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

THE CITY OF SAN DIEGO

Ownership Disclosure Statement

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

Project Title

Whitney Family Residences

Project No. *For City Use Only*

182513

Project Address:

2202 / 2206 Avenida De La Playa, La Jolla, Ca. 92037

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

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

Additional pages attached ☐ **Yes** ☐ **No**

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No: Fax No:

Signature : Date:

Project Title: Whitney Family Residences

Project No. *(For City Use Only)* 182513

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

☐ Corporation ☒ Limited Liability -or- ☐ General) What State? ______ Corporate Identification No. ______________
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** ☐ **Yes** ☒ **No**

Corporate/Partnership Name (type or print): Playa Grande LLC
☒ Owner ☐ Tenant/Lessee
Street Address: 8100 Paseo del Ocaso Suite C
City/State/Zip: La Jolla, CA 92037
Phone No: (858) 456 2240 Fax No: (858) 456 0840
Name of Corporate Officer/Partner (type or print): Robert Whitney
Title (type or print): President
Signature: [signature] Date: 04/28/2009

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

PROJECT DATA SHEET

PROJECT NAME:	Whitney Mixed Use
PROJECT DESCRIPTION:	Demolish the existing structures and construct a new mixed use condominium building.
COMMUNITY PLAN AREA:	La Jolla
DISCRETIONARY ACTIONS:	Tentative Map Waiver, Coastal Development Permit, and Site Development Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Community Commercial

ZONING INFORMATION:

ZONE: La Jolla Shores Planned District, Commercial Center (CC)
HEIGHT LIMIT: 30 maximum height limit
LOT SIZE: No Minimum; 3,952 square feet existing
FLOOR AREA RATIO: No Maximum; 2.34 provided
ALL SETBACKS: 0.0 feet Minimum; 0.0 feet provided
PARKING: 7 parking spaces required

ADJACENT PROPERTIES:	**LAND USE DESIGNATION & ZONE**	**EXISTING LAND USE**
NORTH:	Low Density Residential (5 – 9 du/ac); MF2.	Multi-Family Residential
SOUTH:	Park; OP-1-1	Laureate Park
EAST:	Community Commercial; CC	Commercial/Mixed Use
WEST:	Community Commercial; CC	Commercial/Mixed Use

DEVIATIONS OR VARIANCES REQUESTED:	None (Variance removed by Hearing Officer decision)
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 1, 2009, the La Jolla Community Planning Association voted 14-1-1 to recommend denial of the proposed project.
LA JOLLA SHORES ADVISORY BOARD RECOMMENDATION:	On April 20, 2010, the Board voted 4-0 with no consensus for a recommendation on the project.

DEVELOPMENT SERVICES

Project Chronology

Whitney Mixed Use - PTS# 182513

Date	Action	Description	City Review Time	Applicant Response
06/18/09	**First Submittal**	**Project Deemed Complete**		
07/24/09	First Assessment Letter		37 days	
08/19/09	Second Submittal			26 days
09/30/09	Second Review Complete		43 days	
11/5/09	Third Submittal			36 days
12/15/09	Third Review Complete		39 days	
05/4/10	Fourth Submittal			140 days
06/15/10	Issues Complete		41 days	
07/6/10	Final MND			
07/28/10	HO Hearing		43 days	
08/11/10	Appeal		14 days	
09/09/10	PC Hearing		29 days	
TOTAL STAFF TIME			**246 days**	
TOTAL APPLICANT TIME				**202 days**
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission	**14 months and 12 days**	

ATTACHMENT 2

THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: November 4, 2010 REPORT NO.: 10-150

ATTENTION: Council President and City Council

SUBJECT: WHITNEY MIXED USE, Project No. 182513; Council District 1
Process 5, Environmental Determination Appeal.

REFERENCE: Report to the Planning Commission No. PC-10-079, Sept. 9, 2010

REQUESTED ACTION: City Council consideration of the appeals of the Planning Commission's environmental determination certifying Mitigated Negative Declaration No. 182513 as part of their approval for the Whitney Mixed Use Project.

STAFF RECOMMENDATION: **Deny** the appeals and **Certify** Mitigated Negative Declaration (MND) No. 182513, and **Adopt** the Mitigation, Monitoring, and Reporting Program.

BACKGROUND:

The Whitney Mixed Use Project is an application for a Coastal Development Permit, Site Development Permit, and Tentative Map Waiver to demolish an existing single-story residence and ground floor retail store, and to construct a new mixed use development of approximately 8,950 square feet. The proposed project includes 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 space on the ground floor. The project site is located on a 0.09-acre lot at 2202 and 2206 Avenida de la Playa, on the northeast corner of El Paseo Grande and 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 site is designated by the La Jolla Community Plan for commercial and mixed uses. 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 100 percent lot coverage, zero setbacks, and no Floor Area Ratio (FAR) restriction. Also, commercial services on the ground floor area of a development shall not exceed 6,000 square feet and dwelling units require a minimum floor area of 400 square feet.

On July 28, 2010, the Hearing Officer of the City of San Diego approved the development's Coastal Development Permit, Site Development Permit, and Tentative Map Waiver, removed the Variance along with the associated findings, and added conditions for additional offsets along the building's east elevation and compliance with La Jolla Community Plan's Commercial Development Recommendations. On August 10 and 11, 2010, the La Jolla Community Planning Association, Bernard Segal, and La Jolla Shores Tomorrow filed separate appeals of the Hearing Officer's decision.

On September 9, 2010, the Planning Commission of the City of San Diego considered the appeal issues as identified in the attached Report to the Planning Commission No. PC-10-079. Commissioner Smiley motioned to certify the Mitigated Negative Declaration No. 182513 and adopt the Mitigation, Monitoring, and Reporting Program; and denied the appeals and upheld the Hearing Officer's decision to approve the Coastal Development Permit, Site Development Permit, and Tentative Map Waiver. Commissioner Griswold seconded the motion and the motion passed by a vote of 5-1-1 with Commissioner Ontai, Smiley, Lydon, Griswold, and Golba voting yea and with Commissioner Naslund voting nay and Commissioner Otsuji absent.

On September 22, 2010, La Jolla Shores Tomorrow, care of Julie Hamilton, Esq., and on September 23, 2010, Bernard Segal filed separate appeals to City Council regarding the Planning Commission's environmental determination for the Whitney Mixed Use Project's Mitigated Negative Declaration (MND) No. 182513.

Project Description:
The project site is located on a 0.09-acre lot at 2202 and 2206 Avenida de la Playa, on the northeast corner of El Paseo Grande and Avenida de la Playa and proposes the demolition of the existing one single-story residence and one ground floor retail store, and the construction of a new mixed use development on site. The new development would be 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. The development's gross floor area will be approximately 8,950 square feet. Proposed work in the public right-of-way would also include new accessible ramps installed at two intersections at Avenida de la Playa and El Paseo Grande, and Calle Clara and El Paseo Grande.

The 2,000 square-foot commercial unit requires two off-street parking spaces and will be located in the rear of the property on Calle Clara. Access to the basement parking garage with the required residential five parking spaces would be from a ramp at the rear of the site, on the north side of the development along Calle Clara. The project would feature hardscape/permeable surface similar to the current development. Drought tolerant landscaping is also proposed. Roof drains and sheet flow from the site would be directed to proposed landscaped areas and to existing non-contiguous sidewalk landscape areas for natural filtration prior to discharge into existing street storm drains surrounding the site. The topography of the site ranges from approximately 11 feet above mean sea level (AMSL) at the southwest portion of the site and 14 feet AMSL at the northeast corner.

Grading on the 0.091 acre site would cover the entire site with a total excavation of 1,700 cubic yards to a depth of 14 feet. All cut soils would be exported off-site and no fill soils would be required. Retaining walls would be in the basement only with a maximum height of 10 feet (below the current grade) and total length of 270 linear feet. The finished basement will be of a tight-seal construction to avoid any groundwater intrusion. During construction, any groundwater encountered will not be discharged to the municipal storm drain system, but disposed of in accordance with all applicable regulations.

Community Plan Analysis:
The project site is within the Commercial Center (CC) Zone of the La Jolla Shores Planned District in the adopted La Jolla Community Plan and Local Coastal Program Land Use Plan (LJ Plan) area. The LJ Plan 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 LJ 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 LJ Plan's Commercial Land Use Element provides goals to maintain a diversified, yet balanced land use pattern which includes providing adequate levels of commercial retail services, residential development and cultural opportunities within existing commercial areas, while limiting additional office use within commercially designated districts. The Element also visualizes the revitalization commercial retail areas to strengthen, reinforce and unify existing retail districts within La Jolla. Also, promote pedestrian-oriented features to improve pedestrian safety, access and ease of movement through all the commercial areas and finally, to promote mixed-use residential and commercial development along transit corridors and encourage affordable housing opportunities. Consistent with the aforementioned goals, the Element also includes overall Commercial Development Recommendations (pages 102 and 103) and specific Area Recommendations to implement to Element's goals. The project site is located in the specific recommendation area of Avenida de la Playa – Community Commercial (page 107).

Consistent with the LJ Plan's Element and Recommendations, the project incorporates the following shortened list of commercial goals and recommendations by: avoiding abrupt transition in scale with adjacent residential areas; providing building design articulation on the ground floor and step-backs on the upper floors to minimize bulk through the use of site; extending the existing brick paving pattern from the east in the parkway to the front of the project site and planting a new mature Jacaranda tree to match the existing street trees that would provide common pedestrian space already defined by existing improvements and development to the east; locating off-street parking to the rear of the development; storage areas and mechanical equipment screened from public view; and utilizing energy efficient technology to promote green and clean use for the duration of the development. Also, the 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. Finally, the project

would adhere to policies and objectives established by the LJ 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.

Environmental Analysis:
A Mitigated Negative Declaration (MND) No. 182513 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental impact to historical resources (archaeological) and paleontological resources. Subsequent revisions in the project proposal creates the specific mitigation identified in the MND, and a Mitigation, Monitoring and Reporting Program was prepared and will be implemented which will reduce, to a level below significance, any potential impacts identified in the environmental review process. The project, as revised, now avoids or mitigates all potentially significant environmental effects previously identified.

Appeal Issues:
As noted above, two separate environmental determination appeals have been filed with the City Clerk related to the Whitney Mixed Use Project's Mitigated Negative Declaration (MND) No. 182513. Each of the appellant's description of grounds for appeal is provided below. Same and/or similar appeal issues have been presented to the Planning Commission and the City staff has provided responses within the attached Report to the Planning Commission No. PC-10-079. City staff's analysis of the environmental determination appeal issues is provided below along with any references to previous record responses in either the Response to Comments in the project's final MND and/or Report to the Planning Commission No. PC-10-079.

Appellant Bernard Segal's description of grounds for appeal:

1. *The Final Mitigated Negative Declaration is erroneous because the environmental analyst's responses regarding ASTHETICS / NEIGHBORHOOD CHARACTER, LAND USE and TRANSPORTATION / CIRCULATION as presented in the 'Initial Study Checklist' portion of the Mitigated Negative Declaration are incorrect. Contrary to the analyst's conclusions, (1) the size, bulk and scale of the proposed project will substantially alter the existing character of the area, (2) certain aspects of the proposed project do conflict with the goals, objectives and recommendations of the community plan in which it is located, and (3) the project will increase traffic hazards for motor vehicles, bicyclists and pedestrians due to poor sight distances at non-standard driveways entering the roadway. Pursuant to State CEQA Guidelines, there is a potential for significant environmental impacts, and contrary to the analyst's recommendation, an ENVIRONMENTAL IMPACT REPORT ("EIR") should have been required.*

   STAFF RESPONSE: The City's Environmental Analysis Section (EAS) staff, based upon City of San Diego Significance Determination Thresholds (2007), considers five key issues to evaluate a project's potential impact on Visual Effects and Neighborhood Character in order to determine if there is a potential for visual or neighborhood character impacts. Those five issues are Views (public); Neighborhood Character/Architecture;

Land Form Alteration; Development Features; and Light/Glare. Based on review of this project and in accordance with the City's Significance Determination Thresholds, no impacts to public views would result from the project; the height and bulk of the proposed project does not exceed the regulations or existing development pattern; the architectural style is not in stark contrast to an area with a single or common architectural theme; no substantial land forms would be altered; the project does not significantly conflict with the height, bulk or coverage regulations of the CC zone or create either a disorganized or monotonous appearance; nor would the project emit or reflect a significant amount of light and glare. Therefore, EAS staff concluded that the project would not result in a significant impact on the Neighborhood Character or Aesthetics of the community.

As noted in the Report to the Planning Commission No. PC-10-079, page 13, City staff acknowledges that the proposed building will be larger in size, bulk and scale than what currently exists on site. However, the surrounding development consists of a variety of architectural styles and building sizes. Specifically, immediately east of the project site is a three-story mixed use structure; south from the site and across the street is a four-story commercial office structure; west of the site and across El Paseo Grande is a one-story commercial structure; north of the site is a two-story apartment complex, and northwest of the project site is a four-story multi-family development. Other structures in the area are widely mixed in terms of use, size, and architectural styles.

With respect to Land Use impacts, again, EAS staff relies on the City's Significance Determination Thresholds, and focuses on a project's consistency with any and all of the adopted plans and regulations which govern a project site. For this project, these plans included the La Jolla Shores Planned District (PDO), La Jolla Community Plan and Local Coastal Program Land Use Plan (LJ Plan), as well as the City's Land Development Code and General Plan. The project site is within the Commercial Center (CC) Zone of the PDO, and the LJ Plan identified the site for commercial and mixed use. The proposed project is consistent with those designations. Please also refer to the Report to the Planning Commission No. PC-10-079, pages 4 and 5, for additional information regarding consistency with the applicable goals, objectives, and recommendations of the community plan. City staff has reviewed the project for that consistency and determined that the project is consistent.

Regarding Transportation/Circulation and traffic hazards, EAS staff again relies on the City's Significance Determination Thresholds and traffic impacts are determined when a project would generate traffic in excess of the community plan allocations, or an otherwise substantial impact on the existing and proposed transportation systems. The Whitney Mixed Use project does not generate traffic in excess of the La Jolla Community Plan allocations and provides the required amount of off-street parking. Therefore, EAS staff has determined the project not to have any such impact to Transportation/Circulation. With respect to traffic hazards, City staff evaluated the project for an increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to proposed non-standard design features. With respect to the sight distances at the

driveways, as described in the Report to the Planning Commission No. PC-10-079, page 10, Calle Clara does not meet the City's Street Design Manual for engineering requirements regarding width and improvements along the public right-of-way. The City's Engineering and Transportation staff have evaluated and determined the project provides appropriate visibility areas at the intersection of El Paseo Grande and Avenida de la Playa and El Paseo Grande and Calle Clara. Therefore, no significant impacts were identified related to transportation/circulation or traffic hazards that would result in the need to prepare an EIR.

2. *The Planning Commission failed to consider the cumulative effect the project would have on the environment, including but not limited to the precedent setting effect of size and scale that the project would have upon future development in the same block and eventually on all of Avenida de la Playa and the rest of La Jolla Shores.*

STAFF RESPONSE: The Planning Commission actions included certifying the project's Mitigated Negative Declaration No. 812513 and adopting the Mitigation, Monitoring, and Reporting Program. This action came after a public hearing on the project, with the Planning Commission considering all of the evidence that was presented to the body both verbally and in written format. Therefore, the Planning Commission did consider cumulative effects on the environment.

3. *The Planning Commission failed to recognize that the only requirement the opponents of the project had to meet was whether it can fairly be argued on the basis of substantial evidence that the project may have a significant environmental impact. Since the opponents met that standard, the Planning Commission abused its discretion by approving the project without first requiring an EIR.*

STAFF RESPONSE: As noted above, the Planning Commission considered all of the evidence that was presented before taking any action on the environmental document and the project. The Planning Commission, in consideration of the actions, did not reach the determination that a fair argument was made to require the preparation of an EIR. An EIR must be prepared where, "after examining the entire record, there is substantial evidence to support a fair argument that a project may have a significant effect on the environment." Please note that substantial evidence is defined by CEQA Guidelines as follows:

> "Substantial evidence is not public controversy (15064(f)(4)); argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence (15064 (f)(5). Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (15064(f)(5). Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment (15064(f)(6))."

City staff and the decision makers have been presented with opinions that the project would result in significant impacts but, City staff does not believe the information presented to date rises to the level of substantial evidence based on the above definition from CEQA. The City of San Diego as the Lead Agency has determined, and to date the decision makers have concurred, that a Mitigated Negative Declaration is the appropriate environmental document for this project.

4. *The project would remove one public parking space in a very busy area of La Jolla Shores, where parking space is at a premium. The loss of this space by itself would make a significant impact on the environment, thereby requiring an EIR.*

STAFF RESPONSE: Pursuant to the City's Significance Determination Thresholds, a significant impact to parking may result if a project is deficient by more than ten percent of the required parking, and the parking shortfall or displacement of existing parking would substantially impact the availability of parking in an adjacent residential area, including public parking, or the parking deficiency would severely impede the accessibility of a public facility such as a park or a beach. No parking deficiencies are proposed with this project. Two off-street parking spaces for the commercial unit are provided with access from Calle Clara, and five basement parking spaces for the residential uses are provided. The loss of one on-street space was not identified as a significant impact because the project is providing all required parking on-site, and there is no substantial impact on the parking availability with the loss of one parking space. Please note that this parking space is being removed to insure adequate line of sight visibility at the intersection of Calle Clara and El Paseo Grande that is currently not provided with the existing development.

5. *The Development Services Department ("DSD"), the Hearing Officer, and the Planning Commission erroneously assumed that the City of San Diego's Land Development Code ("LDC") floor area ratio maximums did not apply to La Jolla Shores when in fact such LDC floor area ratio maximums do apply to La Jolla Shores if not in conflict with the La Jolla Shores PDO. Had the Planning Commission applied those floor area ratio maximums to this project, the Planning Commission could not have approved the project without granting a variance because the floor area ratio of this project vastly exceeds the maximum permitted by the Land Development Code, and no variance was granted (and no variance could have been granted because the requisite findings could not have been made.)*

STAFF RESPONSE: This appeal issue is not relevant to the project's environmental determination. However, as noted in the Report to the Planning Commission No. PC-10-079, page 10, "specific to only the La Jolla Shores Planned District, the CC Zone allows for 100 percent lot coverage, zero setbacks, and no floor area ratios (FAR)". Consistent with reviews of all projects in the La Jolla Shores Planned District area, there is no FAR limitation on this project.

6. *Even without applying the Land Development Code floor area ratio maximums to the project, the 2.4 floor area ratio of the project vastly exceeds the maximum floor area ratio of any building built in La Jolla Shores, which is 1.7. The amount in excess is so great that by itself such excess constitutes a significant impact on the environment, thus requiring an EIR. The City, in adopting the La Jolla Shores PDO, did not require that PDO to contain floor area ratio maximums, and in so doing, the City discriminated against the residents of La Jolla Shores. That invidious discrimination rendered the La Jolla Shores PDO unconstitutional and inapplicable to this project. That being the case, the Land Development Code floor area ratio maximums apply, thereby making this project illegal as a matter of law.*

   STAFF RESPONSE: The La Jolla Shores Planned District Ordinance, as adopted by City Council, does not have floor area ratio requirements.

7. *The La Jolla Shores PDO provides: "In the Commercial Center Zone, designated on that certain map referenced in Section 1510.0102, commercial structures may occupy 100% of the lot or parcel. Thus only the ground floor of the project could occupy 100% of the lot. The Planning Commission erroneously assumed that the second and third floors could also occupy 100% of the lot, and thus failed to apply the Land Development Code floor area ratio maximums to the project as a whole. Furthermore, allowing the second and third floors to occupy 100% of the lot constitutes a significant impact on the environment, thereby necessitating an EIR.*

   STAFF RESPONSE: Pursuant to the La Jolla Shores Design Manual, buildings within the Avenida de la Playa commercial district should be allowed to cover 100 percent of the lot area. The project proposes 94 percent lot coverage. Mixed use development is allowed in the CC Zone with no restrictions on lot coverage (La Shores Design Manual, pages 114-115).

8. *The applicant presented a rendering to the Planning Commission that contained items the Applicant was not required by code to maintain on the project, thereby not accurately reflecting the aesthetics of the project.*

   STAFF RESPONSE: Mr. Segal does not provide any specifics on the item (rendering) that was presented to the decision makers as referred to in this appeal issue and therefore City staff is unable to specifically respond.

9. *At the Hearing before the Hearing Officer and the Planning Commission the applicant presented a rendering of the proposed project that depicted an aesthetic item which if deleted by the Applicant would constitute a significant impact on the environment. Because the applicant can decide not to include this item in the project, the project must be evaluated as if this item would not be included in the project, and therefore an EIR is required.*

STAFF RESPONSE: City EAS staff made the determination that the project would generate no significant impact to aesthetics and neighborhood character, as noted in the City's response to Mr. Segal's appeal issue No. 1. The renderings presented at any public hearing had no impact on City staff's determination. Mr. Segal does not provide any specifics on the item (rendering) that was presented to the decision makers as referred to in this appeal issue and therefore City staff is unable to specifically respond.

10. *Because the floor area ratio of this project is greater than the floor area ratio permitted anywhere in San Diego, it means that this project could not be built anywhere else in San Diego other than in La Jolla Shores. By that fact alone its construction in La Jolla Shores would have a significant impact upon the environment, thus requiring an EIR.*

STAFF RESPONSE: This appeal issue is not relevant to the project's environmental determination. However, as noted in the Report to the Planning Commission No. PC-10-079, page 10, "specific to only the La Jolla Shores Planned District, the CC Zone allows for 100 percent lot coverage, zero setbacks, and no Floor Area Ratios (FAR)". Consistent with reviews of all projects in the La Jolla Shores Planned District area, there is no FAR limitation on this project.

11. *I incorporate by reference all grounds set forth in my appeal to the Planning Commission, and all grounds set forth in the appeal of La Jolla Shores Tomorrow to the Planning Commission and to the City Council.*

STAFF RESPONSE: Comment noted.

12. *The Eastern wall of the project would significantly impact the light and ventilation of the adjacent property, and therefore an EIR is required before the project can be approved.*

STAFF RESPONSE: The project as proposed is consistent with all regulations related to setbacks and height. While there may be some impact to a private balcony, no substantial evidence, as defined in the City's response to Mr. Segal's appeal issue No. 3, has been submitted that a significant physical effect on the environment would result from the project. A reduction in light or ventilation at one location does not rise to the level of significance when there are other sources of ventilation and light (for example, from the south and north sides of the structure).

13. *The Hearing Officer after a colloquy with the DSD during the Hearing after the public comment was cut off, relied on the information given him by the DSD in making his decision without giving the opponents an opportunity to comment thereon or rebut the DSD information. The failure of the Hearing Officer to afford the opponents of the project an opportunity to comment on or rebut this information constituted a denial of due process of law and invalidates the Hearing Officer's decision.*

STAFF RESPONSE: City staff notes this appeal comment related to SDMC Chapter 11, Article 2, Division 4, Public Hearings and Division 5, Decision Process.

14. *From a statement made by one of the members of the Planning Commission at the Planning Commission Hearing, it is clear that AFTER that Commission heard comments from the opponents of the project, the applicant presented information to the Planning Commission that at least one member of the Planning Commission stated he was relying on, and the opponents were not given an opportunity to rebut this information even though this information had not been presented in the Hearing before the Hearing Officer, and even though at the onset of the Planning Commission Hearing the opponents of the project requested rebuttal time. Because all of the other members of the Planning Commission also may have relied on this information, the failure to allow the opponents an opportunity to rebut this information constituted a denial of due process of law and invalidates the Planning Commission decision. If the decision of the Planning Commission is invalid, the Mitigated Negative Declaration cannot be accepted, and an EIR must be required.*

STAFF RESPONSE: City staff notes this appeal comment related to SDMC Chapter 11, Article 2, Division 4, Public Hearings and Division 5, Decision Process.

Appellant La Jolla Shores Tomorrow, c/o Julie Hamilton, Esq., description of grounds for appeal:

1. *The proposed mitigation of potential significant impacts to archaeological and paleontological resources is ineffective because the language allows modification of required mitigation.*

STAFF RESPONSE: City staff believes this concern is related to the strikeout language on pages 6 and 7 of the project's final MND. As noted in the Report to the Planning Commission No. PC-10-079, page 13, the edits to the archaeological monitoring language does not change the monitoring requirements for either archaeological or paleontological resources. The updated language allows for OSHA 'modification' only as-needed to ensure that the monitors are not exposed to dangerous situations such as being in a trench with an unreinforced side that could be subject to collapse. The change in language protects monitors and ensures compliance with federal safety regulations but does not remove a monitor from their full on site duties.

2. *The initial study and MND failed to consider substantial evidence indicating significant impacts on aesthetics and community/neighborhood character.*

STAFF RESPONSE: Please see City staff response to Mr. Segal's comment No. 1 and the Report to the Planning Commission No. PC-10-079, pages 13 and 14, in response to this issue of impacts to aesthetics and neighborhood character. This issue was also addressed in the Response to Comments in the project's final MND (La Jolla Shores Tomorrow/Julie Hamilton letter comment No.s 2, 3, and 4). Based on the review of all information in accordance with the City's Significance Determination Thresholds, City staff determined that the project would not result in significant impacts to aesthetics

and/or neighborhood character. As noted in the Report to the Planning Commission No. PC-10-079 and in response to Mr. Segal's comment No. 3, neither City staff nor any of the decision makers to date have determined that the evidence provided rises to the level of a fair argument that the project would result in a significant impact that requires the preparation of an EIR.

3. *The initial study and MND failed to consider substantial evidence indicating significant impacts on hydrology and water quality.*

STAFF RESPONSE: As described previously in Report to the Planning Commission No. PC-10-079, pages 6, 12 and 13, and in Response to Comments in the project's final MND (La Jolla Shores Tomorrow/Julie Hamilton letter comment No. 5), the project proposes tight seal construction methods that would avoid any periodic water pumping during the life of the development and pursuant to SDMC Section 1510.0403(a), any temporary construction or permanent dewatering activities shall not be discharged to the municipal storm water system. Because the project would avoid impacts to hydrology and water quality, no significant impacts were identified in the MND.

4. *The initial study and MND failed to consider substantial evidence indicating significant impacts on land use, and the inconsistency of the project with the applicable land use plans, policies, and regulations.*

STAFF RESPONSE: Please see City staff response to Mr. Segal 's comment No. 1 above, and Report to the Planning Commission No. PC-10-079, page 6 (City staff response to La Jolla Community Planning Association's comment No. 1); pages 7 - 8 (City staff response to La Jolla Community Planning Association's appeal issues No. 2 and 3); page 11 (City staff response to Mr. Segal appeal issues No. 8 and 9); pages 12 and 13 (City staff response to La Jolla Shores Tomorrow appeal issues No. 1 and 5); and, Response to Comments in the final MND (La Jolla Shores Tomorrow/Julie Hamilton comment No.s 6, 7, 8, and 9).

The project is consistent with all applicable land use plans, policies, and regulations, and during the review of the project and throughout the hearings, no substantial evidence has been presented that the project would result in a significant impact to those issue areas.

5. *The initial study and final MND failed to consider substantial evidence indicating significant impacts on public safety.*

STAFF RESPONSE: City staff believes this appeal issue relates to visibility triangles as this issue was raised by the appellants in writing prior to the Planning Commission hearing. As noted in the Report to the Planning Commission No. PC-10-079, page 12, the proposed project provides the appropriate visibility areas at the intersections of El Paseo Grande and Avenida de la Playa and El Paseo Grande and Calle Clara.

6. *An EIR is required because there is substantial evidence in the record to support a fair argument the proposed project may result in significant environmental impacts, including aesthetics and community/neighborhood character, hydrology and water quality, and land use and public safety.*

STAFF RESPONSE: Please see City staff responses to the individual issues. Also, as noted above in City staff response to Mr. Segal's comment No. 3 and as described in the Report to the Planning Commission No. PC-10-079, pages 13 and 14, "substantial evidence shall include facts, reasonable assumptions predicated on facts, and expert opinion supported by facts" (CEQA Guidelines Section 15384). Also, please see Response to Comments in the final MND (La Jolla Shores Tomorrow/Julie Hamilton letter comment No. 10). City staff believes that the appropriate environmental document has been prepared for the project and that the comments raised by the appellants does not make the fair argument standard because substantial evidence, as defined by CEQA has not been provided to either staff, the decision maker, or the public.

Please note that CEQA requires the preparation of an Environmental Impact Report when a lead agency determines that a project may result in a significant effect on the environment (Section 15064 (a)). In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project (Section 15064 (d)). Economic and social changes resulting from a project shall not be treated as significant effects on the environment, unless there is a physical change on the environment caused by the economic or social effects of the project (15064 (e)).

The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the Lead Agency (15064(f)). Substantial evidence is not public controversy (15064(f)(4)); argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible does not constitute substantial evidence (15064 (f)(5). Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (15064(f)(5). Evidence of economic and social impacts that do not contribute to or are not caused by physical changes in the environment is not substantial evidence that the project may have a significant effect on the environment (15064(f)(6)).

FISCAL CONSIDERATIONS: None associated with this action. All costs associated with processing of this project are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Community Planning Group Recommendation:

The La Jolla Community Planning Association voted to deny the project for two reasons. The following reasons are provided below along with the City staff's analysis:

1. *Under the LJSPDO Section 1510.0301 and under 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 streetscape.*

   The project site is located at 2202 and 2206 Avenida de la Playa, and proposes a mixed use development 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 development's draft permit resolution contains the required findings related to conformity to the City's General Plan and the adopted community plan and local coastal program land use plan. Specifically, 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 zero-foot yard setbacks and 100 percent building coverage. The project also avoids abrupt transition in scale with adjacent residential areas. Residential projects adjacent to the La Jolla Shores commercial district are multi-family structures, many of which are taller and bulkier than the proposed 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 existing large multi-unit projects. The proposed development is smaller in scale than the multi-unit projects to the west and north. Therefore, as reviewed by City staff and as detailed in the development's draft permit findings, the proposed uses and design of the development are consistent with the adopted land use plans, zoning regulations, and the proposed development will not adversely affect the applicable land use plan.

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.*

   The project's permit condition No. 26 requires the applicant to comply with SDMC sec. 1510.0403 for structures below the water table. The project will not be allowed to conduct dewatering discharges to the public streets or municipal storm drain system during construction or thereafter.

La Jolla Shores Advisory Board Recommendation:
On March 16, 2010, the project was presented by the applicant to the La Jolla Shores Advisory Board (Board) and after public testimony and discussion, the Board was unable to obtain a majority vote on any motion for the development. However, the Board asked the applicant to consider some design changes on the project and thereafter, the Board continued this project's

item to their next meeting. On April 20, 2010, the Board again conducted public testimony, discussed possible design changes, and was still unable to obtain a majority vote on any motion to recommend approval or denial for the project. Finally, the Board voted unanimously to not make a recommendation on the project.

KEY STAKEHOLDERS: Playa Grande, L.L.C., Owner and Permittee

Kelly Broughton
Director, Development Services Department

Attachment: Report to the Planning Commission, No. PC-10-079

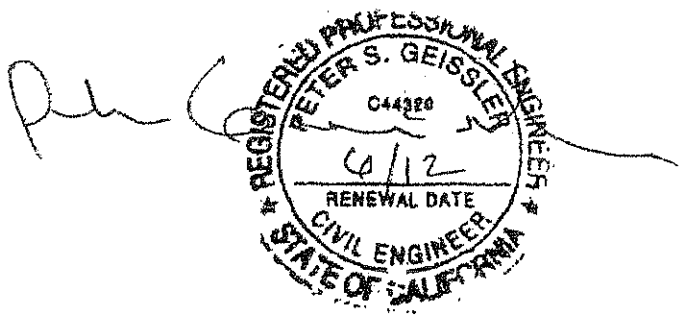
GEISSLER ENGINEERING

ATTACHMENT 3

Dr. Peter Geissler, Ph.D., P.E.
Consulting Civil Engineer

8 November 2010

La Jolla Shores Tomorrow
c/o The Law Offices of Julie M. Hamilton
2835 Camino Del Rio S., Suite 100
San Diego, CA 92108



Re: Whitney Mixed-Use Project
2202 and 2206 Avenida de la Playa
La Jolla, California

Ref: City of San Diego Project No. 182513

Ref: GEI Soils Report Job. No. 08-9579

Ref: Preliminary Architectural Drawings
Tim Martin AIA, dated May 19, 2009

TO WHOM IT MAY CONCERN:

Pursuant to a request by La Jolla Shores Tomorrow, Geissler Engineering has reviewed technical documents and performed engineering analysis of the geotechnical aspects of the project referenced above.

At issue is whether the project will have a significant adverse environmental impact.

Geissler Engineering reviewed project architectural drawings on file with the City of San Diego whilst under the supervision of Project Manager Tim Daly. Unfortunately, Geissler Engineering was denied permission to copy said architectural drawings. Presumably, the drawings were the Preliminary Architectural Drawings by Tim Martin, AIA, dated May 19, 2009.

Geissler Engineering reviewed the following soils reports.

- GEOCON Soils Report dated November 28, 2000 for the Naegle property located at 2210 Avenida de la Playa, La Jolla
- Southern California Testing Laboratory Pile Foundation Report dated May 8, 1970 for the AVCO Project located at 2209 Camino Del Reposa at the corner of El Paseo Grande and Camino Reposa, La Jolla
- GEI Soils Report dated March 20, 2009 for the Whitney Project located at 2202 and 2206 Avenida de la Playa, La Jolla

- GEI Letter-Report dated August 12, 2009 for the Whitney Project located at 2202 and 2206 Avenida de la Playa, La Jolla

Geissler Engineering reviewed the following engineering drawings.

- Dwg #26512-D Improvement Plan for Avenida de la Playa and Calle Clara
- Dwg #10389L - Street Improvements for Paseo Grande
- Dwg #1369-D - Trunk Sewer No.1 La Jolla Shores Pumping Station
- Dwg #1381-D, 1382-D, 1383-D Sanitary sewer construction
- Dwg #4596-D La Jolla Shores Drive grade of curb at Calle Clara and Avenida de la Playa
- Dwg #25160-D Construction of Vallecitos Seepage Line As-Built
- Dwg #12079-D El Paseo Grande 12" A.C. Main As-Built
- Dwg # 26331-D Construction of 30" Water Pipeline - La Jolla Shores Pipeline Phase 2 As-Built

Geissler Engineering reviewed the Final Mitigated Negative Declaration dated July 6, 2010.

This brief analysis of the facts is remarkably simple and the results are straightforward. Geissler Engineering concludes that the Mitigated Negative Declaration is made moot by the necessity of drilling or pile driving at the project site. In addition, Geissler Engineering concludes that the proposed project will cause soil subsidence and /or structural damage to surrounding improvements, for the reasons set forth below.

SOIL CONDITIONS AT THE PROJECT SITE

Geotechnical Exploration, Inc. (GEI) prepared a Preliminary Geotechnical Report dated 20 March 2009 on the soil conditions they encountered at the Whitney Project.

GEI drilled two soil test borings, B-1 and B-2, to a depth of 20 ft each. Put simply, this is what GEI observed:

In both B-1 and B-2, GEI observed that the top 8 feet of soil is fill.

In both B-1 and B-2, GEI observed alluvium/slopewash below the fill.

In boring B-2, at a depth of 18 feet, GEI encountered strong (N = 30 blows per foot) dense sand.

In boring B-2, at a depth of 20 feet, GEI stopped the drilling.

In boring B-1, at a depth of 20 feet, GEI stopped the drilling without ever having encountered strong dense sand.

Based upon their limited soils investigation, GEI characterized the top 8 feet of fill soil as unsatisfactory.

Based upon their soils investigation, GEI correctly characterized the alluvium/slopewash as "*not suitable for support of new loads from structures*" (Ref: page 11 of the GEI Report dated 20 March 2009).

Having encountered strong (N = 30 blows per foot) dense sand in one boring but not the other, GEI assumed that such a strong sand layer would surely be encountered at some depth greater than 20 feet. Indeed, their exact explanation is: "*Although not encountered in our exploratory borings, the alluvium/slopewash soils are underlain at depths greater than 20 feet by good-bearing, dense silty sand of the Bay Point Formation*" (Ref: page 11 of the GEI Report dated 20 March 2009).

Accordingly, GEI correctly recommends the installation of friction piers (caissons) bearing on deeper, medium dense to dense sandy formational soils. No doubt, GEI recommended the installation of friction piers (caissons) bearing on deeper, medium dense to dense sandy formational soils so as to avoid the problem of soil subsidence. Specifically, GEI correctly recommended that all drilled caissons be embedded into firm sandy soil to a depth of not less than 18 feet into medium dense sands, and that the frictional resistance of said piers be discounted (assumed zero) for the top 20 feet below the ground surface at each location (Ref: page 24 of the GEI Report dated 20 March 2009).

At the location of boring B-2, where the medium dense sand was found at a depth of 18 feet, an embedment depth of 18 feet into medium dense sands would result in a pier depth 36 feet below grade (18 + 18 = 36).

At the location of boring B-1, where the medium dense sand was known to be deeper than 20 feet (never having been encountered during drilling), the pier depth would necessarily be deeper than 38 feet. However, the exact pier depth was indeterminate, of course, since the depth at which the medium dense sands are encountered is still unknown.

Unfortunately, GEI never investigated the soil conditions deeper than 20 feet. Apparently, GEI was unaware of the fact that at neighboring properties poor soil conditions had been encountered at even deeper depths.

SOIL CONDITIONS NEARBY

The property adjacent to the Whitney Project site is the Naegle property, located at 2210 Avenida de la Playa. In 1991, GEOCON prepared a soils report for the original development of that property. In 2000, GEOCON prepared a follow-up soils report in relation to a proposed addition.

Both the original GEOCON Soils Report and the follow-up GEOCON Soils Report indicates that the Naegle property is underlain by alluvial deposits to depth of 53 feet (Ref: Page 2 of the GEOCON SOILS REPORT dated 28 November 2000).

Significantly, the GEOCON Soils Report identified a stratum 7 or 8 feet thick of weak (N = 8 blows per foot) dark gray to black fine to medium Sandy Clay at a depth for 37 feet below grade at the Naegle property (Ref: Boring B-1 logged 9/27/91 and included in the GEOCON SOILS REPORT dated 28 November 2000). The existence of this weak clay layer at approximately 37 feet below grade suggests that foundation piers required for the Whitney Project (next door) may need to be installed much deeper than the 38 ft (+/-) deep caissons envisioned by GEI.

The AVCO Project located at 2209 Camino Del Reposa at the corner of El Paseo Grande and Camino Reposa, was constructed in 1971. The Plie Foundation Report for the AVCO Project indicates that satisfactory soils were not encountered until a depth of 30 feet below grade was reached. Ultimately, piles were driven to a maximum depth of 74 feet below grade (Ref: Page 1 of the Southern California Testing Laboratory Pile Foundation Report dated May 8, 1970). Apparently, they got it right; there has been no reported structural distress or differential foundation settlement in the thirty year history since construction.

The GEI Soil Report referenced neither: (i) the GEOCON Soils Report dated 28 November 2000; nor (ii) the Southern California Testing Laboratory Pile Foundation Report dated May 8, 1970. Therefore it can reasonably be inferred that GEI was unaware of the poor soil conditions found at depth on these neighboring properties.

DEPTH OF PIERS

GEI correctly recommended that the foundation piers be installed 18 feet into good-bearing, dense silty sand of the Bay Point Formation, although that depth is indeterminate since GEI was unable to reach good-bearing, dense silty sand in boring B-1.

Now that we have the benefit of the additional soils data from the Naegle property and the AVCO property, it is a simple matter to determine the proper depth for the caissons at the Whitney Project. Using a conservative design approach based upon all the soils data from the Naegle property, Geissler Engineering estimates that the depth of the caissons for the Whitney Project would be at most 53 feet deep, the depth at which Ardath Shale (bedrock) is actually encountered. Using a less conservative design approach based upon all the soils data from the AVCO Project, Geissler Engineering estimates that the depth of the caissons at the Whitney Project would be approximately 48 feet (30 + 18 = 48).

Whether the pier depth is 36 feet or 38 feet as recommended by GEI based on their less-than-complete knowledge of the soil conditions, or 48 feet or 53 feet as suggested by the additional soils data from neighboring properties, the real problem is not how deep to install the caissons, but how?

In addition to being a civil engineering design firm, Geissler Engineering is a Class "A" General Engineering Contractor and Dr. Geissler is experienced at all aspects of shoring, underpinning,

drilling, pile driving and underground construction. When faced with the prospect of drilling foundation piers to a depth of 36 or 38 feet or even 48 feet or 53 feet, Dr. Geissler holds the opinion that the fundamental problems are two-fold: (i) temporary dewatering and (ii) short-term stability of the drilled hole.

If the soil conditions were as GEI assumed them to be, namely 18 to 20 feet (or more) of alluvium/slopewash soils underlain by good-bearing, dense silty sand of the Bay Point Formation, drilling 18 feet into such dense silty sands would indeed be possible, assuming a solution could be found for the control of groundwater. However, if the soil conditions are like those at the Naegle property where weak (N = 8 blows per foot) dark gray to black fine to medium Sandy Clay are encountered at a depth of 35 feet, then drilling becomes impractical. The clay will ooze into the drilled hole.

The solution that AVCO employed in 1971 was pile driving. There is ample data to suggest that driven piles can be used to support the building at the Whitney Project site. The expected depth to which piles must be driven depends upon their size, but a reasonable estimate would be 48 feet.

By driving precast concrete piles instead of drilling and constructing poured-in-place concrete caissons, there would be no need to de-water the site temporarily during installation of the piles.

However, the vibrations likely to be experienced during pile driving will likely cause extensive structural damage to the Naegle building. An estimate of the extent of structural damage to other nearby structures is beyond the scope of our current assignment. However, this issue would need to be carefully addressed prior to construction.

ADMINISTRATIVE REVIEW

The City of San Diego apparently assigned Project Manager Tim Daly to review the Preliminary Architectural Drawings, the GEI Soils Report and to evaluate the risks posed by the proposed project. In turn, a memorandum dated July 14, 2009 was prepared by LDR-Geology, Development Services Department requesting additional information.

Paragraph 1 of the review memorandum reads as follows:

"1. **Submit an addendum geotechnical report that addresses the proposed development plans and the following:"**

At issue is whether the Preliminary Architectural Drawings were in substantial compliance with the recommendations set forth in the GEI Soils Report. That is the crux of the matter.

GEI responded by means of a short 3-page letter-report dated 12 August 2009.

GEI responded:

"GEI Response: We have reviewed the referenced conceptual architectural plans by Tim Martin AIA, dated May 19, 2009. It is our opinion that the preliminary plans are in conformance with the recommendations included in our report, dated March 20, 2009."

Geissler Engineering Commentary: This statement by GEI is clear but false. In fact, several very significant discrepancies are readily apparent between the Preliminary Architectural Plans submitted by Tim Martin, AIA, and the recommendations set forth in the GEI Soils Report dated March 20, 2009.

GEI recommends that "*the structure be supported on friction piers (caissons) bearing on deeper, medium dense to dense sandy formational soils*" (Ref: Page 6 GEI Soils Report dated 20 March 2009), whereas the architect's drawings show the use of an ordinary conventional perimeter foundation (Ref: Section C).

GEI notes the existence of alluvium/slopewash soils (Qal/qsw) (Ref: Boring B-1 and Boring B-2 logged 5-23-08 and included in the GEI Soils Report dated 20 March 2009) below a depth 8 or 9 feet, that GEI described as "*not suitable for support of new loads from structures*" (Ref: page 11 of the GEI Report dated 20 March 2009), whereas the architect's plans labels the soils as "*formational*" soils below a depth of 9 or 10 feet in drawings of the northern most footing (Ref: Section B).

GEI recommended that drilled caissons must be embedded 18 feet into firm sandy soil to be encountered somewhere supposedly below 20 feet (Ref: although not encountered in GEI's borings, whereas the architect shows the "*Proposed Limit of Work*" at a depth of approximately 15 feet below grade (Ref: Section C).

GEI recommended that all drilled caissons be embedded into firm sandy soil to a depth of not less than 18 feet into medium dense sands, and that the frictional resistance of said piers be discounted (assumed zero) for the top twenty feet below the ground surface at each location (Ref: page 24 of the GEI Report dated 20 March 2009), whereas the architect shows the "*Proposed Limit of Work*" at a depth of approximately 15 feet below grade and also shows the use of conventional perimeter footings (Ref: Section C).

GEI recommended the use of shoring based on certain specified active soil pressure parameters (Ref: page 23 of the GEI Soils Report dated 20 March 2009), whereas the architect's drawing of the shoring could not possibly conform to these lateral load requirements (Ref: Section B).

GEI notes that "*the shoring system could consist of a soldier pile and lagging . . . (that) could be designed as permanent and incorporated into the basement walls.*" (Ref: page 23 of the GEI Soils Report dated 20 March 2009), whereas the architect's drawing of the shoring specifies the use of only the "*temporary steel beam shoring support*" and is shown diagrammatically as being very shallow in the North Footing Drawing (Ref: Section B). At a minimum, this discrepancy should have alerted GEI that the architect was unaware of how to incorporate the essential feature (i.e., the caissons) of the foundation system into the shoring system.

It is inconceivable that GEI simply overlooked the architect's choice of conventional shallow footings seated on alluvium/slopewash soils which are "*not suitable for support of new loads from structures*" when GEI specifically recommended otherwise.

Put simply, I am at a complete loss to understand how the three principals of Geotechnical Exploration, Inc., (GEI) were able to conclude the architectural drawings complied with the geotechnical recommendations.

ENVIRONMENTAL IMPACT

Geissler Engineering was asked to review the Mitigated Negative Declaration.

Given the fact that this construction project necessarily involves either drilling or pile-driving to considerable depths, the provisions of the Mitigated Negative Declaration are made moot because sinking caissons was not considered. Both drilling operations and pile-driving will crush human remains, archeological artifacts and fossils alike.

COLLATERAL DAMAGE

In the event that drilled foundation piers with poured-in-place concrete caissons are constructed below the water table (whether to 36ft or 38ft or 48ft or 53ft deep) which is normally 8 feet below grade, the problem of hydro-consolidation due to temporary dewatering must still be addressed. Put simply, even temporary dewatering during drilling operations and during construction of the poured-in-place concrete caissons will increase effective stresses acting on loose soils which would normally be submerged below the water table. Permanent soil subsidence is the usual result.

Geissler Engineering has not yet been retained to estimate the lateral or vertical extent of soil subsidence from temporary dewatering. However, there are methods that can be used to calculate the extent to which groundwater depression is likely to occur and to estimate the resulting soil subsidence. Suffice it to say, that the closer the neighbor, the more soil subsidence can be expected.

In the particular case of Mr. & Mrs. Naegle, there is no possibility of avoiding soil subsidence and differential foundation settlement owing to the proximity of their shallow foundations to the deep driller piers.

If instead of using drilled foundation piers with poured-in-place concrete caissons, driven piles are employed, a different set of problems are encountered. In that case, the primary issue is structural damage due to vibration during the pile-driving operations. Geissler Engineering has not been retained to evaluate the magnitude of vibrations due to pile-driving operations. However, methods have been developed which may be employed to estimate the magnitude of vibrations at neighboring properties. Suffice it to say, that the closer the neighbor, the more vibration damage can be expected.

In the particular case of Mr. & Mrs. Naegle, there is no possibility of avoiding vibration damage from pile driving operations.

RECOMMENDATIONS

Geissler Engineering recommends that the City of San Diego deny planning permission for the Whitney Project for the following reasons:

First, if the preliminary plans are not in conformance with the recommendations set forth in the GEI report, dated March 20, 2009 then the planning permission must be denied, as there is no assurance the building can safely be constructed in accordance to the plans.

Second, Geotechnical Exploration, Inc. failed to investigate the soil conditions to be encountered at depth, whether drilled or driven foundation methods are employed. In this case, planning permission must be postponed until the impacts can be fairly evaluated.

Third, Geotechnical Exploration, Inc. failed to evaluate the likelihood of soil liquefaction at depth because they assumed the soils below a depth of 20 feet are dense formational soils, whereas they may not be. In this case, planning permission must be postponed until the likelihood of soil liquefaction and the effects of the liquefaction can be fairly evaluated.

Fourth, Geotechnical Exploration, Inc. failed to evaluate the likelihood of soil subsidence due to hydro-consolidation as a result of temporary dewatering during construction. In this case, planning permission must be postponed until the likelihood of effects of hydro-consolidation can be fairly evaluated.

Fifth, Geotechnical Exploration, Inc. failed to evaluate the structural implications of soil subsidence due to hydro-consolidation as a result of temporary dewatering during construction on neighboring buildings. In this case, planning permission must be postponed until the likely structural damage can be assessed that may result from effects of hydro-consolidation on neighboring buildings can be fairly evaluated.

Sixth, Geotechnical Exploration, Inc. failed to evaluate the impact of the proposed construction activities on adjacent paved surfaces and street improvements. In this case, planning permission must be postponed until the impact on public improvements can be fairly evaluated.

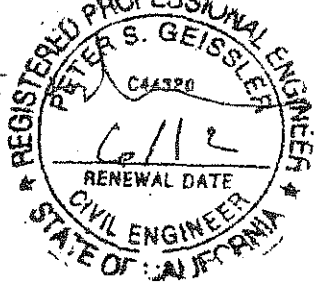
In conclusion, construction of the necessary foundational support for the Whitney Building will have a significant impact on the surrounding area; the extent of this impact cannot be known due to the lack of information related to the depth of the required piers and the construction method used to build the necessary piers. Depending on the particulars of the method selected for the deep foundation piers, it is possible, even likely that neighboring buildings and public street improvements shall be subject to soil subsidence, differential settlement and structural cracking.

In light of the fact that Geotechnical Exploration, Inc. issued written statements to the City of San Diego that are clear but not supported by their own technical report, the City of San Diego

ATTACHMENT 3

should retain its own independent expert to evaluate any further representations of an engineering nature made in connection with this project.

Respectfully submitted this 8th day of November 2010,



Dr. Peter Scott Geissler, Ph.D., P.E.
State of California Licensed Civil Engineer

ENGINEERING EDUCATION:

PhD	Civil Engineering Department of Civil Engineering University of California, Irvine
MS (Eng)	Civil Engineering Department of Civil Engineering University of California, Irvine
MEng (Civil)	Civil Engineering Department of Civil Engineering University of California, Davis
BSc (Eng)	Civil Engineering Department of Civil Engineering Stanford University
AB	Physics Department of Physics University of California, Berkeley

ENGINEERING LICENSES:

Professional Engineer – State of Tennessee

Civil Engineer – State of Washington

Mechanical Engineer – State of Washington

Chartered Engineer – Republic of Ireland

Civil Engineer – State of California

General Engineering Contractor – State of California

Chartered Engineer – European Economic Community (EC)

Federhart & Associates
2845 Nimitz Blvd.
Suite G
San Diego, CA 92106
(619) 226-0625
FAX (619) 226-0025

ATTACHMENT F
Item 330

TRAFFIC AND PARKING STUDIES

JF 2014
October 29, 2010

A Traffic Safety Study For The Whitney Multi-Use Project In La Jolla Shores

This study is intended to identify the shortcomings in the ground floor site plan of the Whitney Project access to the existing street system in the La Jolla Shores area, as to traffic safety hazards.

Figure 1 locates the Whitney Multi-Use project. Note that though it fronts on the 40 foot wide pavement at 2202 and 2206 Avenida De La Playa, it has side street frontage along El Paseo Grande (30 feet wide) and rear access along 30 feet wide, Calle Clara. All vehicle driveway access is to/from Calle Clara.

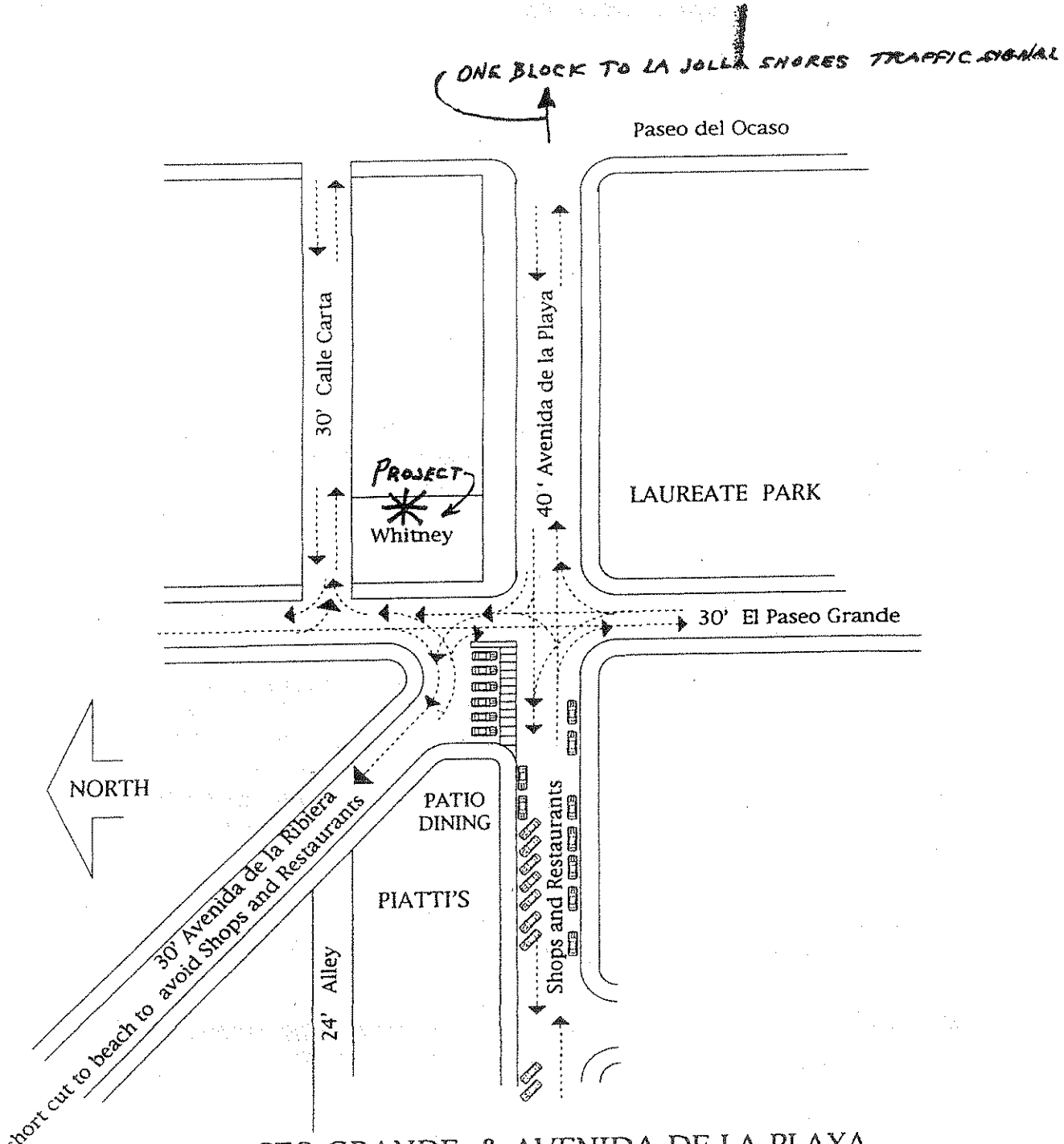
Figure 2 shows the proposed ground floor site plan of the Whitney building and shows the Calle Clara street driveway access. Note that two of the driveways are for parking two vehicles while the furthest east one is for the ramp to/from five, underground, parking spaces (7 total off-street spaces).

During the review process for the Whitney project, there was general disagreement between local opponents to the project, and the City, Development Services Department, (DSD) classification of Calle Clara as an "alley" rather than a "street". Recently , the DSD has changed its Calle Clara classification from "alley" to "street" and thus the intersection of Calle Clara and El Paseo Grande has now officially become a street to street intersection as it has been since 1927. Nevertheless, a proponent for the project concludes that Calle Clara functions as an alley with trash pickup and private parking along the alley.

Forgetting the proponents comment that Calle Clara functions like an alley since it has trash pickup and private parking, where parking is prohibited by City Fire Department regulations, the two pictures shown on Figure 3 clearly show the differences between Calle Clara (a 30 foot street) looking east from the Whitney project from El Paseo Grande, and a 24 foot alley behind the next block west of the Whitney project (the 2130 to 2200 block of Avenida De La Playa) looking towards the Whitney project and El Paseo Grande, from near Camino Del Oro. We think these two pictures clearly show that Calle Clara functions as a street, not an alley, since it has legal parking and a 30 foot pavement like so many streets in the vicinity.

City of San Diego LDC Sec. 113.0103, LDC Sec. 113.0246 (b), and LDC Sec. 113.0273 (d) requires that the Whitney project provide a 15 ft x 15 ft visibility triangle at the street to street intersection of El Paseo Grande and Calle Clara to allow adequate sight distance for safe vehicle and pedestrian movement at an intersection involving a public right of way. Figure 2 shows clearly that the planned project will have two large support columns (A and B) within the 15 foot required visibility triangular area

ATTACHMENT 4



EL PASEO GRANDE & AVENIDA DE LA PLAYA
TRAFFIC PATTERN

PROJECT LOCATION

FIGURE 1

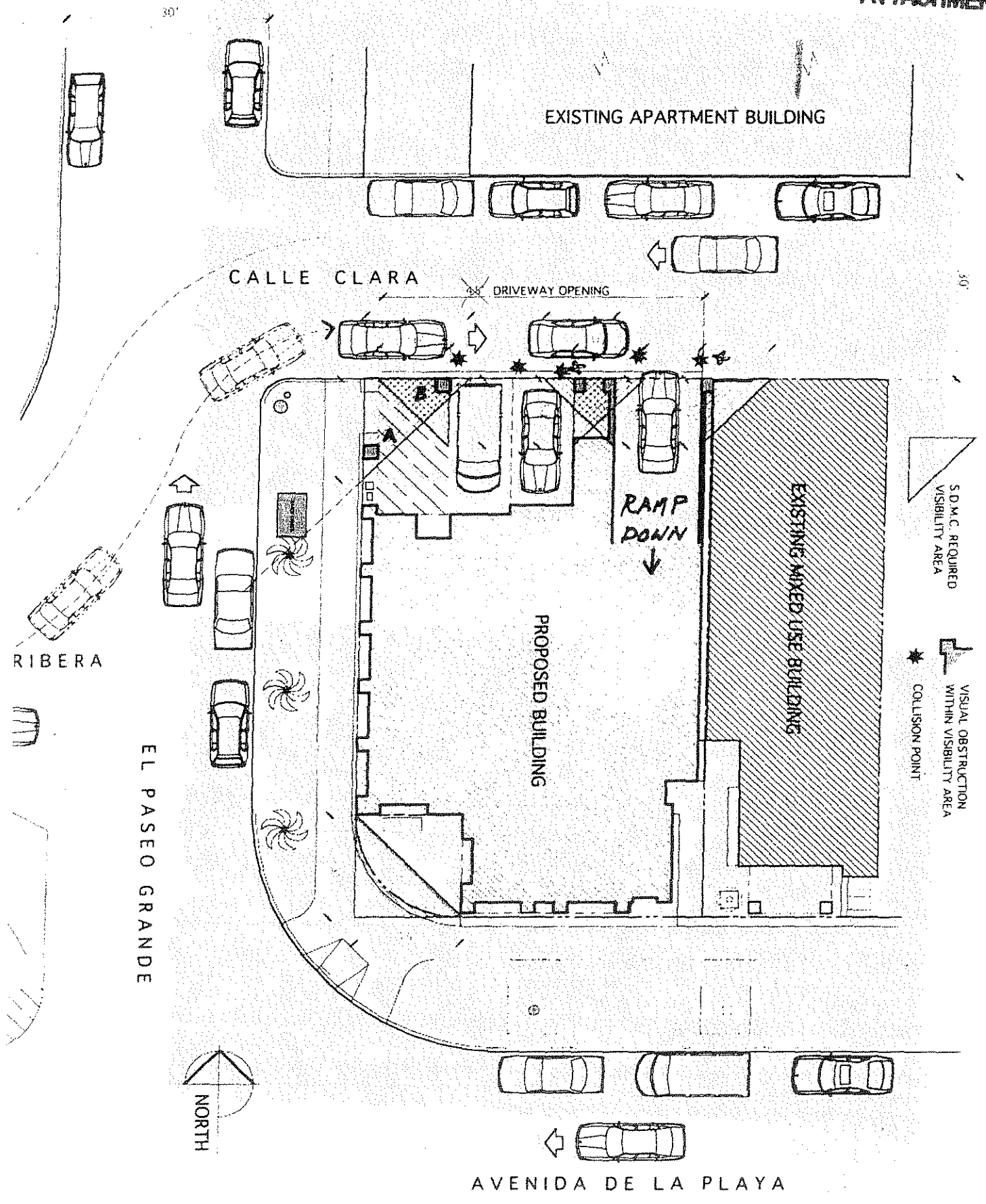
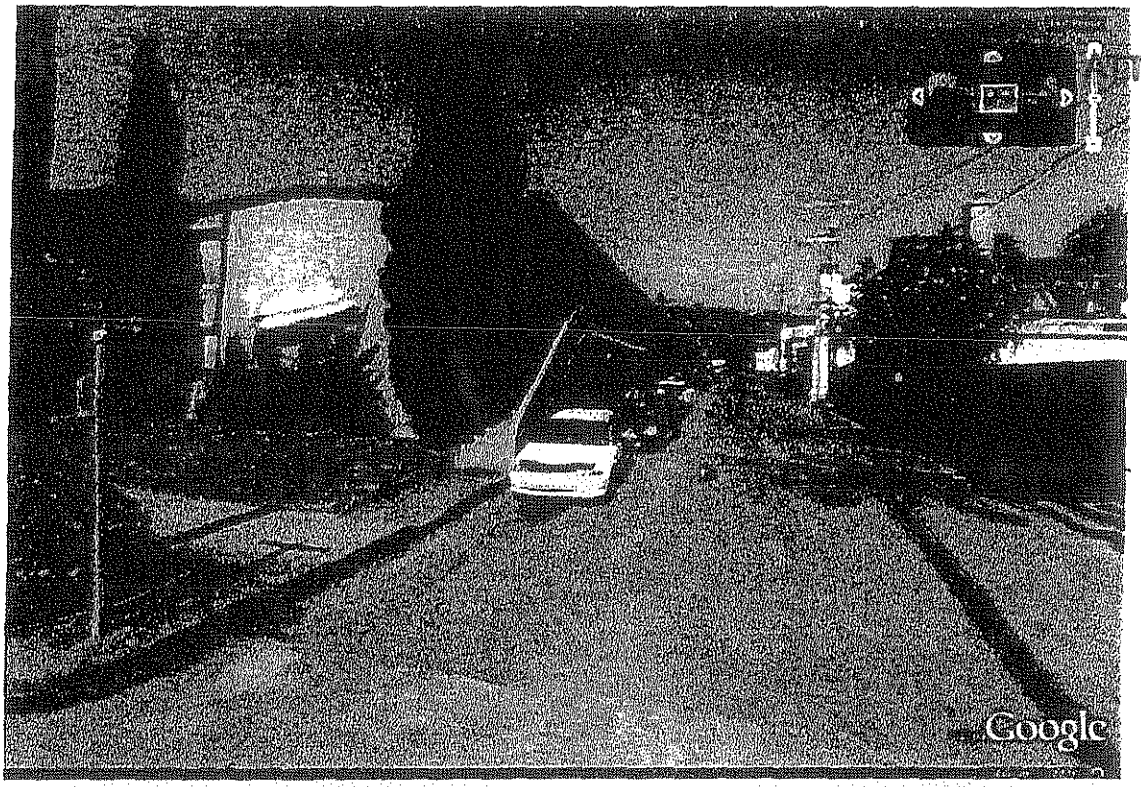
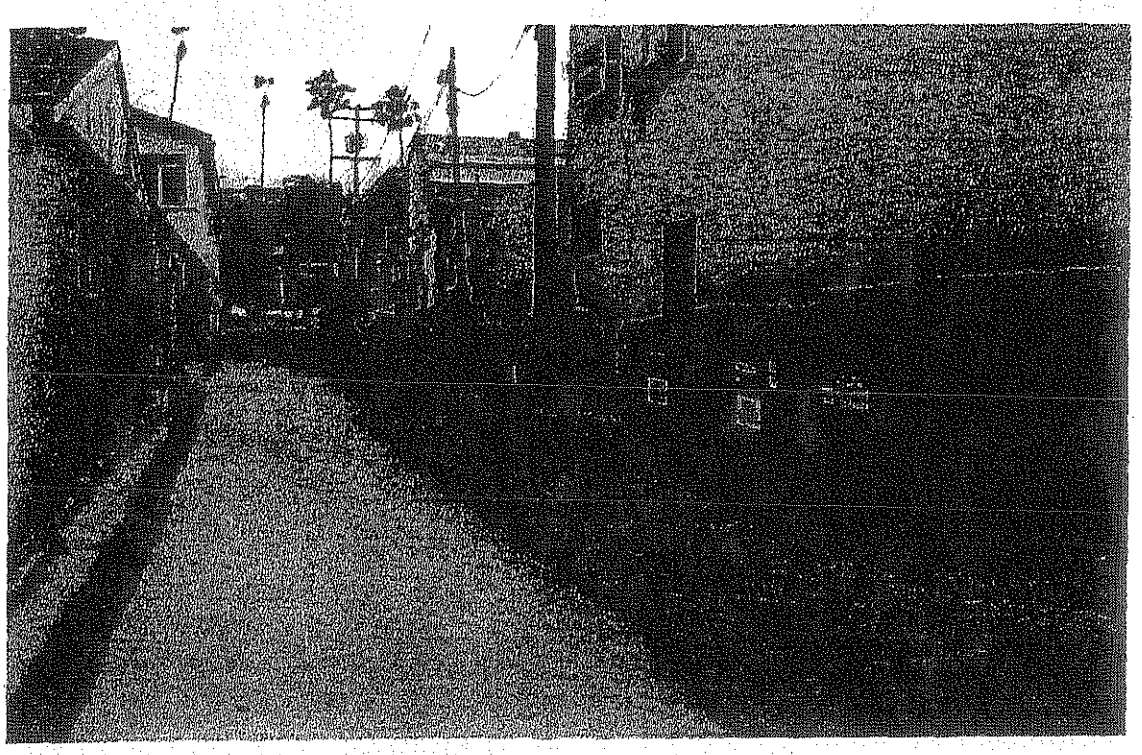

EXISTING APARTMENT BUILDING
CALLE CLARA
DRIVEWAY OPENING
RAMP DOWN
PROPOSED BUILDING
EXISTING MIXED USE BUILDING
S.D.M.C. REQUIRED VISIBILITY AREA
VISUAL OBSTRUCTION WITHIN VISIBILITY AREA
COLLISION POINT
RIBERA
EL PASEO GRANDE
NORTH
AVENIDA DE LA PLAYA

FIGURE 2

ATTACHMENT 4



A
TREET - CALLE CLARA EAST OF WHITNEY PROJECT



IMG_1050.JPG Alley 7
View into Alley from looking East towards A Rivera + EP Grande + Whitney property

AN ALLEY BEHIND 2130 TO 2200 AV. DE LA PLAYA
TOWARDS WHITNEY PROJECT

FIGURE 3

that must be replaced by cantilever beams at the second story floor level, or, the pillars may be moved out of the 15 foot visibility triangle. With implementation of a clear 15 x 15 visibility triangle at the Calle Clara/El Paseo Grande intersection, as well as clear and enforceable parking regulations along the east side of El Paseo Grande approaching Calle Clara, adequate sight distance can be provided for safe vehicle and pedestrian movements at the intersection.

Calle Clara has a 30 foot pavement in a 30 foot right of way and there is no room for a sidewalk or a parkway like the more normal 10 foot curb to property line. Therefore the building can be up to the curb like they are east of the Whitney project. Since parking is allowed along the north side of Calle Clara taking up 8 feet, the two way travel lanes must be in the remaining 22 feet (11ft lanes each way), and the eastbound travel lane is up against the south curb line.

Though no traffic counts are available in the warm, busy, vacation days to/from the Kellogg Park beach parking lot, many people have found that in order to avoid the traffic problems along Avenida De La Playa through the heart of the La Jolla Shores business district, a turn from La Jolla Shores Drive onto Calle Clara is a good way to avoid the problems getting to the beach via El Paseo Grande, or Avenida De La Ribiera (see Figure 1) or other streets to the west. Thus on those busy days, Calle Clara has more thru traffic than simply a street serving its land uses on each side.

According to SDMC Sec. 113.0273 (c), driveways intersecting a street must have 10 feet sight visibility triangles on each side of the driveway. (Also see Figure 4 for driveway sight triangles entering a street) Note on Figure 2 that because of location and the four support columns for the upper floors, none of the driveways, or ramp, has the required sight visibility triangles.

As noted above, the eastbound traffic lane of Calle Clara, is up against the south curb. Thus vehicles leaving the parking spaces or ramp, without the sight visibility triangles, must be past the curb into the travel lane, before they can see oncoming vehicles, bikes, or pedestrians in the travel lane. This is positively a real traffic safety issue with the driveways shown on Figure 2 and the four support columns as shown.

Figure 2 shows that, a ramp vehicle would have a particularly hard time exiting since the top of the ramp will be very close to the curb line. Thus the driver will be near the curb line with the hood and windshield in the travel lane, before the driver can see oncoming vehicles, etc. This is a serious traffic safety issue and the prime reason the City of San Diego has adopted the LDC Sections 113.0103, 113.0273 and 113.0246. For traffic safety, the visibility triangles must be provided along Calle Clara so drivers can see into the travel lane before their vehicle enters it.

The Whitney project can probably be used as the first, of more, redevelopment projects in the existing La Jolla Shores business district. Particularly along Calle Clara, this precedent setting project must conform to City regulations to guarantee the future traffic safety of the users of Calle Clara and the future project driveways. Therefore, the proposed Calle Clara driveways of Figure 2 must be relocated, and the four support columns eliminated, by either cantilevers from the 2nd floor level, or by moving them 10 feet south of the existing curb, so the 10 foot visibility triangles can be provided for traffic safety in the current project.

Diagram 113-02RR
Visibility Area

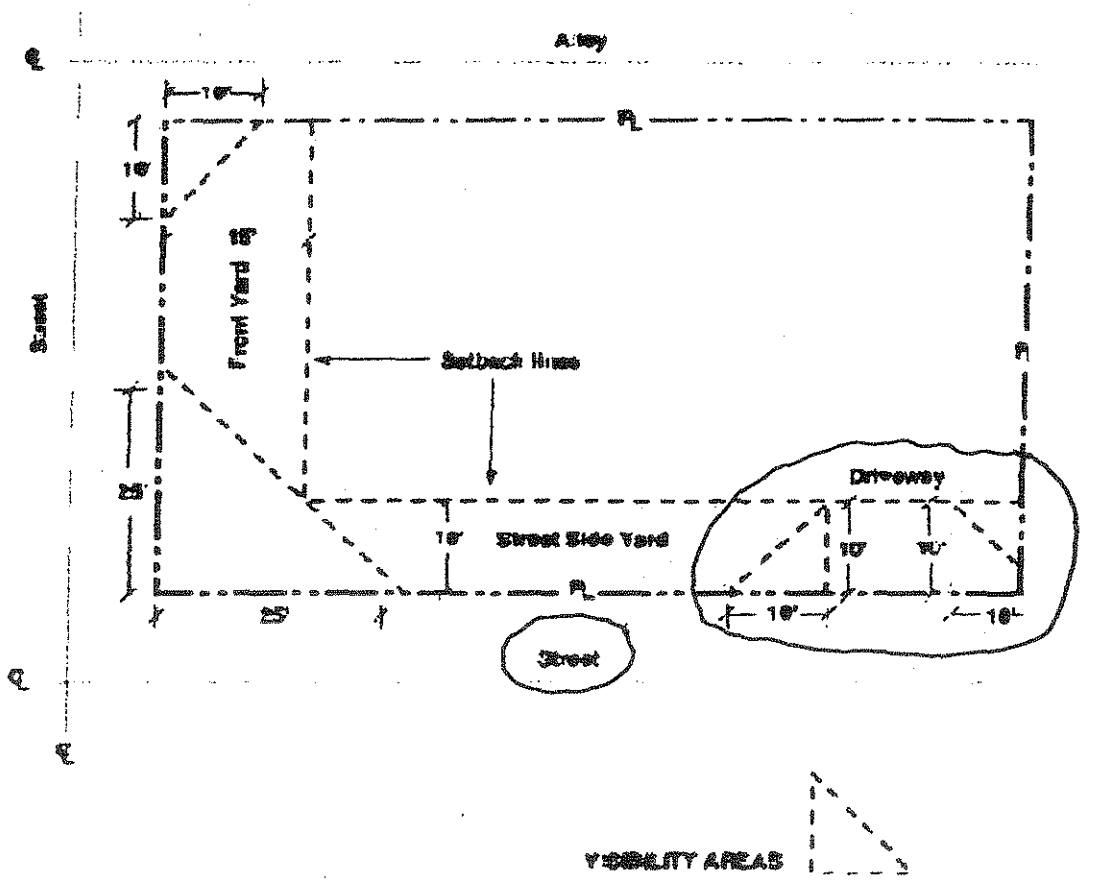


FIGURE 4

It is strongly recommended for existing and future traffic safety along Calle Clara, that the support columns shown along Calle Clara on Figure 2 be eliminated some way, or relocated, so that the 15 x 15 foot sight triangle at the intersection can be implemented along with the 10 x 10 foot driveway and ramp sight triangles along the Calle Clara street frontage. This means that within the 15 x 15 intersection sight triangle and east of this along Calle Clara within 10 feet of the south curb, there should be no columns, posts, walls, or doors for the Whitney Building, that will encroach on the 10 x 10 foot sight triangles. Without the required visibility triangles the Whitney Building will have a significant negative impact on the safety of vehicles, pedestrians, and bicycles in the area due to poor sight distance.

James W. Federhart

James W. Federhart
Federhart & Associates

Geotechnical Exploration, Inc.
SOIL AND FOUNDATION ENGINEERING ● GROUNDWATER ● ENGINEERING GEOLOGY

06 December 2010

Mr. Robert Whitney
PLAYA GRANDE, LLC
8100 Paseo del Ocaso
La Jolla, CA 92037

Job No. 08-9579

Subject: **Response to Geissler Engineering Letter**
Whitney Mixed Use Project
2202 and 2206 Avenida de la Playa
La Jolla, California

City of San Diego Project No. 182513

Dear Mr. Whitney:

This letter is in response to the letter issued by Geissler Engineering dated November 8, 2010, wherein many unfounded, misleading and incorrect claims were made that the proposed Whitney mixed-use project cannot be constructed without "extensive structural damage" to the Naegle buildings and that there is "no possibility" of avoiding soil subsidence and differential foundation settlement of the Naegle building. Claims and responses are listed below, followed by back up technical detail.

1. *"Geissler Engineering concludes that the proposed project will cause soils subsidence and/or structural damage to surrounding improvements."*

The excavation of a basement immediately adjacent to an on-grade structure is not unique or overly complicated. Methods of shoring, excavating, dewatering and new construction are routine and proven on many other projects, including in La Jolla Shores.

It should be noted that with the exception of the proposed elevator pit (a very localized area), the shallowest portion of the excavation will occur along the common property line. The portion of the Naegle building constructed to the property line extends 54 feet south of the north property line. The Whitney building's garage ramp parallels this wall and excavation will never reach the water table along this property line north of the elevator pit, which is 50 feet south of the

north property line, leaving only a 4-foot overlap where full depth basement excavation is immediately adjacent to the Naegle building.

Shoring for basement level construction is a very routine process. It is designed like any other structural component and can be made stiffer when deflection cannot be tolerated. Shoring is proposed and required not just along the common property line, but on all four sides of the excavation. The design of the shoring will be done by the project structural engineer and included with construction plans at a future date. However, a preliminary shoring exhibit (see Appendix A) prepared by Flores Lund is attached to graphically illustrate our recommendation.

2. *"It can be reasonably inferred that GEI was unaware of the poor soil conditions found at depth on these neighboring properties".*

GEI performed two 20-foot-deep borings with a limited access auger drill rig due to the existing structures on-site. These two borings were sufficient to confirm what is anticipated and what is consistently found throughout the beach area of La Jolla Shores, "...existing soil conditions are not suitable for support of new loads from structures". The depth of the two borings at this preliminary stage is immaterial. Our recommendations require "additional borings or Cone Penetrometer Testing (CPT) be performed after the existing building is removed to confirm depth to formational soils in order to provide embedment depths for proposed friction piers (caissons).

3. *"The pile foundation for the AVCO Project indicates that satisfactory soils were not encountered until a depth of 30' below grade was reached. Ultimately piles were driven to a maximum depth of 74' below grade" (Ref. Southern Cal Report dated May 8, 1970).*

The May 8, 1970, Southern California Testing report makes no mention of actual pile driving depths. The report only presents as Figure No. I a chart of Pile Load vs. Pile Depth for use by the project structural engineer for design of the foundation system. The chart, attached here as Appendix B, provides information for four different types of piles ranging from 8 to 12 inches across the pile tip. For an individual pile capacity of 300 kips or 300,000 pounds, the depths of the four different piles would range from 61 feet to 73 feet.

It appears that Mr. Geissler has elected to present design information as though it is as-built information, deliberately misleading the reader. Based on the 300 kips load, the 74-foot (73 on the chart) would far exceed the capacity needed per pile on the Whitney project. Based on the design pile chart, the AVCO driven piles, approximately one-half the diameter of the Whitney friction piles (approximately 24

inches in diameter), would achieve the required bearing capability at between 10 and 20 feet below the bottom of the basement parking excavation if used on the Whitney project.

4. *"Dr. Geissler holds the opinion that the fundamental problems are two-fold: (i) temporary dewatering and (ii) short term stability of the drilled hole."*

Dewatering is a routine construction process very common to any project with a basement in La Jolla Shores. It should be noted that the proposed basement slab elevation is, at best, 1 foot below the water table. Shoring will be designed to account for this. The only issue within the building footprint is the disposal of the water, as the La Jolla Shores PDO prohibits it being discharged into the storm sewer system. Dewatering within the building footprint will be legally discharged by permit into the sanitary sewer system.

Dewatering from outside the building footprint could be an issue as it could promote subsidence of adjacent structures and improvements if not prevented or appropriately addressed. Where foundation excavation along the common property line reaches the water table, continuous secant piles will be installed as shoring. This system is itself functionally waterproof. Consequently, excavation near and adjacent to the Naegle building will not cause subsurface water under the Naegle building to migrate into the Whitney foundation excavation. No migration of subsurface water, no potential for subsidence.

Further, as borings are made for the piers with a continuous flight auger, concrete is injected through the auger's hollow central column as the auger is withdrawn, displacing any water and eliminating the risk of any cave in. Even if soil conditions are found so weak that clay could ooze into an open drilled hole, steel casings would not be required in the hole because concrete fills the void continuously as the auger is withdrawn. This is a routine procedure for placing piers through soft soils or below a water table. The steel H-beams to reinforce the piers will be pushed into the fresh concrete, producing no vibrations.

5. *"There is ample data to suggest that driven piles can be used to support the building at the Whitney site...By driving precast concrete piles instead of drilling and constructing poured-in-place concrete caissons, there would be no need to dewater the building at the Whitney project site...However, the vibrations likely to be experienced during pile driving will likely cause extensive structural damage to the Naegle building."*

If there is ample data to suggest driven piles can be used to support the building, there is ample data that drilled friction piers can be used. Further, we have made no recommendation that driven piles should be used, nor would we ever suggest such a system in a developed area. Driven piles are absolutely inappropriate for this project.

6. *"GEI recommends that 'the structure be supported on friction piers...' whereas the Architects drawings show the use of an ordinary conventional perimeter foundation."*

Given the early stage of the project, the Architect prepared conceptual architectural plans and GEI provided alternatives and recommendations for accommodating this design. Our recommendation was and continues to be drilled friction piers for structural support, and we provided design parameters for caissons. However, in the same report we provide design parameters for proposed foundations or grade beams, including conventional, individual-spread and/or continuous footing foundations (or mat foundations under the garage basement) bearing on well compacted gravel fill material. It is not customary nor required that one of our alternative recommendations be selected before the project enters the technical phase. Given subsequent discussions including the Architect and project Structural Engineer, the use of drilled friction piers has been confirmed as the preferred method for the Whitney project. Further, since the piers will be used for building support, the same piers will be used for shoring.

7. *"The provisions of the Mitigated Negative Declaration are made moot because sinking caissons was not considered. Both drilling operations and pile driving will crush human remains, archaeological artifacts, and fossils alike."*

The Geotechnical Report was reviewed by not only Geology and Environmental Staff, but by Affinis, the project archaeologist as well. GEI can only assume that Geissler Engineering did not review the Archaeological Resources Assessment prepared by Affinis or the Mitigation Monitoring Reporting Program prescribed by the Mitigated Negative Declaration. However, a letter prepared by Affinis dated December 2, 2010, and included as Appendix C, reiterates that monitors will be present during all excavation and that significant deposits and human remains are not anticipated.

8. *"There is no possibility of avoiding soil subsidence and differential foundation settlement owing to the proximity of <the Naegle's> shallow foundations to the deep drilled piers."*

This is an inflammatory and misleading statement. As described in item 1 above, shoring can be designed and implemented to avoid soil subsidence and differential foundation settlement. Further, the applicant has informed the Naegle's in writing their desire to inspect the Naegle structure before construction, to continuously monitor its condition during construction, and to repair any incidental damage which may occur. A condition of the project also requires the applicant to repair any damage to public improvements on the 3 other sides of the project site.

9. *"There is no assurance the building can be safely constructed in accordance with the plans."*

The building will not be constructed based on preliminary plans, nor would a building permit ever be issued based on preliminary plans. Note the preliminary plans do not show the structural support of the building above grade either. This degree of detail and engineering is not included in preliminary plans or they would not be preliminary plans.

10. *"GEI failed to investigate soil conditions at depth."*

Again, as noted in item 2 above, GEI has gathered sufficient information to make the alternative recommendations in our report. Further, deep Cone Penetration Resistance tests (CPTs) borings will be performed after demolition of the existing structures to confirm depth to formational soils and/or to confirm loose/soft soil friction values in order to provide final embedment depths for the proposed friction piers, also required in our report.

11. *"GEI failed to evaluate the likelihood of soil liquefaction at depth."*

Since Cone Penetrometer Testing cannot be performed until the existing structure is removed we have performed an evaluation of liquefaction assuming the worst case, i.e., that the low-density soils in the upper 20 feet extend to 50 feet, and that the soils are granular and free draining. (In actuality, the fines content, i.e., -200 grain size content, ranged from 39 to 67 percent for most of the upper 20 feet and higher density soils are expected to exist between 18 and 30 feet.) Assuming the worst case, the underlying soils are liquefiable, which is true for most of the La Jolla Shores area. Use of a friction pile system significantly reduces the potential for settlement of the Whitney project. While structures such as the eastern neighbor's project would experience the full settlement of the assumed 50-feet liquefied section (up to 11 inches), the Whitney project would only experience settlement of the liquefied soils below the friction pile tips. Based on our analysis, the Whitney project would experience approximately 2 inches of settlement and following a design liquefaction event, could remain 9 inches higher than surrounding structures

and city improvements which do not have deep foundation systems. We have verified with the project Structural Engineer that the Whitney project would perform in this manner.

> 12. *"In conclusion, construction of the necessary foundational support for the Whitney Building will have significant impact on the surrounding area; the extent of this impact cannot be known due to the lack of information related to the dept of the required piers and the construction method used to build the necessary piers. Depending on the particulars of the method selected for the deep foundation piers, it is possible, even likely that neighboring and public street improvements shall be subject to soil subsidence, differential settlement and structural cracking."*

The appropriate depth of the piers will not increase or decrease the impact of construction on the surrounding area. Further testing will be performed after building demolition to confirm the proper depths of piers. A Construction Excavation Groundwater Management section follows, describing by phase the methods to be implemented for shoring, dewatering, and foundation construction. A graphic exhibit prepared by Flores-Lund (see Appendix A) is provided to supplement this written description

Construction Excavation Groundwater Management

Exploratory drilling by GEI revealed groundwater to be located approximately 8 feet below the existing ground surface. The proposed basement parking surface is planned for approximately 9 feet below the existing elevation. Therefore, most of the construction excavation would have to extend approximately 2½ feet below the water table for the period of time required to prepare the subgrade and waterproofing and pour the structural slab. The deepest point of excavation will be the localized 8'x10' elevator pit located near the base of the driveway ramp along the east property line. In order to reduce the potential for hydroconsolidation from dewatering the following construction procedures will be implemented:

Phase I: During shoring construction, a functionally watertight overlapping column pile system will be utilized along the east property line and extend from the southeast building corner of the project to the northeast corner of the elevator pit. At that point, the column pile system will turn northwest across the lower end of the garage access ramp (refer to Appendix A). Shoring soldier pile placement will consist of drilling 18- to 24-inch-diameter holes with a continuous flight auger and backfilling the borehole with concrete of a specified strength through the auger

hollow central column as the auger is withdrawn. Following complete removal of the auger, the specified steel reinforcement is inserted into the wet concrete.

The localized use of the continuous pile/column system will prevent dewatering and hydroconsolidation along the east property line. The interlocking system will not have to extend to the north end of the east property line because the structurally supported drive ramp soils will not be removed below the water table. The excavation on the west side of the ramp will be 12 feet or more from the east property line and hydroconsolidation due to the limited lowering of the water level (approximately 2½ feet) will be negligible at the property line.

Phase II: The elevator pit structure will be designed such that it is tied into the permanent soldier pile wall system and interior structural basement slab. The basement slab will also be provided with supporting friction piles. Due to the use of a functionally watertight soldier pile/overlapping column shoring system between the elevator pit and east property line, lowering of water table and hydroconsolidation outside the shoring should be negligible.

Phase III: Following coordination of excavation, waterproofing and concrete placement crews, the basement excavation will be lowered to approximately 2½ feet below the water table to allow construction of the structural floor slab. The foundation system will be installed as quickly as possible, and due to the limited excavation depth below the water table and the relatively low permeability soils, hydroconsolidation on the north, south and west sides of the project should be minimal.

Assuming worst-case that clean permeable sands exist at the dewatering elevation, we have calculated that hydroconsolidation of no more than ¼ inch would be realized adjacent to the soldier beam and lagging shoring system on the north, south and west sides of the project. This is anticipated to be within the zone of construction activity where any existing improvements are planned for replacement. As stated previously, by using an overlapping pile system, hydroconsolidation beneath the eastern neighboring structure would be negligible.

Phase IV: Upon pouring of the basement concrete to above the water table, water levels will be allowed to rise back to natural levels. No continuous dewatering will be required.

Note: All surrounding improvements should be survey documented and inspected (prior to and subsequent to commencement of construction) to identify existing conditions and any damage that might be associated with any aspect of

construction. Prior to construction, agreements should be in place to repair any damage associated with construction.

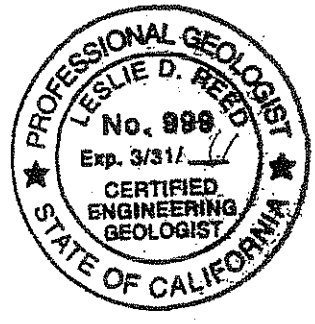
We hope that the above information and discussions have addressed the technical concerns raised in the Geissler document. If you have any questions regarding this letter, please contact our office. Reference to our **Job No. 08-9579** will help expedite a response to your inquiry.

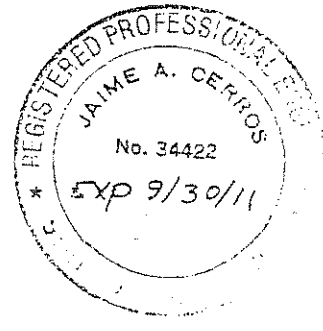
Respectfully submitted,

GEOTECHNICAL EXPLORATION, INC.

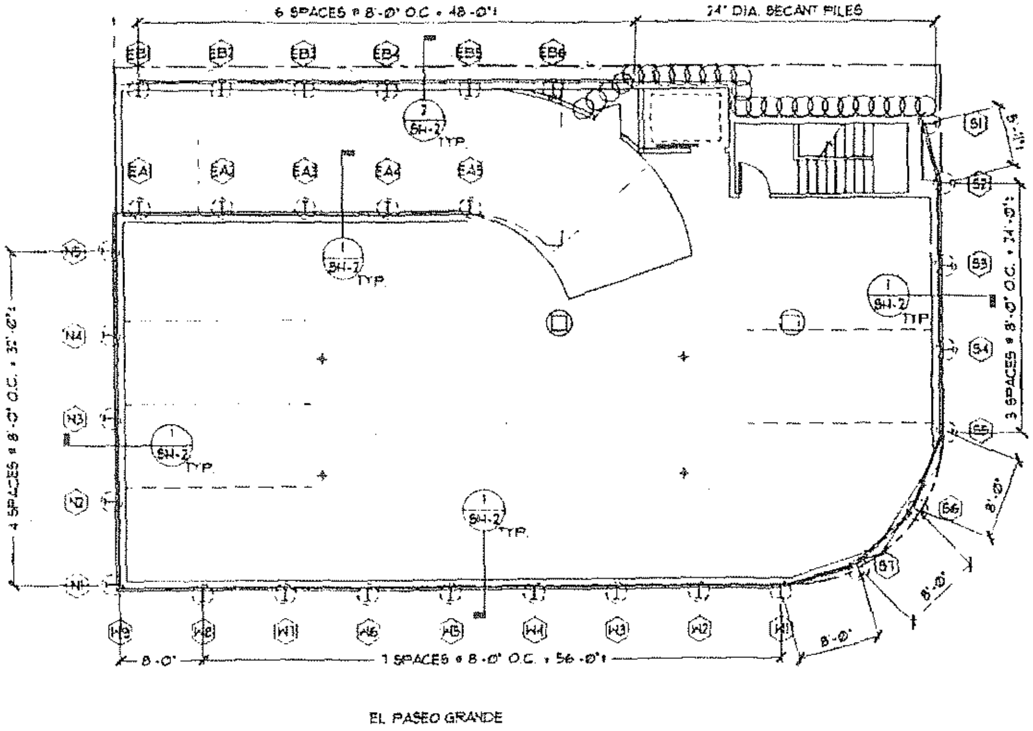
Leslie D. Reed, President
C.E.G. 999[exp. 3-31-11]/R.G. 3391

Jaime A. Cerros, P.E.
R.C.E. 34422/G.E. 2007
Senior Geotechnical Engineer





APPENDIX A



SHORING PLAN

3/16" = 1'-0"

FLC

PERMANENT SHORING GENERAL NOTES

GENERAL

1. WHERE NO CONSTRUCTION DETAILS ARE SHOWN OR NOTED FOR ANY PART OF THE WORK, THE DETAILS USED SHALL BE THE SAME AS FOR OTHER SIMILAR WORK, PROVIDED THAT PRIOR APPROVAL IS OBTAINED FROM THE ENGINEER.
2. THE DESIGN IS BASED ON THE 2007 CBC AND THE STATE OF CALIFORNIA TRENCHING & SHORING MANUAL, JANUARY 2000, PAGES 10-1 TO 10-12. CALTRANS SHORING DESIGN GUIDE IS USED AS A RESOURCE REFERENCE. CRANES, STOCKPILING, ETC. SHALL BE SET BACK A MINIMUM OF TEN FEET FROM THE BACK OF LAGGING.

SOILS CRITERIA

1. SOILS REPORT BY: GEOTECHNICAL EXPLORATION, INC. 7420 TRADE STREET, SAN DIEGO, CA 92121, (858) 549-7222
2. PROJECT NUMBER: 09-10375
3. DATED: NOVEMBER 30, 2010

STRUCTURAL STEEL

1. STRUCTURAL STEEL SHALL COMPLY WITH ASTM A572 (FY=50) NOTED AS "HB."
2. MATERIALS AND WORKMANSHIP SHALL COMPLY WITH AISC "SPECIFICATION FOR THE DESIGN, FABRICATION AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS."
3. ALL SOLDIER BEAMS SHALL BE COATED WITH A BITUMASTIC COAL-TAR EPOXY APPLIED IN TWO COATS FOR A TOTAL DRY FILM THICKNESS OF 16 MILS. PRIOR TO COATING BEAMS, SANDBLAST WITH SSPC-SP10 (NEAR WHITE). THEY SHALL BE COATED THEIR FULL CUT HEIGHT, A MINIMUM OF 4'-0" INTO THE STRUCTURAL CONCRETE CAISSON, AND THE BOTTOM 4'-0".
4. ANGLES, PLATES AND MISCELLANEOUS STEEL SHALL COMPLY WITH ASTM A-36 AND SHALL BE EPOXY COATED.
5. ALL WELDING SHALL BE DONE IN ACCORDANCE WITH THE AWS STANDARD AWS D1.1-2000 "STRUCTURAL WELDING CODE - STEEL." ALL WELDING SHALL BE BY THE ARC WELDING PROCESS USING E-70 ELECTRODES. THE USE OF E7014 IS PROHIBITED.
6. FILLER METAL USED IN ARC WELDING SHALL BE IN ACCORDANCE WITH TABLE 4.1 OF "STRUCTURAL WELDING CODE - STEEL" (AWS D1.1-00). THE MIN. TENSILE STRENGTH FOR FILLER METAL SHALL BE 70 KSI.

CONCRETE

1. CONCRETE WORK SHALL CONFORM TO THE "REQUIREMENTS FOR REINFORCED CONCRETE" (ACI 318) AND THE "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS" (ACI 301) LATEST APPROVED EDITIONS WITH MODIFICATIONS AS NOTED IN THESE DRAWINGS AND SPECIFICATIONS.
2. CONTINUOUS INSPECTION BY A REGISTERED DEPUTY INSPECTOR IS REQUIRED FOR ALL CONCRETE WORK OF f'c 3000 PSI OR GREATER (NOT REQUIRED FOR LEAN CONCRETE).
3. ALL REINFORCING DETAILING SHALL CONFORM TO THE CONCRETE REINFORCING STEEL INSTITUTE "MANUAL OF STANDARD PRACTICE" LATEST EDITION.
4. ALL REINFORCING STEEL SHOP DRAWINGS SHALL BE REVIEWED BY THE ENGINEER PRIOR TO FABRICATION.
5. CONCRETE STRENGTHS: THE CONCRETE STRENGTHS SHOWN IN THE FOLLOWING TABLE ARE MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS. THE AGGREGATES SHOWN ARE THE MAXIMUM SIZE (INCHES) AND THE SLUMP SHOWN IS THE MAXIMUM (INCHES).

ITEM OF CONSTRUCTION	STRENGTH	AGGREGATE	SLUMP
A. CAISSON	3,000 PSI	1	4
B. SHOTCRETE	4,000 PSI	3/8	3

6. ALL REINFORCING STEEL SHALL CONFORM TO ASTM A615 GRADE 60.
7. MINIMUM PROTECTIVE CONCRETE COVER OF REINFORCING:
   A. ON EARTH SIDE WHEN PLACED AGAINST EARTH .... 3 IN.

TIMBER

1. ALL TIMBER SHALL BE DOUGLAS FIR-LARCH (NORTH) PRESSURE TREATED AND SHALL BE GRADE MARKED 2 OR BETTER.
2. ALL PERMANENT LAGGING SHALL BE ALKALINE COPPER QUATERNARY (ACQ) PRESSURE TREATED.

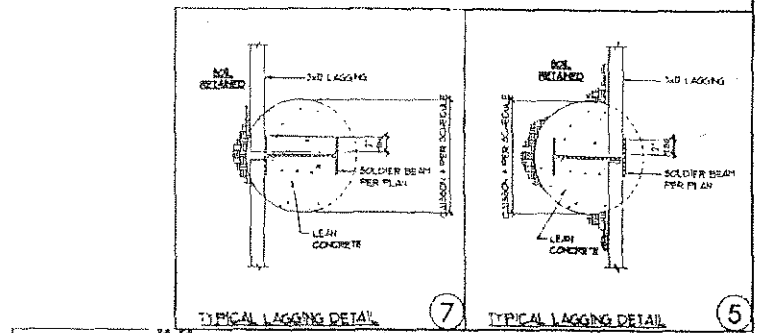
Underground Service Alert
CALL TOLL FREE
1-800
422-4133

WHITNEY RESIDENCE

FOR EXHIBIT ONLY - NOT FOR CONSTRUCTION

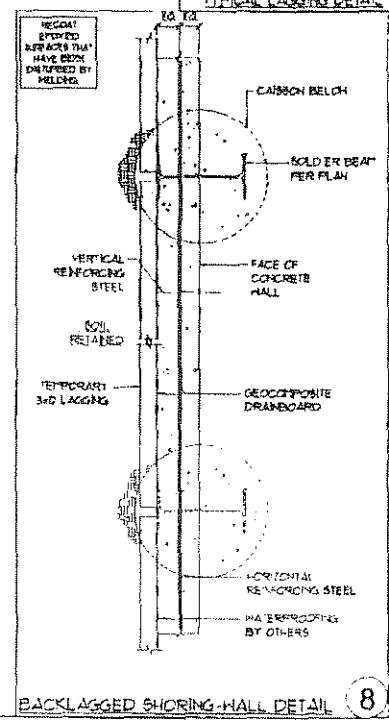
SHORING NOTES, PLAN, ELEVATIONS AND DETAILS

JOB NO.	FLC ...
DATE:	12-2-10
SCALE:	NOTED
DRAWN BY:	AJ
CHECKED BY:	AJ
CERTIFIED BY:	RMF
SHEET NO.:	SH-1
	SHEET 1 OF 8

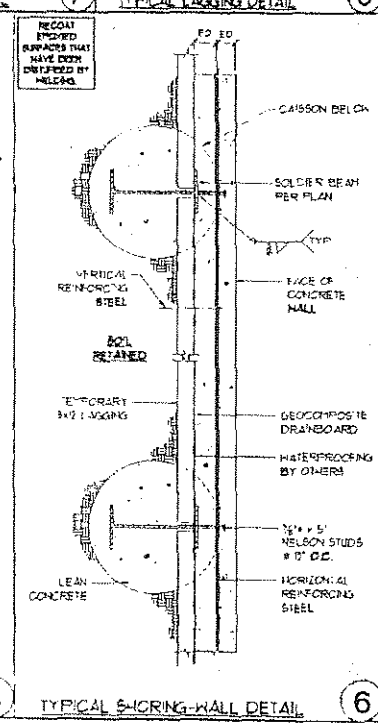


TYPICAL LAGGING DETAIL (7)

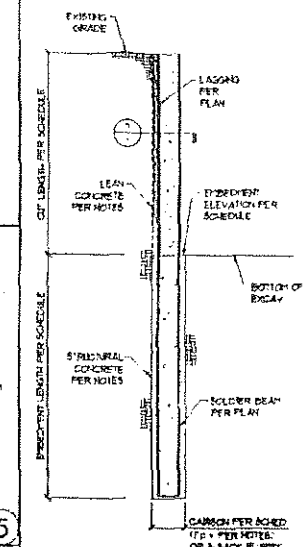
TYPICAL LAGGING DETAIL (5)



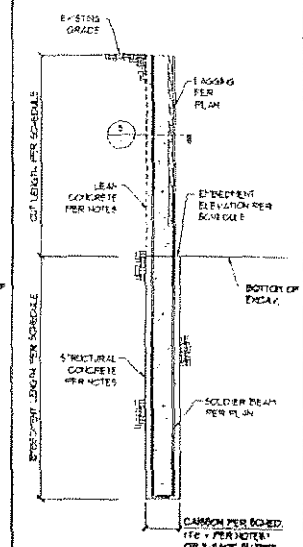
BACKLAGGED SHORING-WALL DETAIL (8)



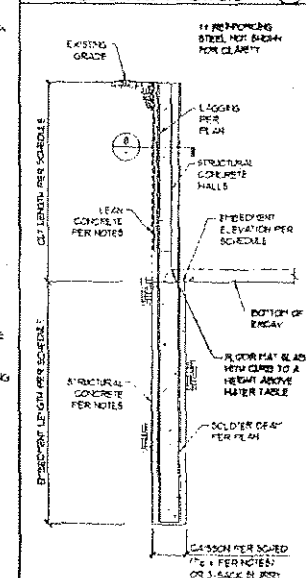
TYPICAL SHORING-WALL DETAIL (6)



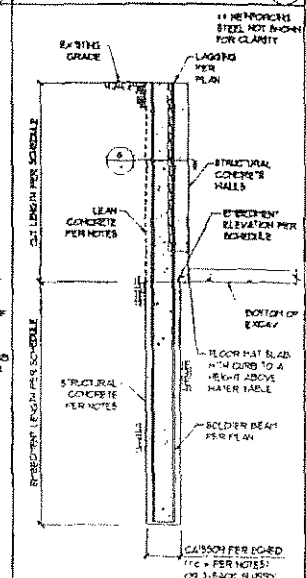
TYPICAL BACKLAGGED SECTION (TEMPORARY CONDITION) (3)



TYPICAL CANTILEVER SECTION (TEMPORARY CONDITION) (1)



TYPICAL BACKLAGGED SECTION (PERMANENT CONDITION) (4)



TYPICAL CANTILEVER SECTION (PERMANENT CONDITION) (2)

EXHIBIT

PLC Planning Land Development Landscape Architecture

WHITNEY RESIDENCE

FOR EXHIBIT ONLY - NOT FOR CONSTRUCTION

SHORING NOTES, PLAN, ELEVATIONS AND DETAILS

JOB NO.:	PLC 18xxx
DATE:	8-2-19
SCALE:	NOTED
DRAWN BY:	AJ
DESIGN BY:	AJ
CHECKED BY:	RMP

SHEET NO.: SH-2

SHEET 5 OF 8

ATTACHMENT 5

ATTACHMENT 5

FLC FLORES LUND CONSULTANTS

San Diego, Ca
Inland Empire, Ca
Evanston, Wy

December 6, 2010

Mr. Bob Whitney
8100 Paseo Del Ocaso, Suite C
La Jolla, CA 92037

Dear Mr Whitney,

The purpose of this letter is to provide a general overview of the process of Shoring Installation and Foundation Support. The shoring system will provide temporary retention of the adjacent improvements during excavation, but will ultimately be used as part of the permanent building foundation system.

The following procedures are the general steps taken during the installation of the shoring system.

1. Layout and mark the location of the concrete caisson locations.
2. Drill the caisson hole with the width and depth as designated on the plans.
3. Fill the bottom of the holes with concrete (concrete strength must meet or exceed strength specified on structural plans) from the bottom of the hole up to the bottom of the excavation.
4. Place the steel beams in the concrete hole, adhering to the tolerances specified in the 2010 California Building Code.
5. Fill the remaining hole from the bottom of excavation to the top of the hole with lean concrete to allow for partial removal of the lean concrete as the excavation proceeds downward.
6. Once the concrete has reached the specified strength, proceed with excavation in lifts of no more than 5'-0" of un-lagged at one time. As the excavation progresses downward 3x12 wood lagging boards will be placed between the steel beams and supported by the steel beams.
7. Backfill behind the lagging with slurry so no soil movement can occur.
8. Before proceeding to next excavation lift, the installer must insure that the lagging above has sufficient bearing with the soil it is retaining.

Once the shoring system has been fully lagged to the bottom of excavation, the permanent foundation system may be installed in the following method.

1. Apply waterproofing along the bottom of excavation and up along the shoring walls.
2. Lay the reinforcing steel as required by the structural engineer.
3. Hang permanent wall steel as required from the shoring system.
4. Place concrete forms as required per the concrete contractor.
5. Pour the first amount of concrete such that the top of the pour occurs just above the water table level. This will effectively create a "bathtub" of concrete sealing out water from the basement.
6. Pour the remaining basement walls (and grade beams if required) assuring a water-stop is placed at all cold joints.
7. Commence building of above grade improvements.

Sincerely,

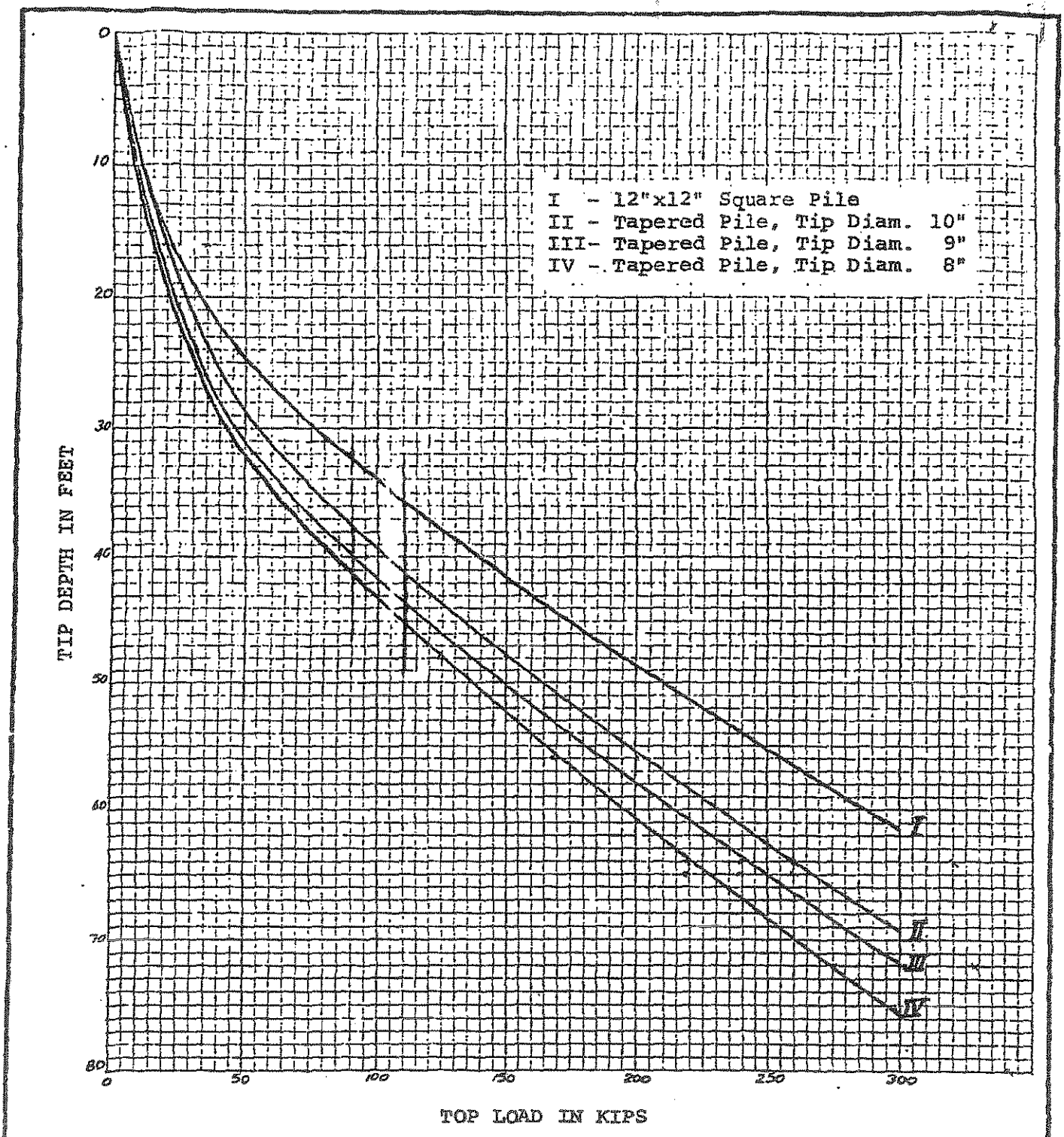
FLORES LUND CONSULTANTS, INC.

Raymond H. Flores, S.E.
C.E.O.
Director of Structural Engineering

REGISTERED PROFESSIONAL ENGINEER
RAYMOND H. FLORES
No. 1804
Exp. 6/30/11
STRUCTURAL
STATE OF CALIFORNIA

FLC

APPENDIX B



SOUTHERN CALIFORNIA TESTING LABORATORY, INC.
6280 RIVERDALE STREET
SAN DIEGO, CALIFORNIA 92120
714-283-6134

AVCO Apartment Site
La Jolla

PILE LOAD VS. PILE DEPTH

BY I.P

DATE 5-7-70

JOB NO. 00036

FIGURE NO 1

APPENDIX C

Affinis
environmental
services

ATTACHMENT 5

847 Jamacha Road, El Cajon, California 92019-3206
tel: (619) 441-0144 fax: (619) 441-6421

December 2, 2010

Mr. Robert Whitney
8100 Paseo del Ocaso
La Jolla, California 92037

Reference: Whitney Mixed Use Project – Archaeology Comments

Mr. Whitney,

This letter is to clarify the cultural resources conditions and the adequacy of the proposed mitigation and monitoring measures for the Whitney Mixed Use project.

As addressed in the cultural resources report for the Whitney Mixed Use project (Robbins-Wade 2009), Pigniolo et al. (2009) have recently conducted a comprehensive study of the La Jolla Shores site (SDM-W-2) in conjunction with proposed utility undergrounding. The study was designed to determine the original location of SDM-W-2, the locations of redeposited cultural material associated with the site, and the significance of this resource. In addition to the records search data and literature search from the South Coastal Information Center, Pigniolo studied historic maps and aerial photographs; notes by Malcolm Rogers, George Carter, and other researchers at the site; geological data and geomorphological information; collections at the San Diego Museum of Man; and other sources of information. "This data was used to create a model for the original location, content, and transformation processes that have occurred to sites SDM-W-2 and SDM-W-199" (Pigniolo et al. 2009:31).

Robbins-Wade (2009) discussed in detail the Pigniolo study (Pigniolo et al. 2009) and its applicability to the Whitney Mixed Use project. Two important points to note are that no cultural material was noted in the logs of drilling observed by George Carter at 2226 Avenida de la Playa, which is on the same block as the Whitney Mixed Use Project, and the fact that archaeological monitoring in conjunction with Pump Station 27 at 2200 Avenida de la Playa, across the street from the Whitney Mixed Use Project, was negative (Pigniolo et al. 2009:Figure 25). Based on their extensive research, Pigniolo et al. (2009) developed a figure showing the area they suggest as the maximum probable extent of secondary deposits for SDM-W-2, as well as high potential redeposit areas and a possible intact deposit (Pigniolo et al. 2009:Figure 36). While the Whitney Mixed Use Project is within the overall area of probable secondary deposits, the project is outside the high potential areas as identified by Pigniolo et al. (2009: Figure 36).

The study by Geotechnical Exploration, Inc. indicated that fill soils are present on-site for a depth of 8 ft. This fits with the findings of Pigniolo et al. (2009) regarding fill from the original location of SDM-W-2 in the area; however, the precise origin of the fills soils in the project area is unknown.

Archaeological and Native American monitors will be present to observe all grading, trenching, drilling, and other ground-disturbing activity in these fill soils and any native soils encountered above the water table. Given the results of previous work in the vicinity and the comprehensive study by Pigniolo et al. (2009), significant deposits and human remains are not anticipated.

If you have any questions, please give me a call at (619) 441-0144 extension 18, or you can reach me by e-mail at mary@affinis.net.

Mary Robbins-Wade
Director of Cultural Resources