



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 12, 2019 REPORT NO. PC-20-066

HEARING DATE: November 19, 2020

SUBJECT: KORNBERG RESIDENCE, Appeal of Process Three Decision

PROJECT NUMBER: [624979](#)

REFERENCE: [HO-20-038 Kornberg Residence](#)

OWNER/APPLICANT: Jason Kornberg, Owner and Applicant

SUMMARY

Issue: Should the Planning Commission deny or grant the appeal of the Hearing Officers' decision to approve the demolition of an existing single dwelling unit and construction of a single dwelling unit with a companion unit located at 2605 Ellentown Road in the La Jolla Community Plan and Local Coastal Program Land Use Plan area?

Staff Recommendation: DENY the appeal and affirm the Hearing Officer decision to approve Coastal Development Permit No. 2255718.

Community Planning Group Recommendation: On July 18, 2019, the La Jolla Community Planning Association voted 15-0-1 to recommend approval of the proposed project with no additional conditions.

Environmental Review: A Mitigated Negative Declaration (MND) No. 624979, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A MMRP has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process. On August 19, 2020, the Hearing Officer adopted MND No. 624979 and MMRP and no appeals have been filed on the environmental document.

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

Code Enforcement Impact: None with this application.

Housing Impact Statement: The La Jolla Community Plan and Local Coastal Program Land Use Plan designates the site for Very Low Density Residential (0-5 dwelling units per acre)

and the proposed Project meets the prescribed density. The site is also located in the RS-1-4 (Residential Single Unit) Zone and the proposed single dwelling unit with a companion unit on the approximately 0.3-acre site is consistent with the base zone regulation. The proposed demolition of the existing single dwelling unit and construction of a new single dwelling unit with a companion unit equates to no net loss of housing stock within the community.

BACKGROUND

As detailed in the Report to the Hearing Officer, [HO-20-038 Kornberg Residence](#), the proposed Kornberg Residence Project (Project) is an application for a proposed Coastal Development Permit (CDP) for the demolition of an existing single dwelling unit and construction of a new single-story, 3,911 square-foot, single dwelling unit with an attached 462 square-foot garage and a 701 square-foot companion unit for a total of 4,612 square feet. However, the covered entry and roof deck gross floor area was erroneously not included, but correctly indicated on the Project's development plans provided to the Hearing Officer. The development's new single dwelling unit, with the covered entry and roof deck included, is calculated to be 4,134 square feet for an overall development of 5,297 square feet.

The 0.3-acre Project site is located at 2605 Ellentown Road and the land use designation is Very Low Density Residential (0-5 dwelling units per acre) pursuant to the La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan). The Project site is also located in the RS-1-4 Zone (Residential Single Unit), the Coastal (Appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, First Public Roadway, Residential Tandem Parking Overlay Zone, Parking Impact Overlay Zone (PIOZ) (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ Campus-Impact), and Transit Priority Areas Overlay Zones.

On August 19, 2020, the Hearing Officer considered the Project and adopted the Project's MND No. 624979 and MMRP, and approved CDP No. 2255718. On August 26, 2020, Mary E. Dejong (Dejong) filed an appeal of the Project citing the grounds for appeal due to factual error and new information (Attachment 1). A second appeal was filed on September 1, 2020 by Beth and Marshall Horwitz, c/o D. Wayne Brechtel, ESQ. (Horwitz) citing the grounds for appeal due to factual error and findings not supported (Attachment 2).

PROJECT APPEAL DISCUSSION

The Project's appeal issues are provided below along with the City staff responses:

De Jong Appeal Issue 1: *"The Notice of Public Hearing information used square footage figures that differ from those reviewed by the Planning Department and the SEA Architectural Committee (AC). The discrepancy is a small one, but indicative of the lack of clarity and transparency around the project. Failure of the owner to post story boards has also made it difficult for the AC and neighbors to assess the project.*

Regardless of which numbers are used, the new home, garage and ADU will be almost 250% times the size of the current home and its surrounding neighbors. This data was included in my comments timely filed for the Hearing August 19, but not mentioned by the Hearing Officer.

Summarizing the attached sq.ft. comparisons provided in advance of the Hearing:

- *Current average size of neighboring homes= 2,168 sq.ft.*
- *Proposed house is 4,612 sq.ft. which is a 213% increase over average*

Not included in the Notice of Public Hearing was the fact that the total Floor Area Ratio (including garage, ADU, covered entry and roof deck) is 5,297 sq.ft., a 244% increase over the current home."

City Staff Response: The City's Public Hearing Notice (Notice) for the Hearing Officer meeting included all information required pursuant to San Diego Municipal Code (SDMC) sec. 112.0301(c), Notice of Public Hearing, including the Project's general description of the proposed development, including the square footage and number of dwelling units pursuant to SDMC sec. 112.0301(c)(1)(D). The Notice included a description of the overall developments' 4,612 square feet. However, the covered entry and roof deck gross floor area was erroneously not included, but shown on the Project's development plans provided to the Hearing Officer. The development's overall gross floor area, with the covered entry and roof deck included, is calculated to be 5,297 square feet and as indicated on the development plans. The Project's draft Permit and Resolution has been corrected to reflect the overall development's 5,297 square feet for the Planning Commission's consideration.

The Project site is located in the RS-1-4 Base Zone and allows for a maximum Floor Area Ratio (FAR) of 51% or 6,664 square feet per SDMC Table 131-04J for the site. The Project proposes a FAR of 40% (5,297 square feet) and is below the allowed maximum FAR for the site.

The appellant also includes a table of adjacent existing single dwelling unit square-footage as comparison to the Project. The Project's neighborhood area is exclusively devoted to single-family homes, most of which are one- and two-story structures and vary in size with relatively contemporary architectural styles. The Project is consistent with the type and designation identified in the Community Plan, avoids extreme and intrusive changes to the residential scale of neighborhood, and promotes good design and harmony within the visual relationships and transitions between new and older structures. In addition, the Project complies with the landscape and streetscape guidelines that are identified in City's Landscape Standards, Community Plan's Residential Land Use Element, and in Community Plan's La Jolla Residential Street Tree District 1 recommendations.

De Jong Appeal Issue 2: *"The Hearing Officer dismissed neighbors' privacy concerns by saying they could be addressed by landscaping. It appears the Hearing Officer may have been misled by Mr. Kornberg's architect, Christian Rice, about the status of the landscape plan. Mr. Rice said they have had "multiple conversations with the neighbors [this is true] and have addressed their concerns" [this is not true, as shown by the comments filed by Mr. Shearer and Mr. Horowitz]. His statement also implied that the SEA AC has approved the landscape plan, which it has not."*

City Staff Response: The City of San Diego does not enforce private party agreements, conditions, or standards, such as homeowner association agreements. As noted on the Project's development plans reviewed by the City, the Project does require public right-of-way improvements and proposes landscaping within the public right-of-way. Pursuant to SDMC sec. 142.0402 and SDMC Table 142-04A, Item No. 12, the Project's applicant is required to comply with the requirements for new trees and shrubs planted in the public right-of-way and will be reviewed by the City prior to issuance of

construction permits for the proposed Project. Considering the Project site is not located within or adjacent to the City's Multiple Habitat Planning Area and not subject to land use adjacency guidelines for landscaping, landscaping outside of the public right-of-way and within the site is at the discretion of the developer and not reviewed by the City.

Horwitz Appeal Issue A: *"This appeal is limited to one project element – approval of a parking space within the front yard setback. Appellants respectfully submit that approval of this project element was improper because it was made in reliance on the false representation that the parking space is allowed because it is for the companion unit – a narrow exception to the general prohibition of parking spaces in a front yard setback. In fact, the parking space in the front yard is not for the companion unit. The companion unit has a separate parking space in the back of the property right next to its front door. Had the Hearing Officer been correctly informed of the facts, the parking space in the front yard setback would not have been approved because parking in the front yard setback for anything other than a companion unit is prohibited by the City's development regulations."*

City Staff Response: The Project proposes, in addition to the new single dwelling unit, a 701 square-foot companion unit. Pursuant to SDMC sec. 141.0302 and within the RS-1-4 Base Zone, companion units and junior units are each permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 4 (General and Supplemental Regulations). Pursuant to SDMC sec. 141.0302(a)(7)(C), off-street parking space(s) for the companion unit may be located in any configuration, may be within the setback areas, and may include covered or uncovered parking tandem spaces, or mechanical lifts. Off-street parking space(s) shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. The Project's has been reviewed by City staff and it meets the SDMC parking requirements for single dwelling unit development by providing two off-street parking spaces and one off-street parking space for the companion unit as identified on the Project's plans and consistent with SDMC sec. 141.0302(a)(7)(C).

Horwitz Appeal Issue B: *"The Hearing Officer Was Incorrectly Told By Staff That The Parking Space In The Front Yard Was Permitted Because It Is For a Companion Unit."*

City Staff Response: During the public hearing, the Hearing Officer requested City staff to explain allowing parking within the front yard setback. The City's Planning Review staff informed the Hearing Officer, consistent with SDMC sec. 141.0302(a)(7)(C), off-street parking space(s) for the companion unit may be located in any configuration, may be within the setback areas, and may include covered or uncovered parking tandem spaces, or mechanical lifts. Off-street parking space(s) shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot.

The Project's proposed development has been reviewed by City staff and meets the SDMC parking requirements for single dwelling unit development, and the companion unit parking location, as identified on the Project's development plans, is consistent with SDMC sec. 141.0302(a)(7)(C).

Horwitz Appeal Issue C: *"Staff's Representation To The Hearing Officer Was Factually Incorrect Because The Parking Space For The Companion Unit Is Not In The Front Yard Setback."*

City Staff Response: See above City staff response to Horwitz Appeal Issues A and B.

Horwitz Appeal Issue D: *"The Applicant Later Changed The Project Plans To Represent That The Parking Space For The Companion Unit Was In The Front Yard Setback In An Apparent Attempt To Gain Approval Of A Parking Space That Would Otherwise Not Be Allowed."*

City Staff Response: See above City staff response to Horwitz Appeal Issues A and B.

Horwitz Appeal Issue E: *"Notwithstanding The Applicant's Representations, Common Sense Does Not Have To Leave The Room; The Parking Space Next To The Companion Unit Did Not Go Away."*

City Staff Response: See above City staff response to Horwitz Appeal Issues A and B.

Horwitz Appeal F: *"Approval Of The Parking Space In The Front Yard Setback Violated City Regulations.*

- a. *City regulations generally prohibit parking spaces in front yard setbacks.*
- b. *Parking in setback areas for companion units is a limited exception to the general rule.*
- c. *Because there is a parking space for the companion unit within the rear yard setback, an additional space in the front yard setback is not permitted.*
- d. *Setting Aside The Legal Issues Regarding Where Parking Spaces Are Allowed, There Is No Need For A Parking Space In the Front Yard Setback Because Adequate On-Site Parking Is Provided Outside Of The Front Yard Setback."*

City Staff Response: See above City staff response to Horwitz Appeal Issues A and B.

Horwitz Appeal G: *"The findings by the Hearing Officer are Not Supported by the Facts The resolution approval of the Coastal Development Permit contained the following finding:*

(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... (Hearing Officer Resolution).

The project is not consistent with the zoning code sections that prohibit parking for a single family home within the front yard setback, and therefore there is no support for this finding."

City Staff Response: See above City staff response to Horwitz Appeal Issues A and B.

Conclusion:

City staff has reviewed this Project's application for the CDP and has determined that the Project is consistent with the recommended land use and development standards in effect for the site. Staff has provided draft findings (Attachments 3) and conditions (Attachment 4) to support approval of the Project. Staff recommends that the Planning Commission deny the appeal and affirm the Hearing Officer's decision to approve CDP No. 2255718.

ALTERNATIVES

1. Deny the appeal and affirm the Hearing Officer's decision to approve Coastal Development Permit No. 2255718, with modifications.
2. Uphold the appeal and deny Coastal Development Permit No. 2255718, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Tim Daly
Assistant Deputy Director
Development Services Department

LOWE/tpd

Attachments:

1. Dejong Appeal
2. Horwitz Appeal
3. Draft Permit Resolution
4. Draft Permit with Conditions
5. Report to the Hearing Officer, [HO-20-038 Kornberg Residence](#)



**City of San Diego
Development Services**
1222 First Ave., MS-302
San Diego, CA 92101

**Development Permit/
Environmental Determination
Appeal Application**

**FORM
DS-3031**

November 2017

**In order to assure your appeal application is successfully accepted and processed, you must read and understand
[Information Bulletin 505](#), "Development Permits/Environmental Determination Appeal Procedure."**

1. Type of Appeal: Appeal of the Project
 Appeal of the Environmental Determination

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

Name: Mary E. DeJong E-mail: medejon@aol.com

Address: 1882 18th Avenue City: San Francisco State: CA Zip Code: 94122 Telephone: 415-810-7518

3. Project Name:

Kornberg CDP

4. Project Information

Permit/Environmental Determination & Permit/Document No.: Project 624979 Date of Decision/Determination: 8/19/2020 City Project Manager: Ben Hafertepe

Decision(Describe the permit/approval decision):

Approves removal of mid-1950's single family, single storey home of approximately 2,050 sq.ft. and replacement with a new single storey home with attached garage and an Additional Dwelling Unit (ADU). The new home would have a roof deck that, while under 20 ft in height, would allow line-of-sight into yards and homes of several neighbors.

5. Ground for Appeal(Please check all that apply):

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

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 2 pages attached

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

Signature: Mary E DeJong

Date: 8/26/2020

Note: Faxed appeals are not accepted.

Kornberg Project # 624979 Appeal Application DS-3031 page 2

5. Ground for Appeal

The Appellant and both additional Appellants named below have lived in Scripps Estates Associates (SEA) for many years. Two of us grew up in the neighborhood and still own property there.

New Information:

The Notice of Public Hearing information used square footage figures that differ from those reviewed by the Planning Department and the SEA Architectural Committee (AC). The discrepancy is a small one, but indicative of the lack of clarity and transparency around the project. Failure of the owner to post story boards has also made it difficult for the AC and neighbors to assess the project.

Regardless of which numbers are used, the new home, garage and ADU will be almost 250% times the size of the current home and its surrounding neighbors. This data was included in my comments timely filed for the Hearing August 19, but not mentioned by the Hearing Officer.

Summarizing the attached sq.ft. comparisons provided in advance of the Hearing:

- Current average size of neighboring homes = 2,168 sq.ft.
- Proposed house is 4,612 sq.ft. which is a 213% increase over average

Not included in the Notice of Public Hearing was the fact that the total Floor Area Ratio (including garage, ADU, covered entry and roof deck) is 5,297 sq.ft., a 244% increase over the current home.

Factual Error:

The Hearing Officer dismissed neighbors' privacy concerns by saying they could be addressed by landscaping. It appears the Hearing Officer may have been misled by Mr. Kornberg's architect, Christian Rice, about the status of the landscape plan. Mr. Rice said they have had "multiple conversations with the neighbors [this is true] and have addressed their concerns" [this is not true, as shown by the comments filed by Mr. Shearer and Mr. Horowitz]. His statement also implied that the SEA AC has approved the landscape plan, which it has not.

Co-Appellants:

Benny Chien	2615 Ellentown Road, La Jolla, CA 92037	858-450-9325
Sally Frautschy	18 Seaview Terrace, Santa Monica, CA 90401	301-433-0099

Kornberg project Appeal	Appellants	Mary E. DeJong	<i>Page</i> 3
Project No. 624979		Benny Chien	
Project Name Kornberg CDP		Sally Frautschy	
Applicant Jason Kornberg			
Sq. Ft. from public sources such as Redfin, Zillow and Trulia			
	Sq. Ft.		
2605 Ellentown (project current size)	2048		
Adjacent homes on Ellentown			
2555 Ellentown	1402		
2615 Ellentown	2568		
Homes across street from project			
2534 Ellentown	2359		
2604 Ellentown	2534		
2614 Ellentown	3526		
Asjacent homes behind project			
9420 LJ Shores	1695		
9430 LJ Shores	1591		
9440 LJ Shores	1792		
Average	2168		
DATA FROM PUBLIC NOTICE			
Proposed single dwelling with garage	4612	AC plans show 3,911	
ADU	701		
total	5313		
increase over average neighborhood homes	213%		
DATA FROM SEA ARCHITECTURAL COMMITTEE, 2020-08-25			
house	3449	house & garage =	3,911
garage	462		
ADU	701	same as in Public Notice	
roof deck	489	not included in Public Notice	
covered entry	196	not included in Public Notice	
total	5297		
increase over average neighborhood homes	244%		
			#REF!

	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 November 2017
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In order to assure your appeal application is successfully accepted and processed, you must read and understand [Information Bulletin 505](#), "Development Permits/Environmental Determination Appeal Procedure."

1. Type of Appeal: Appeal of the Project
 Appeal of the Environmental Determination

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

Name:	E-mail:			
Beth and Marshall Horwitz, C/O D. Wayne Brechtel, ESQ.	dwb@wordenwilliams.com			
Address:	City:	State:	Zip Code:	Telephone:
462 Stevens Road, Suite 100	Solana Beach	CA	92075	858-755-6604

3. Project Name:
Kornberg Residence - Project 624979

4. Project Information	Date of Decision/Determination	City Project Manager:
Permit/Environmental Determination & Permit/Document No.:		
CDP 2255718- Process Three Decision by Hearing Officer	8/19/2020	Tim Daly

Decision(Describe the permit/approval decision):
 Approval of a Coastal Development Permit by Hearing Officer for demolition of existing single family unit and construction of a single family unit with a companion unit at 2605 Ellentown Road, La Jolla.
 Appellants' home is adjacent to development. Appellants submitted a letter to the Hearing Officer through their agent and qualify as interested persons.

5. Ground for Appeal(Please check all that apply):

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

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 letter dated 9/1/2020 from Attorney D. Wayne Brechtel, Worden Williams LLP

6. Appella DocuSigned by: Marshall Horwitz der penalty of perjury that the foregoing, including all names and addresses, is true and correct. 9/1/2020

Signature: Beth Horwitz Date: 9/1/2020

Note: Faxed appeals are not accepted.



9/1/2020

Planning Commission/Appeal MS 501
 City of San Diego
 1222 First Avenue, Fifth Floor
 San Diego, CA 92101

Re: Appeal of CDP 2255718
Project Number 624979
Date of Approval: August 19, 2020
Applicant: Jason R. Kornberg
Appellants: Beth and Marshall Horwitz

Dear Members of the Planning Commission:

I represent Beth and Marshall Horwitz (“Appellants”) with regard to their appeal of the Coastal Development Permit referenced above (“Kornberg CDP”).

A. Overview

This appeal is limited to one project element - approval of a parking space within the front yard setback. Appellants respectfully submit that approval of this project element was improper because it was made in reliance on the false representation that the parking space is allowed because it is for the companion unit - a narrow exception to the general prohibition of parking spaces in a front yard setback. In fact, the parking space in the front yard is not for the companion unit. The companion unit has a separate parking space in the back of the property right next to its front door. Had the Hearing Officer been correctly informed of the facts, the parking space in the front yard setback would not have been approved because parking in the front yard setback for anything other than a companion unit is prohibited by the City’s development regulations.

B. The Hearing Officer Was Incorrectly Told By Staff That The Parking Space In The Front Yard Was Permitted Because It Is For a Companion Unit.

Appellants submitted a letter to the Hearing Officer objecting to approval of the parking space in the front yard setback. Appellants would be uniquely impacted by the proposed parking space because of the unusual shape of the Applicant lot. The front yard parking space would not be located in front of the Applicant residence as one would expect. Instead, the parking area would be located in a small triangular area that is in front of Appellants’ home.

Areas Of Practice

Real Estate
 Estate Planning &
 Administration
 Business
 Land Use &
 Environmental
 Litigation
 Public Agency

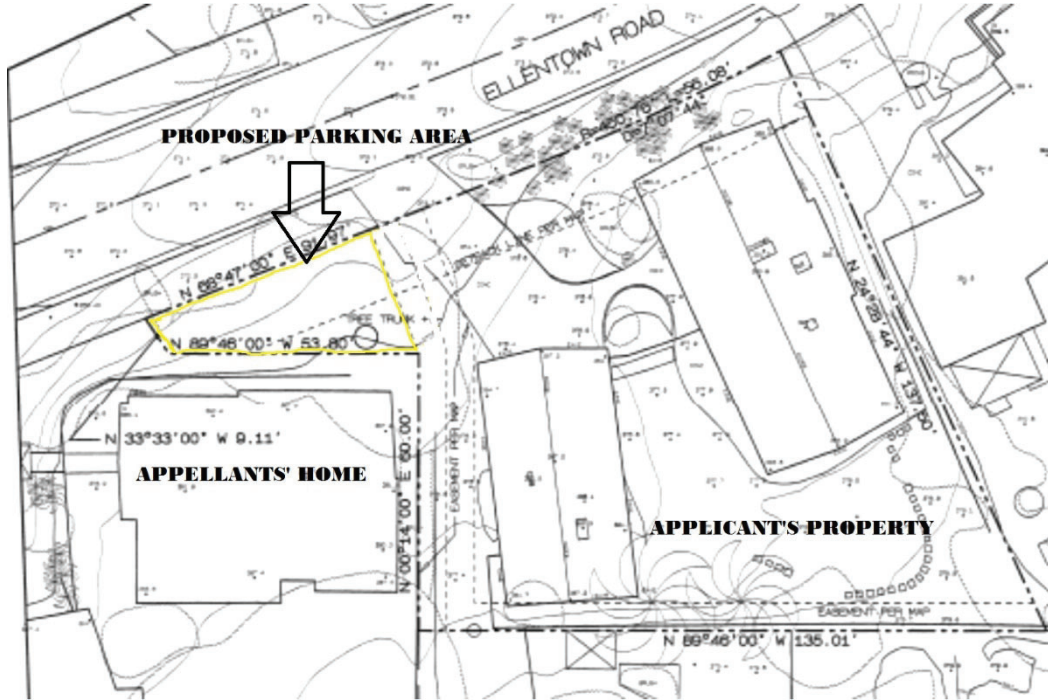
Attorneys

D. Wayne Brechtel
 Kristen McBride
 Jason R. Schingler
 Tomer T. Gutman

D. Dwight Worden
Retired
 W. Scott Williams
Retired

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 Solana Beach
 California 92075
 (858) 755-6604
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Hearing Officer Fernandez reviewed Appellants' letter and asked City Planner Joseph Stanco to address the issues it raised. Mr. Stanco provided the following response with respect to the front yard parking space:

Because the parking is for a companion unit, companion unit parking is permitted within in the front yard setback. That proposed parking is legal as proposed. (Staff Member Stanco Hearing Officer Video at 1:33.19)

That was the end of the discussion, and in reliance on Mr. Stanco's representation, the Hearing Officer approved the project with the parking area in the front yard setback.

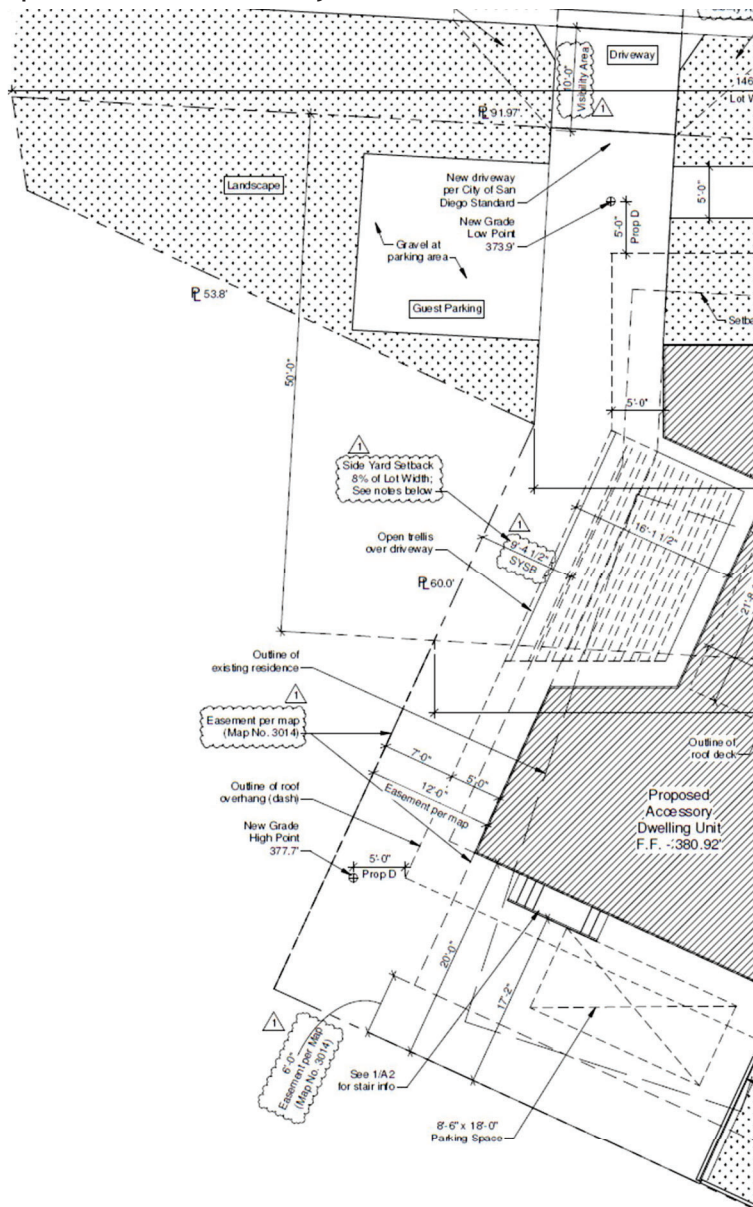
Hearing Officer: Based on the evidence and the correspondence provided, and the testimony of staff, I can make the necessary findings for this project.... (Hearing Officer Video at 1:34:57)

The information provided to the Hearing Officer regarding the location of companion unit parking space was incorrect. As shown below, the parking space for the companion unit is in the rear of the lot right next to the unit's front door.

To be clear, Appellants are not asserting that City Staff intentionally misrepresented facts. As described below, Staff's representation to the Hearing Officer was clearly based upon the Applicant's mischaracterization of the parking space on the project plans.

C. Staff’s Representation To The Hearing Officer Was Factually Incorrect Because The Parking Space For The Companion Unit Is Not In The Front Yard Setback.

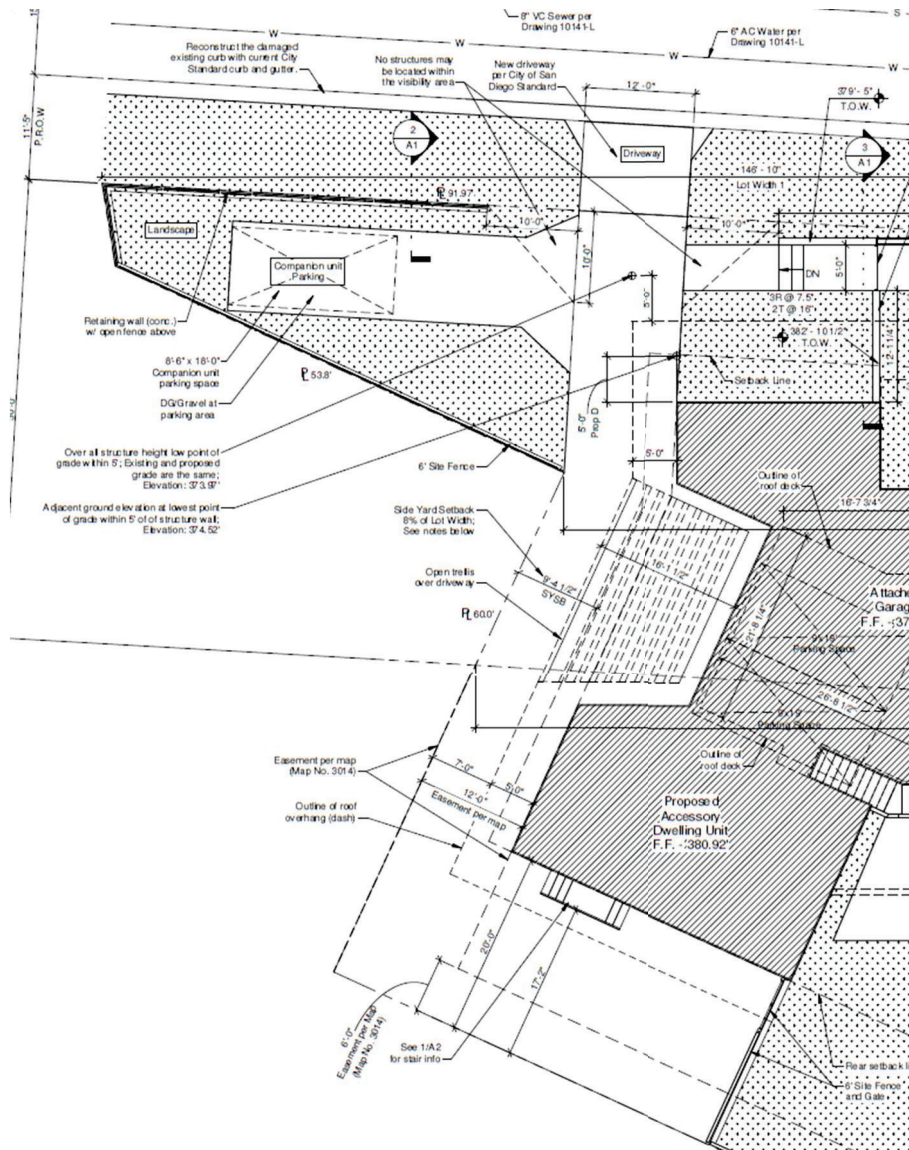
The actual location of the companion unit parking space is clearly shown on an earlier version of the project plans that were provided to the Scripps Estates Associates Homeowners Association (“SEA HOA”) for review in May 2019. As can be seen on the excerpt below, those plans showed the parking space for the companion unit to be in the rear setback area, right next to the companion unit’s front door. In those plans the area next to the companion unit was labeled “Parking Space,” and the parking spot within the front yard setback was labeled “Guest Parking.”



(Project Plans prepared by Christian Rice Architects, dated 2/20/19, Page A1 “Plot Plans”, a full set of the plans is included with this Appeal).

D. The Applicant Later Changed The Project Plans To Represent That The Parking Space For The Companion Unit Was In The Front Yard Setback In An Apparent Attempt To Gain Approval Of A Parking Space That Would Otherwise Not Be Allowed.

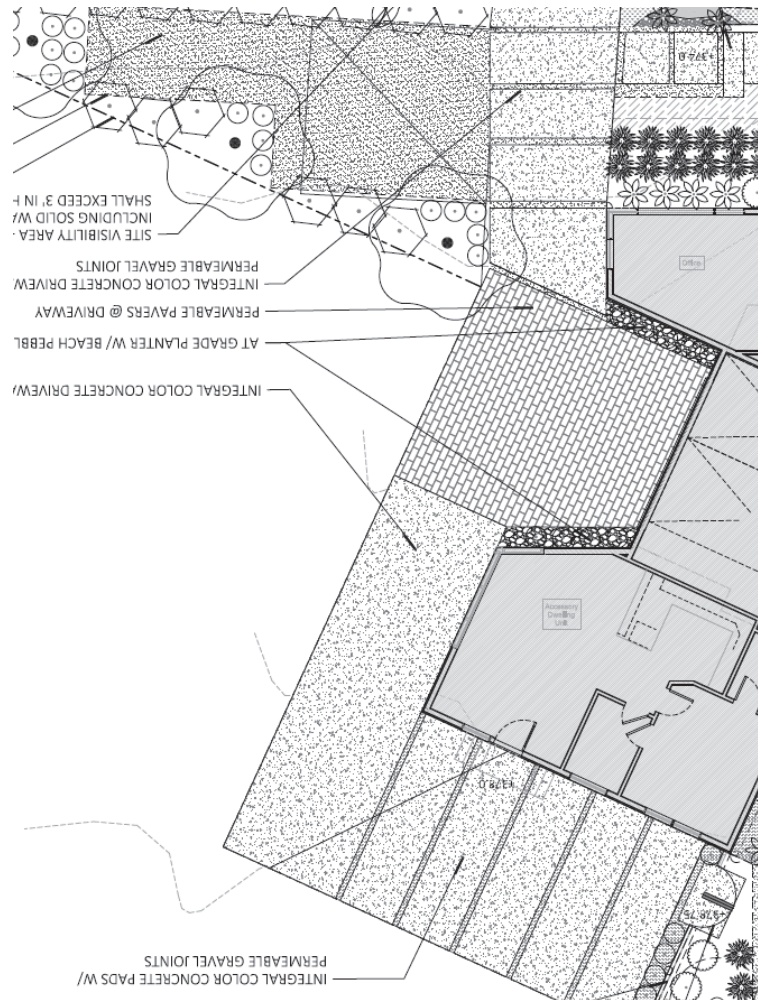
After the project plans were submitted to the SEA HOA for review, they were changed. The area next to the companion unit was no longer labeled as a parking space. The designation of the parking space in the front yard setback, on the other hand, was changed from “Guest Parking” to “Companion Unit Parking”. The length of the parking area was also increased, so that the space could likely accommodate two cars in tandem.



(Plot Plan dated October 17, 2019, Page A1; Hearing Officer Staff Report, Page 44.)

E. Notwithstanding The Applicant's Representations, Common Sense Does Not Have To Leave The Room; The Parking Space Next To The Companion Unit Did Not Go Away.

The parking space next to the companion unit did not move to the front yard setback. Other pages of the current project plan set make clear that the parking area next to the companion unit is still there. For example, the Conceptual Landscape Plan indicates that the area is to be paved with the same concrete used for the driveway.



(Conceptual Landscape Plan, Page L-1; Hearing Officer Staff Report, Page 51.) Grading plans indicate that the driveway and parking area next to the companion unit are to be covered in pavers. (Preliminary Grading Plan, Sheet C2, Revised 4-24-2019; Hearing Officer Staff Report, Page 50.) Regardless of what material is ultimately used, a close review of the current project plans make clear that the area next to the companion unit will serve as the parking space for that unit, not the space further away in the front yard.

F. Approval Of The Parking Space In The Front Yard Setback Violated City Regulations.

The Applicant's misrepresentation of where the parking space for the companion unit is to be located appears to be an attempt to get approval of a parking space that is otherwise not allowed.

a. City regulations generally prohibit parking spaces in front yard setbacks.

The City Code generally prohibits parking within the front yard setback. San Diego Municipal Code (SDMC) Section 142.0510 contains the general parking regulations for the City and prohibits parking in any required front or street side yard with limited exceptions, such as where a particular zone allows for such parking. (SDMC §142.0510 (e)(1)). The project site is in an RS Zone (RS-1-4), which does not allow for parking in front yards.

§131.0447 Maximum Paving and Hardscape in RS Zones

Paving and hardscape on single dwelling unit lots located in the RS zones shall be minimized as follows:

...

(b) Within the required street yard, paving and hardscape shall be limited to:

(1) A driveway with direct vehicular access to required off-street parking spaces located outside of the required setback in accordance with Section 142.0521¹; (Emphasis added)

Another exception to the general prohibition of parking in front yard setbacks is when a garage was converted to habitable space prior to 1992. (SDMC 142.0510 (f)). This exception could not be applicable to this case, given that the existing structures are to be demolished and rebuilt.

b. Parking in setback areas for companion units is a limited exception to the general rule.

City Staff correctly noted that parking in the front yard setback for companion units is an exception to the general rules that prohibit parking in the front yard setback. This limited exception is codified in the State Government Code and the City's Municipal Code.

¹ Section 142.0521 sets parking design requirements for single family dwelling units and specifies that the requirements in Section 142.0520, which prohibits parking in the front yard, must be met.

The State Government Code allows parking for companion units (referred to as Accessory Dwelling Units or ADU's) to be in the setback area as "determined by the local agency":

Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. (Gov. Code 65852.2(a)(1)(D)(x)(II)).

Thus, under State law, the local agency (i.e. the City) is vested with discretion regarding what setback areas are appropriate for companion unit parking.

The City code also provides that parking for companion units may be within setback areas but, again, does not mandate that such spaces be within a front yard setback.

§141.0302 Companion Units and Junior Units

...7

...(C) Off-street parking space(s) may be located in any configuration, may be within the setback areas, and may include covered or uncovered parking tandem spaces, or mechanical lifts. Off-street parking space(s) shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. (Emphasis in original indicating defined terms)

Thus, under both state and local law, the City retains discretion to make the final determination of where a companion unit parking space is to be located. More to the point, the City is not required to accept a clear misrepresentation of the true location of a companion unit parking space. The allowance for companion unit parking in setback area is a limited exception that would be violated if the Applicant is allowed to pretend a parking space right next the companion unit does not exist.

- c. Because there is a parking space for the companion unit within the rear yard setback, an additional space in the front yard setback is not permitted.**

Pursuant to state and local law, onsite parking for each companion unit is limited to one space.

(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. (California Gov. Code 65852.2(a)(1)(D)(x)(I))

Required off-street parking for a companion unit shall not exceed one parking space per unit. (SDMC 142.0302 (a)(7) (D))

Because the required parking space for the companion unit is located in the rear yard right next to the unit, the proposed parking space in the front yard setback cannot be “companion unit parking” as represented to the Hearing Officer. It is additional parking for the primary residence that is not permitted.

- d. **Setting Aside The Legal Issues Regarding Where Parking Spaces Are Allowed, There Is No Need For A Parking Space In the Front Yard Setback Because Adequate On-Site Parking Is Provided Outside Of The Front Yard Setback.**

In the past, the Applicant has suggested that the parking space in the front yard is necessary because parking in the driveway is not allowed because it is part of an access easement that cannot be blocked. Presuming that is correct, adequate onsite parking outside of the front yard setback is still provided.

First, as discussed above, there is a designated area for companion unit parking in the rear yard. This area exclusive of any easements, is approximately 11 feet by 32 feet and likely large enough for more than one car to park². Second, the two-car garage for the main house provides two parking spaces. Finally, the area in front of the garage and outside of the easement areas is approximately 11.5 feet deep and provides two additional parking spaces that could be used by the residents and/or guests. Thus, while the Applicant may desire additional parking spaces in the front yard setback, it is not necessary because the project provides at least five onsite parking spaces that are not in the front yard setback.

G. The findings by the Hearing Officer are Not Supported by the Facts

The resolution approval of the Coastal Development Permit contained the following finding:

(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... (Hearing Officer Resolution)

The project is not consistent with the zoning code sections that prohibit parking for a single family home within the front yard setback, and therefore there is no support for this finding.

H. Conclusion

Appellants request that the Planning Commission grant their appeal and modify the project approval to eliminate the parking space in the front yard setback. This would make the project consistent with City development regulations and correct a

² The Applicant’s Plans show the project’s parking space dimensions to be 8.5 feet by 18 feet in length.

mistake that was based upon incorrect information regarding the actual location of the companion unit parking space.

Respectfully Submitted,

WORDEN WILLIAMS LLP

D. Wayne Brechtel

D. Wayne Brechtel, Esq.

dwb@wordenwilliams.com

PLANNING COMMISSION RESOLUTION NO. XXXXXXXX
COASTAL DEVELOPMENT PERMIT NO. 2255718
KORNBERG RESIDENCE - PROJECT NO. 624979 [MMRP]

WHEREAS, JASON R. KRONBERG, a single man, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single dwelling unit and the construct a new 4,134 square-foot, single-story, single dwelling unit with attached 462 square-foot garage, and a 701 square-foot companion unit for a combined 5,297 square feet. The 0.3-acre project site is in the (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2255718), on portions of a 0.3-acre site;

WHEREAS, the project site is located at 2605 Ellentown Road, San Diego, CA 92037 in the RS-1-4 Zone, the Coastal Overlay Zone (Appealable), the Coastal Height Limitation Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Parking Impact Overlay Zone (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ-Campus-Impact), and the Transit Priority Area Overlay Zones within the La Jolla Community Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Lot 42 of Scrips Estates Associates Subdivision, according to Map thereof No. 3014, filed in the Office of the County Recorder of San Diego County, July 22, 1963;

WHEREAS, on August 19, 2020, the Hearing Officer of the City of San Diego considered Mitigated Negative Declaration (MND) No. 624979, the Mitigation Monitoring and Reporting Program (MMRP), and Coastal Development Permit No. 2255718, and pursuant to Resolution No. HO-7239-1, adopted the MND and MMRP and approved the Permit; and

WHEREAS, Mary E. Dejong, and Beth and Marshall Horwitz c/o D. Wayne Brechtel, ESQ., filed separate appeals of the Hearing Officer decision to approve the Permit to the Planning Commission of the City of San Diego (Appeals); and

WHEREAS, on November 19, 2020, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 2255718 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it denies the Appeals, affirms the Hearing Officer's decision and adopts the following findings with respect to Coastal Development Permit No. 2255718:

COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code Section 126.0708]

a. Findings for all Coastal Development Permits:

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

The Kornberg Residence Project (Project) proposes the demolition of the existing single dwelling unit and the construction of a new 4,134 square-foot, single-story, single dwelling unit with attached 462 square-foot garage, and a 701 square-foot companion unit for a combined 5,297 square feet.

The Project site is located at 2605 Ellentown Road in the RS-1-4, the Coastal Overlay Zone (Appealable), the Coastal Height Limitation Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Parking Impact Overlay Zone (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ-Campus-Impact), and the Transit Priority Area Overlay Zones within the La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan). The site is approximately 1,500 feet from the Pacific Ocean. The proposed new dwelling unit would be constructed on the existing, developed lot that contains no physical accessways used or proposed for public use. The new single-story dwelling, with attached garage and companion unit, proposes a maximum height of approximately 21 feet, which is below the maximum allowable 30 feet coastal height limit, and no deviations or variance to any development regulations are proposed.

The Project site is located within the Ellentown Road scenic overlook corridor area identified in the Community Plan. Consistent with the Community Plan, the single-story Project will not impact westerly public views to the ocean from the first public roadway, La Jolla Shores Drive, an elevated roadway segment situated east and approximately eight to ten feet above Ellentown Road. 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 protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The Project proposes the demolition of the existing single dwelling unit and the construction of a new 4,134 square-foot, single-story, single dwelling unit with attached 462 square-foot garage, and a 701 square-foot companion unit for a combined 5,297 square feet.

The Project is within an urbanized developed residential setting and not located within environmentally sensitive lands; however, many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego's Historical Resources Sensitivity Maps. Therefore, a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed to determine presence or absence of potential resources within the Project site by qualified archaeological City staff. Previously recorded historic and prehistoric sites have been identified in the near Project vicinity. Due to the close proximity of the recorded resources, a Cultural Resources Survey and report was required.

The Kornberg Initial Archaeological Evaluation and Survey Report (Meridian Archaeological, April 2019) and the Kornberg Property STP Test Report (Meridian Archaeological, May 2019), prepared by the Project applicant, did not identify any pre-historic or historic cultural material within the project site. However, the Project is in close proximity to a small number of prehistoric and historical archaeological sites, one of them at least containing human remains, site CA-SDI-4670. Based upon the reports, the City determined that any ground disturbing activities could have the potential to impact any unknown buried resources to a significant level. A Mitigation Monitoring and Reporting Program, as detailed within Section V of the Project's Mitigated Negative Declaration No. 624979 would be implemented to reduce impacts related to Historical Resources (archaeology) to below a level of significance.

Therefore, the proposed coastal development will not adversely affect any environmentally sensitive lands.

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

The Project proposes the demolition of the existing single dwelling unit and the construction of a new 4,134 square-foot, single-story, single dwelling unit with attached 462 square-foot garage, and a 701 square-foot companion unit for a combined 5,297 square feet.

The Community Plan designates the site for single-family development with Very Low Density Residential, 0 – 5 du/ac., and is zoned RS-1-4. The site is located south of the La Jolla Farms Subarea and north of the Scripps Subarea neighborhoods. Per the Community Plan, this area is exclusively devoted to single-family homes, most of which are one- and two-story structures with relatively contemporary architectural styles. The Project is consistent with the type and designation identified in the Community Plan.

The Project is located on the east side of Ellentown Road along the Ellentown Road scenic overlook corridor area identified in the Community Plan and will not impact any public views westerly to the Pacific Ocean. The Community Plan's Design Guideline indicates that flat roof surfaces should be considered for use as terraces, with limited landscaping if it is structurally and economically feasible. The Project structure's roof is relatively flat with a slope of ¼-inch per foot and will be utilizing approximately 489 square feet of roof space as a deck. In addition, the Design Guidelines also states that parking should not be a dominant element of a neighborhood character and should be screened or located in areas not highly visible from the street. The development's parking is taken from the property's frontage leading to the garage and companion unit parking space and will be screened by a wall with open fence above and landscaping shrubs. Therefore, the Project is consistent with this Community Plan's Design Guidelines.

The Project is not requesting any deviations or variances from the applicable regulations and therefore, the redevelopment of the site with a new single-dwelling unit, garage and a companion unit conforms with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

(4) For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The Project site is located at 2605 Ellentown Road, on the east side of the street. The site is located between the first public roadway, La Jolla Shores Drive, and the sea or shoreline of the Pacific Ocean, located in the Coastal Overlay Zone. No public access or public recreation facilities exist on the Project site. Therefore, the proposed Project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Appeals of Mary E. Dejong, and Beth and Marshall Horwitz c/o D. Wayne Brechtel, ESQ., are both denied; the decision of the Hearing Officer is affirmed; and Coastal Development Permit No. 2255718 is granted to JASON R. KRONBERG, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Tim Daly
Assistant Deputy Director
Development Services

Adopted on: November 19, 2020

IO#: 24008131

DRAFT

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008131

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2255718
KORNBERG RESIDENCE PROJECT NO. 624979
PLANNING COMMISSION

This Coastal Development Permit No. 2255718 is granted by the Planning Commission of the City of San Diego to Jason R. Kornberg, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.3-acre site is located at 2605 Ellentown Road in the RS-1-4, the Coastal (Appealable) Overlay Zone, the Coastal Height Limitation Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay, the Parking Impact Overlay Zone (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ-Campus-Impact), and the Transit Priority Areas Overlay Zones within the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as Lot 42 of Scripps Estates Associates Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map No. 3014, filed in the Office of the County Recorder of San Diego County, July 22, 1963.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing single dwelling unit and the construction of a new single-story, single dwelling unit with attached garage and companion unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 19, 2020, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing single dwelling unit and the construction of a new 4,134 square-foot, single-story, single dwelling unit with attached 462 square-foot garage, and a 701 square-foot companion unit for a combined 5,297 square feet;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act

[CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 7, 2023.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. 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.

9. 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.

10. 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.

11. 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:

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

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 624979, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 624979, 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:

- Cultural Resources (Archaeology); and
- Tribal Cultural Resources

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, for the curb outlet and private pavers in the Ellentown Road Right-of-Way/easements, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of a twelve (12) feet wide driveway per current City Standards, adjacent to the site on Ellentown Road, satisfactory to the City Engineer.

18. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

19. 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 Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards

20. 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 SDMC, into the construction plans or specifications.

PLANNING/DESIGN REQUIREMENTS:

21. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

22. The companion unit may not be sold or conveyed separately from the primary dwelling unit.

23. 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.

24. 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 permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 November 19, 2020 and Resolution No. XXXXXXX.

Permit Type/PTS Approval No.: Coastal Development Permit No. 2255718
Date of Approval: November 19, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Tim Daly
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Jason R. Kornberg, a single man
Owner/Permittee

By _____
NAME:
TITLE:

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



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: August 12, 2020 REPORT NO. HO-20-038

HEARING DATE: August 19, 2020

SUBJECT: KORNBERG RESIDENCE, Process Three Decision

PROJECT NUMBER: [624979](#)

OWNER/APPLICANT: Jason Kornberg

SUMMARY

Issue: Should the Hearing Officer approve the demolition of an existing single dwelling unit and construction of a single dwelling unit with a companion unit located at 2605 Ellentown Road in the La Jolla Community Plan and Local Coastal Program Land Use Plan area?

Staff Recommendations:

1. Adopt Mitigated Negative Declaration No. 624979 and Mitigation Monitoring and Reporting Program; and
2. Approve Coastal Development Permit No. 2255718.

Community Planning Group Recommendation: On March 7, 2019, the La Jolla Community Planning Association voted 14-1-1 to recommend denial of the proposed project.

Environmental Review: A Mitigated Negative Declaration No. 624979, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

BACKGROUND

The Kornberg Residence Project (Project) is located on a 0.3-acre site at 2605 Ellentown Road. The land use designation is Very Low Density Residential (0-5 dwelling units per acre) pursuant to the La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan) and is located in the RS-1-4 Zone (Residential Single Unit), the Coastal (Appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, First Public Roadway, Residential Tandem Parking Overlay Zone, Parking

Impact Overlay Zone (PIOZ) (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ Campus-Impact), and Transit Priority Areas Overlay Zones.

The existing single dwelling unit with a detached garage was built in 1964. The Project site is situated west of La Jolla Shores Drive, south of La Jolla Farms Road, and north of La Jolla Parkway. The Project is located within a residential neighborhood of similar development. Pursuant to San Diego Municipal Code (SDMC) section 143.0212, City staff conducted a Historical Resource Review of the property because it contains a structure 45 years old or older. The initial Historic Review determined the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria. Therefore, this Project is not eligible for designation.

The Project requires the processing of a Coastal Development Permit pursuant to SDMC section [126.0702](#) for development within the Coastal Overlay Zone.

DISCUSSION

Project Description:

Upon demolition of the existing single dwelling unit structure and garage, the Project will construct a new single-story, 3,911 square-foot, single dwelling unit with an attached 462 square-foot garage and a 701-square-foot companion unit for a total of 4,612 square feet. Access to the garage and surface parking for the development's required off-street parking will be from Ellentown Road. The new single-story dwelling with attached garage and companion unit proposes a maximum height of approximately 15 feet, which is below the maximum allowable 30 feet Coastal Height Limit. The development's Floor Area Ratio (FAR) is 0.40, which is below the maximum allowable 0.51. A breakdown of construction square footage is provided below:

- Main Level: 3,449 sf
- Companion Unit: 701 sf
- Garage: 462 sf
- Covered Entry: 196 sf
- Roof Deck: 489 sf
- 5,297 sf Gross Floor Area
- Lot: 13,068 sf (0.3-ac.)
- FAR: 5,297 sf / 13,068 sf = 0.40 FAR

The Project does not require or request any deviations or variances for the development and meets all development setback requirements. The Project is located within a designated scenic overlook as outlined in the Community Plan. However, and consistent with the Community Plan, the single-story Project will not impact westerly public views to the ocean and from the first public roadway, La Jolla Shores Drive, an elevated roadway segment situated east and approximately eight to ten feet above Ellentown Road. The Project's proposed development on private property will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the Local Coastal Program land use plan.

Environmental Analysis:

The City of San Diego conducted an Initial Study which determined that the proposed Project could have a significant environmental effect upon Cultural (archaeology) Resources and Tribal Cultural Resources. The Project applicant prepared, and the City accepted the Project's Archaeological Evaluation and Survey Report (Meridian Archaeological, April 2019) and the Property STP Test Report (Meridian Archaeological, May 2019) which did not identify any pre-historic or historic cultural material on site. However, the Project is within close proximity to a small number of prehistoric and historical archaeological sites, one of them at least containing human remains, site CA-SDI-4670. With the help of this report, the City determined that any ground disturbing activities could have the potential to impact any unknown buried resources to a significant level. Therefore, the City prepared a Mitigated Negative Declaration (MND) No. 624979 and determined that a Mitigation Monitoring and Reporting Program (MMRP), as detailed within Section V of the MND No. 624979, would be implemented to reduce impacts related to Historical Resources (Archaeology) and Tribal Cultural Resources to below a level of significance.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations. The Project is designed in general conformity with setbacks, bulk and scale, and general design as recommend by the Community Plan. Staff has provided draft conditions of approval (Attachment 5) and draft findings to support approval of the Project (Attachment 4). Staff recommends that the Hearing Officer approve the Project as proposed.

ALTERNATIVES

1. Adopt MND No. 624979 and the MMRP, and Approve Coastal Development Permit No. 2255718, with modifications.
2. Do not adopt MND No. 624979 and the MMRP, and Deny Coastal Development Permit No. 2255718, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

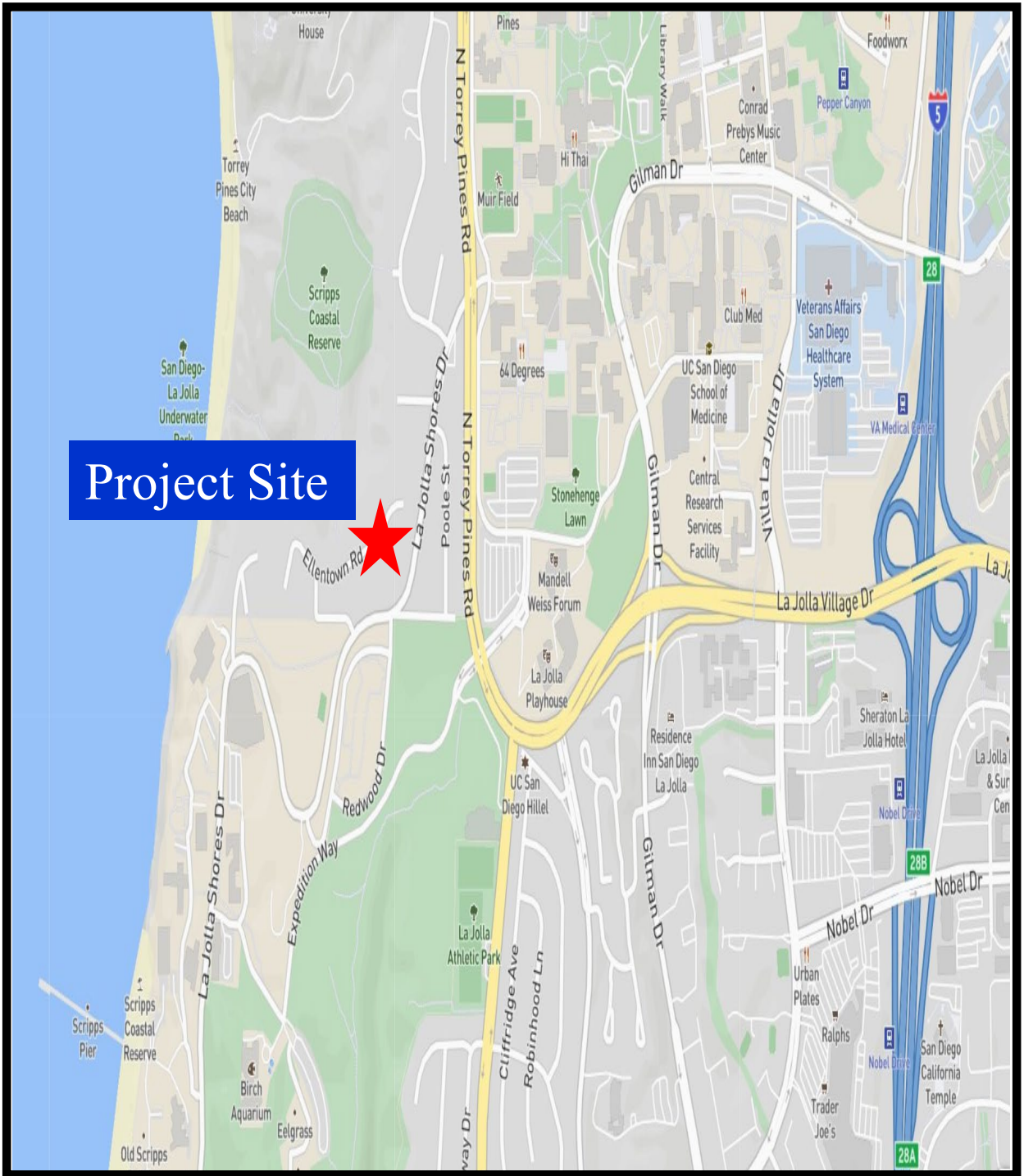


Tim Daly, Development Project Manager

Attachments:

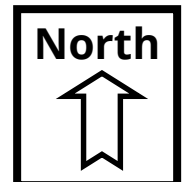
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement

9. Project Plans
10. MND No. 624979 and MMRP (provided separately)



Project Location

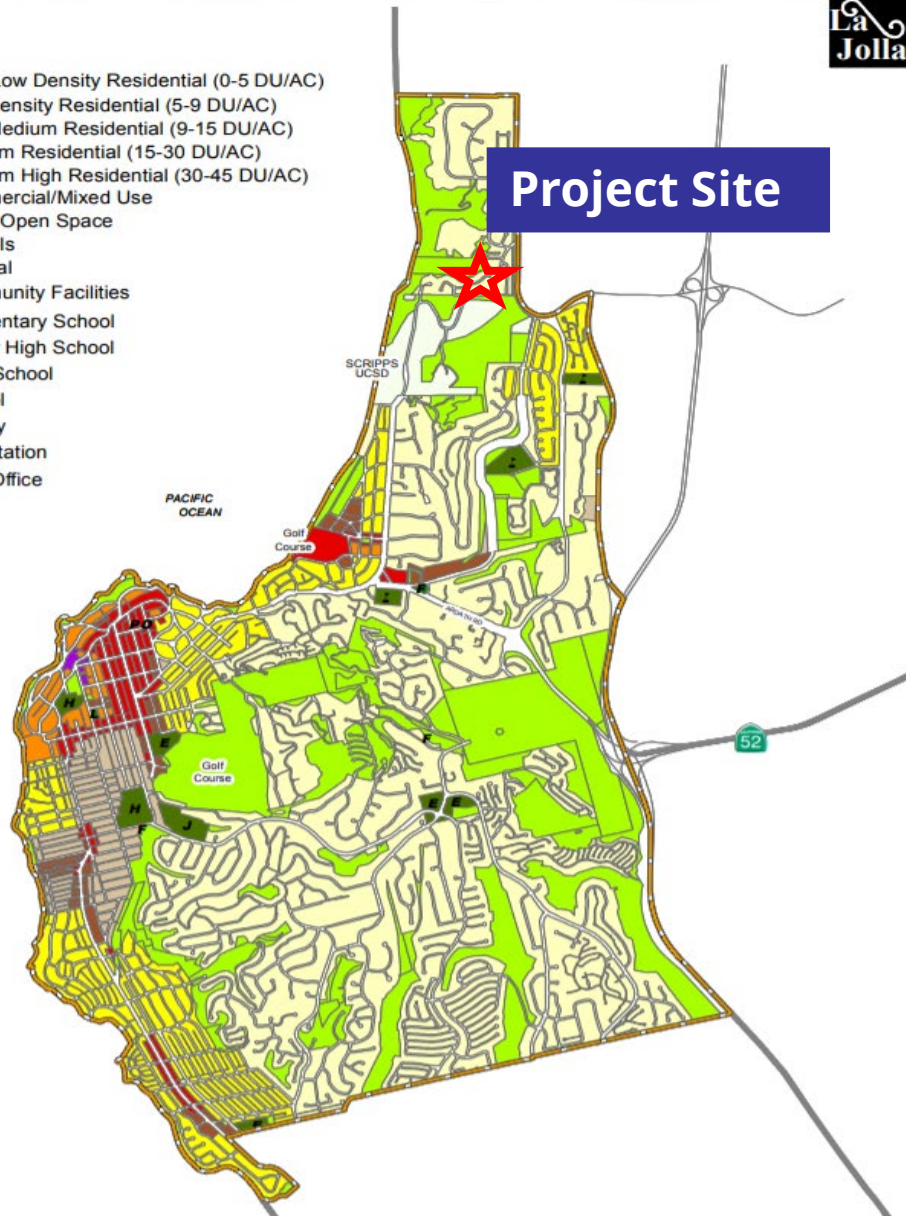
Kornberg Residence, Project No. 624979
2605 Ellentown Rd., La Jolla CA 92037





- Legend**
- Very Low Density Residential (0-5 DU/AC)
 - Low Density Residential (5-9 DU/AC)
 - Low Medium Residential (9-15 DU/AC)
 - Medium Residential (15-30 DU/AC)
 - Medium High Residential (30-45 DU/AC)
 - Commercial/Mixed Use
 - Parks, Open Space
 - Schools
 - Cultural
 - Community Facilities
 - Elementary School
 - Junior High School
 - High School
 - School
 - Library
 - Fire Station
 - Post Office

Project Site



Community Land Use Map

La Jolla Community Plan
City of San Diego · Planning Department



Figure 1

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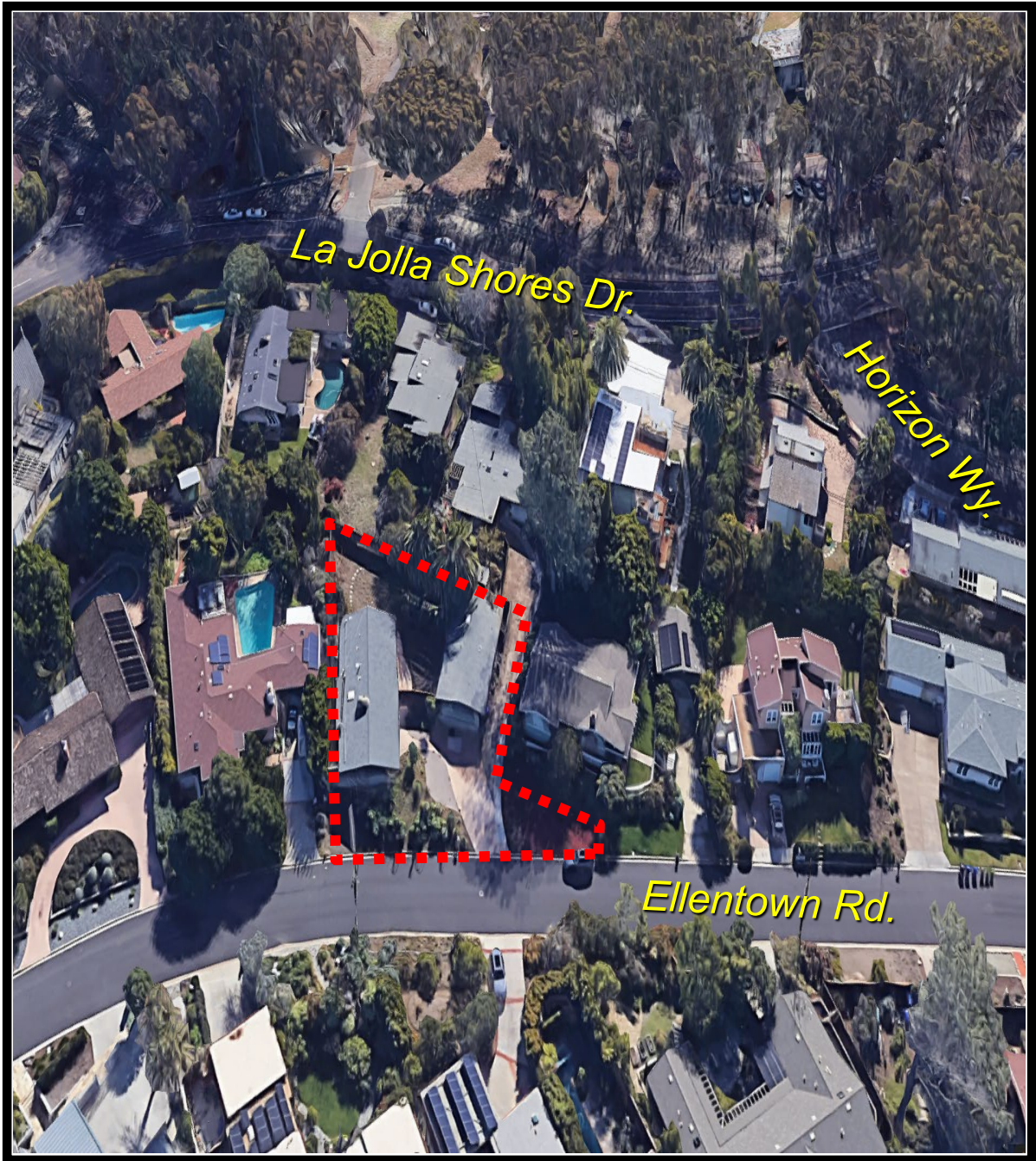


La Jolla Community Land Use Map

Kornberg Residence, Project No. 624979
2605 Ellentown Rd., La Jolla CA 92037

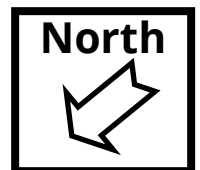
North





Aerial Photo

Kornberg Residence, Project No. 624979
2605 Ellentown Rd., La Jolla CA 92037



HEARING OFFICER RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 2255718
KORNBERG RESIDENCE - PROJECT NO. 624979 [MMRP]

WHEREAS, JASON R. KRONBERG, a single man, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single dwelling unit and construct a 4,612 square-foot, single-story, single dwelling unit with attached garage and a 701 square-foot companion unit. The 0.3-acre project site is in the (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2255718), on portions of a 0.3-acre site;

WHEREAS, the project site is located at 2605 Ellentown Road, San Diego, CA 92037 in the RS-1-4 Zone, the Coastal Overlay Zone (Appealable), the Coastal Height Limitation Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Parking Impact Overlay Zone (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ-Campus-Impact), and the Transit Priority Area Overlay Zones within the La Jolla Community Plan and Local Coastal Program Land Use Plan;

WHEREAS, the project site is legally described as Lot 42 of Scrips Estates Associates Subdivision, according to Map thereof No. 3014, filed in the Office of the County Recorder of San Diego County, July 22, 1963;

WHEREAS, on August 19, 2020, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 2255718 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2255718:

COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code Section 126.0708]

a. Findings for all Coastal Development Permits:

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

The Kornberg Residence Project (Project) proposes the demolition of the existing single dwelling unit and the construction of a new 4,612 square-foot, single-story, single dwelling unit with attached garage and a 701 square-foot companion unit. The Project site is located at 2605 Ellentown Road in the RS-1-4, the Coastal Overlay Zone (Appealable), the Coastal Height Limitation Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Parking Impact Overlay Zone (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ-Campus-Impact), and the Transit Priority Area Overlay Zones within the La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan). The site is approximately 1,500 feet from the Pacific Ocean. The proposed new dwelling unit would be constructed on the existing, developed lot that contains no physical accessways used or proposed for public use. The new single-story dwelling, with attached garage and companion unit, proposes a maximum height of approximately 21 feet, which is below the maximum allowable 30 feet coastal height limit, and no deviations or variance to any development regulations are proposed.

The Project site is located within the Ellentown Road scenic overlook corridor area identified in the Community Plan. Consistent with the Community Plan, the single-story Project will not impact westerly public views to the ocean from the first public roadway, La Jolla Shores Drive, an elevated roadway segment situated east and approximately eight to ten feet above Ellentown Road. 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 protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The Project proposes the demolition of the existing single dwelling unit and the construction of a new 4,612 square-foot, single-story, single dwelling unit with attached garage and a 701 square-foot companion unit.

The Project is within an urbanized developed residential setting and not located within environmentally sensitive lands; however, many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego's Historical Resources Sensitivity Maps. Therefore, a record search of the California Historical Resources Information System (CHRIS) digital database was reviewed to determine presence or absence of potential resources within the Project site by qualified archaeological City staff. Previously recorded historic and prehistoric sites have been identified in the near Project

vicinity. Due to the close proximity of the recorded resources, a Cultural Resources Survey and report was required.

The Kornberg Initial Archaeological Evaluation and Survey Report (Meridian Archaeological, April 2019) and the Kornberg Property STP Test Report (Meridian Archaeological, May 2019), prepared by the Project applicant, did not identify any pre-historic or historic cultural material within the project site. However, the Project is in close proximity to a small number of prehistoric and historical archaeological sites, one of them at least containing human remains, site CA-SDI-4670. Based upon the reports, the City determined that any ground disturbing activities could have the potential to impact any unknown buried resources to a significant level. A Mitigation Monitoring and Reporting Program, as detailed within Section V of the Project's Mitigated Negative Declaration No. 624979 would be implemented to reduce impacts related to Historical Resources (archaeology) to below a level of significance.

Therefore, the proposed coastal development will not adversely affect any environmentally sensitive lands.

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

The Project proposes the demolition of the existing single dwelling unit and the construction of a new 4,612 square-foot, single-story, single dwelling unit with attached garage and a 701 square-foot companion unit.

The Community Plan designates the site for single-family development with Very Low Density Residential, 0 – 5 du/ac., and is zoned RS-1-4. The site is located south of the La Jolla Farms Subarea and north of the Scripps Subarea neighborhoods. Per the Community Plan, this area is exclusively devoted to single-family homes, most of which are one- and two-story structures with relatively contemporary architectural styles. The Project is consistent with the type and designation identified in the Community Plan.

The Project is located on the east side of Ellentown Road along the Ellentown Road scenic overlook corridor area identified in the Community Plan and will not impact any public views westerly to the Pacific Ocean. The Community Plan's Design Guideline indicates that flat roof surfaces should be considered for use as terraces, with limited landscaping if it is structurally and economically feasible. The Project structure's roof is relatively flat with a slope of ¼-inch per foot and will be utilizing approximately 489 square feet of roof space as a deck. In addition, the Design Guidelines also states that parking should not be a dominant element of a neighborhood character and should be screened or located in areas not highly visible from the street. The development's parking is taken from the property's frontage leading to the garage and companion unit parking space and will be screened by a wall with open fence above and landscaping shrubs. Therefore, the Project is consistent with this Community Plan's Design Guidelines.

The Project is not requesting any deviations or variances from the applicable regulations and therefore, the redevelopment of the site with a new single-dwelling unit, garage and a

companion unit conforms with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

(4) For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The Project site is located at 2605 Ellentown Road, on the east side of the street. The site is located between the first public roadway, La Jolla Shores Drive, and the sea or shoreline of the Pacific Ocean, located in the Coastal Overlay Zone. No public access or public recreation facilities exist on the Project site. Therefore, the proposed Project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 2255718 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 2255718 a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: August 19, 2020

IO#: 24008131

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008131

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2255718
KORNBERG RESIDENCE PROJECT NO. 624979
HEARING OFFICER

This Coastal Development Permit No. 2255718 is granted by the Hearing Officer of the City of San Diego to Jason R. Kornberg, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.3-acre site is located at 2605 Ellentown Road in the RS-1-4, the Coastal (Appealable) Overlay Zone, the Coastal Height Limitation Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay, the Parking Impact Overlay Zone (PIOZ-Coastal-Impact; PIOZ-Beach-Impact; PIOZ-Campus-Impact), and the Transit Priority Areas Overlay Zones within the La Jolla Community Plan and Local Coastal Program Land Use Plan. The project site is legally described as Lot 42 of Scripps Estates Associates Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map No. 3014, filed in the Office of the County Recorder of San Diego County, July 22, 1963.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing single dwelling unit and the construction of a new 4,612 square-foot, single-story, single dwelling unit with attached garage and a 701 square-foot companion unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 19, 2020, on file in the Development Services Department.

The project shall include:

- a. The demolition of an existing single dwelling unit and the construction of a new 4,612 square-foot, single-story, single dwelling unit with attached garage and a 701 square-foot companion unit;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 2, 2023.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. 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.

9. 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.

10. 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.

11. 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:

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

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 624979, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 624979, 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:

- Cultural Resources (Archaeology); and
- Tribal Cultural Resources

CLIMATE ACTION PLAN REQUIREMENTS:

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, for the curb outlet and private pavers in the Ellentown Road Right-of-Way/easements, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of a twelve (12) feet wide driveway per current City Standards, adjacent to the site on Ellentown Road, satisfactory to the City Engineer.

18. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

19. 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 Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards

20. 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 SDMC, into the construction plans or specifications.

PLANNING/DESIGN REQUIREMENTS:

21. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized

for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

22. The companion unit may not be sold or conveyed separately from the primary dwelling unit.

23. 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.

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

APPROVED by the Hearing Officer of the City of San Diego on August 19, 2020 and Resolution No. XXXXXX.

Permit Type/PTS Approval No.: Coastal Development Permit No. 2255718
Date of Approval: August 19, 2020

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Tim Daly
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Jason R. Kornberg, a single man
Owner/Permittee

By _____
NAME:
TITLE:

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

HEARING OFFICER RESOLUTION NUMBER _____

ADOPTED ON _____

WHEREAS, on February 21, 2019, Jason Kornberg submitted an application to the Development Services Department for a COASTAL DEVELOPMENT PERMIT for the Kornberg CDP project (Project); and

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

WHEREAS, the issue has heard by the Hearing Officer on August 19, 2020; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative Declaration No. 624979 (Declaration) prepared for this Project; NOW THEREFORE,

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

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

ATTACHMENT 6

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

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 1st Avenue, San Diego, CA 92101.

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

By: _____
Tim Daly, Development Project Manager

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

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT NO. 2255718

PROJECT NO. 624979

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 624979 shall be made conditions of Coastal Development Permit No. 2255718 as may be further described below.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:**A. GENERAL REQUIREMENTS - PART I****Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

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

1. PRE-CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO

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

Qualified Archaeologist
Qualified Native American Monitor

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

CONTACT INFORMATION:

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

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) #624979 and /or Environmental Document #624979, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

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

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None Required

4. MONITORING EXHIBITS

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

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

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
Cultural Resources (Archaeology)	Monitoring Report(s)	Archaeology/Historic Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

HISTORICAL RESOURCES ARCHAEOLOGICAL and NATIVE AMERICAN MONITORING

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

A. Entitlements Plan Check

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

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

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site-specific records search (1/4-mile radius) has been completed. Verification includes but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
 - 3. The PI may submit a detailed letter to MMC requesting a reduction to the 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. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
 - 3. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
The AME shall be based on the results of a site-specific records search as well as information regarding the age of existing pipelines, laterals and associated

appurtenances and/or any known soil conditions (native or formation).

MMC shall notify the PI that the AME has been approved.

4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule

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

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (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 Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.

Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.

 - (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way
- The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:
1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench

and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.

- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

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

- A. Notification
 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being granted access to the site, 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, the landowner shall reinter the human remains, and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County. The document shall be titled "Notice of Reinternment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.
 - 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 CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

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

ATTACHMENT 6

2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
 3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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

La Jolla Community Planning Association

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

Contact Us:
Mail: PO Box 889, La Jolla, CA 92038
Web: www.lajollacpa.org
info@lajollacpa.org

President: Tony Crisafi
Vice President: Matt Mangano
2nd Vice President: Dave Gordon
Secretary: Suzanne Weissman
Treasurer: Mike Costello

FINAL MINUTES

Regular Meeting | Thursday, July 18, 2019 – 6 p.m, Moved to 7/18/19 (due to July 4th holiday) Notice date 7/8/19

Welcome and Call to Order: Tony Crisafi, President: 6:03 pm

- *This is a full agenda, recorded meeting therefore, the following rules will be enforced:*
- *Mobile devices off or on silent mode.*
- *All public and trustee comment will be addressed to the chair.*
- *Public and trustee comment will be limited to 2 minutes*
- *Comments will be directed to the project or matter using third person, singular or plural when they are addressed to the chair.*
- *Chair may ask for member votes. Please keep hands raised until the vote tally is announced.*
- *Upon consensus, Chair will close discussion and call for a motion*

Quorum Present: Brady, Costello, Crisafi, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Absent: Courtney, Fremdling, Will

2.0 Adopt the Agenda as modified and distributed noting the following items:

10.0 2 - T&T Action Items transcribed from 7/18/19 meeting notes

11.2 Attachments provided from public record information & applicant

2/3 Majority vote required to add action item(s) to agenda.

Neil: Modify item 11.5 by inserting words ‘and other’ between words ‘Conrad and billboards.’

Motion: Adopt agenda with modifications: (Neil/Kane) **Vote:** 14-0-1 **Motion carries**

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: none

Abstain: Crisafi (Chair)

3.0 Meeting Minutes Review and Approval

3.1 02 May 2019 – Regular meeting minutes

Motion: Approve May 2, minutes: (Fitzgerald/Costello) **Vote:** 12-0-3, **Motion carries**

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Neil, Rasmussen, Shannon, Weissman

Opposed: none

Abstain: Crisafi, Mangano, Manno

3.2 06 June 2019 - Regular meeting minutes

Motion: Approve June 6, 2019 minutes: (Kane, Mangano) **Vote:** 11-0-4, **Motion carries**

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Mangano, Neil, Rasmussen, Weissman

Opposed: none

Abstain: Crisafi, Little, Manno, Shannon

Audience comment: No extra copies of agenda in back; **Crisafi:** master copy available; **Gordon;** offered extra copy.

4.0 Officer Reports

4.1 Treasurer - Mike Costello’s report

Beginning Balance as of 6/6/19	\$847.68
Income	
Collections	\$ 208.60
CD Sales	\$ <u>0</u>
Total Income	\$ 208.60.
Expenses	
Agenda printing	\$ 43.44
AT&T telephone disconnected	\$ 00.00
GoDaddy	\$ 308.57
SD City Treasurer, LJ Rec Center, room use	\$ <u>260.00</u>
Total Expenses	<u>\$ 612.01</u>
Net Income/(Loss)	<u>\$ (403.41)</u>
Ending Balance of 6/30/19	\$ 444.27

Offered thanks to Greg Jackson for tech updates; clarified that room use was for overtime; we are applying for a grant from city for \$ 500. Donations must be anonymous; please be generous.

4.2 Secretary-

If you want your attendance recorded today, you should sign in at the back of the room. LJCPA is a membership organization open to La Jolla residents, property owners and local business and non-profit owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. If you do not attend one meeting per year, your membership will expire. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period. You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a Trustee.

5.0 Elected Officials – Information Only

5.1 Council District 1: Councilmember Barbara Bry.

Rep: **Mauricio Medina**, 619-236-6611, mauriciom@sandiego.gov

Passed out latest edition of Bry Bulletin; noted invitation to Brews with Bry at Farmer & Seahorse, Thursday, August 8, 4:30 to 6:00 pm. Come, have a beer, learn what council office is working on and our priorities.

5.2 78th Assembly District: Assembly member Todd Gloria

Rep: **Mathew Gordon** 619-645-3090 mathew.gordon@asm.ca.gov Not present

5.3 39th Senate District: State Senator Toni Atkins, Senate President pro Tempore

Rep: **Chevelle Newell Tate**, 619-645-3133 Chevelle.Tate@sen.ca.gov Not present

6.0 President’s Report – Information only unless otherwise noted

6.1 The Children’s Pool SCR (PTS627990) appeal to City Council docketed for Sept 17, 2019

@ 2:00

6.2 Thank Trustee Jackson for mailbox & website update.

6.3 Appeal to the Hearing Officer’s decision to approve Bonair Residence Project, 744 Bonair St., Will be heard by the Planning Commission on Thursday, July 18, 2019 @ 9:00 a.m.

Crisafi attended the meeting today. Planning commission unanimously upheld Hearing Officer’s decision and reversed HO condition to reduce the overhang including on the north side of property. This decision is not appealable to City Council.

Gordon: Received email from Merten to some trustees which is a violation of Brown Act.

Kane/Little commented not a violation because he is not a trustee, did not contact all trustees and this is no longer an action item.

Kane: At DPR meeting definition of carport was clarified and will be presented at next month’s CPA meeting.

Crisafi: Point was made at PC hearing today that carport created more mass while square footage was not being counted for carport. This is not logical for control of massing. Community planning process it to give input of compatibility of building form with neighborhood and this applicant was working against that with carports pushed under the house. Hopefully, the code update will simplify that.

Another question came up about the process at the subcommittee and noticing of the project. It seemed we were penalized for following the Brown Act to make sure the project was noticed. The commissioners thought it was unreasonable not to have a second meeting with applicant at the subcommittee. Applicant stated they tried to bring project back to DPR committee but were not allowed because the project was not noticed properly. DPR members stated the project was notified properly and applicant refused to attend. Crisafi stressed it is important to avoid this type of misunderstanding to repeat information and make sure it is understood by city staff.

6.4 Brown Act Announcement: 2019 Brown Act Compliance Workshop is a training session presented by the City of San Diego Planning Department to help community planning group members to understand The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the “Brown Act”). Topics of discussion include an introduction to the Brown Act and keeping meetings and agenda’s compliant.

Please see the details of the workshop below:

- o Date: July 25, 2019 6:00 p.m.-7:00 p.m.
- o Location: 202 C street, San Diego (City Concourse, Silver Room)
- o Please RSVP including your name, email, and community to SDPlanningGroups@sandiego.gov or at (619) 533-6307 by July 22, 2019

7.0 Public Comment

Opportunity for public to speak on matters not on the agenda, 2 minutes or less

7.1 City of San Diego – Community Planner: Marlon Pangilinan, mpangilinan@sandiego.gov Not present

7.2 UCSD – Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> or Robert Brown Not present

7.3 General Public

Melinda Merryweather: Requests to put on next month’s agenda as an action item a request to the City to open the sluice gates at the Childrens Pool to clean the sand and keep it from building up creating a hill.

8.0 Non-Agenda Trustee Comment

Opportunity for trustees to speak on matters not on agenda – 2 minutes or less

Costello: Please don’t be afraid to attend City meetings representing CPA. He has made a power point presentation that he gave at the last Coastal Commission meeting that is a good format for representing the CPA. It shows how to present motions, votes, how the meeting proceeds, what to ask or not ask. He will email this PP to any trustee.

Kane: There are 2 ordinances making their way through City Hall that we should watch:

1. New ordinance on push carts responding to new legislation from State allowing vendors on public sidewalks and places. City must first rescind the current ordinance then replace it with a new one. Nothing is yet on City website; it will go to City Council next month. It will be heard at Parks & Beaches Monday. Bob Evans has reviewed it closely and it will probably not affect La Jolla.
2. A new ordinance on mixed use zoning in response to the State’s interest in creating more housing will be going to City Council next month. It is not ready for public review. It will go into effect if you are doing a

Community Plan update so that should not affect La Jolla zoning. It also affects Transit Priority Areas While we told previously that a TPA was not in La Jolla, a map of TP Areas clearly showed the Route 30 bus line as a TPA. This would affect the flat areas of La Jolla and we should watch closely.

Manno: Are vendors a land use issue and should LJCPA weigh in on this? Reply Kane: she could go to parks and beaches meeting to get more information. We could craft a letter following their lead on how to weigh in.

Medina: It is going to the Economic Development Committee at City Hall then to City Council in September so there is still time before the September meeting.

Rasmussen: Disincentive to keep bus running.

9.0 Reports from Ad Hoc and non-LJCPA Committees - Information only unless noted.

9.1 Community Planners Committee <http://www.sandiego.gov/planning/community/cpc/index.shtml>- Dave Gordon

Mangano: Majority of CPC meeting was about SB330 -- how local groups will address it when it comes back around. Otherwise the discussion was about communication between groups

Little: what is sentiment of groups. **Reply:** the sentiment is much like ours.

9.2 Coastal Access & Parking Board <http://www.lajollacpa.org/cap.html>

Weiss: Discussion putting out an RFP for shuttle program; Merchant's Association taking the lead. Also discussion of a system that gives location and number of vacant parking spaces. This is expensive but could reduce driving around looking for parking. Further discussion of possible funding sources and types of shuttles. Little information available yet.

9.3 UC San Diego advisory Committee -- did not meet.

9.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair

Kane: There has been a lot of const on Hillside Dr/Torrey Pines Rd., replacement of signs, trucks getting stuck. The committee is trying to schedule a meeting before next meeting. Some success in media about what our concerns are. We are working with officer Christine Garcia about getting additional signs that can be enforced. Stuck trucks do not get ticketed; City Code does not allow tickets. Officer Garcia is working with the city attorney and us trying to amend the code to get signs on Torrey Pines Rd and up Hillside Dr that can be enforced. Yellow signs are advisory and can't bring a ticket; white signs are regulatory and can bring a ticket. We are also working with Development Services on construction management and staging.

9.5 Airport Noise Advisory Committee – Matthew Price not present

9.6 Playa Del Norte Stanchion Committee Nothing to report.

10.0 Consent Agenda

The Consent Agenda allows the LJCPA to ratify recommendations of the community joint committees and boards in a single vote with no presentation or debate. It is not a decision regarding the item but a decision whether to accept the recommendation of the committee/board as the recommendation of the LJCPA. The public may comment on consent items.

10.1 – End of Summer Fire Run – Request for temporary street closure and No Parking on portions of Prospect Street and La Jolla Blvd for the 20th annual event on Sunday, August 25, 2019 (Gloria Goodenough).

T&T Motion to approve End of Summer Fire Run passes 8-0-0

10.2 – San Diego Triathlon Challenge – Request by Challenged Athletes Foundation for temporary street closure and temporary No Parking on Coast Blvd. between Prospect St. and Girard Ave. and Lane closure on Torrey Pines Rd. between Prospect and La Jolla Shores Dr. for the 26th annual event on Sunday, October 29, 2019

(Julia Duggan T&T Motion to approve San Diego Triathlon Challenge passes 8-0-0

See Committee minutes and/or agenda for description of projects, deliberations, and vote.
Anyone may request a consent item be pulled for full discussion by the LJCPA.

Motion: Approve consent agenda (Jackson/Gordon) Vote: 14-0-1, Motion Carries!

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Crisafi (chair)

Comment: Item 10.2 Triathlon Event is on October 20, not 29.

The following agenda items are ACTION ITEMS unless otherwise noted and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

Courtney arrives; reflected in vote count

11.0 – 11.6 LJCPA Review and Action Matter

11.0 Letter from President to support the maintenance & repair of Kellogg Park Marine Reserve Map and access ways, and to advise DSD that this action meets Coastal Permit Exemption guidelines. On-site work to be activated after summer moratorium. Information attached.

Map is on view at old NOAA building. Development Services is trying to find a way to permit this as repair and maintenance; applicant has been working with coastal staff and commission to see that it meets all policy and code requirements. Fabricated off site and ready to move to site. High quality piece, full mosaic, 2300 Sq. Ft.

Charles White: He disagrees with following statements in the attached letter dated June 15, to Helene Deisher:

- o The Kellogg Park replacement map and access ways adjacent to the Vallecitos comfort station qualifies as a repair and maintenance project.
- o Replacement meets, matches or exceeds access.
- o Described background on original map.
- o 2015 original map completely removed and replaced with decomposed granite.
- o This map is completely new map which has a fence.
- o As of June 2019, drawings and representations submitted by Mary to the Coastal Commission were denied. She does not have CC approval.

Edie Munk:

- o Mary's fundraising efforts have been for a new map, not repair and maintenance.
- o There is no map to repair.
- o There are no plans or drawings to review.
- o Why is this new project not falling under policies and procedures of the City?

Tom Grunow: Power Point presentation describing the Map

- o Beautiful gift for community.
- o Approved system used in several communities.
- o Existing path from Vallecitos being widened.
- o City will decide if coastal access is unnecessarily restricted
- o Fence made of bronze very low profile.
- o Creates great educational opportunities.

Mary Munk:

- o Bottom layer of original map remains.
- o Map placed in same place
- o Installation of old map was bad job. Some issues remain.

Crisafi: Are you opposed to the map or the process? Reply: We're concerned about public access. Coastal Commission objected because of no pass through.

Nan Renner: Birch Aquarium. Map is useful education and for field programs.

Little: Can't support putting a fence around it. **Mary** described fence, pathways and access points.

Gordon: Is footprint same as old map? **Mary:** Footprint is same as what they gave us permission to do for old map. Gordon: original approval CDP/SDP? **Mary:** No, only Park & Rec approval.

Gordon: This is analogous to replacing a house burned down with another house covering the same footprint; a full CDP/SDP process would not be required. Mistake with first map not durable; logical to add fence. Disagrees that it blocks access to beach.

Costello: Will new map be more durable. **Grunow:** new type of installation, new material, very durable.

Neil: Any change to playground materials. Reply: No.

Motion: Approve letter as is. (Gordon/Kane) Vote: 11-4-1: Motion Carries

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Kane, Neil, Mangano, Manno, Shannon, Weissman

Opposed: Courtney, Jackson, Little, Rasmussen

Abstain: Crisafi (chair)

11.1 Micro mobility parking corrals for La Jolla. City proposal for placement of numerous defined spaces within the public street for the parking of dockless scooters and bicycles. Mauricio Medina and city staff. T&T June 19 minutes with response attached.

Presentation by Mauricio Medina: A packet handed out and power point presented. He is here to facilitate community feedback on locations city staff and traffic engineers have put together for corrals to park dockless scooters. The Corral are painted blocks on asphalt on city streets adjacent to red zones ranging from 10 x 6 ft. to 20 x 6ft. where operators will be required to stage the devices. Picture shown on screen. If no corral the 4 x 40 rule (4 devices together 40 ft apart) will be in effect. The goal is to get the devices off the sidewalks.

- o The first spread sheet in the packet is the master list staff sent to the council office as proposed locations for corrals in La Jolla village – around 150.
- o The spots were compiled from data provided by companies on hotspots where companies were staging and where there were large amounts of drop offs. The data was compared with corresponding red zones around it to put the locations on the map where they would not block fire hydrants or parking.
- o City staff has asked for input from all LJ community planning groups.
- o Since there was no desire for corrals in residential areas they have been removed from the list - highlighted in yellow.
- o Orange highlights show sites lifeguards wanted removed.
- o The next spreadsheet shows remaining sites. From this list T & T board members made a list of 71 sites plus 10 more indicated by an asterisk.
- o The Mayors office sent a letter to shared mobility device companies saying the City will pull your permit if you fail to comply with these regulations even before the 6 months are up and will take noncompliance into consideration for permit renewal.

Public Comment:

Miller: Who is in charge of enforcement and how will it work: Reply: Get it Done app will be used to report infractions. Miller: Our tax money is providing private companies solutions to solve their problems. Reply: City's website describes fully the permitting fees assessed per device and \$4,000 to get permit.

Weiss: Rental car companies go after the driver to recover penalties for violation of parking laws incurred by the driver. Why doesn't this apply to scooter rental companies. They have information of driver from credit cards used. These scooters are not good for the environment as the city says. They are a substitute for walking. Walking is good; scooters are dangerous. Get it done app is inappropriate for reporting a scooter. It asks for a license number. If it is reported as a sidewalk violation the report to owner of the scooter and the owners do nothing. He gave examples. I ask the CPA to vote to oppose all corrals until there is a mechanism to enforce penalties for leaving scooters anywhere. More money is needed and the money should come from the people who are making money off the devices. *(audience applause)* **Reply:** the action is whether to approve locations. Scooters are here.

Caroline Meade: There are other needs requiring striping on streets. This will add another striping effort on the street causing confusion. Soon there will be street vending on the sidewalks. The city needs to be aware of many different entities impacting the city streets causing havoc. Is there a comprehensive plan for these impacts. **Reply:** The corrals are mutually exclusive.

More comments followed opposing the corrals and scooters.

Chair called for a room vote: all in favor of the T & T motion to advise the city to place the 81 corrals: In favor: 0, opposed: 31, abstain: 2.

Trustee Comment:

Gordon: Thanked Medina for putting this together but I am against the corrals because the city has put the cart before the horse. A better enforcement plan needs to be in place first.

Weissman: We are told the city is going to do this regardless and if we don't vote for 73 they will put in 158. This is not a very good choice. The scooters came upon us without any input. I am afraid not to vote for this because then we will get something worse.

Costello: There is nothing to limit anything. Riders are only 'encouraged' to leave scooter in corral. Allowing vendors to use the Public Right of Way gives them an advantage over legitimate bike shops that rent scooters. The city is supporting scooter vendors over legitimate bike shops.

Neil: The Rec Center specifically stated they don't want corrals in front. Can you remove item # 72 in front of Rec Center? Also Bishops school who may not be aware of 20 ft. corral in front of them. Can these be removed? **Reply:** These items can be part of a motion. **Neil:** Is this plan for corrals temporary? The corrals are positive, but if not a trial program I can't support.

Courtney: what will happen if we do not support this? **Reply:** If there are no corrals then operators will be allowed to stage on sidewalks as stated in regulations.

Little: If goal is to keep scooters out of private property solution is to reward or punish riders for proper or improper behavior with scooters. City can put pressure on vendors to do this as they have credit card information.

Brady: T & T voted 6 to 3 to approve the 81 spaces identified. This approval was qualified to require vendors to have units geofenced to have rider charged until the scooter was put in the corral and to require the Get it Done app coordinated with enforcement. If there are no corrals the situation will continue and we will be remiss.

Manno: I resent being held hostage. Many things must be done before these corrals can be installed.

Kane: Agrees we are being held hostage. We are told this is going to happen; just give us a number of corrals. She recommends:

- o Geofencing is necessary.
- o Some corrals proposed are too close to schools
- o Some red zones may not be safe for scooters.
- o Many reasons for red zones needed such as space emergency vehicles, loading, etc. Traffic engineers should take a second look to vet the red zones for safety.
- o Program should be phased in.
- o How many scooters are needed? With 81 corrals with 10 scooters each that is 800 scooters in La Jolla Village. Really? Perhaps half of that.
- o A review after a period of time to assess how the program is working. City Council?
- o Scooters can still be dumped in residential areas.
- o One remedy is for a private company to collect and impound scooters improperly dumped. A company called Scooter Scooper is doing this.

Shannon: We need to figure out something better than painted boxes in public right of way on street to stage the scooters.

Crisafi: Can this be tied into valet or provide private parking spaces? **Reply:** Not feasible; there is signage on the pavement.

Brady: Motion to approve action of T & T committee, i.e. approving 81 corrals identified by T & T members and require the owners of the devices have them geofenced so that the users will continue to be charged until device is placed in the corral and also that the city improves the get it done app.

Kane: Recommended an amendment that corrals not be implemented until geofencing done and Get it Done app updated.

Fitzgerald: Speaking as handicapped person I will vote against motion because city does not recognize modifications and as currently presented the program is unenforceable.

Neil: Amend motion to remove items 72 and 80, corrals in front of Rec Center and Bishops School.

Motion: To approve action of T & T committee with 2 amendments above: (Brady/Neil) **Vote:** 4-10-2, ([per voting sheets](#)) **Motion fails**

In Favor: Brady, Gordon, Little, Neil

Opposed: Costello, Courtney, Fitzgerald, Ish, Jackson, Kane, Mangano, Manno, Rasmussen, Shannon, Weissman

Abstain: Courtney, Crisafi (chair)

Motion: Start with T & T motion with geofencing and get it done app upgrade done before corrals implemented, reduce number of corrals from 81 to 40 with analysis after 3 months to see if more needed, corrals selected comply with ordinance that none are within 500 feet of a school, red zones to be vetted by traffic engineering to make sure they are safe for scooters, City Council revisit the ordinance in 1 year for effectiveness and for any amendments needed. (Kane/Brady) **Vote:** 8-6-2, ([per voting sheets](#)), **Motion passes**

In Favor: Brady, Costello, Fitzgerald, Gordon, Kane, Neil, Shannon, Weissman

Opposed: Fitzgerald, Ish, Jackson, Little, Mangano, Manno

Abstain: Crisafi (chair), Courtney (?)

11.2 Hershfield Residence – CDP #2134597 & SDP #2134595 Project and environmental appeal. 8230 Prestwick Dr. See exhibits and documents @ <http://www.lajollacpa.org>

To Ratify/withdraw the appeal(s) based on applicant’s proposed and documented changes

Crisafi: David Gordon and I had two meetings with applicant to review the proposed changes and to discuss what process is for withdrawal of project. We also had one meeting with the neighbors who had concerns and a second teleconference with these neighbors.

The process is either to continue on with the appeal with someone representing the CPA at the Planning Commission for the project and the City Council for the environmental appeal, or, if changes are significant enough there can be a decision to withdraw the appeal. That decision will get memorialized in the minutes and after the next meeting there will be communication with city staff. If the appeals are withdrawn there will have to be documentation and coordination of the changes with city planning since this is happening after all project actions are complete.

Larry Hershfield: Owner/Applicant. Eight items were appealed, six have been resolved because they were based on things we subsequently changed, outdated plans were shown to subcommittee, i.e. an item on a trellis that had been subsequently removed, factual questions articulated in appeal were resolved, so only 2 items left, #4 & # 7 #4 relates to slot windows, we don't have slot windows on front of house, they are traditional windows. North side articulation we think is visible. We can go through plans whatever you want. The Hearing Officer said every letter he received regarding the project had to do with its height. We have made a proposal to Tony and David to lower the height 4'. We could not design house that way this year because of the CC&R governing but they are scheduled to expire at the end of this year. Assuming they do expire we have an agreement here that if you withdraw your appeals, we will commit to lower the home 4' which we think addresses most of the concerns of our neighbors. Lowering the house 4' makes the house 1' higher than the existing home.

Chandra Slavin: Architect. These are the changes:

- o We added in the covered terrace and atrium on lower level to square footage. We also had to double the square footage for phantom garage. Showed chart of revised computations of square footage included in FAR.
- o Showed photos of nearby houses showing other similar houses nearby.
- o Showed drawing of house with reduction in height of 4' and reduced height of garage from 14' to 10' Original 21.7' taken down to 17.7'.
- o Trellis was removed from original plan.
- o To reduce height by 4' we are removing the head structure and parapet that goes around to cover hip roof structure required by CC&R's which will expire the end of this year.
- o We will process a construction change for substantial conformance Jan. 1, to make above changes to reduce height.
- o Showed drawing showing there are no slot windows as shown on outdated plans.
- o Showed drawing of north elevation pointing out articulation.

- o Showed drawing showing comparison of original plan with revised plan with reduced height superimposed.

Courtney, Little: Questioned meetings with Crisafi, Gordon and applicant as violation of Brown Act.

Kane: She has had experience working with Brown Act. You may not have serial meetings or consensus by telephone. You may not contact majority of members on any particular item when discussing policy. If providing information, it is OK. You may not make an agreement out of public view. OK to discuss things or provide opinions.

Neil: Assuming that CC&R's expire, you do submit for const changes with substantial conformance, will we as trustees be able to confirm that this has happened. What structures do we have in place to insure that in January that happens.

Crisafi: If appeal is withdrawn, a copy of the full documentation needs to be with us, a copy for the applicant, a copy for DSD with confirmation for us that this is on the Coastal Permit as Exhibit A before Jan.1.

Hershfield: If we didn't do it you could sue us for breach of agreement. Our object is to be the best neighbors. Those are legal matters. We are not trying to get around anything.

Further discussion about CC&R's. It was determined that CC&R 's are not in purview of CPA.

Several neighbors voiced approval of the lowered height.

Faye Strum: concerned about geotechnical issues of very large basement. **Gordon** assured her that the city had thoroughly reviewed this issue.

Pat Miller: concerned about cumulative impact to neighborhood of very large structure.

Little: Motion to withdraw appeal based on word of Larry Hershfield.

Neil: Amend motion to be more specific on revised height. **Little:** Can't have conditions in motion.

Kane: If this will be moot by end of year, why do anything. Just suspend appeal. **Crisafi:** Can't suspend appeal; it will be docketed next month.

Courtney: Project has issues beyond height. Large basement on hillside lots not counted in FAR allows greater structures relative to buildable square footage of lot. Can't support motion.

Motion: withdraw appeal based on word of Larry Hershfield. (Little/Mangano) Vote: 5-10-1, Motion fails

In Favor: Costello, Jackson, Little, Mangano, Rasmussen

Opposed: Brady, Courtney, Fitzgerald, Gordon, Ish, Kane, Manno, Neil, Shannon, Weissman

Abstain: Crisafi: (chair)

Motion: Withdraw appeal based on highest point elevation of the structure revised at 338.58 feet above sea level based on documentation and incorporation of that document into the coastal permit as the high point of the building envelope. Chair returns with Aug. 1 with a hard plan. (Neil/Gordon) Vote: 13-1-2, Motion carries:

In Favor: Brady, Costello, Fitzgerald, Gordon, Ish, Jackson, Kane, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: Courtney

Abstain: Little, Crisafi (chair)

11.3. Kornberg Residence CEP 2605 Ellentown Rd., Project no. #624979, Process 3, CDP for the demolition of existing single dwelling and construction of 3,449 s.f., one-story single-dwelling unit with 462 s.f. attached garage and a 701 s.f companion unit located at 2605 Ellentown Rd. The 0.3 acre site is in RS-1-4 zone and Coastal (Appealable) Overlay Zone within the La Jolla Community Plan area and CD1. DPR Motion: Findings can be made and motions passes 4-1-1. Pulled from 6 June 2019 LJCPA regular meeting.

Marshall Horowitz, neighbor: This area was subdivided, lots were sold and divided again long ago creating odd shaped lots. A small triangle shaped piece of applicant's lot protrudes into Mr. Horowitz's property. It is not landscaped and looks bad. Applicant plans to use this small area for an extra parking space. It appears that he has plans to landscape around the parking space, but Mr. Horowitz does not want the parking space so close to his house.

Benny Chen: Neighbor. Wants to make sure the right plan gets submitted – the one approved today. We weren't told about something he submitted previously that was different from what we were told about.

Gordon: This is a continual problem for our CPA. If you see something happening be sure to contact the someone at the city, the project manager.

Merryweather: Thinks roof deck on this new structure allowing owners to look down on them is what is annoying the neighbors.

Kane: DPR reviewed this project thoroughly.

Motion: Support DPR findings and motion. (Jackson/Gordon) Vote: 15-0-1, Motion carries

In Favor: Brady, Costello, Courtney, Fitzgerald, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Crisafi (chair)

11.4 Ratify appeal to City Council of the Children's Pool SCR (PTS 627990).

Motion: Ratify appeal to City Council of the Children's Pool SCR (PTS 627990) Courtney/Little) Vote: 14-0-2 (per voting sheets) Motion carries

In Favor: Brady, Costello, Courtney, Gordon, Ish, Jackson, Kane, Little, Mangano, Manno, Neil, Rasmussen, Shannon, Weissman

Opposed: 0

Abstain: Fitzgerald, Crisafi (chair)

Jackson left, reflected in vote count.

11.5 Review of the McLaren/Coach and the Conrad billboards to advise the city that they are determined to be murals or advertisements and that they be regulated as such.

Rasmussen: PDO limits signs. Signs contain content relating to the business within the building, specifically the McLaren depiction of a race car even though they took the name off. I submit that it is still a sign. By contrast the Mexican motif above Galaxy Taco has a much broader cultural content than the McLaren sign. The Conrad sign, that replaced the Murals Program previously approved Blah, Blah, Blah mural, was not approved by the Murals Program and clearly has content. Marco Polo sign, too large for PDO rules, is clearly a sign. Those are the 3 I know of that we should make a decision about.

Neil: Could I add the Nine-Ten Restaurant sign? OK

Little: Trustees need to know history of murals in La Jolla. About 10 years ago Scott Peters came to the CPA to promote the Murals Program. We approved the murals concept, but we did not want this group to be referees or judges of art or murals. The several art associations involved in the Murals of La Jolla program are still in business to approve potential murals and are continuing to do it. I think we have to be careful when we approve or disapprove a McLaren sign because it puts us in the position of judges of art.

Rasmussen: This is a determination that these four depictions have content, nothing to do with art. Just because someone painted it does not make it art; It has content related to the adjoining business. This is a request that this body determine that these depictions are advertising and therefore fall under the PDO and must be regulated.

Shannon/Costello: If McLaren or Nine-Ten went out of business and a different business was there, would he sign then be art?

Courtney: We need to fine tune the policy to give direction to PDO committee.

Rasmussen: These four signs appear to exceed the content allowance under the PDO.

Public Comment: This is a grey area and we are the body that can direct the PDO Committee

Merryweather: If there is a car on the sign and the business underneath sells that car that is clearly a billboard.

Forbes: PDO committee member. At the meeting we were loath to determine what was art, advertisement, graphics or mural. We are conversant with the many pages of the sign regulations. It is difficult to define their application and it is a slippery road to distinguish art from advertising. We said we would regulate things when they interfered with lighting, view corridors, safety or when they were obviously advertising. I believe that none of these signs meet that.

Motion: Advise the city that the McLaren, Conrad, Marco Polo and Nine-Ten Prospect signs are billboards and need to be regulated by the PDO. (Rasmussen/Kane)

Manno: The Murals maintained by the Athenaeum, whether good or bad, are art. These four businesses are using their buildings for advertisement. Their signs were not initiated by the Murals Program and are entirely different.

Vote: 11-3-1, Motion carries.

In Favor: Costello, Courtney, Gordon, Ish, Kane, Little, Mangano, Manno, Rasmussen, Shannon, Weissman

Opposed: Brady, Fitzgerald, Neil

Abstain: Crisafi (chair)


11.6 Banners – Matt Mangano compose a summary for this? Information only

Mangano: Banners, particularly on overpasses, have been brought to this committee several times. Code Compliance has been alerted of this issue. I followed up with Caltrans, the Vehicle Code, UCSD, the LJ Historical Society and the City of San Diego. As of now the issue of temporary banners on overpasses is a grey area. With Code Compliance alerted, I'm sure the city will address this issue and create a permit and fee structure for it. The Vehicle Code provided no answer. The San Diego Municipal Code has very specific regulations about banners and signs but does not address overpasses. The latter may be implied. This Committee will function more effectively if anyone who wants to bring this issue here does their own research to support their position. My view here is objective.

Miller: Is there a committee in La Jolla that addresses these banners? Besides overpasses there is a proliferation of banners on fences. **Reply:** Banners on private property is a Code Compliance issue.

Forbes: No banners are allowed in the Cultural Zone. The banners on the Rec Center fence will be addressed at the next Park & Rec meeting.

XX. Adjourn 9:48 to next regular LJCPA Meeting: Thursday, August 1, 2019 at 6:00 pm.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	Ownership Disclosure Statement	FORM DS-318 October 2017

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 Walver Land Use Plan Amendment • Other _____

Project Title: Kornberg Residence **Project No. For City Use Only:** _____

Project Address: 2605 Ellentown Rd.
 La Jolla, CA 92037

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? _____ Corporate Identification No. _____
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: Jason Kornberg Owner Tenant/Lessee Successor Agency

Street Address: 2605 Ellentown Rd.

City: La Jolla State: CA Zip: 92037

Phone No.: 8586779222 Fax No.: _____ Email: jkornberg@ucsd.edu

Signature:  Date: 12/12/2018

Additional pages Attached: Yes No

Applicant

Name of Individual: Jason Kornberg Owner Tenant/Lessee Successor Agency

Street Address: 2605 Ellentown Rd.

City: La Jolla State: CA Zip: 92037

Phone No.: 8586779222 Fax No.: _____ Email: jkornberg@ucsd.edu

Signature:  Date: 12/12/2018

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: None Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

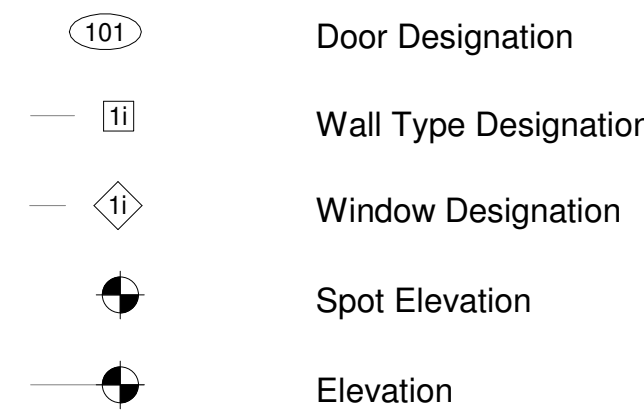
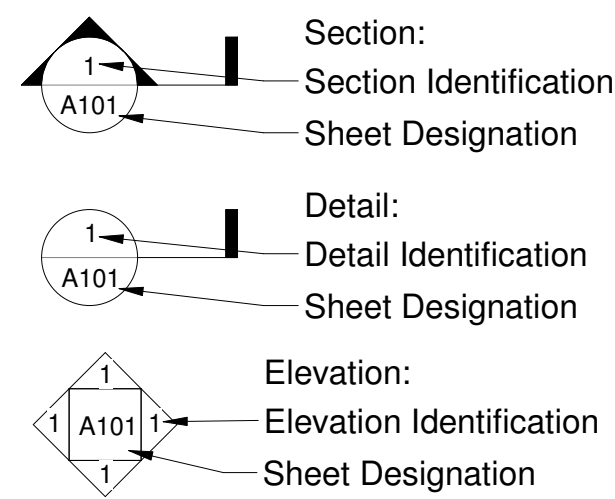
Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.

Symbols:



Architectural Abbreviations:

ADJ. Adjacent	F.E. Fire Extinguisher	P.C.F. Pounds Per Cubic Foot
A.F.F. Above Finish Floor	F.F. Finish Floor	PERF. Perforated
ALUM. Aluminum	FLR. Floor	P.L.F. Pounds Per Linear Foot
ALT. Alternate	F.O. Face of	PLY. Plywood
ARCH. Architectural	F.O.C. Face of Concrete	P.S.F. Pounds Per Square Foot
AVG. Average	F.O.M. Face of Masonry	P.S.I. Pounds Per Square Inch
	F.O.S. Face of Stud	P.T. Pressure Treated
BD. Board	FP. Fireplace	
BDLG. Building	FRMG. Framing	RAG. Return Air Grille
BLKG. Blocking	FTG. Footing	REF. Reference
BM. Beam		REFR. Refrigerator
BTWN. Between		REQD. Required
	G. Gas	REV. Revision
	GA. Gauge	RM. Room
CA.TV. Cable Television	GALV. Galvanized	R.O. Rough Opening
CBC California Building Code	G.C. General Contractor	
C.I.P. Cast-In-Place Concrete	G.F.I. Ground Fault Interrupter	
C.J. Control Joint	GL. Glass	SECT. Section
CLG. Ceiling		S.F. Square Foot
CLR. Clear	HDR. Header	SHWR. Shower
C.M.U. Concrete Masonry Unit	HGR. Hanger	SIM. Similar
COL. Column	HORIZ. Horizontal	SPECS. Specifications
CONC. Concrete	HT. Height	SQ. Square
CONT. Continuous	HTG. Heating	S.S. Stainless Steel
CPT. Carpet	HVAC. Heating/Ventilating/Air-Conditioning	STD. Standard
C.T. Ceramic Tile	H.W. Hot Water	STL. Steel
CTR. Center		SUSP. Suspended
C.W. Cold Water		SYS. System
	INCL. Included/Including	
	INFO. Information	
D.F. Douglas Fir	INSUL. Insulation	TEL. Telephone
DIA. Diameter	INT. Interior	T.O.C. Top Of Concrete
DIM. Dimension		THK. Thickness
D.L. Dead Load	LAV. Lavatory	T.O.B. Top Of Beam
DN. Down	LB. Pound	T.O.S. Top Of Slab
DWG. Drawing	L.F. Linear Foot	T.O.W. Top Of Wall
	L.L. Live Load	TYP. Typical
EA. Each		
E.I.F.S. Exterior Insulation Finish System	MAX. Maximum	UBC. Uniform Building Code
E.J. Expansion Joint	MECH. Mechanical	U.O.N. Unless Otherwise Noted
ELEC. Electrical	MFR. Manufacturer	
ELEV. Elevation	MICRO. Microwave	V.I.F. Verify In Field
E.O.S. Edge of Slab	MIN. Minimum	VNR. Veneer
EQ. Equal	MISC. Miscellaneous	V.A. Vinyl Tile
EQUIP. Equipment	MTL. Metal	
EXT. Exterior	N/A. Not Applicable	W. With
	NO. Number	W.C. Water Closet
F.C.U. Fan Coil Unit	N.T.S. Not To Scale	WD. Wood
F.D. Floor Drain		W/D. Washer/Dryer
FDN. Foundation	O.C. On Center	W/O. Without
		WP. Waterproof
		WT. Weight

General Notes:

- This project shall comply with the 2016 California Building Code that adopts the 2015 IBC, 2015 UMC, 2015 UPC and 2015 NEC.
- All dimensions are to face of stud, concrete or masonry, unless otherwise noted on drawings.
- Contractor shall bring to the attention of the architect any conflict, discrepancy or ambiguity in the contract documents and shall not proceed with any of the work effected thereby until clarification is given by the architect.
- Contractor shall comply with all OSHA requirements.
- If historic grid pattern of sidewalks is damaged during construction, the sidewalk shall be replaced in kind.
- Tempered glass shall be permanently identified and visible when the unit is glazed.
- All windows are to have labels attached by N.F.R.C. showing compliance with energy standards.
- All showerheads for all shower fixtures shall be certified as having a maximum flow rate of no more than 2.0 gpm per CGC 4.303.1.
- All lavatory and kitchen faucets shall be fitted with a flow-restricting aerator with a certified, maximum flow rate of no more than 1.5 gpm for lavatory faucets and 1.8 gpm for kitchen faucets per CGC 4.303.1.
- All water closets and associated flushometer valves, if any, shall be certified as using no more than 1.28 gallons per flush and shall meet the performance standards established by the American National Standards Institute Standard A112.19.2.
- Penetrations of fire-resistive walls, floor-ceilings and roof-ceilings shall be protected as required in CBC.
- A minimum of 50% of construction waste and demolition debris is to be recycled and/or salvaged per CGC 4.408.1.
- Only low volume drip or bubbler emitters shall be used to irrigate existing or proposed non-turf, outside landscaping.
- The contractor responsible for the construction of the seismic force-resisting system shall submit a written Statement of Responsibility to the building official prior to the commencement of work on the system.
- Contractor is to provide an operation and maintenance manual for the owner at the time of final inspection per CGC 4.410.1.
- VOC's must comply with the limitations listed in CGC Section 4.504.3 and Tables 4.504.1, 4.504.2, 4.504.3 and 4.504.5 for: Adhesives, Paints and Coatings, Carpet and Composition Wood Products. CGC Section 4.504.2.
- Prior to final approval, Contractor will complete and sign the Green Building Standards Certification form to be filed with the building department official.
- The moisture content of wood shall not exceed 19% before it is enclosed in construction. Buildings materials with visible signs of water damage should not be used in construction. The moisture content shall be verified by the contractor by one of 3 methods specified under CGC 4.505.3.
- An automatic residential fire sprinkler system shall be installed per CBC R313.2.
- Underground all existing, proposed and future utilities to the site; see attached plans and specifications.
- Contractor shall submit a Construction Waste Management Plan to the jurisdictional agency that regulates waste management, per CGC 4.408.2.
- Concrete slabs will be provided with a capillary break. CGC 4.505.2.1.
- Compliance with the documentation requirements of the 2013 Energy Efficiency Standards is necessary for this project. Registered, signed, and dated copies of the appropriate CF1R, CF2R, and CF3R forms shall be made available at necessary intervals for Building Inspector review. Final completed forms will be available for the building owner.
- During construction, ends of duct openings are to be sealed, and mechanical equipment is to be covered. CGC 4.504.1
- Electrical vehicle supply equipment (EVSE) is required in all new residential construction.

Project Directory:

Owner: Jason Kornberg
 2605 Ellentown Rd.
 La Jolla, California 92037

Civil Engineer: Christensen Engineering & Surveying
 Antony K. Christensen, RCE 54021
 7888 Silverton Ave. Suite J
 San Diego, CA 92126
 p 858.271.9901

Project Architect: christian rice architects, inc.
 Christian Rice, AIA
 CA Lic. # C-31139
 1127 Loma Ave.
 Coronado, California 92118
 p 619.522.9040
 cr@christianrice.com

Landscape Architect: Linear Landscape Architecture
 Joe Dodd, ASLA
 3571 Ingraham St.
 San Diego, CA 92109
 p 888.203.6628

Project Information:

Project Description:
 Scope of work includes the demolition of the existing house, and construction of new single-family residence w/ attached garage and Accessory Dwelling unit. The scope of work includes:

- New roof deck w/ exterior stair access
- New hardscaping
- New landscaping
- New front yard garden wall w/ fence above
- New side and rear yard site fence

Legal Description:
 Lot 42 of Scripps Estates Associates Subdivision, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 3014, filed in the office of the County Recorder of San Diego County July 9, 1953.
Assessor's Parcel Number: 344-043-08
Construction Type: V B - Wood Frame
Occupancy Classification: R3
Automatic Fire Sprinklers: Yes
Stories: 1 w/ Roof Deck
Height: 15'-0" (Max Height: 30'-0")
Parking: Required Spaces: 4; Provided Spaces: 4

San Diego Zoning: RS-1-4
Lot Area: 13,068 sq. ft.

Structural Coverage: 4,787 sq. ft. (37.1%); 50% allowable
Landscape Coverage: 8,225 sq. ft. (62.9%)

Softscape: 7,265 sq. ft. (55.5%)
Hardscape: 960 sq. ft. (13.6%)

Floor Area Ratio (FAR) Calculations:

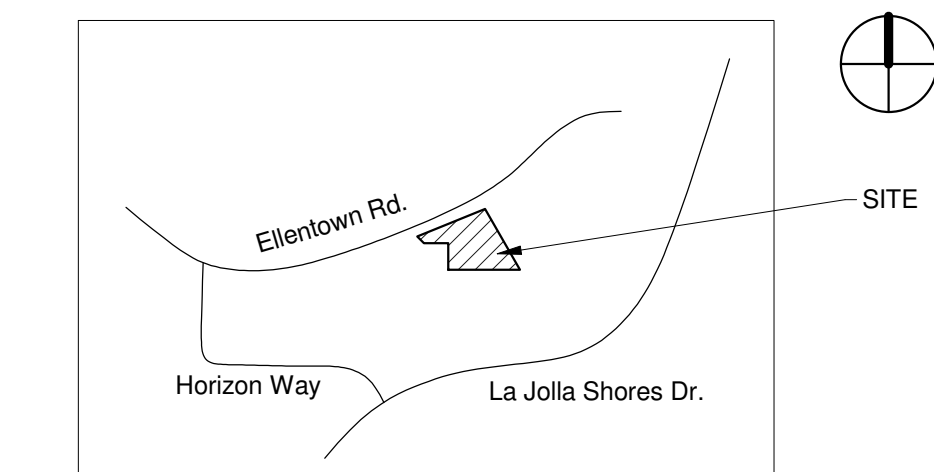
1st Level	3,449 sq. ft.
ADU	701 sq. ft.
Garage	462 sq. ft.
SUBTOTAL:	4,612 sq. ft.

Additional FAR:
 Covered Entry 196 sq. ft.
 Roof Deck 489 sq. ft.

Proposed FAR: 5,297 sq. ft. (40%)

Max FAR: 6,664 sq. ft. (51% per table 131-04J)

Vicinity Map:



Drawing Index:

- | | |
|----|---------------------|
| T1 | Title Sheet |
| T2 | Topographic Survey |
| | |
| A1 | Plot Plan |
| A2 | First Floor Plan |
| A3 | Roof Plan |
| A4 | Building Elevations |
| A5 | Building Elevations |
| A6 | Building Sections |
| | |
| C1 | Grading Plan |
| | |
| L1 | Landscape Plan |
| L2 | Planting Legend |
| L3 | Landscape Diagram |

Kornberg Residence
 2605 Ellentown Rd. La Jolla, CA 92037

christian rice architects, inc.
 1127 loma ave, coronado, ca 92118 p 619.522.9040



drawn by:
 AZ

drawing date:
 October 17, 2019

revisions:

revision	date	notes

Title Sheet

T1

project:

architect:

sheet title:

drawing number:

LEGAL DESCRIPTION

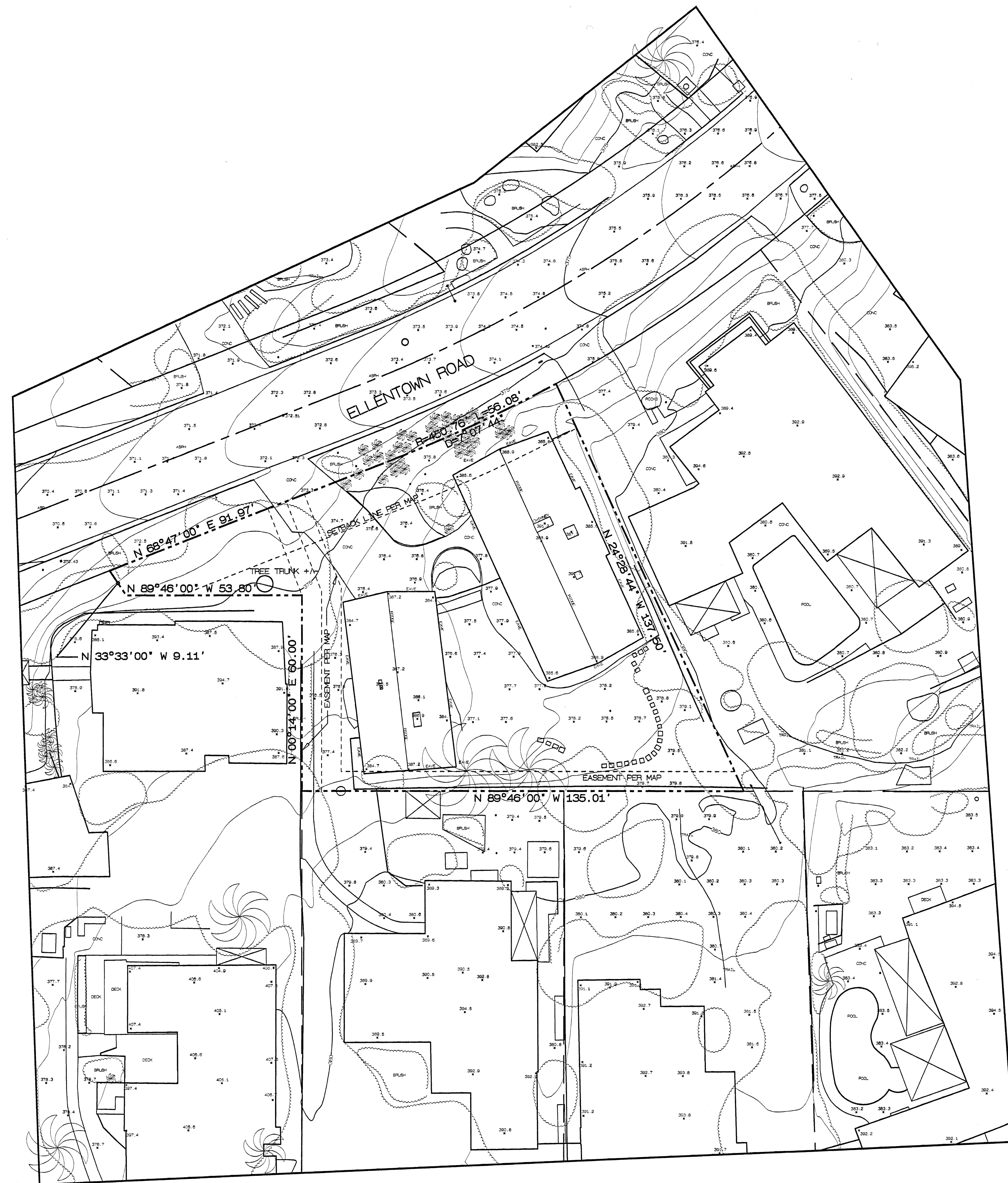
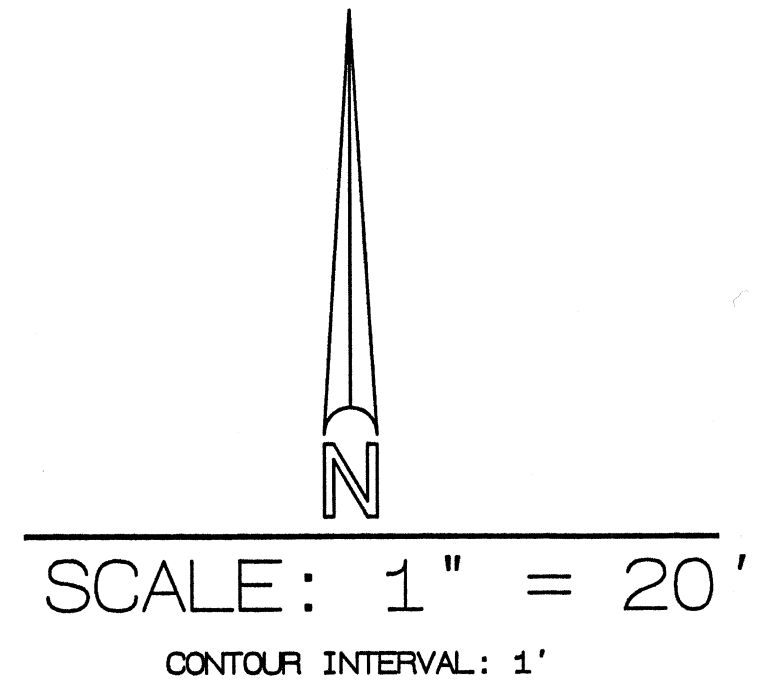
LOT 42 OF SCRIPPS ESTATES ASSOCIATES SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3014, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JULY 9, 1953.

NOTES

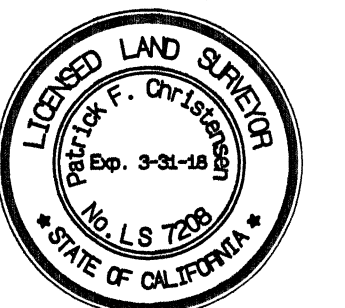
1. EASEMENTS, AGREEMENTS, DOCUMENTS AND OTHER MATTERS WHICH AFFECT THIS PROPERTY MAY EXIST, BUT CANNOT BE PLOTTED. TITLE REPORT NOT PROVIDED.
2. THE PRECISE LOCATION OF UNDERGROUND UTILITIES COULD NOT BE DETERMINED IN THE FIELD. PRIOR TO ANY EXCAVATION UTILITY COMPANIES WILL NEED TO MARK-OUT THE UTILITY LOCATIONS.
3. THE ADDRESS FOR THE SUBJECT PROPERTY IS 2065 ELLENTOWN ROAD, LA JOLLA, CA 92037.
4. THE ASSESSOR PARCEL NUMBER FOR THE SUBJECT PROPERTY IS 344-043-08.
5. THE TOTAL AREA OF THE SUBJECT PARCEL IS 0.30 ACRES.

BENCHMARK

CITY OF SAN DIEGO BENCHMARK LOCATED AT THE NORTH-WESTERLY CORNER OF CAMINITO SHORES DRIVE AND HORIZON WAY. ELEVATION 377.89' MEAN SEA LEVEL (N.G.V.D. 1929).



Patrick F. Christensen
PATRICK F. CHRISTENSEN, P.L.S. 7208 08-31-17
Date



Prepared By:
CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE "J"
SAN DIEGO, CA 92126
PHONE (858)271-9901 FAX (858)271-8912

Project Address:
2605 ELLENTOWN ROAD
LA JOLLA, CA 92037

- Revision 5:
- Revision 4:
- Revision 3:
- Revision 2:
- Revision 1:

Project Name:
KORNBERG RESIDENCE

Original Date: AUGUST 31, 2017

Sheet Title:
TOPOGRAPHIC MAP

Sheet 1 Of 1

DEP# _____

Kornberg Residence
2605 Ellentown Rd. La Jolla, CA 92037

christian rice architects, inc.
1127 loma ave, coronado, ca 92118 p 619.522.9040

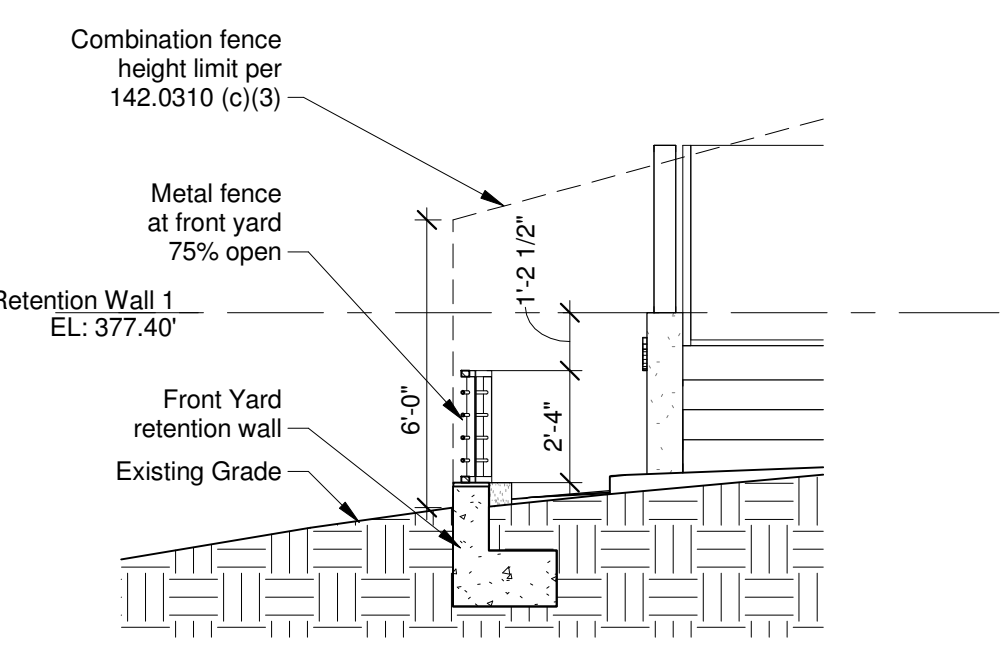
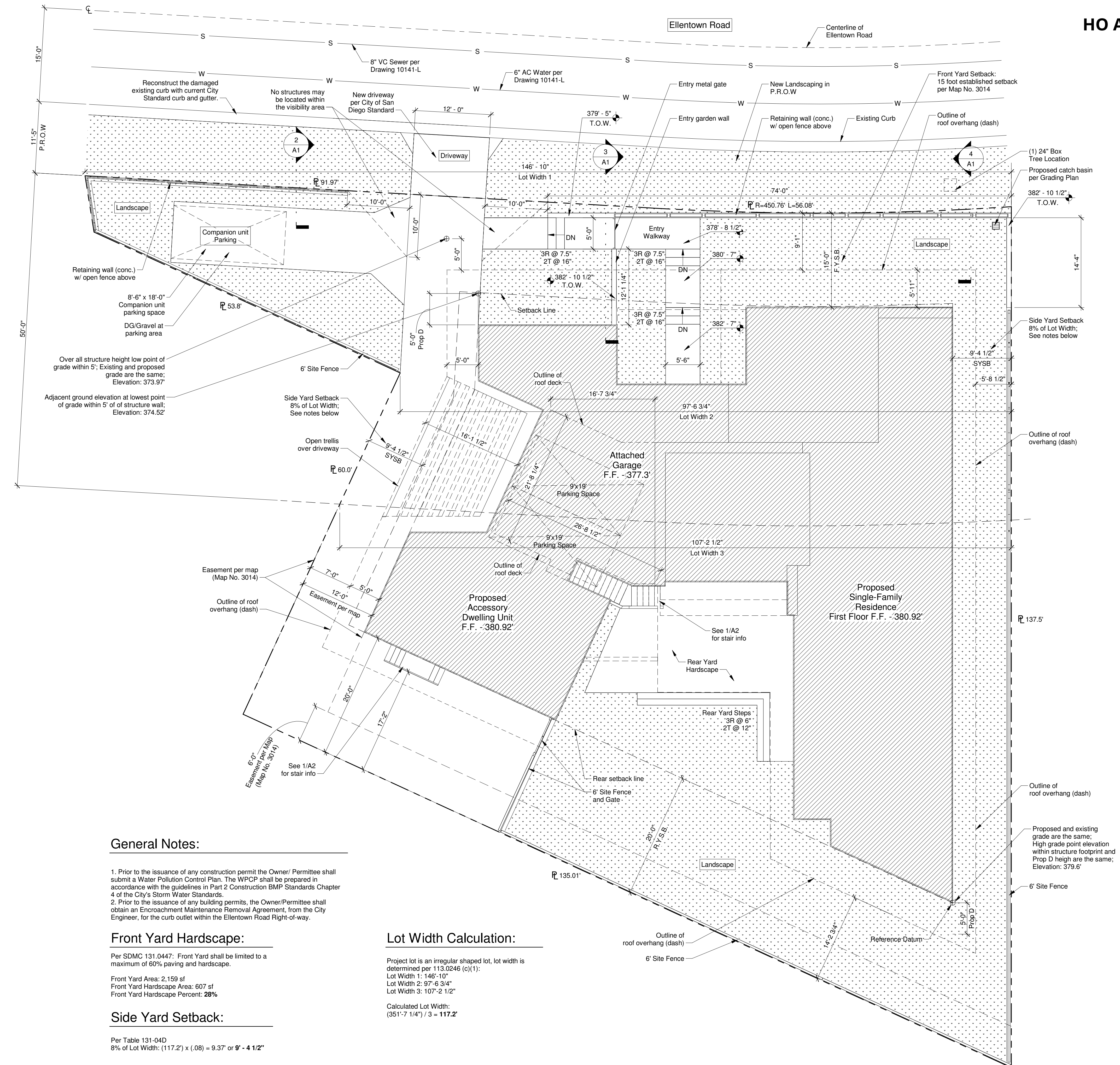


drawn by:
AZ
drawing date:
October 17, 2019

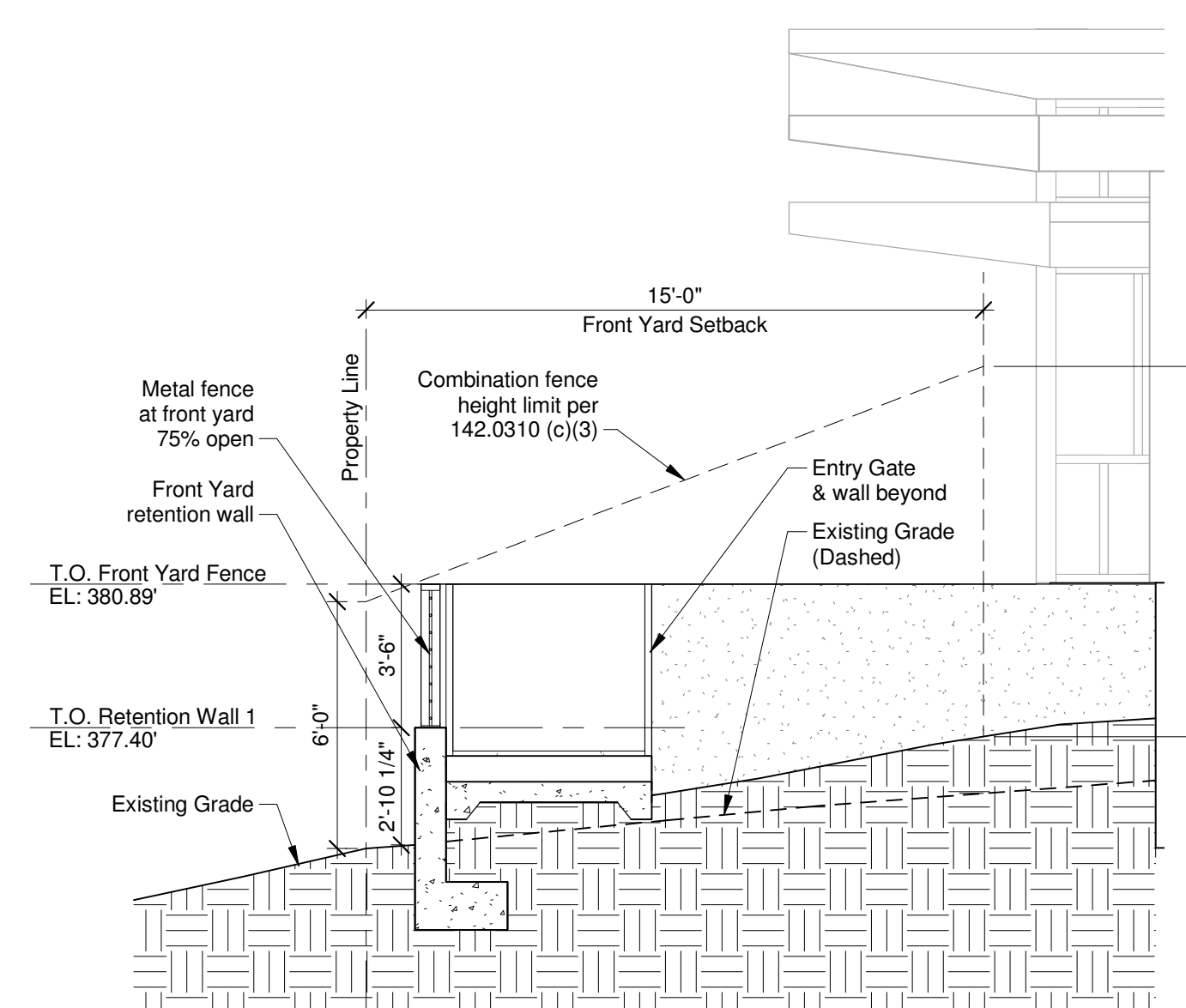
revision	date	notes

Plot Plan

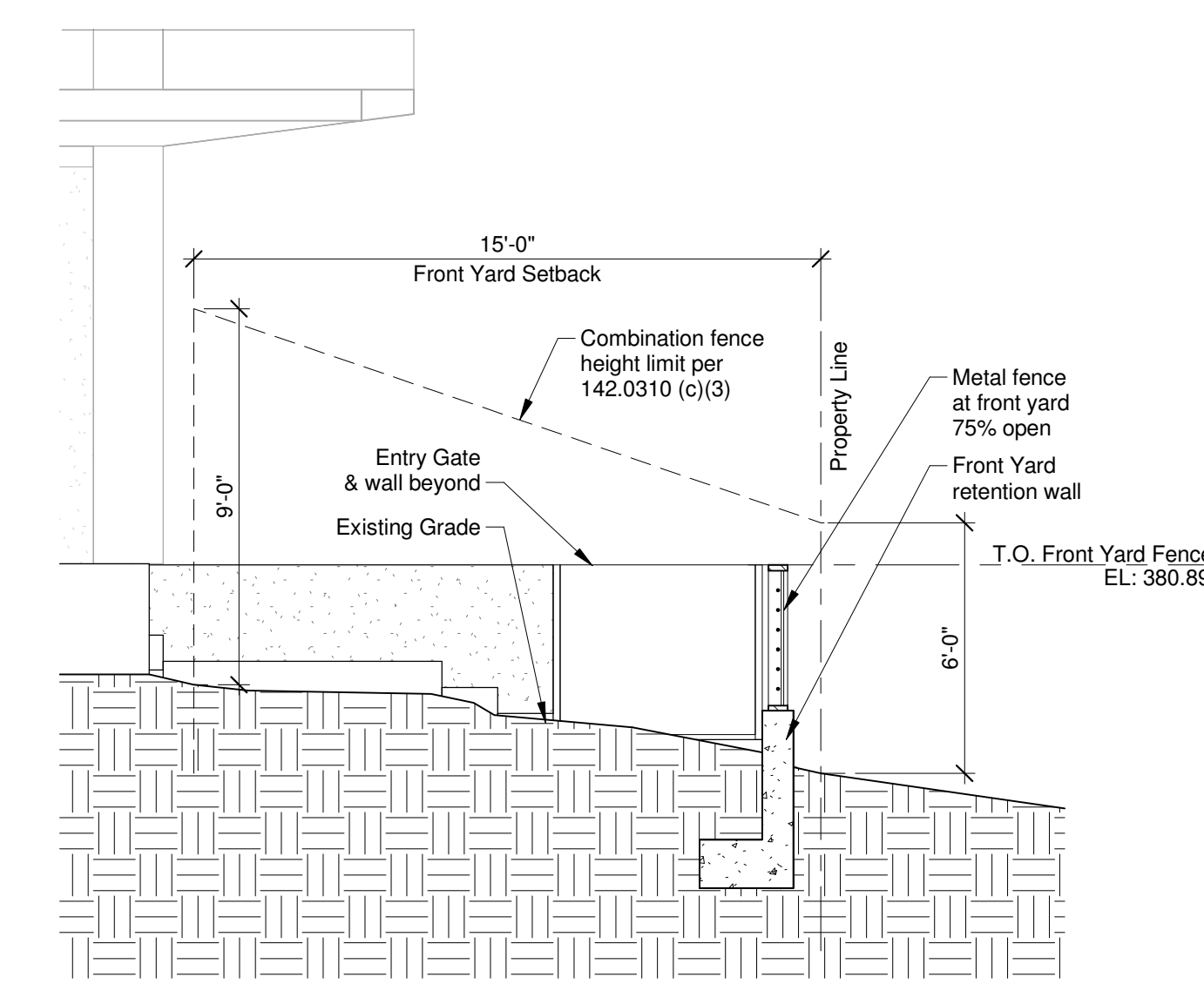
A1



2 Site Wall - Section 1
1/4" = 1'-0"



3 Site Wall - Section 2
1/4" = 1'-0"



4 Site Wall - Section 3
1/4" = 1'-0"

General Notes:

1. Prior to the issuance of any construction permit the Owner/ Permittee shall submit a Water Pollution Control Plan. The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.
2. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the curb outlet within the Ellentown Road Right-of-way.

Front Yard Hardscape:

Per SDMC 131.0447: Front Yard shall be limited to a maximum of 60% paving and hardscape.

Front Yard Area: 2,159 sf
Front Yard Hardscape Area: 607 sf
Front Yard Hardscape Percent: 28%

Side Yard Setback:

Per Table 131-04D
8% of Lot Width: (117.2') x (.08) = 9.37' or 9' - 4 1/2"

Lot Width Calculation:

Project lot is an irregular shaped lot, lot width is determined per 113.0246 (c)(1):
Lot Width 1: 146'-10"
Lot Width 2: 97'-6 3/4"
Lot Width 3: 107'-2 1/2"

Calculated Lot Width:
(351'-7 1/4') / 3 = 117.2'

1 Plot Plan
1/8" = 1'-0"

Kornberg Residence
2605 Ellentown Rd. La Jolla, CA 92037

christian rice architects, inc.
1127 loma ave, coronado, ca 92118 p 619.522.9040



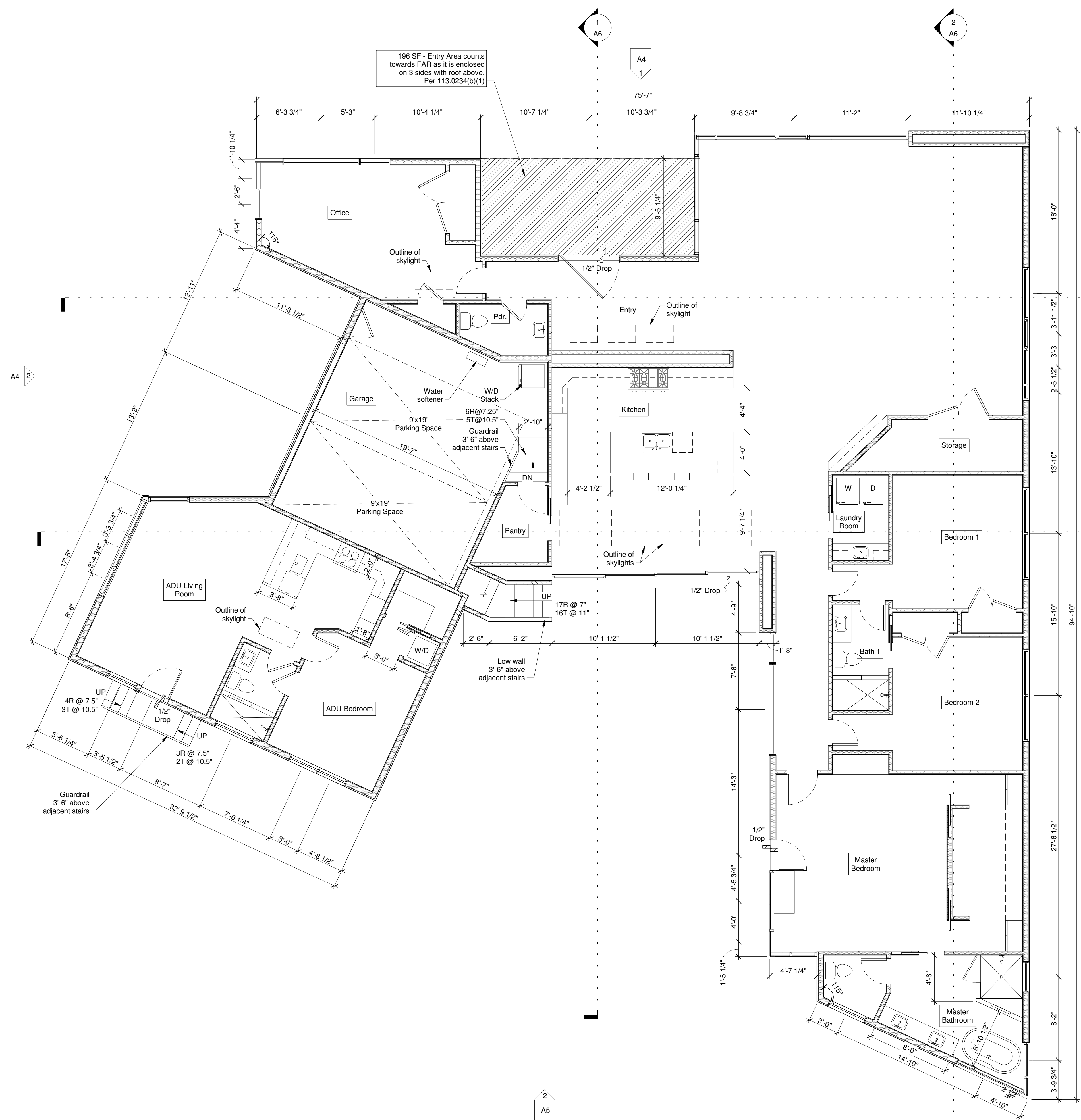
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AZ

drawing date:
October 17, 2019

revision	date	notes

First Floor Plan

A2



1 First Floor Plan
3/16" = 1'-0"

project:

architect:

sheet title:

drawing number:

Kornberg Residence
2605 Ellentown Rd. La Jolla, CA 92037

christian rice architects, inc.
1127 Loma Ave, Coronado, CA 92118 p 619.522.9040

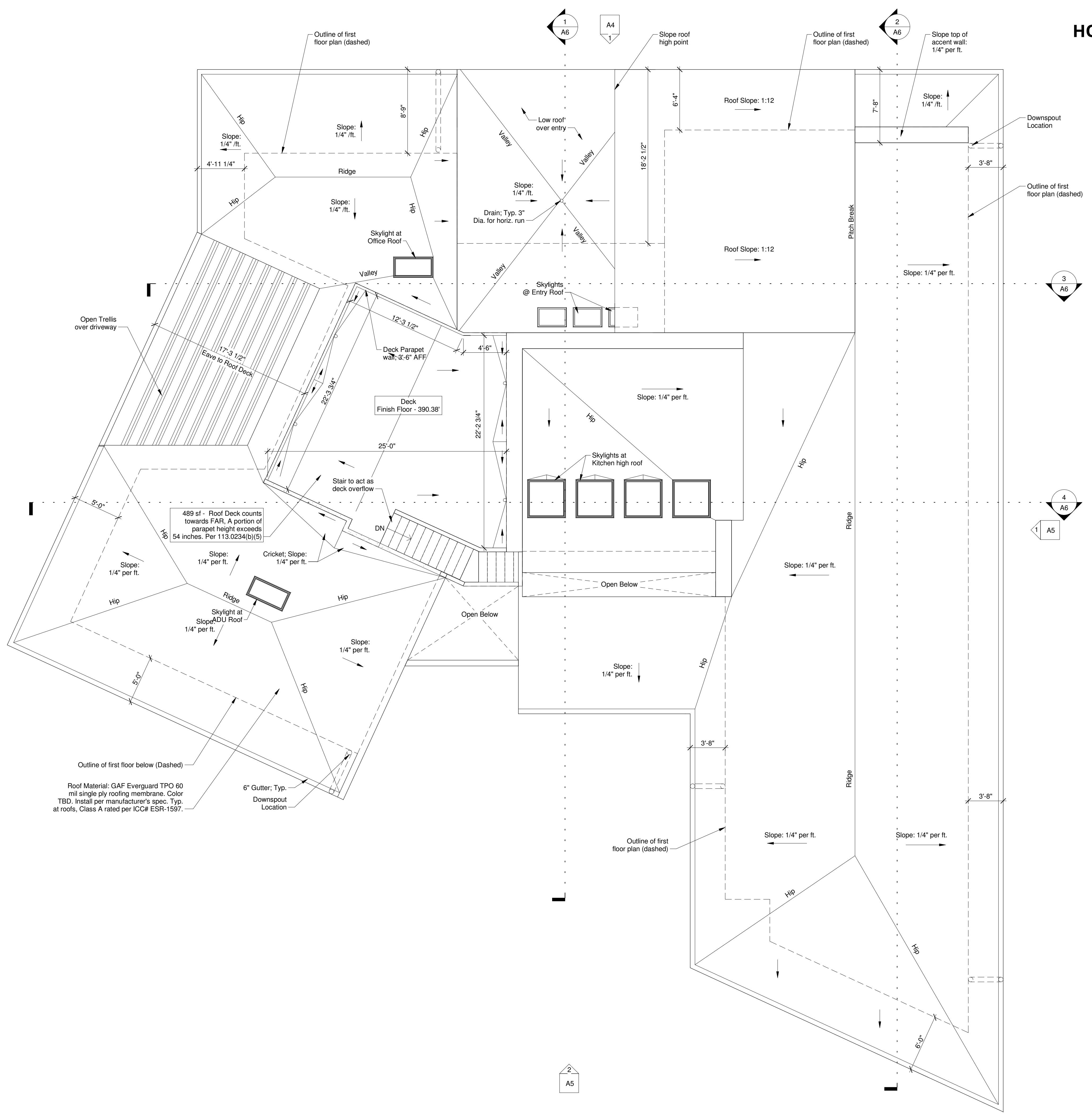


drawn by:
AZ
drawing date:
October 17, 2019

revision	date	notes

Roof Plan

A3



1 Roof Plan
3/16" = 1'-0"

project:

architect:

sheet title:

drawing number:

Kornberg Residence
2605 Ellentown Rd. La Jolla, CA 92037

christian rice architects, inc.
1127 loma ave, coronado, ca 92118 p 619.522.9040



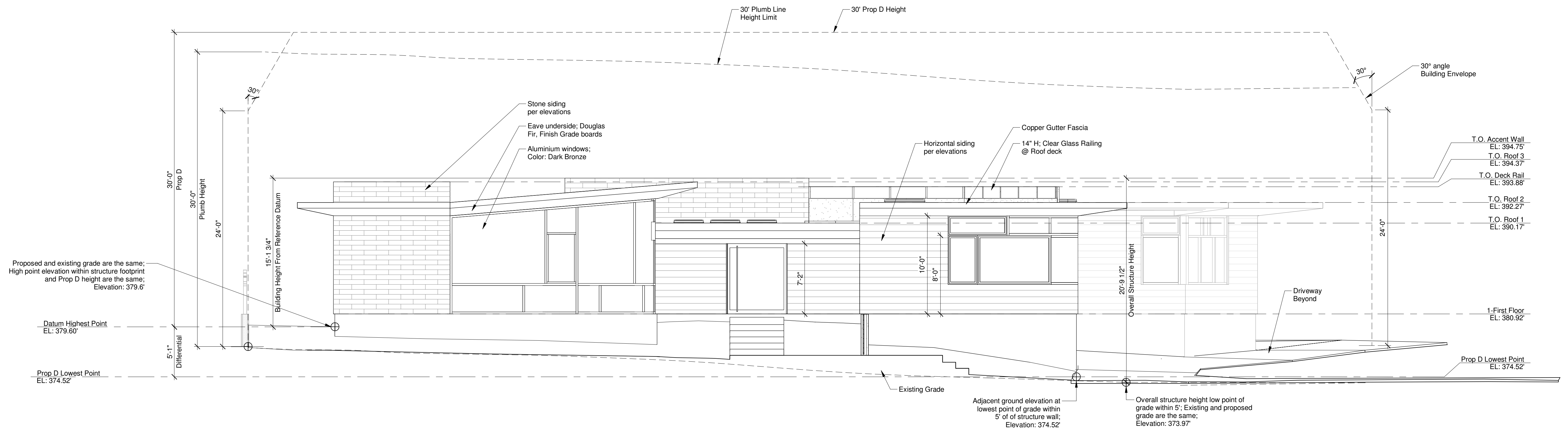
drawn by:
AZ

drawing date:
October 17, 2019

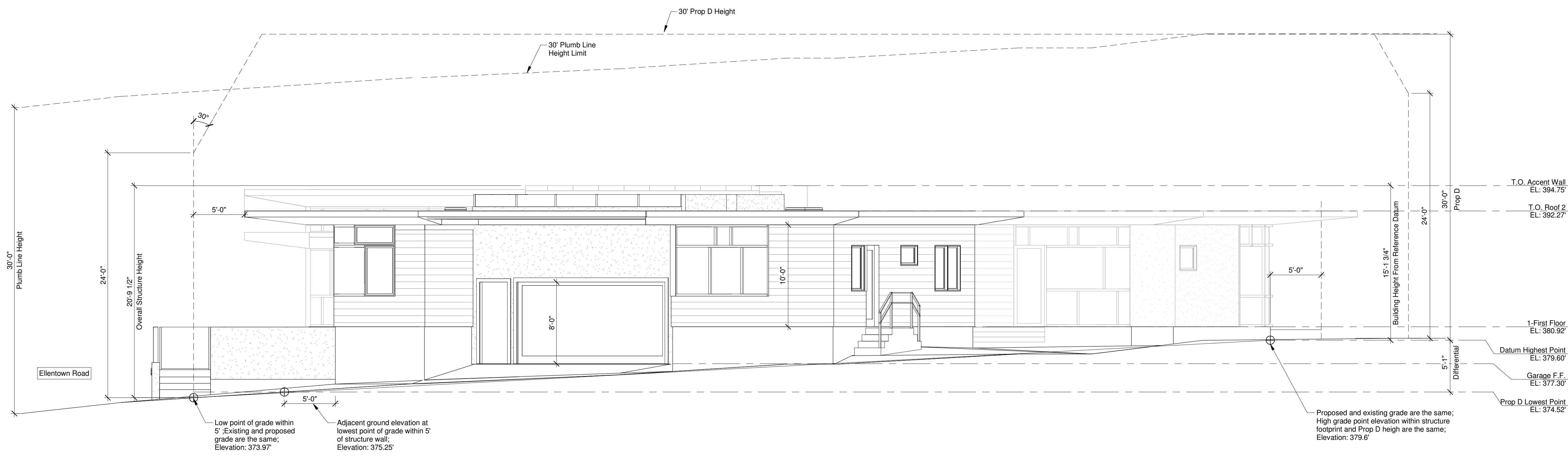
revisions:	revision	date	notes

Building Elevations

A4



1 North Elevation (Ellentown Rd)
3/16" = 1'-0"



2 West Elevation
3/16" = 1'-0"

General Notes:

1. Height shall comply with Proposition D height limits as outlined in the City of San Diego Technical Bulletin BLDG-5-4.

project:

architect:

sheet title:

drawing number:

Kornberg Residence
2605 Ellentown Rd. La Jolla, CA 92037

christian rice architects, inc.
1127 loma ave, coronado, ca 92118 p 619.522.9040



drawn by:
AZ

drawing date:
October 17, 2019

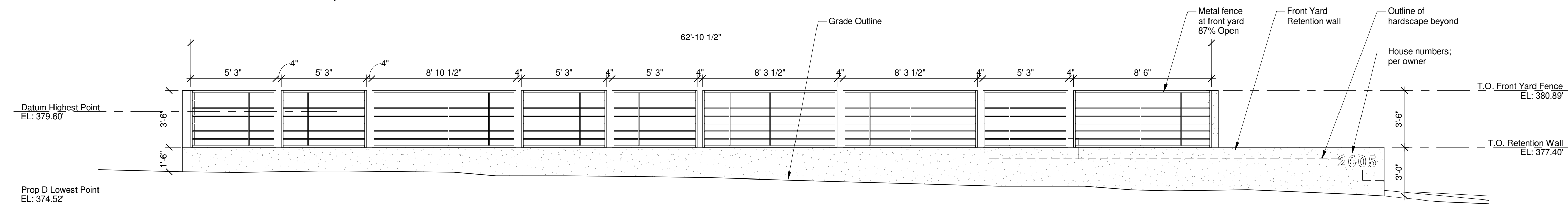
revision	date	notes

Building Elevations

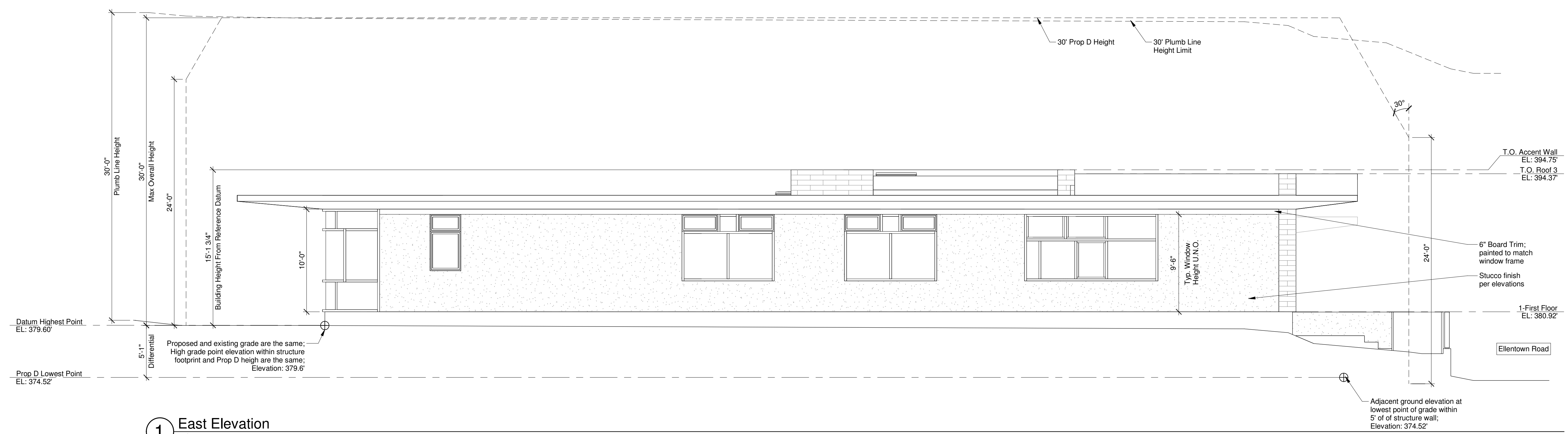
A5

Open Fence Calculation:

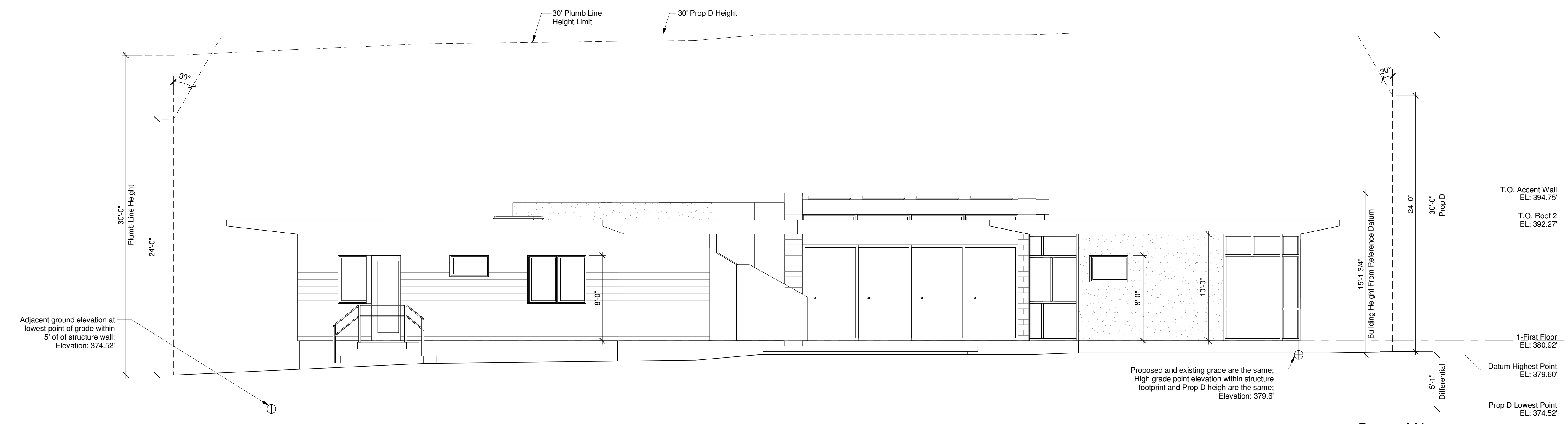
Total Surface Area: 3.58' x 62.87' = 225.07' sq.ft.
Total Area of Horizontal Fence Slats: 21.7 sq.ft.
Total Area of Vertical Fence Slats: 8.1 sq.ft.
Total Area to be Solid Fence: 29.8 sq.ft. or 13%



3 Front Yard Fence
1/4" = 1'-0"



1 East Elevation
3/16" = 1'-0"



2 South Elevation
3/16" = 1'-0"

General Notes:

1.Height shall comply with Proposition D height limits as outlined in the City of San Diego Technical Bulletin BLDG-5-4.

project:

architect:

sheet title:

drawing number:

Kornberg Residence
2605 Ellentown Rd. La Jolla, CA 92037

christian rice architects, inc.
1127 loma ave, coronado, ca 92118 p 619.522.9040

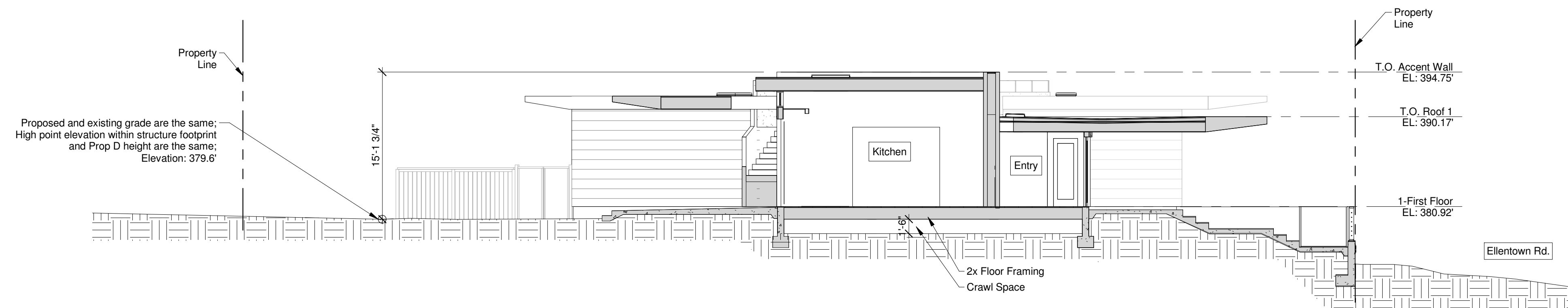


drawn by:
AZ
drawing date:
October 17, 2019

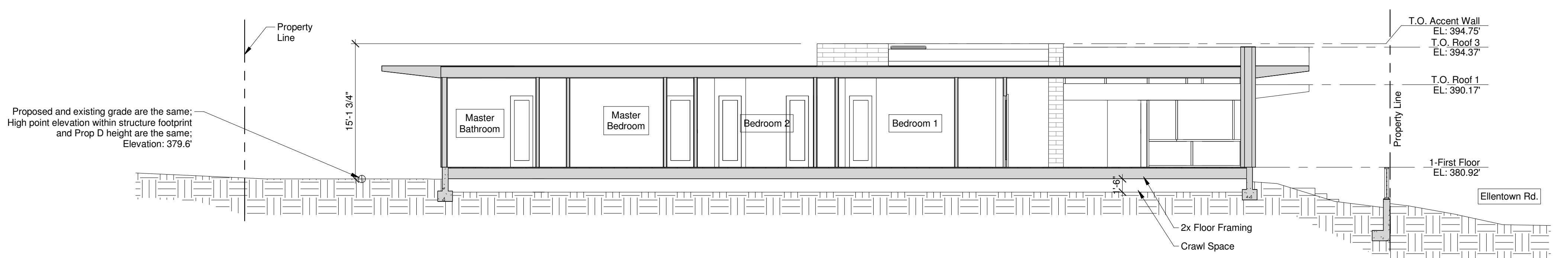
revision	date	notes

Building Sections

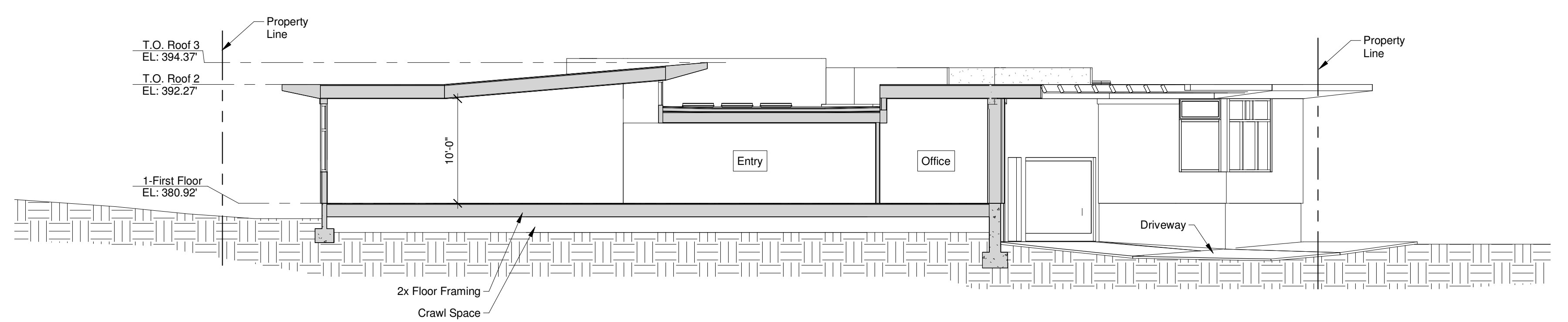
A6



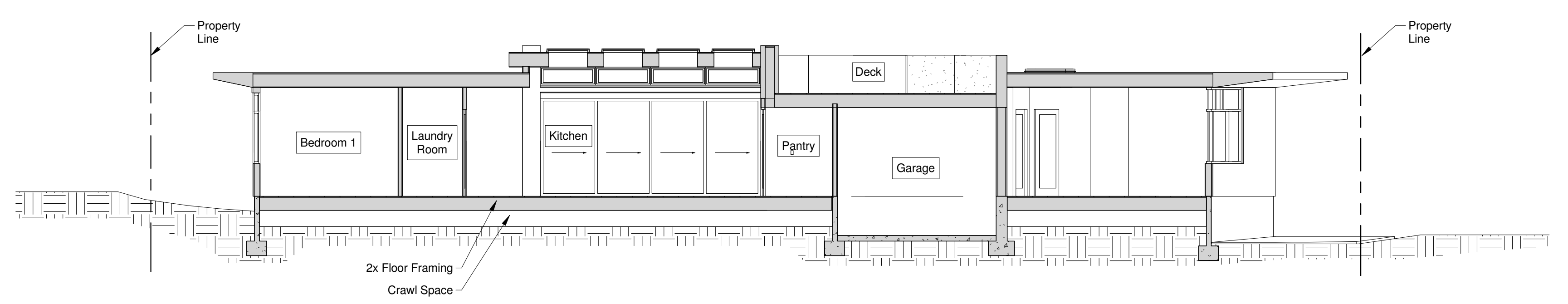
1 Building Section 1
1/8" = 1'-0"



2 Building Section 2
1/8" = 1'-0"



3 Building Section 3
1/8" = 1'-0"



4 Building Section 4
1/8" = 1'-0"

project:

architect:

sheet title:

drawing number:

COASTAL DEVELOPMENT PERMIT NO. 9
SITE DEVELOPMENT PERMIT NO.

LEGAL DESCRIPTION

LOT 42 OF SCRIPPS ESTATES ASSOCIATES SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3014, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JULY 9, 1953.

NOTES

1. THE SOURCE OF THE TOPOGRAPHIC INFORMATION SHOWN HEREON IS A SURVEY BY CHRISTENSEN ENGINEERING & SURVEYING, DATED AUGUST 31, 2017.
2. THE PROPOSED USE IS FOR A RESIDENTIAL SINGLE-FAMILY RESIDENCE
3. THE SUBJECT PROPERTY IS SERVED BY CITY OF SAN DIEGO SANITARY SEWER AND WATER MAINS.
4. DEVELOPER SHALL PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)
5. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
6. THE ASSESSOR PARCEL NUMBER IS: 344-043-08-00
7. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN PART 2 CONSTRUCTION BMP STANDARDS CHAPTER 4 OF THE CITY'S STORM WATER STANDARDS.
8. SITE RUNOFF SHALL BE TREATED BY FLOW OVER LANDSCAPING BEFORE LEAVING THE SITE.
9. CITY OF SAN DIEGO BENCHMARK LOCATED AT THE NORTHWESTERLY CORNER OF CAMINITO SHORES DRIVE AND HORIZON WAY. ELEVATION 377.89' MEAN SEA LEVEL (N.G.V.D. 1929).

CONSTRUCTION NOTES

- ① PROPOSED 12' DW TO REPLACE EXISTING PER CURRENT CITY STANDARD
- ② EX WATER SERVICE TO REMAIN. PROTECT IN PLACE
- ③ PROPOSED CURB OUTLET PER CURRENT CITY STANDARD Q100= 0.40 CFS, V100= 2.3 FPS
- ④ EX SEWER LATERAL TO NEIGHBORING PROPERTIES PROTECT IN PLACE
- ⑤ EX SEWER LATERAL TO REMAIN PER CITY 100 SCALE OVERLAY PROTECT IN PLACE
- ⑥ PROPOSED AREA DRAIN (TYPICAL)
- ⑦ PROPOSED PVC DRAIN (TYPICAL)
- ⑧ PROPOSED CATCH BASIN
- ⑨ PROPOSED FENCE/WALL. SEE ARCH PLAN
- ⑩ VISIBILITY TRIANGLES. NO OBSTRUCTION INCLUDING SOLID WALLS SHALL EXCEED 3 FEET IN HEIGHT. PER SDMC SECTION 142.0409 (B)(2). PLANT MATERIAL, OTHER THAN TREES, LOCATED WITHIN VISIBILITY AREAS OR THE ADJACENT PUBLIC-RIGHT-OF-WAY SHALL NOT EXCEED 36" IN HEIGHT, MEASURED FROM THE LOWEST GRADE ABUTTING THE PLANT MATERIAL TO THE TOP OF THE PLANT MATERIAL.

NOTE:

ALL EXISTING IMPROVEMENTS TO BE REMOVED
PART OF PROPOSED HOUSE TO HAVE RAISED FLOOR
SEE ARCH PLAN
ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT REQUIRED FOR PRIVATE CURB OUTLET IN ELLENTOWN ROAD AND PAVING IN EXISTING 12' UNNAMED EASEMENT FOUND ON MAP NO. 3014.
ALL EXISTING CURB THAT IS DAMAGED DURING CONSTRUCTION TO BE RECONSTRUCTED IN ACCORDANCE TO CITY STANDARDS
AN EASEMENT EXISTS IN FAVOR OF LOT 32 OVER LOT 42 TO ALLOW ACCESS TO ELLENTOWN ROAD, AS SHOWN

Prepared By:
CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE 'J'
SAN DIEGO, CA 92126
PHONE (658)271-9901

Project Address:
2605 ELLENTOWN ROAD
LA JOLLA, CA 92037

Project Name:
KORNBERG RESIDENCE

Sheet Title:

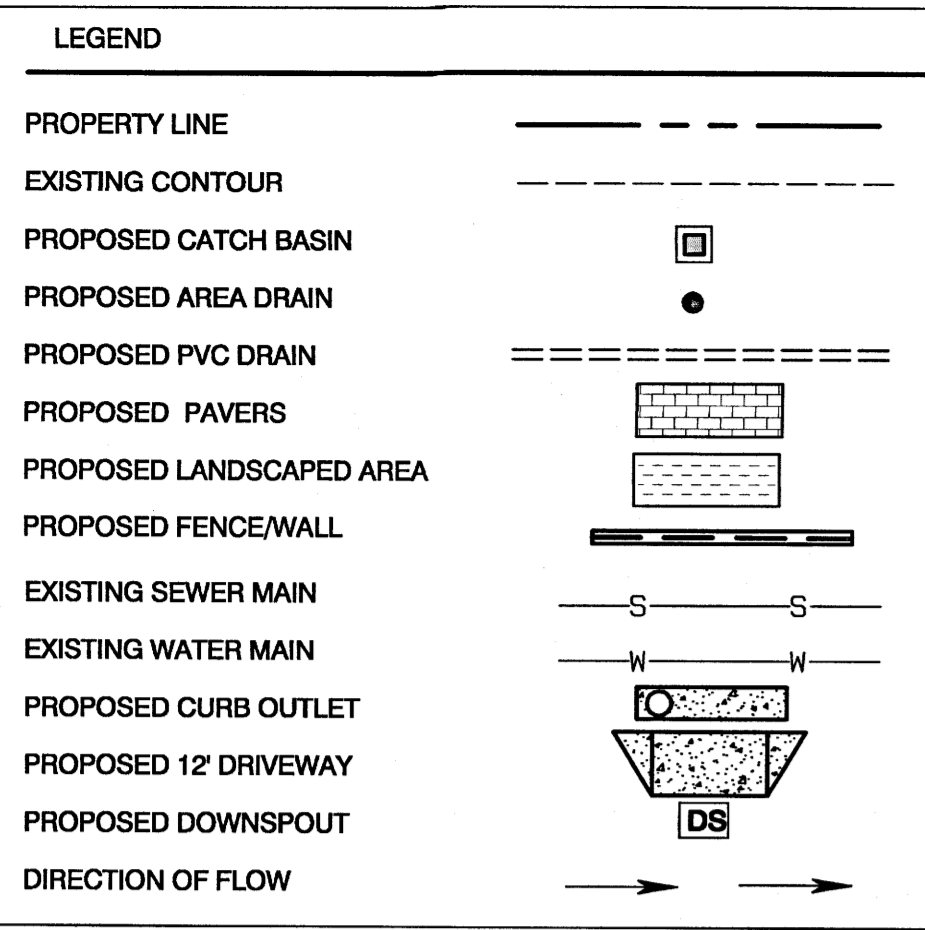
Revision 5:
Revision 4:
Revision 3:
Revision 2:
Revision 1: 04-24-19 ADDRESS CITY COMMENTS

Original Date: NOVEMBER 18, 2018

Sheet

PRELIMINARY GRADING PLAN

C-2

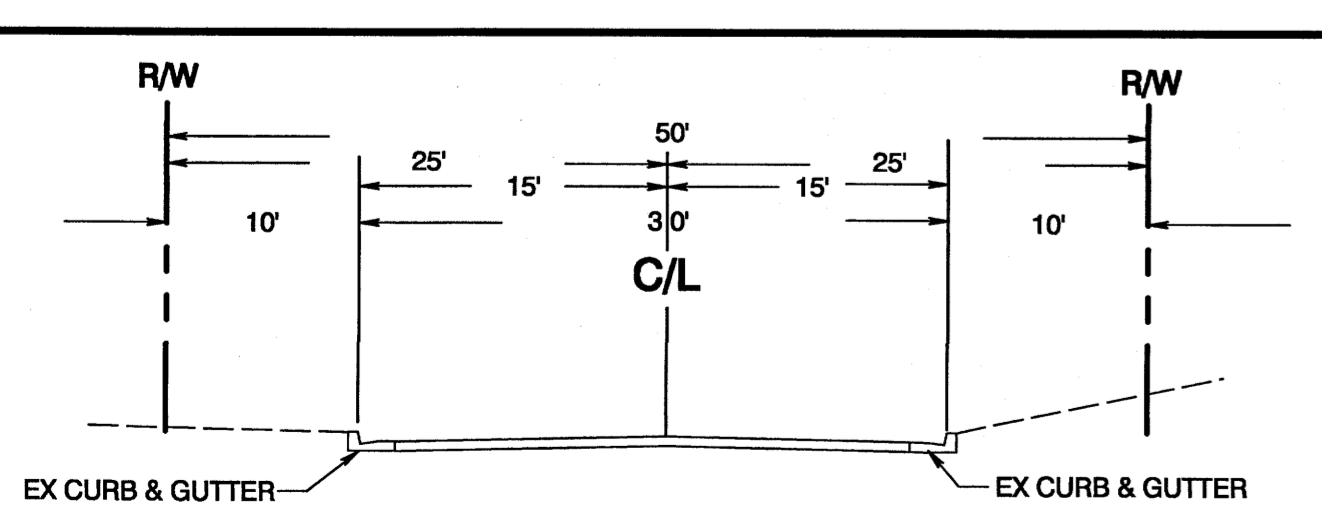
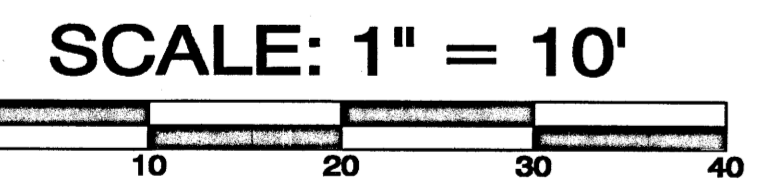
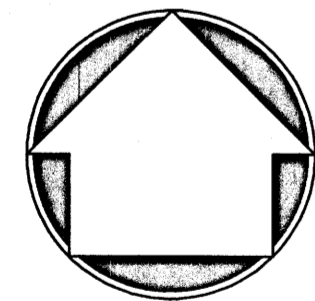
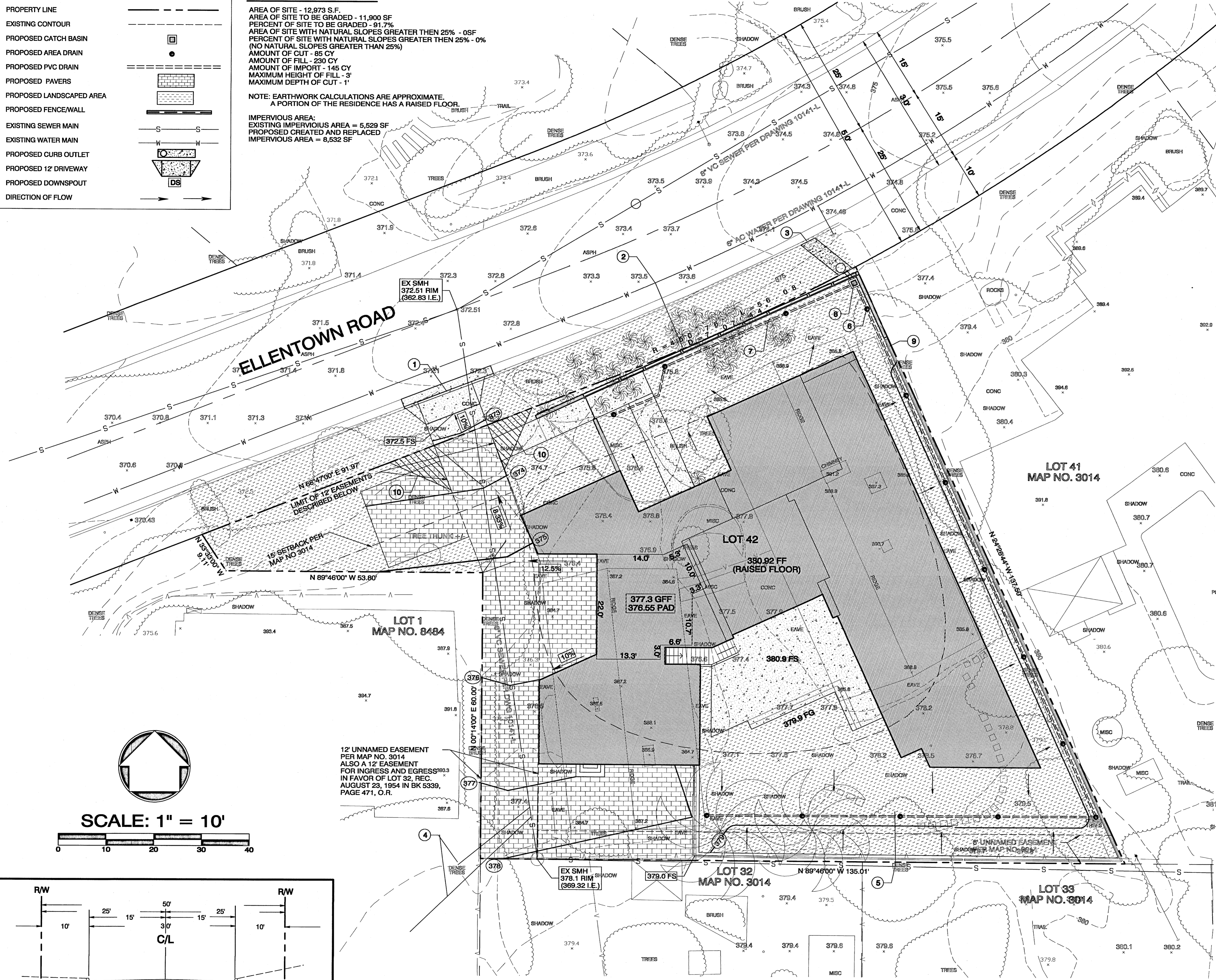


GRADING DATA

AREA OF SITE - 12,973 S.F.
AREA OF SITE TO BE GRADED - 11,900 SF
PERCENT OF SITE TO BE GRADED - 91.7%
AREA OF SITE WITH NATURAL SLOPES GREATER THAN 25% - 0SF
PERCENT OF SITE WITH NATURAL SLOPES GREATER THAN 25% - 0%
(NO NATURAL SLOPES GREATER THAN 25%)
AMOUNT OF CUT - 85 CY
AMOUNT OF FILL - 230 CY
AMOUNT OF IMPORT - 145 CY
MAXIMUM HEIGHT OF FILL - 3'
MAXIMUM DEPTH OF CUT - 1'

NOTE: EARTHWORK CALCULATIONS ARE APPROXIMATE.
A PORTION OF THE RESIDENCE HAS A RAISED FLOOR.

IMPERVIOUS AREA:
EXISTING IMPERVIOUS AREA = 5,529 SF
PROPOSED CREATED AND REPLACED IMPERVIOUS AREA = 8,532 SF



**TYPICAL STREET SECTION:
ELLENTOWN ROAD**
NOT TO SCALE

Antony K. Christensen
ANTONY K. CHRISTENSEN
RCE 54021
EXP. 12-31-19
Date
APRIL 24, 2019





KORNBERG RESIDENCE
2605 ELLENTOWN ROAD
LA JOLLA, CA
CONCEPTUAL PLAN

PREPARED

JASON KORNBERG
2605 ELLENTOWN RD
LA JOLLA, CA

PREPARED

LINEAR LANDSCAPE
ARCHITECTURE

JOE DODD, ASLA
3571 INGRAHAM ST.
SAN DIEGO, CA 92109
P | 888.203.6628
CDP SUBMITTAL:
01 - DEC. 11 2018
02 - APRIL 26 2019
03 - JULY 30 2019
04 - SEPT 13 2019

L-1

SHT
OF 3

DESIGN INTENT:

THE INTENT OF THE LANDSCAPE DESIGN IS TO PROVIDE A CONTEMPORARY LOOK THAT COMPLIMENTS THE DESIGN OF THE ARCHITECTURE WHILE AT THE SAME TIME CREATING CURB APPEAL AND USING PLANT MATERIAL AND BUILDING MATERIALS THAT COMPLIMENTS THE AESTHETIC OF THE NEIGHBORHOOD. THE PLANTING DESIGN CONSISTS OF DROUGHT TOLERANT PLANT MATERIAL WHICH UTILIZE LOW FLOW IRRIGATION. STREET TREES SHOWN ON THE DESIGN ARE COMPATIBLE WITH THE LA JOLLA COMMUNITY PLAN.

IRRIGATION DESIGN:

AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED BY LDC 142.0402(C) FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.

MAINTENANCE:

ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE HOMEOWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT OF WAY SHALL BE MAINTAINED BY THE HOMEOWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT

LOW IMPACT DEVELOPMENT BMP:

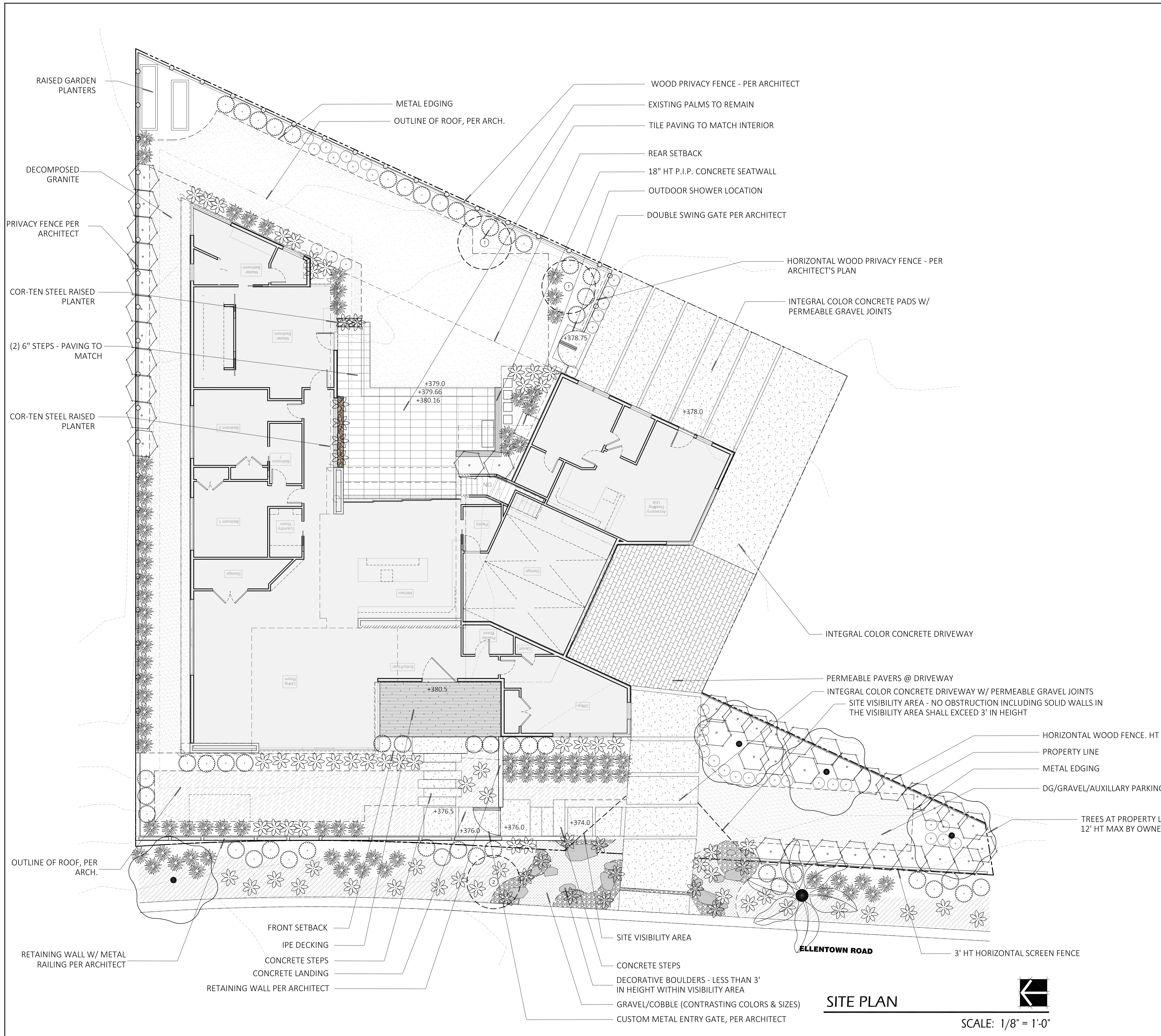
THIS DESIGN UTILIZES PRECAST AND Poured IN PLACE CONCRETE WITH POUROUS JOINTS. ROOF DRAINS WILL DISCHARGE BY UNDERGROUND PIPE AT THE STREET.

MINIMUM TREE SEPARATION DISTANCE

IMPROVEMENT/MINIMUM DISTANCE TO STREET TREE
TRAFFIC SIGNALS (STOP SIGN) - 20 FEET
UNDERGROUND UTILITY LINES - 5 FEET (10' FOR SEWER)
ABOVE GROUND UTILITY STRUCTURES - 10 FEET
DRIVEWAY (ENTRIES) - 10 FEET
INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET

NO TREES OR SHRUBS EXCEEDING THREE (3) FEET IN HEIGHT AT MATURITY SHALL EXIST WITHIN FIVE (5) FEET OF ANY PUBLIC WATER FACILITIES, OR WITHIN TEN (10) FEET OF ANY PUBLIC SEWER FACILITIES

NOTE: A MINIMUM ROOT ZONE OF 40SF IN AREA SHALL BE PROVIDED FOR ALL TREES. THE MINIMUM DIMENSION FOR THIS AREA SHALL E 5 FEET, PER SDMC 142.0403(B)(5)



SITE PLAN

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

ROOT BARRIER NOTE:
ALL TREES PLANTED WITHIN 5' OF ANY CURB, WALL, HARDSCAPE ELEMENT, BUILDING, FIRE HYDRANT, UTILITY VAULT, OR LIGHT FIXTURE SHALL RECEIVE A 10' LENGTH OF 24" DEEP ROOT BARRIER. NO ROOT BARRIER SHALL ENIRCLE THE ROOT BALL.

FILE NAME: G:\KORNBERG RESIDENCE\KORNBERG_P\SH1.DWG

THIS SHEET IS TO SCALE ABOVE WHEN PRINTED AT 24X36"



KORNBERG RESIDENCE
2605 ELLENTOWN ROAD
LA JOLLA, CA
PLANTING LEGEND

PREPARED

JASON KORNBERG
2605 ELLENTOWN RD
LA JOLLA, CA

PREPARED

LINEAR LANDSCAPE
ARCHITECTURE

JOE DODD, ASLA
3571 INGRAHAM ST.
SAN DIEGO, CA 92109
P | 888.203.6628
CDP SUBMITTAL:
01 - DEC. 11 2018
02 - APRIL 26 2019
03 - JULY 30 2019
04 - SEPT 13 2019

L-2

SHT
OF 3

CONCEPT_PLANT_SCHEDULE

QTY	BOTANICAL NAME	COMMON NAME	FORM	FUNCTION	MATURE SPREAD X HEIGHT	SIZE
4	SMALL ACCENT TREES ACACIA STENOPHYLLA OLEA EUROPAEA 'FRUITLESS' METROSIDEROS EXCELSUS	SHOESTRING ACACIA FRUITLESS OLIVE NEW ZEALAND CHRISTMAS TREE	WEeping MULTI-TRUNK STANDARD	EVERGREEN ACCENT EVERGREEN ACCENT BROAD CANOPY	20' X 30' 25' X 25' 15' X 30'	24" BOX/ 100%
1	SPECIMEN TREE DRACENA DRACO	QUEEN PALM	STANDARD	EVERGREEN PALM	10' X 50'	36" BOX
43	FOUNDATION/SCREENING SHRUBS LEUCADENDRON 'SAFARI SUNSET' LIGUSTRUM TEXANUM PITTOSPORUM TENUIFOLIUM 'SILVER SHEEN' PODOCARPUS MACROPHYLLUS MAKI BAMBUS MULTIFLEX 'GOLDEN GODDESS'	CONEBUSH TEXAS PRIVET PITTOSPORUM SHRUBBY YEW GOLDEN GODDESS BAMBOO	UPRIGHT UPRIGHT COLUMNAR COLUMNAR UPRIGHT	EVERGREEN/FOUNDATION EVERGREEN/FOUNDATION EVERGREEN/FOUNDATION EVERGREEN/FOUNDATION EVERGREEN/FOUNDATION	4' X 8' 6' X 9' 5' X 12' 4' X 12' 3' X 10'	15 GAL/ 50% 5 GAL/ 50%
50	MEDIUM SHRUBS ROSMARINUS 'TUSCAN BLUE' SALVIA GREGGII 'RED' SALVIA LEUCANTHA 'SANTA BARBARA' WESTRINGIA FRUTICOSA 'MORNING LIGHT'	ROSEMARY AUTUMN SAGE MEXICAN SAGE BUSH COAST ROSEMARY	ROUNDED ROUNDED ROUNDED ROUNDED	EVERGREEN/MASSING EVERGREEN/MASSING EVERGREEN/MASSING EVERGREEN/MASSING	4' X 5' 3' X 4' 3' X 4' 6' X 4'	5 GAL/ 50% 1 GAL/ 50%
83	ORNAMENTAL GRASSES CHONDROPETALUM TECTORUM 'EL CAMPO' PENNISTETUM 'FAIRY TALES' LEYMUS CONDENSATUS 'CANYON PRINCE' LOMANDRA LONGIFOLIA 'BREEZE' MUHLENBERGIA CAPILLARIS 'REGAL MIST'	CAPE RUSH FAIRY TALE GRASS NATIVE BLUE RYE DWARF MAT RUSH MUHLY GRASS	CAPE RUSH FULL SWORD SHAPED WEeping FULL	MASSING MASSING MASSING MASSING MASSING	4' X 3' 3' X 3' 3' X 4' 3' X 3' 3' X 3'	5 GAL/ 100%
79	ACCENT SHRUBS ALOE VERA CORDYLIN X 'FESTIVAL GRASS' AGAVE ATTENUATA PHORMIUM X 'YELLOW WAVE' AGAVE DESMETIANNA	ALOE DRACAENA FOXTAIL AGAVE NEW ZEALAND FLAX AGAVE	VASE SHAPED WEeping RADIAL SWORD SHAPED VASE SHAPED	ACCENT/COLOR ACCENT/COLOR ACCENT/COLOR ACCENT/COLOR ACCENT/COLOR	2' X 2' 2' X 2' 4' X 3' 3' X 3' 3' X 3'	5 GAL/ 100%
42	SMALL SHRUBS ASPARAGUS MEYERI CALLISTEMON VIMINALIS 'LITTLE JOHN' DIANELLA TASMANICA KNIPHOFIA UVARIA 'ORANGE' ANIGOZANTHOS FLAVIDUS 'BUSH RANGER'	FOXTAIL FERN DWARF BOTTLEBRUSH FLAX LILY ORANGE HOT POKER KANGAROO PAW	SWORD SHAPED MOUNDING SWORD SHAPED VASE SHAPED VASE SHAPED	ACCENT/COLOR ACCENT/COLOR ACCENT/COLOR ACCENT/COLOR ACCENT/COLOR	2' X 2' 4' X 4' 2' X 2' 2' X 2' 2' X 2'	5 GAL/ 50% 1 GAL/ 50%
	TURF GRASS MARATHON II	MARATHON II SOD	SOD	GROUNDCOVER	N/A	SOD/ 100%
	LOW GROWNING GROUNDCOVER CAREX TUMULICOLA FESTUCA RUBRA FESTUCA GLAUCA	BERKELEY SEDGE CREEPING RED FESCUE BLUE FESCUE	CLUMPING CLUMPING CLUMPING	GROUNDCOVER GROUNDCOVER GROUNDCOVER	18" X 18" 6" X 12" 6" X 12"	1 GAL/ 100% SOD/ 100% 1 GAL/ 100%
	SPREADING GROUNDCOVER SENECIO MALANDRACEA DORYCNium HIRSUTUM	SENECIO HAIRY CANARY FLOWER	SPREADING SPREADING	GROUNDCOVER GROUNDCOVER	2' X 1' 3' X 2'	FLATS/ 100%

EXISTING PLANT LEGEND

BOTANICAL NAME	COMMON NAME	CALIPER	CONDITION
PHOENIX CANARIENSIS	CANARY ISLAND PALM	60"	PROTECT IN PLACE
DRACENA DRACO	DRAGON TREE	25"	TO BE TRANSPLANTED ON-SITE

NOTE:
• ALL EXISTING SHRUBS, TREES, AND GROUNDCOVERS TO BE REMOVED UNLESS OTHERWISE NOTED

ROOT BARRIER NOTE:
ALL TREES PLANTED WITHIN 5' OF ANY CURB, WALL, HARDSCAPE ELEMENT, BUILDING, FIRE HYDRANT, UTILITY VAULT, OR LIGHT FIXTURE SHALL RECEIVE A 10' LENGTH OF 24" DEEP ROOT BARRIER. NO ROOT BARRIER SHALL ENIRCLE THE ROOT BALL.



KORNBERG RESIDENCE

2605 ELLENTOWN ROAD
 LA JOLLA, CA

LANDSCAPE DIAGRAM

PREPARED

JASON KORNBERG
 2605 ELLENTOWN RD
 LA JOLLA, CA

PREPARED

LINEAR LANDSCAPE ARCHITECTURE

JOE DODD, ASLA
 3571 INGRAHAM ST.
 SAN DIEGO, CA 92109
 P | 888.203.6628
 CDP SUBMITTAL:
 01 - DEC. 11 2018
 02 - APRIL 26 2019
 03 - JULY 30 2019
 04 - SEPT 13 2019

L-3

LANDSCAPE AREA

REQUIRED LANDSCAPE AREA PROVIDED - 3941 SF (30%)
 MIN. REQUIRED LANDSCAPE = 30% = 3920 SF

LOT AREA: 13,068 SF
 HOUSE FOOTPRINT: 4,637 SF
 TOTAL HARDSCAPE: 2854 SF

WATER BUDGET

WATER EFFICIENT LANDSCAPE WORKSHEET								
Irrigation Point of Connection (P.O.C.) 1								
REFERENCE EVAPOTRANSPIRATION (ETO) 41								
Hydro zone #	Planting Description	Plant Factor (average) (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (sq ft)	ETAF x Area	Estimated Total Water Use (ETWU)
REGULAR LANDSCAPE AREAS								
1	MEDIUM WATER	0.50	DRIP	0.81	0.41	2590	1048.95	26664
2	HIGH WATER	0.80	ROTATORS	0.70	0.56	1351	756.56	19232
								0
								0
								0
						TOTAL	3941	1805.51
SPECIAL LANDSCAPE AREAS								
						1.00	108	108.00
								2745
								0
						TOTAL	108	108
								ETWU TOTAL 48641
								MAXIMUM WATER ALLOWANCE (MAWA) 56335
								IRRIGATION EFFICIENCY (IE) AVERAGE 73.1

MAXIMUM APPLIED WATER ALLOWANCE (MAWA)			
ET o =	41 in/yr	RESIDENTIAL	0.55
LA =	3941 sq ft	NON RESIDENTIAL	0.45
SLA =	108 sq ft		
ETAF =	0.55		
MAWA = (Eto)(0.62)[ETAF x LA] + (1 - ETAF) x SLA			
MAWA = (Eto)(0.62)[(0.55 x LA) + (1 - 0.55) x SLA]			
MAWA =	41 (0.62)[(0.55x 3941	+ 0.45	X 108
MAXIMUM APPLIED WATER ALLOWANCE= 56334.5 gal. per year			

ETAF				
	TOTAL ETAF x AREA	TOTAL AREA	AVERAGE ETAF	SITEWIDE ETAF
REGULAR LANDSCAPE AREAS	1805.51	3941	0.46	
ALL LANDSCAPE AREAS	1913.51	4049	n/a	0.47

ETAF	
Residential	0.55 or below
Non-residential	0.45 or below

Hydrozone Category	PF-Plant Factor
High Water Use	0.7-1.0
Moderate Water Use	0.4-0.6
Low Water Use	0.1-0.3
Very Low Water Use	0-0.1
Special Landscape Area	1.00

Reclaimed water = Special Landscape Area
 *Artificial Turf & Temporary Irrigated areas = low water

Irrigation Method Code	IE - Irrigation Efficiency
Filler Pipe for Pools/Spa	1.00
Drip/Subsurface	0.90
Bubblers	0.85
Rotors	0.75
Rotators	0.70
Overhead Spray	0.60

NOTE: PLANT SYMBOLS SHOWN FOR REFERENCE ONLY. REFER TO SHT L-1 AND L-2 FOR PLANTING PLAN AND PLANTING SCHEDULE

REQUIRED LANDSCAPE AREA, TYP

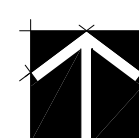
HYDROZONE 2 (TURF AREAS)

HYDROZONE 1 (ALL SHRUB PLANTING AREAS)

ELLENTOWN ROAD

LANDSCAPE DIAGRAM

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



THIS SHEET IS TO SCALE ABOVE WHEN PRINTED AT 24X36"