

THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED:	November 9, 2017	REPORT NO. PC-17-088
HEARING DATE:	November 16, 2017	
SUBJECT:	BLUE HERON-CHELSEA CDP/SDP, Process Three Decision Appeal	
PROJECT NUMBER:	<u>502954</u>	
REFERENCE:	Report to the Hearing Officer <u>HO-17-034</u>	
OWNER/APPLICANT:	5310C LLC, Owner Claude-Anthony Marengo, Applicant	

SUMMARY

<u>Issue</u>: Should the Planning Commission approve an appeal of the Hearing Officer's decision to approve a Coastal Development and Site Development Permit to demolish an existing single-family dwelling unit and construct a new, three-story, single-family dwelling unit located at 5228 Chelsea Street in the La Jolla Community Plan area?

<u>Staff Recommendation</u>: DENY the appeal and uphold the Hearing Officer's decision to Approve Coastal Development Permit No. 1771447 and Site Development Permit No. 1771454.

<u>Community Planning Group Recommendation</u>: On November 3, 2016, the La Jolla Community Planning Association voted 9-2-1 to recommend denial of the project with no conditions (Attachment 12).

<u>Environmental Review</u>: A Mitigated Negative Declaration No. 502954 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 to reduce, to a level below significance, potential impacts identified in the environmental review process. An appeal of the CEQA determination was previously made and the City Council denied the CEQA Appeal on October 10, 2017, Resolution No. R-311358 (Attachment 7). The scope of the subject hearing only includes the project and not the environmental determination.

<u>Fiscal Impact Statement</u>: None with this action. All cost associated with the processing of the project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None.

<u>Housing Impact Statement</u>: The project site is in the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCLUP) and implemented through the RS-1-7 Zone. The community plan land use designation is Low Density Residential (5-9 du/acre). The 0.20acre site could accommodate 1 dwelling unit within the Low Density Residential land use designation. The proposed project would demolish one existing single-family residence and construct one market rate single-family residential unit consistent with the General Plan Housing Element and the La Jolla Community Plan planned density. There will be no net gain or loss to the available housing stock.

BACKGROUND

The project site is currently developed with an existing residential dwelling unit, originally built in 1951, located on the west side of Chelsea Street directly adjacent to the Pacific Ocean at 5228 Chelsea Street (Attachment 1). The surrounding properties are fully developed and form a well-established, single dwelling unit residential neighborhood (Attachment 3). The existing structure is more than 45 years old and was evaluated for historical significance by City staff. Based on the materials submitted, staff concluded that the existing building is not significant, and not eligible for historic designation under local, state or federal criteria.

The 8,900-square-foot project site is located in the RS-1-7 Zone, Coastal Overlay Zone (appealable), Sensitive Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Coastal and Beach Parking Impact Overlay Zone, and within the First Public Roadway (Chelsea Street) within the L JCP area. A Coastal Development Permit is required by San Diego Municipal Code (SDMC) Section 126.0702 for the proposed demolition and construction on a property within the Coastal Overlay Zone. A Site Development Permit is required by SDMC Section 143.0110 for development on a premises containing Environmentally Sensitive Lands (ESL) in the form of Coastal Bluffs.

At the La Jolla Community Planning Association meeting on November 3, 2016, the denial recommendation was due to concerns regarding the roof deck, the mass and "wall" configuration of the design which places active outdoor and living spaces on the third level of the roof and deck. The group stated that the Coastal Development Permit and Site Development Permit findings could not be made, however, the group was not specific as to which required finding(s) and the reason they could not be made in the affirmative (Attachment 12).

On May 31, 2017, the Hearing Officer approved the project. The Environmental Determination was appealed to the City Council. On October 10, 2017, the City Council heard and denied that appeal by a vote of 6 to 0 with Council District Offices 4, 6 and 9 not present.

DISCUSSION

Project Description:

The project site has been fully graded and developed with a single family dwelling unit in its current state since 1951. The project proposes to demolish an existing residence and construct a new 4,984-

square-foot, three-story over basement residential dwelling unit with an attached two-car garage on the property in approximately the same location on the lot as the existing residence. The site contains Sensitive Coastal Bluffs on the project's west side, which are considered Environmentally Sensitive Lands. San Diego Municipal Code (SDMC) Section 142.0340(f) requires that all proposed development, including buildings and accessory structures, be set back at least 40 feet or more from the coastal bluff edge, with a possible reduction to a 25 foot setback when supported by the geotechnical analysis. The proposed development will occur within previously disturbed areas of the site and has been designed to observe a 25-foot bluff edge setback, as allowed by SDMC 143.0143(f)(1) ("Development Regulations for Sensitive Coastal Bluffs"). A 25-foot coastal bluff edge setback can be supported for the project based upon evidence contained in the geologic investigation report concluding that the project has been designed so that it will not be subject to or contribute to significant geologic instability, The submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate overall and the site was found to be suitable for the proposed development at the 25-foot bluff setback, provided all recommendations outlined in the reports are followed. All of those recommendations have been made conditions of the draft permit (Attachment 6). Development approvals granted to the adjacent property to the south (Terry Residence, PTS 125091) allowed a 25-foot bluff setback for that project based upon geologic stability of the site. The applicant has designed the project to conform to all the applicable regulations of the RS-1-7 Zone, Coastal Overlay Zone and Sensitive Coastal Overlay Zone.

Community Plan Analysis:

The proposed project is located within the LJCP/LCLUP and is designated for Low Density Residential (5-9 du/acre) development. The proposed one dwelling unit project conforms to the designated land use. The LJCP/LCLUP recommends maintaining the character of 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 LJCP/LCLUP identifies that an Alternative Pedestrian Access is located along the project site's street frontage within the Chelsea Street public right-of-way. This pedestrian access is existing in the form of a public sidewalk and it will remain open and available for public use. As a condition of the development permit, the project will enhance the opportunity for pedestrian access along its frontage by dedicating property for additional public right-of-way in order to provide a City standard 10-foot curb-to-property-line distance for the public right-of-way along Chelsea Street.

The LJCP/LCLUP does not identify any public views or vantage points on or adjacent to the project site. Due to its location along the west side of Chelsea Street adjacent to the Pacific Ocean, there are intermittent views available to the coast across the property, as viewed from the Chelsea Street public right-of-way. As a condition of the development permit, these existing intermittent views provided through the north and south side setback areas of the property will be preserved and enhanced through the recording of view corridor easements along those setback areas. The provision of these view corridor easements will support recommendations within the Natural Resources and Open Space System Element of the LJCP/LCLUP to preserve, enhance, or restore

existing or potential view corridors within the yards and setbacks where new development is proposed on property that lies between the shoreline and the first public roadway.

The LJCP/LCLUP recommends maintaining the existing residential character of La Jolla's neighborhoods by encouraging build out of residential areas at the plan density. The neighborhood is developed with predominately moderate to large size older homes with a few newer residences. The proposed residence is consistent with the bulk and scale in the neighborhood. The proposed height for the residence is less than thirty feet, which is consistent with the community plan and the thirty-foot height limit. The proposed new residence is sited within the private property and meets the setbacks of the implementing RS-1-7 Zone.

Appeal of the Hearing Officer Approval:

On May 31, 2017, the Hearing Officer approved the project after hearing public testimony. Two appeals of that decision were filed (Attachment 8). The first on June 12, 2017 by Helen Boyden of the La Jolla Community Planning Association (LJCPA) and the second on June 13, 2017 by Sheldon Silber. The following discussion includes the appeal issues as stated by the appellants, followed by staff/applicant consultant responses.

1. Appeal from Helen Boyden/LJCPA:

<u>Appeal Issue No. 1</u>: Community Character – "There is no transition between new and older structures since the older houses to the North are: one with a split level and the remainder single level."

Staff Response: The proposed project is consistent with the La Jolla Community Plan land use density and would conform to all the requirements of the RS-1-7 zone, the L JCP, and Local Coastal Program Land Use Plan. The La Jolla Community Plan Residential Element recommends maintaining 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 proposed development incorporates various horizontal and vertical off setting planes and complies with the maximum allowable 30 foot height of the RS-1-7 zone and the required building setbacks. The proposed residence will include sand finish stucco and burnished stucco exterior walls with dark bronze color fascia, panel finish garage door, western bronze colored aluminum frame windows and flat polyurethane foam roofing system. The proposed setbacks, offsetting planes, variation in building materials and roofing reduce the structure bulk and scale of the proposed home. The architectural design provides continuity between the proposed development and the existing surrounding dwelling units consistent with the La Jolla Community Plan recommendations.

The design of the proposed development complies with each of the standards, design guidelines, and policies contained within the LACP, including; community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design

and harmony of the visual relationship in transitions between newer and older structures, landscape and streetscape, sensitive design, and larger side yard setbacks. Based upon the design of the project in comparison to surrounding development, and its compliance with all plans and policies it was determined that the project's bulk, scale, materials and style will be compatible with the surrounding development.

<u>Appeal Issue No. 2</u>: Bulk and scale – "Because of its flat roof and rectangular design and mass, this project does not transition to the houses to the North rather presenting a "wall-like" configuration."

<u>Staff Response</u>: The project meets and/or exceeds the zoning minimum setbacks based on the RS-1-7 zone. Additionally, the project incorporates design features above base minimum Community Plan recommendations utilizing articulation and "steps backs" at each floor which relates well with, and is compatible to the adjoining structures providing an appropriate transition to adjacent structures. The project design features include multiple articulations, and is stepped back in order to reduce the appearance of bulk and scale as follows:

- Starting from the front (East Elevation), the building is stepped back 10 feet from the property line and continues stepping back to be 25 feet 3 inches at its furthest point from the front Property Line.
- On the north side (Northern Elevation) of the property, the building starts at 4'-0" from the property line and steps back to be 13 feet 11 ½ inches from the property line at the third floor.
- The rear (West Elevation) of the building starts at 20 feet from the property line and steps back 47 feet 5 inches from the rear yard property line.
- The Southern Elevation starts at 12 feet from the property line and continues to step back to be 33 feet 2 ½ inches away from the Property Line.

The project complies with the development regulations of the underlying zone and steps back from adjacent development.

<u>Appeal Issue 3</u>: Neighborhood character - "The deck on the roof, and the configuration of the design which places active outdoor and living spaces on the third lever roof and deck is out of place on this block of 31 houses. The only other house on this block with a third level roof deck was the infamous MTV house. Noise from a third level deck will radiate up and down the street in a neighborhood characterized for peace and quiet."

<u>Staff Response</u>: The development regulations for the RS-1-7 Zone do not address noise. There is no land use change between the existing and the proposed project. The appellant has provided an example of a nearby residence that produced a noise nuisance. Staff maintains that there is no correlation between the proposed project and past noise nuisances. Additionally, City of San Diego Municipal Code section 59.5.0401 et seq. addresses residential noise issues and impacts. Any potential noise issues which may arise in the future will be regulated by the Municipal Code.

2. Appeal by Sheldon Silber:

Responses to the appeal were provided by the project's geotechnical consultant (TerraCosta Consulting Group, dated July 14, 2017) (Attachment 16) and a third party geotechnical consultant (GeoSoils, Inc., dated July 27, 2017) (Attachment 17). City staff geologists have reviewed these documents and support the following responses:

<u>Appeal Issue No. 1:</u> "I asked at the hearing if the soils plan included information and took into consideration the recently begun subterranean excavation and construction presently going on at the lot next door. The answer I received at the hearing was that "our project will not impact them". I specifically did not hear an answer of "yes, we took into consideration the mass ground movement and basement structure of the house they are building next door and it will not impact our soils plan" I request they submit a revised soils plan which takes into consideration the impact of the house being built next door."

<u>Staff Response:</u> TC (July 19, 2016) indicated that groundwater was not encountered. They also state (July 14, 2017) that there is no indication of any perching horizons atop the Tertiary-age cliff-forming Mount Soledad Formations, nor are any water seeps exposed within the face of the coastal bluff along this section of coastline in front of 5228 Chelsea Street. TC (July 14, 2017) opines that no additional studies are warranted or necessary.

<u>Appeal Issue No. 2</u> – "The use of the 25 foot setback from the bluff instead of the 40 feet is questionable especially when coupled with the addition of numerous swimming pools. The bluff edge is very close to the proposed structure, not leaving any buffer distance. The 25 foot setback was only justified by changing methods of calculation of the Safety Factor to obtain 1.5. Other experts need to be consulted to determine if this is proper."

<u>Staff Response</u>: GeoSoils, Inc. (GSI) reviewed the geotechnical reports prepared by TerraCosta Consulting Group (TC) for the proposed development. GSI indicated that the description of the site, site geology, and site geologic hazards are properly identified and assessed. GSI also is in agreement with the location of the bluff top at the site and opines that the 25-foot setback meets the criteria of the City of San Diego. In addition, GSI indicated by the slope stability analysis performed by TC adequately demonstrates that the slope is stable from both a static and pseudo-static (seismic) perspective.

<u>Appeal Issue No. 3</u> - "The statements in the response section that the project will not have an adverse impact on next door properties or the right of way is only an opinion, and not supported by an actual study. The possibility of synergistic effects is not considered as other projects nearby have or will have basements that block or divert groundwater flow. A current example of this could be required maintenance of the coastal bluff nearby. The site is the public right of way between 5322 & 5328 Calumet. The 2010 emergency bluff stabilization is now the subject of another CDP, now for maintenance. Has groundwater from last winter's rains been diverted around the new basement at 5328 Calumet causing the need for "maintenance"?

<u>Staff Response</u>: The project's geotechnical consultant (TC) conducted a site specific geotechnical investigation and provided professional opinions based on the facts presented in their investigation, their experience, and accepted engineering principles.

TC (July 14, 2017) indicates that "we have determined, based on our studies, soil tests, and vast experience in the immediate vicinity that the Blue Herron [sic] project at 5228 Chelsea Street will have no adverse impact on neighboring properties or to Chelsea Street."

TC (July 14, 2017) stated that they did not detect or observe any groundwater flow through or under the site or through adjacent sites that would be blocked and/or diverted. In addition, TC indicates "there is no evidence to suggest that the basement at 5328 Calumet Avenue has caused any blockage of groundwater."

<u>Appeal Issue No. 4</u>: The Geotechnical Investigation field sampling was done March 2016 and the report written July 2016. That was a 5 year period of drought. During the rains of season 2016-2017 there were dramatic bluff collapses at 417 Sea Ridge, just seven house North. Just ten more houses away on the deteriorating bluff repair of 2010. The report must have studies of the effects of the heavy groundwater flow on the site and surroundings.

<u>Staff Response</u>: TC (July 19, 2016) indicated that groundwater was not encountered. They also state (July 14, 2017) that there is no indication of any perching horizons atop the Tertiary-age cliff-forming Mount Soledad Formations, not are any water seeps exposed within the face of the coastal bluff along this section of coastline in front of 5228 Chelsea Street. TC (July 14, 2017) opines that no additional studies are warranted or necessary.

<u>Appeal Issue No. 5</u> "The Final Mitigated Negative Declaration fails to adequately satisfy the issues brought up in a reply to the draft MND. The third level roof deck with wet bar and bathroom remain in the project plan. Noise will still radiate up and down the street as proven by the infamous MTV house several years ago."

<u>Staff Response</u>: An appeal of the CEQA determination was previously made and the City Council heard and denied the CEQA appeal by a vote of 6 to 0 with Council District Offices 4, 6 and 9 not present on October 10, 2017. The scope of the subject hearing only includes the project, and not the environmental determination.

<u>Appeal Issue No. 6</u>: Community Character – "There is no transition between new and older structures since the older houses to the North are: one with a split level and the remainder single level."

<u>Staff Response</u>: See Staff Response to Boyden/LJCPA Issue No. 1.

<u>Appeal Issue No. 7:</u> "Because of its flat roof and rectangular design and mass, this project does not transition to the houses to the North rather presenting a "wall-like" configuration."

<u>Staff Response</u>: See Staff Response to Boyden/LJCPA Issue No. 2.

<u>Appeal Issue No. 8:</u> Neighborhood character: "The deck on the roof, and the configuration of the design which places active outdoor and living spaces on the third lever roof and deck is out of place on this block of 31 houses. The only other house on this block with a third level roof deck was the infamous MTV house.

<u>Staff Response</u>: See Staff Response to Boyden/LJCPA Issue No. 3.

Conclusion:

Staff recommends that the Planning Commission deny the appeals and uphold the Hearing Officer's decision to approve Coastal Development Permit No. 1771447 and Site Development Permit No. 1771464 as the project meets all applicable development regulations and policies.

ALTERNATIVES

- 1. Deny the appeal and uphold the Hearing Officer's decision to approve Coastal Development Permit No. 1771447 and Site Development Permit No. 1771464, with modifications.
- Approve the appeal and Deny Coastal Development Permit No. 1771447 and Site Development Permit No. 1771464, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Elyse W. Lowe

Deputy Director Development Services Department

Attachments:

- 1. Aerial Photographs
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Project Data Sheet
- 5. Draft Permit Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Environmental Resolution
- 8. Copy of Appeals
- 9. Project Rendering

Glenn R. Gargas

Development Project Manager Development Services Department

- 10. Project Site Plan
- 11. Project Plans
- 12. Community Planning Group Recommendation
- 13. Ownership Disclosure Statement
- 14. La Jolla Community Plan Figure H Subarea H Bird Rock Visual Access
- 15. La Jolla Community Plan Figure H Subarea H Bird Rock Physical Access
- 16. Response Letter from TerraCosta Consulting Group, dated July 14, 2017
- 17. Third Party Review Letter from GeoSoils, Inc., dated July 27, 2017
- 18. Hearing Officer Permit Resolution





Aerial Photo

BLUE HERON-CHELSEA CDP/SDP - 5228 CHELSEA STREET PROJECT NO. 502954





Land Use Map

BLUE HERON-CHELSEA CDP/SDP – 5228 CHELSEA STREET PROJECT NO. 502954 La Jolla







Project Location Map

BLUE HERON-CHELSEA CDP/SDP – 5228 CHELSEA STREET PROJECT NO. 502954



ATTACHMENT 4

PROJECT DATA SHEET

PROJECT NAME:	Blue Heron-Chelsea CDP / SDP – Project No. 502954
PROJECT DESCRIPTION:	CDP & SDP for demolition of an existing residence and construction of a new, three-story over basement, 4,984 square-foot single-family residence with a two-car garage on a 8,900 square foot property.
COMMUNITY PLAN AREA:	La Jolla
DISCRETIONARY ACTIONS:	Coastal Development Permit & Site Development Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Low Density Residential (5-9 DUs per acre)

ZONING INFORMATION:

ZONE: RS-1-7 Zone

HEIGHT LIMIT: 30/24-Foot maximum height limit.

LOT SIZE: 7,000 square-foot minimum lot size – existing lot 8,900 sq. ft.

FLOOR AREA RATIO: 0.56 maximum - 0.56 proposed

FRONT SETBACK: 10 foot minimum – 10 feet proposed

SIDE SETBACK: 8 foot minimum - 4 feet (north) & 12 feet (south) proposed *

STREETSIDE SETBACK: NA

REAR SETBACK: 20 foot minimum - 20 feet proposed – 25 foot minimum to coastal bluff **PARKING:** 2 parking spaces required – 4 proposed.

<u>ADJACENT</u> <u>PROPERTIES</u> :	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Density Residential; RS-1-7 Zone	Single Family Residence
SOUTH:	Low Density Residential; RS-1-7 Zone	Vacant Residential Lot
EAST:	Low Density Residential; RS-1-7 Zone	Single Family Residence
WEST:	Open Space; OP-1-1 Zone	Pacific Ocean
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The La Jolla Community Planning Association voted 9-2-1 to recommended denial of the project at their November	

ATTACHMENT 4

3, 2016 meeting.

* For lots greater than 50 ft. in width, the required side setbacks may be reallocated where the combined dimension of each side setback would meet or exceed the combined total required in table 131-04d, in which case side setbacks shall not be reduced to less than 4 feet, and the street side setbacks shall not be reduced to less than 10 feet.

PLANNING COMMISSION RESOLUTION NO. ____ COASTAL DEVELOPMENT PERMIT NO. 1771447 AND SITE DEVELOPMENT PERMIT NO. 1771464 BLUE HERON-CHELSEA CDP/SDP - PROJECT NO. 502954 [MMRP]

WHEREAS, 5310C LLC, a Nevada Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing residence and construct a three-story over basement single dwelling unit with an attached two-car garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1771447 and 1771464), on portions of a 0.204-acre property; and

WHEREAS, the project site is located at 5228 Chelsea Street, in the RS-1-7 Zone, Coastal (appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone, within the First Public Roadway and within the La Jolla Community Plan area; and

WHEREAS, the site is legally described as; Lot 10, Block 4 of Pacific Riviera Villas Unit No. 1, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 2531, filed in the office of the County Recorder of said county, December 2, 1948; and

WHEREAS, on November 16, 2017, the Planning Commission of the City of San Diego considered an appeal of the Hearing Officer's May 31, 2017, decision to approve Coastal Development Permit No. 1771447 and Site Development Permit No. 1771464, pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

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

That the Planning Commission adopts the following written Findings, dated November 16, 2017.

FINDINGS:

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 project site is currently developed with a one-story dwelling unit. This project proposes to demolish the existing residence and construct a new three-story over basement single dwelling unit. The new residence will be situated in approximately the same location as the existing residence. The project site is located within the First Public Roadway (Chelsea Street) and the Pacific Ocean, directly adjacent to the Pacific Ocean coastline. The proposed project is contained within the existing legal lot area and will not encroach upon any existing or proposed physical access to the coast. The La Jolla Community Plan and Local Coastal

Land Use Plan (LJCP/LCLUP) identifies that an Alternative Pedestrian Access is located along the project site's street frontage within the Chelsea Street public right-of-way. This pedestrian access is existing in the form of a public sidewalk and it will remain open and available for public use. As a condition of the development permit, the project will enhance the opportunity for pedestrian access along its frontage by dedicating property for additional public right-of-way in order to provide a City standard 10-foot curb-to-propertyline distance for the public right-of-way along Chelsea Street.

The LJCP/LCLUP (Figure 9) does not identify any public views or vantage points on or adjacent to the project site. Due to its location along the west side of Chelsea Street adjacent to the Pacific Ocean, there are intermittent views available to the coast across the property, as viewed from the Chelsea Street public right-of-way. As a condition of the development permit, these existing intermittent views provided through the north and south side setback areas of the property will be preserved and enhanced through the recording of view corridor easements along those setback areas. The provision of these view corridor easements will support recommendations within the Natural Resources and Open Space System Element of the LJCP/LCLUP to preserve, enhance, or restore existing or potential view corridors within the yards and setbacks where new development is proposed on property that lies between the shoreline and the first public roadway.

The proposed project meets all of the development standards of the San Diego Municipal Code required by the underlying RS-1-7 zone. The proposed residential dwelling unit development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the LJCP/LCLUP. The proposed redevelopment will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the LJCP/LCLUP.

2. The proposed coastal development will not adversely affect Environmentally Sensitive Lands.

The project site has been fully graded and developed with a single family dwelling unit in its current state since 1951. The project proposes to demolish the existing residence and construct a new three-story over basement, residential dwelling unit with an attached, two-car garage in approximately the same location on the lot as the existing residence. The site contains Sensitive Coastal Bluffs on the project's west side, which are considered Environmentally Sensitive Lands per San Diego Municipal Code 143.0110. The proposed development will occur within previously disturbed areas of the site and has been designed to observe a 25-foot bluff edge setback, as allowed by SDMC 143.0143(f)(1) ("Development Regulations for Sensitive Coastal Bluffs"). A 25-foot coastal bluff edge setback can be supported for the project based upon evidence contained in the geologic investigation report concluding that the project has been designed so that it will not be subject to or contribute to significant geologic instability, and no shoreline protection will be required to protect it, throughout the anticipated 75 year life span of the proposed residence.

The western portion of the site contains the coastal bluff area, which will remain and be protected with the recording of a covenant of easement as a condition of the permit. Site drainage currently exists and is designed to drain toward the public street. All surface

drainage will be conveyed to the Chelsea Street public right-of-way. An environmental review determined that this project may have a significant environmental effect on Paleontological Resources and the City prepared a Mitigated Negative Declaration (MND), in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporates mitigation measures into the project for potential impacts to Paleontological Resources, to reduce the potential impacts to a level below significance. The project was previously graded and redevelopment of this site proposes 4,813 cubic yards of cut, zero cubic yards of fill, for a total export of 4,813 cubic yards for the basement area. Based on the above, this proposed replacement of an existing residence with a new residence will not adversely affect 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 proposed development to demolish an existing residence and construct a new threestory, over-basement, single dwelling unit is located in an area identified for low density (5-9 DU/acre) residential land use within the LICP/LCLUP. The residential use of the property is consistent with the land use designation at 5 DU/acre. The project is designed to conform to all of the applicable development regulations of the RS-1-7 Zone, the Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone and the Sensitive Coastal Overlay Zone. San Diego Municipal Code (SDMC) Section 142.0340(f) requires that all proposed development, including buildings and accessory structures, be set back at least 40 feet or more from the coastal bluff edge unless a 25-foot bluff edge setback can be supported by the geotechnical analysis, as allowed by SDMC 143.0143(f)(1) ("Development Regulations for Sensitive Coastal Bluffs"). The proposed project has been designed to observe a 25-foot bluff edge setback. The submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate with a factor of safety over 1.5 and, overall, the site was found to be suitable for the proposed development at the 25-foot bluff setback, provided all recommendations outlined in the reports are followed. All of those recommendations have been made conditions of the development permit. The proposed residence will be approximately 29 feet, 8 inches in height, in compliance with the maximum 30-foot height limit. The proposed project complies with the required front setback of 10 feet, the required side setbacks of eight and four feet, the rear setback of 13 feet and the maximum floor area ratio of 0.56. The project meets all development regulations and no deviations are required.

The Residential Element of the LJCP/LCLUP recommends maintaining 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 proposed development incorporates various horizontal and vertical off setting planes and complies with the maximum allowable 30 foot height of the RS-1-7 zone and the required building setbacks. The proposed residence will include sand finish stucco and burnished stucco exterior walls with dark bronze color fascia, panel finish garage door, western bronze colored aluminum frame windows and flat polyurethane foam roofing system. The proposed

structure setbacks, offsetting planes of the building facades, variation in building materials and roofing design provide visual balance to the bulk and scale of the proposed home. The architectural design supports a streetscape providing continuity and visual harmony between the proposed development and the existing surrounding dwelling units, consistent with the La Jolla Community Plan recommendations.

The Natural Resources and Open Space Element of the LJCP/LCLUP calls for the protection of the environmentally sensitive resources of La Jolla's open areas including its coastal bluffs, sensitive steep hillside slopes, canyons, native plant life and wildlife habitat linkages. The site contains sensitive coastal bluffs and these resources will be protected with the recording of a covenant of easement as a condition of the development permit.

The project site is located directly adjacent to the coastline with identified intermittent views between the structures from the public right of way of Chelsea Street. As a condition of the development permit, these existing intermittent views provided through the north and south side setback areas of the property will be preserved and enhanced through the recording of view corridor easements along those setback areas. The provision of these view corridor easements will support recommendations within the Natural Resources and Open Space System Element of the LJCP/LCLUP to preserve, enhance, or restore existing or potential view corridors within the yards and setbacks where new development is proposed on property that lies between the shoreline and the first public roadway.

The LJCP/LCLUP identifies that an Alternative Pedestrian Access is located along the project site's street frontage within the Chelsea Street public right-of-way. This pedestrian access is existing in the form of a public sidewalk and it will remain open and available for public use. As a condition of the development permit, the project will enhance the opportunity for pedestrian access along its frontage by dedicating property for additional public right-of-way in order to provide a City standard 10-foot curb-to-property-line distance for the public right-of-way along Chelsea Street. The proposed project is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

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

The 8,900-square-foot site, currently developed with an existing residence, is located within a well developed residential neighborhood directly adjacent to the Pacific Ocean coastline. The project site is located on privately owned property within the first public roadway (Chelsea Street) and the Pacific Ocean and shoreline. The project site is identified as containing potential intermittent views between the structures from the public right of way of Chelsea Street, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. As a permit condition, the project will record view easements down each side setback area to preserve these intermittent views. The proposed redevelopment of the property will maintain the existing public walkway within the Chelsea Street public right-of-way fronting

the project site. Due to these factors the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit - Municipal Code Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

As detailed above in Coastal Development Permit Finding 3, the proposed development is consistent with the LJCP/LCLUP including policies and recommendations related to protection and enhancement of public views and public access, and protection of environmentally sensitive resources of La Jolla's open areas including its coastal bluffs, allowed density and design recommendations. The proposed project is located in an area identified as Low density (5-9 DU/acre) residential within the La Jolla Community Plan (LJCP) and the proposed residential use of the property will be consistent with this land use designation. The proposed development conforms to all of the applicable development regulations of the RS-1-7 Zone, and has been designed to support a streetscape providing architectural continuity and visual harmony between the proposed development and the existing surrounding dwelling units, consistent with the La Jolla Community Plan recommendations. The proposed residential development replacing an existing residence with a new residence will not adversely affect the La Jolla Community Plan and Local Coastal Land Use Plan.

2. The proposed development will not be detrimental to the public health, safety and welfare.

An environmental analysis of the proposed project determined that the development may have a significant environmental effect on paleontological resources, and a Mitigated Negative Declaration (MND) was prepared in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporates mitigation measures into the project to address potential impacts to paleontological resources, to reduce the potential impacts to a level below significance. The environmental analysis did not find any significant impacts to public health and safety. The project will not have any impact on the provision of essential public services. The permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing 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 the review and approval of all construction plans by staff prior to construction to determine the construction of the project will comply with all regulations. The construction will be inspected by certified building and engineering inspectors to assure construction is in accordance with the approved plans and with all regulations. The proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

ATTACHMENT 5

As detailed above in Coastal Development Permit Finding 3, SDMC Section 142.0340(f) requires that all proposed development, including buildings and accessory structures, be set back at least 40 feet or more from the coastal bluff edge unless a 25-foot bluff edge setback can be supported by the geotechnical analysis, as allowed by SDMC 143.0143(f)(1) ("Development Regulations for Sensitive Coastal Bluffs"). The proposed project has been designed to observe a 25-foot bluff edge setback and the project complies with the coastal bluff edge setback requirements. The submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate with a factor of safety over 1.5 and, overall, the site was found to be suitable for the proposed development at the 25-foot bluff setback, provided all recommendations outlined in the reports are followed. All of those recommendations have been made permit conditions. The proposed residence will be approximately 29 feet, 8 inches in height, in compliance with the maximum 30-foot height limit. The proposed project complies with the required front setback of 10 feet, the required side setback of 8 and 4 feet, the rear setback of 13 feet and the maximum floor area ratio of 0.56. There are no proposed variances or deviations to the development regulations of the Land Development Code. The building setbacks, drainage, lot coverage, building mass, building height, public views, public access and driveway width and will comply with all of the required development regulations. The proposed development will comply with the applicable regulations of the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluffs. The proposed new residence will be located in approximately the same location of the existing residence, with a proposed 25-foot coastal bluff setback as allowed by SDMC 143.0143(f)(1). Proposed grading plans, landscape plans and the project's Geologic Reports indicate that the proposed site has adequate geologic stability to allow a minimum 25-foot coastal bluff setback, and the landscape material will not require any significant irrigation, resulting in a minimum disturbance to the adjacent coastal bluffs (Environmentally Sensitive Lands). Site drainage from the proposed improved areas of the project site, as illustrated on the Preliminary Grading Plan, is designed to drain toward the Chelsea Street public right-of-way. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to environmentally sensitive lands. The project is adding drainage catch basins and BMP filters to collect all run-off and direct that drainage to Chelsea Street to avoid any drainage over the bluff edge. The project site is relatively flat and grading operations would entail approximately 4,813 cubic yards of cut, zero cubic yards of fill and 4,813 cubic yards of export from the site. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The grading plans, landscape plans and geologic reports determined that the proposed site has adequate geologic stability that the site is a coastal bluff with a minimum 25-foot coastal bluff setback, and the landscape material will not require any significant irrigation, resulting in a minimum disturbance to the adjacent Coastal Bluffs (Environmentally Sensitive Lands). To avoid erosional forces on the adjacent bluff area, site drainage from the improved areas of the project site, as illustrated on the Preliminary Grading Plan, is designed to drain toward the Chelsea Street public right-of-way. Compliance with the geology and engineering permit conditions will ensure that new structure would be built to reduce the potential for geologic impacts from regional hazards. The project is not within a flood overlay zone or a potentially sensitive area for fire hazards. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The proposed development will take place entirely within private property and not encroach on to the coastal bluff area or any Environmentally Sensitive Lands. The proposed grading plans, landscape plans and the project's geologic reports demonstrate that the proposed site has adequate geologic stability which can accommodate a minimum 25-foot coastal bluff setback, and the landscape material will not require any significant irrigation. Site drainage from the proposed improved areas of the project site, as illustrated on the Preliminary Grading Plan, is designed to drain toward the Chelsea Street public right-of-way. These design features and site conditions will ensure there will be no disturbance to the adjacent coastal bluffs (Environmentally Sensitive Lands).

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding drainage catch basins and Best Management Practices filters to collect all run off and avoid potential drainage from spilling on to the public areas from private improvements. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The project site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). Therefore, the subject finding does not apply to this project.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The proposed development takes place entirely within private property and stays within the area of existing development. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. The project is adding drainage catch basins and BMP filters to collect all runoff and avoid any potential drainage onto the public areas from private improvements. The project site is relatively flat and grading operations for the proposed basement and foundation would entail approximately 4,813 cubic yards of cut and export from the site and zero cubic yards of fill. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact to paleontological resources. Because mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP), the project now avoids or mitigates any potentially significant environmental impacts to paleontological resources. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 1771447/Site Development Permit No. 1771464 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1771447 and 1771464, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas Development Project Manager Development Services

Adopted on: November 16, 2017.

Job Order No. 24006870

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



INTERNAL ORDER NUMBER: 24006870

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1771447 AND SITE DEVELOPMENT PERMIT NO. 1771464 BLUE HERON-CHELSEA CDP/SDP - PROJECT NO. 502954 [MMRP] HEARING OFFICER

This Coastal Development Permit No. 1771447 and Site Development Permit No. 1771464 are granted by the Hearing Officer of the City of San Diego to 5310C, LLC, a Nevada Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0402. The 0.204-acre site is located at 5228 Chelsea Street, in the RS-1-7 zone, Coastal (appealable) Overlay Zone, Sensitive Coastal Resource Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone, First Public Roadway and within the La Jolla Community Plan area. The project site is legally described as: Lot 10, Block 4 of Pacific Riviera Villas Unit No. 1, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 2531, filed in the office of the County Recorder of said county, December 2, 1948.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing dwelling unit and construct a three-story over basement, single family dwelling unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 24, 2017, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing single dwelling unit and construction of a 4,984-square-foot, three-story over basement, single dwelling unit on a 0.204-acre single lot;
- b. Coastal Bluff setback of 25 feet;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Site walls, pond/water features, spa and fences; and
- f. 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 June ____, 2020 (Pending appeal period to California Coastal Commission).

2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.

3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration, No. 502954, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, No. 502954, 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

CLIMATE ACTION PLAN REQUIREMENTS:

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

16. The Climate Action Plan strategies as identified on Exhibit "A" shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

17. The project proposes to export 4813 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

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

19. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for private landscaping/tree/irrigation and non-standard driveway on Chelsea Street.

20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new 12-foot driveway per Standard Drawing G-159 adjacent to the site on Chelsea Street.

21. Prior to the issuance of any building permits, the Owner/Permittee shall dedicate an additional public right of way on Chelsea Street to provide a 10-foot curb-to-property-line distance, satisfactory to the City Engineer.

22. 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.

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

24. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents to the Development Services Department for approval. The construction documents shall be consistent with approved Exhibit "A" the La Jolla Community Plan, and the Land Development Manual - Landscape Standards.

26. Prior to issuance of any engineering permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the public right-of-way, unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

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

PLANNING/DESIGN REQUIREMENTS:

29. Owner/Permittee shall maintain 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.

30. 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.

31. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Coastal Bluffs, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal

description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

32. Prior to the issuance of any construction permits, the Owner/Permittee shall record a four (4) foot View Corridor Easement along the north setback area and twelve (12) foot wide View Corridor Easement along the south setback area as shown on Exhibit "A," in accordance with SDMC section 132.0403.

33. Prior to the issuance of any construction permits, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement for Sensitive Coastal Bluffs in accordance with SDMC section 143.0143, in a form and content acceptable to the Director of the Development Services Department, or designated representative, which shall provide: (a) that the Owner/Permittee understands that new accessory structures or landscape features customary and incidental to residential uses are prohibited within 5 feet of the Coastal Bluff Edge or on the face of the Bluff, as illustrated on approved plan Exhibit "A;" (b) that the Owner/Permittee understands that the site may be subject to extraordinary hazard from coastal bluff erosion, and the Owner/Permittee assumes all liability from such hazards; and (c) the Owner/Permittee unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify, and hold harmless the City of San Diego and agrees to conditions-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successors and assigns.

34. 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.

GEOLOGY REQUIREMENTS:

35. Prior to the issuance of any construction permit, the Owner/ Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically address the proposed construction plans. The geotechnical investigation of slope stability shall be conducted in accordance with Section 6.4.1 of the City's "Guidelines for Geotechnical Reports." The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services.

36. No portion of any foundation or footing for the proposed primary residential structure or any accessory structure shall be permitted within 25 feet of the coastal bluff edge as shown on Figure No. 1 of the "Response to City Review Comments Cycle Type 12 LDR-Geology, 5228 Chelsea Street, La Jolla California," prepared by TerraCosta Consulting Group, dated March 29, 2017 (their project no. 2918). This condition supersedes and has priority over any information presented on Exhibit 'A'.

37. The Owner/Permittee shall accept a deed restriction to waive all rights to a coastal protective device associated with the subject property (SDMC 143.0143(f) (1)). Coastal protective devices include, but may not be limited to, a seawall, rock revetment, gabion wall, breakwater, concrete facing, concrete grouting, piers, piles, caissons, grade beams, etc.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on May 24, 2017, by Resolution _____.

ATTACHMENT 6

Permit Type/PTS Approval No.: CDP No. 1771447 & SDP No. 1771464 Date of Approval: May 24, 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas 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.

5310C LLC, a Nevada Limited Liability Company Owner/Permittee

Ву _____

David Lessnick Manager

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

ATTACHMENT 7 (R-2018-139)

RESOLUTION NUMBER R-

DATE OF FINAL PASSAGE

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL, ADOPTING THE MITIGATED NEGATIVE DECLARATION NO. 502954 AND MITIGATION, MONITORING, AND REPORTING PROGRAM FOR BLUE HERON – CHELSEA PROJECT – PROJECT NO. 502954.

WHEREAS, on August 16, 2016, Marengo Morton Architects submitted an application to Development Services Department for a Coastal Development Permit and a Site Development Permit for the Blue Heron - Chelsea project (Project); and

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

WHEREAS, the issue was heard by the City Council on October 10, 2017; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative

Declaration No. 502954 (Declaration) prepared for this Project; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

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

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

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

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street, San Diego, CA 92101.

APPROVED: MARA W. ELLIOTT, City Attorney

WM. Thomas Bv Shannon M. Thomas

Deputy City Attorney

SMT:als 10/11/2017 Or.Dept:DSD Doc. No.: 1601026

Attachment: Exhibit A – Mitigation, Monitoring, and Reporting Program

-PAGE 2 OF 2-

EXHIBIT A

MITIGATION, MONITORING, AND REPORTING PROGRAM

COASTAL DEVELOPMENT PERMIT / SITE DEVELOPMENT PERMIT

BLUE HERON – CHELSEA PROJECT PROJECT NO. 502954

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. 502954 shall be made conditions of Coastal Development Permit/ ite 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 <u>the MMRP Conditions/Notes that apply ONLY to the</u> <u>construction phases of this project are included VERBATIM</u>, 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:

Qualified 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) No. 502954 and /or Environmental Document No. 502954, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note:

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

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

Not Applicable

4. **MONITORING EXHIBITS** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the LIMIT OF

WORK, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE:

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

5. OTHER SUBMITTALS AND INSPECTIONS:

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

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST				
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes		
General	Consultant Qualification Letters	Prior to Preconstruction Meeting		
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting		
Paleontological Resources	Monitoring Report(s)	Monitoring Report		
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter		

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES MITIGATION

- 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
 - a. 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).
- b. 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
 - 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

b.

- 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.
 - Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction. Potentially Significant Discoveries
 - 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

1.

- A. Preparation and Submittal of Draft Monitoring Report
 - 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.

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Subject: APPEAL, Blue Heron-Chelsea CDP/SDP Project No. 502954

The Blue Heron Project was reviewed by the La Jolla Community Planning Association on 3 Nov. 2016. The following Motion to adapt the recommendation of its Subcommittee, the La Jolla Development Permit Review Committee (DPR), was made and passed.

Motion to adopt the recommendation of the DPR Committee and to Reject the Project. (Little/Brady 9-2-1) Motion Carried.

The DRP Committee heard the Blue Heron Project twice, first on 11 Oct 2016 and then on 18 Oct 2016 when the following Motion was made and passed.

SUBCOMMITTEE MOTION 10/18/16: Findings CAN NOT be made for a Coastal Development Permit and Site Development Permit to demolish an existing single dwelling unit and construct an 8,963 square-foot single dwelling unit on a single lot at 5228 Chelsea Street due to the deck at the roof, the mass and "wall" configuration fronting the street, the poor transition between the old and new structures, and the configuration of the design which places active outdoor and living spaces on the third level roof and deck. (4-2-1) Motion Carried

This project fails to meet certain requirements of the La Jolla Community Plan and Local Coastal Program Land Use Plan.

On page 70, Policies, Community Character

In order to promote development compatible with the existing residential scale:

a. The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order <u>avoid extreme and intrusive changes</u> to the residential scale of La Jolla's neighborhoods and to promote good design and <u>harmony within the visual</u> relationships and transitions between new and older structures.

There is no transition between new and older structures since the older houses to the North are: one with a split level and the remainder single level.

On page 76, Plan Recommendations, Community Character

a. <u>In order to maintain and enhance the existing neighborhood character and ambiance, and to</u> promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:

1) **Bulk and scale** - with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space;

Because of its flat roof and rectangular design and mass, this project does not transition to the houses to the North rather presenting a "wall-like" configuration.

Page 1 of 2

Neighborhood Character.

The deck on the roof, and the configuration of the design which places active outdoor and living spaces on the third level roof and deck it is out of place on this block of 31 houses. The only other house on this block with a third level roof deck was the infamous MTV house. Noise from a third level deck will radiate up and down the street in a neighborhood characterized for peace and quiet.





La Jolla Community Planning Association

PO Box 889, La Jolla, CA 92038 + 858.456.7900 + http://www.IIJollaCPA.org + info@LajollaCPA.org

Glenn Gargas Development Project Manager City of San Diego Development Services Dept.

Date: November 9, 2016

Subject: La Jolla Community Planning Association Findings

RE: "Blue Heron"

At the November 2016 Regular Meeting of the La Jolla Community Planning Association (LJCPA) Trustees reviewed **BLUE HERON 5228 Chelsea Street** as an Action Item.

As Noticed: BLUE HERON 5228 Chelsea Street CDP & TM Waiver ACTION ITEM

(Process 3) Coastal Development Permit and Site Development Permit to demolish an existing single dwelling unit and construct an 8,963 square-foot single dwelling unit on a single lot. The 0. 19-acre site is located within the Coastal Overlay zone (Appealable), Sensitive Coastal Overlay zone - CB and First Public Roadway at 5228 Chelsea Street in the RS-1-7 zone(s) of the La Jolla Community Plan. The lot area is 8900 sf. The first floor is 2736 sf, and the second floor is 2050 sf. The top floor enclosed area is 198 sf and the adjacent open deck areas total 916 sf. The GFA for the project is 4984 sf, and 8,963 if the basement is included, but that is not a part of the floor area calculations. FAR is 0.56.

DPR RECOMMENDATION: Findings CANNOT be made for a Coastal Development Permit and Site Development Permit to demolish an existing single dwelling unit and construct an 8,963 square-foot single dwelling unit on a single lot at 5228 Chelsea Street due to the deck at the roof, the mass and "wall" configuration fronting the street, the poor transition between the old and new structures, and the configuration of the design which places active outdoor and living spaces on the third level roof and deck. 4-2-1 The project was presented and explained by C.A. Marengo. Project Developer and joint venture partner D. Lessnick answered questions about the Project Developer.

Motion to Adopt the recommendation of the DPR committee and Reject the project. (Little/Brady 9-2-1). Motion Carries. (Opposed: Ahern, Will; Abstaining: Boyden)

Sincerely y Greatrey Cindy Great

Chair 858-456 -7900

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

FORM Development Permit/ FORM Environmental Determination DS-3031 **Appeal Application**

AUGUST 2015

THE CITY OF SAN DIEGO

1. Type of Appeal: Appeal of the Project Appeal of the Environmental Determination 2. Appellant: Please check one Applicant Officially recognized Planning Committee Interested Person" (Per. Mcc. Sec. 113.0103) Name: E-mail Address: Sheldon Silber Sheldonre@gmail.com Address: City: State: Zip Code: 5227 Chelsea Street La Jolla CA 92037 (310) 402-4454
2. Appellant: Please check one Applicant Officially recognized Planning Committee Interested Person" (Per.Mcc. Sec. 113.0103) Name: E-mail Address: Sheldon Silber sheldonre@gmail.com Address: City: State: Zip Code: 5227 Chelsea Street La Jolla CA 92037 (310) 402-4454
Name: E-mail Address: Sheldon Silber sheldonre@gmail.com Address: City: State: Zip Code: 5227 Chelsea Street La Jolla CA 92037 (310) 402-4454
Address:City:State:Zip Code:Telephone:5227 Chelsea StreetLa JollaCA92037(310) 402-4454
2 Dunio al Manage
Blue Heron - Chelsea CDP/SDP
4. Project Information Permit/Environmental Determination & Permit/Document No.: Date of Decision/Determination: City Project Manager:
DSD Project No. 502954 05/31/17 Glenn Gargas Decision: (Describe the permit/approval decision)
Hearing Officer decision to approve a CDP and SDP to demolish an existing residence and construct a three-story over basement, single dwelling unit with attached two-car garage located at 5228 Chelsea Street.
5. Grounds for Appeal: (Please check all that apply)
 ✓ Factual Error ✓ New Information ✓ Conflict with other matters ✓ Findings Not Supported ✓ City-wide Significance (Process Four decisions only)
Description of Grounds for Appeal (<i>Please relate your description to the allowable reasons for appeal as more fully described in</i> <u>Chapter 11, Article 2, Division 5 of the San Diego Municipal Code</u> . Attach additional sheets if necessary.)
The decision of the Hearing Officer to approve the Blue Heron -Chelsea project is appealed because: 1) the Geotechnical Investigation and Bluff Stability Study is inadequate, 2) the Final Mitigated Negative Declaration fails to adequately satisfy the issues, and 3) there are unresolved inconsistencies with the La Jolla Community Plan and Local Coastal Program Land Use Plan, and neighbor concerns.
Please see the attached additional sheet.
JUN 1 3 2017
DEVELOPMENT SERVICES
6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct Signature:
Note: Faxed appeals are not accepted. Appeal fees are non-refundable.
Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> . Upon request, this information is available in alternative formats for persons with disabilities.

The decision of the Hearing Officer to approve the Blue Heron -Chelsea project is appealed because:

1) The <u>Geotechnical Investigation and Bluff Stability Study</u> is inadequate.

Here are just a few examples, but not limited to these examples:

I asked at the hearing if the soils plan included information and took into consideration the recently begun subterranean excavation and construction presently going on at the lot next door. The answer I received at the hearing was that "our project would not impact them.' I specifically did not hear an answer of 'yes, we took into consideration the mass ground movement and basement structure of the house they are building next door and it will not impact ours soils plan.' I request they resubmit a revised soils plan which takes into consideration the impact of the house being built next door.

The use of the 25 foot setback from the bluff instead of 40 feet is questionable especially when coupled with the addition of numberous swimming pools. The bluff edge is very close to the proposed structure, not leaving any buffer distance. The 25 foot setback was only justified by changing methods of calculation of the Safety Factor to obtain 1.5. Other experts need to be consulted to determine if this is proper.

The statements in the response section that the project will not have an adverse impact on next door properties or the right of way is only an opinion, and not supported by an actual study. The possibility of synergistic effects is not considered as other projects nearby have or will have basements that block or divert groundwater flow. A current example of this could be the required maintenance of the coastal bluff nearby. The site is the public right of way between 5322 & 5328 Calumet. The 2010 emergency bluff stabilization is now the subject of another CDP, now for maintenance. Has groundwater from last winter's rains been diverted around the new basement at 5328 Calumet causing the need for "maintenance"?

The Geotechnical Investigation field sampling was done in March 2016 and the report written in July 2016. That was a 5 year period of drought. During the rains of season 2016 -2017 there were dramatic bluff collapses at 417 Sea Ridge, just seven houses North. Just ten more houses away is the deteriorating bluff repair of 2010. The report must have studies of the effects of heavy groundwater flow on the site and surroundings.

2) The <u>Final Mitigated Negative Declaration</u> fails to adequately satisfy the issues brought up in a reply to the draft MND. The third level roof deck with wet bar and bathroom remain in the project plan. Noise will still radiate up and down the street as proven by the infamous MTV house several years ago.

3) There are unresolved inconsistencies with the <u>La Jolla Community Plan and Local Coastal</u> <u>Program Land Use Plan, and neighbor concerns.</u> A) There is no transition between new and older structures since the older houses to the North are: one with a split level and the remainder single level. The La Jolla Community Plan states on page 70 "The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order <u>avoid extreme and intrusive changes</u> to the residential scale of La Jolla's neighborhoods and to promote good design and <u>harmony within the visual relationships</u> and transitions between new and older structures".

B) Because of its flat roof and rectangular design and mass, this project does not transition to the houses to the North rather presenting a "wall-like" configuration.On page 76 the La Jolla Community Plan refers to Bulk and Scale and states

"In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements: Bulk and scale –"

C) Neighborhood Character. The deck on the roof, and the configuration of the design which places active outdoor and living spaces on the third level roof and deck it is out of place on this block of 31 houses. The only other house on this block with a third level roof deck was the infamous MTV house. Noise from a third level deck will radiate up and down the street in a neighborhood characterized for peace and quiet.







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PROJECT PROPERTY

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BLUE HERON - CHELSEA 5228 CHELSEA STREET, LA JOLLA, CALIFORNIA 92037 CONSTRUCTION DOCUMENT PACKAGE

SCOPE OF WORK SHEET INDEX **DEMOLITION OF EXISTING SINGLE STORY 1,35 RESIDENCE. CONSTRUCTION OF PROPOSED 3 S** 4,984 S.F. SINGLE FAMILY RESIDENCE OVER BASEMENT. **PROJECT IS REQUESTING A COASTAL** DEVELOPMENT PERMIT AND A SITE DEVELOPM PERMIT. **PROJECT TEAM OWNER'S** ELECTRICA 5310 C LLC COMPANY ADDRESS 1900 Western Avenue CONTACT: Las Vegas, NV 89102 **TELEPHONE:** ARCHITECT PLUMBING Marengo Morton Architects COMPANY 7724 Girard Avenue, Second Floor La Jolla, CA 92037 ADDRESS Telephone: (858) 459-3769 CONTACT: Fax: (858) 459-3768 TELEPHONE: **Contact: Claude Anthony Marengo** cmarengo@san.rr.com Cell: (619) 417-1111 **DESIGNER Blue Heron Design Build** 4675 W Teco Ave. Ste. 25 Las Vegas, NV 89118 LAND SURVEYOR San Diego Land Surveying & Engineering, Inc 9665 Chesapeake Drive, Suite 445 San Diego, CA 92123-1354 Contact: Robert J. Bateman Telephone: (858) 565-8362 Fax: (858) 565-4354 CONTRACTOR COMPANY ADDRESS **CONTACT**: **TELEPHONE**: STRUCTURAL Cottrell Engineering 5927 Caminito De La Taza San Diego, ca 92123-1354 Contact: Thomas Cottrell Telephone: (619) 287-9124 cottrellengineering@cox.net MECHANICAL Primary Mechanical, Inc. 215 Denny Way El Cajon, CA 92020 Contact: Bert Faye & Josh Huffer Telephone: (619) 328-5613 bert@primarymechanical.com

ATTACHMENT 9

P	YROJECT	DATA			
PROJECT INFORMATION					
PROJECT ADDRESS:	5228 CHEI	LSEA STREE	Γ		
	LA JOLLA	., CA 92037			
ASSESSORS PARCEL NUMBE	R: 415-062-10	0-00			
LEGAL DESCRIPTION:					
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COUNTY, DECEMBER 02,1948	•				
YEAR BUILT	<u>1951</u>	DECIDENT		2012	
BUILDING CODE:	CALIFORNIA	RESIDENTIA	AL CODE (CRC), 2013 S DI SDMC	
	EDITION & A	SSUCIATED	AMENDMEN I	S IN SDMC	
	CALIFORNIA	BLDG. COD	E (CBC) BASEL	012 EDITIC	
	NATIONAL E		CODE (NEC), 2	2012 EDITIC	
	NATIONAL N EDITION	IEUTANICAI	L CODE (CMC),	2013	
		DI LIMONIC			
	CITY OF SAM		UCIDAL CODE	(SDMC)	
	ULLY OF SAN	DIEGU MUN	NICIPAL CODE	(SDIVIC)	
OCCUPANCY TYPE:	$\frac{\text{R-3, U}(\text{SPRIN})}{1}$	KLERED)			
NUMBER OF DWELLINGS:					
CONSTRUCTION TYPE:	V-N				
NUMBER OF STORIES:	EXISTING SI	NGLE STORY	/ PROPOSED 3	STORY	
	OVER BASEN	AENT			
LUT AKEA:	8,900.00 S.F.				
ZUNING INFORMATION	DC 1 7				
ZUNE:	KS-I-/	Limit Ore-1	Zona Cartal (1:4	
OVERLAY ZONES:	Coastal Height	Coastal Height Limit Overlay Zone, Coastal City (Non Appealable) Overlay Zone, First Public Road Way			
	UNIOn_Appealat	nei iveriav Z		$\mathbf{R} \mathbf{O} \mathbf{Q} \mathbf{O} = \mathbf{M} \mathbf{Q} \mathbf{V}$	
	Zono Dorking	Impost Zona	Dife, First Public	am Darleing	
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	Zone, Parking Zone, Transit	Impact Zone, I Area Zone.	Residential Tand	em Parking	
GEO HAZARD ZONE:	Zone, Parking Zone, Transit 2 53, 44	Impact Zone, I Area Zone.	Residential Tand	em Parking	
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SHEET 1 OF 21



















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FLOOR PLAN NOTES

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- A. All Dimensions Shall Be Field Verified. Any discrepancies affecting project layout shall be brought to the attention of the Architect and the issues resolved prior to proceeding with the work in question.
- B. Refer to Site Plan for Site and Utility Information.
- C. For Door and Windows See Schedules On Sheet A-8.1 D. For Interior Finish See Schedule On Sheet A-8.2
- E. For lighting/RCP see A-3.1 to A-3.2, for Electrical See E-1.1 to E-1.4
- F. For demolition, see sheets A-2.1 & A-2.2
- G. For Plumbing, Appliance and other Fixtures See Schedule on Sheet 8.2 H. INSULATION: R-13 Batt Insulation At All New Exterior 2X4
- Walls R-19 Batt Insulation at all new 2X6 Exterior Walls and Raised

Floor Areas R-13 Batt Insulation at all accessible interior walls for sound control.

R-30 Batt Insulation at Ceiling & Roof Areas.

R-4.5 Insulation Wrap On All New Hot Water Piping. R-4.5 Insulation Wrap On All New Supply Ducts.

- HVAC DUCTS: See Mechanical Notes on Sheets M-1.1 to M-1.3.
- HVAC Equipment: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- K. WATER HEATER: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- SMOKE DETECTORS: Shall be installed in each bedroom and on access point to each sleeping area and on each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Section 310.9.1.2. Unit shall be permanently wired and equipped with battery backup. C.B.C. Sec. 310.9.1.3.M. WATER HEATER: New Aquastar 240fxng instant gas water
- heater, .81 EF (or eq) typ of 1, TANKLESS
- N. HVAC: New Rheem RGPJ10NAMER, 80,000 BTU gas FAU, .80 AFUE (or eq) typ of 1 O. Attic/Underfloor installation must comply with Sections 904, 908,
- and 909 of the California Mechanical Code (CMC) Provide 5 air changes per hour for bathroom and laundry room
- ventilation. Q. All ABS and PVC piping and fittings shall be enclosed within walls and floors covered with type X gypsum board or similar assemblies that provide the same level of fire protection.
- Protection of membrane penetrations is not required. R. WHOLE BUILDING VENTILATION: Indoor Air Quality Exhaust fan with ventialtion rate of 120 cfm.
- S. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of minimum No.26 gauge sheet steel or other approved material and shall have no opening into the garage.
- Shower compartment and bathtubs with installed shower heads shall be finished with a non-absorbent surface that extends to a height not less than 6 feet above floor. CRC R307.2
- U. Building will utilize energy efficient lighting systems, Euroscreen shading, solar panels, energy efficient appliances, and is stepped to provide deep overhangs for shading.

FLOOR PLAN LEGEND

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2'-8"

¥ 2'-8" ¥

4 1/2" U.O.N.

NEW 2 X 4 STUD WALL @ 16" O.C. W/ PLYWOOD SHEATHING PER STRUCTURAL. FINISH INTERIOR W/ 5/8" GYP. BD. USE TILE BACKER BOARD AT RESTROOMS.

NEW 2 X 6 STUD WALL @ 16" O.C. FINISH PER INTERIOR FINISH SCHEDULE

- ONE HOUR CONSTRUCTION 2 X WOOD STUD @ 16" O.C. W/ 5/8" TYPE "X" GYP. BD. EACH SIDE. SEE DETAIL 5/A10.3. NEW DOORS AND DOOR SYMBOL, SEE SCHEDULE ON A8 1 NEW WINDOW AND WINDOW SYMBOL, SEE $\langle A \rangle$ SCHEDULE ON A8.1
 - SMOKE DETECTOR PERM. WIRED TO BUILDING POWER W/ BATTERY BACK-UP, VERIFY IN FIELD FOR EXISTING CONDITIONS
 - FLOOR DRAIN (FD) SLOPE 1/4" PER 1'-0"
 - FLUSH WASHER AND DRYER CONNECTION PER OX BOX SPECIFICATIONS
 - PROPOSED EXTERIOR LIGHTING





EXTERIOR WALL DIMENSIONS TO FACE OF STUD/FDTN. WALL. INTERIOR WALL DIMENSIONS TO CENTER LINE OF STUD. FOR ADDITIONAL PROJECT INFORMATION SEE ADDITIONAL SHEETS

EXISTING STRUCTURE DIMENSION

PROPOSED STRUCTURE DIMENSION



REVISIONS 07/27/2016 COMPLETENESS SUB. 08/15/2016 FULL SUBMITTAL 11/07/2016 BEGIN CONST. DOCS. \bigtriangleup \triangle \wedge

PHASE CONSTRUCTION DOCUMENT

PROJECT NO. 2016-18

REVIEWED BY CAM DRAWN BY PD

DATE 3/09/2017

Marengo Morton Architects, Inc. is providing, by agreement with certain parties, materials stored electronically. The partie recognize that data, plans, specifications, reports, documents, c other information recorded on or transmitted as electronic med (including but not necessarily limited to "CAD documents") ar subject to undetectable alteration, either intentional or unintentional, due to, among other causes, transmission, conversion, media degradation, software error, or human alteration. Accordingly, all such documents are provided to the parties for informational purposes only and not as an end product nor as a record document. Any reliance thereon is deemed to be unreasonable and unenforceable. The signed and stamped hard copies with the wet signature of the Architect of Record are the Architect's Instruments of Service and are the only true contract document of record.

only true contract documents of record. SHEET TITLE PROPOSED

SECOND FLOOR PLAN

SHEET 9 OF 21



FLOOR PLAN NOTES A. All Dimensions Shall Be Field Verified. Any discrepancies affecting project layout shall be brought to the attention of the Architect and the issues resolved prior to proceeding with the work in question. B. Refer to Site Plan for Site and Utility Information. C. For Door and Windows See Schedules On Sheet A-8.1 D. For Interior Finish See Schedule On Sheet A-8.2 E. For lighting/RCP see A-3.1 to A-3.2, for Electrical See E-1.1 to F. For demolition, see sheets A-2.1 & A-2.2 G. For Plumbing, Appliance and other Fixtures See Schedule on

Sheet 8.2 H. INSULATION: R-13 Batt Insulation At All New Exterior 2X4 Walls R-19 Batt Insulation at all new 2X6 Exterior Walls and Raised

Floor Areas R-13 Batt Insulation at all accessible interior walls for sound control.

R-30 Batt Insulation at Ceiling & Roof Areas.

(M)

E-1.4

R-4.5 Insulation Wrap On All New Hot Water Piping. R-4.5 Insulation Wrap On All New Supply Ducts.

- HVAC DUCTS: See Mechanical Notes on Sheets M-1.1 to M-1.3.
- HVAC Equipment: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- K. WATER HEATER: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- SMOKE DETECTORS: Shall be installed in each bedroom and on access point to each sleeping area and on each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Section 310.9.1.2. Unit shall be permanently wired and equipped with battery backup. C.B.C. Sec. 310.9.1.3.M. WATER HEATER: New Aquastar 240fxng instant gas water
- heater, .81 EF (or eq) typ of 1, TANKLESS N. HVAC: New Rheem RGPJ10NAMER, 80,000 BTU gas FAU,
- .80 AFUE (or eq) typ of 1 O. Attic/Underfloor installation must comply with Sections 904, 908,
- and 909 of the California Mechanical Code (CMC) P. Provide 5 air changes per hour for bathroom and laundry room ventilation.
- Q. All ABS and PVC piping and fittings shall be enclosed within walls and floors covered with type X gypsum board or similar assemblies that provide the same level of fire protection. Protection of membrane penetrations is not required.
- R. WHOLE BUILDING VENTILATION: Indoor Air Quality Exhaust fan with ventialtion rate of 120 cfm.
- S. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of minimum No.26 gauge sheet steel or other approved material and shall have no opening into the garage.
- Shower compartment and bathtubs with installed shower heads shall be finished with a non-absorbent surface that extends to a height not less than 6 feet above floor. CRC R307.2
- U. Building will utilize energy efficient lighting systems, Euroscreen shading, solar panels, energy efficient appliances, and is stepped to provide deep overhangs for shading.

FLOOR PLAN LEGEND

NEW 2 X 4 STUD WALL @ 16" O.C. W/ PLYWOOD SHEATHING PER STRUCTURAL. FINISH INTERIOR W/ 5/8" GYP. BD. USE TILE BACKER BOARD AT RESTROOMS.

> NEW 2 X 6 STUD WALL @ 16" O.C. FINISH PER INTERIOR FINISH SCHEDULE

- **ONE HOUR CONSTRUCTION** 2 X WOOD STUD @ 16" O.C. W/ 5/8" TYPE "X" GYP. BD. EACH SIDE. SEE DETAIL 5/A10.3. NEW DOORS AND DOOR SYMBOL, SEE SCHEDULE ON A8 1 NEW WINDOW AND WINDOW SYMBOL, SEE $\langle A \rangle$ SCHEDULE ON A8.1 SMOKE DETECTOR - PERM. WIRED TO BUILDING POWER W/ BATTERY BACK-UP, VERIFY IN FIELD FOR (\mathbb{S}) EXISTING CONDITIONS FLOOR DRAIN (FD) SLOPE ¹/₄" PER 1'-0"
 - FLUSH WASHER AND DRYER CONNECTION PER OX BOX SPECIFICATIONS
 - PROPOSED EXTERIOR LIGHTING

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NEW DOOR, INSTALLED 4 1/2" TRADITIONAL JAMB ALLOWANCES FROM ADJACENT WALL UNLESS OTHERWISE NOTED 4 1/2" U.O.N. \4 1/2" U.O.N.

2'-8" EXISTING STRUCTURE DIMENSION <u>+ 2'-8"</u>

PROPOSED STRUCTURE DIMENSION

EXTERIOR WALL DIMENSIONS TO FACE OF STUD/FDTN. WALL. INTERIOR WALL DIMENSIONS TO CENTER LINE OF STUD. FOR ADDITIONAL PROJECT INFORMATION SEE ADDITIONAL SHEETS

A-2.

SHEET 10 OF 21

	STORM DRAINAGE NOTES	
	1. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer	
	2. The secondary roof drainage system shall discharge above grade, in a location observable by the building occupants or maintenance personnel	
T.O. PLANTER ELEV.+72.21' GRADE +69.88' (DIFF +2.33')	HEIGHT NOTES 1. THE HIGHEST POINT OF THE ROOF, EQUIPMENT, OR ANY VENT, PIPE, ANTENNA OR OTHER PROJECTION, SHALL NOT EXCEED 30' ABOVE GRADE.	Marengo Morton
	2. NO PORTION OF THE PROPOSED STRUCTURE WILL EXCEED THE EXISTING BUILDING HEIGHT. PROPOSED HEIGHT TO BE FIELD VERIFIED TO ENSURE COMPLIANCE	Architects 7724 Girard Ave. Second Floor
	ROOF NOTES	La Jolla, CA 92037
$\begin{array}{c c} & - & - & - & - & - & - & - & - & - & $	 Roofing Underlayment slope 3:12 or less: "Ice and Water Shield" by W.R. Grace, ESR-1677, or "Winter Guard HT" by Certain Teed Corp. ESR-1492 (or architect approved equal). Install per manufacturer's instructions. Install a #40 fiberglass reinforced felt sheet over roof membrane. Counter-slopes: ¼" per 12" (minimum) towards drains created using G-26 (latex 	Fax. (858) 459-3769 Fax. (858) 459-3768 Michael Morton AIA
T.O. PLANTER ELEV.+73.02' GRADE +70.19' (DIFF +2.83')	 3. Roof Edge Drip, Metal Flashing, Panel Clips and Counter Flashing: All exterior flashing to be 16 oz copper unless otherwise noted. Solder or seal all seams. Hem all exposed edges. 4. Built-Up Roofing System: By GAF, GAFGLAS 4-Ply Hot Mopped Modified Bitumen Mineral Surfaced Roofing System. Proved a ¼" per foot minimum roof 	Claude Anthony Marengo Desa
I.O. PARAPE1 ELEV.+90.50' GRADE +70.01' (DIFF +20.49') T.O. PARAPET	slope. Install per manufactures instruction. Roofing system shall have a minimum 10 year labor and material warranty. Per specification Division 7.1, section G. For Flashing, "Springlok" flashing system, Type STX. By <u>Fry Reglet Corp</u> . Material 26 ga. Provide "Windlok" clips and prefabricated mitered corner sections. Install per manufacturer's specifications. <u>Roofing system shall be a UL class "A" rated</u> . ICC Papert FSP 1274	$\begin{array}{c} \begin{array}{c} & & & \\ & & & \\ & & & \\ & & & \\ & & $
$ \frac{\text{ELEV.+91.48'}}{\text{GRADE} + 70.04'}$ (DIFF +21.44')	 5. Plumbing Vent: ABS plastic to be flashed with <u>Carlisle-Syntec</u> TPO Pre-Molded pipe flashing. 6. Parapet, Transitions and other Horizontal Stucco Surface Waterproofing: 	OF CALIFOR
T.O. PARAPET ELEV.+90.50' GRADE +70.06' (DIFE +20.44')	Membrane waterproofing shall be <u>JIFFY SEAL 140/60</u> by <u>Protecto Wrap</u> . Extend membrane a minimum of 6" below edge of parapet, each side. Provide a minimum end lap of 4" over adjoining membrane sheets. Where membrane abuts vertical surfaces, the membrane shall extend 6" up surface, and be overlapped by building wrap. ESR-1127.	
T.O. PARAPET ELEV.+80.88' GRADE +70.11' (DIFF +10.77')	 Roof Drain. Roof drain shall be TPO-RD2NH - 2" TPO-clad no-hub bottom outlet drain by <u>Thunderbird Products</u> with A.B.S. dome strainer. Telephone (800) 658-2473. Provide 3" I.D. ABS drain lines with min.¼":1' slope. Connect to building storm water. Fireplace Vent: Fireplace vent shall be Type B Stainless Steel as required by fireplace 	
	 manufacturer. Minimum size mesh in spark arrestor shall be ¼". Mesh shall be stainless steel or copper. 9. Roof Vent: TPO Pre-molded roof venting see detail 6/A-10.4.1 10. Clay Tile Roofing: Roofing shall be two-Piece Mission Tile, to be "Carmel Blend by US Tile, ESR-1017. Provide a 3'x3' Sample of Mock of Tale Patter N and Color For Owner and Architects Approval Prior to Ordering Material. Install with Random Exposure Pattern. Provide 20% Random Field Boosters. Install Per Manufacturers Instructions Over 40# Roofing Felt Underlayment at Roof With a Minimum of 3 to 12 	blue heron
	 Slope. All Roofing Materials Shall be Class "A". 11. Roof gutters shall be provided with the means to prevent the accumulation of leaves and debris in the gutter. All roof gutters and downspouts shall be constructed of 	
	 non-combustible materials. 12. Drip edge flashing used at the free edges of roofing materials shall be non-combustible. 13. Valley flashings shall be not less than 0.019' (#26 copper gauge) corrosion-resistant metal installed over a min. 36"-wide underlayment consisting of one layer of No. 72 ASTM cap sheet running the full length of the valley. 14. Turbine attic vents shall be equipped to allow one-way direction rotation only and shall 	DENCE ST. 2037
	 not free spin in both directions. 15. Enclosed rafter assemblies not required to be vented per CRC R806.5. 16. The entire roof shall be covered with a fire-retardant roof covering that is at least Class 'A' when the area of the addition to the existing building is more than twenty-five percent (25%) of the original floor area of the building [SDMC 149.0902(a)(2)]. 	RESIL ELSEA
		TOM 5228 CH
AIN (TYP)		CUS
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 \triangle \triangle PHASE CONSTRUCTION DOCUMENT PROJECT NO. 2016-18 REVIEWED BY CAM DRAWN BY PD

07/27/2016 COMPLETENESS SUB.

11/07/2016 BEGIN CONST. DOCS.

08/15/2016 FULL SUBMITTAL

REVISIONS

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DATE 3/09/2017

Marengo Morton Architects, Inc. is providing, by agreement with certain parties, materials stored electronically. The parties recognize that data, plans, specifications, reports, documents, or other information recorded on or transmitted as electronic media (including but not necessarily limited to "CAD documents") are subject to undetectable alteration, either intentional or unintentional, due to, among other causes, transmission, conversion, media degradation, software error, or human alteration. Accordingly, all such documents are provided to the parties for informational purposes only and not as an end product nor as a record document. Any reliance thereon is deemed to be unreasonable and unenforceable. The signed and stamped hard copies with the wet signature of the Architect of Record are the Architect's Instruments of Service and are the only true contract documents of record.

SHEET TITLE PROPOSED ROOF PLAN

> A-4. SHEET 11 OF 21

	ELEVATION KEYNOTES	
e	1 PRIMARY EXTERIOR COLOR & MATERIALS: SAND FINISH STUCCO PAINTED WITH ELASTOMERIC PAINT. DUNN EDWARDS DE6380 - CLOUDED VISION - LRV 59	11 PROPOSED BALCONY 12 PROPOSED PLANTER
÷	2 SECONDARY EXTERIOR COLOR & MATERIALS: BURNISHED STUCCO PAINTED TO MATCH WINDOW FRAMES. FRAZEE COLORLIFE CL3217N - TOPSOIL - LRV	 13 ICARUS FIXED ICA.150 POWDER COATED SUN SHADING PANELS. 14 PROPOSED ALUMINUM TRELLUS POWDERCOATED TO MATCH
8.2. l be	3 SPECIAL FINISH STUCCO: BURNISHED FINISH WITH ELASTOMERIC COATING. V-GROOVE SCORE LINES 6" SPACING.	PRIMARY STUCCO. SEE ROOF PLAN AND DETAIL/A-10.4 PROPOSED BRIDGE. SEE SECTION A-6 AND DETAIL/A-10
be	4 DOOR ALUMINUM CLAD; WESTERN BRONZE ALUMINUM OR SIMILAR	16 PROPOSED FREE STANDING STUCCO WALL 6' HIGH MAX. SEE DETAIL/A-10
	5 MULLED WINDOWS IN BREAK METAL. SEE NOTE KEYNOTE 20 FOR FINISH.	17 PROPOSED REFLECTING POOL. SEE SECTION A-6.3 FOR DEPTH.
lf with	6 GLASS GUARDRAILW/ C.R.LAURANCE BRUSHED STAINLESS STEEL CAP RAIL	18 PROPOSED POWDER COATED ALUMINUM FENCE AND STEEL GATE. FENCE 75% OPEN PER 142.0310(c)2(c)
	7 BASALT STONE MORTAR SET OVER BROWN. SCRATCH COATS OF STUCCO	19 PROPOSED GARAGE DOOR WINDOW PANEL FINISH
	8 PROPOSED FLAT SPRAY POLYURETHANE FOAM ROOFING SYSTEM WITH ELASTOMERIC PROTECTIVE COAT. SHERWIN WILLIAMS GRIS #7659 LRV 39 BY	 20 PROPOSED BREAK METAL. FRAZEE COLORLIFE CL3217N - TOPSOIL - LRV 21 PROPOSED GRADE
	9 PROPOSED DECK. SEE DETAIL/A-10.4.1	22 TELEVISION
	10 PROPOSED PARAPET. SEE DETAIL/A-10.4.1	23 ELECTRICAL PANEL 400 AMP

ELEVATION NOTES

- A. All Dimensions Shall Be Field Verified. Any discrepancies affecting project layout shall be brought to the attention of the Architect and the issues resolved prior to proceeding with the work in question.
- B. Refer to Site Plan for Site and Utility Information.
- C. Refer to sheet A-6.1 and A-6.2 for Building Sections. D. For Door and Windows See Schedules on sheet A-8.1 and A-8.2 All windows required for emergency exiting per C.B.C. shall be verified by the window subcontractor, and the architect shall be notified immediately if any revisions to window sizes are required prior to start of construction.
- E. Install plaster control joints per manufacturer's instructions. If joints are not shown, see sheet SP-2 Div. 09-200 3B criteria with the approval of the architect for locations.

SCALE: 1/4" = 1'-0"

ATTACHMENT 11 PROP D HEIGHT LIMIT ELEV. +100.19' Marengo Morton _____ Architects 7724 Girard Ave. Second Floor - 30'-0" COASTAL HEIGHT LIMIT La Jolla, CA 92037 Tel. (858) 459-3769 Fax. (858) 459-3768 Michael Morton AIA Claude Anthony Marengo DESA * E C-19371 REN. 04/30/2017 FENCE 75% OPEN PER 142.0310(c)2(c) blueheron DESIGN . BUILD $[\mathbf{T}]$ NC 37 SIDE A ST 920 5228 CHELSEA (LA JOLLA, CA 9) RE MOTSU $\mathbf{\hat{U}}$ REVISIONS 07/27/2016 COMPLETENESS SUB. 08/15/2016 FULL SUBMITTAL 11/07/2016 BEGIN CONST. DOCS. KEYMAP PHASE CONSTRUCTION 1 DOCUMENT

EXTERIOR

ELEVATIONS

A-5.2

SHEET 13 OF 21

SCALE: $1/4'' = 1'-0$)"
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	ELEVATION KEYNOTES	
he	1 PRIMARY EXTERIOR COLOR & MATERIALS: SAND FINISH STUCCO PAINTED WITH ELASTOMERIC PAINT. DUNN EDWARDS DE6380 - CLOUDED VISION - LRV 59	11 PROPOSED BALCONY 12 PROPOSED PLANTER
ne	 2 SECONDARY EXTERIOR COLOR & MATERIALS: BURNISHED STUCCO PAINTED TO MATCH WINDOW FRAMES. FRAZEE COLORLIFE CL3217N - TOPSOIL - LRV 	13 ICARUS FIXED ICA.150 POWDER COATED SUN SHADING PANELS.
A-8.2. 11 be	3 SPECIAL FINISH STUCCO: BURNISHED FINISH WITH ELASTOMERIC COATING. V-GROOVE SCORE LINES 6" SPACING.	 PROPOSED ALUMINUM TRELLUS POWDERCOATED TO MATCH PRIMARY STUCCO. SEE ROOF PLAN AND DETAIL/A-10.4 PROPOSED BRIDGE. SEE SECTION A-6 AND DETAIL/A-10
ll be	4 DOOR ALUMINUM CLAD; WESTERN BRONZE ALUMINUM OR SIMILAR	16 PROPOSED FREE STANDING STUCCO WALL 6' HIGH MAX. SEE DETAIL/A-10
	5 MULLED WINDOWS IN BREAK METAL. SEE NOTE KEYNOTE 20 FOR FINISH.	17 PROPOSED REFLECTING POOL. SEE SECTION A-6.3 FOR DEPTH.
If with	6 GLASS GUARDRAILW/ C.R.LAURANCE BRUSHED STAINLESS STEEL CAP RAIL	18 PROPOSED POWDER COATED ALUMINUM FENCE AND STEEL GATE. FENCE 75% OPEN PER 142.0310(c)2(c)
	7 BASALT STONE MORTAR SET OVER BROWN. SCRATCH COATS OF STUCCO	19 PROPOSED GARAGE DOOR WINDOW PANEL FINISH
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A-8.2. 1 be	3 SPECIAL FINISH STUCCO: BURNISHED FINISH WITH ELASTOMERIC COATING. V-GROOVE SCORE LINES 6" SPACING.	 PROPOSED ALUMINUM TRELLUS POWDERCOATED TO MATCH PRIMARY STUCCO. SEE ROOF PLAN AND DETAIL/A-10.4 PROPOSED BRIDGE. SEE SECTION A-6 AND DETAIL/A-10
be	4 DOOR ALUMINUM CLAD; WESTERN BRONZE ALUMINUM OR SIMILAR	16 PROPOSED FREE STANDING STUCCO WALL 6' HIGH MAX. SEE DETAIL/A-10
	5 MULLED WINDOWS IN BREAK METAL. SEE NOTE KEYNOTE 20 FOR FINISH.	17 PROPOSED REFLECTING POOL. SEE SECTION A-6.3 FOR DEPTH.
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A-8.2. Ill be	3 SPECIAL FINISH STUCCO: BURNISHED FINISH WITH ELASTOMERIC COATING. V-GROOVE SCORE LINES 6" SPACING.	PRIMARY STUCCO. SEE ROOF PLAN AND DETAIL/A-10.4 15 PROPOSED BRIDGE. SEE SECTION A-6 AND DETAIL/A-10
ll be	4 DOOR ALUMINUM CLAD; WESTERN BRONZE ALUMINUM OR SIMILAR	16 PROPOSED FREE STANDING STUCCO WALL 6' HIGH MAX. SEE DETAIL/A-10
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	9 PROPOSED DECK. SEE DETAIL/A-10.4.1	22 TELEVISION
	10 PROPOSED PARAPET. SEE DETAIL/A-10.4.1	23 ELECTRICAL PANEL 400 AMP

ATTACHMENT 11 GENERAL NOTES THE PLAN IS FOR GENERAL LANDSCAPE REFERENCE ONLY. REFER TO OTHER CONSTRUCTION DOCUMENTS FOR COMPLETE SCOPE OF WORK. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL Drought tolerant/moderate water u THE OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS. GRASS/GROUNDCOVER ALL CONDITIONS OR DIMENSIONS ON THESE PLANS SHALL BE VERIFIED IN THE FIELD BY THE GENERAL CONTRACTOR WITH ACTUAL SITE MUHLENBERGIA 'EL TORO' CONDITIONS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE, ON-SITE VERIFICATION OF ALL DIMENSIONS AND CONDITIONS SHALL BE THE SOLE Drought tolerant/low water use RESPONSIBILITY OF THE GENERAL CONTRACTOR AND SUBCONTRACTORS. THE CONTRACTOR OR SUB-CONTRACTOR SHALL NOTIFY THE ARCHITECT Marengo IF ANY CONFLICTS OR DISCREPANCY OCCURS BETWEEN THIS MUHLENBERGIA CAPILLARIS INFORMATION ON THIS PLAN AND ACTUAL FIELD CONDITIONS. DO NOT PROCEED WITH WORK IN CONFLICT WITH THESE DRAWING UNTIL Morton WRITTEN OR VERBAL INSTRUCTIONS ARE ISSUED BY THE ARCHITECT'S Drought tolerant/low water use OFFICE. NO TREES OR SHRUBS WHOSE HEIGHT WILL BE 3' AT MATURITY SHALL BE Architects **INSTALLED WITHIN 5' OF ANY PUBLICLY MAINTAINED WATER FACILITIES** LEYMUS CANYON OR WITHIN 10' OF ANY PUBLICLY MAINTAINED SEWER FACILITIES. Canyon Prince Wild Rye MINIMUM TREE SEPARATION DISTANCE : 7724 Girard Ave. TO TRAFFIC SIGNALS (STOP SIGN): 20 FT. Drought tolerant/low water use Second Floor TO UNDERGROUND UTILITY LINES : 5 FT. (10 FT. TO SEWER) TO ABOVE GROUND UTILITY STRUCTURES : 10 FT. CAREX TUMULICOLA TO DRIVEWAYS: 10 FT. La Jolla, CA 92037 TO INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS): 25 FT. Tel. (858) 459-3769 IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED DRIP IRRIGATION SYSTEM SHALL BE PROVIDED AS REOUIRED FOR PROPER Drought tolerant/moderate water Fax. (858) 459-3768 IRRIGATION, DEVELOPMENT AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DESEASE-RESISTANT CONDITION. THE DESIGN OF THE MYOPORIUM PARVIFLORA Michael Morton AIA SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION Creeping myoportum 1'-0" max. tall SELECTED. Claude Anthony Marengo DESA MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE Drought tolerant/low water use **RESPONSIBLE FOR LONG-TERM MAINTENANCE BY 5310 C LLC. LANDSCAPE** AND IRRIGATION AREAS IN THE PUBLIC ROW SHALL BE MAINTAINED BY 5310 C LLC. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF RENE DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED I A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SENECIO MANDRALIASCAE SHALL BE SATISFACTORY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT * E C-19371 REN. 04/30/2017 ALL LANDSCAPING SHALL BE COMPLETED WITHIN 6 MONTHS OF Drought Tolerant/low water use OCCUPANCY OR WITHIN ONE YEAR OF THE NOTICE OF COMPLETION OF A RESIDENCE PER SD MUNICIPAL CODE 142.0409; MINIMUM OF ONE 24-INCH BOX TREE FOR EVERY 30 FT. OF STREET FRONTAGE OR ONE 10-FOOT BROWN TRUNK ALOE ARBORESCENS HEIGHT PALM TREE FOR EACH 20 FEET OF STREET FRONTAGE. TREES SHALL BE MAINTAINED SO THAT ALL BRANCHES OVER Drought tolerant/low water use PEDESTRIAN WALKWAYS ARE 6 FEET ABOVE THE WALKWAY GRADE AND BRANCHES OVER VEHICULAR TRAVEL WAYS ARE 16 FEET ABOVE THE GRADE OF TRAVEL WAY PER THE SDMC 142.0403(b)(10). A MINIMUM ROOT ZONE IF 40 SF IN AREA SHALL BE PROVIDED FOR ALL TREES. THE MINIMUM DIMENSION FOR THIS AREA SHALL BE 5 FEET, PER LIMONIUM PEREZII SDMC 142.0403(b)(5). **REQUIRED LANDSCAPE AREA** Drought tolerant/low water use PHORMIUM TENAX LANDSCAPE REQUIREMENTS 'ATROPURPUREUM' AREA (SQ.FT.) PERCENTAGE (SDMC 1510.0304-h) SIDENCE LOT AREA 8,888.03 Drought tolerant/moderate water EA ST. A 92037 **REQUIRED LANDSCAPING** 2,666,4 30% (E) LANDSCAPED AREA TO PROPOSED LANDSCAPE AREA REMAIN; FROM BLUFF LANDSCAPE AREA A (ORNAMENTAL) EDGE TO (E) FENCE 105,93 1.2% CA LANDSCAPE AREA B (NATIVE MATERIALS) 569.5 6.4% (P) LANDSCAPING ROCK BED LANDSCAPE AREA C (EXTERIOR GRASS) 2,696.71 30.3% 2 TOTAL PROPOSED LANDSCAPE ō 3,372.14 37.9% 531(5228 CF LA JOLI CUSTON WATER CALCULATIONS MAXIMUM APPLIED WATER ALLOWANCE (MAWA) = (P) CONCRETE HARDSCAPE (ETo)(0.62) [(0.55)(LA) + (0.45)(SLA)] (41)(0.62 GAL.) [(0.55)(3,372.14 Sq. Ft.) + (0.45)(0)] = 47,145.89 Gal/Yr. SITE DRAINAGE PATTERN ESTIMATED TOTAL WATER USE (ETWU) =

(ETo)(0.62) [(PF)(HA/IE) + (SLA)]

(41)(0.62 GAL.) [(0.4)(3,372.14 / 0.8) + 0] = 42,859.9 Gal./Yr.

REVISIONS 07/27/2016 COMPLETENESS SUB. 08/15/2016 FULL SUBMITTAL 11/07/2016 BEGIN CONST. DOCS.

DRAWN BY GR DATE 4/20/2017

Marengo Morion Architects, Inc. is providing, by agreement ith certain parties, materials stored electronically. The partie cognize that data, plans, specifications, reports, documents, s arr information recorded on or transmitted as electronic med cluding but not necessarily limited to "CAD documents") as subject to undetectable alteration, either intentional or unimentional, due to, among officer causes, transmission, conversion, media degradation, software error, or human teration. Accordingly, all such documents are provided to th parties for informational purposes only and not sa an end product nor as a record document. Any reliance thereon is

stamped hard copies with the wet signature of the Archite Record are the Architect's instruments of Service and as only true contract documents of record. SHEET TITLE PROPOSED LANDSCAPE PLAN

1. - '

La Jolla Community Planning Association

PO Box 889, La Jolla, CA 92038 + 858.456.7900 + http://www.LaJollaCPA.org + info@LaJollaCPA.org

Glenn Gargas Development Project Manager City of San Diego Development Services Dept.

Date: November 9, 2016

Subject: La Jolla Community Planning Association Findings

RE: "Blue Heron"

At the November 2016 Regular Meeting of the La Jolla Community Planning Association (LJCPA) Trustees reviewed **BLUE HERON 5228 Chelsea Street** as an Action Item.

As Noticed: BLUE HERON 5228 Chelsea Street CDP & TM Waiver ACTION ITEM

(Process 3) Coastal Development Permit and Site Development Permit to demolish an existing single dwelling unit and construct an 8,963 square-foot single dwelling unit on a single lot. The 0.19-acre site is located within the Coastal Overlay zone (Appealable), Sensitive Coastal Overlay zone - CB and First Public Roadway at 5228 Chelsea Street in the RS-1-7 zone(s) of the La Jolla Community Plan. The lot area is 8900 sf. The first floor is 2736 sf, and the second floor is 2050 sf. The top floor enclosed area is 198 sf and the adjacent open deck areas total 916 sf. The GFA for the project is 4984 sf, and 8,963 if the basement is included, but that is not a part of the floor area calculations. FAR is 0.56.

DPR RECOMMENDATION: Findings CANNOT be made for a Coastal Development Permit and Site Development Permit to demolish an existing single dwelling unit and construct an 8,963 square-foot single dwelling unit on a single lot at 5228 Chelsea Street due to the deck at the roof, the mass and "wall" configuration fronting the street, the poor transition between the old and new structures, and the configuration of the design which places active outdoor and living spaces on the third level roof and deck. 4-2-1 The project was presented and explained by C.A. Marengo. Project Developer and joint venture partner D. Lesnek answered questions about the Project Developer.

Motion to Adopt the recommendation of the DPR committee and Reject the project. (Little/Brady 9-2-1). Motion Carries. (Opposed: Ahern, Will; Abstaining: Boyden)

Sincerely ndy Greatrey

Chair 0/ 858-456-7900

			ATTACHMENT 13
City of S Develop 1222 Fir San Dieg The City of San Diego (619) 44	an Diego mentServices st Ave., MS-302 go, CA 92101 6-5000	Own	ership Disclosure Statement
Approval Type: Check appropr	iate box for type of approval (s) reques Permit 「Site Development Permit」 「Vesting Tentative Map 「Map W	sted: 「 Neighborhood Use Permit : 「 Planned Development Permit Vaiver 「 Land Use Plan Amendmer	Coastal Development Permit
Project Title			Project No. For City Use Only
Blue Heron - Chelsea			507954
Project Address:			
5228 Chelsea Street La Jo	olla, CA 92037		
Part I - To be completed whe 3y signing the Ownership Disclos above, will be filed with the City below the owner(s) and tenant(s) who have an interest in the proper individuals who own the property from the Assistant Executive Dire Development Agreement (DDA) Manager of any changes in owne the Project Manager at least thir information could result in a delay Additional pages attached Name of Individual (type or p Owner Tenant/Lesse Street Address: City/State/Zip: Phone No: Signature :	en property is held by Individual ure Statement, the owner(s) acknowle of San Diego on the subject property,) (if applicable) of the above reference inty, recorded or otherwise, and state th). A signature is required of at least of actor of the San Diego Redevelopment has been approved / executed by the arship during the time the application is ty days prior to any public hearing or in the hearing process. Yes No print): Be Redevelopment Agency Fax No: Date:	I(s) dge that an application for a permit, r with the intent to record an encuml ed property. The list must include th he type of property interest (e.g., ten one of the property owners. Attach at t Agency shall be required for all pro- e City Council. Note: The applicant s being processed or considered. C in the subject property. Failure to p Name of Individual (type or Owner Tenant/Les Street Address: City/State/Zip: Phone No: Signature :	map or other matter, as identified brance against the property. Please list le names and addresses of all persons ants who will benefit from the permit, all additional pages if needed. A signature ject parcels for which a Disposition and is responsible for notifying the Project changes in ownership are to be given to provide accurate and current ownership r print): see
Name of Individual (hupport		Name of Individual (type or	- print):
Name of individual (type of p	JATIL).		print).
Owner Tenant/Lesse	e Redevelopment Agency	Owner Tenant/Less	see TRedevelopment Agency
Street Address:		Street Address:	
City/State/Zip:		City/State/Zip:	
Phone No:	Fax No:	Phone No:	Fax No:
Signature :	Date:	Signature :	Date:

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Project Title:		Project No. () on only use on
Part II - To be completed who	en property is held by a co	rporation or partnership
Legal Status (please check):		
	-	
Corporation X Limited Li	ability -or- I General) Wh	at State? Corporate Identification No. 47-4409687
By signing the Ownership Disc	losure Statement, the owner	(s) acknowledge that an application for a permit, map or other ma
as identified above, will be filed	d with the City of San Diego	on the subject property with the intent to record an encumbrance a
the property. Please list below	the names, titles and addre	sses of all persons who have an interest in the property, recorded
in a partnership who own the p	property). <u>A signature is rec</u>	uired of at least one of the corporate officers or partners who own
property. Attach additional page	es if needed. Note: The app	licant is responsible for notifying the Project Manager of any chan
ownership during the time the Manager at least thirty days pr	application is being process ior to any public bearing on t	d or considered. Changes in ownership are to be given to the Pro
information could result in a de	elay in the hearing process.	Additional pages attached X Yes No
Corporate/Partnership Name	e (type or print):	Corporate/Partnership Name (type or print):
5310C LLC		
Owner Tenant/Le	essee	Owner Tenant/Lessee
Street Address:		Street Address:
Las Vegas, NV 89102		City/State/Zin:
(702) 353-0104		
Phone No:	Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partr	ner (type or print):	Name of Corporate Officer/Partner (type or print):
Manager Title (type or print):		Title (type or print):
	2 7/6/	16
Signature :	Date:	Signature : Date:
Corporate/Partnership Name	e (type or print):	Corporate/Partnership Name (type or print):
Owner Tenant/Le	25566	Owner Tenant/Lessee
Street Address:		Street Address:
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Phone No:	Fax No:	Phone No: Fax No:
Name of Corporate Officer/Part	ner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):		Title (type or print):
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Signature :	Date.	
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Owner Tenant/Lu	essee	Owner Tenant/Lessee
Street Address:		Street Address:
City/State/Zip:		City/State/Zip:
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	ner (type or print):	Name of Corporate Officer/Partner (type or print):
Name of Corporate Officer/Parti		
Name of Corporate Officer/Parti		Title (type or print).

90 OF 20

Project No. 2918 July 14, 2017

Geotechnical Engineering Coastal Engineering Maritime Engineering

Mr. David M. Lessnick **D. MARIN DEVELOPMENT** 1900 Western Avenue Las Vegas, Nevada 89102

RESPONSE TO APPELLANT'S GEOTECHNICAL CONCERNS 5228 CHELSEA STREET LA JOLLA, CALIFORNIA

Dear Mr. Lessnick:

TerraCosta Consulting Group, Inc. (TerraCosta) is pleased to respond to the geotechnical issues raised in the June 12, 2017, Sheldon Silber appeal of the subject property. For completeness of the record, we have restated Mr. Silber's comments in italics, followed by our response. Only those items of a geotechnical nature have been included.

Geotechnical Issue No. 1: I asked at the hearing if the soils plan included information and took into consideration the recently begun subterranean excavation and construction presently going on at the lot next door. The answer I received at the hearing was that "our project would not impact them." I specifically did not hear an answer of 'yes, we took into consideration the mass ground movement and basement structure of the house they are building next door and it will not impact ours soils plan.' I request they resubmit a revised soils plan which takes into consideration the impact of the house being built next door.

We have reviewed both the 87-sheet set of plans dated November 4, 2016, prepared by Architect Mark Lyons, Inc. for the Terry Residence at 5220 Chelsea Street, along with the 4-sheet set of temporary shoring plans for the Terry Residence prepared by Berger Abam dated May 10, 2017. The maximum excavation depth of 14.25 feet (elevation 56'3") is indicated on Mr. Lyons' architectural drawings. Berger Abam's shoring plans are designed to accommodate a cut depth of 14.5'. The temporary shoring design is based on a design active pressure of 35 pcf, while the actual formational terrace deposits will result in much lower earth pressures. The Berger Abam's temporary shoring design is conservative and, more importantly, will have no adverse effect on the proposed improvements (the basement or the house) at 5228 Chelsea Street.

Mr. David M. Lessnick Project No. 2918 July 14, 2017 Page 2

The 5228 Chelsea Street plans call for a finish floor basement elevation of 57.5 feet, compared to the 5220 Chelsea Street basement elevation of 59 feet. The bottom of basement footing elevation for 5228 Chelsea Street is 55'6". The bottom of basement footing for 5220 Chelsea Street is 56'3". Therefore, the basement for the Blue Herron project will be 9 inches lower than 5220 Chelsea Street and, as such, will not be adversely affected by the shoring or basement construction next door.

To summarize, the 5220 Chelsea Street project utilizes a conservative shoring plan with conservative soil strengths. We have recommended the same for 5228 Chelsea Street. So yes, the geotechnical foundation design for 5228 Chelsea Street took into consideration the recently begun subterranean excavation for the Terry Residence at 5220 Chelsea Street and the Terry residence construction will not impact the Blue Herron soils plan or the proposed project. No revised soils plan is warranted or necessary.

Geotechnical Issue No. 2: The use of the 25 foot setback from the bluff instead of 40 feet is questionable especially when coupled with the addition of numberous swimming pools. The bluff edge is very close to the proposed structure, not leaving any buffer distance. The 25 foot setback was only justified by changing methods of calculation of the Safety Factor to obtain 1.5. Other experts need to be consulted to determine if this is proper.

We understand that the applicants have retained another geotechnical consultant to conduct an independent third-party peer review and to evaluate the recommended 25-foot bluff-top setback that was determined appropriate by TerraCosta Consulting Group.

Geotechnical Issue No. 3: The statements in the response section that the project will not have an adverse impact on next door properties or the right of way is only an opinion, and not supported by an actual study. The possibility of synergistic effects is not considered as other projects nearby have or will have basements that block or divert groundwater flow. A current example of this could be the required maintenance of the coastal bluff nearby. The site is the public right of way between 5322 & 5328 Calumet. The 2010 emergency bluff stabilization is now the subject of another COP, now for maintenance. Has groundwater from last winter's rains been diverted around the new basement at 5328 Calumet causing the need for "maintenance"?

The undersigned is both the Geotechnical and Civil Engineer of Record for the emergency stabilization work at 5322 Calumet Avenue completed in 2010. That project was unique for two reasons: 1) the presence of a fault near the northerly property line of 5322 Calumet Avenue that locally reduced soil strengths within the vicinity of the fault

Mr. David M. Lessnick Project No. 2918 July 14, 2017 Page 3

rupture, and 2) that fault served to create a vertical aquiclude or an impermeable zone within the fault lineament that captured upslope groundwater, eventually allowing it to discharge more or less along the northern edge of the 5322 Calumet Avenue property. The groundwater emanating from this section of faulted bluff in both winter and summer was approximated as being on the order of 1/2 gallon per minute. While the faulting locally weakened the otherwise relatively competent Cretaceous-age cliff-forming Cabrillo Formation, the persistent saturated soil conditions also tended to further reduce soil strength, resulting in the very localized accelerated erosion within that very limited section of coastal bluff. The fact that now, 7 years later, there is a request for additional stabilization is because the original geotechnical recommendation was to stabilize the entire 20-foot-wide paper street end to the north of 5322 Calumet Avenue. However, at the time, only the emergency work for 5322 Calumet Avenue was authorized. At that time, City Staff noted that as additional erosion occurs, the applicant could come back with additional recommendations to stabilize the paper street-end bluff face just north of 5322 Calumet Avenue. We have determined, based upon our studies, soils tests, and vast experience in the immediate vicinity, that the proposed Blue Herron-project at 5228 Chelsea Street will have no adverse impact on neighboring properties or to Chelsea Street.

There is no evidence to suggest that there will be any synergistic effect based upon other properties or projects within the vicinity. We did not detect, as a result of our subterranean soils testing, or observe any groundwater flow through or under the site or through adjacent sites that would be blocked and/or diverted.

Finally, there is no evidence to suggest that the basement at 5328 Calumet Avenue has caused any blockage or diversion of groundwater.

Geotechnical Issue No. 3: The Geotechnical Investigation field sampling was done in March 2016 and the report written in July 2016. That was a 5 year period of drought. During the rains of season 2016 -2017 there were dramatic bluff collapses at 417 Sea Ridge, just seven houses North. Just ten more houses away is the deteriorating bluff repair of 2010. The report must have studies of the effects of heavy groundwater flow on the site and surroundings.



The undersigned was also the Geotechnical Engineer for 417 Sea Ridge and while there was a small bluff failure during the September rains in 2015, it should be noted that Sea

Mr. David M. Lessnick Project No. 2918 July 14, 2017 Page 4

Ridge is geologically and geomorphically different than the subject property. The coastal bluff in front of 417 Sea Ridge is underlain by the Cretaceous-age Cabrillo Formation with persistent water seeps along the geologic contact between the Cabrillo Formation and the overlying Bay Point Formation. In contrast, the subject property at 5228 Chelsea Street is underlain by the Tertiary-age Mount Soledad Formation – a very competent geologic formation. More importantly, there is no indication of any perching horizons atop the Tertiary-age cliff-forming Mount Soledad Formation, nor are any water seeps exposed within the face of the coastal bluff along this section of coastline in front of 5228 Chelsea Street. As such, no additional studies are warranted or necessary.

We trust this information addresses Mr. Silbur's concerns. If you have any questions or require additional information, please feel free to give us a call.

Very truly yours,

TERRACOSTA CONSULTING GROUP, INC.

Walter F. Crampton, Principal Engineer R.C.E. 23792, R.G.E. 245

WFC/GAS/jg

Gregory A). Spaulding, Project Geologist P.G. 5892, C.E.G. 1863





Geotechnical • Geologic • Coastal • Environmental

5741 Palmer Way • Carlsbad, California 92010 • (760) 438-3155 • FAX (760) 931-0915 • www.geosoilsinc.com

July 27, 2017

W.O. 7330-A-SC

D. Marin Development 1900 Western Avenue Los Vegas, Nevada 89102

Attention: Mr. David M. Lessnick

Subject: Third-Party Independent Peer Review, Geotechnical/Coastal Documents Pertaining to 5228 Chelsea Street, La Jolla, San Diego County, California

References:

1. "Geotechnical Investigation and Bluff Stability Study, 5228 Chelsea Street, La Jolla, California," Project No. 2918, dated July 19, 2016, TerraCosta Consulting Group, Inc.

2. "Response to Coastal Commission Review Comments, 5228 Chelsea Street, La Jolla, California," Project No. 2918, dated November 28, 2016, by TerraCosta Consulting Group, Inc.

3. "Response to City Review Comments Cycle Type 6 LDR-Geology, 5228 Chelsea Street, La Jolla, California," Project No. 2918, dated December 19, 2016, TerraCosta Consulting Group, Inc.

4. "Mitigated Negative Declaration, Blue Heron Chelsea CDP/SDP: A Coastal Development Permit and Site Development Permit," Project No. 502954, dated May 15, 2017, by The City of San Diego.

5. "Response to City Review Comments Cycle Type 12 LDR-Geology, 5228 Chelsea Street, La Jolla, California," Project No. 2918, dated March 29, 2017, by TerraCosta Consulting Group, Inc.

6. "Response to Appellate's Geotechnical Concerns, 5228 Chelsea Street, La Jolla, California," Project No. 2918, dated July 14, 2017, by TerraCosta Consulting Group, Inc.

Dear Mr. Lessnick:

At your request and authorization, GeoSoils Inc. (GSI) is pleased to provide the following third party geotechnical and coastal engineering review of the proposed project at 5228 Chelsea Street in La Jolla, California. Our scope of services included an inspection of the bluff and shoreline fronting the site, a review of the available geotechnical literature, review of the referenced documents provided, analysis of data, and preparation of this summary third-party review report. This letter presents our conclusions and recommendations, with respect to the analysis, responses, in light of Code requirements, and generally accepted standards of practice.

From our review of the TerraCosta Consulting Group (TCCG) report, as well as review of published geologic maps and articles available in our library, and our experience with other projects in the vicinity, the subject property at 5228 Chelsea Street, La Jolla, California is located along the coastal plain of San Diego County. The site is locally characterized by thick interbedded sandstone, with overlying terrace deposits of moderately consolidated clayey fine sands with overlying conglomerate, beach deposits of unconsolidated sand, gravels and cobbles, and artificial fill from previous development. The property is located atop a bluff, approximately 70 feet above sea level. However, our review of historical aerial photos shows that the bluff has only eroded approximately 5 to 10 feet in the last 45 years. The description of the site, site geology, and site geologic hazards are properly identified and assessed, and not repeated herein.

The current top of bluff is effectively shown on Figure 3 in the TerraCosta report, and can be defined as where the base of marine erosion intersects the coastal terrace, then meets at the top of bluff. TCCG provides an extensive discussion of the determination of the bluff top in References 2 and 3. Pre-development (1953) stereo pair aerial photographs were analyzed to determine the natural top of the bluff prior to significant alteration of the site. Current photographs of the bluff top and bluff face were used to delineate areas of natural bluff material and artificial fill. All of this information was used to determine the natural bluff top at the site. GSI is in agreement with the location of the bluff top at the site, based upon the available information.

The 25-foot setback is scribed by an infinite series of 25-foot radiuses along every point along the top of the bluff, which results in the 25-foot setback line looking very different than the top-of-bluff line. This methodology increases the calculated 25 foot setback line in areas where the bluff top extends landward beyond just a simple 25 foot distance from the actual bluff top location. The bluff top setback line determination using this methodology results in a conservative setback, which is 25 feet or greater. It is GSI's opinion that the setback determination meets the criteria of the City of San Diego.

The discussion of the potential bluff retreat rate in light of future sea level rise predications uses recently published scientific methodology. The bluff retreat rates are likely to change as sea level rises. The TCCG analysis takes this into account, and provides a reasonable annualized retreat rate for the bluff fronting the site.

The slope stability analysis performed by TCCG, using the computer software GSTABL7 and the Modified Bishop Method, adequately demonstrates that the slope is stable from both a static and pseudo-static (seismic) perspective. This type of bluff stability analysis and particular failure modeling, Modified Bishop, is accepted by both the City of San Diego and the California Coastal Commission. The soils strength parameters used for the stability analysis are typical of the site soils and justified by actual data. It is GSI's opinion that this slope stability analysis demonstrates that the proposed structure meets or exceeds the Code complaint factors of safety from bluff failure. Based on the stability analysis results presented in the report, a 25-foot bluff-top setback is appropriate for the subject property.

GeoSoils, Inc.

D. Marin Development 5228 Chelsea Street, La Jolla File:e:\wp12\7300\7330a.tpg In conclusion, it is GSI's opinion that the report and review responses are consistent with current standards of practice for geotechnical evaluation for bluff top site development. The site analysis takes into account both slope stability, using the GSTABL7 analysis, and future shoreline retreat as a consequence of sea level rise, using recently published scientific methodology, to determine a development setback suitable for the 75 years design life of the project. In our opinion, the report and responses meet the City of San Diego, the California Coastal Commission, and the current building code standards.

The opportunity to be of service is sincerely appreciated. If you should have any SONAL GEO questions, please do not hesitate to contact our office.

OGI S

Certified Engineering Geologist FIE OF CALIFORN

Respectfully submitted,

GeoSoils. Inc.

John P. Franklin Engineering Geologist, CEG 1340

DWS/JPF/jh

Distribution: (1) Addressee (via email) (1) Matt Peterson (via email)



David W. Skelly Civil Engineer, RCE 47857

GeoSoils, Inc.

D. Marin Development 5228 Chelsea Street, La Jolla File:e:\wp12\7300\7330a.tpg

W.O. 7330-A-SC July 25, 2017 Page 3

HEARING OFFICER RESOLUTION NO. HO-7018-2 COASTAL DEVELOPMENT PERMIT NO. 1771447 AND SITE DEVELOPMENT PERMIT NO. 1771464 BLUE HERON-CHELSEA CDP/SDP - PROJECT NO. 502954 [MMRP]

WHEREAS, 5310C LLC, a Nevada Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing residence and construct a three-story over basement single dwelling unit with an attached two-car garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1771447 and 1771464), on portions of a 0.204-acre property;

WHEREAS, the project site is located at 5228 Chelsea Street, in the RS-1-7 Zone, Coastal (appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone, within the First Public Roadway and within the La Jolla Community Plan area;

WHEREAS, the site is legally described as; Lot 10, Block 4 of Pacific Riviera Villas Unit No. 1, in the City of San Diego, County of San Diego, State of California, According to Map thereof No. 2531, filed in the office of the County Recorder of said county, December 2, 1948.

WHEREAS, on May 31, 2017, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1771447 and Site Development Permit No. 1771464, pursuant to the Land Development Code of the City of San Diego; Now Therefore,

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

That the Hearing Officer adopts the following written Findings, dated May 24, 2017.

FINDINGS:

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 Page 1 of 23

will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The project site is currently developed with a one-story dwelling unit. This project proposes to demolish the residence and construct a new three-story over basement single dwelling unit. The new residence will be situated in approximately the same location as the existing residence. The project site is located directly adjacent to the Pacific Ocean coastline. The proposed project will be developed entirely within private property and will not encroach upon any existing physical access way legally used by the public or any proposed public access way identified in a Local Coastal Program (LCP) land use plan. The project site is located within the First Public Roadway (Chelsea Street) and the Pacific Ocean. The site has an Alternative Pedestrian Access identified by the La Jolla Community Plan and Local Coastal Land Use Plan. The Alternative Pedestrian Access is along the project site's street frontage within the Chelsea Street public right-of-way. As a condition of approval and as shown on Exhibit "A" the owner/applicant is required to dedicate six (6) feet of right of way. This pedestrian access is existing and will remain open.

There is no identified public view on or adjacent to the project site, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The project site is located along the west side of Chelsea Street and there are intermittent views along that public right of way between the residences. Intermittent views provided through the north and south side setback areas are being preserved and enhanced through the recording of view corridor easements along those setback areas as a condition of the permit. The Municipal Code requires that the side yards be .8 multiplied by the width of the lot. The total width of required side yard is 16 feet. The combined new views created through the private property will be 16 feet in width. All fencing, landscaping, and other improvements in the view corridors will be restricted by a recorded view easement to assure the preservation of the public views from the street towards the ocean. The proposed project would adhere to community goals regarding public view preservation and public view enhancement as the home has been designed in a manner so as not to intrude into any of the identified public view corridors and has also been designed to achieve a harmonious visual relationship between the bulk and scale of the existing older, adjacent homes, and the proposed home.

The proposed project will result in significantly more viewing opportunities than exist now. The new views provided by the project in the north and south side yards to provide "functional" public views Page 2 of 23

to prevent any "walling off" or other adverse effects to the Community. The proposed project meets all of the development standards, such as building setbacks and bulk and scale required by the underlying zone. Thus, the proposed residential dwelling unit development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the La Jolla Local Coastal Program land use plan; and the proposed redevelopment will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the La Jolla Community Plan and Local Coastal Program Land Use Plan. (Also see findings 2-4, SDP and supplemental findings)

2. The proposed coastal development will not adversely affect Environmentally Sensitive Lands.

The project site has been fully graded and developed with a single-family dwelling unit in its current state since 1951. The site contains environmentally sensitive resources in the form of coastal bluffs on the project's west side. The entire project site is graded and padded as a result of construction of the existing homes and associated improvements on the property. No natural slopes, sensitive coastal or marine resources or other environmentally sensitive areas would be adversely affected. The project proposes to demolish the existing residence and construct a new three-story over basement, residential dwelling unit with an attached, two-car garage in approximately the same location on the lot as the existing residence. The proposed home is not located on the portion of the property containing the coastal beach bluff, or special flood areas. The project site is located in an urbanized area of La Jolla. The developed site does not contain sensitive biological resources and the site is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA). The western portion of the site contains the coastal bluff area, which will remain and be protected with the recording of a covenant of easement as a condition of the permit. The proposed project is designed in such a way so as to have no adverse effect upon the bluff and therefore the proposed project will not adversely affect environmentally sensitive lands. The project will comply with the relevant sensitive coastal regulations applicable to the site including setbacks, and the covenant to protect the bluff will preclude impacts to sensitive coastal bluff adjacent to and partially within the site. All development will be confined to the areas of the site which have been already disturbed by the previous development. Site drainage currently exists and is designed to drain toward the public street. All surface drainage will be conveyed to the Chelsea Street public right-of-way as illustrated on Exhibit "A". An environmental review determined that this project may have a significant environmental Page 3 of 23

effect on Paleontological Resources and the City prepared a Mitigated Negative Declaration (MND), in accordance with the California Environmental Quality Act (CEQA). The MND's Mitigation Monitoring and Reporting Program (MMRP) incorporates mitigation measures into the project for potential impacts to Paleontological Resources, to reduce the potential impacts to a level below significance. The redevelopment of this site proposes 4,813 cubic yards of cut, zero cubic yards of fill, for a total export of 4,813 cubic yards for the basement area. The proposed residence has been designed to comply with all of the current regulations and requirements and will have a 25-foot setback from the coastal bluff edge and side yard setbacks for view corridors. The project as designed and conditioned will ensure the sensitive coastal bluff will not be adversely impacted by the proposed development. The new residence will conform with all applicable provisions of the Municipal Code and the Certified LCP. No deviations or variances are requested. Based on the above, this proposed redevelopment of an existing residence will not adversely affect Environmentally Sensitive Lands. (Also see Finding 1 and Findings 3 and 4, SDP and Supplemental Findings).

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 proposed development to demolish an existing residence and construct a new three-story, overbasement, single dwelling unit and is located in an area identified as Low density (5-9 DU/acre) residential within the La Jolla Community Plan (LJCP). The residential use of the property is consistent with the land use designation at 5 DU/acre. The project is designed to conform to all of the applicable development regulations of the RS-1-7 Zone, the Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone and the Sensitive Coastal Overlay Zone. The project site is located directly adjacent to the coastline with identified intermittent views between the structures from the public right of way of Chelsea Street, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. As a permit condition, the project will record view easements through each side setback area to preserve these intermittent views. The project site is located in an area identified as containing Alternative Pedestrian Access along the Chelsea Street frontage which will be enhanced with improved public sidewalks. Project development will be fully contained within the existing legal lot area. The proposed project would adhere to the community goals as referenced below. The home has also been designed to achieve a harmonious visual relationship between the bulk and scale of the proposed home to the existing adjacent and nearby structures.

The La Jolla Community Plan states on Page 82 in Community Character: "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 the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units."

Community Character is defined on Page 84 of the Plan: "... to promote good design and harmony with the visual relationships and transitions between new and older structures..." "Community Character" is defined within the Community Plan on Pages 81 (4th bullet point "harmonious visual relationship"), Page 84 which states in part "... to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on Page 90

 a) "in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space."

Community Character is defined as the visual relationship between newer and older structures within the community as viewed from the street, parks and open space.

As viewed from the street, the design of the proposed home addresses each of the standards, design guidelines, and policies contained within the Community Plan, including; community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design and harmony of the visual relationship in transitions between newer and older structures, landscape and streetscape, sensitive design, and larger side yard setbacks.

Consistent with the Plan Pages 89 and 90, the proposed home addresses all of the recommendations concerning bulk and scale, height, transitions, street landscape, increased side yard setbacks, stair step design, articulation and offsetting planes, and the treatment and variation within setback areas. The applicant has also submitted to the City a Photo Survey which demonstrates the proposed home is sensitive in design and scale with other homes in the neighborhood. The proposed home will result

in an appropriate transition between the existing older development and newer development within the neighborhood.

The photo survey reveals that 15 out of the 29 homes within the immediate vicinity are two-story, or taller. The neighborhood is not predominately single level. As viewed from Chelsea and along Sea Ridge, there are many large and two and three story homes within a 3-4 block radius.

The height, scale, design, and proposed building materials are consistent with the varied architecture, design and character of existing single family development within the surrounding area, and the design guidelines of the La Jolla Community Plan. Exterior finishes proposed incorporate materials and colors consistent with recently built and remodeled homes in the vicinity to assure visual compatibility with the varied design, setbacks, parking layout and character of the surrounding area and the urbanized Community within La Jolla. This Project will enhance the visual quality of the surrounding area and be in compliance with all of the applicable standards of the Municipal Code, as well as the recommendations and policies of the La Jolla Community Plan.

The proposed home is consistent with the Community Plan recommended land use density, and would conform to all the requirements of the RS-1-7 zone, the La Jolla Community Plan, and Local Coastal Program Land Use Plan. The proposed home will be below the maximum allowed FAR, below the maximum allowed coverage, and below the maximum 30-foot height limit.

The proposed home meets all of the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on page 89 through 91 for Bulk and scale with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space. The proposed project also complies with the "the development near coastal bluff" standards as set forth on Page 91, and the "visual resource" policies and recommendations of the plan. Further, the project meets the design and Community Character recommendations as set forth on Page 82 of the Community Plan.

The proposed project will also be consistent with the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-7 zone. No deviations or variances are required or requested.

The following changes have also been implemented in response to the La Jolla Community Planning Association recommendation and in response to the comment submitted regarding the Mitigated Negative Declaration:

- The roof top bathroom and roof on the north has been redesigned to be stepped in and to be pulled back from the side walk along Chelsea Street to further reduce the appearance of bulk and scale.
- A portion of the northern roof deck has also been closed off thereby reducing the size of roof top deck from 978 square feet down to 704 square feet.
- A reduction in basement square footage.
- The design of the residence utilizes a multi-stepped design on the second and third levels along the western and northern side of the project in order to reduce the bulk and scale of the project, and to provide an appropriate transition between newer and older structures, in compliance to the La Jolla Community Plan recommendations.

Project design also features multiple articulations, and is stepped back in order to reduce the appearance of bulk and scale as follows:

- Starting from the front (East Elevation), the building is stepped back 10 feet from the Property Line and continues stepping back to be 25 foot 3 inches at its furthest point from the front Property Line.
- On the Northern Elevation of the property, the building starts at 4 feet from the Property Line and steps back to be 13 feet 11 ½ inches from the property line at the third floor.
- The rear (West Elevation) of the building starts at 20 feet from the Property Line and steps back 47 feet 5 inches from the rear yard Property Line.
- The Southern Elevation starts at 12 feet from the Property Line and continues to step back to be 33 feet 2 ½ inches away from the Property Line.

The project meets and/or exceeds the zoning minimum setbacks based on the RS-1-7 zone. Additionally, the project incorporates design features above and beyond base zone minimum standards through the use of articulation and "steps backs" at each floor. These features relate well with, and are compatible to the adjoining structures providing an appropriate transition to adjacent structures. The design features transition each floor per the Community Plan recommendation

resulting in the terracing of the structures to address any bulk and scale concerns. Changes in the patterns alternating in heights from each home (older and newer) provides good transitions and assures diversity of the structures for more view enhancement and less perceived bulk and scale.

The reduced roof deck, including its configuration, does not measurably contribute to the appearance of bulk and scale of the proposed home from the street. It has been designed in compliance with all applicable provisions of the Community Plan, and the applicable provisions of the Municipal Code. There are no deviations or variances necessary or requested. The proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for the subject property per the adopted La Jolla Community Plan, the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-7 zone. The proposed project will comply with all applicable provisions of the Municipal Code and Certified LCP and deviations or variances are requested. Therefore, the proposed project has been determined to be in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. (Also see Findings 1 and 2, and Finding 4, SDP and Supplemental Findings).

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 8,900-square-foot site, currently developed with an existing residence, is located within a well developed residential neighborhood directly adjacent to the Pacific Ocean coastline. The project site is located on privately owned property within the first public road (Chelsea Street) and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. However, the proposed development will have no impact on the public's ability to access coastal areas open to the public and will have no impact upon the public recreation policies of Chapter 3 of the California Coastal Act. The western most portion of the property is a very high nearly vertical coastal bluff without any improved access from the top of the bluff to the shoreline and ocean below. The La Jolla Community Plan identifies vertical access to the ocean from other locations in the neighborhood. No coastal access is Page 8 of 23

identified by the La Jolla Community Plan from this site and therefore this proposed development is consistent with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project site is identified as containing potential intermittent views between the structures from the public right of way of Chelsea Street, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. As a permit condition, the project will record view easements down each side setback area to preserve these intermittent views. The proposed redevelopment of the property will maintain the existing public walkway within the public right-of-way. Due to these factors the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. (Also see Findings 1-3 above, SDP and Supplemental Findings).

Site Development Permit - Municipal Code Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan.

The proposed demolition of an existing residence and construction of a 4,984-square-foot, threestory over basement, residential dwelling unit with an attached two-car garage. The proposed project is located in an area identified as Low density (5-9 DU/acre) residential within the La Jolla Community Plan (LJCP). The residential use of the property is consistent with the land use designation at 5 DU/acre. The proposed development has been found consistent with the identified public access and identified public views of the La Jolla Community Plan and Local Coastal Land Use Plan, and the RS-1-7 Zone development regulations, allowed density and design recommendations. The proposed project would adhere to the community goals as referenced below. The home has also been designed to achieve a harmonious visual relationship between the bulk and scale of the proposed home to the existing adjacent and nearby structures.

The La Jolla Community Plan states on Page 82 in Community Character: "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 the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units." Community Character is defined on Page 84 of the Plan:"... to promote good design and harmony with the visual relationships and transitions between new and older structures..."

"Community Character" is defined within the Community Plan on Pages 81 (4th bullet point "harmonious visual relationship"), Page 84 which states in part "... to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on Page 90

b) "in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space."

Community Character is defined as the visual relationship between newer and older structures within the community as viewed from the street, parks and open space.

As viewed from the street, the design of the proposed home addresses each of the standards, design guidelines, and policies contained within the Community Plan, including; community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design and harmony of the visual relationship in transitions between newer and older structures, landscape and streetscape, sensitive design, and larger side yard setbacks.

Consistent with the Plan Pages 89 and 90, the proposed home addresses all of the recommendations concerning bulk and scale, height, transitions, street landscape, increased side yard setbacks, stair step design, articulation and offsetting planes, and the treatment and variation within setback areas.

The applicants have also submitted to the City of San Diego a Photo Survey which demonstrates the proposed home is sensitive in design and scale with other homes in the neighborhood. The proposed home will result in an appropriate transition between the existing older development and newer development within the neighborhood.

The photo survey reveals that 15 out of the 29 homes within the immediate vicinity are two-story, or taller. The neighborhood is not predominately single level. As viewed from Chelsea Street and along Sea Ridge, there are many large and two-and three-story homes within a 3-4 block radius.

The height, scale, design, and proposed building materials are consistent with the varied architecture, design and character of existing single family development within the surrounding area, and the

design guidelines of the La Jolla Community Plan. Exterior finishes proposed incorporate materials and colors consistent with recently built and remodeled homes in the vicinity to assure visual compatibility with the varied design, setbacks, parking layout and character of the surrounding area and the urbanized Community within La Jolla. This Project will enhance the visual quality of the surrounding area and be in compliance with all of the applicable standards of the Municipal Code, as well as the recommendations and policies of the La Jolla Community Plan.

The proposed home is consistent with the Community Plan recommended land use density, and would conform to all the requirements of the RS-1-7 zone, the La Jolla Community Plan, and Local Coastal Program Land Use Plan. The proposed home will be below the maximum allowed FAR, below the maximum allowed coverage, and below the maximum 30-foot height limit.

The proposed home meets all of the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on Page 89 through 91. The proposed project also complies with the "the development near coastal bluff" standards as set forth on Page 91, and the "visual resource" policies and recommendations of the plan. Further, the project meets the design and Community Character recommendations as set forth on Page 82 of the Community Plan.

The proposed project will also be consistent with the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-7 zone. No deviations or variances are required or requested.

The following changes have also been implemented in response to the La Jolla Community Planning Association recommendation and in response to the comment submitted regarding the Mitigated Negative Declaration:

• The roof top bathroom and roof on the north has been redesigned to be stepped in and to be pulled back from the side walk along Chelsea Street to further reduce the appearance of bulk and scale.

- A portion of the northern roof deck has also been closed off thereby reducing the size of roof top deck from 978 square feet down to 704 square feet.
- A reduction in basement square footage.
- The design of the residence utilizes a multi-stepped design on the second and third levels along the western and northern side of the project in order to reduce the bulk and scale of the project, and to provide an appropriate transition between newer and older structures, in compliance to the La Jolla Community Plan recommendations.

Project design also features multiple articulations, and is stepped back in order to reduce the appearance of bulk and scale as follows:

- Starting from the front (East Elevation), the building is stepped back 10 feet from the Property Line and continues stepping back to be 25 feet 3 inches at its furthest point from the front Property Line.
- On the Northern Elevation of the property, the building starts at 4 feet from the Property Line and steps back to be 13 feet 11 ½ inches from the property line at the third floor.
- The rear (West Elevation) of the building starts at 20 feet from the Property Line and steps back 47 feet 5 inches from the rear yard Property Line.
- The Southern Elevation starts at 12 feet from the Property Line and continues to step back to be 33 feet 2 ½ inches away from the Property Line.

The project meets and/or exceeds the zoning minimum setbacks based on the RS-1-7 zone. Additionally, the project incorporates design features above and beyond base zone minimum standards through the use of articulation and "steps backs" at each floor. These features relate well with, and are compatible to the adjoining structures providing an appropriate transition to adjacent structures. The design features transition each floor per the Community Plan recommendation resulting in the terracing of the structures to address any bulk and scale concerns. Changes in the patterns alternating in heights from each home (older and newer) provides good transitions and assures diversity of the structures for more view enhancements and less perceived bulk and scale.

The reduced roof deck, including its configuration, does not measurably contribute to the appearance of bulk and scale of the proposed home from the street. It has been designed in compliance with all applicable provisions of the Community Plan, and the applicable provisions of the Municipal Code. There are no deviations or variances necessary or requested. The proposed project

would be consistent with the recommended land use, design guidelines, and development standards in effect for the subject property per the adopted La Jolla Community Plan, the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-7 zone. The proposed project will comply with all applicable provisions of the Municipal Code and Certified LCP and deviations or variances are requested. Thus, this residential dwelling unit redevelopment will not adversely affect the La Jolla Community Plan and Local Coastal Land Use Plan. (Also see CDP Findings, SDP Findings and Supplemental Findings).

2. The proposed development will not be detrimental to the public health, safety and welfare.

The proposed demolition of an existing residence and construction of a new 4,984-square-foot, three-story over-basement, residential dwelling unit with an attached two-car garage has been designed to comply with all of the applicable development regulations, including those of the RS-1-7 Zone, the Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone and the Sensitive Coastal Overlay Zone. An environmental review determined that this project may have a significant environmental effect on Paleontological Resources requiring the preparation of a Mitigated Negative Declaration (MND) in accordance with the California Environmental Quality Act (CEQA). MND's Mitigation Monitoring and Reporting Program (MMRP) incorporate mitigation measures into the project for potential impacts to Paleontological Resources, to reduce the potential impacts to a level below significance. While the environmental analysis did not find any significant impacts to public health and safety, a comment was submitted concerning the MND stating that the proposed third level roof deck may result in substantial and periodic noise impacts to the neighborhood. Comments related to roof top noise that may or may not occur in the future are extremely speculative in nature. CEQA does not require an impact analysis on matters that are purely speculative. There is no evidence that the proposed roof top deck, which will be similar to literally hundreds of the other roof decks in La Jolla, will result in "substantial temporary or periodic increases in ambient noise". Aerial photographs reveal that there are many of the homes fronting Chelsea, and along on Sea Ridge have upper level, and roof decks. The home just approved next door at 5220 Chelsea Street will have 10,493 square foot house including an upper level balcony area of approximately 738 square feet. The proposed project roof deck area of 704 square feet will be Page 13 of 23

smaller than the upper level balcony deck next door recently approved, and apparently not objected to by the La Jolla Community Planning Association, or the drafter of the comment letter to the Mitigated Negative Declaration.

Finally, the Municipal Code addresses residential noise issues and impacts (see section 59.5.0401 et seq.) Any speculative noise issues which may or may not arise in the future will be controlled and regulated by the Municipal Code.

The project will not have any impact on the provision of essential public services. The permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing compliance with the City of San Diego'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 the review and approval of all construction plans by staff prior to construction to determine the construction of the project will comply with all regulations. The construction will be inspected by certified building and engineering inspectors to assure construction is in accordance with the approved plans and with all regulations. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare. (Also see CDP Findings, SDP Findings and Supplemental Findings).

The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The proposed demolition of an existing residence and construction of a new 4,984-square-foot, three-story over basement, single dwelling unit with an attached two-car garage, will comply with the development regulations of the RS-1-7 Zone, Coastal Overlay Zone, Sensitive Coastal Overlay Zone and Local Coastal Program for the La Jolla Community Plan area. The proposed project would adhere to the community goals as referenced below. The home has also been designed to achieve a harmonious visual relationship between the bulk and scale of the proposed home to the existing adjacent and nearby structures.

The La Jolla Community Plan states on Page 82 in Community Character: "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 the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units."

Community Character is defined on Page 84 of the Plan: "... to promote good design and harmony with the visual relationships and transitions between new and older structures..."

c) "Community Character" is defined within the Community Plan on Pages 81 (4th bullet point "harmonious visual relationship"), Page 84 which states in part "... to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on Page 90 "in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space."

Community Character is defined as the visual relationship between newer and older structures within the community as viewed from the street, parks and open space.

As viewed from the street, the design of the proposed home addresses each of the standards, design guidelines, and policies contained within the Community Plan, including; community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design and harmony of the visual relationship in transitions between newer and older structures, landscape and streetscape, sensitive design, and larger side yard setbacks.

Consistent with the Plan Pages 89 and 90, the proposed home addresses all of the recommendations concerning bulk and scale, height, transitions, street landscape, increased side yard setbacks, stair step design, articulation and offsetting planes, and the treatment and variation within setback acres.

The applicants have also submitted to the City of San Diego a Photo Survey which demonstrates the proposed home is sensitive in design and scale with other homes in the neighborhood. The proposed home will result in an appropriate transition between the existing older development and newer development within the neighborhood.

The photo survey reveals that 15 out of the 29 homes within the immediate vicinity are two-story, or taller. The neighborhood is not predominately single level. As viewed from Chelsea Street and along Sea Ridge, there are many large and two and three story homes within a 3-4 block radius.

The height, scale, design, and proposed building materials are consistent with the varied architecture, design and character of existing single family development within the surrounding area, and the design guidelines of the La Jolla Community Plan. Exterior finishes proposed incorporate materials and colors consistent with recently built and remodeled homes in the vicinity to assure visual compatibility with the varied design, setbacks, parking layout and character of the surrounding area and the urbanized Community within La Jolla. This Project will enhance the visual quality of the surrounding area and be in compliance with all of the applicable standards of the Municipal Code, as well as the recommendations and policies of the La Jolla Community Plan.

The proposed home is consistent with the Community Plan recommended land use density, and would conform to all the requirements of the RS-1-7 zone, the La Jolla Community Plan, and Local Coastal Program Land Use Plan. The proposed home will be below the maximum allowed FAR, below the maximum allowed coverage, and below the maximum 30 foot height limit.

The proposed home meets all of the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on Page 89 through 91. The proposed project also complies with the "the development near coastal bluff" standards as set forth on Page 91, and the "visual resource" policies and recommendations of the plan. Further, the project meets the design and Community Character recommendations as set forth on Page 82 of the Community Plan.

The proposed project will also be consistent with the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-7 zone. No deviations or variances are required or requested. The following changes have also been implemented in response to the La Jolla Community Planning Association recommendation and in response to the comment submitted regarding the Mitigated Negative Declaration:

- The roof top bathroom and roof on the north has been redesigned to be stepped in and be pulled back from the side walk along Chelsea Street to further reduce the appearance of bulk and scale.
- A portion of the northern roof deck has also been closed off thereby reducing the size of roof top deck from 978 square feet down to 704 square feet.
- A reduction in basement square footage.
- The design of the residence utilizes a multi-stepped design on the second and third levels along the western and northern side of the project in order to reduce the bulk and scale of the project, and to provide an appropriate transition between newer and older structures, in compliance to the La Jolla Community Plan recommendations.

Project design also features multiple articulations, and is stepped back in order to reduce the appearance of bulk and scale as follows:

- Starting from the front (East Elevation), the building is stepped back 10 feet from the Property Line and continues stepping back to be 25 feet 3 inches at its furthest point from the front Property Line.
- On the Northern Elevation of the property, the building starts at 4 feet from the Property Line and steps back to be 13 feet 11 ½ inches from the property line at the third floor.
- The rear (West Elevation) of the building starts at 20 feet from the Property Line and steps back 47 feet 5 inches from the rear yard Property Line.
- The Southern Elevation starts at 12 feet from the Property Line and continues to step back to be 33 feet 2 ½ inches away from the Property Line.

The project meets and/or exceeds the zoning minimum setbacks based on the RS-1-7 zone. Additionally, the project incorporates design features above and beyond base zone minimum standards through the use of articulation and "steps backs" at each floor. These features relate well with, and are compatible to the adjoining structures providing an appropriate transition to adjacent structures. The design features transition each floor per the Community Plan recommendation resulting in the terracing of the structures to address any bulk and scale concerns. Changes in the

patterns alternating in heights from each home (older and newer) provides good transitions and assures diversity of the structures for more view enhancement and less perceived bulk and scale.

The reduced roof deck, including its configuration, does not measurably contribute to the appearance of bulk and scale of the proposed home from the street. It has been designed in compliance with all applicable provisions of the Community Plan, and the applicable provisions of the Municipal Code. There are no deviations or variances necessary or requested. The proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for the subject property per the adopted La Jolla Community Plan, the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-7 zone. The proposed project will comply with all applicable provisions of the Municipal Code and Certified LCP and deviations or variances are requested. There are no proposed variances or deviations to the development regulations of the Land Development Code. The building setbacks, drainage, lot coverage, building mass, building height, public views, public access and driveway width and will comply with all of the required development regulations. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code. (Also see CDP Findings, SDP Findings and Supplemental Findings).

Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluffs. The proposed new residence will be located in approximately the same location of the existing residence, with a proposed 25-foot coastal bluff setback and will not reduce or negatively impact any public views identified in the La Jolla Community Plan and Local Coastal Land Use Plan. Based on staff's review of the proposed grading plans, landscape plans and the project's Geologic Reports it was determined that the proposed site has adequate geologic stability, that the site is a coastal bluff with a minimum 25-foot coastal bluff setback, and the landscape material will not require any significant irrigation, resulting in a minimum disturbance to the adjacent coastal bluffs (Environmentally Sensitive Lands). Page 18 of 23

Site drainage from the proposed improved areas of the project site, as illustrated on the Preliminary Grading Plan, is designed to drain toward the Chelsea Street public right-of-way. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding catch basins and BMP filters to collect all run-off and avoid any drainage to public areas from private improvements. The project site is relatively flat and grading operations would entail approximately 4,813 cubic yards of cut, zero cubic yards of fill and 4,813 cubic yards of export from the site. The Geotechnical Report submitted by the applicant indicates the site is physically suitable for the design and siting of the proposed development. The conceptual development plans submitted by the applicant also indicate the proposed development will not cause any impacts to nor disturb environmentally sensitive lands. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. (Also see CDP and SDP Findings).

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

The grading plans, landscape plans and geologic reports determined that the proposed site has adequate geologic stability, that the site is a coastal bluff with a minimum 25-foot coastal bluff setback, and the landscape material will not require any significant irrigation, resulting in a minimum disturbance to the adjacent Coastal Bluffs (Environmentally Sensitive Lands). To avoid erosional forces on the adjacent bluff area, site drainage from the improved areas of the project site, as illustrated on the Preliminary Grading Plan, is designed to drain toward the Chelsea Street public right-of-way. Compliance with the geology and engineering permit conditions will ensure that new structure would be built to reduce the potential for geologic impacts from regional hazards. The project is not within a flood overlay zone or a potentially sensitive area for fire hazards. The site is an urbanized, previously graded, developed property. The proposed development will not alter any natural land form in that no natural land form is present on the previously graded, developed portion of the property. No development is proposed on the adjacent sensitive coastal bluff. The Page 19 of 23

Geotechnical Report submitted by the applicant, indicated that the site is physically suitable for the design and siting of the proposed development and will not result in undue risk to persons or property from geologic forces. After reviewing the conceptual development plans submitted by the applicant, city staff determined the proposed development will not result in undue risk from erosional forces, flood hazards, or fire hazards. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. (Also see CDP and SDP Findings).

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluffs. The proposed development will take place entirely within private property and not encroach on to the coastal bluff area or any Environmentally Sensitive Lands. The proposed grading plans, landscape plans and the project's geologic reports demonstrate that the proposed site has adequate geologic stability, that the site is a coastal bluff with a minimum 25-foot coastal bluff setback, and the landscape material will not require any significant irrigation, resulting in a minimum disturbance to the adjacent coastal bluffs (Environmentally Sensitive Lands). Site drainage from the proposed improved areas of the project site, as illustrated on the Preliminary Grading Plan, is designed to drain toward the Chelsea Street public right-of-way.

The proposed development will not alter any natural land form. No development is proposed on or near the adjacent sensitive coastal bluff. The project will also not impact any environmentally sensitive lands located off site. A Mitigated Negative Declaration has been prepared for the proposed development and a mitigation monitoring and reporting program has been adopted that will reduce all potential impacts to a level of insignificance. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development

will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding catch basins and Best Management Practices filters to collect all run off and avoid any potential drainage from spilling on to the public areas from private improvements. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. (Also see CDP and SDP Findings).

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

The project proposes to demolition of an existing residence and construction of a new 4,984-squarefoot, three-story over basement, single family residence with an attached two-car garage and landscaping. The site is located at 5228 Chelsea Street, RS-1-7 zone, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone and within the La Jolla Community Planning area.

The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan in that the site is not located with the Multiple Habitat Planning Area of the Multiple Species Conservation Program Subarea Plan. (Also see CDP and SDP Findings).

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

The proposed development takes place entirely within private property and stays within the area of existing development. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. The project is adding catch basins and BMP filters to collect all runoff and avoid any potential drainage from happening on to the public areas from private improvements. The project site is relatively flat and grading operations for the proposed basement and foundation would entail approximately 4,813 cubic yards of cut and export from the site and zero cubic yards of fill.

Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. (Also see CDP and SDP Findings).

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The project proposes to demolish an existing residence and construct a new 4,984-square- foot, three-story, residential dwelling unit with an attached two-car garage and landscaping. The site is located at 5228 Chelsea Street, RS-1-7 zone, within the La Jolla Community Planning area within the Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, Parking Impact (Coastal and Beach) Overlay Zone.

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact following areas:

• Paleontological Resources;

Because mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP), the project now avoids or mitigates any potentially significant environmental impacts to paleontological resources in accordance with the California Environmental Quality Act. A comment was submitted concerning the MND alleging the proposed third level roof deck may result in substantial and periodic noise impacts to the neighborhood. Comments related to roof top noise that may or may not occur in the future are extremely speculative in nature. CEQA does not require an impact analysis on matters that are purely speculative. There is no evidence that the proposed roof top deck, which will be similar to literally hundreds of the other roof decks in La Jolla, will result in "substantial temporary or periodic increases in ambient noise". Aerial photographs reveal that there are many of the homes fronting Chelsea, and along on Sea Ridge have upper level, and roof decks. The home just approved next door at 5220 Chelsea St. will have 10,493 square foot house including an upper level balcony area of approximately 738 square feet. The proposed project roof deck area of 704 square feet will be smaller than the upper level balcony deck next door recently approved, and apparently not objected

to by the La Jolla Community Planning Association, as the drafter of the comment letter to the Mitigated Negative Declaration.

Finally, the Municipal Code addresses residential noise issues and impacts (see section 59.5.0401 et seq.) Any speculative noise issues which may or may not arise in the future will be controlled and regulated by the Municipal Code. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1771447/Site Development Permit No. 1771464 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1771447 and 1771464, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas Development Project Manager Development Services

Adopted on: May 31, 2017.

Job Order No. 24006870