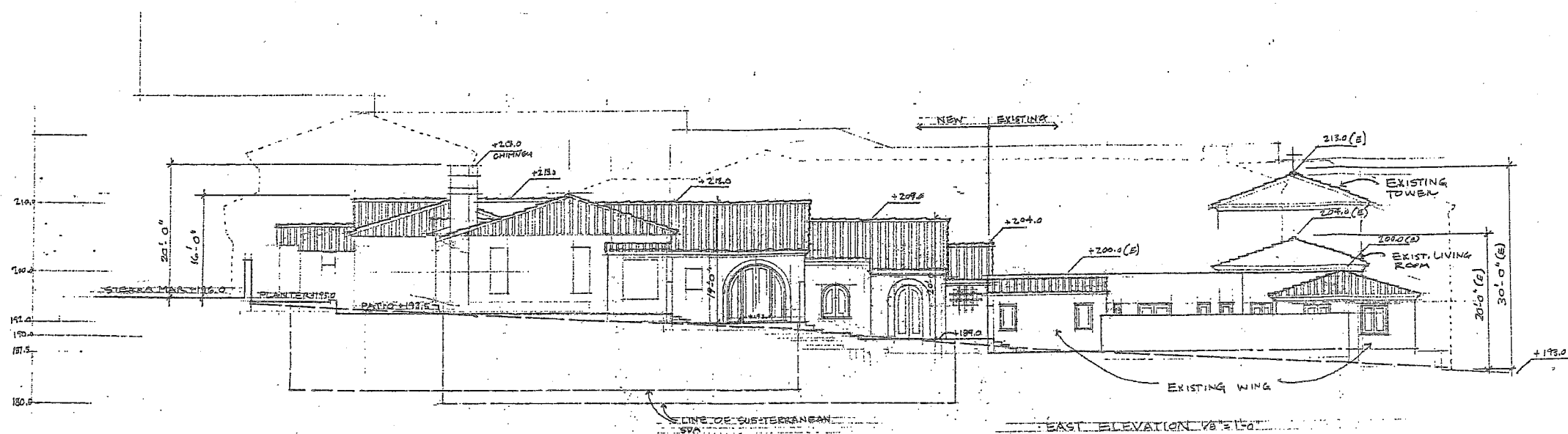


SIERRA MAR

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PHONE: 619.488.2271
EMAIL: JOHNOLEINIK@ATTILINE.NET

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NORTH & SOUTH ELEV.
7155 SIERRA MAR
PROJECT No.: 152957
11.4.11



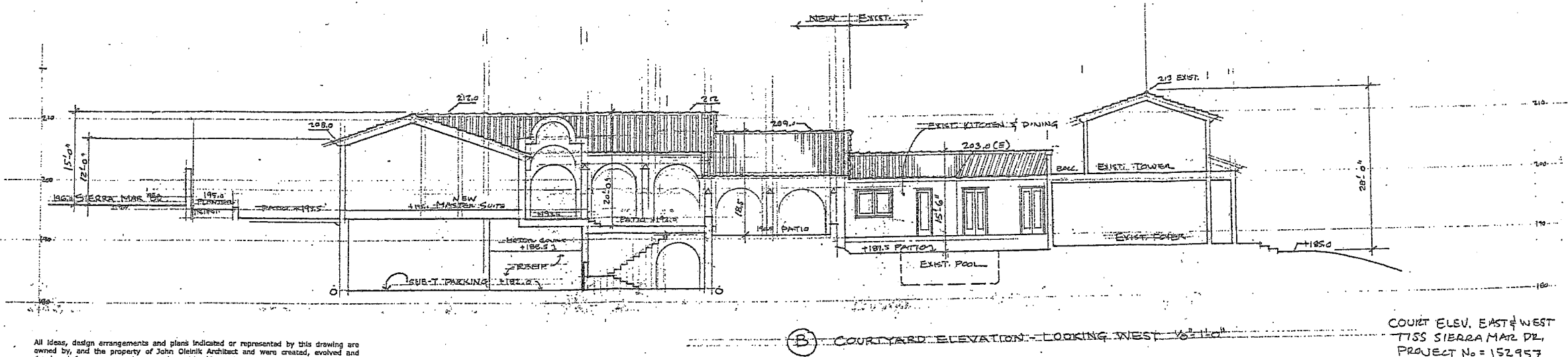
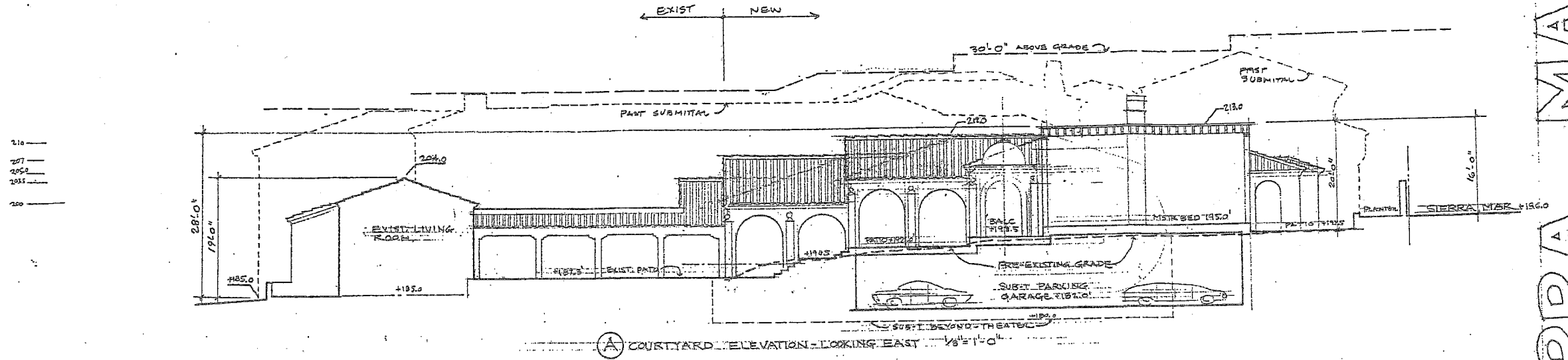
SIERRA MAR

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ARCHITECT
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SAN DIEGO, CA. 92109
PHONE/FAX: 619.488.1221
EMAIL: JOHN@OLENIKARCHITECTURE.COM

EAST & WEST ELEVATION
7155 SIERRA MAR DR.
PROJECT No = 152957
11.4.11

8

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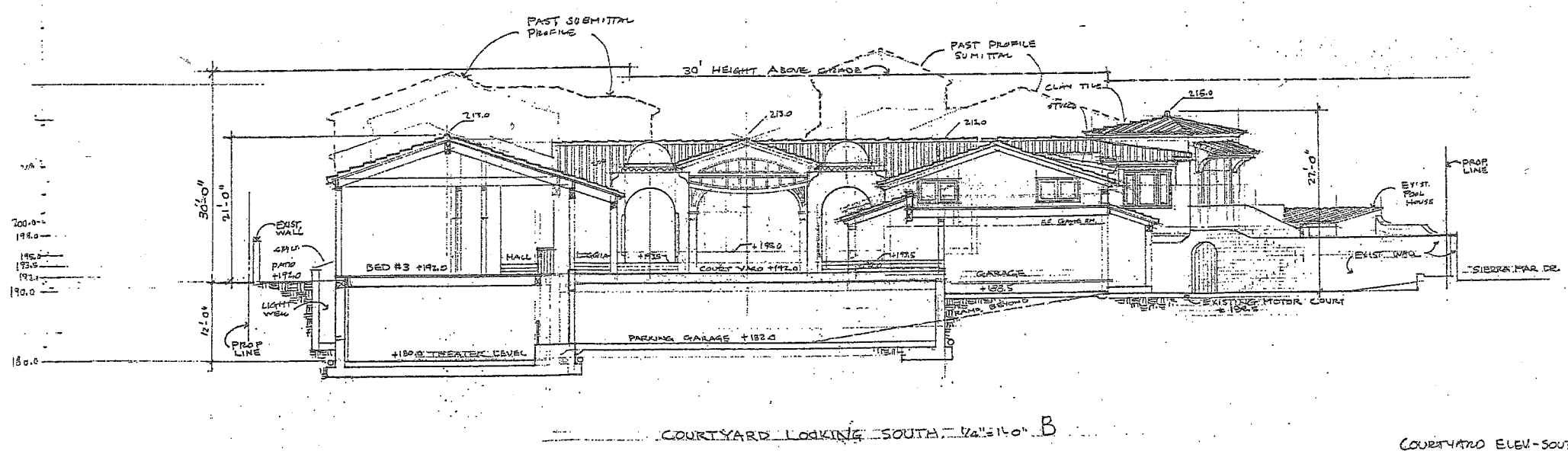
COURT ELEV. EAST & WEST
 TISS SIERRA MAR PL
 PROJECT No = 152957
 11.4.11

SIERRA MAR

JOHN OLEINIK
 ARCHITECT
 829 VERNON COURT
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 PHONE/FAX 619 488 1221
 EMAIL JOHN@OLEINIKARCHITECT.NET



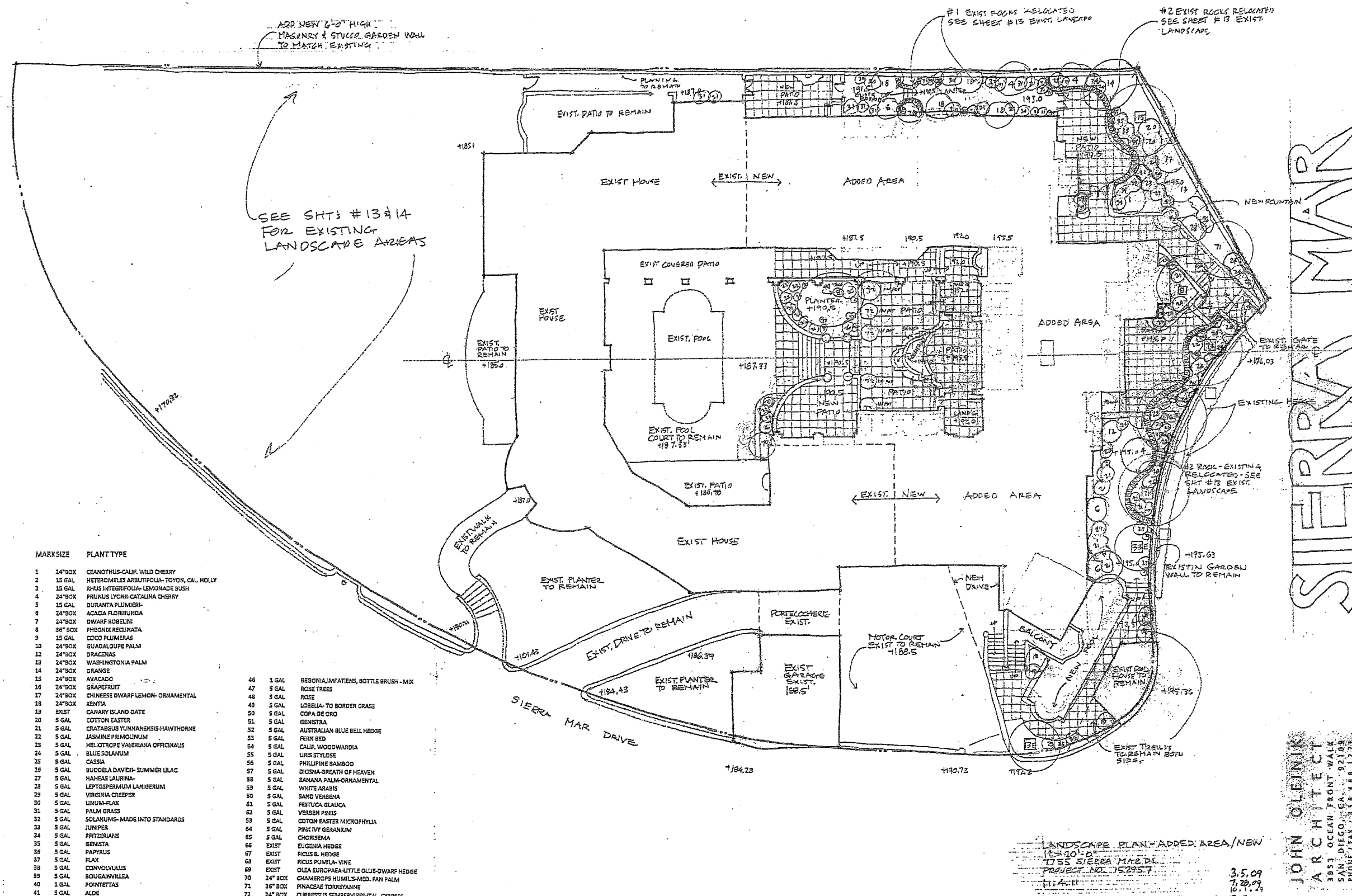
SIERRA MAR



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COURTYARD ELEV-SOUTH
 7755 SIERRA MAR DR.
 PROJECT No-152957
 11.4.11

JOHN OLEINIK
 ARCHITECT
 829 VIKONA COURT
 SAN DIEGO, CA 92109
 PHONE/FAX 619 488 1221
 EMAIL JOHN@OLEINIKARCHITECTURE.NET



MARK SIZE	PLANT TYPE
1	24" BOX CEANOTHUS-CALIF. WILD CHERRY
2	15 GAL HETEROMELES ARBUTIFOLIA-TOYON, CAL. HOLLY
3	15 GAL RHUS INTEGRIFOLIA-LEMONADE BUSH
4	24" BOX PRUNUS LYONII-CATALINA CHERRY
5	15 GAL DURANTA FLUMIERI-
6	24" BOX ACACIA FLORIBUNDA
7	24" BOX DWARF ROSELINI
8	36" BOX PHEONIX RECLINATA
9	15 GAL COCO PLUMERAS
10	24" BOX GUADALOUPE PALM
11	24" BOX DRACENAS
12	24" BOX WASHINGTONIA PALM
13	24" BOX ORANGE
14	24" BOX AVACADO
15	24" BOX GRAPEFRUIT
16	24" BOX CHINESE DWARF LEMON-ORNAMENTAL
17	24" BOX KENTIA
18	EXIST CANARY ISLAND DATE
19	5 GAL COTTON EASTER
20	5 GAL CRATAEGUS YUNNANENSIS-HAWTHORNE
21	5 GAL JASMINE PRIMULINUM
22	5 GAL HELIOTROPE VALERIANA OFFICINALIS
23	5 GAL BLUE SOLANUM
24	5 GAL CASSIA
25	5 GAL BUDDLEIA DAVIDII-SUMMER ULAC
26	5 GAL HAHEAS LAURINA-
27	5 GAL LEPTOSPERMUM LANGERUM
28	5 GAL VIRGINIA CREEPER
29	5 GAL LILYUM-FLAX
30	5 GAL PALM GRASS
31	5 GAL SOLANUMS-MADE INTO STANDARDS
32	5 GAL JUNIPER
33	5 GAL PRITZERIANAS
34	5 GAL GENISTA
35	5 GAL PAPPYRUS
36	5 GAL FLAX
37	5 GAL CONVIVULUS
38	5 GAL BOUGAINVILLEA
39	1 GAL POINTETTAS
40	5 GAL ALDE
41	1 GAL CACTUS
42	5 GAL ALDE-POTTED
43	5 GAL GOLDEN BIGNONIA VEVUSTA
44	5 GAL LIPPIA-GROUND COVER TO WIPE FEET

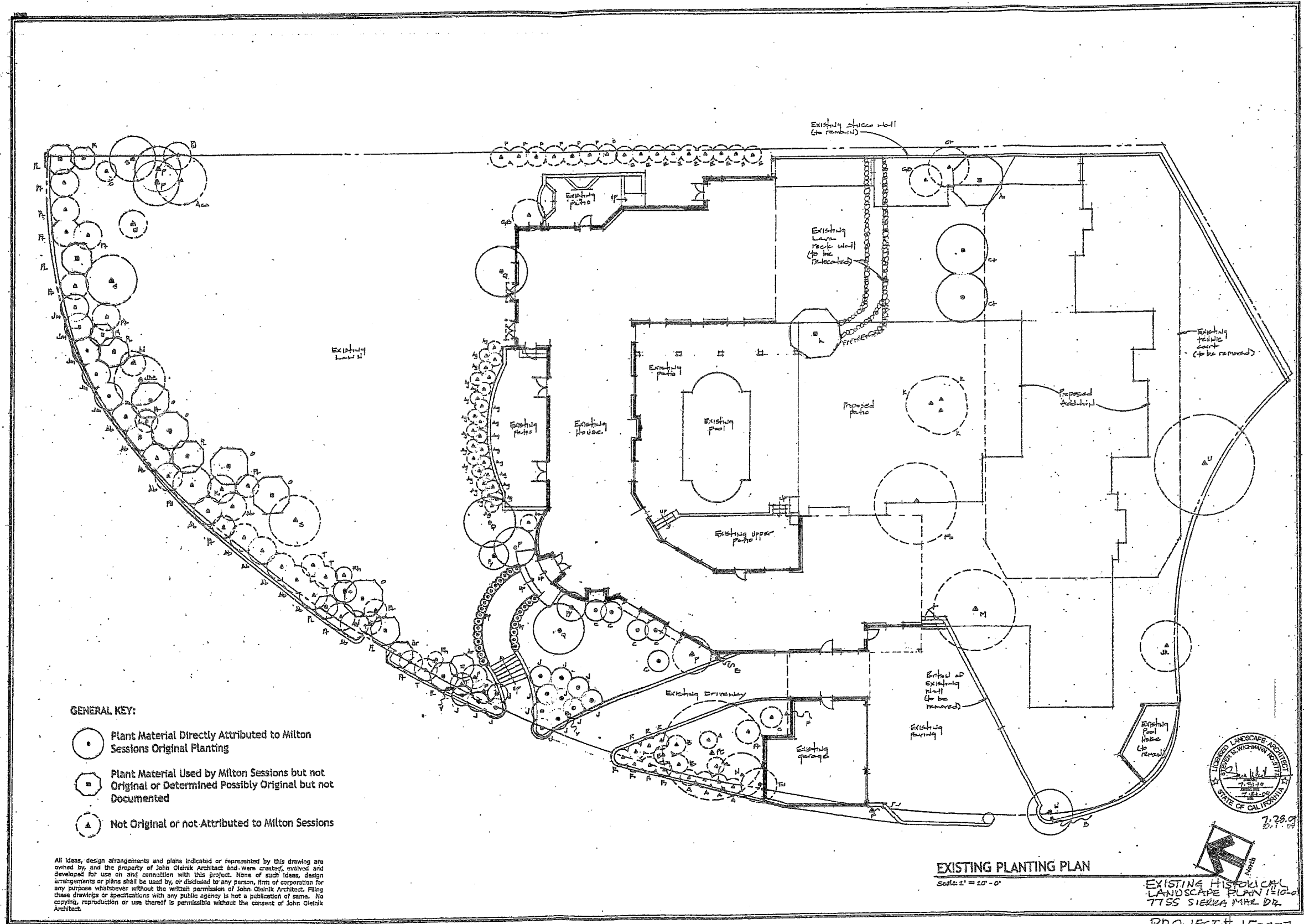
46	1 GAL BEGONIA JIMPATIENS, BOTTLE BRUSH - MIX
47	5 GAL ROSE TREES
48	5 GAL ROSE
49	5 GAL LOBELIA-TO BORDER GRASS
50	5 GAL COPA DE ORO
51	5 GAL GENISTRA
52	5 GAL AUSTRALIAN BLUE BELL HEDGE
53	5 GAL FERN BED
54	5 GAL CALIE, WOODWARDIA
55	5 GAL URUS STYLOSIA
56	5 GAL PHILIPINE BAMBOO
57	5 GAL DIOSMA-BREATH OF HEAVEN
58	5 GAL BANANA PALM-ORNAMENTAL
59	5 GAL WHITE ARABIS
60	5 GAL SAND VERBENA
61	5 GAL PESTUCA GLAUCA
62	5 GAL VERBEN PERIS
63	5 GAL COTON EASTER MICROPHYLLA
64	5 GAL PINK NY GERANIUM
65	5 GAL CHORISEMA
66	EXIST EUGENIA HEDGE
67	EXIST FICUS B. HEDGE
68	EXIST FICUS PUMILA-VINE
69	EXIST OLIA BURCPAIA-LITTLE OLIVE-DWARF HEDGE
70	24" BOX CHAMEROPS HUMILIS-RED. FAN PALM
71	36" BOX PINACEAE TORREYANNE
72	24" BOX CUPRESSUS SEMPERVIRENS-ITAL. CYPRESS
73	36" BOX DRACENAS DRACO
74	24" BOX STRELITZA NICOLA-GIANT BIRD
75	15 GAL STRELITZA REGINAE-BIRD OF P.
76	24" BOX ULMUS PARVIFOLIA-CHINESE ELM

LANDSCAPE PLAN-ADDED AREA/NEW
 1/24/01
 1755 SIERRA MAR DR
 PROJECT NO. 152957
 11.4.11
 3.5.09
 7.28.09
 10.11.09
 9.30.10

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SIERRA MAR

JOHN OLEINIK ARCHITECT
 3857 OCEAN FRONT WALK
 SAN DIEGO, CA 92109
 PHONE: (619) 521-1122
 EMAIL: JOLEINIK@JOLEINIK.COM



GENERAL KEY:

- Plant Material Directly Attributed to Milton Sessions Original Planting
- Plant Material Used by Milton Sessions but not Original or Determined Possibly Original but not Documented
- ▲ Not Original or not Attributed to Milton Sessions

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EXISTING PLANTING PLAN

Scale: 1" = 10'-0"

EXISTING HISTORICAL LANDSCAPE PLAN 1410-0
7755 SIERRA MAR DR.

PROJECT # 152957
11.4.11

STEWART RESIDENCE
7755 Sierra Mar
La Jolla, CA 92037

LANDSCAPE ARCHITECTS
GWD
Gardner Wohlhueter Design
405 Vista Norte, Ste. 6, La Jolla, CA 92037-4902
619-435-0300
www.gwdla.com

DATE	7/28/09	BY	J.O.
DESCRIPTION	EXISTING PLANTING PLAN	DATE	7/28/09
PROJECT	STEWART RESIDENCE	DATE	7/28/09
SCALE	1" = 10'-0"	DATE	7/28/09

Sheet
1 of 1



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 Group / Tony Crisafi, Chair

Address
 P.O. Box 889 La Jolla City State Zip Code Telephone
 CA 92038 858-459-9291 direct

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

Phil Stewart, Owner & John Oleinik, Architect

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
152957	Sept. 26, 2012	Glenn Gargas

Decision (describe the permit/approval decision):
 Hearing Officer Hearing decision was to accept the staff recommendation to approve Coastal Permit No. 800267 and Site

Development Permit No. 541823 and certify the Mitigated Negative Declaration No. 152957 and adopt the Mitigation, Monitoring and Reporting Program despite the recommendations of the planning group.

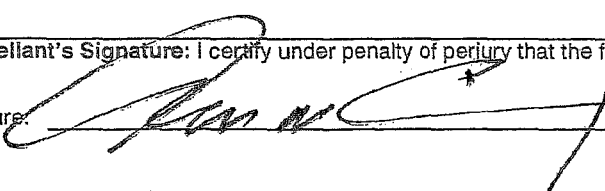
5. Grounds for Appeal (Please check all that apply)

- 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 La Jolla Community Planning Association voted to support the La Jolla Shores Permit Review Committee decision to recommend denial of the project based on bulk, scale and impact on the neighborhood. The La Jolla Community Planning Assoc. recommended that motion by a vote of 10-0-0 at the regular meeting on December 4, 2008. The applicant has not returned to the Community Planning Association to present any new designs and for these reasons and any other potential impacts not known at this time, an appeal of the decision is filed.

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

Signature:  Date: 10-9-12

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 <h1 style="margin:0;">DS-3031</h1> 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: Jeffrey Patterson, Esq., on behalf of client Ms. Barbara Levy Address: c/o Allen Matkins, 501 West Broadway, 15th Fl. San Diego	E-mail Address: JPatterson@allenmatkins.com State: CA Zip Code: 92101 Telephone: (619) 233-1155
--	--

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

4. Project Information Permit/Environmental Determination & Permit/Document No.: CDP & SDP/MND: Project Number 152957	Date of Decision/Determination: September 26, 2012	City Project Manager: Mr. Glenn Gargas
--	---	---

Decision (describe the permit/approval decision):
 Coastal Development Permit & Site Development Permit to construct an approximate 6,917 s.f. addition to an existing approximate 5,300 s.f. residence; a 561 s.f. addition to an existing 757 s.f. garage and pool house; and the addition of a 6,130 s.f. subterranean area. The property is a historically designated resource (HRB Site #866). Project approved.

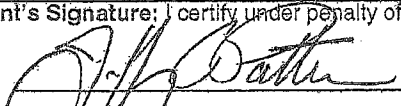
5. Grounds for Appeal (Please check all that apply)

<input checked="" type="checkbox"/> Factual Error (Process Three and Four decisions only)	<input type="checkbox"/> New Information (Process Three and Four decisions only)
<input 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.)

See attached Description of Grounds of Appeal.

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

Signature:  Date: October 9, 2012

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

RECEIVED
 OCT 09 2012
 DEVELOPMENT SERVICES

GROUNDS FOR APPEAL
FROM HEARING OFFICER DECISION ON SEPTEMBER 26, 2012
SIERRA MAR RESIDENCE; PROJECT NUMBER 152957

1. The Hearing Officer relied upon inaccurate statements and/or evidence contained within the Recirculated MND with respect to the City of San Diego's, Historical Resources Board (HRB) Design Assistance Subcommittee (DAS). The DAS failed to properly consider all applicable Secretary of the Interior's Standards for the Rehabilitation of Historic Properties ("Standards") and failed to make the necessary findings with regard to the consistency of the Project with the Standards.
2. The Project description with regard to the size and scope of the Project is deceptive, uncertain and inconsistent.
3. The Hearing Officer's stated findings in approving the Project and avoidance of substantial, adverse impacts to the historical resource are not supported by information provided to the decision maker with respect to CEQA compliance, the City of San Diego's Land Development Code, Historical Resources Guidelines, and the Secretary of the Interior's Standard Nos. 2, 3, 5, 9 and 10.
4. The Hearing Officer's findings do not support the adoption of the Recirculated MND. The written report of expert Bruce Judd, FAIA, constitutes substantial evidence upon which a fair argument can be made that the Project will result in a significant impact to historic resources. For the reasons outlined in correspondence dated September 21, 2012 submitted by Jeffrey Patterson, Esq., to Glenn Gargas, an environmental impact report was required.
5. The Hearing Officer's stated findings in approving the Project and the Recirculated MND are not supported by information provided to the decision maker with respect to the proper evaluation or inclusion of adequate mitigation measures to ensure that the significance of the historical resource would not be impaired, as mandated by CEQA and the City of San Diego's Land Development Code, Historical Resources Guidelines.

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
501 West Broadway, 15th Floor | San Diego, CA 92101-3541
Telephone: 619.233.1155 | Facsimile: 619.233.1158
www.allenmatkins.com

Jeffrey R. Patterson
E-mail: jpatterson@allenmatkins.com
Direct Dial: 619.235.1537 File Number: 370981-00002/SD792683.01

Via Electronic Mail and U.S. Mail

September 21, 2012

Mr. Glenn Gargas
Development Project Manager
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, CA 92101

**Re: September 26, 2012 Hearing Officer Public Hearing;
Sierra Mar Residence; Project No. 152957**

Dear Mr. Gargas:

This firm represents Barbara Levy, the owner of property located on Sierra Mar Drive in La Jolla. The purpose of this letter is to object to the Recirculated Final Mitigated Negative Declaration ("Recirculated MND") for the Sierra Mar Residence project ("Project"), located at 7755 Sierra Mar Drive, La Jolla, California 92037. The Recirculated MND erroneously concludes that the Project will not result in an adverse effect upon historical resources pursuant to the California Environmental Quality Act, California Public Resources Code Sections 21000 *et seq.* ("CEQA").

The Recirculated MND states, "[t]he project plans were thoroughly reviewed by historical staff and the Historical Resources Board Design Assistance Subcommittee (DAS) who provided specific guidance and direction for assuring the projects [sic] conformance with the U.S. Secretary of the Interior Standards. Based on DAS recommendations in 2010, the project was redesigned to remove elements that would have adversely affected the designated resource. With the recent revision to the project scope to address design issues associated with building height, scale and floor area ratio resulting in a reduction of overall square footage, the project was re-evaluated by Historical Resources staff and determined to be consistent with all applicable regulations and guidelines; therefore, no further historic review is necessary and no mitigation required." We disagree.

Accompanying this letter is a report dated September 17, 2012 from the Bruce Judd Consulting Group, which incorporates a prior report dated November 16, 2010, which was previously submitted to you. Mr. Judd is a nationally recognized expert in the field of historic preservation. His report analyzes the Project and concludes that it does not comport with applicable

Mr. Glenn Gargas
September 21, 2012
Page 2

Secretary of the Interior's Standards and will have a significant adverse impact upon the historical resource. The report submitted by Mr. Judd constitutes substantial evidence in support of a "fair argument" that the Project "may have a significant effect on the environment" necessitating the preparation of an EIR. (League for Protection of Oakland's Etc. Historic Resources v. City of Oakland (1997) 52 Cal.App.4th 896, 904-906 [invalidating MND for impacts to historical resource]; Architectural Heritage Assn. County of Monterey (2004) 122 Cal.App.4th 1095, 1110-1112 [similarly invalidating MND]). Consequently, the Project should not be approved, and an environmental impact report (EIR) must be prepared.

Background

In 2010, the applicant proposed to triple the size of the subject historic home (the "Property") to roughly 15,000 square feet. The applicant now proposes to more than double the size of both the main house (from 5,300 to 12,217 square feet) and the garage/pool house (from 757 to 1,318 square feet), for a total of approximately 13,535 square feet. In addition, the applicant proposes to add 6,130 square feet of subterranean area.

The average home size in the neighborhood is 5,900 square feet. The Property was designed in a Spanish Eclectic architectural style by architect Herbert Palmer and built by contractor Frank L. Stimson for original owners, H.R. and Olga McClintock in 1927. Palmer has been acknowledged and accepted by the City of San Diego's Historical Resources Board ("HRB") as a "master architect," which is defined as "a figure of generally recognized greatness in a field, a known craftsman of consummate skill."¹ Palmer's one-story design includes 4,500 square feet of living space on a large (0.93 acre) lot and features a "U"-shaped floor plan with such character-defining features of the Spanish Eclectic style as stucco walls; clay tile roofs; central two-story turret; arched entry door and recessed arched entry; casement windows; tiled terrace; projecting bay; wrought iron "balconets"; porte cochere; detached garage; and extensive landscaping. This latter element was designed by Milton Sessions (nephew of Kate Sessions).² Milton Sessions has been acknowledged and accepted by the HRB as a "master landscape architect."

Historic Designation Of The Property

On May 22, 2008, the Property was considered for historic site designation by the HRB "in conjunction with the owner's desire to have the site designated as a historical resource."³ At this time, the Property was designated as a historical resource by the HRB under HRB Criterion C

¹ City of San Diego, Historical Resources Board, *Guidelines for the Application of Historical Resources Board Designation Criteria*, Land Development Manual, *Historical Resources Guidelines*, Appendix E, Part 2, Adopted August 27, 2009, p.28.

² City of San Diego, Historical Resources Board, HRB Staff Report, Report Number HRB-08-031, May 8, 2008, pp.1-4.

³ HRB Staff Report, Report Number HRB-08-031, p.1.

Mr. Glenn Gargas
September 21, 2012
Page 3

(Architecture) and Criterion D (Master Architect).⁴ At the time of designation, the HRB Staff Report indicated that the "[d]esignation brings with it the responsibility of maintaining the building in accordance with the Secretary of the Interior's Standards" and the "availability of the Mills Act Program for reduced property tax."⁵ Today, the Property is listed as the "H.R. and Olga McClintock/Herbert Palmer & Milton Session House," Historical Landmark #866. In addition, the Property is subject to a Mills Act Agreement.⁶ Recorded on November, 24, 2008, this Agreement allows the property owner to enjoy a reduced property tax value in exchange for the protection and preservation of the "characteristics of historical significance of the Historical Site." In particular, the owner "shall maintain the regulated characteristics of historical significance of the Historic Site in accordance with the rules and regulations published by the Secretary of the Interior." More specifically, the owner "shall consult with and receive approval from the Historical Resources Board staff prior to the design or construction of any site improvements, including but not limited to fencing, hardscape, window modifications, building additions and demolition" and "prior to any significant modifications to the existing landscaping."⁷ Failure to "restore or rehabilitate" the Property as previously cited, could result in a cancellation of the Agreement by the City.⁸

City's Failure to Consider All Applicable Rehabilitation Standards & Make Necessary Findings

According to the Recirculated MND, the Project's new additions to the ground level include two garages with storage, a ramp down to subterranean parking, a breakfast wing, extension of the north bedroom wing, exercise suite, three four-bedroom suites, relocation of existing servant quarters, new courtyards, loggias, and a swimming pool. The Project's new additions to the upper level include two bedroom suites, a new office, and balconies, a master bedroom suite with balconies, and study suite and game room. The new subterranean level will include servants' quarters, a new exercise room, parking area, theater, wine cellar, storage/multi-purpose area, and elevators. The Project also includes a remodel of the existing north bedroom wing and the existing laundry area on the ground level. Further, according to the Recirculated MND, the Project will retain several elements of the historical resource including the south elevation of the house, single-story garage, motor court, porte-cochere, old pool house, pool and pool court, planters, trellis and interior patios, and existing historic landscaping. New "Spanish Eclectic" features proposed for the Project include stucco walls, Mission clay tile roofing, arched frame windows, columns, wrought iron and stucco framed corbels. The Project as currently proposed is generally the same as what was considered by the DAS.

⁴ City of San Diego, *Historical Landmarks Designated by the SD Historical Resources Board*, Updated July 27, 2010, p.121.

⁵ HRB Staff Report, Report Number HRB-08-031, p.4.

⁶ Mills Act Agreement For Historical Resources Site Number 866, 7755 Sierra Mar Drive, San Diego, California 92037, Assessor Parcel Number 350-272-01-00, Recorded on November 24, 2008, Official Records, Document Number 2008-0605872/2516.

⁷ Mills Act Agreement For Historical Resources Site Number 866, Sections 2(a)(i) and (j).

⁸ Mills Act Agreement For Historical Resources Site Number 855, Section 4.

Mr. Glenn Gargas
September 21, 2012

Page 4

At the time the Project was deemed consistent by the DAS on April 7, 2008, the property had not yet been designated by the HRB. Consequently, there was no discussion, analysis, or finding as to how the historical and architectural significance of the property would or would not be impaired by the Project. Had such a determination been made, it would have become apparent that the addition of 6,917 square feet to the existing 5,279 square foot home would have substantially impaired the significance of the resource as an "excellent example of Spanish Eclectic architecture," and as the "notable work" of master architect Herbert Palmer and master landscape architect Milton Sessions. There would have been no question that the Project impairs the original 1927 Spanish Eclectic architecture and impairs the 1927 design/construction as conceived by both Palmer and Sessions.

Nevertheless, at the time that the DAS found the Project to be consistent with the Secretary of the Interior's Standards for Rehabilitation, the record is clear that the DAS failed to properly consider all applicable Rehabilitation Standards and failed to make the necessary findings with regard to the consistency of the Project to all applicable Rehabilitation Standards. As fully outlined in Mr. Judd's reports, the applicable Rehabilitation Standards to have been considered by the DAS include, among others, Standards #2, 3, 5, 9 and 10. In its revised language included in the Recirculated MND, it is apparent that no new analysis has been conducted since the post-2010 revisions to the project. Rather, City staff has simply relied on its prior unsubstantiated determination in connection with the originally proposed project. Having failed to undertake appropriate analysis, the Recirculated MND is not supported by substantial evidence and the City has failed to proceed in a manner prescribed by law.

Lack of CEQA Compliance

Projects that may cause a substantial adverse change in the significance of an historical resource are considered to be projects that may have a significant effect on the environment for CEQA purposes. Public Resources Code §21084.1. A substantial adverse change means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired. 14 California Code of Regulations §15064.5(b)(1). The significance of a resource is materially impaired when the physical characteristics that convey its historical significance and that justify its designation as a historical resource are demolished or materially altered in an adverse manner. 14 California Code of Regulations §15064.5(b)(2). The Project proposes no mitigation with regard to its impact upon the historic resource. The CEQA Guidelines state that a lead agency must identify potentially feasible mitigation measures to mitigate significant adverse changes to the significance of a historical resource. 14 California Code of Regulations §15064.5(b)(4). A significant impact to an historical resource are considered to be mitigated to a less-than-significant level if the mitigation measures follow the standards adopted by the Secretary of the Interior in Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings. 14 California Code Regulations §§15064.5(b)(3), 15126.4(b)(1).

Mr. Glenn Gargas
September 21, 2012
Page 5

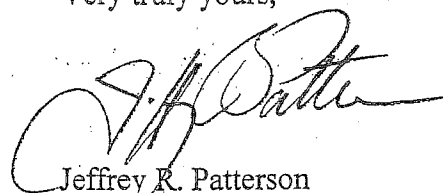
The Project proposes an increase in square footage, more bulk and scale, and the introduction of new physical features while simultaneously removing and/or altering historic fabric present on the historical resource. Mr. Judd concludes that this activity will cause a substantial adverse change to the property and will materially impair the physical characteristics of the property that convey its historical significance and which justify its designation as a historical resource. In particular, the Project will materially impair the historic features of the property which justify its designation under HRB Criterion C (Architecture) and its designation under HRB Criterion D (Work of a Master).

As discussed in detail in the Judd reports, the DAS did not properly consider, or did not consider at all, the Project in relation to all of the applicable Secretary of the Interior's Standards for Rehabilitation. Specifically, the DAS failed to properly consider Standards for Rehabilitation #2, 3, 5, 9 and 10. As such, the Project is not consistent with the Secretary of the Interior's Standards and the Project impact has not been adequately mitigated.

For all the reasons set forth herein, the Hearing Office may not approve the Recirculated Mitigated Negative Declaration or the Project. CEQA mandates the preparation of an EIR which will study alternatives to lessen or avoid the Project's potentially significant effects upon the historical resource.

Thank you for your consideration of these comments.

Very truly yours,



Jeffrey R. Patterson

JRP:ldr
Enclosures

cc: Ms. Barbara Levy, via email w/encls.
Mr. Bruce Judd, via email w/encls.
Robin Madaffer, Esq., via email w/encls.
Scott Moomjian, Esq., via email w/encls.

**Bruce Judd Consulting Group**

Mrs. Barbara Jean Levy
Apt. 9W
2801 Turtle Creek Blvd
Dallas, TX 75219

September 17, 2012

Re: Review of the Revised Sierra Mar Residence Project, No. 152957

Dear Mrs. Levy:

This letter is in response to your request that I review and comment upon the above-referenced and revised project. As you know, I am the principal with the Bruce Judd Consulting Group. Previously, I was the co-founder of Architectural Resources Group in San Francisco in 1980. Over the course of my career, I have directed more than 250 planning, rehabilitation, and expansion projects for architecturally significant buildings throughout the west. I am a nationally recognized expert in the field of historic preservation with extensive experience with the application of The Secretary of the Interior's Standards for Preservation. For eight years I served as a President-appointed Expert Member of the Advisory Council on Historic Preservation (ACHP), the federal agency that oversees and advises on national preservation matters, and participated on the Committee for Preservation and Security for the White House and Capitol. For nine years, I served as a member of the Board of Trustees of the National Trust for Historic Preservation. My qualifications meet The Secretary of the Interior's Historic Preservation Professional Qualifications Standards in Architecture, Historic Architecture, Architectural History, and History. A copy of my Curriculum Vitae is attached to this letter.

I submitted a previous letter to the City dated November 16, 2010 and my comments relating to the specific *Secretary of the Interior's Standards* have not changed from that letter. A copy of my November 16, 2010 letter is attached for your review and is incorporated by reference.

I have reviewed revised design drawings and conclusions that were included as part of the Recirculated Mitigated Negative Declaration (MND) dated July 25, 2012. Although "Figures No. 1 – 6 contain a Site Plan and several elevation drawings, these do not rise to the level of architectural construction drawings or plans and thus, their accuracy is questionable. Nevertheless, the Figures contained in the Recirculated MND reflect proposed additions that more than double the size of the main house and pool



house/garage to a total of over 13,500 gross square feet. The underground portion of the proposed addition will increase the total area even more.

Thus, although the proposed additional square footage has been reduced somewhat, and the height of certain elements has been reduced, it is my professional opinion that the proposed project still does not meet the *Secretary of Interior's Standards and Guidelines for Preservation and Rehabilitation* of historic properties. In particular, the proposed additions overwhelm the original house. While some exterior and interior alterations to a historic building may be needed to guarantee its continued use, it is important that these changes do not drastically change, or destroy character-defining spaces, materials, features, or finishes or overwhelm the massing and scale of an existing resource. This is discussed at length in Standard Number 9 of *The Secretary of the Interior's Standards*, as set forth in detail in my November 16, 2010 report.

It is my professional opinion that the proposed project still needs to be revised to reduce the great size of the proposed addition. Also, the proposed tower should be reduced in height so that it will be lower than the existing tower. The site slopes downward and gives the appearance that the new tower and roof forms are higher than the existing tower.

Please contact me if you have any questions or comments on my observations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce D. Judd'.

Bruce D. Judd, FAIA



Bruce Judd Consulting Group

Jeffrey Patterson, Esq.
Allen Matkins Leck Gamble Mallory & Natsis LLP
501 West Broadway, 15th Floor
San Diego, CA 92101-3541

November 16, 2010

**Re: Review of Sierra Mar Residence Project, La Jolla, CA; Project No. 152957;
Mitigated Negative Declaration/Coastal Development and Site Development Permit**

Dear Mr. Patterson:

This report is in response to your request that I review and comment upon the above-referenced project. As you know, I am the principal with the Bruce Judd Consulting Group. Previously, I was the co-founder of Architectural Resources Group in San Francisco in 1980. Over the course of my career, I have directed more than 250 planning, rehabilitation, and expansion projects for architecturally significant buildings throughout the west. I am a nationally recognized expert in the field of historic preservation with extensive experience with the application of The Secretary of the Interior's Standards for Preservation. For eight years I served as a President-appointed Expert Member of the Advisory Council on Historic Preservation (ACHP), the federal agency that oversees and advises on national preservation matters, and participated on the Committee for Preservation and Security for the White House and Capitol. For nine years, I served as a member of the Board of Trustees of the National Trust for Historic Preservation. My qualifications meet The Secretary of the Interior's Historic Preservation Professional Qualifications Standards in Architecture, Historic Architecture, Architectural History, and History. A copy of my Curriculum Vitae is attached to this letter.

I. Location and Setting

7755 Sierra Mar Drive residence located in La Jolla is a single family residence of approximately 5,006 gross square-feet located in the SF Zone of La Jolla Shores Planned District, Coastal Overlay, Coastal Height Limitation Overlay and is with the La Jolla Community Plan area.

The Property was designed in a Spanish Eclectic architectural style by architect Herbert Palmer and built by contractor Frank L. Stimson for original owners, H.R. and Olga McClintock in 1927. This date of construction is contrary to the date listed twice in the Revised MND, which states that the Property was built in "1929." These errors notwithstanding, Palmer has been acknowledged and accepted by the City of San Diego's Historical Resources Board (HRB) as a "master architect," which is defined as "a

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figure of generally recognized greatness in a field, a known craftsman of consummate skill."

The Property was designed in a "U" shape, of one and two story elements. The character-defining features of this Spanish Eclectic style house include stucco walls; clay tile roofs; a central two-story turret; arched entry door and recessed arched entry; casement windows; tiled terrace; projecting bay; small wrought iron balconies, a porte cochere; detached garage; and extensive landscaping. This latter element was designed by Milton Sessions (nephew of Kate Sessions). Milton Sessions has been acknowledged and accepted by the HRB as a "master landscape architect." The house is located on a 37,790 square foot site sloping to the northwest.

II. Historic Designation and Current Development Proposal

On May 22, 2008, the Property was considered for historic site designation by the HRB "in conjunction with the owner's desire to have the site designated as a historical resource." At this time, the Property was designated as a historical resource by the HRB under HRB Criterion C (Architecture) and Criterion D (Master Architect). At the time of designation, the Property was regarded as qualifying under Criterion C "[a]s an excellent example of Spanish Eclectic architecture retaining a high degree of integrity" and qualifying under Criterion D "[a]s an early and excellent example of the work of Master Architect Herbert Palmer and as a good example of the work of Master Landscape Architect Milton Sessions." Contrary to the Revised MND which indicates that the Property was designated under "Criterion D as the work of Master Architect Herbert Palmer and Master Landscape Architect Milton Sessions," the Property was designated as "an early and excellent" example of Palmers' work as a master architect and a "good example" of Sessions' work as a master landscape architecture. This distinction is important because according to the City's *Guidelines for the Application of Historical Resources Board Designation Criteria*, a "property is not eligible under Criterion D simply because it was designed by a prominent architect, builder, etc. but rather must be the work of a master. Additionally, not all examples of a Master's work are eligible. Criterion D requires that the resource be a notable work of the Master, and that must be clearly demonstrated in the nomination."

The owners are proposing a large, approximately 10,020 square-foot, addition to the house which will then total approximately 15,026 gross square feet. This will triple the size of the house.

The Project's new additions to the ground level include two garages with storage, a ramp down to subterranean parking, a breakfast wing, exercise suite, three bedroom suites, relocation of existing servant quarters, new courtyards, loggias, and a swimming pool. The Project's new additions to the upper level include a master bedroom suite with balconies and study suite, while the new subterranean level will include a parking area, theater, wine cellar, storage/multi-purpose area, and elevators. The Project also includes a remodel of the existing north bedroom wing and the existing area on the ground level. Further, according to the Revised MND, the Project will retain several elements of the historical resource including the south elevation of the house, single-story garage, motor court, porte-cochere, old pool house, pool and pool court, planters,



trellis and interior patios, and existing historic landscaping. New "Spanish Eclectic" features proposed for the Project include stucco walls, Mission clay tile roofing, arched frame windows, columns, wrought iron and stucco framed corbels.

III. Historic Preservation Standards

There are many ways to review historic preservation projects, from restoration to rehabilitation and reconstruction. The 1966 Historic Preservation Act established the National Park Service as the primary agency of the federal government to develop historic preservation standards. In 1977 the National Park Service developed what was to become the country's universally accepted standards and guidelines for treating historic properties. They are called *Secretary of the Interior's Standards (Standards) and Guidelines*. Four different, but similar, sets of standards were written for "Preservation", "Rehabilitation", "Stabilization" and "Reconstruction". By far, the most commonly used are the *Standards for Rehabilitation*. "Rehabilitation" emphasizes retaining and repairing historic materials, with latitude provided for replacement when necessary because it is assumed the property is more deteriorated prior to starting any work. Generally, both the "Preservation" and "Rehabilitation" *Standards* focus attention on the preservation of the materials, features, finishes, spaces, and spatial relationships that, considered together, give a property its historic character. The term "Rehabilitation" is defined by the *Standards* as "the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values."

There are ten *Standards for Rehabilitation*:

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*
2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*
3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*
4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*
5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*
6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.*



Replacement of missing features will be substantiated by documentary and physical evidence.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*
8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*
9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*
10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired."*

The above cited Standards can be found at the following website:
http://www.nps.gov/hps/tps/standguide/rehab/rehab_standards.htm

IV. City of San Diego's Design Assistance Subcommittee

The City of San Diego's HRB includes the Design Assistance Subcommittee (DAS). The DAS is comprised largely of Board members with professional design experience, including architecture; landscape architecture and design. The purpose of the Subcommittee is to provide assistance to owners of historically designated properties in the design of projects impacting designated historical resources and to advise property owners and HRB staff on a project's consistency with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties. The DAS acknowledges the four treatment Standards, including Rehabilitation, Restoration, Reconstruction and Preservation. According to DAS review procedure, "[a]ny project proposing alteration of a designated historical resource should be designed in accordance with these Standards, based upon the objectives of the project."

V. The Sierra Mar Residence Project Before The DAS

A review of DAS Minutes reflects the fact that the Project was reviewed by the DAS a total of three times.

(1) During the first review on March 7, 2007, the proposed project was to "triple the size of the 1927 Herbert Palmer-designed house from 5,200 to 12,000 + sq. ft." This meeting occurred before the property was considered for historic site designation. Subcommittee Members were concerned of the size of the project. They stated, in part, that the "very large addition...will dominate the potential resource," and that the "proposed size of the enlarged house would be problematic, not only with respect to the existing residence, but also with respect to neighborhood compatibility." The consensus of the



Subcommittee Members and HRB Staff was the proposed design "was headed in the right direction, particularly with respect to the location of the new elements and the breakup of massing." However, all stated that the "impact of the new addition needed to be toned down in terms of elements that compete with the original house, the massing, detailing and design." At this meeting, the Project was found to be inconsistent with the Secretary of the Interior's Standards for Rehabilitation.

(2) The Project was again reviewed by the DAS a second time on March 5, 2008. This meeting occurred before the property was considered for historic site designation. During this review, the project proposed to "add 9,444 square feet to an existing 5,279 square foot, potentially historic home....The project [was] referred back to DAS by staff due to concerns related to bulk and scale, competing architectural elements and features, and placement of new construction." HRB Staff's specific concerns with the Project included: "excessive" new square footage which would triple the size of the house and create concern "regarding the overall massing of the project"; an "overwhelming" second-story addition over the existing one-story portion of the house at the northeast corner of the property which was inconsistent with the Standards; a proposed "overly ornate, too tall" open arcade and bridge between the "U"-shaped wings of the house was inconsistent with the historically open "U"-shape of the house; and a proposed square tower element at the rear of the property should be eliminated and "no new tower elements should be incorporated which compete with the historic elements of the house." The Subcommittee Members agreed with HRB Staff's concerns and indicated that the "additions will be overwhelming and overshadow the historic structure," that the massing of the project should be placed at the rear of the property, and that the project did not meet the Secretary of the Interior's Standards "because of the amount of square feet being added." Ultimately, the DAS recommendation was that the Project was inconsistent with the Secretary of the Interior's Standards for Rehabilitation, specifically Standards #2 and #9. This was due to the fact that the Project "adds too much massing, which overwhelms the resource and competes with its relatively simple expression of Spanish Eclectic architecture. The square footage will need to be reduced, or at the very list [sic.] redistributed to reduce its massing."

(3) The Project was reviewed for a third time on April 7, 2008. As with the other two meetings, this third meeting occurred before the property was considered for historic site designation. During this review, the project proposed to add 9,621 square feet to the existing 5,279 square foot home. Despite the fact that at the previous DAS meeting, there was concern over the amount of massing and proposed square footage, the Project by this time actually increased 177 square feet in size. Although the project was redesigned to "pull back" certain elements, Subcommittee Members still expressed concern regarding the heights of the additions as well as visual impacts caused by roof additions. Ultimately, the DAS found the "massing and siting of the additions" to be acceptable, but still requested changes to the project, including changes to the roof form and height, in order to address lingering concerns over visual impacts. According to the DAS Meeting Notes, the Project was found to be "Consistent with the Standards if modified as noted."

The Project as currently proposed is generally the same as what was approved by the DAS. At the time the Project was deemed consistent by the DAS on April 7, 2008, the



property had not yet been designated by the HRB. Consequently, there was no discussion, analysis, or finding as to how the historical and architectural significance of the property would or would not be impaired by the Project.

VI. Analysis of the Proposed Project Using The Standards

When reviewing a proposed project that will have an affect on an historic resource, a review of how the project complies with each of the individual standards can be very helpful and assist in determining if a proposed project overall might have a negative or harmful impact on that resource. Below, I have stated each standard followed by my professional analysis of how the proposed project meets or does not meet that standard.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The property will continue to be used as it was historically, so there is no conflict with this Standard.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

It is important note that with respect to this Standard, there was no explanation by the City's DAS as to how the addition of 9,621 square feet to the existing 5,279 square foot home could "retain and preserve" the Spanish Eclectic historic character of the property. Further, there was no explanation by DAS as to how the Project with its increased square footage, bulk, and scale would avoid altering the "features, spaces, and spatial relationships" of the Property. At no point during DAS deliberations did the Subcommittee explain or otherwise discuss precisely how the Spanish Eclectic historic character of the Property would be retained through the removal of much original historic fabric. Therefore, despite having been deemed consistent with the Standards, the DAS failed to base its approval for the Project by finding that the Project met this Standard. Given the lack of detail presented in the Revised MND, it is impossible for the public or City decision-makers to assess if all the historic character-defining features will be retained.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The photographs and description of the proposed addition indicate that it will have stucco walls, tile roofs and arched arcades. Should the design mimic or



replicate the historic residence it would create a false sense of how the property developed and not meet this standard. An earlier addition on the northwest side of the house is sympathetic but does not mimic the original building.

It is important to note that the City's DAS failed altogether to address how the Project is consistent with this Standard. In particular, there was no explanation as to how the Project, with its increased square footage, bulk, scale, and new physical features would not "create a false sense of historical development." According to the Revised MND, the Project proposes to introduce a number of new Spanish Eclectic architectural elements, including stucco walls, Mission clay tile roofing material, arched windows, columns, wrought iron, and stucco framed corbels. The Revised MND indicates that these elements are meant to compliment not "mimic" the existing Spanish Eclectic style of the house. However, the house currently features many of these same features (stucco walls, clay tile roofing, arched elements, and wrought iron material). Therefore, the addition of these features would, in fact, merely introduce many additional non-original Spanish Eclectic features, thereby creating a "false sense of historical development" and draw heavily from other historic Spanish Eclectic properties with these same elements.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Although it is believed that the few changes that have occurred to the Property over time will be retained, this is not supported or otherwise documented as part of the Revised MND.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Given the lack of information available to the public, it is difficult to determine if any of these will be affected by the proposed large addition. However, it should be pointed out that the City's DAS failed altogether to address how the Project is consistent with this Standard. In particular, there was no meaningful discussion or analysis of the distinctive Spanish Eclectic materials, features, finishes, construction techniques, or examples of craftsmanship which characterize the property, and no explanation as to how the Project would preserve these elements. Review of the Revised MND indicates that the south elevation of the house, single-story garage, motor court, porte-cochere, old pool house, pool and pool court, planters, trellis and interior patios, and existing historic landscaping will be retained. However, the document does indicate whether additional elements of the historical resource will be removed or retained. As such, it is unknown as to the level of preservation necessary to support a finding of consistency under this Standard.



6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

It is not clear from the materials available to the public what level of rehabilitation to the historic house may occur as part of the proposed project. From the "Cultural Resources Report" on the property it seems that the house is in very good condition and has been well maintained.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Using appropriate cleaning treatments can required for approval and easily incorporated into the final project specifications to ensure that the stucco, tiles and other historic materials are not damaged during the construction process.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Archeology has been covered in a number of other documents and steps have been taken to preserve and protect archeological resources should they be found.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

This is the most critical standard relative to this project. The new addition is two times the existing historic building in size and is two stores in height where the existing building is one story. While the Property is on a large lot, the proposed addition will make the house the largest in the neighborhood by far. For comparison, based on the "Neighborhood Site Survey" of properties within 300 feet of the proposed project, the average house size is 5,863 square feet.

While some exterior and interior alterations to a historic building may be needed to guarantee its continued use, it is important that these changes do not



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drastically change, or destroy character-defining spaces, materials, features, or finishes.

The following is from the *National Park Service Guidelines* on how to apply the *Standards*:

"...If, after a thorough evaluation of interior solutions, an exterior addition is still judged to be the only viable alternative, it should be designed and constructed... so that the character-defining features are not radically changed, obscured, damaged, or destroyed.

"Place a ...new addition on a non-character-defining elevation and limit the size and scale in relationship to the historic building."

Do not: *"Design a new addition so that its size and scale in relation to the historic building are out of proportion, thus diminishing the historic character."*

The above cited Guidelines can be found at the following website:

http://www.nps.gov/hps/tps/standguide/rehab/rehab_newadd.htm

It is clear from reviewed the Revised MND that the proposed addition overwhelms the existing historic building both in size and mass. As proposed, the historic house will appear as a like a small part of a much larger, newly constructed building and seem as an after thought.

It is critical to note that with respect to this Standard, there was no explanation made by the City's DAS at the time the Project was deemed consistent with the Standards, as to how the addition of 9,621 square feet to the existing 5,279 square foot home would not "destroy historic materials, features, and spatial relationships that characterize the property." Further, and perhaps more importantly, there was no finding made as to how the "new work" would be "compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." The DAS did not properly consider the size, scale, proportion, and massing the Project would have upon Property, especially in relation to the increase in overall square footage (approximately twice as much as the original home). Further, there was no discussion whatsoever regarding the size, scale, proportion, and massing of the Project upon the integrity of the environment surrounding the Property. The DAS did not take into account the impact the Project would have upon the integrity of the Sierra Mar neighborhood environment which is characterized by much smaller properties with smaller single-family homes.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*



Bruce Judd Consulting Group

It is difficult to determine from the project documents made available to the public if, when removed, the essential form and integrity of the property would be unimpaired. Most of the addition is connected to the historic house at the ends of each historic wing, and as a result the impact will be less than if the addition connected to one of the primary facades.

With respect to this Standard, the City's DAS did not inquire how the "essential form and integrity" of the property and its environment, would not be impaired if the new additions and construction were to be removed at a future date. It is difficult to imagine how the new additions and construction could be removed in the future and not impair the essential "U"-shaped form of the house and affect the historic integrity (including design, workmanship, materials, feeling, and setting) of the property and the Sierra Mar environment. Since the Project contemplates the removal of many original property features and the introduction of new elements, increased square footage, bulk, and scale, there would be no way to effectively remove the work proposed by the Project such that the essential form and integrity of the historic property and its surrounding environment would not be impaired.

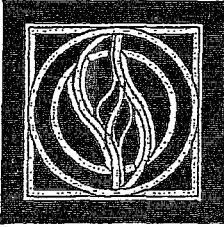
VII. Conclusion

In reviewing the findings, or lack thereof, reached by the City's DAS and analyzing the impact of the proposed project under the *Secretary of the Interior's Standards*, it is my professional opinion that the proposed Project does not comply with the *Secretary of the Interior's Standards* and, as a result, there will be a significant adverse impact on the designated historic resource should the project proceed as proposed. In addition to other identified deficiencies, with regard to Standard #9, the size, bulk and design of the proposed addition will substantially overpower and negatively affect the existing historic residence.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce D. Judd".

Bruce D. Judd, FAIA



Bruce Judd Consulting Group

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BRUCE D. JUDD, FAIA RESUME



Historic Preservation architecture wasn't an established field of practice when Bruce D. Judd, FAIA, co-founded Architectural Resources Group in San Francisco in 1980. Thirty years later, Bruce is considered a pioneer in the field and has a national reputation as a thought leader, experienced practitioner and financial pragmatist. Over the years his clients have learned that when they want their preservation projects to succeed, Bruce's skills are essential to ensure that the project proceeds, from the initial planning processes through construction, with professionalism and integrity, while also meeting the project team's goals. Whether it is guiding the project team through the myriad of governmental agencies at the local, state and national level, or navigating a project team through the internal political environment, Bruce's projects consistently result in satisfied clients. His development projects are profitable to the investors, yet do not compromise the sustainable concepts and ideas that form the foundation of his career.



Office in Seaside, FL

Bruce has directed more than 250 planning, rehabilitation, and expansion projects for architecturally significant buildings throughout the west and is a nationally recognized expert in his field. He has led rehabilitation and new construction projects for library, cultural, and performing arts facilities, including the award-winning master plan and completed renovation and additions to the A. K. Smiley Library in Redlands. He has also directed high-profile projects, including the repair and restoration of the Conservatory of Flowers in Golden Gate Park, seismic retrofit for the block-square Beaux-Arts style City Hall in Pasadena, and restoration work at the Hotel Del Coronado in San Diego.



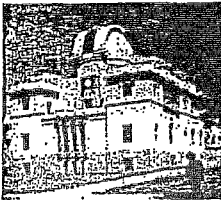
Bruce brings extensive experience with the application of *The Secretary of the Interior's Standards for Preservation*. For eight years he was a President-appointed Expert Member of the Advisory Council on Historic Preservation (ACHP), the federal agency that oversees and advises on national preservation matters, and recently participated on the Committee

for Preservation and Security for the White House and Capitol.

For nine years he was a member of the Board of Trustees of the National Trust for Historic Preservation. Bruce meets *The Secretary of the Interior's Historic Preservation Professional Qualifications Standards* in Architecture, Historic Architecture, Architectural History, and History.

SELECTED RECENT PROJECT EXPERIENCE

- C. S. Lewis College, Survey and Analysis of Campus Resources, Development Recommendations, C. S. Lewis Foundation, Northfield, MA
- California Institute of Technology, Linde + Robinson Laboratory Global Center for Environmental Studies, Pasadena, CA
- Lincoln Place Apartments Renovation, Venice, CA 2008 – present
- Palladium Theater Exterior Restoration, Los Angeles, CA 2007 – 2008
- Sacramento Railyards, Central Shops Rehabilitation, Sacramento, CA
- California State Parks Railroad Technology Museum, Sacramento, CA
- City of Palm Springs, Historic Resource Survey, Palm Springs, CA
- Walking Box Ranch, Historic Preservation Plan, Searchlight, NV
- Mission Inn, Historical Architect for Restoration, Riverside, CA
- Arlington Library, Historical Architect for Restoration and Addition, Riverside, CA
- Hotel Del Coronado, Historical Architect for Restoration and Expansion, Coronado, CA



SELECTED PROFESSIONAL EXPERIENCE

- State of the Parks Advisory Council, National Parks Conservation Association, Member and Former Chairman, 2006-present
- National Trust for Historic Preservation, Member of the Board of Trustees, 1998-2007.
- Advisory Council on Historic Preservation, Member Task Force on Security in the Nation's Capitol, 2001-2005.
- Advisory Council on Historic Preservation, President-Appointed Member, Washington, D.C., 1996-2005.
- First Lady's Millennium Committee to Save America's Treasures, Appointed Member, 1998-2001.
- Chairman, Advisor Emeritus Committee, National Trust for Historic Preservation, 1994-1998.

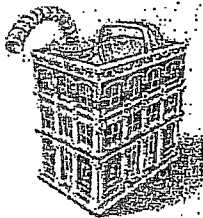


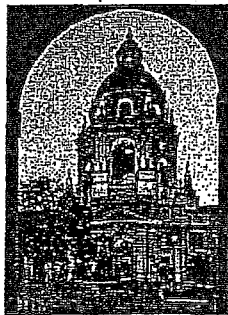
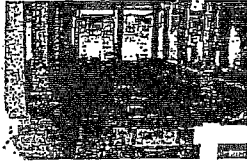


- Board of Advisors, National Trust for Historic Preservation, 1981-1990.
- Elected to College of Fellows, American Institute of Architects, 1993.
- Board of Directors, Preservation Action, Washington, D.C., 1982-1985, 1989-2001.
- Board of Trustees, California Preservation Foundation, San Francisco, CA, 1985-1997.
- Vice President, Board of Trustees, California Preservation Foundation, Oakland, CA, 1990-1992.
- State of California Regional Information Centers Advisory Committee, 1993-1998.
- Board of Directors, Berkeley Architectural Heritage Association, 1993-2003.
- National Historic Resources Committee, AIA, 1981-present.
- Historic Resources Committee, California Council, AIA, 1979-2006.
- State Historical Building Safety Board, State of California, 1991-1993.
- Architectural Research Council, AIA Foundation, Washington, D.C., 1982-1989.
- Board of Directors, Friends of Terra Cotta, 1981-1986.
- State of California Historical Resources Commission, 1982-1986, Chairman 1984-1986.
- Board of Directors, Association for Preservation Technology International, 1983-1985.
- State of California Historical Resources Commission, 1982-1986, Chairman, 1984-1986.

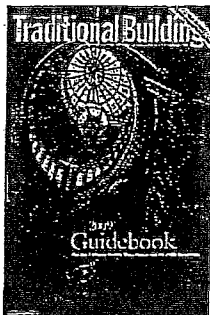
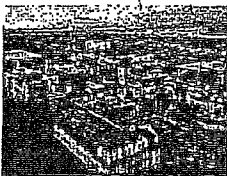
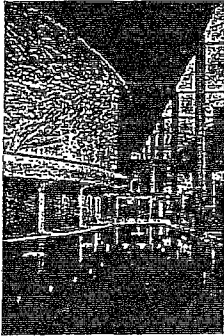
SELECTED REPRESENTATIVE LECTURES

- After the Storm - Lessons Learned from Natural Disasters: Alabama Historical Commission, Mobile, AL
- American Institute of Architects 2009 Annual Convention, Public Architecture Design Workshop - The Public Architect's Role in Creating Successful Historic Preservation Projects: Design Approach, Public Outreach and Sustainability, April 29, 2009
- Keynote Address: "Connecting Historic Preservation and Sustainability", Sixth Annual Forum on Preservation Practice: Sustainability and Preservation, Goucher College, Baltimore, MD, March 20, 2009





- "Historic Preservation as Economic Development", Joint Informational Meeting of the Landmarks Preservation Commission & the Downtown Area Plan Advisory Committee, 2006
- Speaker. "Historic Preservation Pitfalls to Avoid," AIA National Convention (Las Vegas, NV, 2005)
- Speaker. "Design Issues for New Construction Downtown," Urban Design Forum (Pasadena, CA, 2004)
- "Strategies for Historic Preservation: Where Public and Private Interests Meet." *Urban Land* (April 2004): 78-79.
- Speaker. "Future Directions in Historic Preservation," AIA Annual Preservation Recognition Program (Cleveland, OH, 2003)
- Speaker. "Historic Preservation Tax Incentives Programs: National and State Success Stories," AIA National Convention (Charlotte, NC, 2002)
- "Securing Historic Buildings While Preserving Their Character", Second Conference in the Continuing Dialogue on Security for Our Nation's Historic Landscapes, Buildings, and Collections Wednesday, July 24th and Thursday, July 25th, 2002 Cathedral Hill Hotel, San Francisco, CA
- Speaker. "Security Challenges and Working with the Advisory Council on Historic Preservation," National Park Service and General Services Administration Conference on Balancing Public Safety and Protection of Historic Places (San Francisco, CA, 2002)
- Speaker and Panel Member. "Architecture of the Great Society – Assessing the GSA Portfolio of Buildings Constructed During the 1960s and 1970s," General Services Administration Symposium (Yale University and Washington, DC, 2000 – 2001)
- Speaker. "The Art and Science of Preservation," Georgia Trust for Historic Preservation Annual Meeting (Atlanta, GA, 2000)
- Speaker. "Thoughts on Urban Design and Historic Preservation," Pasadena Mayor's Urban Design Forum (Pasadena, CA, 2000)
- Speaker. "Preservation for Profit," Heritage Fall Symposium (San Francisco, CA, 1999)
- Speaker. "Redesigning Architecture: New Architecture and Historic Landmarks," AIA Conference on Design and Landmarks (Washington, DC, 1999)
- Speaker. "The Design Review Process – Examining and Using the Secretary of the Interior's Standards," University of Utah, Department of Architecture (Salt Lake City, UT, 1999)
- Speaker. "Design and Historic Preservation," Seattle AIA Symposium on Design (Seattle, WA, 1999)



- Speaker. "Design and Historic Preservation," Seattle AIA Symposium on Design (Seattle, WA, 1999)
- "The Future of the Recent Past in Architecture." National Park Service Conference. (Mt. Rainier, October 1999)
- "Impacts of Controlled Environment on Building Fabric." AIA National Conference. (San Francisco, May 1998)
- "Solving Design Issues in Historic Development," Tax Incentives for Developing Historic Properties Conference (San Francisco, April 1998 and Chicago, July 1997)
- "The Presidio: The Typical and the Unique in Preservation Planning," Historic Preservation Short Course, University of Southern California (Los Angeles, August 1996 and 1997)
- "Tourism Potential of Historic Resources," National Association of Installation Developers, Annual Conference, Military Base Reuse: the State and Local Response (Sacramento, August 1996)
- "Challenges & Opportunities of Redeveloping Historic Properties at California Base Closure Sites," Historic Preservation Conference, Governor's Office of Planning & Research (San Diego, May 1996)
- "Planning for the Presidio's Future," Preserving the Spirit of the West, Preservation '95 Conference (San Francisco, December 1995)
- Speaker. "Future Directions in Historic Preservation," Building Conservation Society of Northern California (Berkeley, CA, 1998)
- Speaker. "Design, The Secretary of Interior's Standards and the Tax Act," National Park Service Conference on the Historic Preservation Tax Act (San Francisco, CA, 1998)
- "The Mission Inn Rehabilitation, A Case Study in Preservation Philosophy," American Institute of Architects 1994 National Conference (Los Angeles, May 1994)

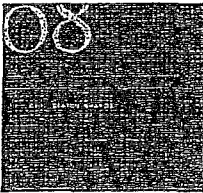
RECENT PUBLICATIONS

- "The Changing Architectural Practice in the Age of Lean - Are sustainability and preservation driving forces in the market, for now and the future? Traditional Building Magazine February, 2009 (<http://www.traditional-building.com/Previous-Issues-09/FebruaryRoundtable09.html>)
- "Recent Projects: Quintessentially California, Project: Pasadena City Hall, Pasadena, CA", Traditional Building Magazine, April, 2008, (<http://www.traditional-building.com/Previous-Issues-08/AprilProject08Pasadena.html>)

- "Seismic Forces: the Architectural Resources Group has fostered a strong sense of tradition on the West Coast while dealing with a broad range of clients and problems – including earthquakes." By *Kim A. O'Connell* (Traditional Building Magazine, October 2007 (<http://www.traditional-building.com/Previous-Issues-07/OctProfile07.htm>))
- "Strategies for Historic Preservation: Where Public and Private Interests Meet." *Urban Land* (April 2004): 78-79.
- Affordable Housing Through Historic Preservation : Bruce D. Judd, Stephen J. Farneth, Susan M. Escherich (Paperback, 2004), (National Park Service, November 1995).
- "Preservation Partners Look to the Next Century." *Forum Journal* Volume 14, (Fall 1999)
- Caring for the Past/ Managing for the Future, Co-author, Advisory Council on Historic Preservation, 2001
- "Preserving the Recent Past: Works by Master Architects",
- "Roundtable: The Changing Architectural Practice in the Age of Lean", Traditional Building Magazine, February, 2009 (<http://www.traditional-building.com/Previous-Issues-09/FebruaryRoundtable09.html>)

RECENT SELECTION PANELS AND DESIGN JURIES

- Member 2008 GSA National Design, Art and Construction Awards Jury, 2008, Washington, DC
- Member GSA Selection Panel for the Department of Homeland Security Headquarters Consolidation at St. Elizabeth's Hospital, Historic Preservation, Adaptive Use and New Construction Project within a National Historic Landmark, National Capital Region, GSA, Washington, DC, 2008
- Member, AIA National Design Awards Jury, 2006
- Save America's Treasures Grant Program Juries, Washington, D. C., 1999, 2000, 2001, 2002
- GSA Tariff Commission Building Design Jury, Washington, D.C., September 1997
- Great American Homes Awards Program Jury, Washington, D.C., 1987-1996
- Design Awards Jury, the American Institute of Architects, Washington, D.C., August 1989



SELECTED HONORS & AWARDS

- Architectural Resources Group - AIA California Council, Firm of the Year, 2006
- Conservatory of Flowers National Honor Award for Architecture, The American Institute of Architects, San Francisco, CA, 2005
- Fellow, American Institute of Architects, 1993
- Preservationist of the Year, 1993
- Outstanding Young Men of America, 1981

EDUCATION

- Master of Architecture, University of California, Berkeley
- Bachelor of Architecture, Dean's Honor List, University of California, Berkeley

REGISTRATIONS

- Registered Architect, State of California No. C-7910
- Registered Architect, State of Arizona, No. 30375
- Registered Architect, State of Oregon, No. 4777
- Registered Architect, State of Nevada, No. 1249
- National Council of Registration Boards, NCARB No. 21447

- Bruce D. Judd, FAIA meets the *Secretary of the Interior's Professional Qualifications Standards* in Architecture and Historic Architecture

EMPLOYMENT

- Bruce Judd Consulting Group, 2010 – present. Principal
- Architectural Resources Group, San Francisco, CA, 1980-2010. Principal
- Charles Hall Page and Associates, San Francisco, CA, 1975-1980. Vice President
- Page, Cloudsley & Baleix, Inc., Architects, San Francisco, CA, 1971-1975. Architect

CITY OF SAN DIEGO
M E M O R A N D U M

DATE: September 24, 2012

TO: Glenn Gargas, Development Project Manger

FROM: Kelley Stanco, Senior Planner, Historical Resources
Myra Herrmann, Senior Planner, Environmental Analysis

SUBJECT: **Response to Public Comment Received Regarding Project Impacts to the Designated Historic Resource Located at 7755 Sierra Mar Drive**

This memo addresses issues raised by Mr. Jeffrey Patterson in his letter dated September 21, 2012, and Mr. Bruce Judd in his letters dated September 17, 2012 and November 16, 2010 regarding proposed project impacts to the designated historic resource located at 7755 Sierra Mar Drive.

In regard to the issues raised by Mr. Patterson, he notes that the property is a designated historic resource (HRB Site #866) and is currently benefitting from a Mills Act Agreement, both of which require any improvements to be reviewed by historic resources staff for consistency with the U.S. Secretary of the Interior's Standards (Standards). This is correct, and the proposed project has been reviewed by historic resources staff and determined to be consistent with the Standards, specifically the U.S. Secretary of the Interior's Standards for Rehabilitation. As such, the property is in compliance with both the Historical Resources Regulations of the Municipal Code and the Mills Act Agreement.

Mr. Patterson also states that review by the Design Assistance Subcommittee (DAS) of the Historical Resources Board (HRB) occurred prior to the designation of the property, and therefore the DAS did not consider the historic significance of the property when reviewing the project. This is incorrect. The DAS reviewed the project over the course of three meetings in 2007 and 2008, during which time they understood that the building appeared eligible for designation for architectural significance as a Spanish Eclectic residence, and as the work of Master Architect Herbert Palmer. Additionally, the DAS conducted an on-site meeting to better understand the resource, its significance, and the impacts of the proposed project. The project was revised several times during the course of these meetings to address issues raised by the DAS, who determined that the project could be considered consistent with the Standards with some additional revisions. The project was revised to address these concerns, and was later modified in scope to further reduce massing and direct physical impacts to the historic building.

Lastly, Mr. Patterson states that impacts to historic resources were not adequately addressed, as the project does not comply with Standards #2, 3, 5, 9 and 10 of the U.S. Secretary of the Interior's Standards for Rehabilitation, and refers to the letters prepared by Mr. Judd. Staff has reviewed the analysis provided by Mr. Judd and disagrees with his conclusions regarding the project's consistency with the Standards as follows.

It should first be noted that Mr. Patterson and Mr. Judd refer primarily to the size of the proposed addition when discussing the project's consistency with the Standards. However, square footage alone does not determine whether or not a project is consistent with the Standards. The Standards do not provide any quantitative limitation on square footage, either in number or percentage. Rather, the Standards require that each historic resource be evaluated individually to identify the significant character defining features and how new improvements could be sited in such a way to minimize or eliminate impacts to these features, while at the same time not overwhelming the massing and character of the resource.

Standard #2: Mr. Judd states that the project does not preserve enough of the historic character, distinctive materials and spatial relationships of the property. The size of the addition is the primary basis for this determination. Additionally, Mr. Judd states that much of the original historic fabric will be removed as a result of the project. Staff disagrees with this analysis. The historic resource is sited on an unusually large lot, nearly a full acre in size. The generous lot size accommodates a larger addition contained in a single story with minimal direct physical impact to the historic resource. The addition will be connected to the rear of the historic building at the ends of the "U"-shaped footprint, requiring just 91 linear feet of demolition on a resource containing 676 linear feet of wall area. The areas proposed for demolition do not contain significant character defining features. Additionally, the vast majority of the single-level addition, with the exception of the square hipped roof at the rear and the chimneys, will have a finish elevation lower than the tower of the existing building. Given the topography of the site and adjacent right-of-way, the additions will not overwhelm the massing of the historic building as perceived from the primary elevations.

Standard #3: Mr. Judd raises concerns that the additions will create a false sense of historical development. Staff disagrees with these concerns. The additions have been designed using compatible materials such as stucco and clay tile roofing to ensure that the project is compatible with the historic materials, consistent with Standard #9. However, the additions have also been differentiated from the original historic materials through the use articulation and features not found on the historic building, such as arches and bracketed shed roofs. Additionally, it will be impossible to exactly match existing historic materials such as roofing, which will create a natural, subtle differentiation. As a result, there will be no confusion between the original, historic portion of the house and later additions. As a designated historic resource, historic resources staff will be involved in review of the building permit application as well, where additional details regarding finish materials will be addressed.

Standard #5: Mr. Judd states that compliance with this Standard, which requires retention of distinctive materials and features, cannot be determined. As stated in the discussion of Standard #2, the project requires minimal demolition of the historical resource, and no significant character defining elements of the building are present at the areas of demolition. Other significant site features dating to the 1927 date of construction and period of significance, including the garage, motor court, porte-cochere, old pool house and historic landscape will be retained.

Standard #9: Again, the primary basis for Mr. Judd's determination that the project does not comply with this Standard is the size of the addition and the issue of material compatibility, which

has been addressed by staff. The relationship of the project to the surrounding neighborhood is not relevant, as the historic resource is limited to the subject parcel and not the neighborhood, which is not a historic district.

Standard #10: Mr. Judd states that it is difficult to determine whether the essential form and integrity of the property would be unimpaired if the new construction were removed in the future. As stated previously, the additions require minimal demolition of the building, which is limited to elevations containing non-character defining features which could be readily reconstructed.

In conclusion, the project was thoroughly reviewed by historic resources staff and the DAS acting in an advisory capacity to staff for consistency with all ten of the U.S. Secretary of the Interior's Standards for Rehabilitation. It was found that the project is consistent with all ten Standards and would not adversely impact the designated historic resource. It was therefore determined that the project is in compliance with the Municipal Code and the Mills Act Agreement, and would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Section 15064.5 of the State CEQA Guidelines.



Kelley Stanco
Senior Planner



Myra Herrmann
Senior Planner

KS/MH

DESIGN ASSISTANCE SUBCOMMITTEE

March 7, 2007, 3:00 pm – 5:30
 4th Floor Conference Room
 City Administration Building
 202 C Street, San Diego, CA

MEETING NOTES

1. ATTENDANCE

Boardmembers:

David Marshall (Chair), Delores McNeely, Otto Emme and John Eisenhart

Staff:

Marianne Greene, City Attorney's Office; Michael Tudury and Cathy Winterrowd, HRB

Guests:

7757 Sierra Mar, La Jolla: Architect John Olenik

1261-63 1538 Kearsarge La Jolla: Architect John Olenik

Nationalhaus Retail/Artist Studios/Residential Project: Architects Graham Downes and Kent Coston

Baldwin Residence: Greg Friesen and Tony Crisafi, Island Architects

4319 Arista Street: Scott Moomjian, attorney; Joan Greenhood, owner

6736 Mission Gorge Road: Architect Ione Steigler; Tomas and Claudia Gonzales, owners

Maryland Hotel Blade Signs: Presented by HRB Staff Mike Tudury on behalf of the owner, Louise Kelley

Other: None (per Meeting Attendance list)

2. Public/Staff Comment

None

3. Projects

- 7757 Sierra Mar, La Jolla:

Architect John Oleinik presented proposed modifications to this potentially historic house on behalf of owner Phil Stewart who was unable to attend. The owner wishes to seek designation and wants to assure that the proposed alterations are consistent with the Secretary of the Interior's Standards for Rehabilitation (the Standards). It was noted that the architect and owner previously met with HRB staff regarding this property.

The architect said that the proposed project on a very large lot in La Jolla will approximately triple the size of the existing 1927 Herbert Palmer-designed house from 5,200 to 12,000 +/- sq. ft.

The landscaping was rumored to have been done by the brother of Kate Sessions.

The tennis court is existing but would be removed, and a portion of the new addition would be located in that area.

Mr. Olenik noted that the original house was to be kept primarily intact, with portions of the addition to be located over some flat roof sections of the existing house. The kitchen is proposed to be remodeled.

The house is sited on a peninsular lot, with three elevations visible. However, the primary area that is visible to the public is the front elevation that currently has a hedge screening a portion of the house and a large front lawn. This would not change, except that the hedge would be trimmed down to a height that would allow better visibility. The other sides of the house are somewhat screened by a 6-7 foot tall stucco site wall or are adjacent to neighboring property.

Board Comment:

Otto Emme stated that the public will be primarily aware of the very large addition, not the original house. He felt that the addition will dominate the potential resource.

Delores McNeely stated that the proposed size of the enlarged house would be problematic, not only with respect to the existing residence, but also with respect to neighborhood compatibility.

John Eisenhart also was concerned with the proposed size of the addition. He stated that it was important to maintain a separation and clarity between the potentially historic house and the proposed new addition. He suggested that the roof massing/height of the garage that is adjacent to the street behind the site wall be reduced.

The DAS unanimously stated that, done correctly, however a very large addition could potentially be consistent with the Standards.

David Marshall said that the keys to meeting the Standards in this case would be the following: A more clear differentiation and separation between the existing house and the proposed addition including a differentiation of building profile and roof forms (not utilizing circular towers that compete with the original tower); a differentiation in detailing; a simplification in the design of the proposed addition that would be clearly new but compatible, and maintain the prominence of the original house.

DAS members and HRB staff both stated that the proposed design was headed in the right direction, particularly with respect to the location of the new elements and the breakup of massing. All stated that the impact of the new addition needed to be toned down in terms of elements that compete with the original house, the massing, detailing and design.

Other Comment:

None.

● 1538 Kearsarge, La Jolla:

On behalf of owner Phil Stewart, architect John Oleinik was looking for guidance from the DAS regarding reversing inappropriate modifications made to this potentially historic house. Building permits were issued for the modifications prior to 2000 so there was no Over-45 review. The owner wishes to seek designation and wants to reverse the inappropriate modifications consistent with the Standards.

Mr. Olenik stated that approximately 4,500 sq. ft had been added to the house, much but not all of it at the rear of the house. He also noted that a substantial amount of the newly-

CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD

DESIGN ASSISTANCE SUBCOMMITTEE

Wednesday, March 5, 2008, at 3:00 PM

5th Floor Large Conference Room

City Administration Building

202 C Street, San Diego, CA

MEETING NOTES

1. ATTENDANCE

Subcommittee Members	John Eisenhart (Chair); Otto Emme; Paul Johnson; David Marshall
Recusals	Johnson (Item 3A); Marshall (Item 3D)
City Staff	HRB Kelley Saunders; Cathy Winterrowd; Jodie Brown; Jennifer Hirsch; Tricia Olsen
City Attorney	Marianne Greene
Guests	Item 3A None Item 3B Jeffrey Shorn, Architect Item 3C Ione Steigler, Architect Item 3D Curtis Drake, Architect; Jim Nicholas, owner Item 3E Alec Zier, designer; John Eberst, owner Item 3F John Oleinik, Architect Item 3G Tony Ciani, Architect; David Schroedl, owner Other Joseph Stanco, DSD

2. Public Comment (on matters not on the agenda)

3. Project Reviews

▪ **ITEM 3A:**

HRB #: 208-321

Address: 2120 K Street

PTS #: n/a

Project Contact: Johnson & Johnson Architecture, on behalf of the owner, Dan Schmitzer

Treatment: Rehabilitation

Project Scope: This rehabilitation project is being brought before the DAS by staff as the result of a code compliance action. The applicant is seeking direction regarding the appropriate design of a front porch and balcony to replace an older, but not original,

Staff Comment:

Staff Member	Comments
Saunders	Staff is requiring that the windows which have been replaced since the designation be replaced with historically appropriate wood frame and sash windows, and that the original porch element present at the time of designation and subsequently removed be reconstructed.

Public Comment: None

Recommended Modifications: Both alternatives as presented are inconsistent with the Standards, specifically Standards #2 and #9. The original house should be retained at least past the two original windows on the west side. A second floor addition would need to be stepped back, limited to the rear half of the structure (no less than 25' from the front elevation), and stepped in from the story below. A deck would be preferable on the backside, but could be on the front if integrated into the structure and not highly visible. All windows which have been replaced since the designation must be replaced with historically appropriate wood frame and sash windows and the original porch element present at the time of designation (and subsequently removed) must be reconstructed based on historic photographs.

Consensus:

- Consistent with the Standards
- Consistent with the Standards if modified as noted
- Inconsistent with the Standards and needs revision and additional review
- Inconsistent with the Standards but is the best feasible alternative
- Inconsistent with the Standards

▪ **ITEM 3F:**

HRB #: n/a

Address: 7755 Sierra Mar Drive

PTS #: 146914

Project Contact: John Oleinik, Architect on behalf of owner, Phil Stewart

Treatment: Rehabilitation

Project Scope: This rehabilitation project proposes to add 9,444 square feet to an existing 5,279 square foot, potentially historic home. The applicant has prepared a historic research report and is pursuing designation of the home. The project was reviewed previously by the DAS in March 2007. The project is being referred back to DAS by staff due to concerns related to bulk and scale, competing architectural elements and features, and placement of the new construction.

Existing Square Feet: 5,279

Additional Square Feet: 9,444

Total Proposed Square Feet: 14,723

Staff Presentation: This rehabilitation project proposes to add 9,444 square feet to an existing 5,279 square foot, potentially historic home. The applicant has prepared a historic research report and is pursuing designation of the home. The property appears to be eligible for designation under HRB Criteria B, C and D and is the work of Master Architect Herbert Palmer and Master Landscape Architect Milton Sessions. The project was reviewed previously by the DAS in March 2007. The project is being referred back to DAS by staff due to concerns related to bulk and scale, competing architectural elements and features, and placement of the new construction. Specifically, staff has the following issues and concerns which staff would like the Subcommittee to discuss and consider: 1) Although staff agrees that there is not a “magic number” in regard to maximum square footage, the project proposes to triple the size of the house, which seems excessive and raises concerns for staff regarding the overall massing of the project. 2) The second story addition over the existing one-story portion of the house at the northeast corner of the property is overwhelming and inconsistent with the Standards. Staff feels that the addition should be stepped back considerably from the historic façade, and ideally built over the new construction and not the original one story portion of the house. 3) The new two story open arcade and bridge between the “U” shaped wings of the house is overly ornate, too tall and inconsistent with the historically open “U”-shape of the house. 4) The square tower element at the rear of the property should be eliminated and no new tower elements should be incorporated which compete with the historic elements of the house.

Applicant Presentation: The applicant provided a model of the proposed project. The house is located on a one acre lot characterized by a large lawn and plantings at the front. In designing the project, the applicant felt it was important to maintain the landscaping and restrict the additions to the rear of the property. Any views to the ocean would be limited to the second story; therefore a second story addition is being added above the existing house at the northeast corner and new two-story elements are being added at either end of the “U”-shaped building. The northeast corner of the property is not visible from the street, and the second story is set back 44’ from the Sierra Mar as it wraps around the property. The bridge connecting the two wings of the house would barely be visible from the street due to the topography. The well-established courtyard is being maintained. The square footage of the proposed addition has been reduced by 2,000 square feet since the project was last reviewed by the DAS.

Q&A:

Subcommittee-member Issue or Question	Applicant’s Response
Is it safe to assume that all second story elements are new with the exception of the turret at the front?	Yes.
What types of spaces are being added?	Bedrooms, library, guest, etc.

Subcommittee Discussion and Comment:

Subcommittee-member	Comments
Emme	Feels that the additions will be overwhelming and overshadow the historic structure. Doesn’t think the additions should be built over the existing structure.

ATTACHMENT 15

Subcommittee-member	Comments
Marshall	<p>The project feels larger than what was reviewed previously. Concerned that it doesn't meet the Standards because of the amount of square feet being added. The applicant has done a good job keeping the additions away from the street. However, the new construction is more ornate than the original and the historic house is becoming subordinate to the new construction. He is most concerned about the addition over the existing house at the north, which encroaches onto the front. He is also concerned about the bridge, which is loud, and asked whether it will be open or enclosed (it will be open). The second floor addition should be pulled back 20'-25' to the backside of the house in-line with the courtyard. The bridge structure should not have a roof and should be limited to a simple railing as opposed to an arcade. The addition over the garage should be pulled back so that it recedes. The tower at the rear is a dominant feature, is highly visible, and should be reduced. The second (new) courtyard competes with the historic courtyard and has eliminated the possibility of limiting the addition to one story. Eliminating the new courtyard could allow some square footage to be reallocated from the second floor to the first, thereby reducing the overall massing.</p>
Eisenhart	<p>Thinks a site visit would be appropriate to better understand the site and the impact of the project on the resource. Agrees with other subcommittee members in regard to the massing. The vocabulary of the architecture is competing with the very simple nature of the original home. The addition should be differentiated, but restrained. He is on the fence about the tower element.</p>
Johnson	<p>Agrees with the general approach of putting the massing at the back. Agrees that the second story addition over the existing first floor at the northeast corner and the addition over the garage should be set/stepped back.</p>

Staff Comment: None.

Public Comment: None.

Recommended Modifications: As currently proposed, the project is inconsistent with the Standards, specifically Standards #2 and #9. The project adds too much massing, which overwhelms the resource and competes with its relatively simple expression of Spanish Eclectic architecture. The square footage will need to be reduced, or at the very least redistributed to reduce its massing. The second floor additions over the existing structure should ideally be set back behind the existing structure, but at the very least stepped back so that the massing recedes. At the northeast corner this may require stepping the addition back 25' or more. The tower at the rear is a dominant feature, is highly visible, and should be reduced. The bridge structure should be simplified and lowered. Preferably, the

bridge should not have a roof and should be limited to a simple railing as opposed to an arcade. A publicly-noticed on-site meeting will be arranged to better understand the site and the project's impacts.

Consensus:

- Consistent with the Standards
- Consistent with the Standards if modified as noted
- Inconsistent with the Standards and needs revision and additional review
- Inconsistent with the Standards but is the best feasible alternative
- Inconsistent with the Standards

▪ **ITEM 3G:**

HRB #: 854

Address: 1821 Torrey Pines Road

PTS #: 59455

Project Contact: Tony Ciani, Architect; on behalf of the owner David Schroedl

Treatment: Rehabilitation

Project Scope: This rehabilitation project proposes to split a lot containing a historically designated house and build a new house on the second lot. The project does not propose any modifications to the existing, historically designated house. The existing lot is 19,790 square feet and would be split into a 8,792 square foot lot fronting onto Torrey Pines Road containing the 2,155 square foot historically designated property; and a 10,998 square foot lot fronting onto City land (an extension of Amalfi Street) containing a new (roughly) 6,000 square foot single family home. The project is being referred to the DAS by staff over concerns related to the proposed lot line and the impact of the new house on the historically designated house as perceived from Torrey Pines Road.

Existing Square Feet: 2,155 (historic house)

Additional Square Feet: 6,000 (new house)

Total Proposed Square Feet: 2,155 (historic house); 6,000 (new house)

Staff Presentation: This rehabilitation project proposes to split a lot containing a historically designated house and build a new (approx 6,000 s.f.) house on the second lot. The project does not propose any modifications to the existing, historically designated house. Staff has determined that, due to the impact to the resource's setting, the lot split will require a Site Development Permit, which could be supported provided that the project is otherwise consistent with the Standards. As currently proposed, the lot split would prohibit the reconstruction of a substantial beam patio structure which was removed prior to the designation. As staff had indicated that the reconstruction of the patio structure would be a condition of any future Mills Act agreement, a lot line configuration which would prohibit this reconstruction will not be supported by staff. The applicant has been directed to redesign the project to allow reconstruction of the patio structure, which may be incorporated as a mitigation measure for this project. Staff also has concerns regarding the massing of the proposed house and the impact of the new house on the historically designated house as perceived from Torrey Pines Road. The applicant has been directed to provide a rendering or perspective to better illustrate the relationship between the structures and the the impact of the new structure on the resource. Finally, although staff has not mentioned this

CITY OF SAN DIEGO HISTORICAL RESOURCES BOARD

SPECIAL OFF-SITE MEETING OF THE DESIGN ASSISTANCE SUBCOMMITTEE

Monday, April 7, 2008, at 11:00 AM

7755 Sierra Mar Drive
San Diego, CA 92037

MEETING NOTES

1. ATTENDANCE

Subcommittee Members	John Eisenhart (Chair); Otto Emme; Paul Johnson; Gail Garbini
Recusals	None
City Staff	
	HRB Kelley Saunders
Guests	
	Item 3A John Oleinik, Architect; Phil Stewart, owner

2. Public Comment (on matters not on the agenda)

3. Project Reviews

▪ ITEM 3A: Estimated time 1 hour

HRB #: n/a

Address: 7755 Sierra Mar

PTS #: 146914

Project Contact: John Oleinik, Architect on behalf of owner, Phil Stewart

Treatment: Rehabilitation

Project Scope: This rehabilitation project was reviewed previously by the DAS in March 2007 and March of 2008. At the March 2008 meeting, the DAS found that the project, as designed, was inconsistent with Standards #2 and #9. The subcommittee directed the applicant to reduce, or redistribute the proposed square footage to reduce its massing; set the second floor additions back behind the existing structure, or at the very least step the additions back (25' or more at the northeast corner) so that the massing recedes; reduce the tower element at the rear; and simplify and lower the bridge structure (which should not have a roof and should be limited to a simple railing). The DAS requested an on-site meeting to better understand the site and the project's impacts. At this meeting, the applicant will present a revised project scope to address the subcommittee's concerns and direction.

Existing Square Feet: 5,279

Additional Square Feet: 9,621

Total Proposed Square Feet: 14,627

Staff Presentation: None

Applicant Presentation: Since the previous review by the DAS, the applicant has made a number of changes to the project scope to address the Subcommittee's concerns and direction. The bridge connecting the two wings has been pushed back 16' and the roof structure has been removed (although the applicant would like the Subcommittee to consider allowing the roof structure due to the lack of visibility); the top level of the square tower was removed and is no longer a tower; the addition at the southwest corner of the house was pulled back behind the carport; and the addition at the northeast corner of the house was pulled back 24' and behind the ridgeline. The applicant would like the Subcommittee to consider allowing a shed roof cover over the proposed balcony at the northeast corner.

Q&A:

Subcommittee-member Issue or Question	Applicant's Response
What is the height of the new second story ridgeline vs. the ridgeline on the original house?	28' vs. 17'
Will the original house be re-stuccoed or re-roofed?	It has already been partially re-roofed due to leaking. The tiles were carefully removed and reused.
Will the ivy on the north face of the house be removed?	No
Will the original palm trees be removed?	No
How will the overgrown landscaping at the property line be treated?	It will be trimmed back, but retained.
How will the interiors be impacted?	The living room, foyer and dining room will be left as is (with the exception of the floors). The kitchen and the butler pantry will be remodeled.
Will the grading and excavation be minimal?	Yes.
Will the second floor addition over the existing first floor on the south elevation be stepped back from the original façade?	No.
What is the pitch of the new roofs?	4:12.
Will the existing wall fountain in the interior courtyard be retained?	Yes.

Subcommittee Discussion and Comment:

Subcommittee Member	Comments
Emme	Pushing the bridge back is a vast improvement. Concerned that the height of the additions, especially at the northeast corner,

ATTACHMENT 15

Subcommittee Member	Comments
	will overwhelm the original house and turret. Expressed concern that the bridge might impact views of the turret from the hills to the east (the architect noted that the elevation point of the bridge will be higher due to topography, but that they will be a similar height, and views should not be significantly impacted). In regard to the south elevation, he has no issue with the large proposed window or the ornamental detailing around the window.
Johnson	Also concerned that the bridge might impact views of the turret from the hills to the east. He would also want to ensure that the railing on the proposed balcony at the northeast corner will be kept below the ridgeline. Recommended that the new second floor walkway and balcony on the interior courtyard either be cantilevered over the existing shed tile roof, or that the balcony and walkway be reduced and portions of the shed tile roof be retained. Concerned about impacts to the original pool house from the new garage and would like to see some separation between the garage and pool house to preserve the façade.
Eisenhart	While the massing and location of the second floor additions are ok, he is concerned about the height, and suggested the possibility of lowering grade and finished floor at the new one and two story portions of the house to reduce the height. The roofline on the northeast corner addition should be changed from a front-facing gable to a hipped roof to reduce the visual impact of the addition (other Subcommittee members strongly agreed). Slight visibility of the proposed balcony railing to the north beyond the existing roofline is ok. A transparent glass wall/railing may be more appropriate. More of the existing site wall at the south elevation should be retained as it curves and heads inward along the driveway to preserve the original aesthetic and sense of enclosure. Very concerned regarding the impacts of the new garage on the existing pool house, and suggested ways of pulling the garage back away from the pool house, lowering the ceiling height and perhaps flattening the roof. (After much discussion, the owner indicated that this garage was not a critical component of his project, and would be willing to eliminate it from the project scope to address the Subcommittee's concerns and reduce impacts to the resource.)
Garbini	Noted that the lava rock wall in the rear yard is original, and likely a feature added by Milton Sessions. The owner indicated that the rock wall would not be retained due to its location. The Subcommittee agreed that documentation of this feature (photos and as-built drawings) would be adequate.

Staff Comment: None.

Public Comment: None

Recommended Modifications: Overall, the massing and siting of the additions is acceptable; however the applicant should attempt to reduce the height of the additions by 2 feet. The roofline at the northeast addition should be changed from a front-gable roof to a hipped roof to minimize the visual impact. Portions of the shed tile roof on the interior courtyard should be maintained on either side of the new cantilevered balcony. The roof structure over the bridge is acceptable, but should be as low as possible with simple wood posts and corbels as opposed to stucco arches. The requested shed roof over the proposed balcony at the northeast corner of the property is not consistent with the Standards. The site wall along the rear and south elevations shall be maintained (at a minimum) from the entry gate at the street to the point just after the first ogee and wall height change. From this point on it shall curve inward as required for clearance (backing-up distance for the new proposed garage.) The proposed 3rd garage adjacent to the original pool house shall be removed from the project scope to preserve the spatial relationship between the house and the pool house. The pool house shall be maintained as is, and the relationship of the house to the original (filled-in) pool shall remain. The outline of the original pool should be preserved.

Consensus:

- Consistent with the Standards
- Consistent with the Standards if modified as noted
- Inconsistent with the Standards and needs revision and additional review
- Inconsistent with the Standards but is the best feasible alternative
- Inconsistent with the Standards

4. Adjourned at 1:00 PM

The next regularly-scheduled Subcommittee Meeting will be on May7, 2008 at 3:00 PM.

For more information, please contact Kelley Saunders at KMSaunders@sandiego.gov or 619.533.6508

DOC # 2008-0324837

ATTACHMENT 16

JUN 17, 2008 12:26 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 0.00

PAGES: 2

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING DEPARTMENT

WHEN RECORDED MAIL TO
HISTORICAL RESOURCES BOARD
SENIOR CLERK
MAIL STATION 4A

5203



FB
NS
NF

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NUMBER R-08052201

HISTORICAL DESIGNATION OF PROPERTY ON

7755 Sierra Mar Drive, San Diego, CA 92037

ASSESSOR PARCEL NUMBER 350-272-01-00

HISTORICAL RESOURCES BOARD NUMBER 866

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

RESOLUTION NUMBER R-08052201
ADOPTED ON 5/22/2008

5204

WHEREAS, the Historical Resources Board of the City of San Diego held a noticed public hearing on 5/22/2008, to consider the historical designation of the **H.R. and Olga McClintock/Herbert Palmer & Milton Sessions House** (owned by Terravista Partners Ltd., 3306 Roselawn, San Antonio, TX 78226) located at **7755 Sierra Mar Drive, San Diego, CA 92037**, APN: **350-272-01-00**, further described as Lot 1285 of the Pueblo Lands of San Diego in the City of San Diego, County of San Diego, State of California; and

WHEREAS, in arriving at their decision, the Historical Resources Board considered the historical resources report prepared by the applicant, the staff report and recommendation, all other materials submitted prior to and at the public hearing, inspected the subject property and heard public testimony presented at the hearing; and

WHEREAS, the property would be added to the Register of Designated Historical Resources as Site No. 866, and

WHEREAS, designated historical resources located within the City of San Diego are regulated by the Municipal Code (Chapter 14, Article 3, Division 2) as such any exterior modifications (or interior if any interior is designated) shall be approved by the City, this includes but is not limited to modifications to any windows or doors, removal or replacement of any exterior surfaces (i.e. paint, stucco, wood siding, brick), any alterations to the roof or roofing material, alterations to any exterior ornamentation and any additions or significant changes to the landscape/site


NOW, THEREFORE,

BE IT RESOLVED, the Historical Resources Board based its designation of the H.R. and Olga McClintock/Herbert Palmer & Milton Sessions House on the following findings: The property was designated under CRITERION C as an excellent example of Spanish Eclectic architecture, and CRITERION D as the notable work of Master Architect Herbert Palmer, with landscaping by Master Landscape Architect Milton Sessions.

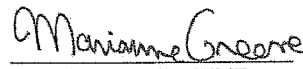
BE IT FURTHER RESOLVED, in light of the foregoing, the Historical Resources Board of the City of San Diego hereby approves the historical designation of the above named property. The designation includes the parcel and exterior of the building as Designated Historical Resource Site No. 866.

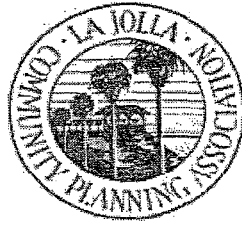
BE IT FURTHER RESOLVED, the Secretary to the Historical Resources Board shall cause this resolution to be recorded in the office of the San Diego County Recorder at no fee, for the benefit of the City of San Diego, and with no documentary tax due.

Vote: 7-0-1

BY: 
JOHN LEMMO, Chair
Historical Resources Board

APPROVED AS TO FORM AND
LEGALITY: MICHAEL AGUIRRE,
CITY ATTORNEY

BY: 
MARIANNE GREENE
Deputy City Attorney



La Jolla Community Planning Association

Regular Meeting – 4 December 2008

Attention: Laura Black, PM, City of San Diego

Project: Sierra Mar Residence PN 152957
7755 Sierra Mar

Motion: To follow the recommendation of the Permit Review Committee to deny based on bulk, scale, and impact on neighborhood. Vote: 10-0-0

Submitted by: *Joseph LaCava* 4 December 2008

Joe LaCava, President, La Jolla CPA Date

LA JOLLA SHORES PERMIT REVIEW COMMITTEE
REPORT for OCTOBER 28, 2008

Denial of project based on bulk and scale and impact on neighbors/neighborhood, 3-0-0.

From: jlacava@san.rr.com
Sent: Friday, October 04, 2013 12:24 PM
To: 'Michelle Meade'; Gargas, Glenn
Cc: 'Helen Boyden'
Subject: RE: Community Group Meeting - Sierra Mar Res. - Project No. 15297

Glenn,

Consider this an ***Unofficial*** notice that the LJCPA recommended approval of the revised project 9-5-1. We will get you official notice and will file it with the Planning Commission secretary as well.

Joe

 Joe LaCava
 Vice Chair, LJCPA
 Office 858.488.0160 | Mobile 619.972.4705

From: Michelle Meade [<mailto:mmeade@islandarch.com>]
Sent: Friday, October 04, 2013 11:47 AM
To: Gargas, Glenn
Cc: Helen Boyden; Joe La Cava
Subject: RE: Community Group Meeting - Sierra Mar Res. - Project No. 15297

Yes, we will make sure you get a formal confirmation. What would be the deadline on that? I know you have to prep for the hearing on Oct. 24th.

Michelle

Michelle (Meagher) Meade



mmeagher@islandarch.com | www.islandarch.com

Email MAIL CONFIDENTIALITY NOTICE: This electronic transmission contains confidential and privileged information from Island Architects, Inc. If you receive this message or any of its attachments in error, please return this transmission to the sender immediately and delete this message from your mailbox. Thank you.

From: Gargas, Glenn [<mailto:GGargas@sanidiego.gov>]
Sent: Friday, October 04, 2013 11:41 AM



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

157957

Project Address:

Part II - 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):
TERRAVISTA PARTNERS, LTD.
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
3306 ROSELAWN RD.
 City/State/Zip:
SAN ANTONIO, TX 78226
 Phone No: (210) 922-8700 Fax No: 3122/08
 Signature: By: Philip W. Neward Date:
 Name of individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

Name of individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:
 Name of individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature: Date:

SIERRA MAR RESIDENCE
Project No. 152957
Project Chronology

Date	Action	Description	City Review Time	Applicant Response
4/21/08	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
5/30/08	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 9 Days	
7/15/08	Resubmitted revised plans	Distributed plans for staff review.		1 Month 15 Days
9/09/08	Second Assessment Letter	Letter identifying remaining issues.	24 Days	
3/09/09	Resubmitted revised plans	Distributed plans for staff review.		6 Months 0 Days
4/24/09	Third Assessment letter	Letter identifying remaining issues.	1 Month 15 Days	
7/28/09	Resubmitted revised plans	Distributed plans for staff review.		3 Months 4 Days
9/09/09	Four Assessment Letter	Letter identifying remaining issues.	1 Month 11 Days	
10/05/09	Resubmitted revised plans	Distributed plans for staff review.		26 Days
11/23/09	Fifth Assessment Letter	Letter identifying remaining issues.	1 Month 18 Days	
8/12/10	Resubmitted revised plans	Distributed plans for staff review		8 Months 18 Days
10/18/10	Sixth Assessment Letter	Letter identifying remaining issues.	2 Months 6 Days	
09/26/12	Hearing Officer	Public Hearing	8 Months 17 Days	
10/24/13	Planning Commission Appeal Hearing	Public Hearing		12 Months 28 Days
TOTAL STAFF TIME		Averaged at 30 days per month	19 Months 26 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		33Months 3 Days

ATTACHMENT 19

TOTAL PROJECT RUNNING TIME		52 Months, 29 Days
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