EXH. 11.2-9 8 Pg=:

La Jolla Community Planning Association's Reasons for Appeal of Project #603740 – Hershfield Response to Comments
June 12, 2019

Comment #1: At 18" behind the front property line, the proposed 16 foot high entry wall and trellis structure is uniquely out of scale with all other structures in the neighborhood. The visual impression of this proposed structure will be grossly out of character with the neighborhood and will create a massive impact to the future visual street character by setting a large increment of allowable change to future proposed structures thus generating potential for detrimental cumulative visual impact to the La Jolla Shores Community and this ridgeline neighborhood.

Response #1: The design does not have a trellis structure in the front yard. The referenced entry wall is 3 feet above the adjacent finished grade at the property line as stipulated by Article 2: General Development Regulations Division 3: Fence Regulations (SDMC 142.0340(a)(2)). Solid walls located in the front yard may increase from 3 ft. at the front property line to 6 ft. at the setback line. (See Diagram 142-03A)

Further, the entry wall is 9' 4" above the main level finished floor as our main level floor steps down from the street. At the entry to the courtyard, the finished grade elevation is 326.4, where as he main floor level is 321.00. If one travels from the street to the front door, the elevation drop is approximately 5.44 feet. For clarification purposes, the distance from the actual front wall of the residence to the property line is 15'7" at the entry opening. The same front wall of the residence's height is approximately 18' above the main level finished floor, as required by code. Again, this is 5.44' BELOW the street level as the property steps down. Refer to A1.01 Site Plan, A4.11 Elevation 1 and A4.13 Elevation 1. Finally, for reference, the City has approved this design.

Per the City's CEQA Thresholds, projects that severely contrast with surrounding neighborhood character may result in significant impacts. To meet this significance threshold one or more of the following conditions must apply: the project would have to exceed the allowable height or bulk regulations, and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin; have an architectural style or use building materials in stark contrast to adjacent development, where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town); result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan, applicable community plan or local coastal program; be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk signage or architectural projections; and/or the project would have a cumulative effect by opening up a new area for development or changing the overall character of the area

City staff reviewed The La Jolla Design Manual and The La Jolla Shores Planned District Ordinance in addition to other relevant planning documents, as noted below. City staff reviewed the building setbacks, drainage, lot coverage, building mass, building height, public views, public access and driveway width and determined that the project complies with all of the applicable

policy documents and development regulations. The project is consistent with the Community Character Recommendations of the General Design guidelines as outlined in the La Jolla Community Plan and conforms to the General Design Regulations and Development Regulations of the Single Family (SF) Zone of the La Jolla Shores Planned District Ordinance (LJSPDO). The proposed development is consistent with the applicable Very Low Density Residential land use designation (0-5 DU/AC), the identified public access and public views requirements of the La Jolla Community Plan and Local Coastal Land Use Plan, and the SF Zone of the La Jolla Shores Planned District development regulations regarding allowed density and design recommendations. The project proposes no variances or deviations to the development regulations of the Land Development Code.

The proposed demolition of an existing residence and construction of a new one-story, residential dwelling unit is not incompatible with the surrounding development with regard to architecture, bulk, scale or density. The existing homes in the neighborhood do not have a unifying theme of architecture such as the architecture of Old Towne. The project site is located in a developed neighborhood that is transitioning as older homes are replaced. There are several homes of similar size and scale. More directly, the immediate neighbor to the north has obtained approval for the demolition of an existing residence and construction of a new 6,020 square foot, two-story, residential dwelling unit with an attached two-car garage (Island Architects is the Architect of Record).

No community identification symbol or landmark identified in the General Plan, applicable community plan or local coastal program, is located within the project vicinity. Therefore, the project would not result in the physical loss, isolation, or degradation of such a resource.

Further, the proposed project would not open a new area for development or change the overall character of the area.

None of the criteria listed in the City's Significance Thresholds have been exceeded and staff has determined that the project is consistent with all the applicable land use plans and regulatory documents, including the La Jolla Community Plan and Local Coastal Land Use Plan, the La Jolla Design Manual, and the La Jolla Shores Planned District Ordinance.

Comment #2: A 7' high parapet and a separate hip roof structure was added to the original proposed flat roof structure creating redundant and excessive mass to an already large structure whose roof print with overhangs covers the total building envelope and beyond, and whose additional height doubles the perceived mass when viewed form the street and sidewalk. This 100 % height amplification, 10' distance from sidewalk to roof structure plus the 7' high non-functional parapet, adds excessive mass & visual impact of the structure.

Response #2: For the record, the design has always included the parapets and the hip roof structure in order to comply with the HOA's CC&Rs. Please refer to the following narrative, "The roof pitch of all buildings shall be 3 feet x 2 feet minimum and 6 feet x 12 feet maximum." The height of the existing parapet is driven by the need to hide the required HOA flat roof. For reference, the residence's total height measured from the main level is 21'7" and the total height when measured from the street is 16'1/2." Therefore, the project is consistent with the Coastal Height Limits. Refer to Sheet A1.01. Finally, for reference, the City has approved this design.

The project roof does not create a design incompatibility because there is no common roofing design or theme in the neighborhood. Homes in the neighborhood include a number of unique roof designs and materials. Some roofs are gabled, and some are flat. Roofing materials include tile, metal and composition shingles with varying colors. Further, there is no requirement that new homes match the identical roof design of their existing or proposed neighbors. Therefore, the design of the home is not out of character with the neighborhood and will not disrupt the neighborhood continuity.

Comment #3: The dark grey stucco pallet of the proposed structure is out of character and in violation of the color pallet specified in the Community Plan and the La Jolla Shores PDO.

Response #3: The color is actually light to medium warm grey specified for the stucco. According to page 2, of the La Jolla Shores Design Manual, "The residential and commercial structures incorporate an honest use of natural building materials," which we have done with the use wood and grey stucco. Furthermore, according to page 7,"Colors should be muted, white or natural earth colors (browns, greens, grays, etc.)." Finally, for reference, the City has approved this design.

Comment #4: The slot windows facing the street and side yards are not in keeping with the recommendations of the Community Plan and the La Jolla Shores PDO where more open façade massing and articulation is encouraged and in keeping with the indoor outdoor form and function of the single family homes in La Jolla.

Response #4: The proposed project does not have "slot windows." The dimensions of the two front-facing casement windows are as follows: 7' high by 4' wide and 3'10" above the main level finished floor. Further the dimensions of the side yard picture windows are as follows: Window A) 2' high by 17'3" long, Window B) 2' high by 15'4" long, and Window C) 2'8" high by 18' long. The reason that the side yard windows are not taller is to protect the privacy of both the Hershfields and their adjacent neighbors. We could not locate any applicable guidance in the La Jolla Shores Design Manual related to the placement of windows beyond the following, "Buildings with openings (i.e. doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line." Finally, for reference, the City has approved this design.

The building and structure setbacks comply with Section 1510.0304(b)(3), which requires general conformity with setbacks in the vicinity. As part of the submittal requirements, the applicant provided a Jolla Shores Planned District Ordinance Survey of properties with in a 300-foot radius of the project site. As demonstrated through this survey of the existing neighborhood character, all the project's proposed front, side, and rear setbacks are in general conformance with those in the vicinity, per San Diego Municipal Code Section 1S10.0304(b)(4). In particular, side yard setbacks within the vicinity are not uniform and vary given the organic layout of streets and the varying lot placement of existing residences.

Comment #5: The proposed 12' high garage door is out of scale with others on the street and unnecessary. And the lift action of the automated garage is located behind the front façade and garage Door.

Response #5: The height of the garage door is driven by the fact that the lift mechanism must be able to clear at its highest point when a car is located on top of it, at which time, measures at 14'6 1/2" above the garage's finished floor. The height of the garage door is designed to be in proportion with the massing of the residence. Finally, for reference, the City has approved this design.

Comment #6: The main level gross floor area of the proposed structure is understated by approximately 1,000 square feet resulting in an error of calculation of approximately 17%. The Gross Floor Area calculation must include interior atrium space of the main stair hallway, the phantom Floor space of the triple height garage, and the exterior covered terraces per the Municipal Code rules for calculation in Chapter 11, article 3. The stated Gross Floor Area is a factual Error stated in the CDP document.

Response #6: By adding the exterior covered terraces and the interior atrium space of the main stair hallway to the main level gross floor area, we have added an additional 1,654 square feet to the total gross floor area, resulting in a total of 7,409 square feet. For reference, the car lift consists of just two platforms, not three as indicated in the comment. Lastly, we did include the garage in the total square footage as indicated in Sheet A1.03 - GFA. Finally, for reference, the City has approved this design.

The proposed project includes a one-story home with a basement below. Per SDMC Section 113.0261(d), basements are considered stories only where there is at least a 6-foot separation between lowest grade and finish floor above. At no point is the proposed residence considered a 2-story structure since the basement level does not exceed the 6-foot threshold with additional stories situated directly above.

The proposed basement has no impact on bulk and scale because it is located below grade, and the height of the home from existing grade is well below the height limit. In fact, by incorporating a basement, the project is minimizing any impact to the aesthetics by ensuring that the home is under the Coastal Height Limit by proposing a one-story residence above grade.

In addition, the Single-Family Zone (SF) Zone of the La Jolla Shores PDO does not contain restrictions on number of stories and permits a maximum height of 30 feet. Bulk and scale in La Jolla Shores is addressed by conformance to the General Design Regulations and Development Regulations of the Single Family (SF) Zone of the LJSPDO and through consistency with applicable policies of the La Jolla Community Plan (i.e. Community Character Recommendations and Visual Resources).

The surrounding neighborhood does not have a unifying architectural theme or style and is comprised of an eclectic variety of one and two-story structures. The proposed building design will be compatible with the diverse nature of homes in the area. Therefore, the design of the home will not be disruptive to the existing architectural character of the area.

Comment #7: The long north side façade of the building lacks full building articulation from grade to Roofline. The length of the side façade, due in large part to the size of the structure, increases the appearance of large mass.

Response #7: The northern façade contains a total of two significantly large windows, a trellis structure and roof overhang. There are a total of four (4) different materials included in the design for further articulation. Lastly this façade can only be viewed from the neighbor to the north and not from the street level. Finally, for reference, the City has approved this design.

Comment #8: The cubic yardage of soil cut stated at 3,400 cubic yards on the development submittal is in Error as the more accurate amount of soil cut is 6000 cubic yards or more. This represents an error of almost 100%.

Response #8: The soil cut was derived from our civil engineer, San Diego Engineering and Surveying, who stated that the cut would be 3,806 CYD. Refer to Sheet C1 for reference. Further, we matched this number on our Sheet A1.01, per the direction of the City Engineering staff.

EARTHWORK QUANTITIES:

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EXISTING IMPERVIOUS PROPOSED IMPERVIOUS IMPERVIOUS % INC	VIOUS AREA G AREA	0.2212 0.2212	[ACRES]
CUT QUANTITIES . FILL QUANTITIES .		3,479 0	[CYD] [CYD]
EARTHWORK O	UTSIDE THE BUIL	DING E	NVELOPE:
FILL QUANTITIES -		39	[CYD] [CYD] [CYD]
TOTAL EXPORT -		3,806	[CYD]

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SOUTH AND	2.000c.20 M	MAIN LEVEL FLOOR PLAN - G.F.A.

Current Height

6/24/2019

Amy Conley <amy@tilt23.studio>

Mon 6/24/2019 5:06 PM

To: Chandra Slaven <CSlaven@blueheron.com>;

1 attachments (187 KB)

Hershfield_A103.pdf;

Current ML Finish Floor = 321.37'
Current Highest Parapet Point = 337.61'
Difference of 16'-3"

New ML Finish Floor = 321.00' Current Highest Parapet Point = 338.58' Difference = 17'-7" -.37' = -4.5" Total Height Difference of 11.5"

Wood wall is 3'-0" Above Finish Grade at Adjacent Planter per City Req.

Amy Conley

Principal | Director of Design NSBAIDRD Lic. No. 358-RD

Tilt 23.Studios /23.S

c: 702.845.0831

e: amy@tilt23.studio

8245 Cupertino Heights Way Las Vegas, NV 89178



NORTH SIDE EXTERIOR ELEVATION ***

EXH 11.2-6 3 pg=.



City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101

Development Permit/ Environmental Determination Appeal Application

FORM **DS-3031**

				November 2017
In order to assure your appeal application is su <u>Information Bulletin 505</u> , "Developmen	iccessfully accepto t Permits/Environ	ed and processed, you r mental Determination	nust read and u Appeal Procedu	nderstand re."
1. Type of Appeal: Appeal of the Project Appeal of the Environmental Det	ermination:			
2. Appellant: Please check one	recognized Planni	ng Committee	rested Person" I.C. Sec. 113.0103	3)
Name:		E-mail:		
La Jolla Community Planning Association		info@ljcpa.or	g	
Address: City:	State:	Zip Code:	Telephone:	
PO Box 889 La Jol	la ca	92037	None, use em	ail
3. Project Name:				
Herschfield Residence, Process 8230 Prestwick Dr. La Jolla	, CA 92037			
 Project Information Permit/Environmental Determination & Permit/Document No 	.: Date of E	Decision/Determination	City Project Ma	nager:
Project & Mitigating negative decision #603740	May 29, 2	2019	F. Mendoza	
Decision(Describe the permit/approval decision):				
Approve: Mitigated negative declaration No. 603740 Approve: Mitigated monitoring & report progress Approve: SDP 2134595, CDP 2134597				
5. Ground for Appeal(Please check all that apply): ☑ Factual Error ☐ Conflict with other matters ☑ Findings Not Supported		New Information City-wide Significance (Pr	ocess Four decisi	ons only)
Description of Grounds for Appeal (Please relate your descrip Chapter 11, Article 2, Division 5 of the San Diego Municipal Code.	tion to the allowable Attach additional sh	e reasons for appeal as mo neets if necessary.)	re fully described	' in
6. Appellant's Signature: certify under penalty of perjury	that the foregoing	including all names ar	od oddrosene is	+=
	Toregoing	, merdung all harries at	iu addresses, is	true and correct.
Signature:	<u>_</u> 0	Pate: 6/6/21	19	
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La Jolla Community Planning Association

Reasons for appeal of Project #603740 - Herschfield Residence

June 6, 2019

On March 7, 2019 at the regular public meeting, The La Jolla Community Planning Association voted to recommend denial of the project via motion to support the La Jolla Shores Permit Committee's action by a vote of 14-1-1. On February 25, 2019, The La Jolla Shores Permit Review Committee voted 5-0-1 to recommend denial of the project due to bulk and scale of the structure. In more detail the recommendation is based on these proposed features of the structure:

1. At 18" behind the front property line, the proposed 16 foot high entry wall and trellis structure is uniquely out of scale with all other structures in the neighborhood. The visual impression of this proposed structure will be grossly out of character with the neighborhood and will create a massive impact to the future visual street character by setting a large increment of allowable change to future proposed structures thus generating potential for detrimental cumulative visual impact to the la Jolla Shores Community and this ridgeline neighborhood.

Environmental Impact:

Cumulative Effect

Project Impact:

Bulk & Scale

2. A 7' high parapet and a separate hip roof structure was added to the original proposed flat roof structure creating redundant and excessive mass to an already large structure whose roof print with overhangs covers the total building envelope and beyond, and whose additional height doubles the perceived mass when viewed form the street and sidewalk. This 100 % height amplification, 10' distance from sidewalk to roof structure plus the 7' high non-functional parapet, adds excessive mass & visual impact of the structure.

Environmental Impact:

Cumulative Effect

Project Impact:

Bulk & Scale

3. The dark grey stucco pallet of the proposed structure is out of character and in violation of the color pallet specified in the Community Plan and the La Jolla Shores PDO.

Environmental Impact:

Visual Compatibility

Municipal Code:

La Jolla Shores Planned District Ordinance

4. The slot windows facing the street and side yards are not in keeping with the recommendations of the Community Plan and the La Jolla Shores PDO where more open façade massing and articulation is encouraged and in keeping with the indoor outdoor form and function of the single family homes in La Jolla.

Environmental Impact:

Visual compatibility & bulk & scale



La Jolla Community Planning Association

Reasons for appeal of Project #603740 - Herschfield Residence

Page 2

5. The proposed 12' high garage door is out of scale with others on the street and unnecessary And the lift action of the automated garage is located behind the front façade and garage Door.

Environmental Impact:

Cumulative Effect

Project Impact:

Visual Compatibility

6. The main level gross floor area of the proposed structure is understated by approximately 1,000 square feet resulting in an error of calculation of approximately 17%. The Gross Floor Area calculation must include interior atrium space of the main stair hallway, the phantom Floor space of the triple height garage, and the exterior covered terraces per the Municipal Code rules for calculation in Chapter 11, article 3. The stated Gross Floor Area is a factual Error stated in the CDP document.

Environmental Impact:

Cumulative Effect

Project Impact:

Bulk & Scale

7. The long north side façade of the building lacks full building articulation from grade to Roofline. The length of the side façade, due in large part to the size of the structure, Increases the appearance of large mass.

Project Impact:

Bulk & Scale

8. The cubic yardage of soil cut stated at 3,400 cubic yards on the development submittal is in Error as the more accurate amount of soil cut is 6000 cubic yards or more. This represents An error of almost 100%

Environmental Impact:

Paleontology

Public Improvements physical impact

Slope Impacts

EXH. 11.2-C



Report to the Hearing Officer

DATE ISSUED:

May 21, 2019

REPORT NO. HO-19-051

HEARING DATE:

May 29, 2019

SUBJECT:

Hershfield Residence CDP SDP. Process Three Decision

PROJECT NUMBER:

603740

OWNER/APPLICANT:

The Hershfield Family Trust dated 12/21/2001, Owners/Chandra Slaven,

Applicant

SUMMARY

<u>Issue</u>: Should the Hearing Officer approve the demolition of a single dwelling unit and construction of a single dwelling unit located at 8230 Prestwick Drive within the SF-Zone of the La Jolla Shores Planned District in the La Jolla Community Planning area?

Staff Recommendations:

- Adopt Mitigated Negative Declaration No. 603740;
- Adopt the Mitigation Monitoring and Reporting Program;
- 3. **Approve** Site Development Permit No. 2134595; and
- 4. **Approve** Coastal Development Permit No. 2134597.

<u>Community Planning Group Recommendation</u>: On March 7, 2019, the La Jolla Community Planning Association voted 14-1-1 to recommend denial of the proposed project.

<u>La Jolla Shores Advisory Board</u>: On January 16, 2019, the La Jolla Shores Advisory Board voted 4-0-2 to recommend denial of the proposed project.

<u>Environmental Review</u>: A Mitigated Negative Declaration (MND) No. 603740 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

BACKGROUND

The 0.44-acre project site contains an existing 4,067-square-foot single dwelling unit located at 8230 Prestwick Drive in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan (Community Plan). The site is an interior lot on the west side of Prestwick Drive, surrounded by a fully developed single dwelling unit neighborhood. The Community Plan designates the site for Very Low-Density Residential and also designates Prestwick Drive fronting the property with Intermittent or Partial Vistas (Attachments 1-4). In addition, the site is in the Coastal Overlay (Non-Appealable), Coastal Height Limitation Overlay, and the Parking Impact (Coastal) Overlay.

DISCUSSION

Project Description:

The proposed project includes the demolition of the existing dwelling and the construction of a new single-story, over-basement 12,424-square-foot dwelling. A breakdown of construction square footage is provided below:

Main Level: 5,228 sf

Basement Level: 5,529 sf (not counted towards Gross Floor Area (GFA))

Garage: 611 sf

Basement Garage Lift: 596 sf (not counted towards GFA)
Basement Pool Equipment Room: 460 sf (not counted towards GFA)

12,424 sf

A Site Development Permit is required by San Diego Municipal Code (SDMC) section <u>151.0201(c)</u> for major development within the La Jolla Shores Planned District and a Coastal Development Permit is required for coastal development within the Coastal Overlay Zone, per SDMC section <u>126.0702</u>.

Project Analysis:

As required by the La Jolla Shores Planned District, a neighborhood survey of the existing development pattern and bulk and scale was submitted for the analysis of the project (Attachment 10). Surrounding properties are one- and two-story homes with a variety of architectural vernaculars. Properties in the vicinity range from in size from 2,052 to 5,966 square feet. Although the proposed structure is over 12,000 square feet, more than half of the habitable area is located below grade, and therefore not counted towards floor area. When compared to other dwellings in the vicinity, the proposed home presents as a one-story, flat-roofed, 5,839-square-foot home with attached garage. The visible size of the home is in conformity with the general sizes of homes in the vicinity.

The La Jolla Shores Planned District also contains General Design Regulations, SDMC Section 1510.0301(b), which state that, "No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." The architectural form proposed is contemporary and includes changes in building material, proportioned fenestration, and varied building height. Materials include stained wood, concrete with differing finishes, and black-painted steel and stucco. The architecture is similar in nature to a few homes in the vicinity. From the public right-of-way, the roof height is increased from the current

17 feet to an approximately 22-foot height at the parapet. Maximum structure height is approximately 28 feet at the rear of the property and in compliance with the Coastal height limitation. The proposed development will observe setbacks to all property lines consistent with other properties within the vicinity. In addition, the project is conditioned to record view corridor easements over the side yards, protecting intermittent and partial views to the ocean as recommended in the La Jolla Community Plan. Therefore, the proposed dwelling was found to be in general conformity with setbacks and general design regulations as required by the La Jolla Shores Planned District Ordinance SF Zone and the La Jolla Community Plan.

Community Group and Advisory Board Recommendations:

Both the La Jolla Shores Planned District Advisory Board and the La Jolla Community Planning Association voted to recommend denial of the proposed project based on bulk and scale concerns, as well as neighborhood compatibility (Attachments 8 and 9).

Review of the neighborhood survey demonstrates that the proposed residence is in general conformity with adjacent development patterns with regard to architectural compatibility and bulk and scale. Adjacent development does not follow a single or common architectural theme (e.g., Gaslamp Quarter, Old Town), nor are the proposed architecture or materials in stark contrast to adjacent development. The proposed height from the public right-of-way is perceived as a one-story dwelling, and the increase of five feet in height does not constitute a substantial increase in height when compared to adjacent development. The proposed home is therefore in conformity with adjacent development patterns.

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved. The Project is designed in general conformity with setbacks, bulk and scale, and general design regulations as required by the La Jolla Shores Planned District Ordinance SF Zone and as recommend by the Community Plan. Staff supports a determination that the project meets the regulations of the SDMC and conforms to the recommendations of the Community Plan. With the provided draft findings and draft permit conditions, staff recommends the Hearing Officer approve the project as proposed.

ALTERNATIVES

- 1. Adopt MND No. 603740 and Adopt the MMRP; and Approve SDP No. 2134595/CDP No. 2134597, with modifications.
- 2. Do Not Adopt MND No. 603740 nor Adopt the MMRP and Deny SDP No. 2134595/CDP No. 2134597, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

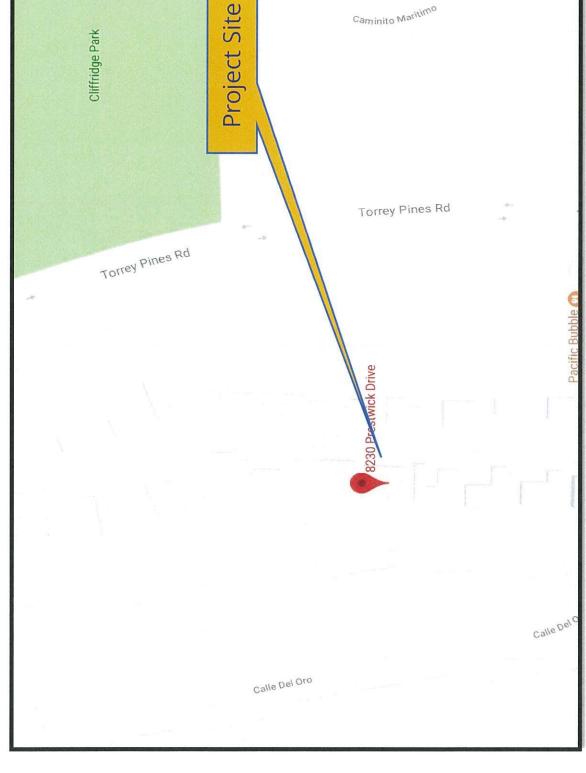
Francisco Mendoza

Development Project Manager

Attachments:

- 1. Project Location Map
- 2. Aerial Photograph
- 3. Community Plan Land Use Map
- 4. Public Vantage Points Figure 9
- 5. Draft Resolution with Findings
- 6. Draft Permit with Conditions
- 7. Draft Environmental Resolution with MMRP
- 8. Community Planning Group Recommendation
- 9. Advisory Board Recommendation
- 10. Neighborhood Survey Setback Analysis
- 11. Ownership Disclosure Statement
- 12. Project Plans





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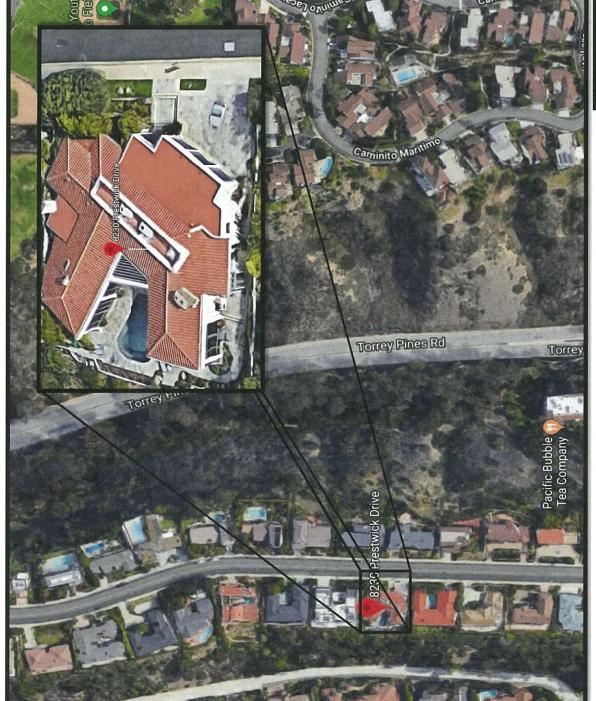
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Project Location Map

Hershfield Residence CDP/SDP Project No. 603740 – 8230 Prestwick Drive



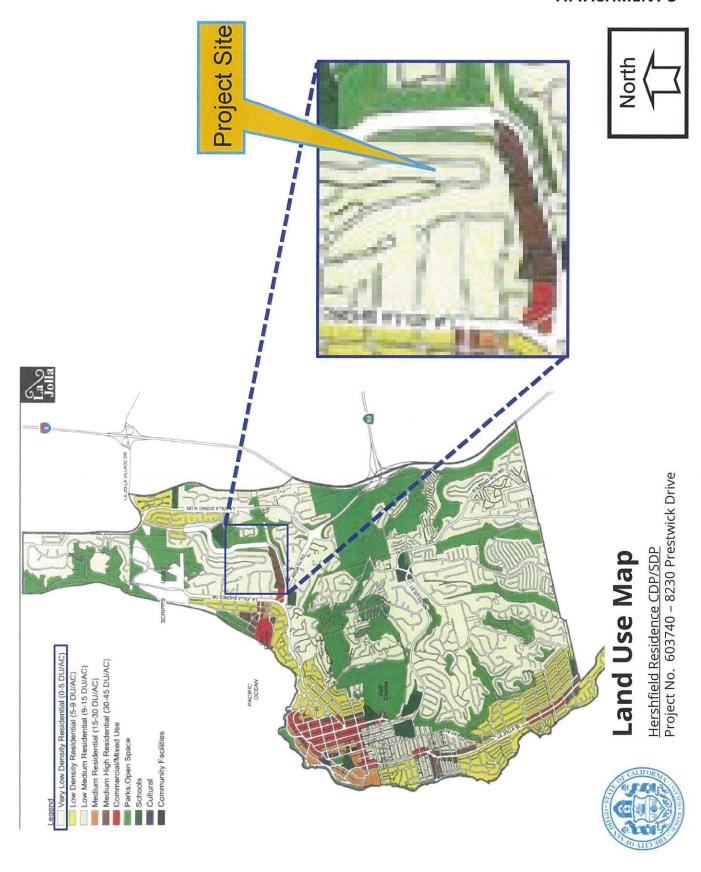


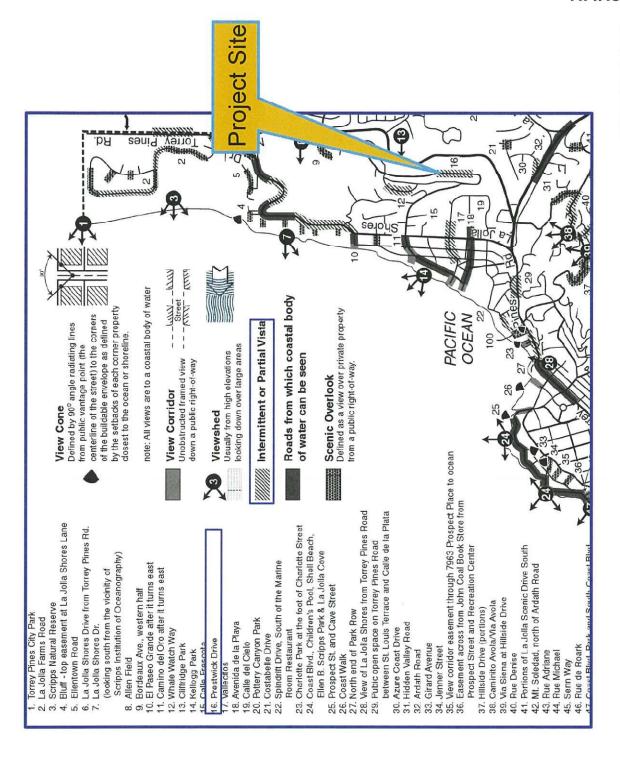




Aerial Photo

Hershfield Residence CDP/SDP Project No. 603740 – 8230 Prestwick Drive





Land Use Map - Views

<u>Hershfield Residence CDP/SDP</u> Project No. 603740 – 8230 Prestwick Drive



HEARING OFFICER RESOLUTION NO. HO-______ SITE DEVELOPMENT PERMIT NO. 2134595 COASTAL DEVELOPMENT PERMIT NO. 2134597 HERSHFIELD RESIDENCE CDP/SDP - PROJECT NO. 603740 [MMRP]

WHEREAS, the HERSHFIELD FAMILY TRUST DATED 12-21-01, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish a dwelling unit and construct a single dwelling unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 2134595/2134597) on portions of a 0.44-acre site; and

WHEREAS, the project site is located at 8230 Prestwick Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Non-Appealable Overly, and the Coastal Height Limitation Overlay of the La Jolla Community Plan; and

WHEREAS, the project site is legally described as: Lot 66 of Prestwick Estates Unit No. 1, according to map thereof No. 4392, filed in the office of the county recorder of San Diego County on November 13, 1959, and more particularly described in Grant Deed recorded August 15, 201 as Document No. 2016-0416674 of official records of the San Diego County Recorder; and

WHEREAS, on May 29, 2019, the Hearing Officer of the City of San Diego considered Site

Development Permit No. 2134595/Coastal Development Permit No. 2134597 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, that it adopts the following findings with respect to Site Development Permit No. 2134595/Coastal Development Permit No. 2134597:

A. <u>COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code (SDMC) Section 126.0708]</u>

1. <u>Findings for all Coastal Development Permits:</u>

a. 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 Hershfield Residence CDP/SDP project (Project) is located at 8230 Prestwick Drive, in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan (Community Plan). The project site is not identified in the Community Plan as a public access way. In addition, there is no physical accessway legally used by the public on this property; nor any proposed public accessway as identified in the Community Plan across or through the property. Since the Project and associated improvements will be located completely within private property, there will be no encroachments upon any existing or proposed public physical accessways to the Pacific Ocean.

Prestwick Drive contains Intermittent Views and Partial Vistas to the Pacific Ocean as identified in the Community Plan. The Project proposes view corridor easements on side yards. These easements will prevent walls or landscaping to encroach or obstruct views from the public right-of-way. Therefore, 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.

b. The proposed coastal development will not adversely affect environmentally sensitive lands.

The Project site is a previously graded lot and developed with an existing single dwelling unit. Review of resource maps, aerial and street level photography shows that the project site does not contain any sensitive biological resources. The project site does not contain, nor is it adjacent to, Multi-Habitat Planning Area (MHPA)-designated lands of the City's Multiple Species Conservation Program. The project site is a previously graded subdivision that does not contain steep hillsides or floodplains.

All surface drainage will be conveyed public right-of-way. The environmental review determined that this project may have a potentially significant environmental effect to Cultural Resources (Paleontology), however, these are not classified as environmentally sensitive lands. 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 monitoring Cultural Resources (Paleontology), to reduce the potential impacts to a level below significance.

Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project site is located at 8230 Prestwick Drive, in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan (Community Plan). The Community Plan designates the site for residential uses. The proposed project includes the demolition of the existing dwelling and the construction of a new singlestory, over-basement 12,424 square foot dwelling, which will continue to meet the land use designation. The La Jolla Shores Planned District does not contain quantifiable development standards such as building setbacks and floor area ratio. Instead, the Planned District contains language in the General Design regulations which references the character of the area, being in general conformity to surrounding development and design principles. Based on a submitted neighborhood survey of the existing development pattern and bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks and bulk and scale with all of the applicable development regulations of the La Jolla Shores Planned District's SF-Zone. The project site is located adjacent to an identified intermittent and partial vista views to the Ocean from Prestwick Drive. As a permit condition, the project will record view corridor easements down each side setback area, preserving these views in perpetuity. This meets both the recommendations in the Community Plan, the Planned District and the Coastal Overlay Zone regulations to preserve and enhance views to the ocean. Therefore, 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.

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

The project site is not located between the nearest public road and the sea or shoreline of any body of water within the Coastal Overlay Zone. The project site is not located in an area identified for public recreation, nor will the proposed Project impact existing public recreation areas. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. <u>SITE DEVELOPMENT PERMIT [SDMC 126.0505]</u>

1. <u>Findings for all Site Development Permits</u>:

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

The project site is located at 8230 Prestwick Drive, in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan (Community Plan). The Community Plan designates the site for residential uses. The proposed project includes the demolition of the existing dwelling and the construction of a new single-story, over-basement 12,424 square foot dwelling, which will continue to meet the land use designation.

The Project complies with the Community Plan's "Community Character" recommendations within the Residential Land Use Element, which are implemented by the La Jolla Shores Planned District's (Planned District) SF-Zone regulations. These recommendations aim to "maintain and enhance the existing neighborhood character ambience [and] promote good design and visual harmony in the transitions between new and existing structures." The Planned District's General Design regulations state that, "No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." The architectural form proposed is contemporary and includes changes in building material, proportioned fenestration, and varied building height. Materials include stained wood, concrete with differing finishes, and black-painted steel and stucco. The architecture is similar in nature to a few homes in the vicinity. The proposed development will observe setbacks to all property lines consistent with other properties within the vicinity. In addition, the project permit conditions require recorded view corridor easement over the side yards, protecting intermittent and partial views to the ocean as recommended in the Community Plan. Therefore, the proposed will development will not adversely affect the applicable land use plan.

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

The proposed project includes the demolition of the existing dwelling and the construction of a new single-story, over-basement 12,424 square foot dwelling. In addition, the City of San Diego conducted an environmental review of this site and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) has been prepared for this project in accordance with CEQA Guidelines.

In addition, a Geotechnical Investigation Report was prepared by Terra Costa Consulting Group, dated July 12, 2018. The report provided recommendations for the project's foundation design to provide the level of life-safety suitable for the life of the project.

The project is conditioned to install a new City-standard driveway along the frontage, which facilitates public safety for pedestrians, and facilitates the public health as a conveyance of stormwater. The project will be required to obtain a building permit with BMPs proposed to ensure site drainage and run-off are directed to the right-of-way, further facilitating the public health, safety, and welfare. The plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable development regulations. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

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

The Project is subject to and complies with the La Jolla Shores Planned District's (Planned District) SF-Zone regulations and Coastal Overlay Zone regulations. The Planned District's General Design regulations state that, "No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." Based on a submitted neighborhood survey of the existing development pattern and bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks and bulk and scale with all of the applicable development regulations of the La Jolla Shores Planned District's SF-Zone. No deviations are requested.

The project site is located adjacent to an identified intermittent and partial vista views to the Ocean from Prestwick Drive. As a permit condition, the project will record view corridor easements down each side setback area, preserving these views in perpetuity. This meets both the recommendations in the Community Plan and the Coastal Overlay Zone regulations to preserve and enhance views to the ocean. No deviations are requested. Therefore, the proposed project will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer of the City of San Diego, Site Development Permit No. 2134595/Coastal Development Permit No. 2134597 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the

form, exhibits, terms and conditions as set forth in Permit No. 2134595/2134597, a copy of which is attached hereto and made a part hereof.

Francisco Mendoza Development Project Manager Development Services

Adopted on: May 29, 2019

IO#: 24007803

fm 7-17-17

RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO PROJECT MANAGEMENT PERMIT CLERK MAIL STATION 501

INTERNAL ORDER NUMBER: 24007803 SPACE

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 2134595 COASTAL DEVELOPMENT PERMIT NO. 2134597 HERSHFIELD RESIDENCE CDP/SDP - PROJECT NO. 603740 [MMRP] HEARING OFFICER

This Site Development Permit No. 2134595/Coastal Development Permit No. 2134597 (Permit) is granted by the Hearing Officer of the City of San Diego to the HERSHFIELD FAMILY TRUST DATED 12-21-01, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708 and 151.0201(c). The 0.44-acre site is located at 8230 Prestwick Drive in the SF Zone of the La Jolla Shores Planned District, the Coastal Non-Appealable Overly, and the Coastal Height Limitation Overlay of the La Jolla Community Plan. The project site is legally described as: Lot 66 of Prestwick Estates unit No. 1, according to map thereof No. 4392, filed in the office of the county recorder of San Diego County on November 13, 1959, and more particularly described in Grant Deed recorded August 15, 201 as Document No. 2016-0416674 of official records of the San Diego County Recorder.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish a single dwelling unit and construct a one-story over-basement single dwelling unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 29, 2019 on file in the Development Services Department.

The project shall include:

- a. Demolition of the existing dwelling unit and construction of a one-story over-basement, 12,424-square-foot single dwelling unit;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Site retaining walls, site walls, pool and spa; and
- e. 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 12, 2022.
- 2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
- 3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
- 4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
- 5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
- 6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
- 7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
- 8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" 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.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

- 11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.
- 12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 603740, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.
- 13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 603740, 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:

Cultural Resources (Paleontology)

CLIMATE ACTION PLAN REQUIREMENTS:

14. 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" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

- 15. The project proposes to export 3806 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.
- 16. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
- 17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the sidewalk underdrains, private walkways, landscape and irrigation in the Prestwick Drive right of way.
- 18. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the stone paving, adjacent to the site on Prestwick Drive, satisfactory to the City Engineer.
- 19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction/replacement of existing driveway with a 12-foot-wide driveway per current City Standards, adjacent to the site on Prestwick Drive, satisfactory to the City Engineer.
- 20. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the closure of the non-utilized portions of existing driveway with current City Standard curb, gutter and sidewalk, adjacent to the site on Prestwick Drive, satisfactory to the City Engineer.
- 21. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the removal of the encroaching mail box from the Prestwick Drive right of way.
- 22. 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.
- 23. 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:

- 24. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
- 25. Prior to issuance of any public improvement permit, 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.
- 26. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per \$142.0403(b)5.
- 27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. 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 documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection for Single-Dwelling Unit development.

PLANNING/DESIGN REQUIREMENTS:

- 29. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing 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 building permit, the Owner/Permittee shall record View Corridor Easements along the Northern property side yard setback, the depth of the property, and along the Southern property side yard setback, the depth of the property, as shown on the Exhibit "A," in accordance with SDMC section 132,0403.
- 32. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary 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 29, 2019, and HO-______.

Site Development Permit No. 2134595 Coastal Development Permit No. 2134597 Date of Approval: May 29, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT			
Francisco Mendoza			
Development Project Manager			
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.			
taran da antara da a	e , by execution hereof, agrees to each and every condition of each and every obligation of Owner/Permittee hereunder.		
	HERSHFIELD FAMILY TRUST DATED 12-21-01 Owner/Permittee		
	By NAME Trustee		

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

HEARING OFFICER RESOLUTION NO. HO-_____

HERSHFIELD RESIDENCE CDP/SDP - PROJECT NO. 603740 [MMRP]

ADOPTED	ON	

WHEREAS, on May 9, 2018, the HERSHFIELD FAMILY TRUST DATED 12-21-01,

Owner/Permittee, submitted an application to the Development Services Department for a Coastal

Development Permit (CDP) and a Site Development Permit (SDP) for the Hershfield Residence

CDP/SDP (Project); and

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

WHEREAS, the issue was heard by the Hearing Officer on May 29, 2019; and
WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative
Declaration No. 603740 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer 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 Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously

identified in the Initial Study, 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 Hearing Officer

hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the

changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant

effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, 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

Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Staff is directed to file a Notice of

Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the

Project.

By:_____

Francisco Mendoza

Development Project Manager

ATTACHMENT(S):

Exhibit A, Mitigation Monitoring and Reporting Program

Page 2 of 9

EXHIBIT "A"

MITIGATION MONITORING AND REPORTING PROGRAM

SITE DEVELOPMENT PERMIT NO. 2134595 COASTAL DEVELOPMENT PERMIT NO. 2134597 HERSHFIELD RESIDENCE CDP/SDP - PROJECT NO. 603740

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. 603740 shall be made conditions of the Coastal Development Permit and Site Development Permit as may be further described below.

- V. MITIGATION, MONITORING AND REPORTING PROGRAM:
- 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.
- In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
- 3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

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

- 4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
- 5. **SURETY AND COST RECOVERY** The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or

programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

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

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) #603740 and /or Environmental Document #603740, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.)

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

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

None Required

4. MONITORING EXHIBITS

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

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

5. OTHER SUBMITTALS AND INSPECTIONS:

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

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/ Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
Cultural Resources (Paleontology)	Monitoring Report(s)	Paleontological Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL MONITORING PROGRAM

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
 - 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 inhouse, 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

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

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 - 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
 - In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - 3. The PI shall immediately notify MMC by phone of the discovery and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
 - 1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.

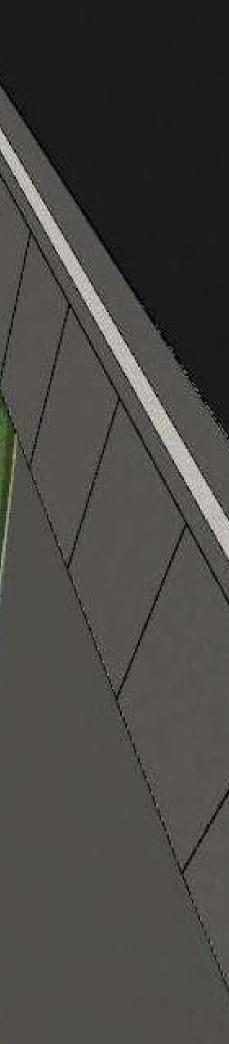
- b. Discoveries
 - All discoveries shall be processed and documented using the existing procedures detailed in Sections III During Construction.
- Potentially Significant Discoveries
 If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III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

V. Post Construction

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



PROJECT NAME:

PROJECT ADDRESS:

PROJECT DATA

HISTORIC

AN DIEGO. 3 TO MAP OUNTY

02 / 19 / 2018 - 1ST COMPLETENESS REVIEW

8230 PRESTWICK DRIVE

LA JOLLA, CA 92037

PRESTWICK DRIVE

N KES

SUBMITTAL DATE:

LAWRENCE & TAMMY HERSHFIELD 6048 CLUBHOUSE DRIVE

OWNER: ZONE:

PRESTWICK ESTATES UNIT 1, MAP NO. 4392

MAP NUMBER: LOT NUMBER:

COMMITTEE

RANCHO SANTA FE, CA 92067

A P N

LOT COVERAGE:

346-262-06-00

60% LOT COVERAGE ALLOWABLE

PROJECT LOCATED IN LA JOLLA SHORES WITH NO F.A.R. REQUIREMENT

5,213-SF (MAIN LEVEL) / 19,550 (TOTAL LOT SF) = 27% LOT COVERAGE ACTUAL

LOT 66 OF PRESTWICK ESTATES, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CA, ACCORDING TO MAP LEGAL DESCRIPTION:

THEREOF NO, 4392, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 17, 1959

CONSERVATION ELEMENT NOTES

- 1. A VARIABLE REFRIGERANT FLOW (VRF) HIGH EFFICIENT HVAC SYSTEM
- 2. TANKLESS WATER HEATERS. PROVIDES 27-50% ENERGY EFFICIENCY. ENERGY STAR 3. ULTRA-LOW WATER CONSERVING PLUMBING FIXTURES LABEL. RECIRCULATING PUMPS AT REMOTE FAUCETS
 - 5. HIGH-EFFICIENCY LIGHTING, MOTION SENSORS AND DIMMERS. TASK LIGHTING 4. ENERGY STAR LABEL APPLIANCES: INCLUDING BUT NOT LIMITED TO: REFRIGERATOR, WASHER/DRYER, DISHWASHER.

GENERAL

DURING CONSTRUCTION, AT LEAST ONE FIRE EXTINGUISHER SHALL BE PR STORAGE AND CONSTRUCTION SHEDS, IN LOCATIONS WHERE FLAMMABLE (BUILDINGS UNDERGOING CONSTRUCTION, ALTERNATION, OR DEMOLITION OTHER SPECIAL HAZARDS ARE PRESENT PER CFC SECTION 3315.1

3. BUILDINGS SHALL HAVE APPROVED ADDRESS NUMBERS, BUILDING NUMBI POSITION THAT IS PLAINLY LEGIBLE AND VISIBLE FROM THE STREET OR ROA WITH THEIR BACKGROUND, ADDRESS EMBERS SHALL BE ARABIC NUMBERS WITH A MIN. STROKE WIDTH OF 0.5 IN. FOR RESIDENTIAL BUILDINGS COMPLY OF 6 IN, HIGH WITH A MIN, STROKE WIDTH OF 0.5 IN, (CFC, SEC, 505.1 AND SD 4. SHOWER COMPARTMENTS AND BATHTUBS WITH INSTALLED SHOWER HEA EXTENDS TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE THE FLOOR PER C OTHER HOT WORK SHALL BE IN CONFORMANCE WITH CFC CHAPTER 35.

EVC GENERA

FAMILY DWELLINGS AND TOWNHOUSES WITH ATTACHED PRIVATE GARAGES 6. RACEWAY SHALL BE NOT LESS THAN TRADE SIZE 1 (NOMINAL 1-IN INSIDE I

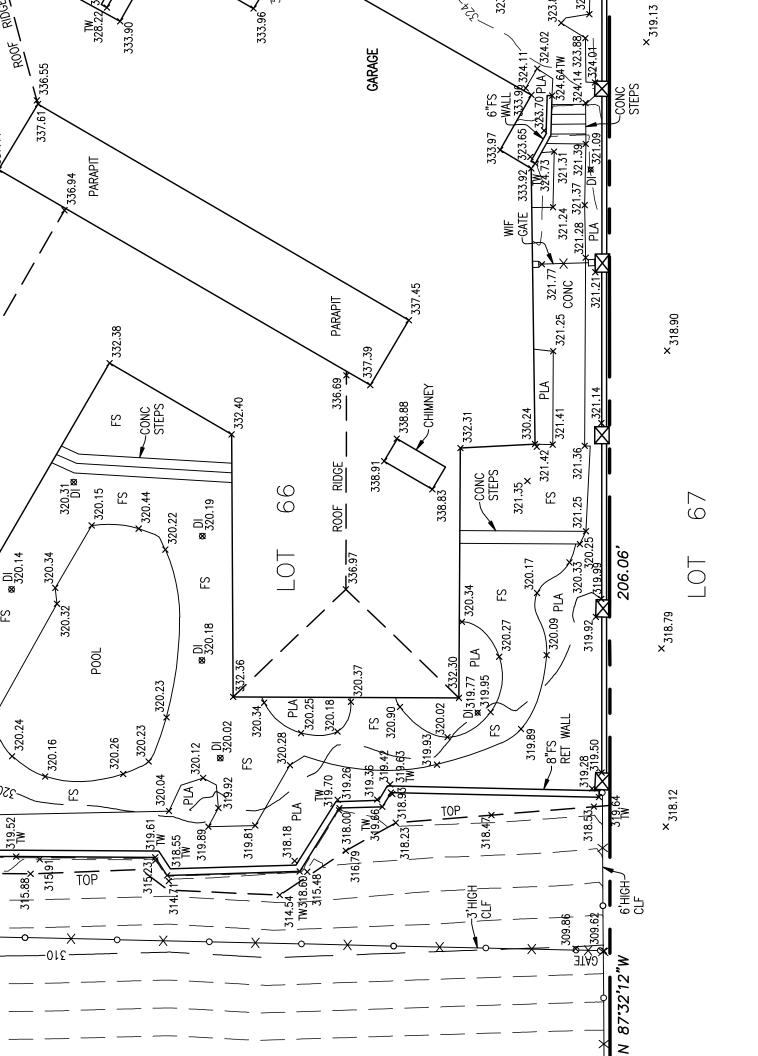
5. A LISTED RACEWAY SHALL BE PROVIDED TO FACILITATE FUTURE INSTALL

7. THE EVCS RACEWAY SHALL ORIGINATE AT THE MAIN SERVICE OR SUBPAN ENCLOSURE IN CLOSE PROXIMITY TO THE PROPOSED LO ATION OF THE EV S

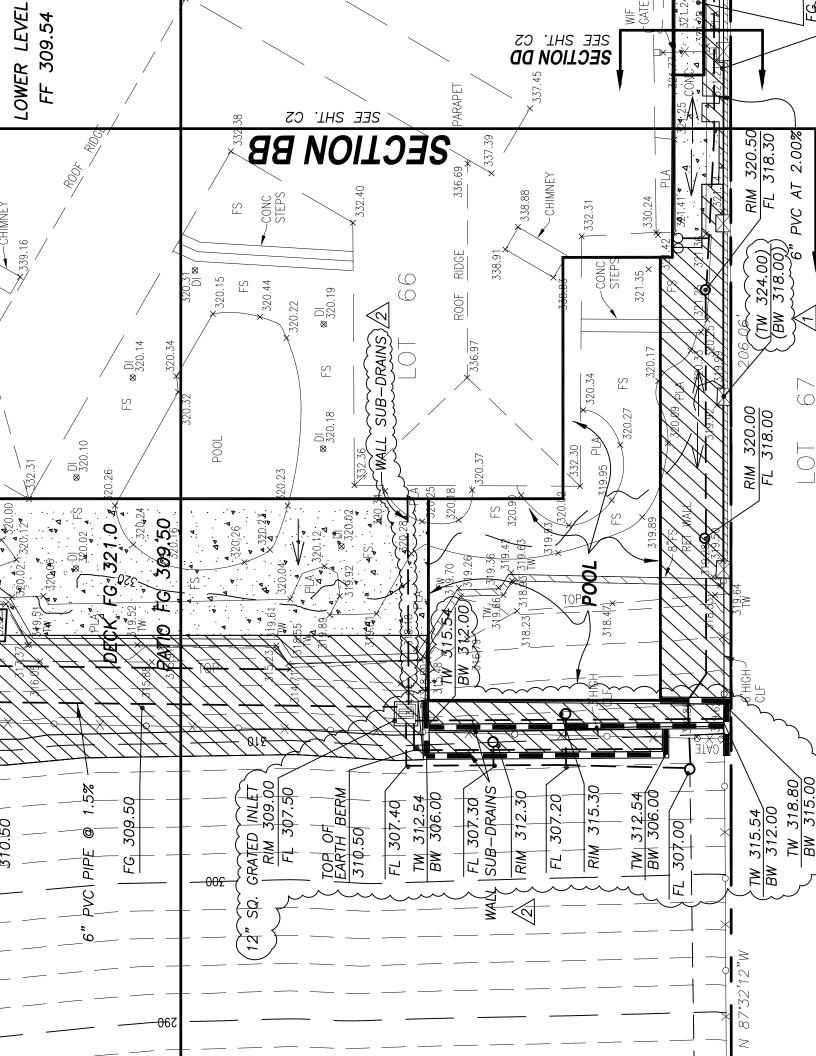
8. THE EVCS RACEWAY SHALL BE CONTINUOUS AT ENCLOSED, INACCSSIBLE 9 THE EVCS SERVICE PANEL OR SUBPANEL SHALL PROVIDE CAPACITY TO IN SPACES RESERVED TO PERMIT INSTALLATION OF A BRANCH CIRCUIT OVERC 10. THE EVCS SERVICE PANEL PR SUBPANEL CIRCUIT DIRECTLY SHALL IDEN FUTURE EV CHARGING PUROSES AS 'EV CAPABLE' AND THE RACEWAY TERN

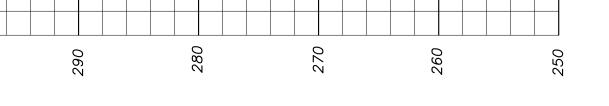
CALGREEN GEN

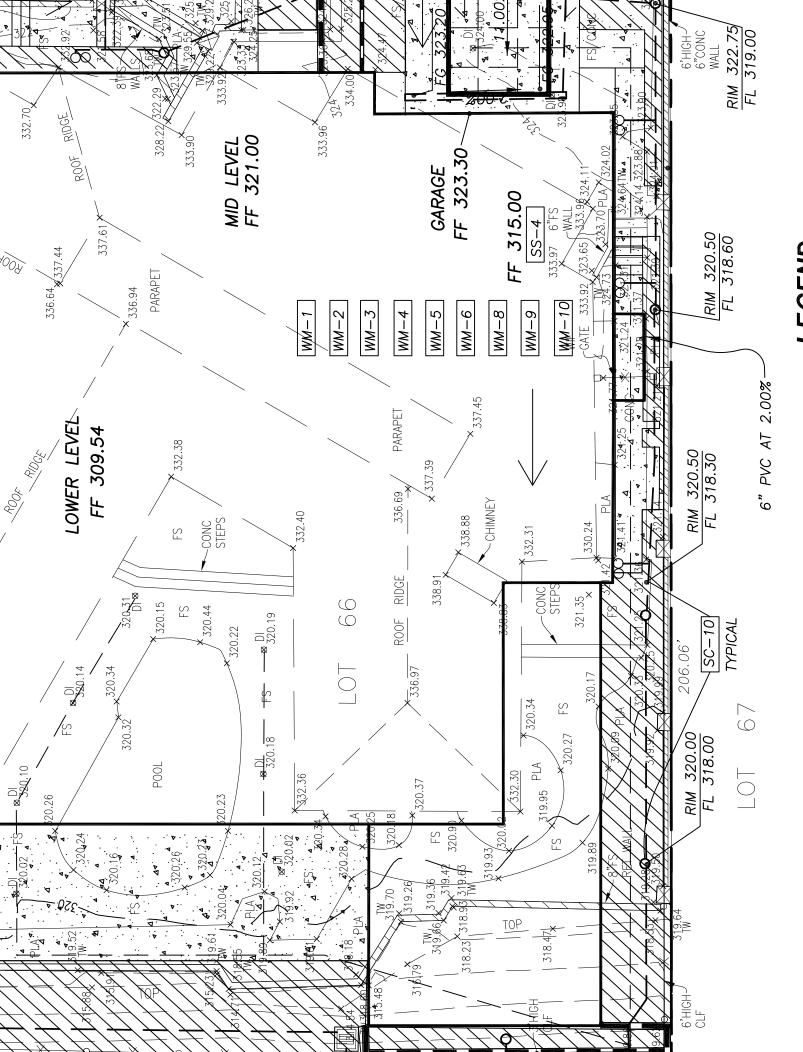
- 11. THE CALIFORNIA GREEN BUILDING CODE (CALGREEN) APPLIES TP A.; RES 12. CALGREEN APPLIES TO ALL NEW RESIDENTIAL OCCUPANCIES INCLUDING 13, A PLUMBING FIXTURE CERTIFICATION MUST BE COMPLETED AND SIGNED SUBCON TRACTOR OR THE BUILDING OWNER CERTIFYING THE FLOW RATE (
- NEW RESIDENTIAL DEVELOPMENTS WITH A LANDSCAPE AREA OVER 500 4,304.4); 1) LOCAL WATER EFFICIENT LANDSCAPE ORDINANCE OR CURRENT EFICIENT LANDSCAPE ORDINANCE (MWELO). 2.) LANDSCAPE AREA LESS THA BE OBTAINED FROM THE DEVELOPMENT SERVICES DEPARTMENT COMPLIANCE OPTION



×314.4







LEGEND

