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

La Jolla Community Planning Association
 Regular Meetings: 1st Thursday of the Month

Thursday, 1 October 2009
 La Jolla Recreation Center, 615 Prospect Street

D R A F T MINUTES – REGULAR MEETING

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

Absent: Bob Collins, Ray Weiss.

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

2. Adopt the Agenda

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

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

Abstain: LaCava

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

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

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

Abstain: LaCava, Merten

4. Elected Official Reports – Information Only

A. Council District 2 – Councilmember Kevin Faulconer

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

Ms. Curtis was not present.

B. Council District 1 – Councilmember Sherri Lightner

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

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

5. Non-Agenda Public Comment

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

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

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

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

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

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

Project presented by **Darcy Ashley**.

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

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

Abstain: Ashley, LaCava

13. WHITNEY MIXED USE

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

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

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

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

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

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

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

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

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

Opposed: Brady

Abstain: LaCava

LA JOLLA SHORES PLANNED DISTRICT

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

to: Planning Director
 from: La Jolla Shores Planned District Advisory Board
 subject: Proposal Within La Jolla Shores Planned District

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

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

located _____

and recommends:

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

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

Approving Item: 4

Board Signatures

Disapproving Item: 0

J. Bull
Suzanne Wesson
Gene Potte

Absentees:

Chairman

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

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

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

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

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

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

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

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan (LJCP) area. This portion of Avenida de la Playa is not identified as a physical accessway or public view corridor in the Local Coastal Program. Therefore, the project will not encroach into any public accessway or public view corridor.**

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

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area. This plan presents the coastal issues that have been identified for the community; it proposes policies and recommendations in the various elements of the community plan to address those issues.

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

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

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

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

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

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project is a mixed use development with approximately 2,000 square feet of ground floor commercial/retail uses and two residential units of approximately 3,200 and 2,900 square feet respectively above the retail. The property is located at 2202 and 2206 Avenida de la Playa, the corner of Avenida de la Playa and El Paseo Grande, in the Commercial Center (CC) Zone of the La Jolla Shores Planned District (LJSPD) in the La Jolla Community Plan and Local Coastal Land Use Plan (Plan) area. The project site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. Therefore, the proposed project to construct an 8,950 square-foot mixed use development will have no affect upon public access and the recreation policies of Chapter 3 of the California Coastal Act and therefore be in conformance with such Act.

Site Development Permit - Section 126.0504

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

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

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

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

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

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

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

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

Furthermore, the proposed development will obtain a bonded engineering permit for the required public improvements proposed for this project and all public work will conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer; will enter into a Maintenance Agreement for the ongoing permanent BMP maintenance; will comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. All infrastructure improvements will be constructed and operationally complete prior to occupancy of any structures to assure water, wastewater, electrical, gas, and telephone services will be provided to the development. Prior to construction all structures will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

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

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

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

Tim Daly
Development Project Manager
Development Services

Adopted on: September 9, 2010

Internal Order No. 23432518

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23432518

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

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

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

The project shall include:

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

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

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Depressed concrete curb and gutter driveways along Calle Clara;
- f. New pedestrian accessible ramps installed at two intersections where Avenida de la Playa and Calle Clara meet El Paseo Grande; and
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

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

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No.182513, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas of Historical and Paleontological resources.

AFFORDABLE HOUSING REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

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

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

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

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

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

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

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

23. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.

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

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

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

GEOLOGY REQUIREMENTS:

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

LANDSCAPE REQUIREMENTS:

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

the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC section 142.0403(b)5.

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

30. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

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

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

PLANNING/DESIGN REQUIREMENTS:

33. Prior to the issuance of a certificate of occupancy or final inspection, the Owner/Permittee shall maintain a minimum of seven off-street parking spaces, including one van accessible space, on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

34. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

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

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

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

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

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

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

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

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

TRANSPORTATION REQUIREMENTS:

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

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

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

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

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

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

WASTEWATER REQUIREMENTS:

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

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

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

WATER REQUIREMENTS:

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

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

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

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

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

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

Permit Type/PTS Approval No.:
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
Development Project Manager

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

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

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

RESOLUTION NO. _____
DATE OF FINAL PASSAGE _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By

Tim Daly
Development Project Manager
Development Services Department

ATTACHMENT: Map Waiver Conditions
Internal Order No. 23432518

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

GENERAL

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

ENGINEERING

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

MAPPING

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

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

GEOLOGY

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

INFORMATION:

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

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

Internal Order No. 23432518

WHITNEY MIXED USE - RESOLUTION NUMBER XXXX

ADOPTED ON SEPTEMBER 9, 2010

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

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

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

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

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

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

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

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

APPROVED: TIM DALY

By: _____
Tim Daly
Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

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

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements.

A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlement Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the MND (PTS No. 182513) shall be made conditions of the project as may be further described below:

MITIGATION, MONITORING AND REPORTING PROGRAM: To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures shall be the responsibility of the applicant. The mitigation measures are described below.

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

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

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

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

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager

may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

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

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

Paleontologist, Archaeologist, and Native American Monitor

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

CONTACT INFORMATION:

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

- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 182513, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note:

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

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

Not Applicable for this project.

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

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

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

Document Submittal/Inspection Checklist

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

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

HISTORICAL RESOURCES (ARCHAEOLOGY)

1. Prior to Permit Issuance

A. Entitlements Plan Check

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

applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

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

2. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to

- be monitored including the delineation of grading/excavation limits.
- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

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

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section 4 below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

4. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American:

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or

representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

5. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVN and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing

procedures detailed in Sections 3 - During Construction, and 4 – Discovery of Human Remains.

- c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

6. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft

Monitoring Report submittals and approvals.

B. Handling of Artifacts

- 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance in accordance with Section 4 – Discovery of Human Remains, subsection C(5).
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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PALEONTOLOGICAL RESOURCES

1. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all

persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

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

2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

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

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

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract

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

5. Post Construction

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

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.