



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 18, 2014 **REPORT NO.** PC-14-056

ATTENTION: Planning Commission, Agenda of September 25, 2014

SUBJECT: WHALE WATCH WAY RESIDENCE - PROJECT NO. 328415.
PROCESS 3.

**OWNER/
APPLICANT:** Smargon-Viterbi Family Trust, dated August 20, 1997,
Daniel M. Smargon and Audrey M. Viterbi, Trustees, Owner/
James Gates, Applicant.

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision to approve permits for the demolition of an existing structure and development of a new approximately 7,001 square foot single family structure located at 8490 Whale Watch Way within the La Jolla Community Plan area?

Staff Recommendation: Deny the appeal and uphold the Hearing Officer's approval of Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734.

Community Planning Group Recommendation - On February 6, 2014 the La Jolla Community Planning Association voted 15:0:1 to recommend denial of the project. See the "Appeal Issues" section of this report for details.

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

Environmental Review - A Mitigated Negative Declaration No. 328415 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process. The Mitigated Negative

Declaration No. 328415 was certified and the Mitigation Monitoring and Reporting Program adopted by the Hearing Officer on June 25, 2014. The opportunity to appeal the CEQA determination expired on July 10, 2014.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None.

Housing Impact Statement – The site is designated for single family residential development. The demolition of one single family structure and replacement with another would have no impact on the housing supply in the community.

BACKGROUND

The project site is located in the La Jolla community and is designated by the La Jolla Community Plan for Low Density Residential use at a density range of 5-9 dwelling units per acre (Attachment 1). The site is located at 8490 Whale Watch Way and is presently developed with a single family structure (Attachment 2). The existing neighborhood is developed with single family structures (Attachment 3). The site is located in the La Jolla Shores Planned District in the Single Family Zone, Coastal and Coastal Height Overlay Zones.

On June 25, 2014 the Hearing Officer heard the proposed project at a noticed public hearing. After taking public testimony in opposition to and in favor of the project, the Hearing Officer decision was to certify the Mitigated Negative Declaration No. 328415 and adopt the Mitigation Monitoring and Reporting Program and approve Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734. On July 9, 2014 the La Jolla Community Planning Association filed an appeal of the Hearing Officer's decision to approve Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734.

DISCUSSION

Project Description

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

The project requires a Coastal Development Permit (CDP) and Site Development Permit (SDP) to allow for the demolition of an existing structure and the construction of a 7,001 square-foot structure. The CDP is required for the demolition and new development of a site within the Coastal Overlay Zone. The SDP is required for development within the La Jolla Shores Planned District. The project includes construction of a 2,728 square-foot first floor, a 4,273 square-foot second floor and a 2,480 square-foot basement. In accordance with SDMC section 113.0234, the basement area, 2,480 square-feet, is excluded from the Gross Floor Area. The total of first and

second floors would be a structure which measures approximately 7001 square-feet of building area above grade (habitable area). The project also includes 2,039 square-feet of projections (non-habitable area) over at-grade space which is included as Gross Floor Area, per SDMC section 113.0234(b)(3).

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

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the immediate neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials, concrete and natural stone walls, low reflectance glass windows and doors, would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

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

Appeal Issues

The La Jolla Community Planning Association (LJCPA) filed an appeal of the June 25, 2014 Hearing Officer decision to approve the project (Attachment 5). The appeal states the grounds for appeal is that the findings required for approval are not supported. The appeal further describes three items as the basis for the appeal:

1. Not compatible with the neighborhood in form, bulk and scale.
2. East side of building envelope is incompatible with neighboring structure.
3. Size, form and relationship of the proposed project will disrupt the architectural unity of the neighborhood.

No additional information was provided to elaborate upon the issues forming the basis for the appeal. The appeal is signed by the Chair of the La Jolla Community Planning Association and dated July 9, 2014.

Appeal Issue #1: Not compatible with the neighborhood in form, bulk and scale.

Staff Response: Bulk and scale was an issue considered during the review of the project. Staff reviewed the proposed project for conformance with the La Jolla Shores Planned District Ordinance (LJSPDO) regulations. A survey provided by the applicant's consultant of the neighborhood indicates a variety of lot coverage and building setbacks exist throughout the neighborhood. The lot and building area data in the survey is approximate rather than a precise measurement based on legal descriptions or building permits issued for construction plans. Neighborhood surveys are used by staff as a guide for determining general conformance of a proposed project with surrounding development (Attachment 7). The proposed building coverage to lot area and setbacks are generally in conformance with other properties in the vicinity and complies with the development regulations of the LJSPDO. The project will create a development compatible with the existing residential scale of the surrounding neighborhood by constructing a structure less than the maximum height limit allowed, and will be compatible with the existing bulk and scale of the surrounding newer single family structures. Staff's conclusion is the proposed structure is compatible with the neighborhood in form, bulk and scale. For more information, please refer to the Discussion section of this report and the Site Development Permit Findings 1 and 3 in the draft Resolution (Attachment 8).

Appeal Issue #2: East side of building envelope is incompatible with neighboring structure.

Staff Response: The walls enclosing the courtyard and interior habitable space of the proposed structure measure twenty-five feet above grade. The height of the project is less than the maximum thirty feet allowed by the regulations. The proposed structure is compatible with the neighborhood in form, bulk and scale. The neighboring structure along the easterly property line is a one-story single family structure on a building pad five feet higher than the building pad of the proposed project. The La Jolla Community Plan states:

“Within the limitations implied above, originality and diversity in architecture are encouraged. The theme ‘unity with variety’ shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.”

While the configuration and materials of the walls of the proposed project are different than the neighboring property, the required findings to approve the project do not require neighborhood conformity in design and the community plan promotes originality and diversity in architecture and unity with variety. For more information, please refer to the Discussion section of this report and the Site Development Permit Findings 1 and 3 in the draft Resolution (Attachment 8).

Appeal Issue #3: Size, form and relationship of the proposed project will disrupt the architectural unity of the neighborhood.

Staff Response: The La Jolla Shores neighborhood is comprised of structures with varied bulk, scale, forms, materials and colors. The proposed structure's overall form, bulk, scale, exterior materials and colors when viewed from the public right-of-way would be compatible with the varied architecture of the La Jolla Shores neighborhood. The existing developments in the neighborhood represent a variety of architectural forms, bulk, scale, exterior materials and colors. As proposed, the project is designed to exemplify a residential architecture that would promote and support the high quality residential environment in La Jolla and respect the relationship of structures with the hillside location. The project would protect the natural features of the site, preserve the existing streetscape themes and support a harmonious visual relationship between the bulk and scale of new and older structures by being generally consistent with the bulk and scale of the other surrounding single family residential homes. For more information, please refer to the Discussion section of this report and the Site Development Permit Findings 1 and 3 in the draft Resolution (Attachment 8).

Conclusion

Staff has reviewed the La Jolla Community Planning Association's appeal and re-evaluated the project's conformance with the City's adopted policies and relevant regulations. After re-evaluation of the project, staff has confirmed the findings to approve the project can be supported. Staff reviewed the proposed project and all issues identified in the appeal and through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the proposed development (Attachment 8 and 9) and draft conditions of approval (Attachment 10). Staff recommends the Planning Commission deny the appeal and approve the project as proposed.

ALTERNATIVES

1. **Deny the appeal and Approve** Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734, **with modifications.**
2. **Approve the appeal and Deny** Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



John S. Fisher
Development Project Manager
Development Services Department

VACCHI:JSF

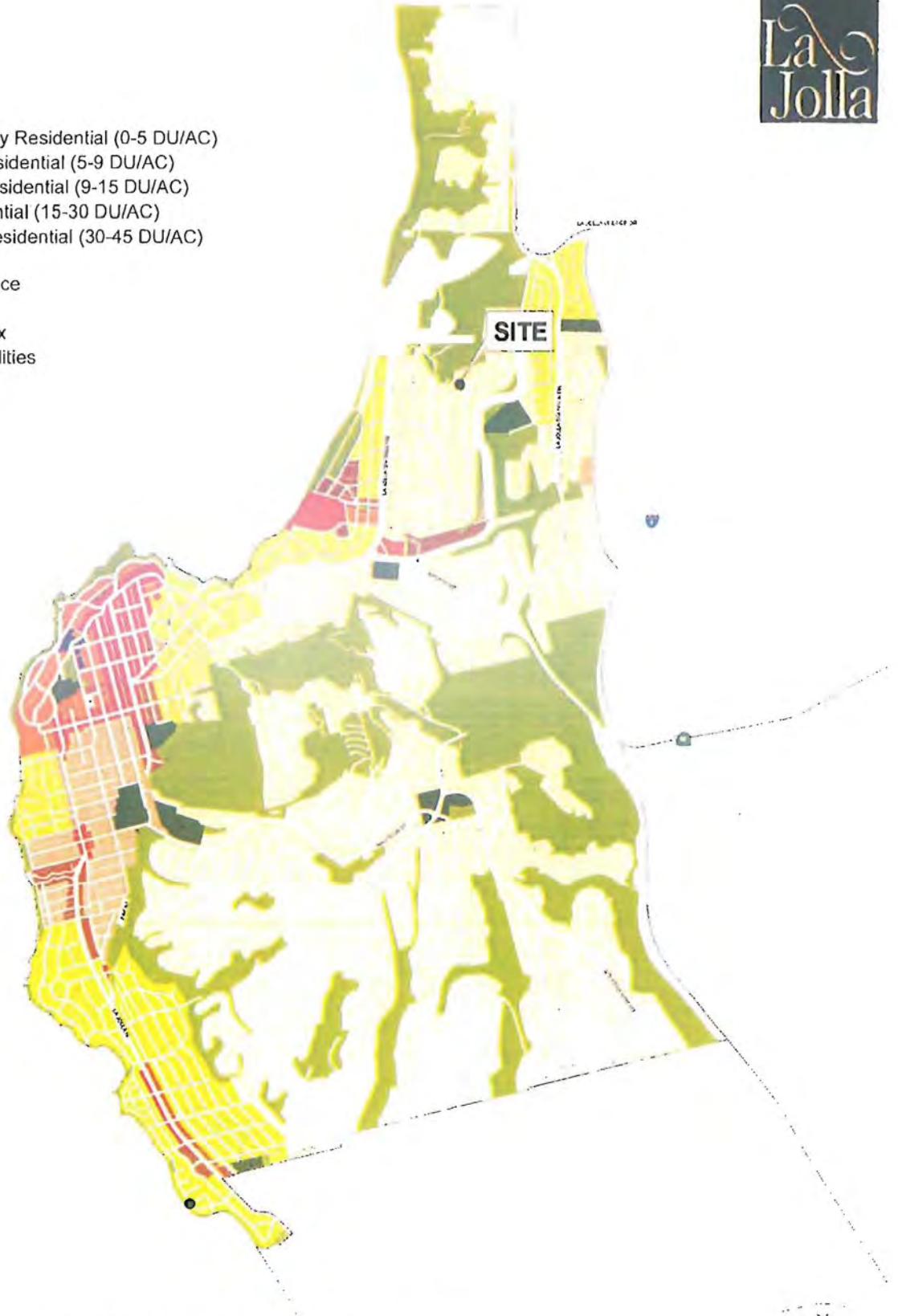
Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Aerial Photograph
4. Project Plans
5. Appeal -- Form DS-3031
6. Hearing Officer Resolution HO-6725-2
7. Neighborhood survey of building coverage to lot area
8. Draft Permit Resolution with Findings
9. Draft Environmental Resolution
10. Draft Permit with Conditions
11. La Jolla Community Planning Association recommendation
12. La Jolla Shores Advisory Board recommendation
13. Ownership Disclosure Statement
14. Project Data Sheet



Legend

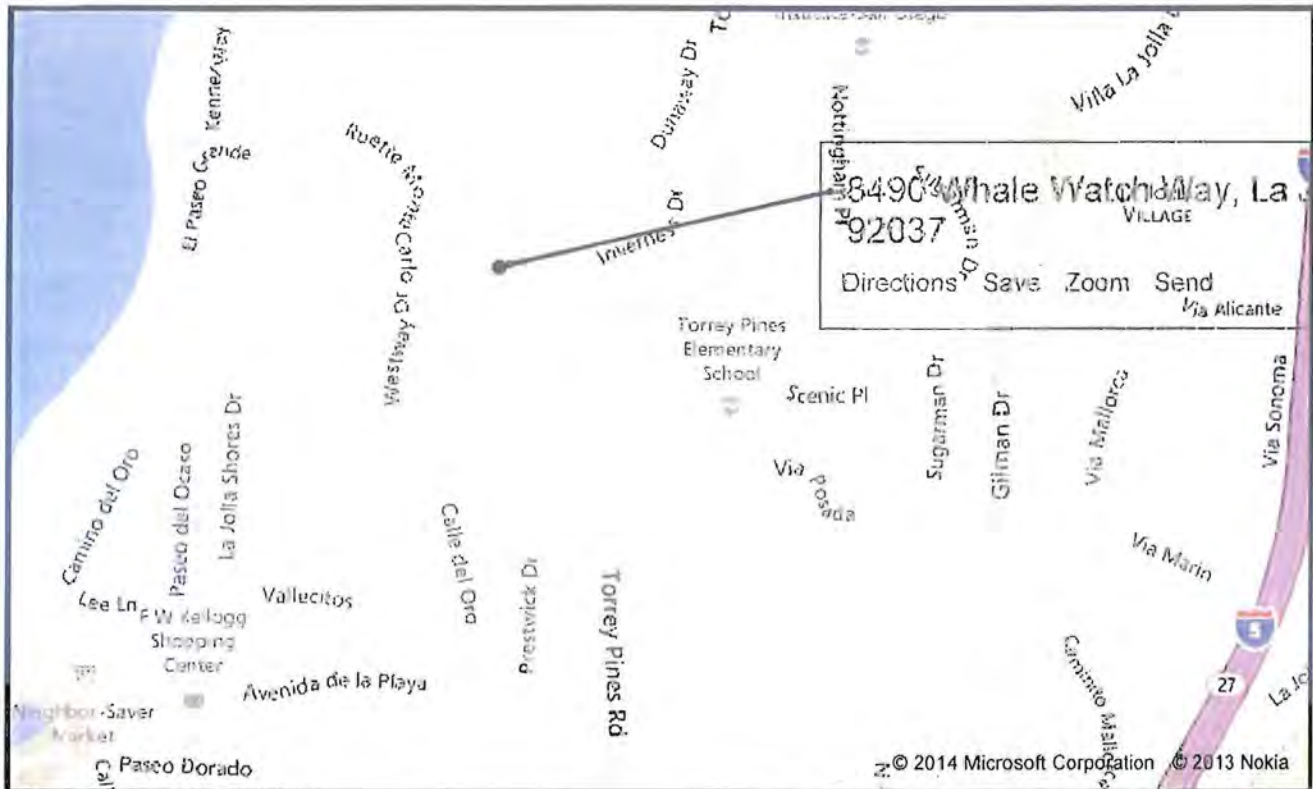
- Very Low Density Residential (0-5 DU/AC)
- Low Density Residential (5-9 DU/AC)
- Low Medium Residential (9-15 DU/AC)
- Medium Residential (15-30 DU/AC)
- Medium High Residential (30-45 DU/AC)
- Commercial
- Parks, Open Space
- Schools
- Cultural Complex
- Community Facilities



Community Land Use Map

La Jolla Community Plan
City of San Diego Planning Department

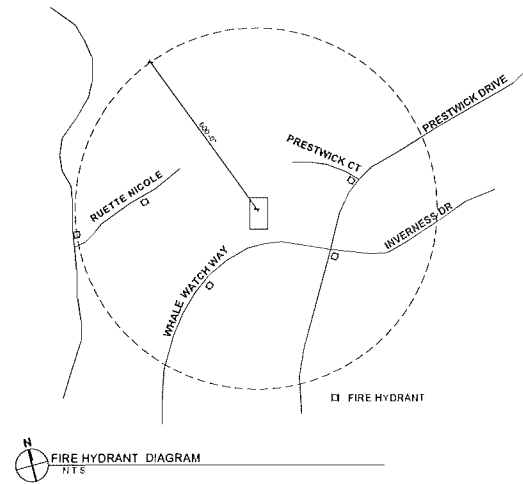
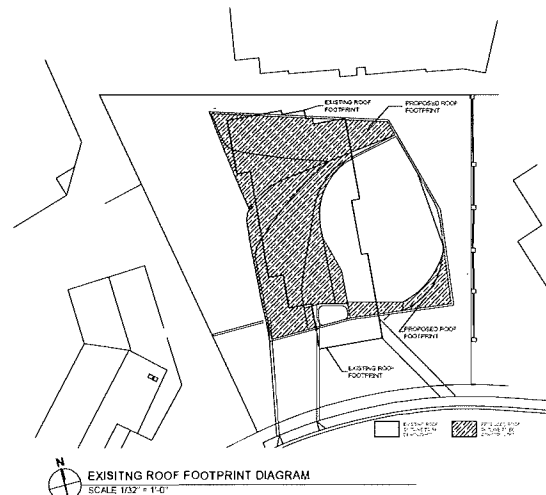
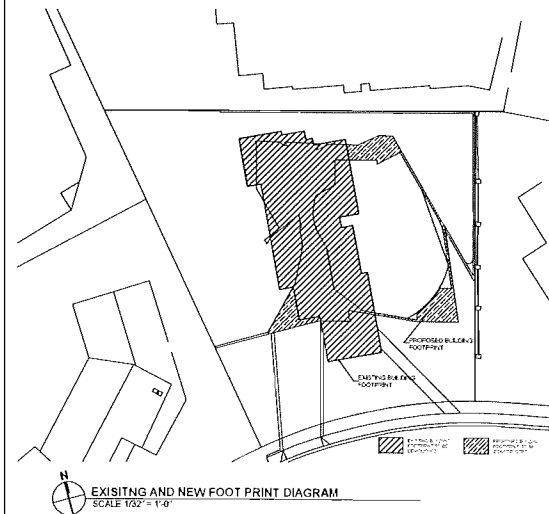






SITE

RESIDENCE



GENERAL NOTES

- All work to conform to the current editions of the USC, CBC, UMC, NEC and UPC as adopted by the City of San Diego.
- The contractor and subcontractors shall verify the conditions at the site affecting their work and will review the contract documents for dimension, detail and note conflicts, legibility discrepancies or omissions. Any discrepancies will be brought to the owner's attention before commencing the work.
- Workmanship throughout shall be of the highest quality. The contractor and subcontractor, before commencing work, will notify the owner in writing of any work that cannot be fully guaranteed or executed within the intent of the contract drawings.
- All trades shall do their own cutting, fitting and patching to all portions of their work to properly receive or be received by the work of others.
- All subcontractors are responsible for protecting the previous work.
- Claim for additional or alternate work shall be allowed only if the owner and contractor sign a written change before the work is performed.
- All debris to be removed and disposed of per state and city regulations.
- Before excavating, verify location of underground utilities.
- Dimensions are to face of framing unless otherwise noted.
- Provide building address numbers visible and legible from the street or road fronting the property per FHPS Policy P-009 (UFC 901.4.4).

ENERGY & WATER CONSERVATION NOTES

- "Provide ultra low flush toilets, and maximum 2.2 GPM flow on faucets."
- Maximum shower head flow, 2.5 gallons per minute.
- "Permanent vacuum breakers shall be included with all new hose bibbs."
- "State Health & Safety Code Sec 17021.9 bars the use of chlorinated poly(vinyl chloride)(CPVC) and cross-linked polyethylene for interior water supply piping."
- "Provide faucets with a maximum flow of 2.2 gallons per minute (GPM)."

STORM WATER QUALITY NOTES CONSTRUCTION BMP'S

This project shall comply with all requirements of the State Permit, California Regional Water Quality Control Board, San Diego region, Order no. 2001-D1-NPDES No. CAS010075 (http://www.water.ca.gov/wqaq40/programs/bd_stormwater.html) and the City of San Diego Land Development Code (<http://www.sandagov.org/development/landdev/landdev.htm>, citycode0001451000c43).

- Notes 1-6 below represent key minimum requirements for construction BMP's
- Sufficient BMP's must be installed to prevent silt, mud or other construction debris from being tracked onto the adjacent street(s) or storm water conveyance systems due to construction vehicles or any other construction activity. The contractor shall be responsible for cleaning any such debris that may be on the street at the end of each work day or after a storm event that causes a breach in the installed construction BMP's.
 - All stock piles of uncompact soil and/or building materials that are intended to be left unprotected for a period greater than seven calendar days are to be provided with erosion and sediment controls. Such soil must be protected each day when the probability of rain is 40% or greater.
 - A silt fence shall be provided on all projects which require the construction of any concrete improvements that are to be poured in place on the site.
 - All erosion/sediment control devices shall be maintained in working order at all times.
 - All slopes that are created or disturbed by construction activity must be protected against erosion and sediment transport at all times.
 - The storage of all construction materials and equipment must be protected against any point of release of pollutants into the environment.

SYMBOLS LEGEND

	LEVEL PIV SH FLOOR LEVEL - PLAN REFERENCE
	LEVEL PIV SH FLOOR LEVEL - SECTION REFERENCE
	SECTION LINE
	SECTION LETTER
	ROOM SPECS
	ROOM NAME
	ROOM NUMBER
	AREA
	MATERIAL FINISHES

PROJECT TEAM

CLIENT	PROPERTY OWNER 8490 WHALE WATCH WAY LA JOLLA, CA 92037
ARCHITECT OF RECORD	PUBLIC ARCHITECTURE AND PLANNING 4848 PARK BLVD SAN DIEGO, CA 92116 PHONE: 619-652-4083 FAX: 619-652-4084 www.puab.com
CIVIL ENGINEER	FLOREZ ENGINEERING, INC FRANX FLOREZ 10732 CHARBROOK TERRACE SAN DIEGO, CA 92131 PHONE: 619-229-2493 FAX: 619-656-9492 www.florezengineering.com

DRAWING INDEX

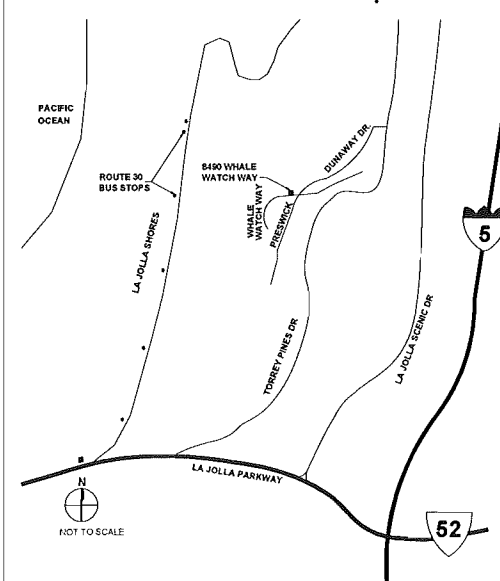
AD 0	COVER SHEET & PROJECT INFO	(1 OF 15)
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A3 1	BUILDING ELEVATIONS (EAST & WEST)	(11 OF 15)
A4 0	SECTIONS A & B	(12 OF 15)
A4 1	SECTIONS C & D	(13 OF 15)
L1 0	LANDSCAPE DEVELOPMENT PLAN	(14 OF 15)
C1 0	TOPOGRAPHIC SURVEY	(15 OF 15)

PROJECT SUMMARY

SITE ADDRESS	8490 WHALE WATCH WAY LA JOLLA, CA 92037
LEGAL DESCRIPTION	LOT 23 OF LA JOLLA SHORES HEIGHTS MAP 5831
ASSESSOR PARCEL NO	348-860-08-00
BUILDING TYPE	TYPE V-B 13-D BIRKMEYER SYSTEM
BUILDING OCCUPANCY	R3 (EXISTING & PROPOSED)
YEAR BUILT	1972
PERMIT REQUIRED	COASTAL DEVELOPMENT PERMIT (PROCESS 2) SITE DEVELOPMENT PERMIT (PROCESS 3)
ZONE	L3SPD-SF
ZONE OVERLAYS	DRUSH ZONES W/ 300 FT BUFFER COASTAL HEIGHT LIMIT CITY COASTAL COASTAL ASB CAMPUS PARKING IMPACT GEOLOGIC HAZARD - 25-53
EASEMENTS	NONE
BUILDING HEIGHT	30' PER SDMC 131.044(h) THE HIGHEST POINT OF THE ROOF EQUIVALENT, OR ANY VENT, PIPE, ANTENNA OR OTHER PROJECTION, SHALL NOT EXCEED X' ABOVE GRADE. (PROP.D)
COMMUNITY PLAN	LA JOLLA
SQUARE FOOTAGE TOTALS	
SITE AREA	20,093 SQFT
LANDSCAPE AREA	10,100 SQFT approx 50%
HARDSCAPE AREA	4,500 SQFT
BASEMENT	2,480 SQFT evolved from PAR
FIRST FLOOR	2,728 SQFT
SECOND FLOOR	4,273 SQFT
	9,431 SQFT GROSS BUILDING
MAX LOT COVERAGE	65%
PROPOSED LOT COVERAGE	5,300 SQFT = 26%
PROPOSED F.A.R.	45% 7,001 SQFT Building area above grade 2,019 SQFT Projections over at grade space per diagram 113.02p 8,040 SQFT

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

VICINITY MAP



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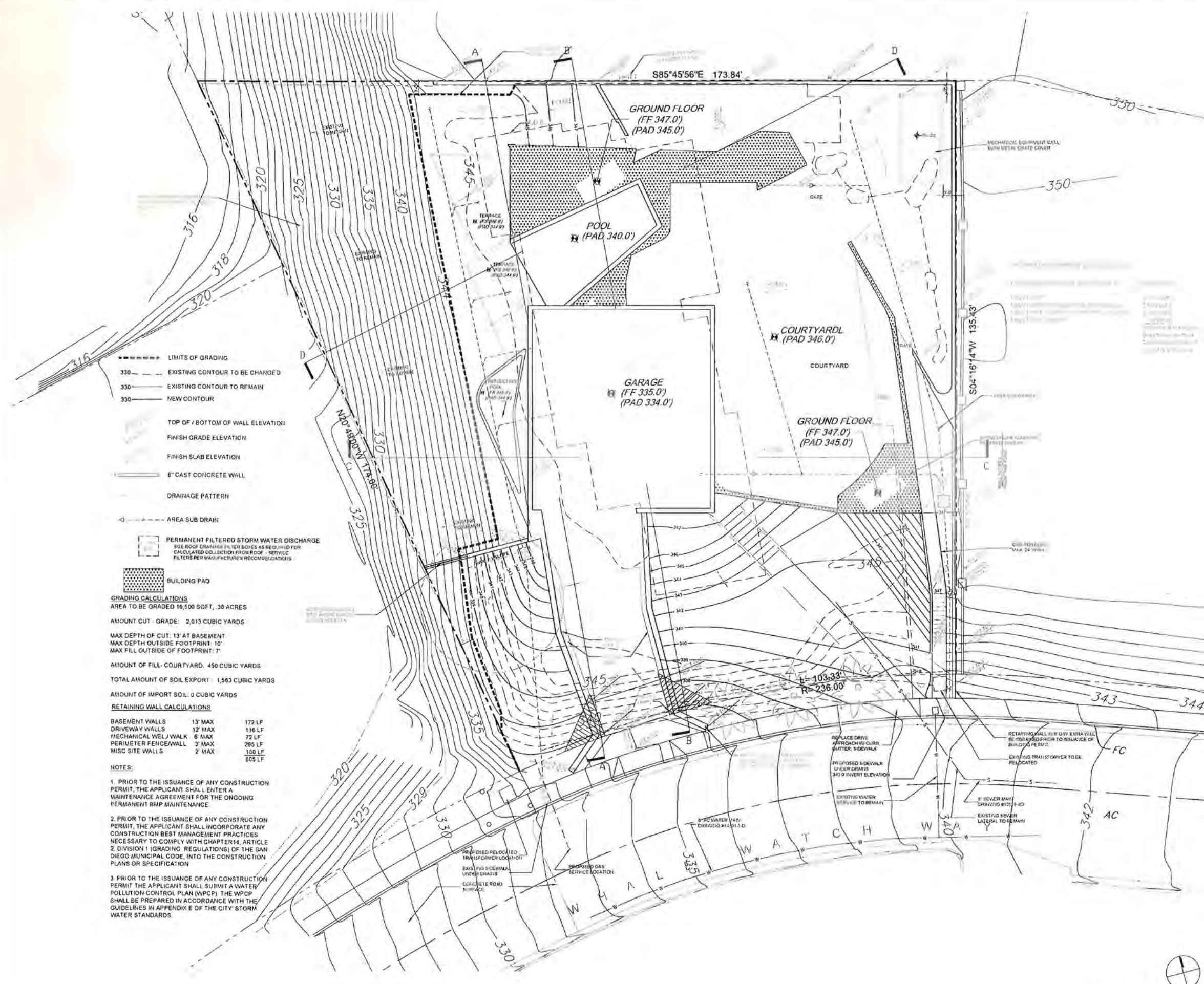
DATE	BENCHMARK AND/OR REVISION	SIGN OFF
09-21-2013	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
10-31-2013	COASTAL DEVELOPMENT RE-SUBMITTAL	
02-12-2014	COASTAL DEVELOPMENT RE-SUBMITTAL	

PROJECT	RESIDENCE
DESIGNED BY	ZAHA HADID ARCHITECTS
STUDIO	19 BOKULUP GREEN LANE SAN DIEGO, CA 92113 619-652-4083 (p) 619-652-4084 (f) www.zaha.com
DESIGNED BY	PUBLIC ARCHITECTURE + PLANNING 1655 Julian Ave San Diego, CA 92113 619-652-4083 (p) 619-652-4084 (f)

PROJECT NUMBER	FORM	SCALE	LEGAL DRAWING NO.
8558	22" X 34"	AS NOTED	
DRAWN BY	DATE	CHECKED BY	DATE

CITY	DATE	SCALE	SHEET NUMBER
San Diego	Feb. 12, 2014	A0.0	1 OF 15

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DATE	REVISION	BY
02/12/14	CONTRACT DEVELOPMENT REVISIONS	SHJ/CFP
02/12/14	CONTRACT DEVELOPMENT REVISIONS	
02/12/14	CONTRACT DEVELOPMENT REVISIONS	

PROJECT	RESIDENCE
CLIENT	ZANA HADZI ARCHITECTS
PROJECT ADDRESS	18000 CANTON BLVD SAN DIEGO, CA 92128
PROJECT PHONE	TEL: 619.594.1111 FAX: 619.594.1112
PROJECT EMAIL	WWW.ZANAHADZI.COM

PROJECT NO.	14-001
DATE	02/12/14
SCALE	AS SHOWN
PROJECT NAME	RESIDENCE

PROJECT NO.	14-001	DATE	02/12/14
SCALE	AS SHOWN	PROJECT NAME	RESIDENCE
GRADING PLAN		A0.2	
Feb. 12, 2014		3 OF 16	

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DATE	REVISION/REVISION PREPARED BY	SCALE
02/12/2014	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
02/12/2014	COASTAL DEVELOPMENT PERMIT SUBMITTAL	
02/12/2014	COASTAL DEVELOPMENT PERMIT SUBMITTAL	

RESIDENCE

ZAMA HADID ARCHITECTS
11000
11000
11000
11000
11000

Public
Architecture + Planning
1055 Jolly Ave
San Diego, CA 92113
619-662-0081 (p)
619-662-4000 (f)

NO.	DATE	BY	FOR

VICINITY SITE PLAN A0.3 4 OF 16

Feb. 12, 2014



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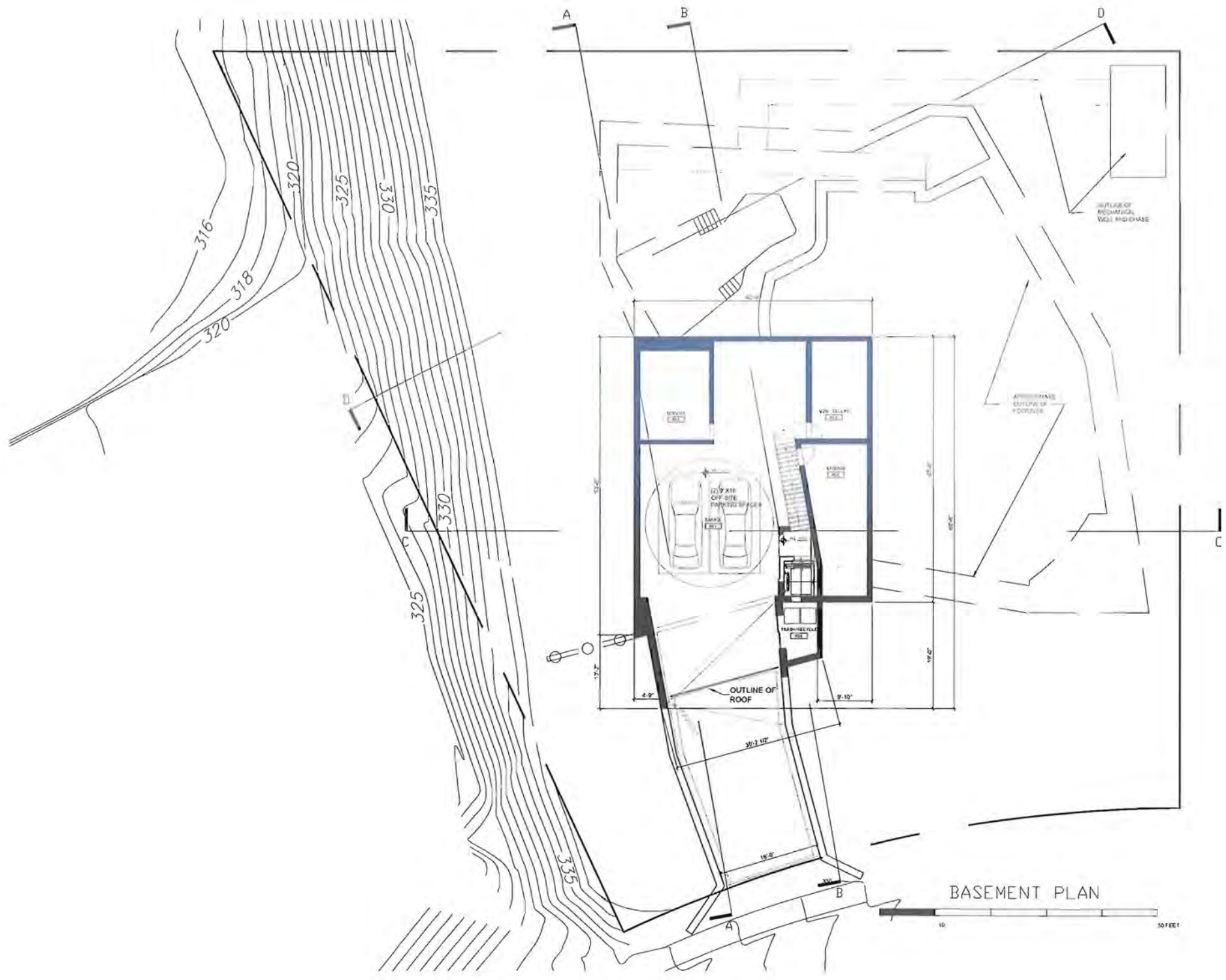
DATE	DESCRIPTION / ACTION / REVISION	BY / FOR
02/12/2014	CONCEPT DEVELOPMENT / PRELIMINARY	
02/12/2014	CONCEPT DEVELOPMENT / PRELIMINARY	
02/12/2014	CONCEPT DEVELOPMENT / PRELIMINARY	

RESIDENCE

DEVELOPER:
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 San Diego, CA 92112
 619-592-4033
 619-592-4033

PROJECT NAME	DATE	SCALE	SHEET NO.	TOTAL SHEETS
SITE PLAN	Feb. 12, 2014	A1.0	5 OF 15	



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DATE	DESCRIPTION	BY	CHKD
02 20 2014	COASTAL DEVELOPMENT PERM SUBMITTAL		
03 31 2014	COASTAL DEVELOPMENT RE. SUBMITTAL		
04 12 2014	COASTAL DEVELOPMENT RE. SUBMITTAL		

RESIDENCE

ZAHA HADID ARCHITECTS
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 WWW.ZHAHA.COM

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 San Diego, CA 92161
 619-592-4000
 619-592-4001

NO.	DESCRIPTION	DATE	BY	CHKD

BASEMENT PLAN
 A2.0
 1 of 8

Feb. 12, 2014

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GROUND FLOOR PLAN

DATE	DESCRIPTION / REVISIONS	BY / FOR
08.31.2013	CONCEPT DEVELOPMENT FROM EXISTENTIAL	
10.31.2013	CONCEPT DEVELOPMENT #2 - SUBMITTAL	
01.12.2014	CONCEPT DEVELOPMENT #3 - SUBMITTAL	

RESIDENCE

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Public
 Architecture + Planning
 1555 24th Ave
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 619-251-8141
 619-251-8122

NO.	DATE	BY	FOR
1	02/12/14	ZHA	PLANNING

GROUND FLOOR PLAN FOR SHEET NO. **A2.1** OF **7** OF **15**

Feb. 12, 2014



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DATE	DESCRIPTION/REVISION	BY	CHKD BY
02.21.2014	COASTAL DEVELOPMENT PERM SUBMITTAL		
01.27.2014	COASTAL DEVELOPMENT RE-SUBMITTAL		
09.18.2014	COASTAL DEVELOPMENT RE-SUBMITTAL		

RESIDENCE

ZANA HADID ARCHITECTS
 11 BROADWAY
 SAN FRANCISCO, CA 94111
 TEL: 415.774.4444
 FAX: 415.774.4444
 WWW.ZANAHADID.COM

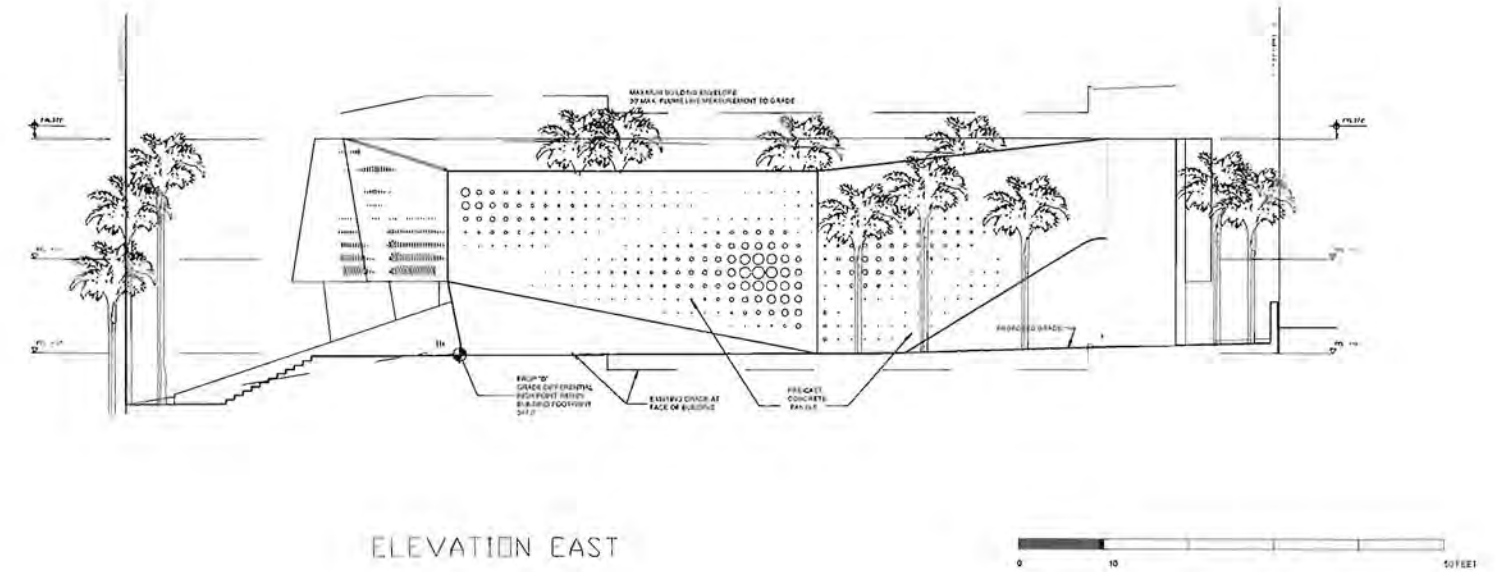
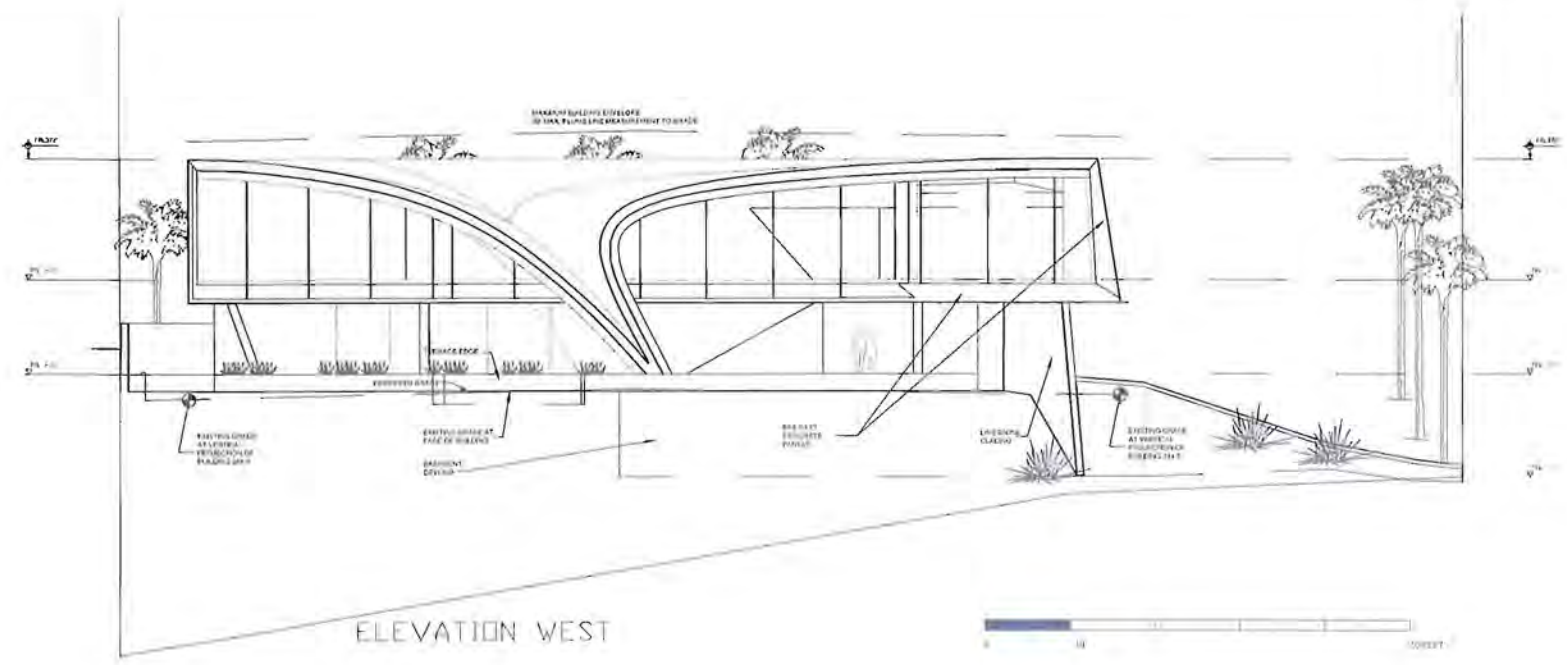
Public
 A/C/F/Interior/Planning
 1065 20th Ave
 San Diego, CA 92113
 619-627-0133 (p)
 619-627-0134 (f)

PROJECT NO.	PROJECT NAME	DATE	SCALE	SHEET NO.	TOTAL SHEETS
				A2.2	8 of 15

DATE: Feb. 12, 2014



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DATE	DESCRIPTION	BY	CHKD
06.11.2013	COASTAL DEVELOPMENT PERMITS SUBMITTAL		
10.31.2013	COASTAL DEVELOPMENT PERMITS SUBMITTAL		
02.12.2014	COASTAL DEVELOPMENT PERMITS SUBMITTAL		

RESIDENCE

PROJECT NO: ZAHA HADID ARCHITECTS
 1800 AVENUE 108
 SAN DIEGO, CA 92113
 TEL: 619.592.8000
 FAX: 619.592.8001
 WWW.ZAHA.CO.UK

Public
 Architecture + Planning
 1800 AVENUE 108
 SAN DIEGO, CA 92113
 TEL: 619.592.8000
 FAX: 619.592.8001
 WWW.ZAHA.CO.UK

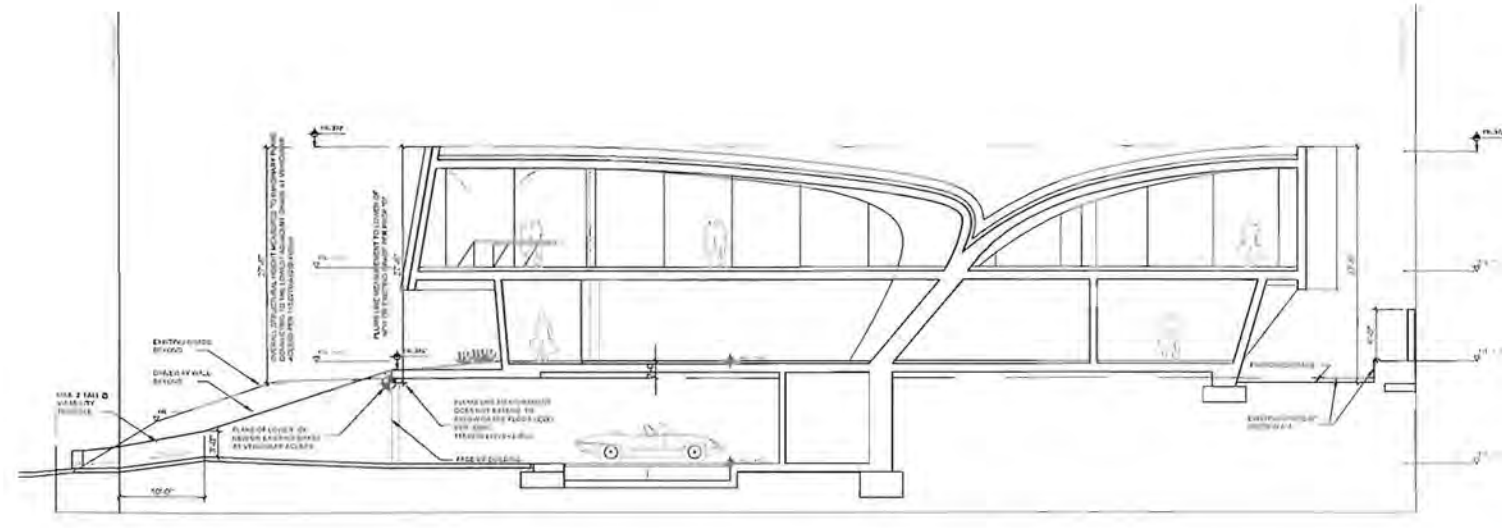
NO.	DATE	SCALE	DESCRIPTION
1	02.12.14	1/4" = 1'-0"	ELEVATIONS

ELEVATIONS A3.1 11 of 15

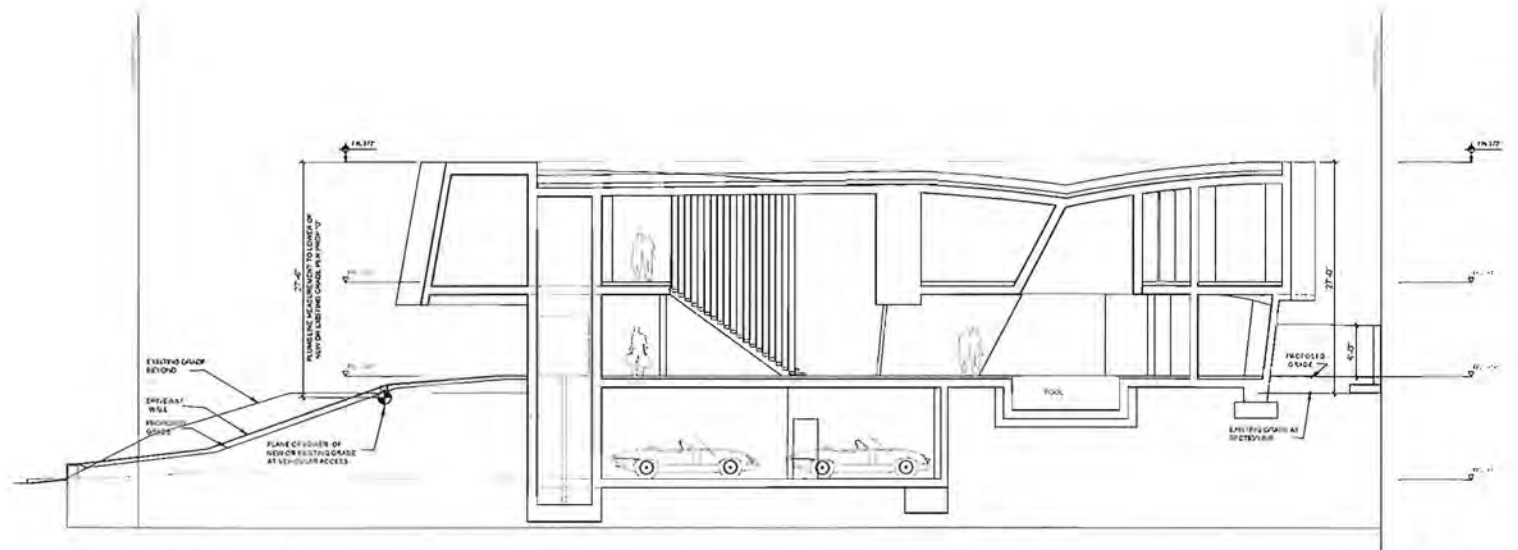
Feb. 12, 2014



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SECTION A



SECTION B

DATE	REVISION/REVISION	BY
08/21/2013	CONCEPT DEVELOPMENT PERMIT SUBMITTAL	SDH/DFP
10/11/2013	CONCEPT DEVELOPMENT PERMIT SUBMITTAL	
02/12/2014	CONCEPT DEVELOPMENT PERMIT SUBMITTAL	

RESIDENCE

ZAHA HADID ARCHITECTS
 STUDIO 8
 1000 AVENUE OF THE STARS
 SUITE 1000
 WASHINGTON, DC 20004

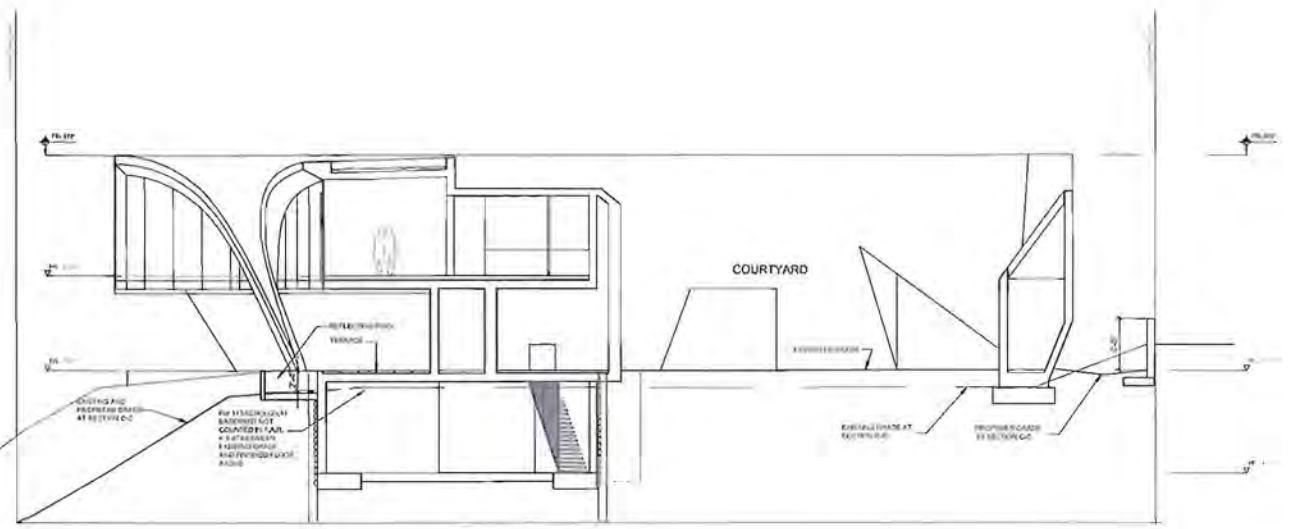
PLANNING
 1900 AVENUE OF THE STARS
 SUITE 1000
 WASHINGTON, DC 20004

NO.	DATE	BY	REVISION
1	02/12/2014	SDH/DFP	ISSUED FOR PERMIT

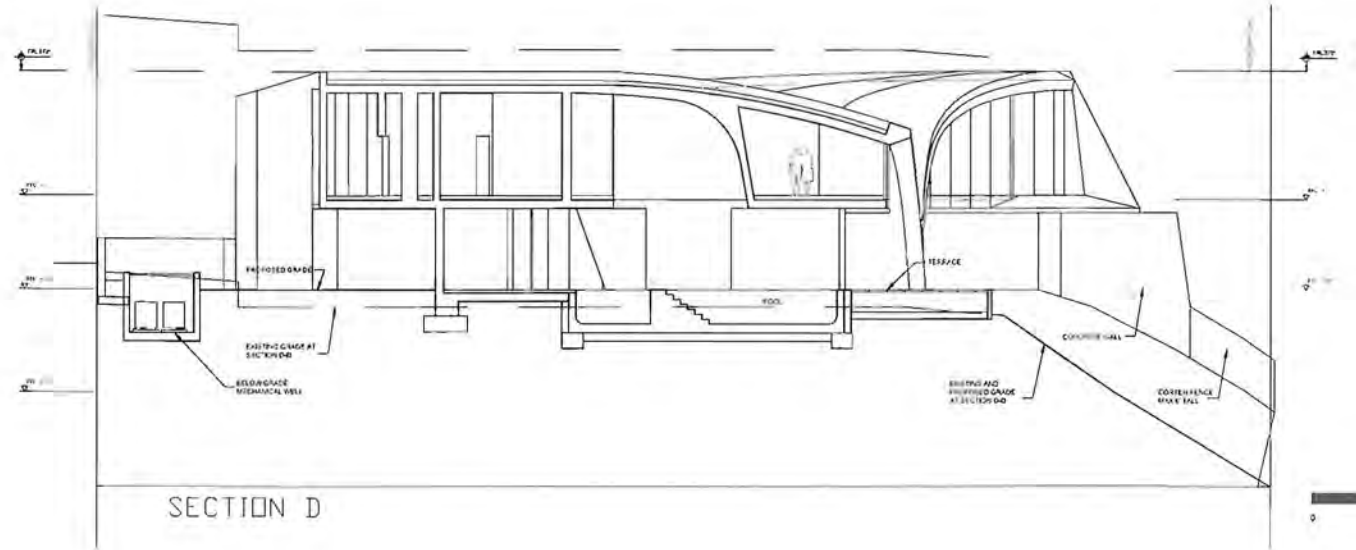
SECTIONS **A4.0** 12 of 15

Feb. 12, 2014

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SECTION C



SECTION D

DATE	REVISION/REVISIONS	BY	CHK
02.20.14	CONCEPT DEVELOPMENT REVISIONS		
10.11.2013	CONCEPT DEVELOPMENT REVISIONS		
03.12.2013	CONCEPT DEVELOPMENT REVISIONS		

RESIDENCE
 ZAHA HADID ARCHITECTS
 47019
 12 BROADWAY STREET
 SAN FRANCISCO, CA 94111
 TEL: 415 774 8000
 FAX: 415 774 8001
 WWW.ZHAHADID.COM

Public
 Architecture + Planning
 1000 20th Ave
 San Diego, CA 92113
 619-462-4000
 619-502-4001

PROJECT NAME	DATE	SCALE	DATE	SCALE
RESIDENCE	02.20.14	1/8" = 1'-0"	02.20.14	1/8" = 1'-0"

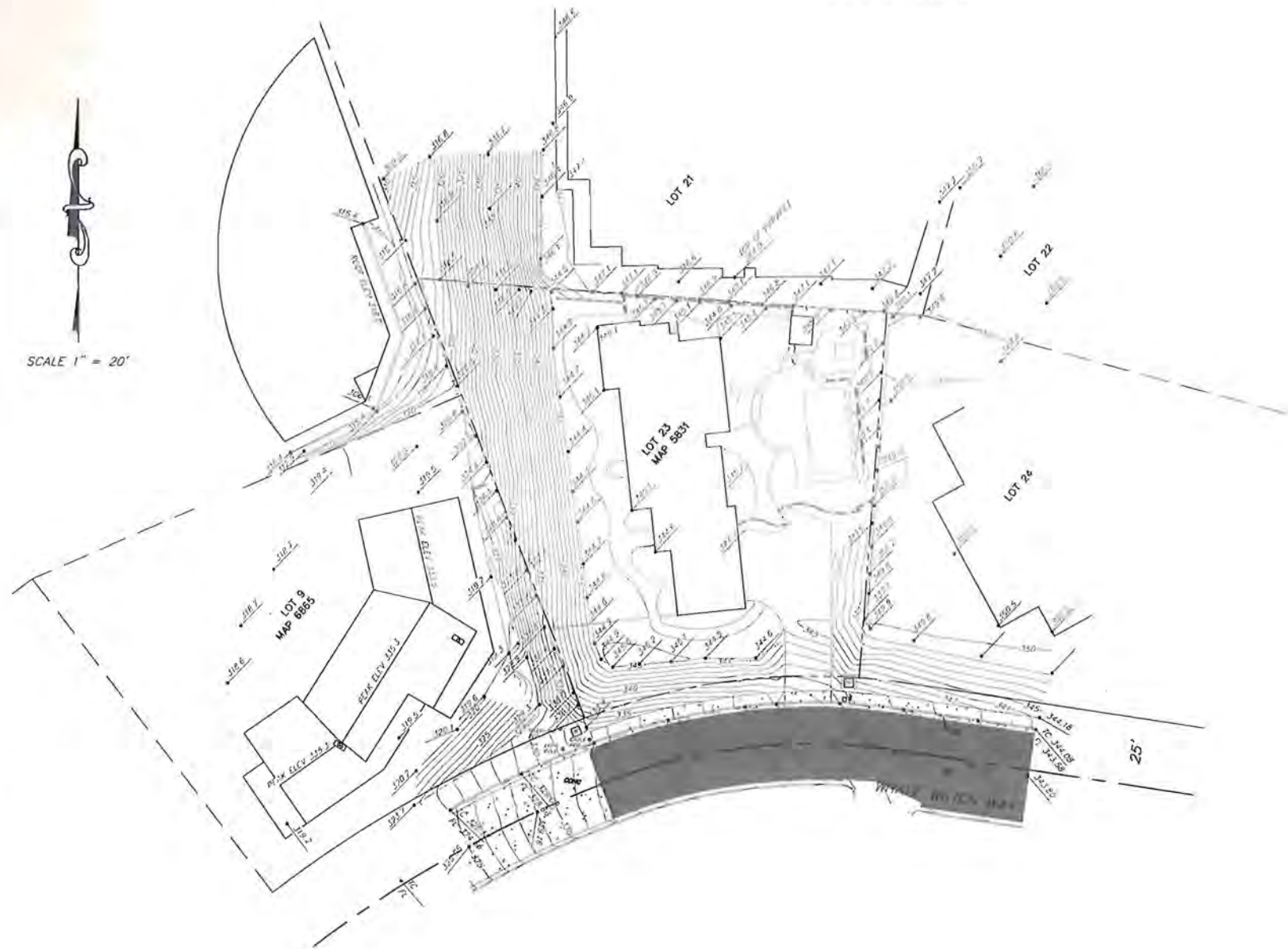
SECTIONS **A4.1** 13 of 15
 Feb. 12, 2014

TOPOGRAPHIC SURVEY OF 8490 WHALE WATCH WAY

LA JOLLA, CA.
MAY 6, 2009



SCALE 1" = 20'



LEGEND

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



Frank Flores, Inc.
Civil Engineering & Planning

FRANK FLORES, P.E.
10122 CHAMBERS TERRACE
SAN DIEGO, CA 92131
(619) 529-2483



PREPARED FOR:
DAH SHARGOV
8490 WHALE WATCH WAY
LA JOLLA, CA 92037

BENCH MARK:

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

NOTES:

1. SITE ADDRESS: 8490 WHALE WATCH WAY, LA JOLLA, CA.
2. LEGAL DESCRIPTION: LOT 23 OF LA JOLLA SHORES HEIGHTS IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO THE MAP TIERED NO. 5831, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER FEBRUARY 3, 1982.
3. ASSESSOR'S PARCEL NO. 346-680-00
4. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM AVAILABLE RECORD INFORMATION, SUPPLEMENTED BY FIELD OBSERVATION OF SURFACE FEATURES. CONTRACTOR TO VERIFY EXACT LOCATION PRIOR TO CONSTRUCTION.
5. THE PROPERTY LINE BEARINGS & DIMENSIONS SHOWN HEREON WERE TAKEN FROM LA JOLLA SHORES HEIGHTS AND ARE SUBJECT TO VERIFICATION BY A FIELD SURVEY.

THE AUTHOR TAKES NO RESPONSIBILITY FOR ANY DIMENSIONS OBTAINED BY SCALING FROM THIS DRAWING. IF AN DIMENSION IS SHOWN THE RECIPIENT MUST ASCERTAIN THE DIMENSION SPECIFICALLY FROM THE ARCHITECT OR BY SITE MEASUREMENT AND MAY NOT RELY UPON THIS DRAWING. SUPPLYING THIS DRAWING IN DIGITAL FORM IS SOLELY FOR CONVENIENCE AND NO RELIANCE MAY BE PLACED ON ANY DATA OR DIGITAL FORM. ALL DATA MUST BE CHECKED AGAINST THE HARD COPY.



DATE	BENCHMARK AND/OR REVISION	BY	CHKD BY
02-21-2013	COASTAL DEVELOPMENT PLUMBING/FITTING		
08-01-2013	COASTAL DEVELOPMENT AD. DIMENSIONAL		

PROJECT
RESIDENCE

OWNER/CLIENT
ZAJIA HADID ARCHITECTS
1700111
10000 GREENLAND
SAN DIEGO, CA 92131
TEL: (619) 521-1111
FAX: (619) 521-1111
WWW.ZAJIAHADID.COM

PROJECT LOCATION
Public
Architecture - Planning
1965 J. J. Avenue
San Diego, CA 92113
619-441-4000 (ext. 100)
619-441-4000 (ext. 100)

PROJECT NUMBER	DATE	SCALE	SHEET NUMBER
EXISTING SURVEY	C1.0	15 of 15	

DATE: Oct. 31, 2013



City of San Diego
 Development Services
 1222 First Ave. 3rd Floor
 San Diego, CA 92101

Development Permit/ Environmental Determination Appeal Application

FORM
 DS-3031

OCTOBER 2012

THE CITY OF SAN DIEGO

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

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

Name: La Jolla Community Planning Association		E-mail Address: info@lajollacpa.org		
Address: P.O. Box 889	City: La Jolla	State: CA	Zip Code: 92037	Telephone: (858) 456-7900

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

James Gate

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
328415	June 25, 2014	John Fisher

Decision (describe the permit/approval decision):
 Hearing Officer approval of Project

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

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

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. Not compatible with the neighborhood in form, bulk and scale
2. East side of building envelope is incompatible with neighboring structures
3. Size, form, and relationship of the proposed project with disrupt the architectural unity of the neighborhood.

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

Signature: Joseph LaCava Date: July 9, 2014
 Joseph LaCava, Chair, LJCPA

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

HEARING OFFICER RESOLUTION NO. HO-6725-2
SITE DEVELOPMENT PERMIT NO. 1147735 AND
COASTAL DEVELOPMENT PERMIT NO. 1147734
WHALE WATCH WAY RESIDENCE PROJECT NO. 328415

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

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

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

WHEREAS, on June 25, 2014, the Hearing Officer of the City of San Diego considered Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734 pursuant to the Land Development Code of the City of San Diego;

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

That the Hearing Officer adopts the following written Findings, dated June 25, 2014.

FINDINGS:

Site Development Permit - Section 126.0504

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

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

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

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

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

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

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

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

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

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

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

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

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

Coastal Development Permit - Section 126.0708

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

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

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

John S. Fisher
Development Project Manager
Development Services

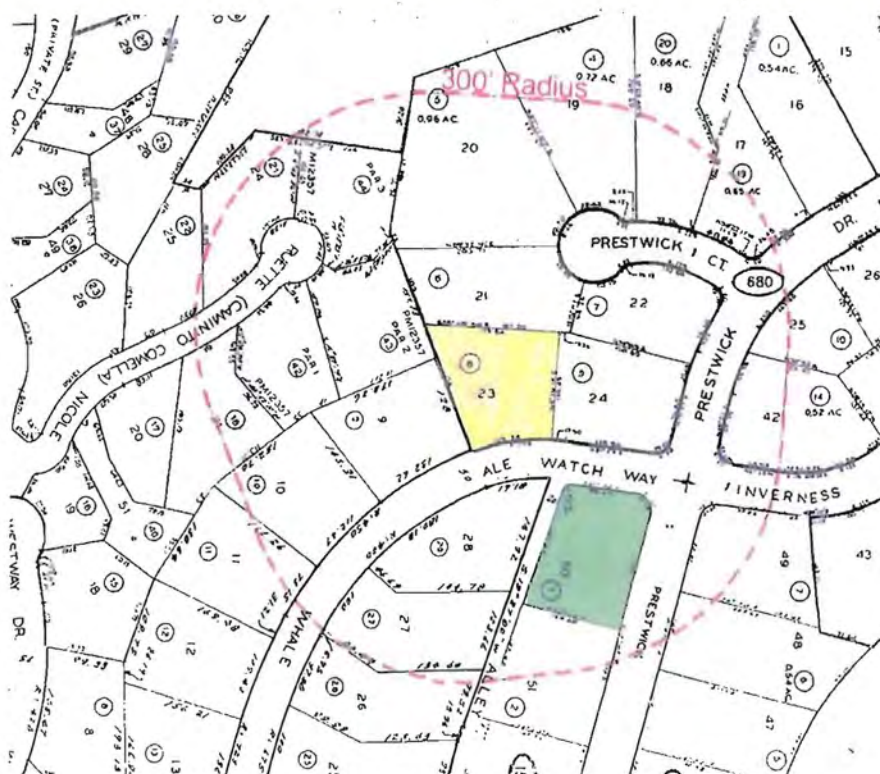
Adopted on: June 25, 2014

Job Order No. 24003878



APN: 346-152-01-00
8495 Whale Watch Way

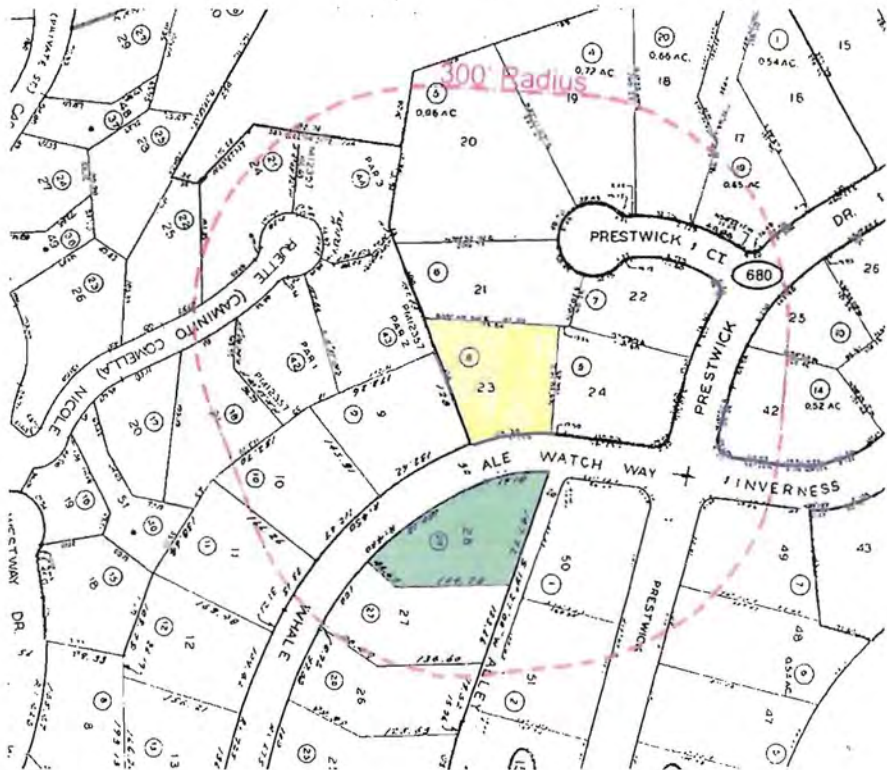
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Building foot print: 6,977 sqft





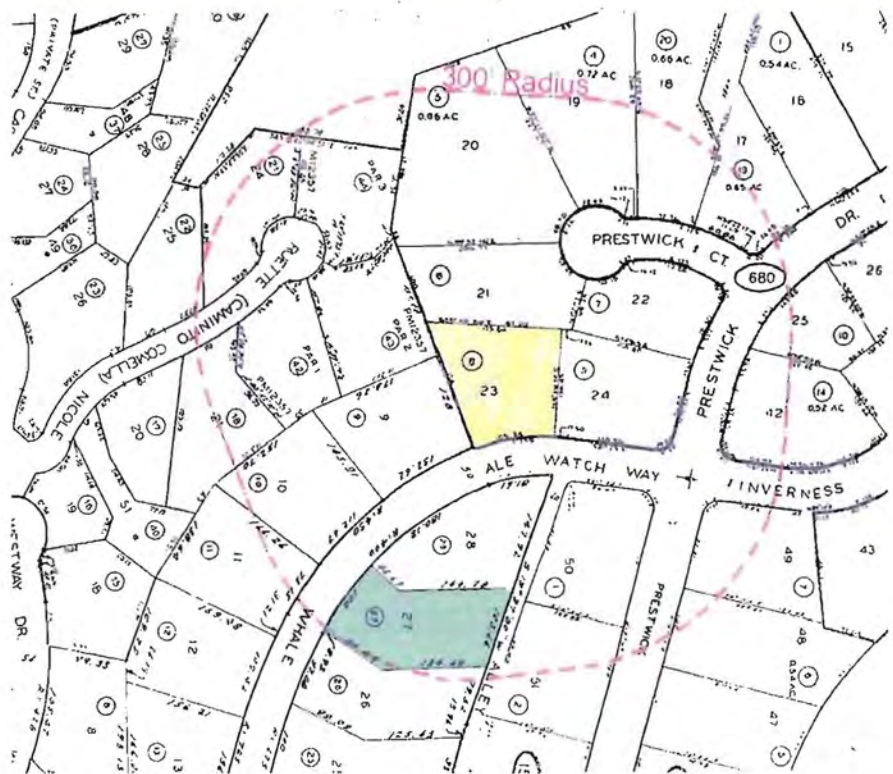
APN: 346-690-28-00
8471 Whale Watch Way

Lot Size: 20,947 sqft
Building foot print: 6,296 sqft





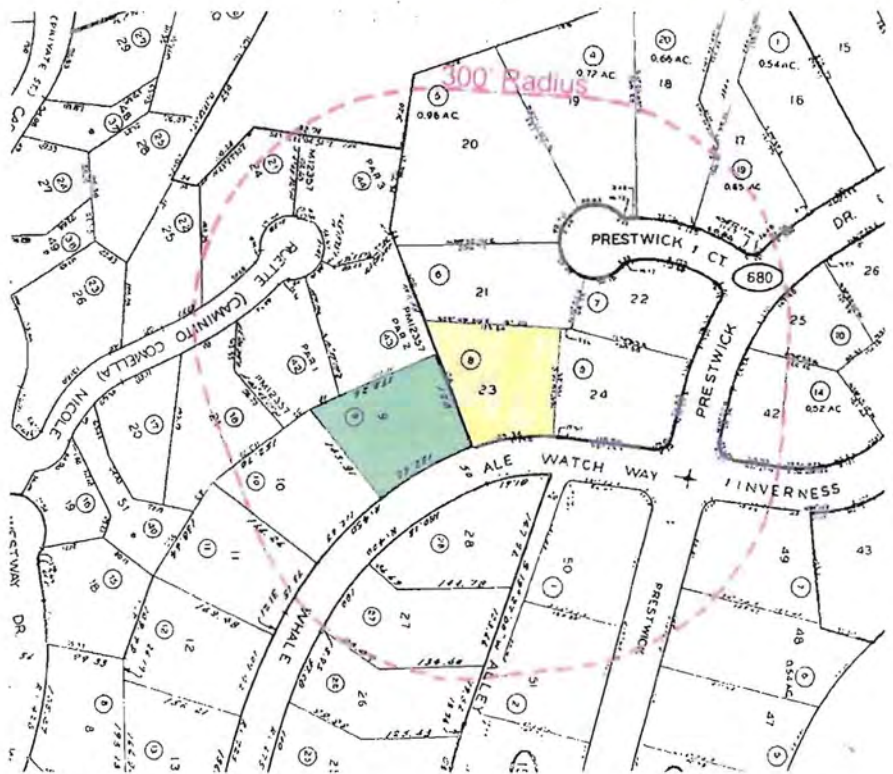
APN: 346-690-27-00
8461 Whale Watch Way
Lot Size: 20,877 sqft
Building foot print: 3,567 sqft





APN: 346-690-09-00
8480 Whale Watch Way

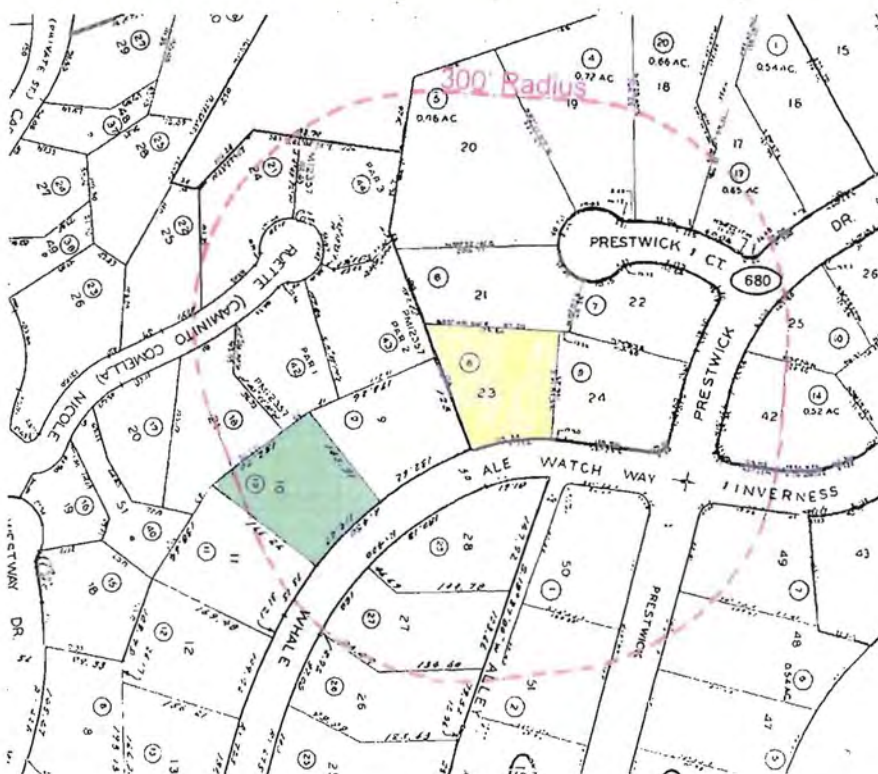
Lot Size: 20,193 sqft
Building foot print: 4,750 sqft





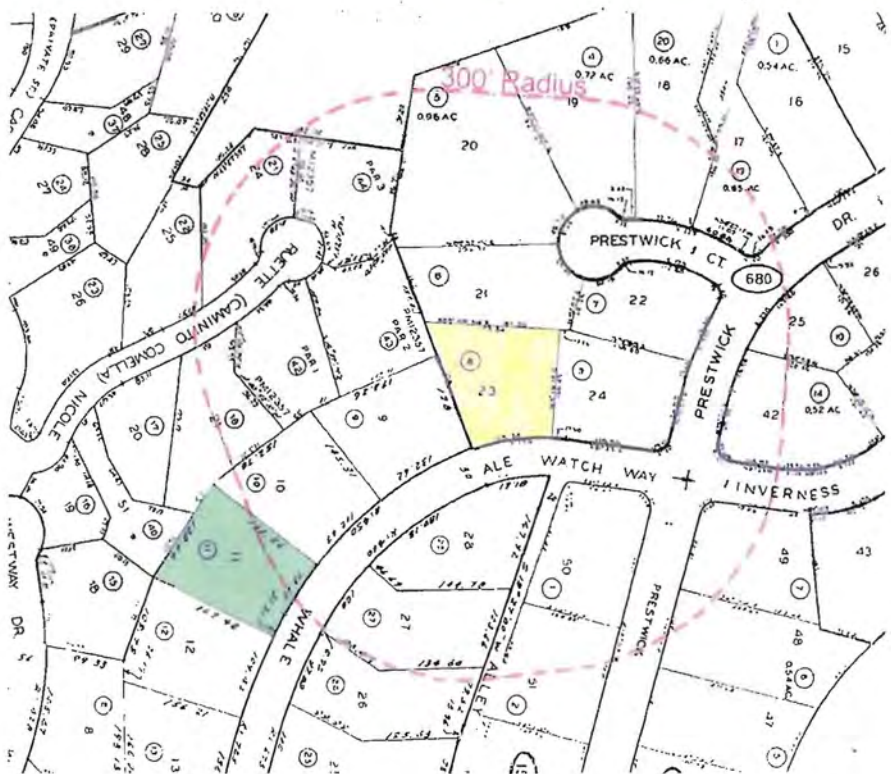
APN: 346-690-10-00
8470 Whale Watch Way

Lot Size: 20,655 sqft
Building foot print: 3,552 sqft





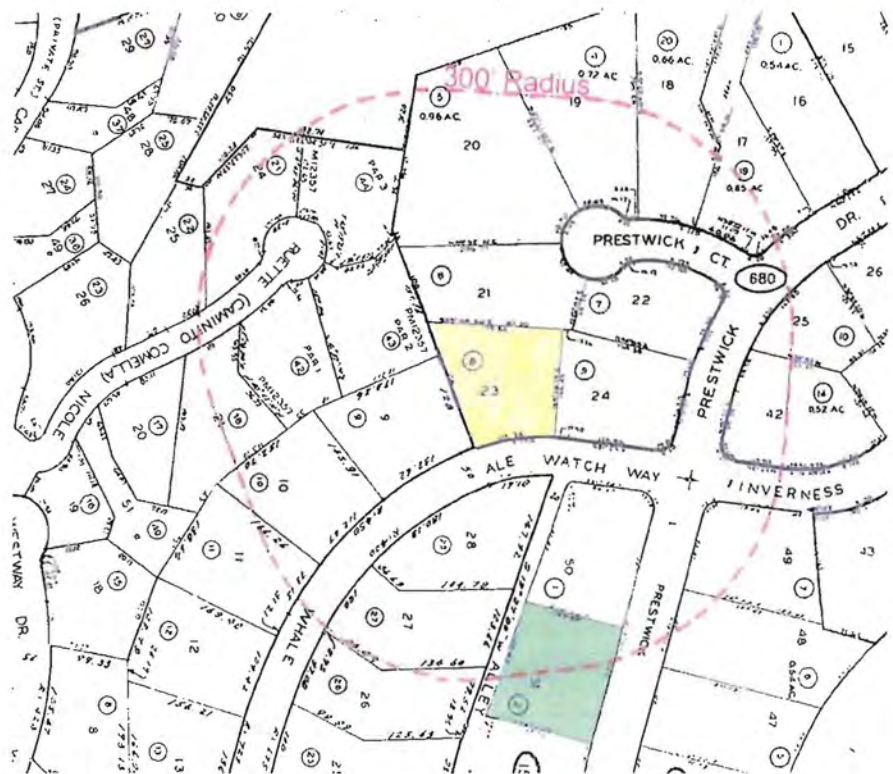
APN: 346-690-11-00
8460 Whale Watch Way
Lot Size: 20,678 sqft
Building foot print: 2,917 sqft





APN: 346-152-02-00
8466 Prestwick Drive

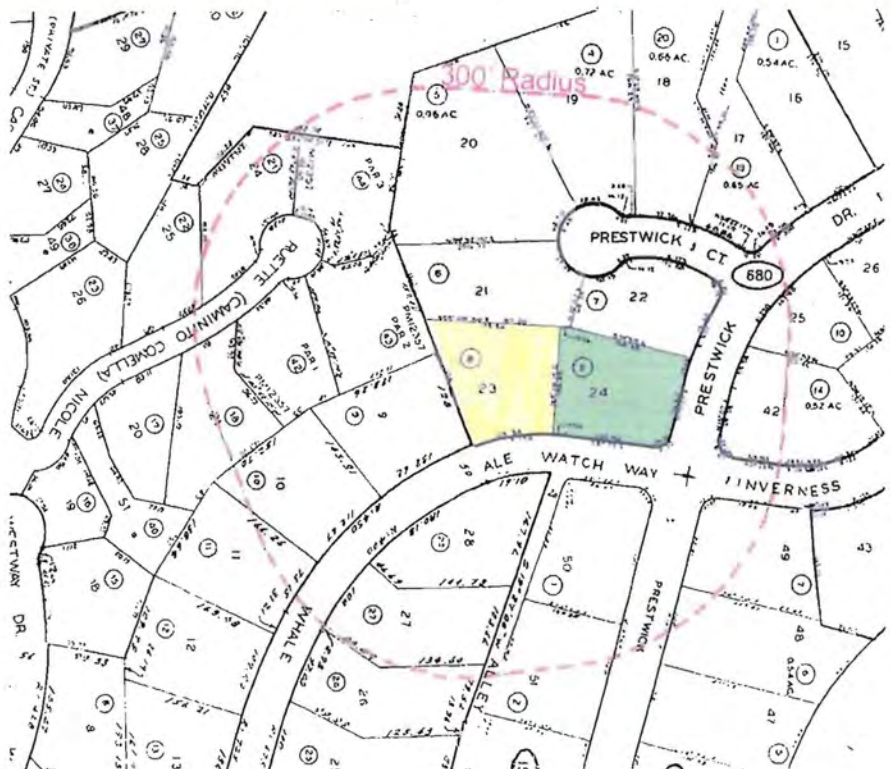
Lot Size: 20,927 sqft
Building foot print: 5,105 sqft





APN: 346-680-09-00
8504 Prestwick Drive

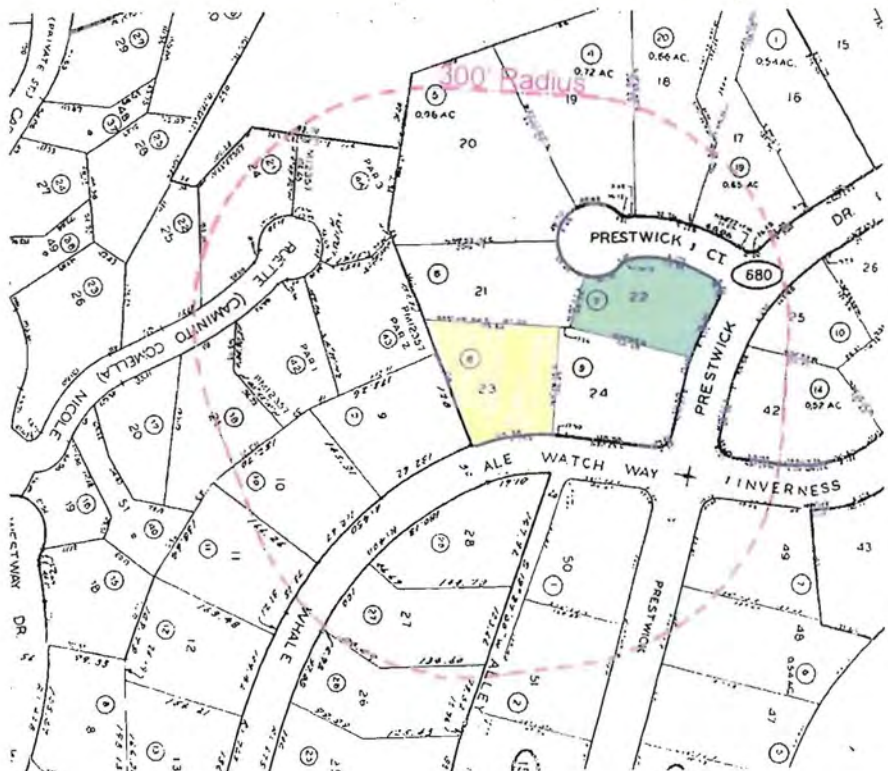
Lot Size: 20,453 sqft
Building foot print: 4,216 sqft





APN: 346-680-07-00
8514 Prestwick Drive

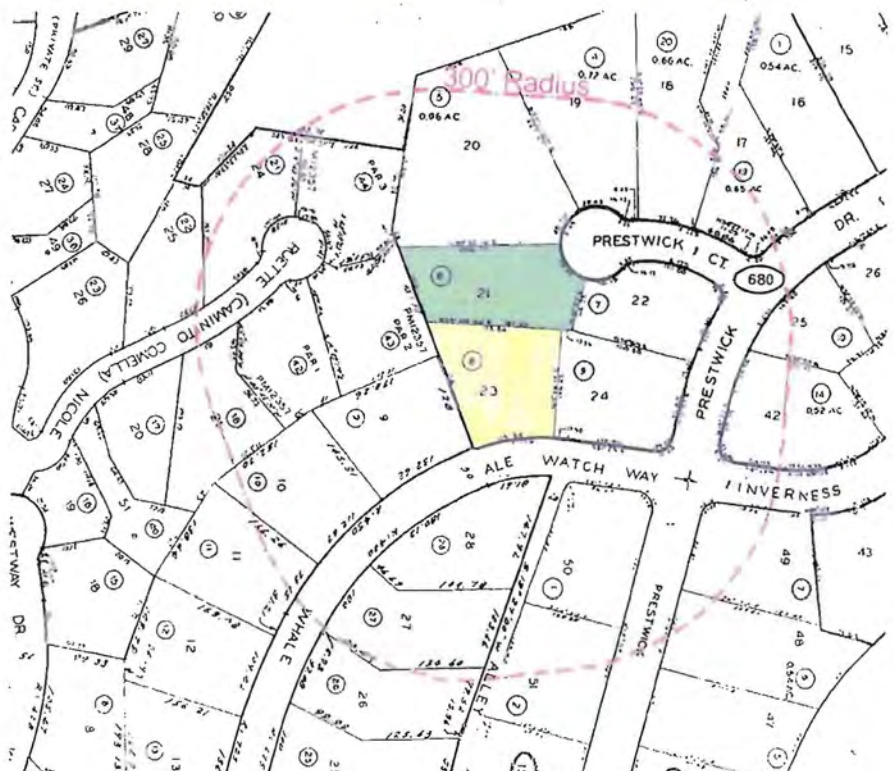
Lot Size: 16,826 sqft
Building foot print: 5,252 sqft





APN: 346-680-06-00
2645 Prestwick Court

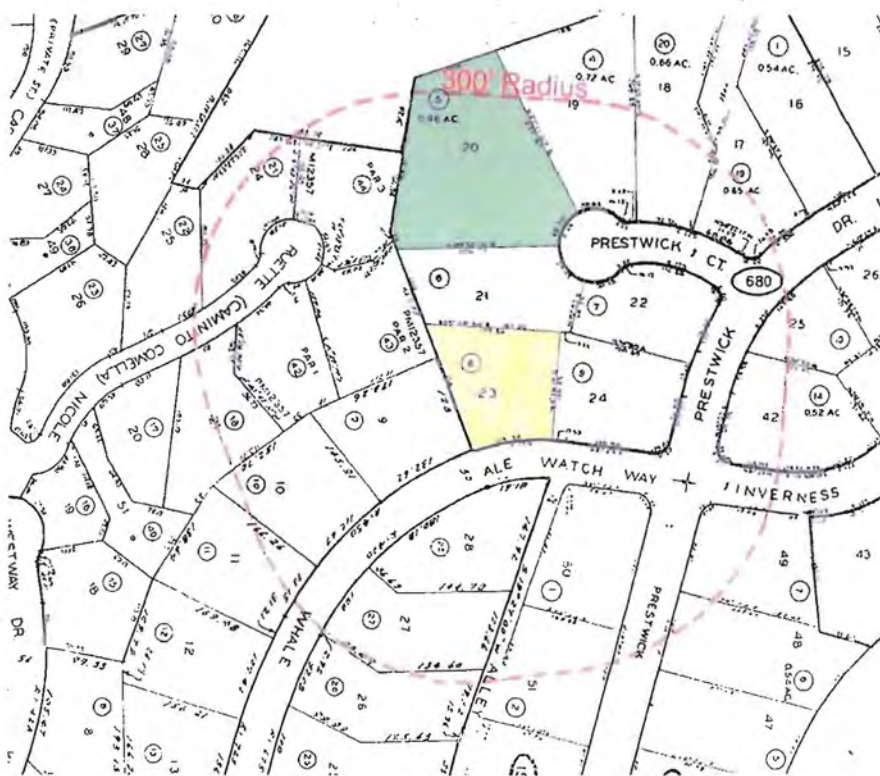
Lot Size: 21,380 sqft
Building foot print: 8,722 sqft





APN: 346-680-05-00
2638 Prestwick Court

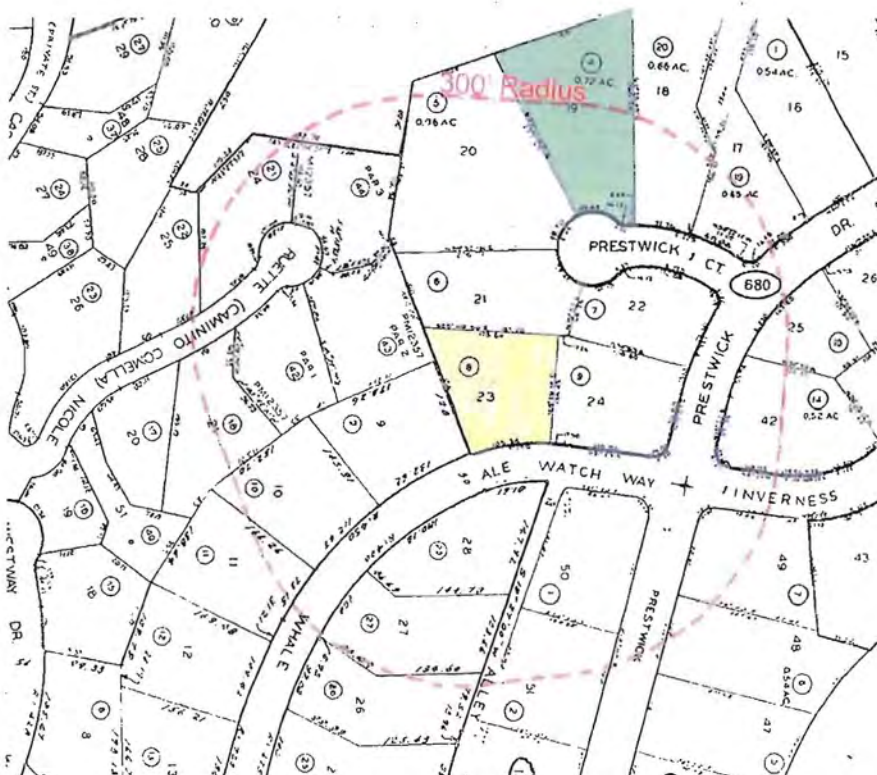
Lot Size: 42,421 sqft
Building foot print: 4,187 sqft





APN: 346-680-04-00
2658 Prestwick Court

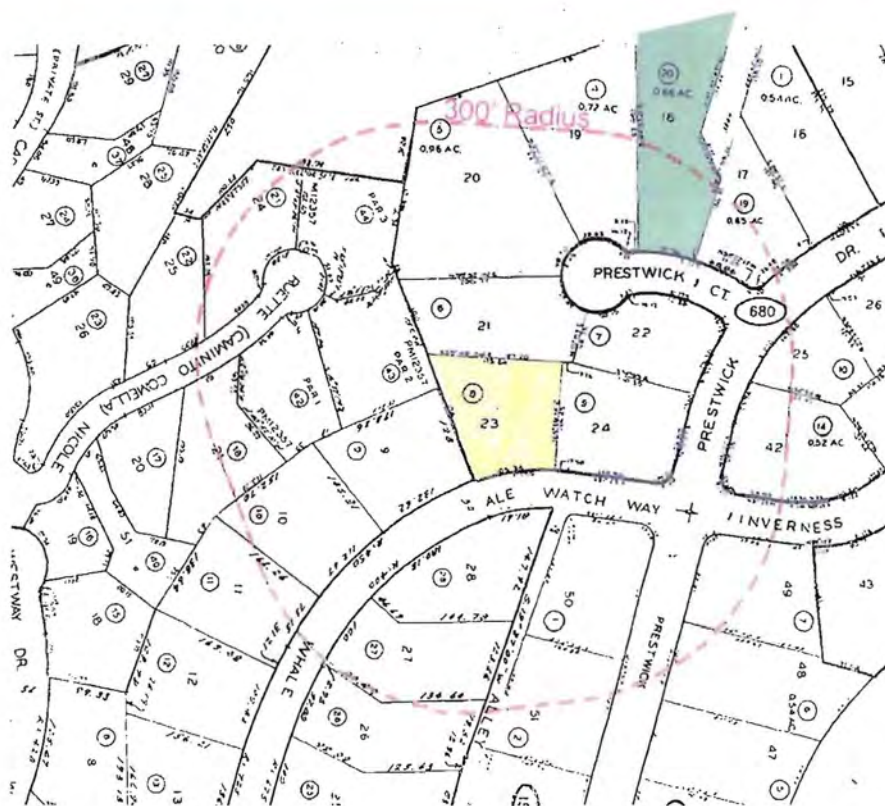
Lot Size: 31,495 sqft
Building foot print: 3,616 sqft





APN: 346-680-20-00
2678 Prestwick Court

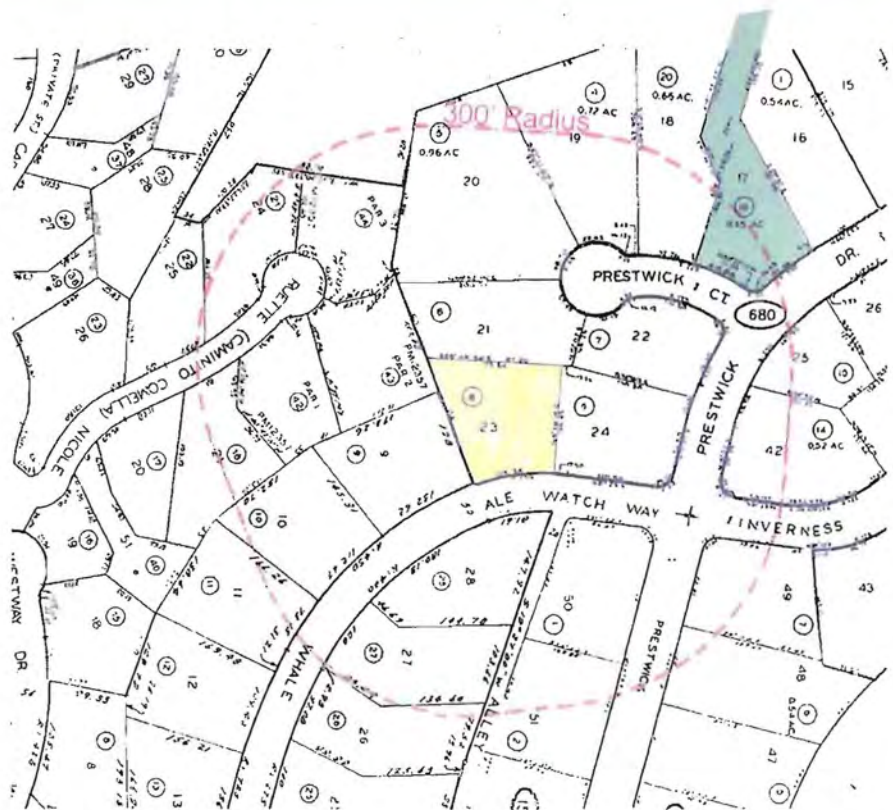
Lot Size: 29,380 sqft
Building foot print: 3,280 sqft





APN: 346-680-19-00
8528 Prestwick Drive

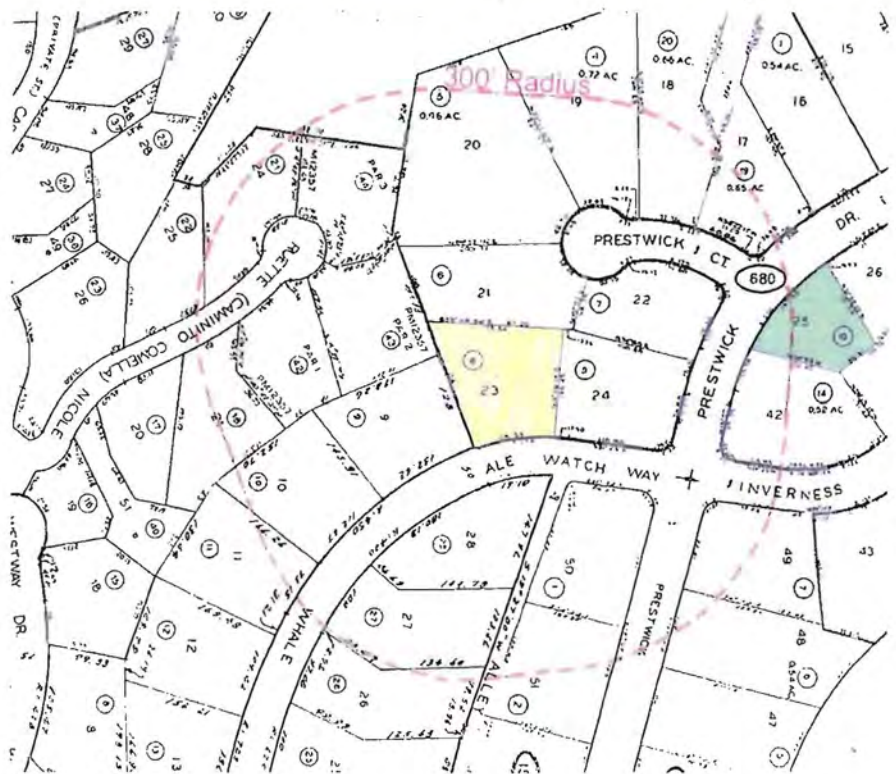
Lot Size: 26,167 sqft
Building foot print: 5,110 sqft





APN: 346-680-10-00
8515 Prestwick Drive

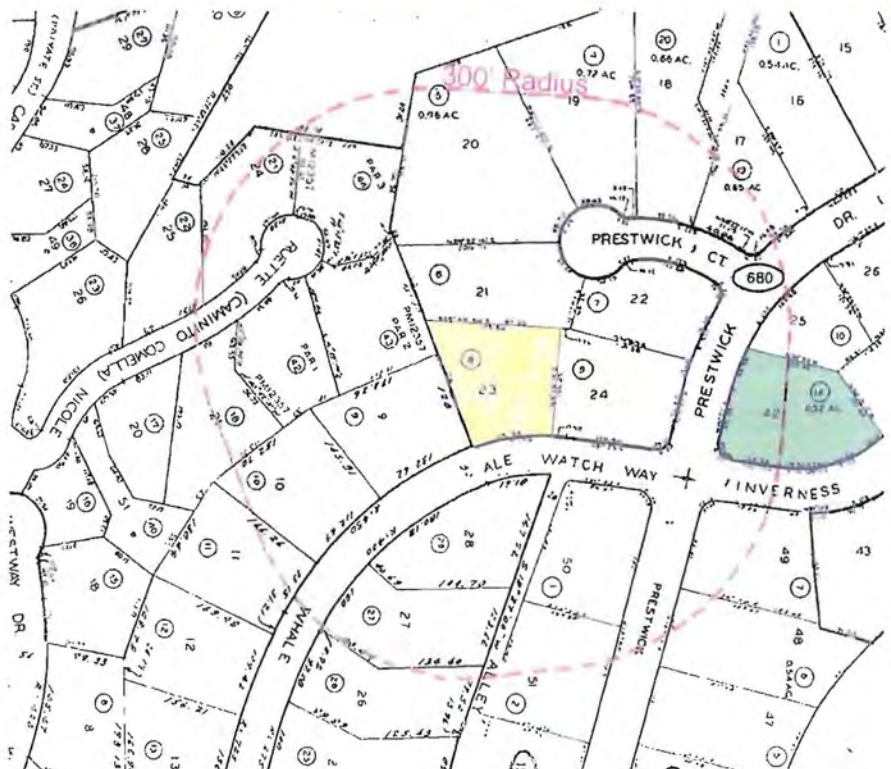
Lot Size: 12,587 sqft
Building foot print: 4,013 sqft





APN: 346-680-14-00
8505 Prestwick Drive

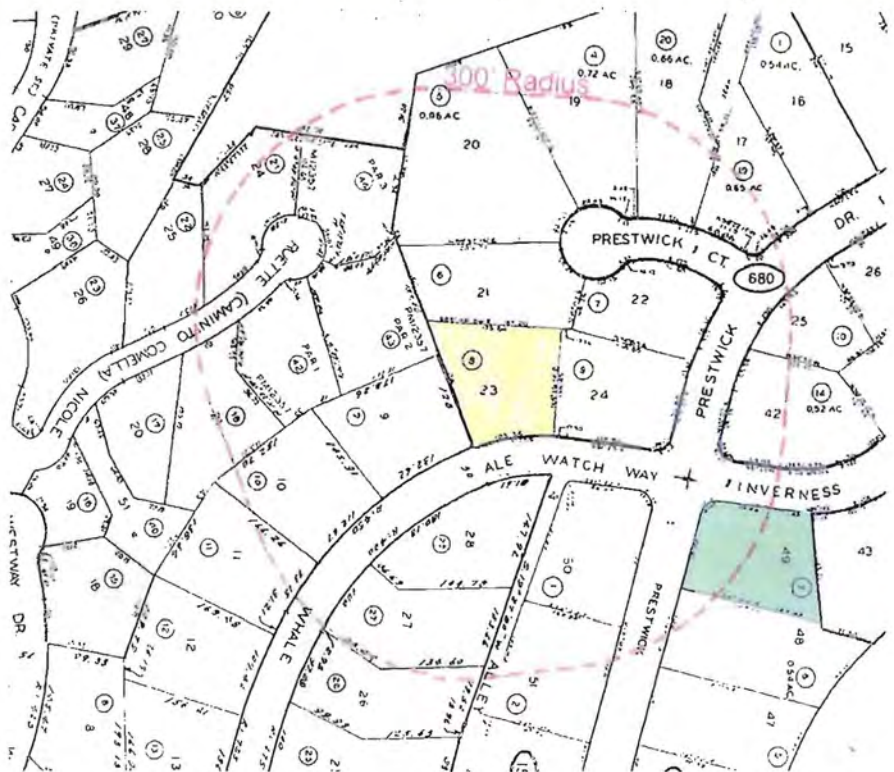
Lot Size: 22,710 sqft
Building foot print: 4,492 sqft





APN: 346-151-07-00
8505 Prestwick Drive

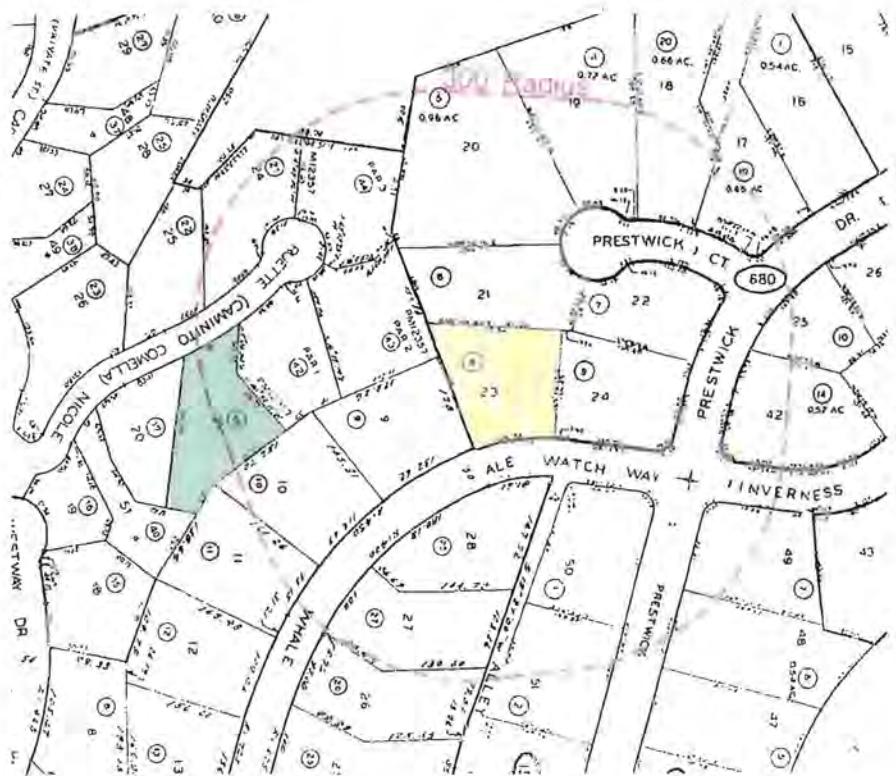
Lot Size: 20,345 sqft
Building foot print: 3,400 sqft



No Photo Available
Private Gated Community

APN: 346-831-18-00
2517 Ruelle Nicole

Lot Size: 19,116 sqft
Building foot print: 5,374 sqft



No Photo Available
Private Gated Community

APN: 346-831-42-00

2527 Ruelle Nicole

Lot Size: 16,308 sqft

Building foot print: 4,425 sqft



No Photo Available
Private Gated Community

APN: 346-831-43-00

2533 Ruelle Nicole

Lot Size: 19,796 sqft

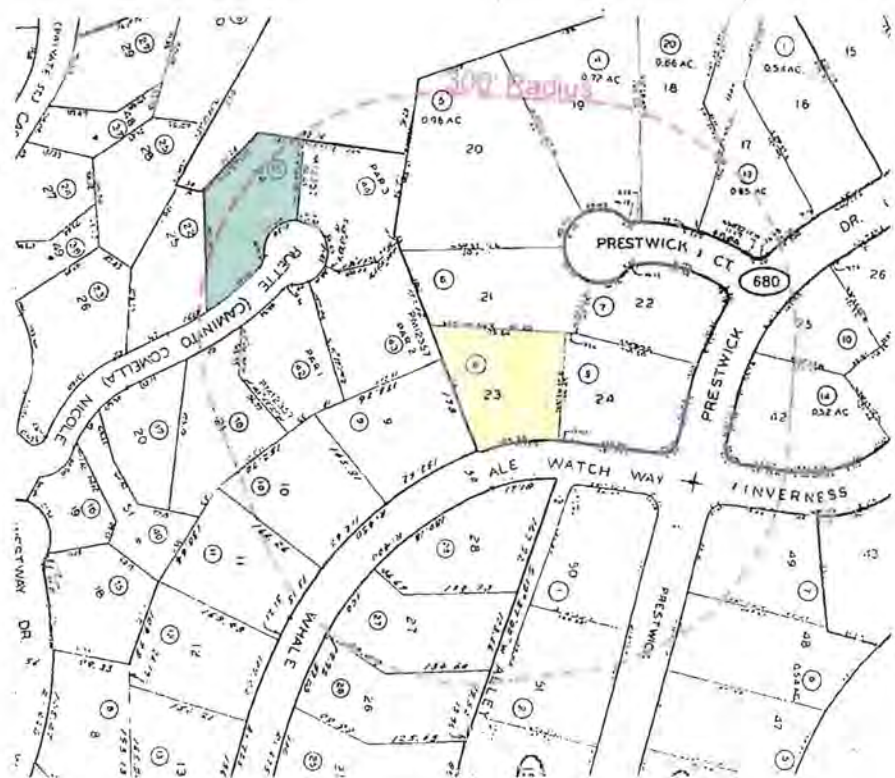
Building foot print: 5,100 sqft



No Photo Available
Private Gated Community

APN: 346-831-21-00
2526 Ruelle Nicole

Lot Size: 17,846 sqft
Building foot print: 3,623 sqft



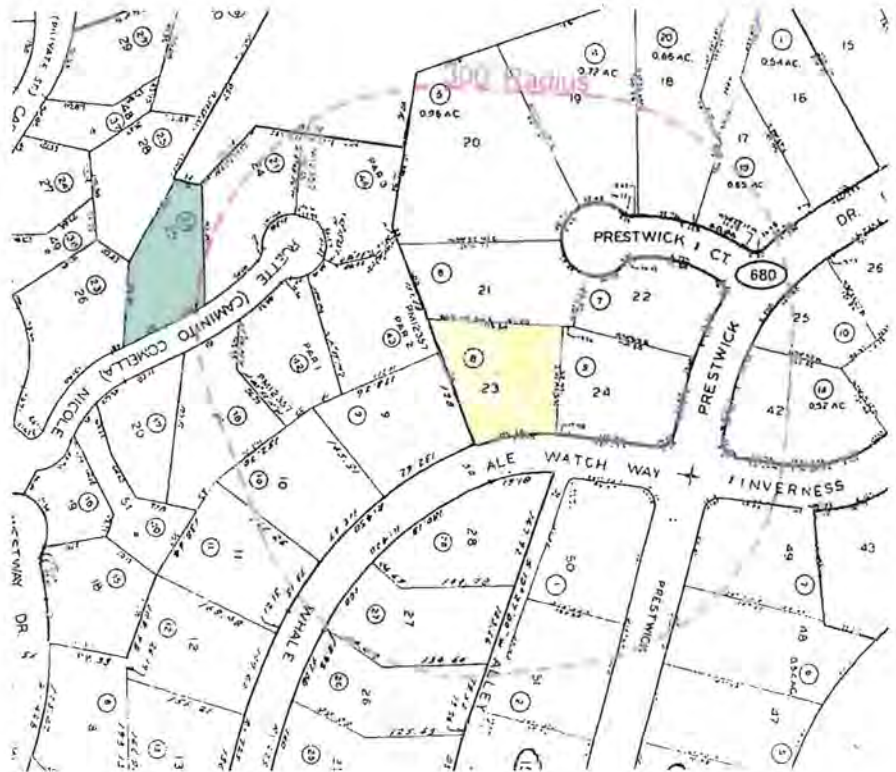
No Photo Available
Private Gated Community

APN: 346-831-22-00

2516 Ruelle Nicole

Lot Size: 14,779 sqft

Building foot print: 4,744 sqft





8490 Whale Watch Way
Existing House



La Jolla Residence
Photographic Survey

Public Architecture + Planning
4441 Park Blvd. San Diego, Ca 92116



8490 Whale Watch Way
Existing House



La Jolla Residence
Photographic Survey

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8490 Whale Watch Way
Existing House



La Jolla Residence
Photographic Survey

Public Architecture + Planning
4441 Park Blvd. San Diego, Ca 92116

760.543.1111
www.publicarchitecture.com

PLANNING COMMISSION RESOLUTION NO. PC-(to be filled in)
SITE DEVELOPMENT PERMIT NO. 1147735 AND
COASTAL DEVELOPMENT PERMIT NO. 1147734
WHALE WATCH WAY RESIDENCE PROJECT NO. 328415

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

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

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

WHEREAS, the Planning Commission of the City of San Diego has reviewed and considered the previously certified Mitigated Negative Declaration No. 328415;

WHEREAS, on (to be filled in), the Planning Commission of the City of San Diego heard an appeal filed by the La Jolla Community Planning Association and considered Site Development Permit No. 1147735 and Coastal Development Permit No. 1147734 pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission denies the appeal and adopts the following written Findings, dated (to be filled in).

FINDINGS:

Site Development Permit - Section 126.0504

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

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

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

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

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

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

community. While the Project incorporates a more modern interpretation of the classic courtyard style house, the Project complies with the underlying regulations.

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

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

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

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

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

3. **The proposed development will comply with the applicable regulations of the Land Development Code.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The Project is consistent with the Single Family zone of the La Jolla Shores Planned District regulations and the La Jolla Community Plan.

The proposed construction of a 7,001 square foot, two-story, single-family structure with a 2,480 square foot basement on a 0.46 acre site will yield a lot coverage of twenty-six percent and a floor area ratio of 0.45. Approximately fifty percent of the parcel will be landscaped. The project will conform with all of the development standards of the La Jolla Shores Planned District Ordinance and no variances or deviations are requested or required. The proposed concrete and natural stone walls, low reflectance glass windows and doors are compatible with the neighborhood, as specified in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual. A survey provided by the applicant's consultant of the neighborhood indicates a variety of lot coverage and building setbacks exist throughout the neighborhood. The lot and building area data in the survey is approximate rather than a precise measurement based on legal descriptions or building permits issued for construction plans. The Project is compatible with the neighborhood development pattern in terms of form, bulk and scale. The proposed setbacks are generally in conformance with other properties in the vicinity. The Project will create a development compatible with the existing residential scale of the surrounding neighborhood by constructing a structure less than the maximum height limit allowed and will be compatible with the existing bulk and scale of the surrounding newer single family structures. Therefore, Project will comply with the applicable regulations of the Land Development Code.

Coastal Development Permit - Section 126.0708

1. **The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The Project will be developed entirely within the private property and will not encroach upon any existing physical access way legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan in as much as there is no existing physical access way legally used by the public or any proposed public accessways located on the private property. The Project will be constructed completely within the boundaries of the private property. The proposed coastal development will have no effect upon public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. Furthermore, there are no public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan from this site or across this site to these visual resources. As such the Project will have no effect upon any existing physical access way legally used by the public or any proposed public accessway and will have no affect on public views to and along the ocean.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The site is a developed suburban property. The site does not contain any environmentally sensitive lands or environmentally sensitive resources and as such the proposed coastal development will not adversely affect any environmentally sensitive lands.
3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The adopted La Jolla Community Plan designates this site for residential use and the Project is consistent with this use. The Project complies with all regulations of the certified Implementation Program for the adopted La Jolla Community Plan.
4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The Whale Watch Way project (Project) proposes a Site Development Permit and Coastal Development Permit to allow demolition of an existing structure and construction of a 7,001 two-story, single family structure with a basement on a 0.46 acre site at 8490 Whale Watch Way. The site is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. As such the Project and approval of the coastal development permit will have no effect upon the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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

John S. Fisher
Development Project Manager
Development Services

Adopted on: (to be filled in)

Job Order No. 24003878

PLANNING COMMISSION RESOLUTION NO. PC-(to be filled in)

ADOPTED ON (to be filled in)

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

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

WHEREAS, the issue was heard by the Planning Commission on September 25, 2014; and

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

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

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

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

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

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

By: _____
John S. Fisher
Development Project Manager

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT AND SITE DEVELOPMENT PERMIT

PROJECT NO. 328415

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 328415 shall be made conditions of the COASTAL DEVELOPMENT PERMIT AND SITE DEVELOPMENT PERMIT as may be further described below.

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

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

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

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

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

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

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

B. GENERAL REQUIREMENTS – PART II**Post Plan Check (After permit issuance/Prior to start of construction)**

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

Paleontologist**Note:**

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

CONTACT INFORMATION:

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

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) # 328415 and /or Environmental Document # 328415, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

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

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

None required

4. MONITORING EXHIBITS:

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

NOTE:

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

5. OTHER SUBMITTALS AND INSPECTIONS:

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

Document Submittal/Inspection Checklist

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

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

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

II. Prior to Start of Construction

A. Verification of Records Search

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

B. PI Shall Attend Precon Meetings

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

III. During Construction

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

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

B. Discovery Notification Process

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

C. Determination of Significance

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

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

IV. Night and/or Weekend Work

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

V. Post Construction

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

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

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

RECORDING REQUESTED BY

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

**WHEN RECORDED MAIL TO
PROJECT MANAGEMENT**

**PERMIT CLERK
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003878

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

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

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

The project shall include:

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

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

STANDARD REQUIREMENTS:

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

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

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

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

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

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

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 328415, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

ENGINEERING REQUIREMENTS:

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

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

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

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

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

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

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

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

PLANNING/DESIGN REQUIREMENTS:

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

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

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

INFORMATION ONLY:

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

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

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

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
Development Project Manager

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

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

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

By _____
DANIEL M. SMARGON, Trustee

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

By _____
AUDREY M. VITERBI, Trustee

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



LA JOLLA COMMUNITY PLANNING ASSOCIATION

P O. Box 889 La Jolla CA 92038 Ph 858 456 7900

<http://www.LaJollaCPA.org> Email Info@LaJollaCPA.org

Regular Meeting – 6 February 2014

Attention: John Fisher, PM
City of San Diego

Project: Whale Watch Way Residence
PN: 328415

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

Vote: 15-0-1

Handwritten signature of Joe LaCava in black ink.

Submitted by: Joe LaCava, Vice President
La Jolla CPA

18 February 2014

Date

LA JOLLA SHORES PLANNED DISTRICT

Applicant: Mr. Dan Smayson

Item: 1 Whale Watch Way

Date: March 13, 2014

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

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

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

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

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

- D. Denial because of lack of four affirmative votes

Approving Item: Motion 2 Board Signatures

Disapproving Item: Motion 1

Dan Hoese
Jane Potte

Suzanne Weissman
[Signature]
[Signature]

Absentees:

Chairman



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

Ownership Disclosure Statement

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

Project Title: WWW. RESIDENCE. Project No. For City Use Only: 328415
 Project Address: 8490 ~~W~~ Whale Watch Way, La Jolla 92037

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

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

Additional pages attached Yes No

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

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

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

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

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

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

1117

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



MAIL TAX STATEMENTS TO:

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

Quitclaim Deed

THE UNDERSIGNED GRANTORS DECLARE

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

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

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

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

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

Dated: August 20, 1997.

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

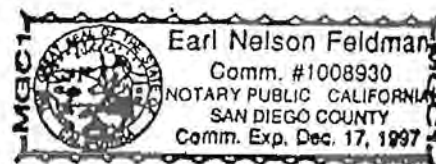
Daniel M. Smargon
Daniel M. Smargon

Audrey M. Viterbi
Audrey M. Viterbi

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

WITNESS my hand and official seal.

Signature *Earl Nelson Feldman*



PROJECT DATA SHEET

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