



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: June 25, 2014 REPORT NO. HO 14-038
ATTENTION: Hearing Officer
SUBJECT: **WHALE WATCH WAY RESIDENCE**
PTS# 328415
LOCATION: 8490 Whale Watch Way
APPLICANT: James Gates

SUMMARY

Issue(s): Should the Hearing Officer approve a project to allow the demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement located on a 0.46 acre site at 8490 Whale Watch Way in the Single Family zone of the La Jolla Shores Planned District in the La Jolla Community Plan area?

Staff Recommendation(s) -

1. **Certify** Mitigated Negative Declaration No. 328415 and **Adopt** Mitigation, Monitoring, and Reporting Program; and
2. **Approve** Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734

Community Planning Group Recommendation - On February 6, 2014 the La Jolla Community Planning Association voted 15:0:1 to recommend denial of the project.

La Jolla Shores Advisory Board Recommendation - On March 18, 2014 the La Jolla Shores Advisory Board heard a presentation from the architect and discussed the project, yet was unable to reach consensus on a recommendation. Two motions were presented and both failed, therefore there is no recommendation from the La Jolla Shores Advisory Board.

Environmental Review - A Mitigated Negative Declaration No. 328415 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 site is located in the La Jolla community and is designated by the La Jolla Community Plan for Low Density Residential use at a density range of 5-9 dwelling units per acre (Attachment 1). The site is located at 8490 Whale Watch Way and is presently developed with a single family structure (Attachment 2). The existing neighborhood is developed with single family structures (Attachment 3). The site is located in the La Jolla Shores Planned District in the Single Family Zone, Coastal and Coastal Height Overlay Zones.

DISCUSSION

The Whale Watch Way project proposes the demolition of an existing structure and construction of a 7,001 square-foot, two-story structure with a basement located on a 0.46 acre site located at 8490 Whale Watch Way (Attachment 4).

The project requires a Coastal Development Permit (CDP) and Site Development Permit (SDP) to allow for the demolition of an existing structure and the construction of a 7,001 square-foot structure. The project includes construction of a 2,728 square-foot first floor, a 4,273 square-foot second floor and a 2,480 square-foot basement. In accordance with SDMC section 113.0234, the basement area, 2,480 square-feet, is excluded from the Gross Floor Area, for a total of 7001 square-feet of building area above grade (habitable area). The project also includes 2,039 square-feet of projections (non-habitable area) over at-grade space which is included as Gross Floor Area, per SDMC section 113.0234(b)(3).

Bulk and scale was an issue considered during the review of the project. Staff reviewed the proposed project for conformance with the La Jolla Shores Planned District Ordinance (LSPDO) regulations. The LSPDO does not specify the maximum floor area ratio (FAR), only the maximum lot coverage. Lot coverage is allowed to be no greater than sixty percent (San Diego Municipal Code Section 1510.0304) of the site area. The project as designed complies with the LSPDO lot coverage requirement. The new structure would result in a twenty-six percent coverage on the lot. A survey of the neighborhood showing a comparison of similar gross floor areas and building setbacks to the current proposal is generally used as a guide for conformance to the surrounding development. The proposed setbacks are generally in conformance with other properties in the vicinity. The proposed building complies with the maximum thirty foot structure height limit, pursuant to the Single Family Zone Development Regulations of the La Jolla Shores Planned District Ordinance and Coastal Development regulations. The project complies with all applicable land use plans, policies and regulations.

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the immediate neighborhood and would not be detrimental to the purpose and intent of the LSPDO. The proposed exterior construction materials, concrete and

natural stone walls, low reflectance glass windows and doors, would be compatible with the neighborhood, as specified in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual.

The La Jolla Shores neighborhood is comprised of structures with varied bulk, scale, forms, materials and colors. The proposed structure's overall form, bulk, scale, exterior materials and colors when viewed from the public right-of-way would be compatible with the varied architecture of the La Jolla Shores neighborhood. As proposed, the project is designed to exemplify high quality residential architecture that would promote and support the high quality residential environment in La Jolla and respect the relationship of structures with the hillside location. The project would protect the natural features of the site, preserve the existing streetscape themes and support a harmonious visual relationship between the bulk and scale of new and older structures by being generally consistent with the bulk and scale of the other surrounding single family residential homes. The project would comply with the La Jolla Shores Planned District Ordinance regulations and Coastal Development regulations.

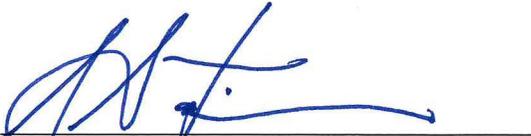
Conclusion

Staff reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the proposed development (Attachment 5) and draft conditions of approval (Attachment 6). Staff is recommending the Hearing Officer approve the project as proposed.

ALTERNATIVES

1. **Approve** Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734, **with modifications.**
2. **Deny** Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



John S. Fisher
Development Project Manager

Attachments:

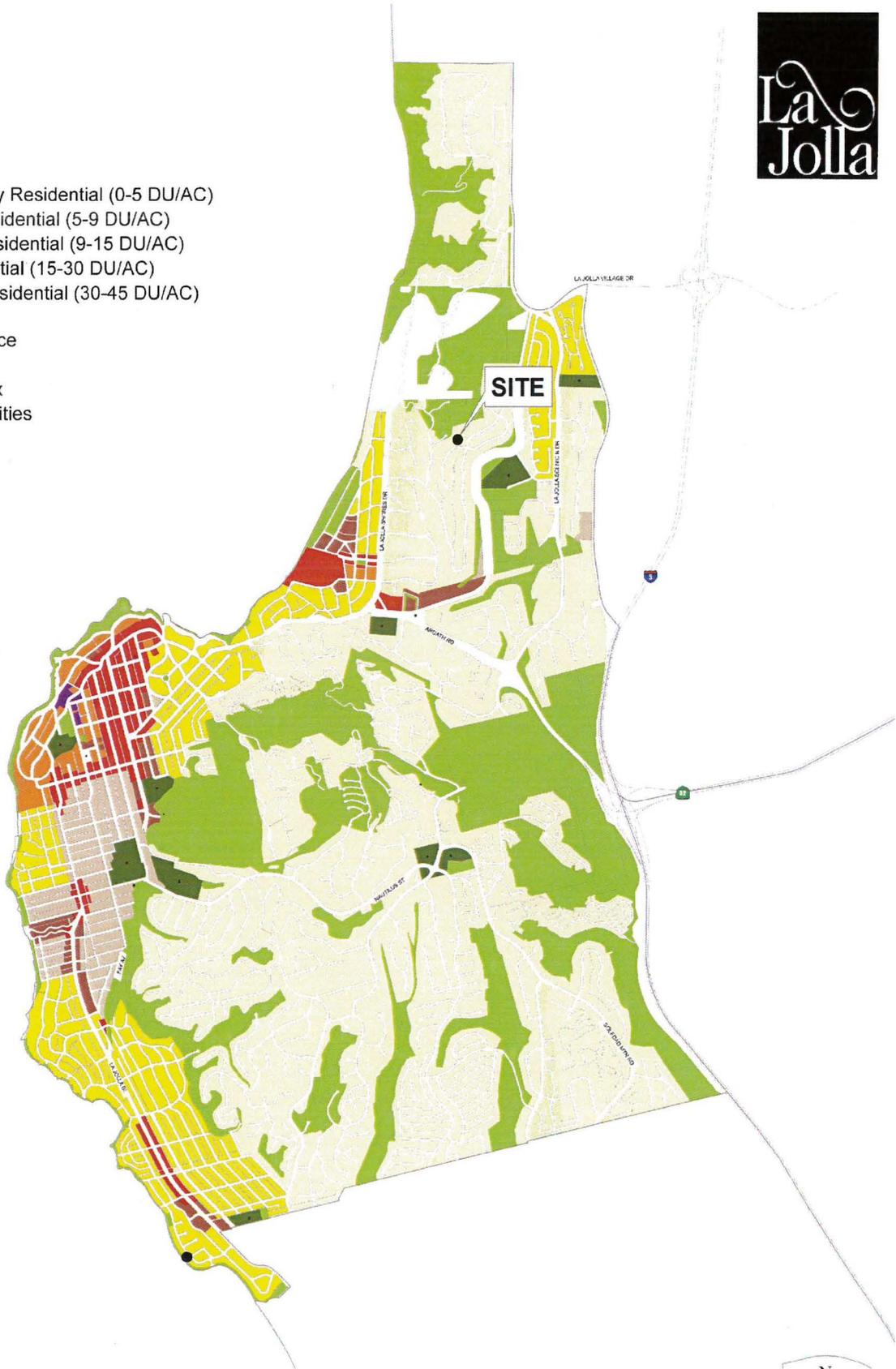
1. Community Plan Land Use Map
2. Project Location Map

3. Aerial Photograph
4. Project Plans
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Environmental Resolution
8. La Jolla Community Planning Association recommendation
9. La Jolla Shores Advisory Board recommendation
10. Ownership Disclosure Statement
11. Project Data Sheet



Legend

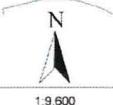
- Very Low Density Residential (0-5 DU/AC)
- Low Density Residential (5-9 DU/AC)
- Low Medium Residential (9-15 DU/AC)
- Medium Residential (15-30 DU/AC)
- Medium High Residential (30-45 DU/AC)
- Commercial
- Parks, Open Space
- Schools
- Cultural Complex
- Community Facilities



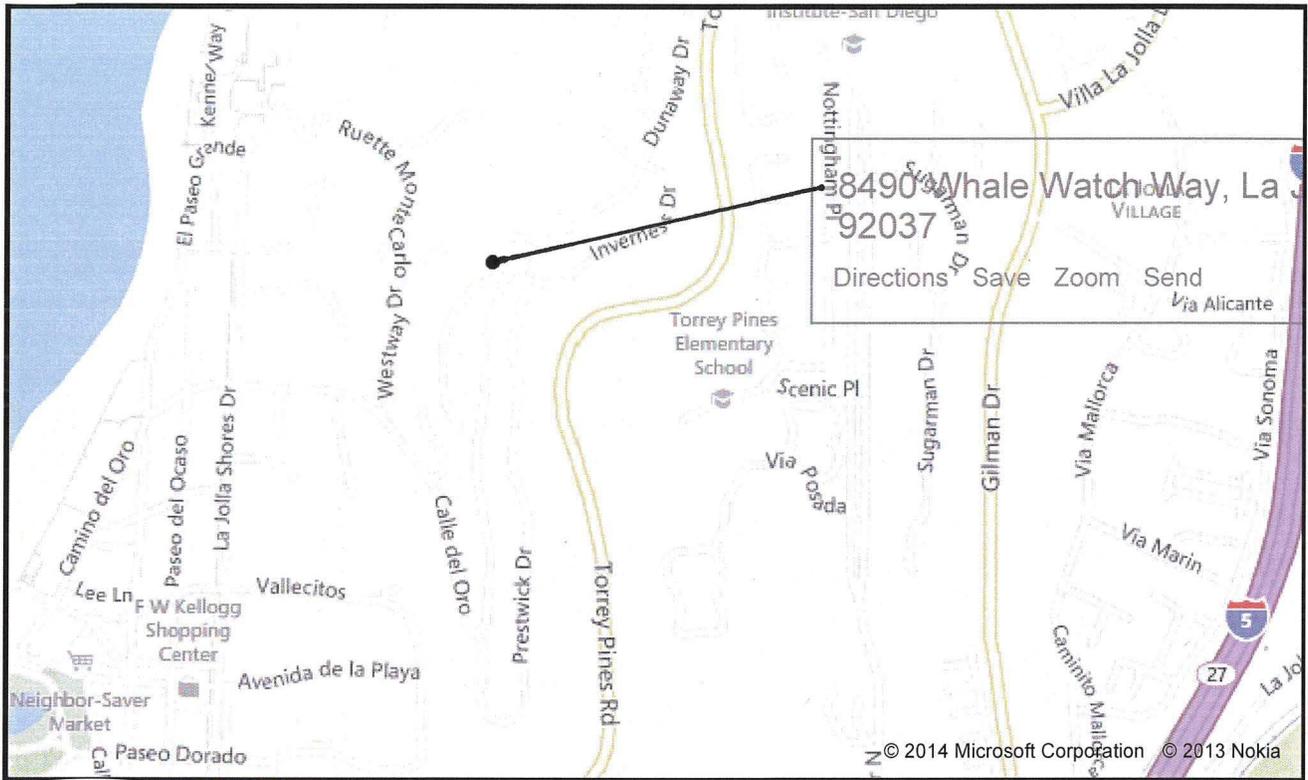
Community Land Use Map



La Jolla Community Plan
City of San Diego Planning Department



1:9,600





SITE

RESIDENCE

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PROJECT TEAM

CLIENT: PROPERTY OWNER
8490 WHALE WATCH WAY
LA JOLLA, CA 92037

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ARCHITECTURE AND PLANNING
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SAN DIEGO, CA 92116
PHONE: 619-882-4083
FAX: 619-882-4084
www.publicidigital.com

CIVIL ENGINEER: FLOREZ ENGINEERING, INC.
FRANK FLOREZ
10752 CHARBONN TERRACE
SAN DIEGO, CA 92131
PHONE: 619-226-2183
FAX: 619-882-8482
www.florezengineering.com

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PROJECT SUMMARY

SITE ADDRESS: 8490 WHALE WATCH WAY
LA JOLLA, CA 92037

LEGAL DESCRIPTION: LOT 23 OF LA JOLLA SHORES HEIGHTS MAP 5831

ASSESSOR PARCEL NO: 345-685-08-03

BUILDING TYPE: TYPE V-9
10-D SPRINKLERS SYSTEM

BUILDING OCCUPANCY: R3 (EXISTING & PROPOSED)

YEAR BUILT: 1972

PERMIT REQUIRED: COASTAL DEVELOPMENT PERMIT (PROCESS 2)
SITE DEVELOPMENT PERMIT (PROCESS 3)

ZONE: LUSPO-SF

ZONE OVERLAYS: BRUSH ZONES W/ 300 FT BUFFER
COASTAL HEIGHT LIMIT
CITY COASTAL
COASTAL AND CAMPUS PARKING IMPACT
GEOLOGIC HAZARD: 26, 53

EASEMENTS: NONE

BUILDING HEIGHT: 30' PER SDMC 131.0444(a) THE HIGHEST POINT OF THE ROOF, EQUIPMENT, OR ANY VENT, PIPE ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 30' ABOVE GRADE. (PROP D)

COMMUNITY PLAN: LA JOLLA

SQUARE FOOTAGE TOTALS

SITE AREA:	20,093 SQFT
LANDSCAPE AREA:	10,100 SQFT approx. 50%
LANDSCAPE AREA:	4,590 SQFT
BASINMENT:	2,480 SQFT excluded from FAR
FIRST FLOOR:	2,728 SQFT
SECOND FLOOR:	4,273 SQFT
9,481 SQFT GROSS BUILDING	

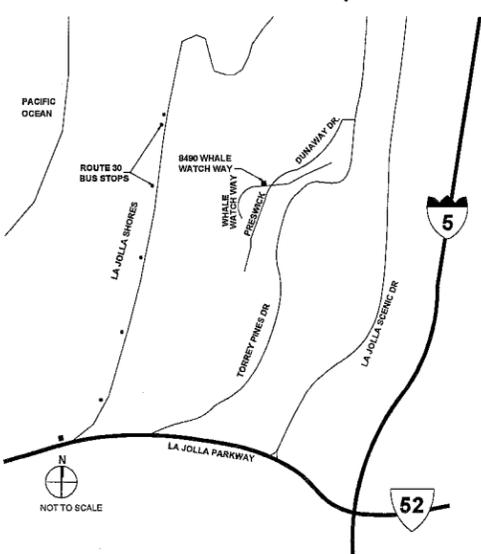
MAX. LOT COVERAGE: 60%

PROPOSED LOT COVERAGE: 5,330 SQFT = 26%

PROPOSED F.A.R. .45" 7,001 SQFT Building area above grade
2,036 SQFT Projections over at grade space per diagram 113-02p
9,040 SQFT

*PROVIDED FOR INFORMATION ONLY. NOT REQUIRED FOR PROJECTS WITHIN THE LA JOLLA SHORES P.D.O.

VICINITY MAP



GENERAL NOTES

- All work to conform to the current editions of the UBC, CBC, UMC, NEC and UPC as adopted by the City of San Diego.
- The contractor and subcontractors shall verify the conditions at the site affecting their work and will review the contract documents for dimension, detail and note conflicts, illegibility discrepancies or omissions. Any discrepancies will be brought to the owner's attention before commencing the work.
- Workmanship throughout shall be of the highest quality. The contractor and subcontractor, before commencing work, will notify the owner in writing of any work that cannot be fully guaranteed or executed within the intent of the contract drawings.
- All trades shall do their own cutting, fitting and patching to all portions of their work to properly receive or be received by the work of others.
- All subcontractors are responsible for protecting the previous work.
- Claim for additional or alternate work shall be allowed only if the owner and contractor sign a written change before the work is performed.
- All debris to be removed and disposed of per state and city regulations.
- Before excavating, verify location of underground utilities.
- Dimensions are to face of framing unless otherwise noted.
- Provide building address numbers visible and legible from the street or road fronting the property per PHPS Policy P-00-6 (UFC 891.4.4)

ENERGY & WATER CONSERVATION NOTES

- "Provide ultra low flush toilets, and maximum 2.2 GPM flow on faucets."
- Maximum shower head flow, 2.5 gallons per minute
- "Permanent vacuum breakers shall be included with all new hose bibbs."
- "State Health & Safety Code Sec 17921.8 bans the use of chlorinated poly(vinyl) chloride (CPVC) and crosslinked polyethylene (PEX) for interior water-supply piping."
- "Provide faucets with a maximum flow of 2.2 Gallons per minute (GPM)."

STORM WATER QUALITY NOTES CONSTRUCTION BMP'S

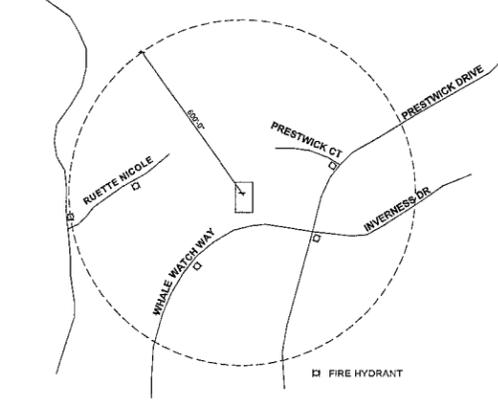
This project shall comply with all requirements of the State Permit; California Regional Water Quality Control Board, San Diego region, Order no. 2001-01-10005 No. CA8010875, (http://www.swrcb.ca.gov/wqcb02/program/efld_stormwater.htm) and the City of San Diego Land Development Code (http://sdlegisnet.sannet.gov/lights/legiscenter/locat.pdf?dmw_objecid=0600145190006243)

Notes 1-6 below represent key minimum requirements for construction BMP's.

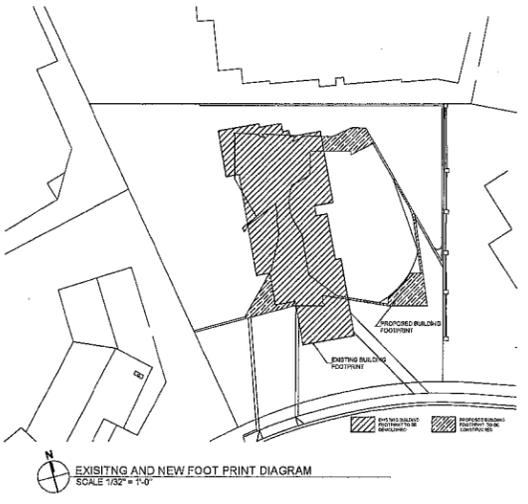
- Subsided BMP's must be installed to prevent silt, mud or other construction debris from being tracked into the adjacent street(s) or storm water conveyance systems due to construction vehicles or any other construction activity. The contractor shall be responsible for cleaning any such debris that may be in the street at the end of each work day or after a storm event that causes a breach in the installed construction BMP's.
- All stock piles of uncompacted soil and/or building materials that are intended to be left unprotected for a period greater than seven calendar days are to be provided with erosion and sediment controls. Such soil must be protected each day when the probability of rain is 40% or greater.
- A concrete washout shall be provided on all projects which propose the construction of any concrete improvements that are to be poured in place on the site.
- All erosion/sediment control devices shall be maintained in working order at all times.
- All slopes that are created or disturbed by construction activity must be protected against erosion and sediment transport at all times.
- The storage of all construction materials and equipment must be protected against any potential release of pollutants into the environment.

SYMBOLS LEGEND

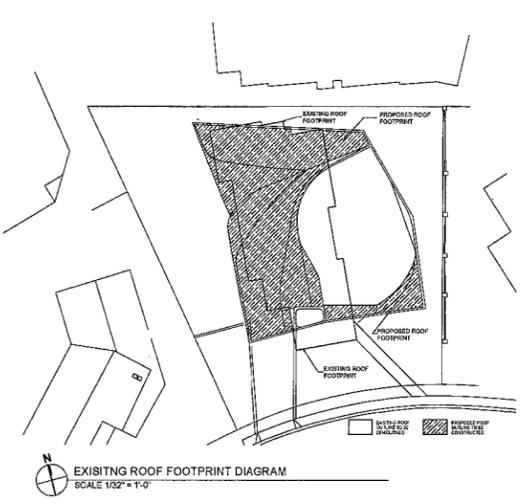
EL=XXXX'	LEVEL FINISH FLOOR LEVEL - PLAN REFERENCE
F.F.L. XXX'X" = XXX'	LEVEL FINISH FLOOR LEVEL - SECTION REFERENCE
SECTION LINE	SECTION LETTER REFERENCE
ROOM #/SPCS	ROOM REFERENCE
ROOM NAME	ROOM NAME
R20	ROOM NUMBER
SQFT 865	AREA
FINISH FINISH	MATERIAL FINISHES
FINISH FINISH	MATERIAL FINISHES
FINISH FINISH	MATERIAL FINISHES



FIRE HYDRANT DIAGRAM
N.T.S.



EXISTING AND NEW FOOT PRINT DIAGRAM
SCALE 1/32" = 1'-0"



EXISTING ROOF FOOTPRINT DIAGRAM
SCALE 1/32" = 1'-0"

DATE	BENCHMARK AND/OR REVISION	SIGN OFF
08.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
12.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

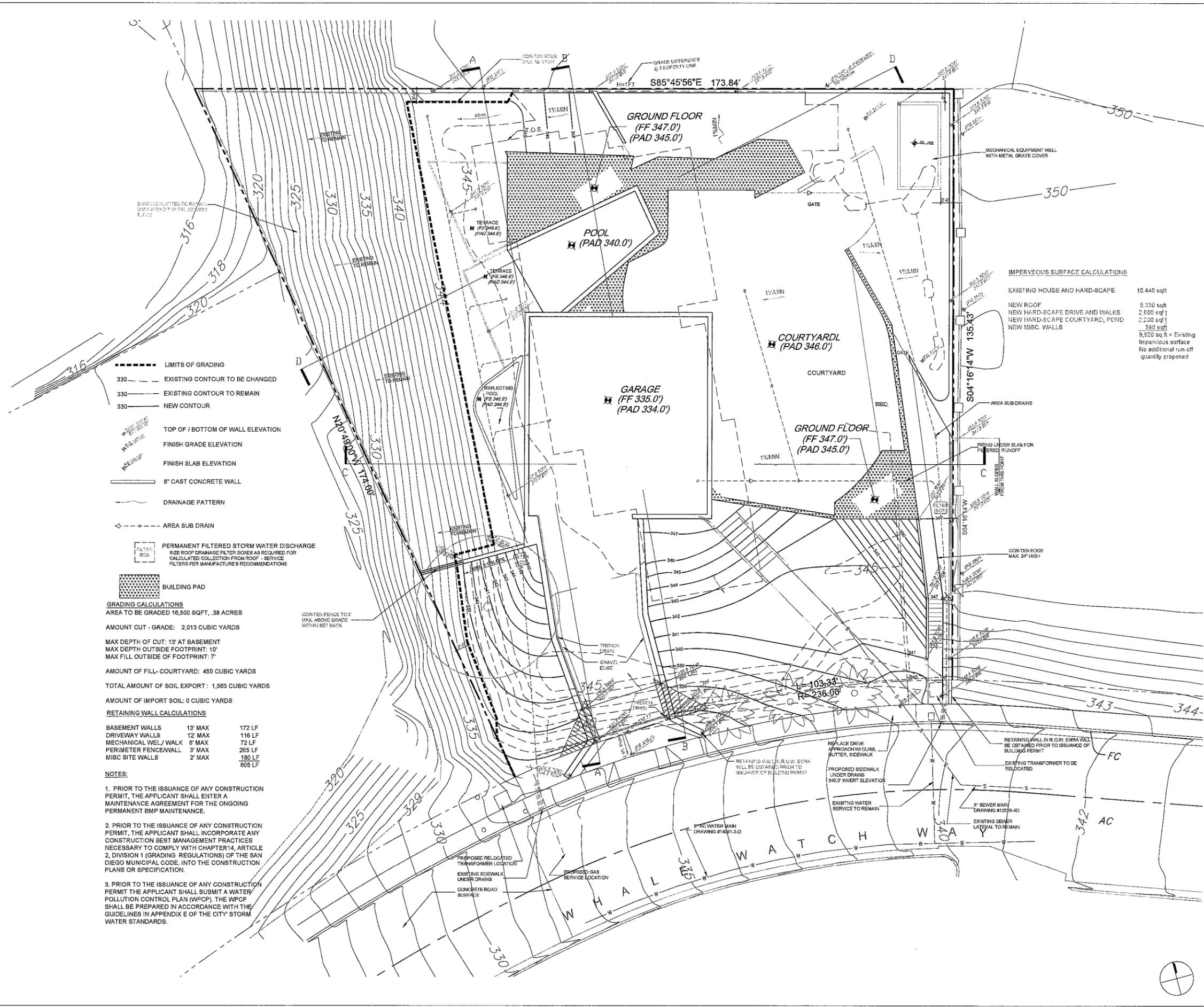
PROJECT: RESIDENCE

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PROJECT NUMBER: 1884	FORMAT: A7"X36"	SCALE: AS NOTED	DATE: 12/12/2014
DRAWING TITLE: COVER SHEET	SCALE: A0.0	DRAWING NUMBER: 1 OF 15	DATE: Feb. 12, 2014

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- LIMITS OF GRADING
- EXISTING CONTOUR TO BE CHANGED
- EXISTING CONTOUR TO REMAIN
- NEW CONTOUR
- TOP OF / BOTTOM OF WALL ELEVATION
- FINISH GRADE ELEVATION
- FINISH SLAB ELEVATION
- 6" CAST CONCRETE WALL
- DRAINAGE PATTERN
- AREA SUB DRAIN

PERMANENT FILTERED STORM WATER DISCHARGE
 SIZE ROOF DRAINAGE FILTER BOXES AS REQUIRED FOR CALCULATED COLLECTION FROM ROOF. SERVICE FILTERS PER MANUFACTURER'S RECOMMENDATIONS

BUILDING PAD

GRADING CALCULATIONS
 AREA TO BE GRADED 16,500 SQFT, .38 ACRES
 AMOUNT CUT - GRADE: 2,013 CUBIC YARDS
 MAX DEPTH OF CUT: 13' AT BASEMENT
 MAX DEPTH OUTSIDE FOOTPRINT: 10'
 MAX FILL OUTSIDE OF FOOTPRINT: 7'

AMOUNT OF FILL - COURTYARD: 450 CUBIC YARDS
 TOTAL AMOUNT OF SOIL EXPORT: 1,563 CUBIC YARDS
 AMOUNT OF IMPORT SOIL: 0 CUBIC YARDS

RETAINING WALL CALCULATIONS

BASEMENT WALLS	13' MAX	172 LF
DRIVEWAY WALLS	12' MAX	116 LF
MECHANICAL WEL/WALK	6' MAX	72 LF
PERIMETER FENCE/WALL	3' MAX	265 LF
MISC SITE WALLS	2' MAX	180 LF
		805 LF

- NOTES:**
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL ENTER A MAINTENANCE AGREEMENT FOR THE ONGOING PERMANENT BMP MAINTENANCE.
 - PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATION.
 - PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT THE APPLICANT SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY STORM WATER STANDARDS.

IMPERVIOUS SURFACE CALCULATIONS

EXISTING HOUSE AND HARD-SCAPE	10,440 sqft
NEW ROOF	5,330 sqft
NEW HARD-SCAPE DRIVE AND WALKS	2,000 sqft
NEW HARD-SCAPE COURTYARD, POND	2,000 sqft
NEW MISC. WALLS	550 sqft
9,920 sq ft < Existing Impervious surface	
No additional run-off quantity proposed	

DATE	BENCHMARK AND/OR REVISION	SIGN OFF
06.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.01.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
03.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

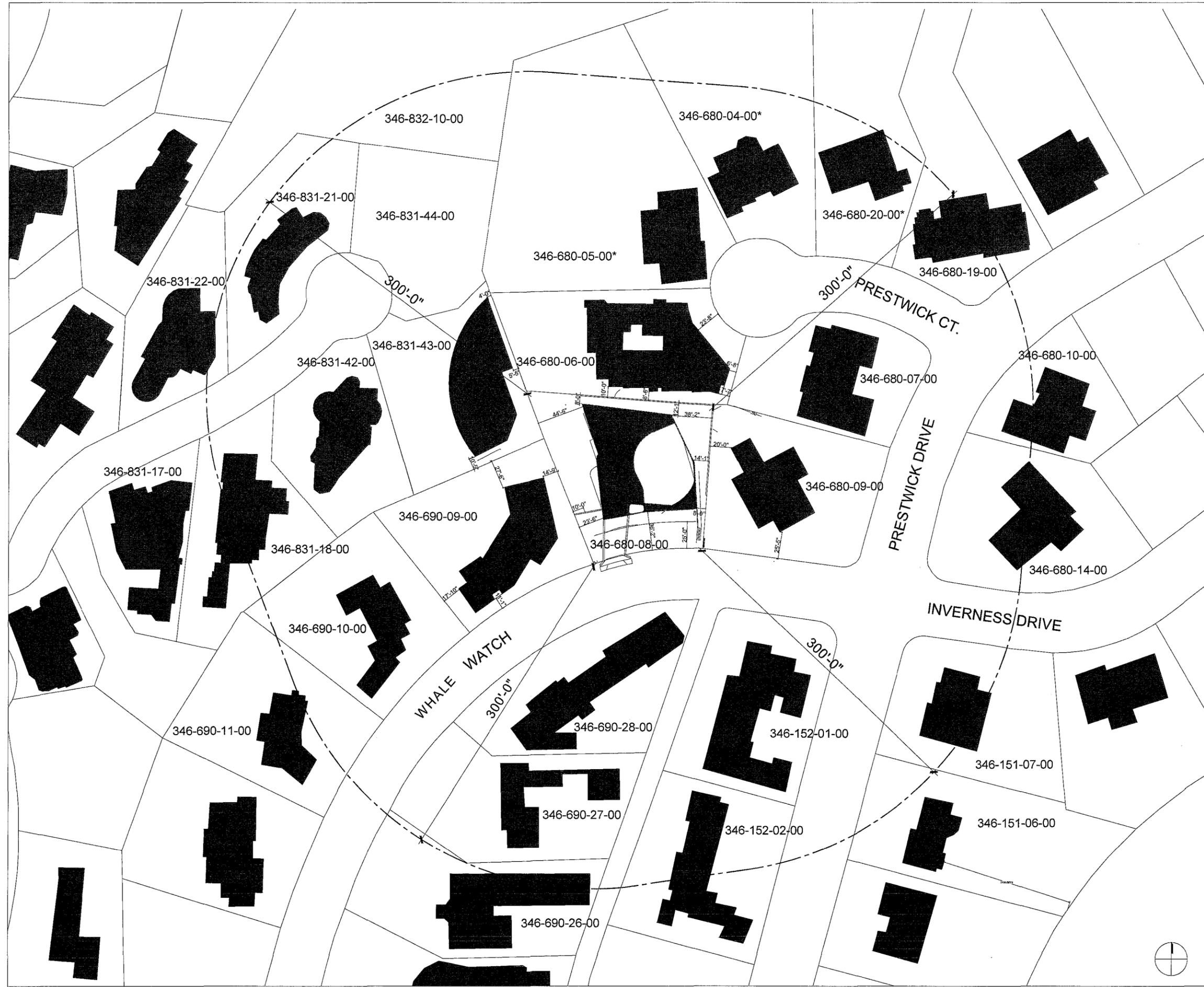
RESIDENCE

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 619-582-4084 (f)

PROJECT NUMBER: 1056	PROJECT: 421287	SCALE: 1/8" = 1'-0"	SHEET NUMBER: A0.2	TOTAL SHEETS: 3 OF 16
DATE: Feb. 12, 2014			DRAWING NAME: GRADING PLAN	

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12.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT
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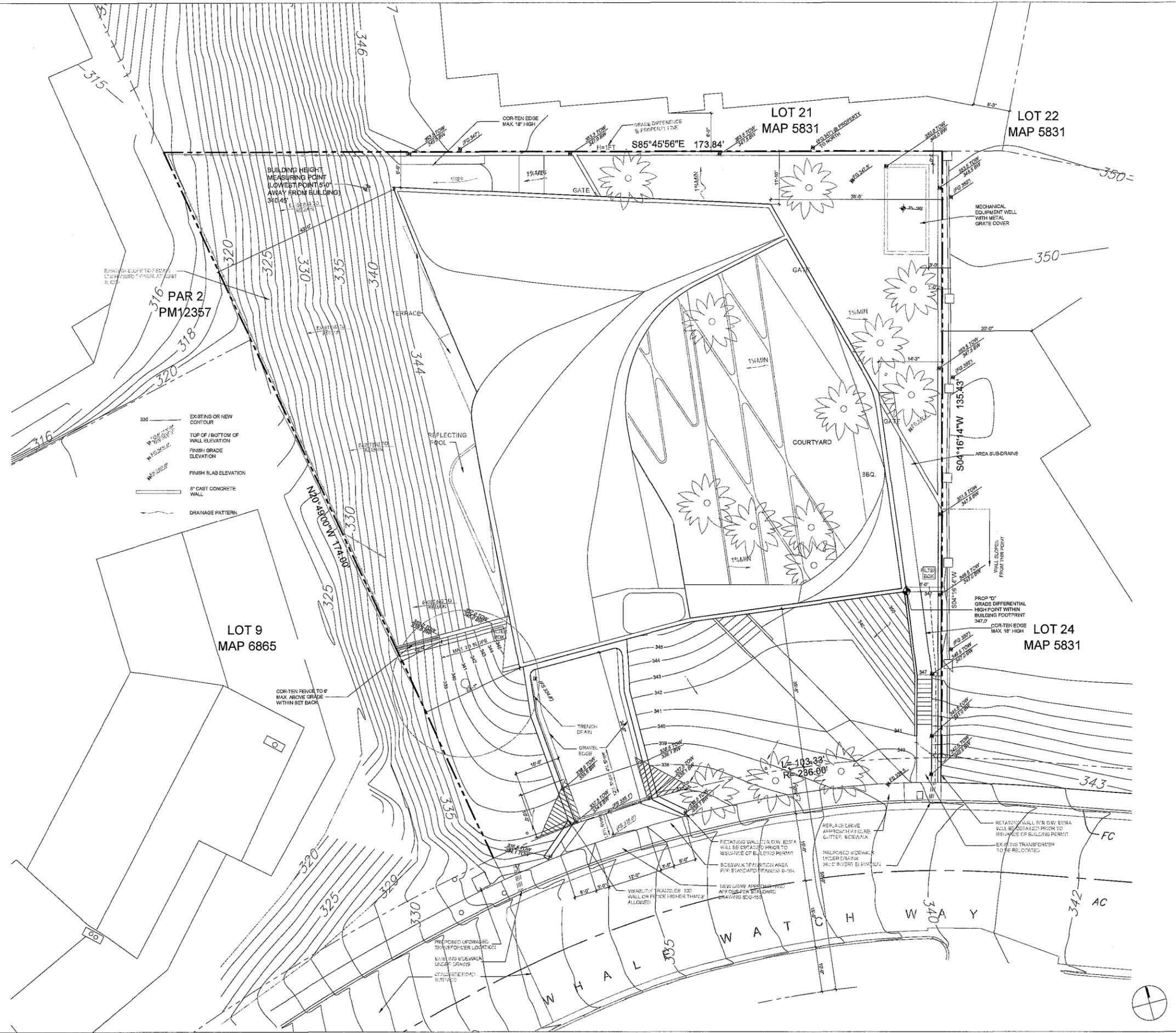
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1001	41'-00"	1/32" = 1'-0"		

DRAWING TITLE: **VICINITY SITE PLAN** A0.3 4 OF 15

DATE: **Feb. 12, 2014**



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- 330 - EXISTING OR NEW CONTOUR
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- FINISH GRADE ELEVATION
- FINISH SLAB ELEVATION
- 8" CAST CONCRETE WALL
- DRAINAGE PATTERN

DATE	BENCHMARK AND/OR REVISION	SIGN OFF
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02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

RESIDENCE

ZAHA HADID ARCHITECTS

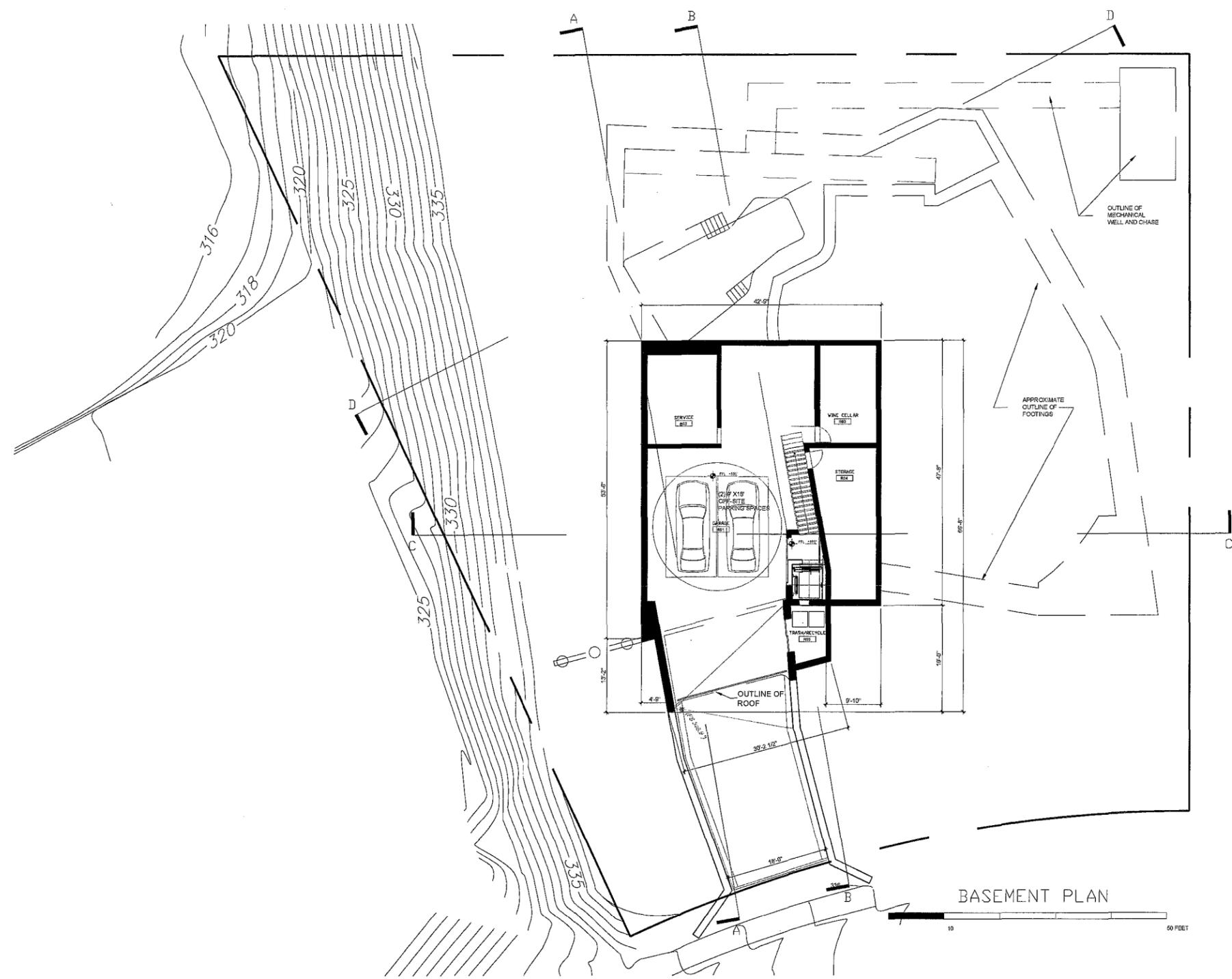
PROJECT:
15 MORNING GARDEN LANE
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PROJECT NAME: 15 MORNING GARDEN LANE
SCALE: 1/8" = 1'-0"
DRAWN BY: [Name]
DATE: Feb. 12, 2014

PROJECT NAME: 15 MORNING GARDEN LANE	SCALE: 1/8" = 1'-0"	DATE: Feb. 12, 2014
SITE PLAN		A1.0
		5 OF 15

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BASEMENT PLAN

DATE	BENCHMARK AND/OR REVISION	SIGN OFF
09.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT PERMIT SUBMITTAL	

NAME:

PROJECT
RESIDENCE

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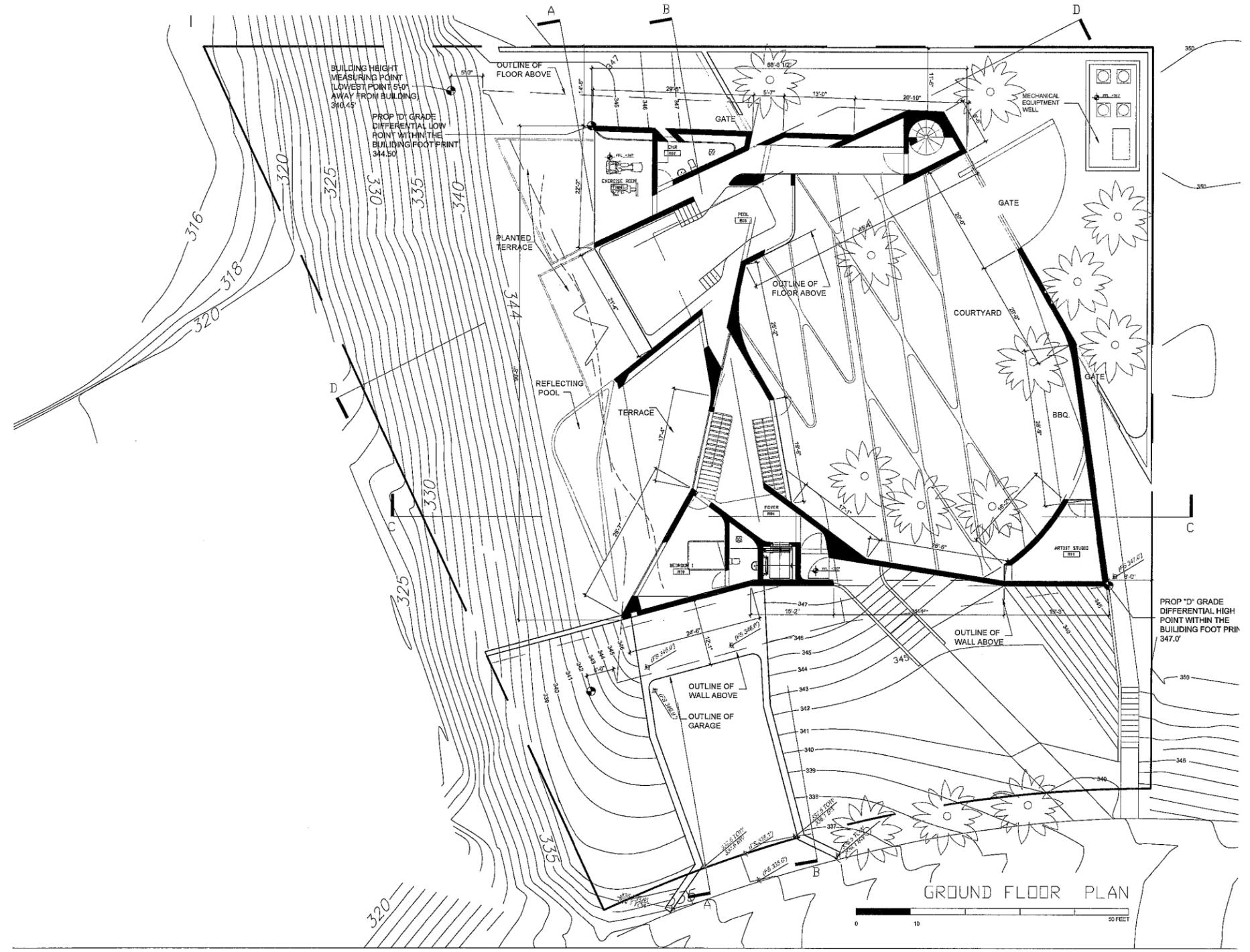
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1054		1/8" = 1'-0"	02/12/14

DRAWING TITLE	NO.	DRAWING NUMBER
BASEMENT PLAN	A2.0	1 of 8

DATE: Feb. 12, 2014



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06.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.11.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT: RESIDENCE

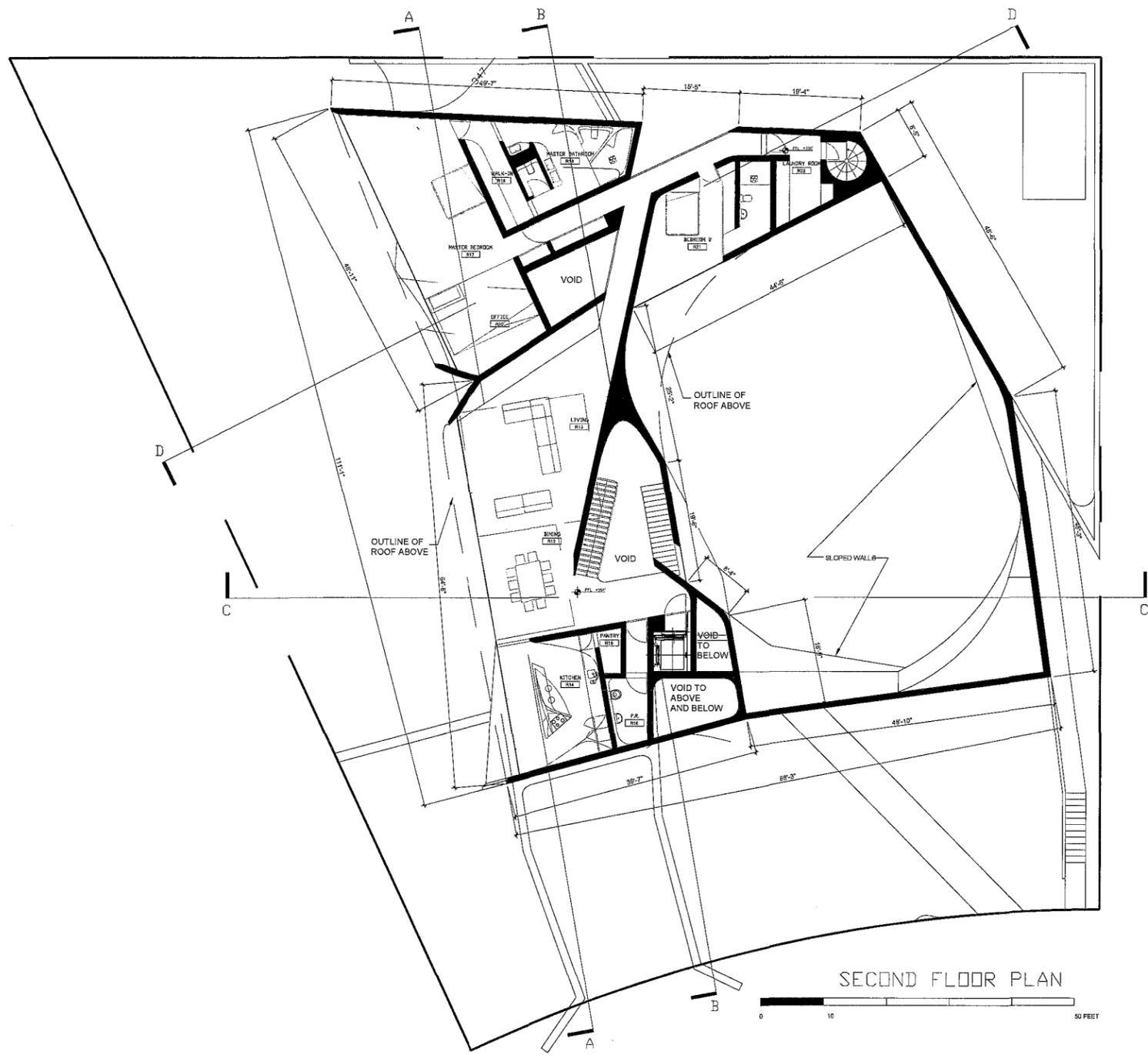
ZAHA HADID ARCHITECTS
STUDIO 9
16 BOWLING GREEN LANE
LONDON
EC1A 3BU
UNITED KINGDOM
TEL: 020 7 253 61 47
FAX: 020 7 251 82 22
EMAIL: www.zaha-hadid.com

CLIENT ADDRESS:
Public
Architectural Planning
1555 Jester Ave.
San Diego, CA 92113
619-582-4035 (9)
619-582-4034 (f)

PROJECT NUMBER: 084	FORMED: 42"x58"	SCALE: 1/8" = 1'-0"	LEVEL OUTLINE AND TRAPPED NUMBER: A2.1	DATE: Feb. 12, 2014
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SECOND FLOOR PLAN



DATE	BENCHMARK AND/OR REVISION	SIGN OFF
05.31.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

REVISIONS:

RESIDENCE

ZAHA HADID ARCHITECTS
 STUDIO 9
 12 BOWLING GREEN LANE
 LONDON
 EC1A 3DF
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 FAX: 020 7 291 81 22
 EMAIL: www.zaha-ha.com

REGISTERED ARCHITECT
 Public
 Architecture - Planning
 1955 Julian Ave.
 San Diego, CA 92113
 619-822-4335 (M)
 619-822-4054 (F)

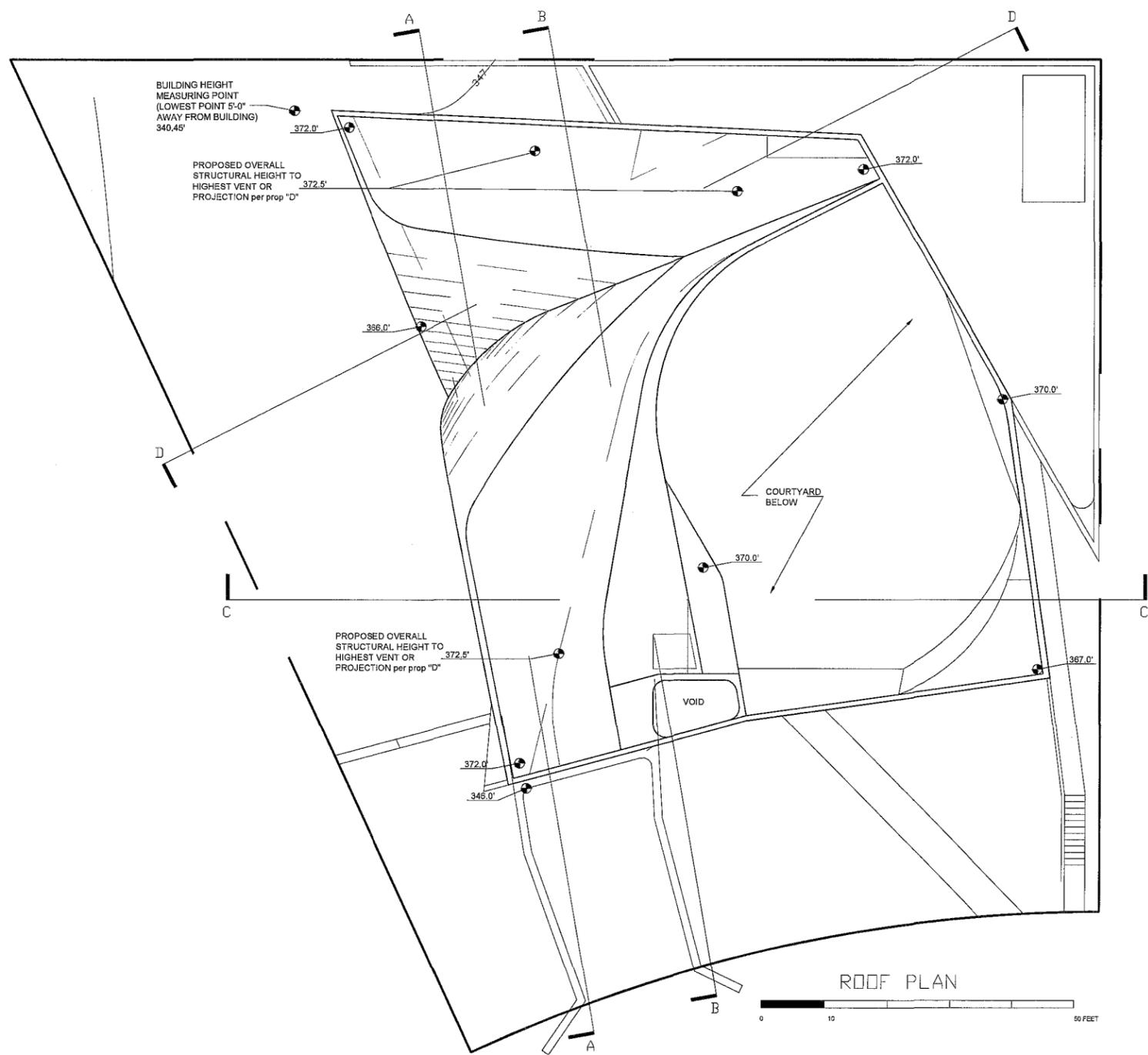
PROJECT NUMBER	FORMAT	SCALE	SHEET NUMBER - TOTAL
RESA	A2.2	1/8" = 1'-0"	8 OF 15

SECOND FLOOR PLAN

DATE: Feb. 12, 2014



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ROOF PLAN

DATE	BENCHMARK AND/OR REVISION	SIGN OFF
06.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT
RESIDENCE

DESIGNED BY
ZAHA HADID ARCHITECTS
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10 BROMWICH GREEN LANE
LONDON
EC1N 8BQ
UNITED KINGDOM
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FAX: 020 7 251 83 22
EMAIL:
www.zaha-hadid.com

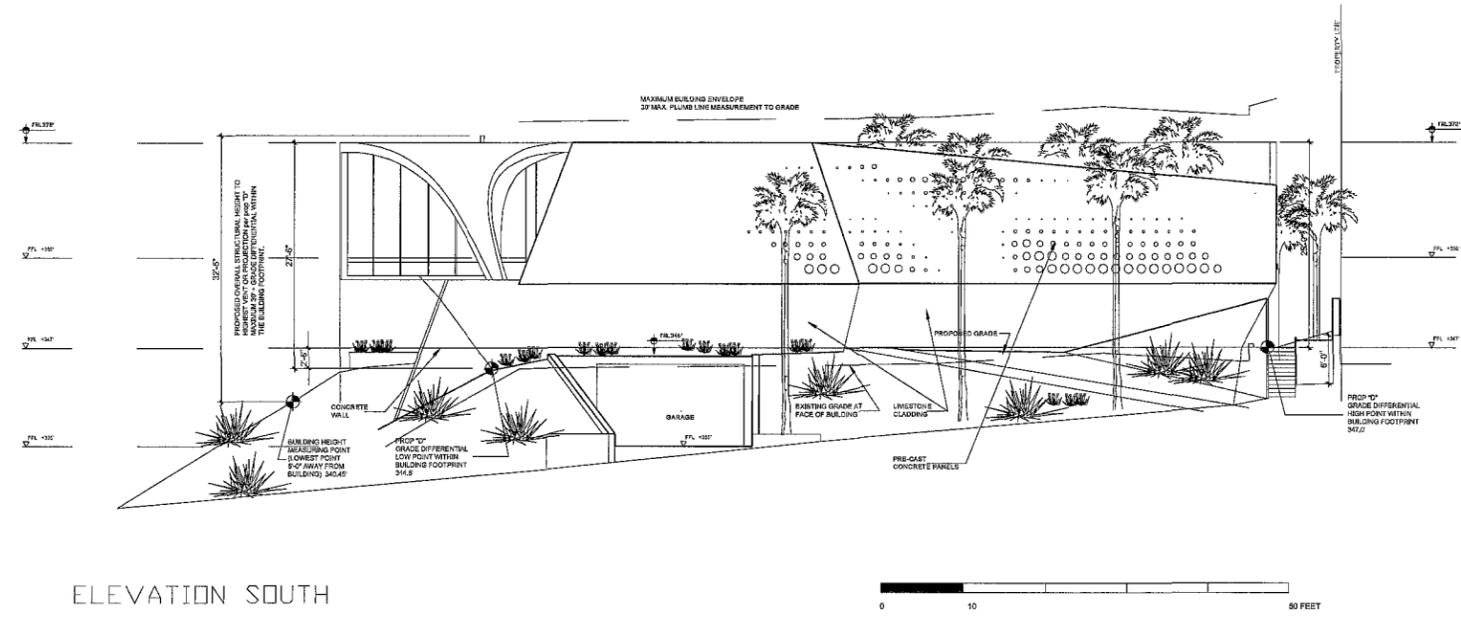
ARCHITECT
Public
Architecture + Planning
1555 Julian Ave.
San Diego, CA 92113
619-482-4053 (p)
619-482-4054 (f)

PROJECT NUMBER 1884	FORMAT 42"X54"	SCALE 1/8" = 1'-0"	LEVEL SHEET AND DRAWING NUMBER A2.3
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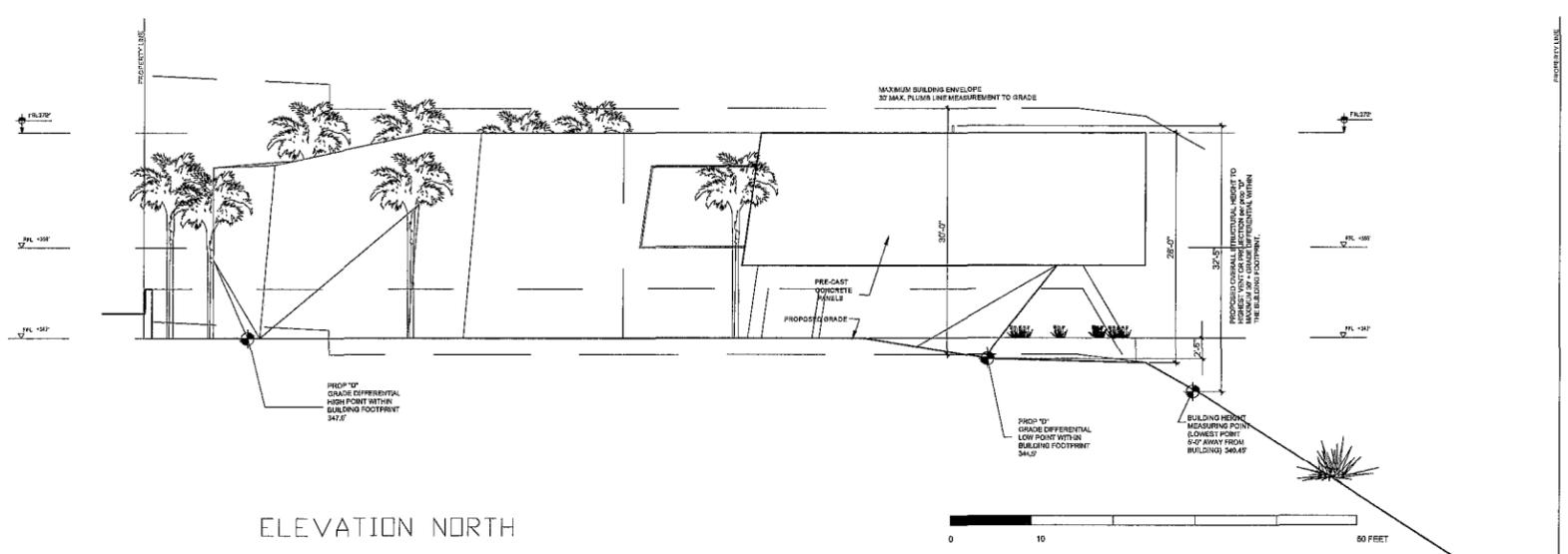
DATE
Feb. 12, 2014



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ELEVATION SOUTH



ELEVATION NORTH

DATE	BENCHMARK AND/OR REVISION	SIGN OFF
02.21.2013	COASTAL DEVELOPMENT PERMITS SUBMITTAL	
10.21.2013	COASTAL DEVELOPMENT PERMITS SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT PERMITS SUBMITTAL	

REVISIONS

NO.	DATE	DESCRIPTION

RESIDENCE

DESIGN ARCHITECT
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 15 DOWNING GREEN LANE
 LONDON
 EC2N 0HQ
 UNITED KINGDOM
 TEL: +44 20 7 267 81 47
 FAX: +44 20 7 267 81 22
 EMAIL: zaha@zaha-hadid.com

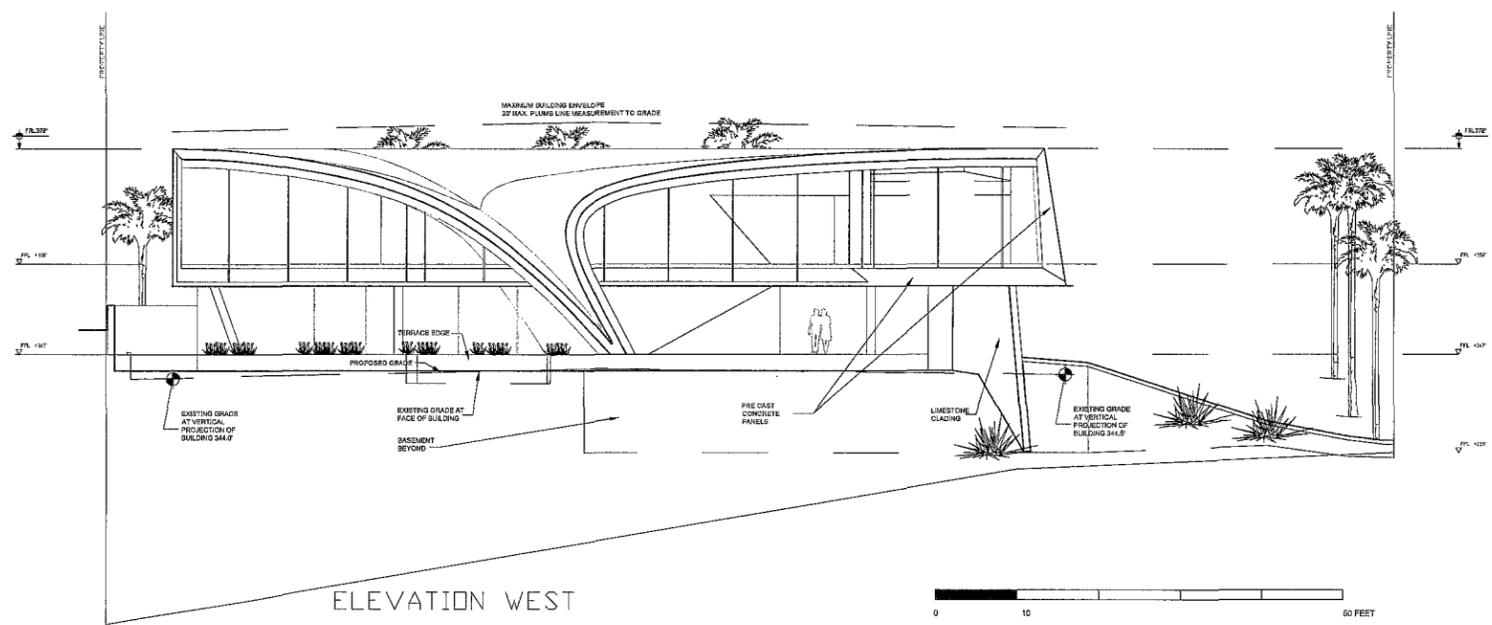
ENGINEERING ARCHITECT
 Public
 Architecture + Planning
 1555 JARVIS AVE
 SAN DIEGO, CA 92113
 619-592-4265 (P)
 619-592-4264 (F)

PROJECT NUMBER	FORMAT	SCALE	LEVEL NUMBER AND DATE
1555	42"X56"	1/4" = 1'-0"	

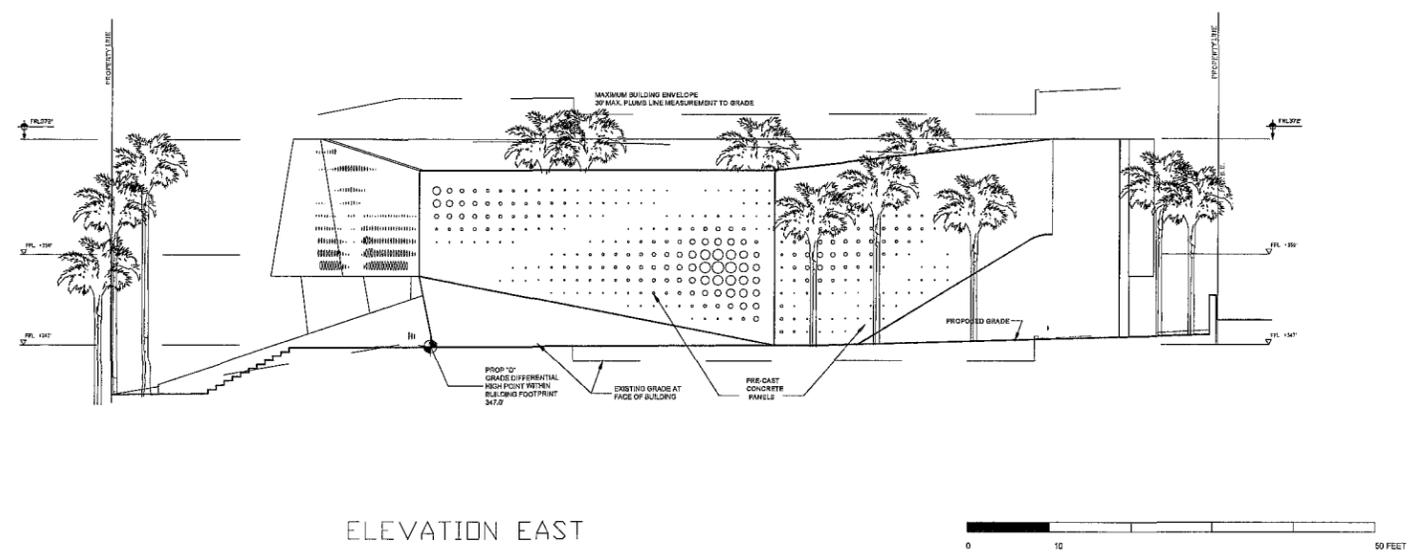
PROJECT TITLE	FOOD	DATE/NO. NUMBER
ELEVATIONS	A3.0	10 of 15

DATE: Feb. 12, 2014

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ELEVATION WEST



ELEVATION EAST

DATE	BENCHMARK AND/OR REVISION	BY/IN CHARGE
05.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT:
RESIDENCE

ARCHITECT:
ZAHA HADID ARCHITECTS
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10 KOWING GREEN LANE
LONDON
E14 4QD
UNITED KINGDOM
TEL: 020 7 263 61 47
FAX: 020 7 291 83 22
E-MAIL:
www.zaha-hadid.com

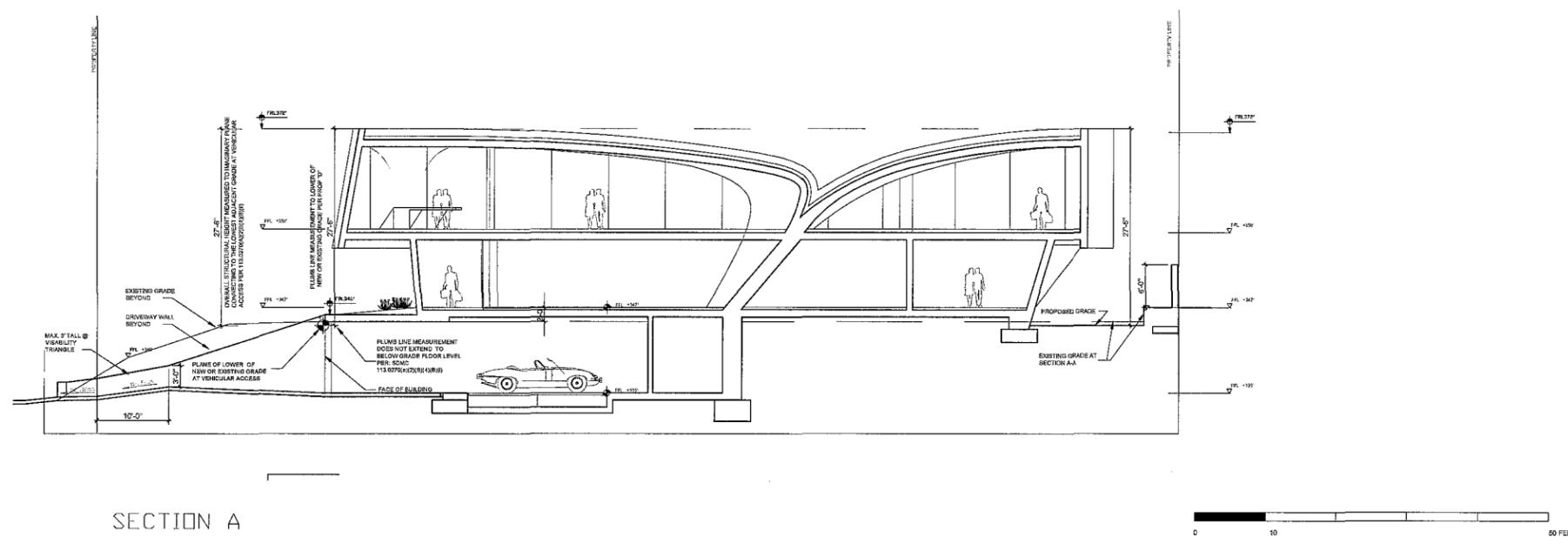
EXECUTIVE ARCHITECT:
Public
Architecture + Planning
1650 Julian Ave
San Diego, CA 92113
619-593-4053 (P)
619-592-4054 (F)

PROJECT NUMBER: 098	PERIOD: 42/08"	SCALE: 1/8" = 1'-0"	SHEET NUMBER AND TOTAL: 11 OF 15
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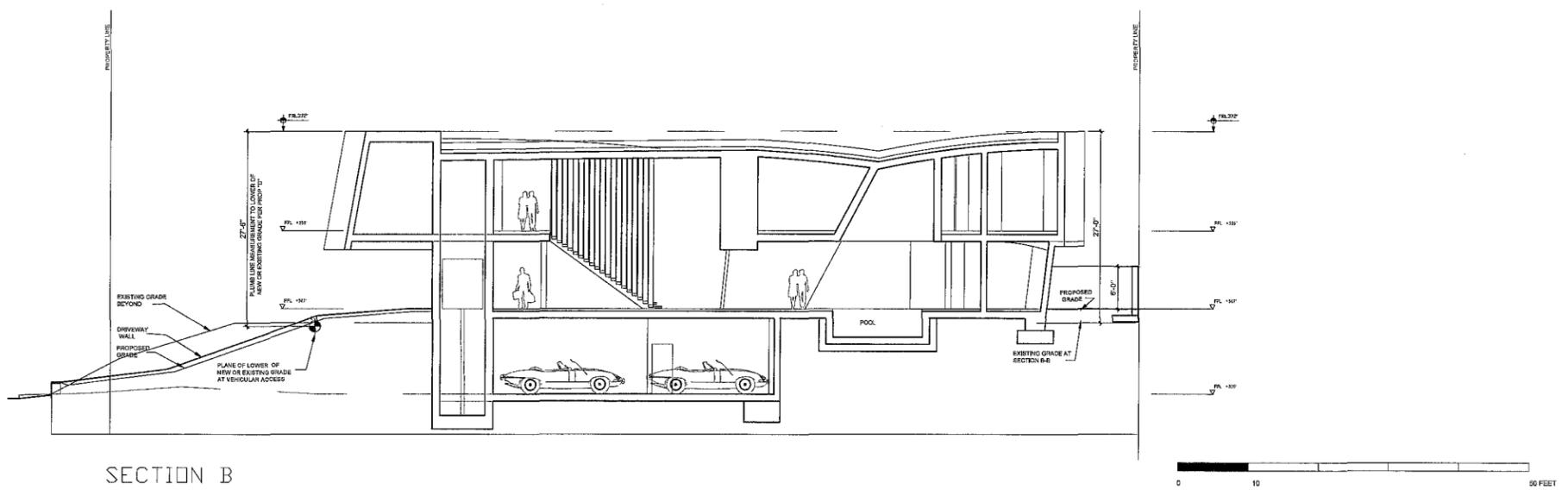
DRAWING TITLE: ELEVATIONS	BOOK: A3.1	DRAWING NUMBER: 11 of 15
-------------------------------------	----------------------	------------------------------------

DATE:
Feb. 12, 2014

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SECTION A



SECTION B

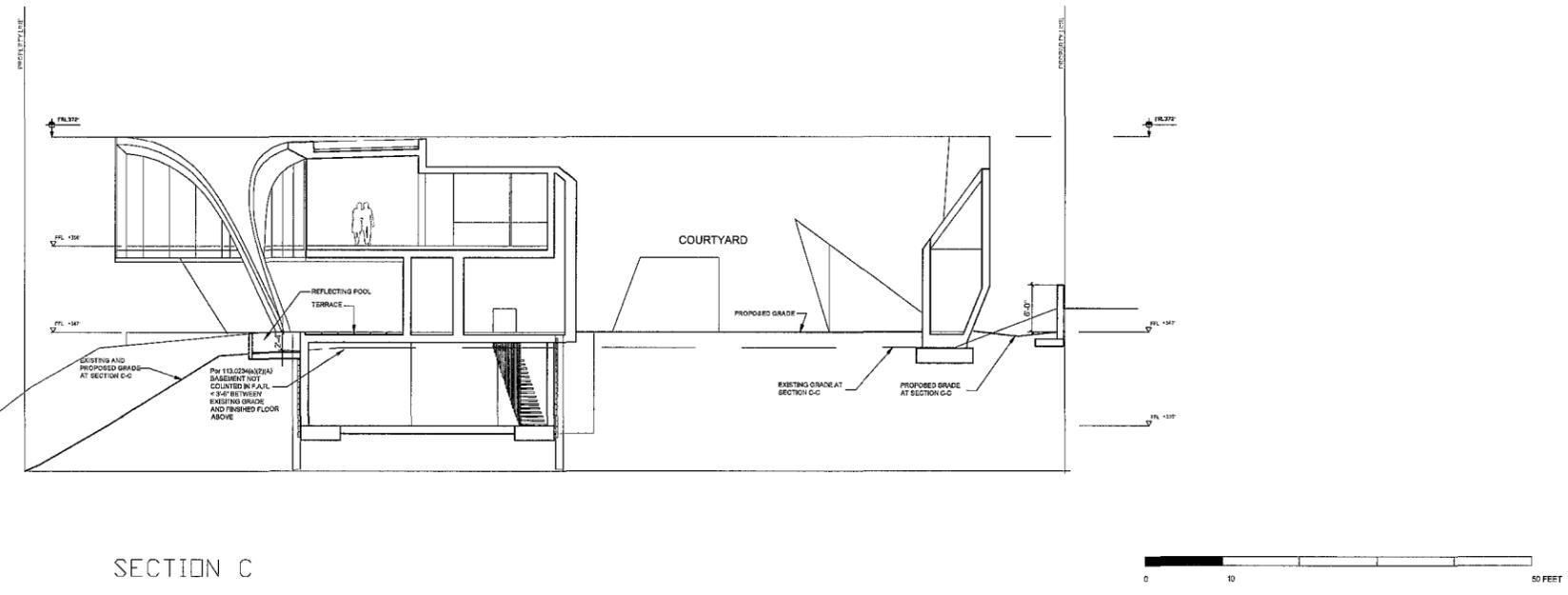
DATE	REVISION/REVISION	SIGN OFF
02.21.2013	COASTAL DEVELOPMENT PERM SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

STATUS:

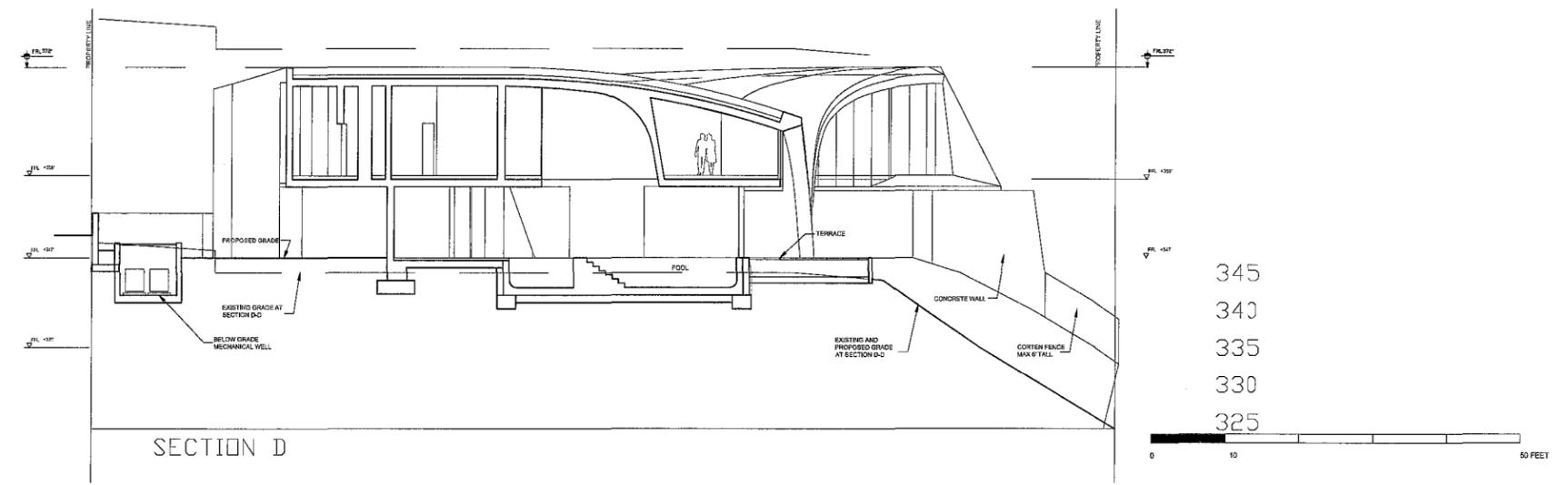
PROJECT:
RESIDENCE
 15000 GREEN LANE
 SAN DIEGO, CA 92113
 TEL: 619 582 4083
 FAX: 619 582 4084
 WWW.ZAHA-HADID.COM

PROJECT NUMBER	15000	DATE	02/12/2014	SCALE	1/8" = 1'-0"	LEVEL	SECTION A
DRAWING TITLE	SECTIONS						
DATE	Feb. 12, 2014						

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SECTION C



SECTION D

DATE	DESCRIBE MARK AND/OR REVISION	SIGN OFF
05.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT
RESIDENCE

DESIGNED BY
ZAHA HADID ARCHITECTS
STUDIO
19 KENING GREEN LAKE
LONDON
EC3N 2ND
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TEL: 020 7 523 91 47
FAX: 020 7 251 85 22
EMAIL: www.zaha-hadid.com

ENGINEER/ARCHITECT
Public
Architecture + Planning
1952 Julian Ave.
San Diego, CA 92113
619-552-4053 (p)
619-552-4054 (f)

PROJECT NUMBER 6564	FORMAT 42"x57"	SCALE 1/8" = 1'-0"	LEVEL SYSTEM - AAS
DRAWING TITLE SECTIONS		DATE Feb. 12, 2014	DRAWING NUMBER A4.1
			13 of 15

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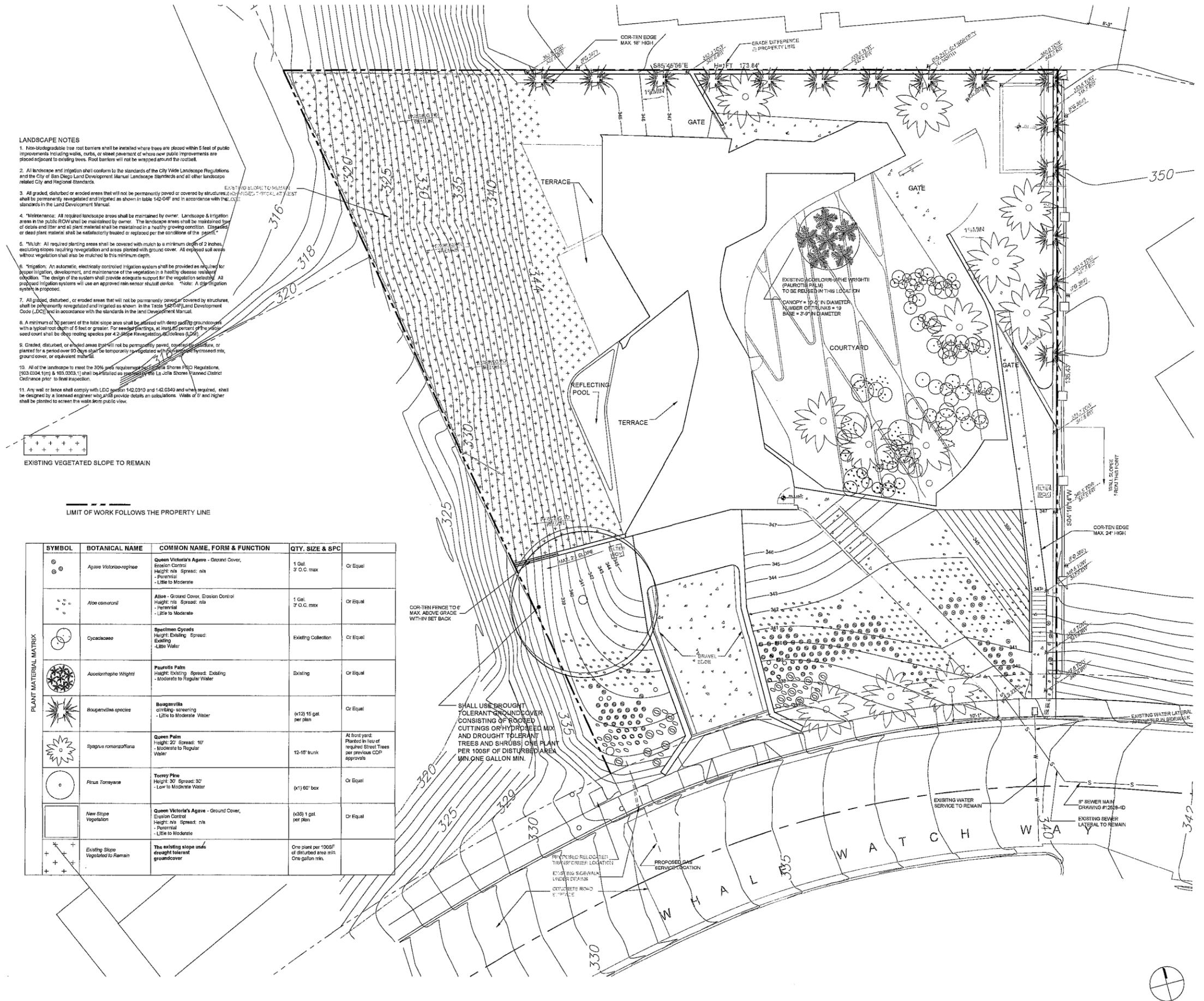
- LANDSCAPE NOTES**
1. Non-biodegradable tree root barriers shall be installed where trees are placed within 5 feet of public improvements including walks, curbs, or street pavement of where new public improvements are placed adjacent to existing trees. Root barriers will not be wrapped around the roots.
 2. All landscape and irrigation shall conform to the standards of the City Wide Landscape Regulations and the City of San Diego Land Development Manual Landscape Standards and all other landscape related City and Regional Standards.
 3. All graded, disturbed or eroded areas that will not be permanently covered by structures shall be permanently revegetated and irrigated as shown in table 142-04F and in accordance with the City standards in the Land Development Manual.
 4. **Maintenance:** All required landscape areas shall be maintained by owner. Landscape & Irrigation areas in the public ROW shall be maintained by owner. The landscape areas shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition. Dispersed or dead plant material shall be satisfactorily treated or replaced per the conditions of the permit.
 5. **Mulch:** All required planting areas shall be covered with mulch to a minimum depth of 2 inches, excluding slopes requiring revegetation and areas planted with ground cover. All exposed soil areas without vegetation shall also be mulched to this minimum depth.
 6. **Irrigation:** An automatic, electrically controlled irrigation system shall be provided as required 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. All proposed irrigation systems will use an approved rain sensor shut-off device. **Note:** A drip irrigation system is proposed.
 7. All graded, disturbed, or eroded areas that will not be permanently covered by structures shall be permanently revegetated and irrigated as shown in the Table 142-04F Land Development Code (LDC) and in accordance with the standards in the Land Development Manual.
 8. A minimum of 50 percent of the total slope area shall be added with deep rooting groundcovers with a typical root depth of 5 feet or greater. For seeder plantings, at least 80 percent of the visible seed count shall be deep rooting species per 4.23 (see Vegetation and Erosion LDC).
 9. Graded, disturbed, or eroded areas that will not be permanently paved, covered by structures, or planted for a period over 90 days shall be temporarily revegetated with deep rooting species, mulch, ground cover, or equivalent material.
 10. All of the landscape to meet the 30% tree requirement per La Jolla Shores PDC Regulations, [103.0304 (1)(m) & 103.0303 (1)] shall be installed as per the La Jolla Shores Planned District Ordinance prior to final inspection.
 11. Any wall or fence shall comply with LDC Section 142.0310 and 142.0340 and when required, shall be designed by a licensed engineer who will provide details and calculations. Walls of 5' and higher shall be planted to screen the walls from public view.



LIMIT OF WORK FOLLOWS THE PROPERTY LINE

SYMBOL	BOTANICAL NAME	COMMON NAME, FORM & FUNCTION	QTY, SIZE & SPC	
	<i>Agave Victoriae</i> var. <i>repleta</i>	Queen Victoria's Agave - Ground Cover, Erosion Control Height: n/a Spread: n/a - Perennial - Little to Moderate	1 Gal. 2' O.C. max	Or Equal
	<i>Aloe caeserani</i>	Aloe - Ground Cover, Erosion Control Height: n/a Spread: n/a - Perennial - Little to Moderate	1 Gal. 2' O.C. max	Or Equal
	Cycadaceae	Specimen Cycads Height: Existing Spread: Existing - Little Water	Existing Collection	Or Equal
	<i>Acazornthepe Wrightii</i>	Purple Palm Height: Existing Spread: Existing - Moderate to Regular Water	Existing	Or Equal
	<i>Bougainvillea</i> species	Bougainvillea - Climbing - screening - Little to Moderate Water	(x12) 15 gal. per plan	Or Equal
	<i>Syagrus romanzoffiana</i>	Queen Palm Height: 20' Spread: 10' - Moderate to Regular Water	12-15' trunk	At front yard Planted in lieu of required Street Trees per previous CDP approvals
	<i>Pinus Torreyana</i>	Torrey Pine Height: 30' Spread: 30' - Low to Moderate Water	(x1) 60" box	Or Equal
	New Slope Vegetation	Queen Victoria's Agave - Ground Cover, Erosion Control Height: n/a Spread: n/a - Perennial - Little to Moderate	(x35) 1 gal. per plan	Or Equal
	Existing Slope Vegetated to Remain	The existing slope uses drought tolerant groundcover	One plant per 100SF of disturbed area min One gallon min.	

SHALL USE BROUGHT TOLERANT GROUND COVER CONSISTING OF ROCKED CUTTINGS OR HYDRANGEA MIX AND DROUGHT TOLERANT TREES AND SHRUBS ONE PLANT PER 100SF OF DISTURBED AREA MIN ONE GALLON MIN.



DATE	BENCHMARK AND/OR REVISION	SIGN OFF
05.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02.12.2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT
RESIDENCE

DESIGNED BY
ZAHA HADID ARCHITECTS
10 BONDING GREEN LANE
LONDON
EC2A 4DU
UNITED KINGDOM

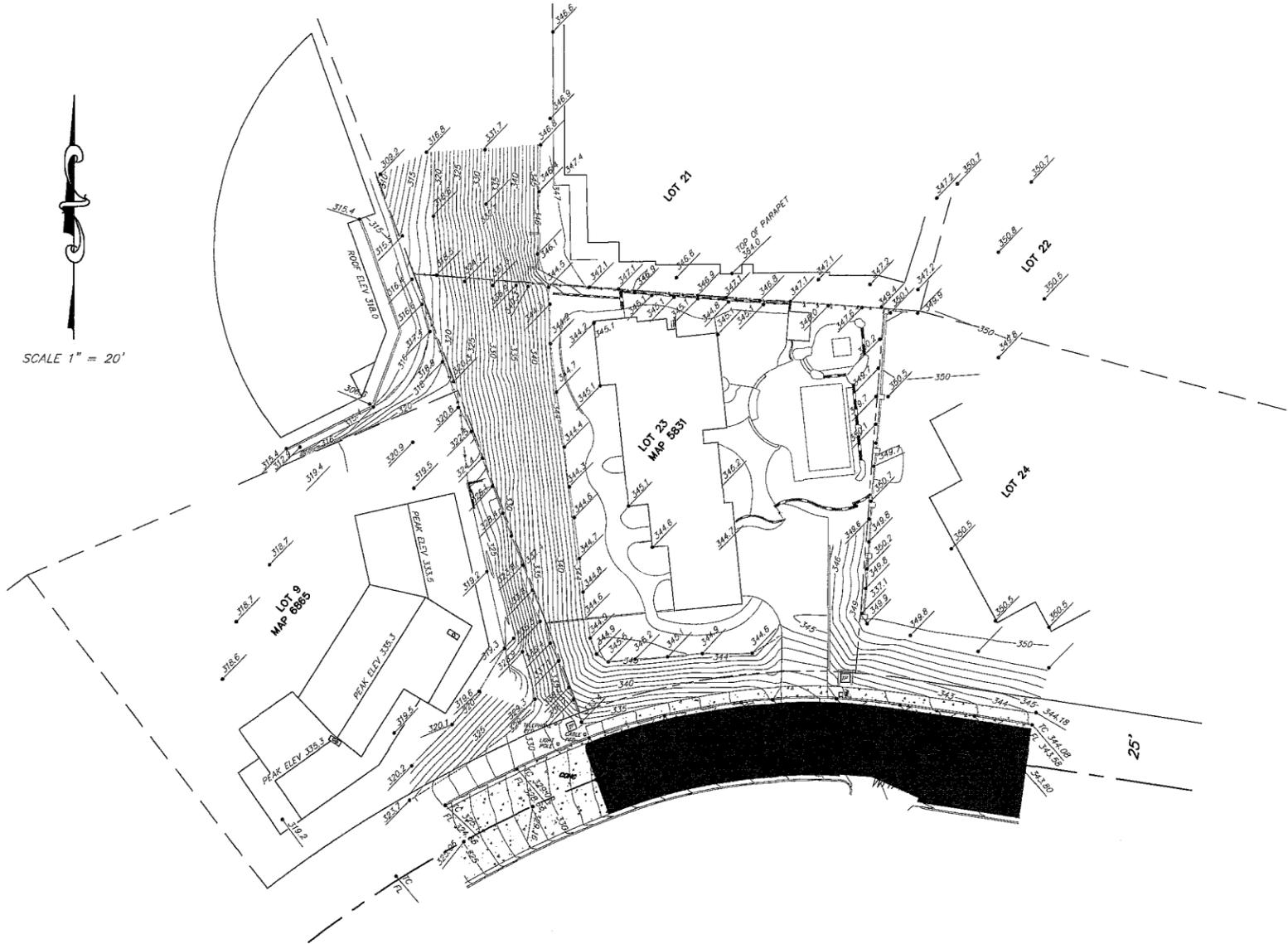
ARCHITECT
Public
Architecture + Planning
1955 Julian Ave.
San Diego, CA 92113
619-662-4093 (p)
619-662-4094 (f)

PROJECT NUMBER 1064
SCALE 1/8" = 1'-0"
DATE Feb. 12, 2014

DRAWING NUMBER L1.0
SHEET 14 OF 15

TOPOGRAPHIC SURVEY OF 8490 WHALE WATCH WAY

LA JOLLA, CA.
MAY 6, 2009



LEGEND

345.2	SPOT ELEVATION
335	CONTOUR ELEVATION (1 FOOT INCR.)
WM	WATER METER
FC	FACE OF CURB
TC	TOP OF CURB
TP	TRANSFORMER PAD
FL	FLOW LINE
CONC.	CONCRETE PAVING
AC	ASPHALT PAVING
X	EXISTING CHAIN LINK FENCE
█	EXISTING MASONRY BLOCK WALL



Florez Engineering, Inc.
Civil Engineering & Planning
FRANK FLOREZ, P.E.
10732 CHARDON TERRACE
SAN DIEGO, CA 92131
(658) 229-2493



PREPARED FOR:
DAN SWARON
8490 WHALE WATCH WAY
LA JOLLA, CA 92037

BENCH MARK:
BENCH MARK FOR THIS SURVEY IS A CITY OF SAN DIEGO VERTICAL CONTROL MONUMENT, A BRASS PLUG AT THE SOUTHEAST CORNER OF PRESTWICK DRIVE AND INVERNESS DRIVE.
ELEVATION: 347.411
DATUM: MEAN SEA LEVEL

- NOTES:**
- SITE ADDRESS: 8490 WHALE WATCH WAY, LA JOLLA, CA.
 - LEGAL DESCRIPTION: LOT 23 OF LA JOLLA SHORES HEIGHTS IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO THE MAP THEREOF NO. 8831, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER FEBRUARY 3, 1962.
 - ASSESSOR'S PARCEL NO. 346-680-08
 - THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM AVAILABLE RECORD INFORMATION, SUPPLEMENTED BY FIELD OBSERVATION OF SURFACE FEATURES. CONTRACTOR TO VERIFY EXACT LOCATION PRIOR TO CONSTRUCTION.
 - THE PROPERTY LINE BEARINGS & DIMENSIONS SHOWN HEREON WERE TAKEN FROM LA JOLLA SHORES HEIGHTS AND ARE SUBJECT TO VERIFICATION BY A FIELD SURVEY.

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DATE	BENCHMARK AND/OR REVISION	SIGN OFF
05.21.2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10.31.2013	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT:
RESIDENCE

DESIGNED BY:
ZAHA HADID ARCHITECTS
STUDIO 9
10 KING'S CROSS
LONDON
EC1A 1BB
UNITED KINGDOM
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FAX: 020 7 261 83 20
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ENGINEER APPROVED:
Public
Architecture + Planning
1955 Julian Ave.
San Diego, CA 92113
619-493-0062 (P)
619-852-4984 (F)

PROJECT NUMBER 1554	FORMAS 42" X 28"	SHEET 17 OF 28	LEVEL EARTH AND
DRAWING TITLE EXISTING SURVEY	SCALE C1.0	SHEET NUMBER 15 of 15	DATE Oct. 31, 2013

HEARING OFFICER RESOLUTION NO.
SITE DEVELOPMENT PERMIT NO. 1147735 AND
COASTAL DEVELOPMENT PERMIT NO. 1147734
WHALE WATCH WAY RESIDENCE PROJECT NO. 328415

WHEREAS, SMARGON-VITERBI FAMILY TRUST, dated August 20, 1997, DANIEL M. SMARGON and AUDREY M. VITERBI, Trustees, Owner/Permittee, filed an application with the City of San Diego for a permit to allow the demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1147735 and 1147734), on portions of a 0.46 acre site;

WHEREAS, the project site is located at 8490 Whale Watch Way in the Single Family zone of the La Jolla Shores Planned District of the La Jolla Community Plan area;

WHEREAS, the project site is legally described as the project site is legally described as Lot 23 of La Jolla Shores Heights, according to Map thereof No. 5831, filed February 3, 1967;

WHEREAS, on **V13 - DATE**, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated **V19 - DATE**.

FINDINGS:

Site Development Permit - Section 126.0504

- 1. The proposed development will not adversely affect the applicable land use plan.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 square foot, two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The adopted La Jolla Community Plan designates this site for residential use and the Project is consistent with this use.

The proposed construction of a 7,001 square foot, two-story, single-family structure with a 2,480 square foot basement on a 0.46 acre site will yield a lot coverage of twenty-six percent and a floor area ratio of 0.45. Approximately fifty percent of the parcel will be landscaped. The project will conform with all of the development standards of the La Jolla Shores Planned District Ordinance and no variances or deviations are requested or required. The proposed concrete and natural stone walls, low reflectance glass windows and doors are compatible with the neighborhood, as specified in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual. The La Jolla Shores neighborhood of the La Jolla Community is comprised of residences with varied bulk, scale, forms, materials and colors. The project's overall form, bulk, scale, exterior materials, and colors will be compatible with the varied architecture of

the La Jolla Shores Neighborhood located within the community of La Jolla.

The Project as proposed conforms to a number of goals included in the Residential Element of the La Jolla Community Plan (adopted 2004). These goals include:

- Provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides and to open space.
- Promote the development of a variety of housing types and styles in La Jolla.
- Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures

The Project is designed to exemplify high quality residential architecture that will promote and support the high quality residential environment in La Jolla and will respect the relationship to the hillside where the proposed Project is located. Furthermore, the Project complies with all of the La Jolla Shores Planned District Ordinance regulations and protects natural features, preserves existing streetscape themes and will create a harmonious visual relationship between the bulk and scale of new and older structures by being within the range of bulk and scale of the other surrounding high quality single family residential structures.

The Design Principle section of the La Jolla Community Plan states: “ Within the limitations implied above, originality and diversity in architecture are encouraged. The theme ‘unity with variety’ shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.” The Project will be harmonious with many of the newer high quality homes in the surrounding community. While the Project incorporates a more modern interpretation of the classic courtyard style house, the Project complies with the underlying regulations.

According to the Community Character section of the Residential Element: “Single dwelling unit residential development in La Jolla covers a spectrum of densities and architectural styles and expressions. One of the more critical issues associated with single dwelling unit development is the relationship between the bulk and scale of infill development to existing single dwelling units. New construction of single dwelling unit homes have tended to be larger in size than the traditional development in some neighborhoods.”

The Project will create a development compatible with the existing residential scale of the surrounding neighborhood by constructing a structure less than the maximum height limit allowed and will be compatible with the existing bulk and scale of the surrounding newer single family structures. By complying with the height limits and surrounding scale, the Project will promote good design and will create harmonious visual relationship and transitions between new and older structures in the neighborhood.

The Proposed will implement the energy efficiency policies in the residential element of the La Jolla Community Plan by orienting the proposed project to maximize natural light as well as incorporating high efficiency heating and cooling equipment and drought tolerant landscaping.

The Project will conform to the landscape and streetscape guidelines as identified in the residential element of the La Jolla Community Plan and in Appendix E of the La Jolla Community Plan. The La Jolla Community Plan recommends the application of minimum side and rear yard setback requirements to achieve a separation between structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Furthermore, side yard setbacks should be incrementally increased for wider lots. The Project will implement these recommendations by providing a substantial front yard setback as well as side and rear yard setback between eight feet and thirty-nine feet. Therefore, in consideration of all the foregoing, the proposed development will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the project at this site contains specific conditions addressing the project compliance with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations and the inspection of construction to assure construction permits are implemented in accordance with the approved plans and the final construction will comply with all regulations, will assure the continued health, safety and general welfare of persons residing or working in the area. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.
3. **The proposed development will comply with the applicable regulations of the Land Development Code.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The Project is consistent with the Single Family zone of the La Jolla Shores Planned District regulations and the La Jolla Community Plan.

The proposed construction of a 7,001 square foot, two-story, single-family structure with a 2,480 square foot basement on a 0.46 acre site will yield a lot coverage of twenty-six percent and a floor area ratio of 0.45. Approximately fifty percent of the parcel will be landscaped. The project will conform with all of the development standards of the La Jolla Shores Planned District Ordinance and no variances or deviations are requested or required. The proposed concrete and natural stone walls, low reflectance glass windows and doors are compatible with the neighborhood, as specified in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual. Therefore, Project will comply with the applicable regulations of the Land Development Code.

Coastal Development Permit - Section 126.0708

1. **The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The Project will be developed entirely within the private property and will not encroach upon any existing physical access way legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan in as much as there is no existing physical access way legally used by the public or any proposed public accessways located on the private property. The Project will be constructed completely within the boundaries of the private property. The proposed coastal development will have no effect upon public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. Furthermore, there are no public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan from this site or across this site to these visual resources. As such the Project will have no effect upon any existing physical access way legally used by the public or any proposed public accessway and will have no affect on public views to and along the ocean.
2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The site is a developed suburban property. The site does not contain any environmentally sensitive lands or environmentally sensitive resources and as such 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 Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The adopted La Jolla Community Plan designates this site for residential use and the Project is consistent with this use. The Project complies with all regulations of the certified Implementation Program for the adopted La Jolla Community Plan.
4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. As such the Project and approval of the coastal development

permit will have no effect upon the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1147735 and 1147734, a copy of which is attached hereto and made a part hereof.

John S. Fisher
Development Project Manager
Development Services

Adopted on: **V27 - DATE OF APPROVAL**

Job Order No. 24003878

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

**WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003878

SITE DEVELOPMENT PERMIT NO. 1147735 AND
COASTAL DEVELOPMENT PERMIT NO. 1147734
WHALE WATCH WAY RESIDENCE PROJECT NO. 328415 [MMRP]
HEARING OFFICER

This Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734 is granted by the Hearing Officer of the City of San Diego to SMARGON-VITERBI FAMILY TRUST, dated August 20, 1997, DANIEL M. SMARGON and AUDREY M. VITERBI, Trustees, Owner/Permittee, pursuant to San Diego Municipal Code section 126.0504 and 126.0708. The 0.46 acre site is located at 8490 Whale Watch Way in the Single Family zone of the La Jolla Shores Planned District of the La Jolla Community Plan area. The project site is legally described as Lot 23 of La Jolla Shores Heights, according to Map thereof No. 5831, filed February 3, 1967.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated **[INSERT Approval Date]**, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site. The project includes construction of a 2,728 square-foot first floor, a 4,273 square-foot second floor and a 2,480 square-foot basement. In accordance with SDMC section 113.0234, the basement area, 2,480 square-feet, is excluded from the Gross Floor Area, for a total of 7001 square-feet of building area above grade (habitable area). The project also includes 2,039 square-feet of projections (non-habitable area) over at-grade space which is included as Gross Floor Area, per SDMC section 113.0234(b)(3);

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking; and
- 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 [ENTER DATE including the appeal time].
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 328415, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 328415, 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:

Paleontological Resources

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway, on Whale Watch Way, with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a twelve foot wide City standard driveway, on Whale Watch Way, per Standard Drawings SDG-159 and SDG-164, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

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

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

19. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the existing and proposed retaining walls located within Whale Watch Way right-of-way, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

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

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

APPROVED by the Hearing Officer of the City of San Diego on **[INSERT Approval Date]** and **[Approved Resolution Number]**.

Permit Type/PTS Approval No.: SDP No. 1147735, CDP No. 1147734
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
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.

SMARGON-VITERBI FAMILY TRUST,
dated August 20, 1997
Owner/Permittee

By _____
DANIEL M. SMARGON, Trustee

SMARGON-VITERBI FAMILY TRUST,
dated August 20, 1997
Owner/Permittee

By _____
AUDREY M. VITERBI, Trustee

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

RESOLUTION NUMBER R-
ADOPTED ON

WHEREAS, on July 1, 2013, James Gates submitted an application to Development Services Department for a Site Development Permit and Coastal Development Permit for the Whale Watch Way Residence (Project); and

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

WHEREAS, the issue was heard by the Hearing Officer on [DATE]; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 328415 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer it is certified 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.), the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and 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, 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, there is no substantial evidence the Project will have a significant effect on the environment, and therefore, said Declaration is hereby adopted.

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

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

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

By:

John S. Fisher
Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT AND SITE DEVELOPMENT PERMIT

PROJECT NO. 328415

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. 328415 shall be made conditions of the COASTAL DEVELOPMENT PERMIT AND SITE DEVELOPMENT PERMIT as may be further described below.

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

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

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

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Paleontologist

Note:

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

CONTACT INFORMATION:

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

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) # 328415 and /or Environmental Document # 328415, 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

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/Notes</i>
General	Consultant Qualification Letters	Prior to Pre-construction meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction meeting
Paleontology	Paleontology Reports	Paleontology site observation
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVr). The CSVr's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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

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

Regular Meeting – 6 February 2014

Attention: John Fisher, PM
City of San Diego

Project: Whale Watch Way Residence
PN: 328415

Motion: To accept the recommendation of the DPR Committee:
That findings CANNOT be made for Site Development
Permit or a Coastal Development Permit for Project No.
328415. It is not compatible with the neighborhood in
form, bulk and scale. In particular, the east side of the
building envelope is incompatible with the neighboring
structures. The size, form, and relationship of the
proposed project will disrupt the architectural unity of the
neighborhood. (5-0-0)

Vote: 15-0-1

18 February 2014

Submitted by: Joe LaCava, Vice President
La Jolla CPA

Date

LA JOLLA SHORES PLANNED DISTRICT

Applicant: Mr. Dan Smargon

Item: 1 Whale Watch Way
Date: March 18, 2014

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

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

We were unable to arrive at an advisory decision due to a split of votes. Key concern was the apparent bulk & scale caused by the tall (20') wall around the courtyard, specifically at the SE corner of the house.

located Motion 1: Deny project based on bulk & scale concerns. 3-1
and recommends. Motion 2: Approve as presented. 2-3
Both Motions failed.

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

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

Approving Item: Motion 2 Board Signatures Disapproving Item: Motion 1

Dan Hoese
Jane Potter

Suzanne Weissman
[Signature]
[Signature]

Absentees:

Chairman



City of San Diego
Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title *www. residence.* **Project No. For City Use Only** *328415*
Project Address: *8490 ~~Whale~~ Whale Watch Way, La Jolla 92037*

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of individual (type or print): *ADN SMITH*
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: *8490 Whale Watch Way*
 City/State/Zip: *La Jolla CA 92037*
 Phone No: _____ Fax No: _____
 Signature: *[Signature]* Date: *6/3/13*

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

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

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

Luc # 1997-0431757
SEP 05, 1997 2:56 PM

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Earl N. Feldman, Esq.
530 B Street, Suite 1810
San Diego, CA 92101

1117

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 7.00
OC: 00



MAIL TAX STATEMENTS TO:

Mr. Dan Smargon, Trustee
Ms. Audrey M. Viterbi, Trustee
8490 Whale Watch Way
La Jolla, CA 92037

Quitclaim Deed

THE UNDERSIGNED GRANTORS DECLARE

DOCUMENTARY TRANSFER TAX is \$ None
Parcel No. 346-680-08-00

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Daniel M. Smargon and Audrey M. Viterbi

hereby REMISE, RELEASE AND FOREVER QUITCLAIM to Dan Smargon and Audrey M. Viterbi,
Trustees, U.D.T. dated August 20, 1997, the Smargon-Viterbi Family Trust,

the following described real property in the County of San Diego, State of California:

Lot 23 of La Jolla Shores Heights, in the City of San Diego, County of San Diego, State
of California, according to Map thereof No. 5831, filed in the Office of the Recorder of San
Diego County, on February 3, 1967.

Dated: August 20, 1997.

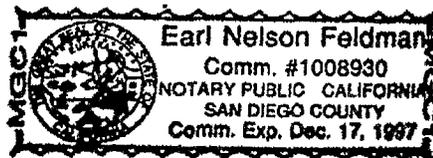
STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } S.S.

Daniel M. Smargon
Daniel M. Smargon

On August 20, 1997 before me, Earl Nelson Feldman, a Notary Public in and for said County and State, personally appeared Daniel M. Smargon and Audrey M. Viterbi personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Audrey M. Viterbi
Audrey M. Viterbi

WITNESS my hand and official seal.



Signature

Earl Nelson Feldman

PROJECT DATA SHEET

PROJECT NAME:	Whale Watch Way	
PROJECT DESCRIPTION:	New two story single family residence.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	CDP & SDP	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential	
<u>ZONING INFORMATION:</u>		
ZONE: SF - Single Family		
HEIGHT LIMIT: 30 foot maximum height limit.		
LOT SIZE: 20,093 square-foot minimum lot size.		
FLOOR AREA RATIO: NA		
FRONT SETBACK: 35 feet.		
SIDE SETBACK: East 8 - 38 feet. West 23 – 43 feet		
STREETSIDE SETBACK: N/A		
REAR SETBACK: 8 - 11 feet.		
PARKING: 4 parking spaces provided		
<u>ADJACENT</u> <u>PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential, SF	Residential
SOUTH:	Residential, SF	Residential
EAST:	Residential, SF	Residential
WEST:	Residential, SF	Residential
DEVIATIONS OR VARIANCES REQUESTED:	N/A	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On February 6, 2014 the La Jolla Community Planning Association voted 15:0:1 to recommend denial of the project.	