



City of San Diego  
Office of the City Clerk  
202 C Street  
Second Floor  
San Diego, CA 92101  
(619) 533-4000

**Recommendations**  
Community Planning Group/  
Staff's/Planning Commission

001135

Project Manager **must** complete the following information for the Council docket:  
CASE NUMBER: PTS 125935

**Staff's:**  
Please indicate the recommended action for each item (i.e. Resolution/Ordinance):  
Resolution approving Coastal Development Permit No. 431859, resolution approving Vesting Tentative Map No. 431879, including waiver for the underground utilities and Storm Drain Easement Vacation No. 468619

**Planning Commission:**  
(List names of Commissioners voting yea or nay)  
YEAS: 6 (Schultz, Smiley, Griswold, Ontai, Otsuji, Naslund)  
NAYS: 0  
ABSTAINING: 1 Vacancy  
  
Recommended Action: Approval of Coastal Development Permit No. 431859, resolution approving Vesting Tentative Map No. 431879, including waiver for the underground utilities and Easement Vacation No. 468619

**Community Planning Group:**  
Choose one:  
LIST NAME OF GROUP:  
 No officially recognized community planning group for this area.  
 Community Planning Group has been notified of this project and has not submitted a recommendation.  
 Community Planning Group has been notified of this project and has not taken a position.  
 Community Planning Group has recommended approval of this project.  
 Community Planning Group has recommended denial of this project.  
 This is a matter of City-wide effect. The following community group(s) have taken a position on the item:  
In favor: 9  
Opposed: 3

By: \_\_\_\_\_  
Project Manager

*This information is available in alternative formats for persons with disabilities.  
To request this information in alternative format, call (619)446-5446 or (800)735-2929 (TDD)*



001137

THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** February 1, 2008 **REPORT NO. PC-08-009**

**ATTENTION:** Planning Commission, Agenda of February 7, 2008

**SUBJECT:** PEARL STREET TOWNHOMES – PTS 125935  
PROCESS 5

**OWNER:** Pearl & Herschel, LLC (Attachment 12)

**APPLICANT:** Pearl & Herschel, LLC - Discovery Group, Jay Wexler

### SUMMARY

**Issue(s):** Should the Planning Commission recommend City Council approval to demolish an existing office building and six residential apartments, and to construct twenty-four residential condominiums units within the La Jolla Community Plan area?

### Staff Recommendation:

1. Recommend CERTIFICATION of Mitigated Negative Declaration No. 125935 and ADOPTION of the Mitigation, Monitoring and Reporting Program.
2. Recommend APPROVAL of Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879 and Easement Vacation No. 468619.

**Community Planning Group Recommendation:** On October 4, 2007, the La Jolla Community Planning Association voted 9-3-1 to recommend approval with conditions discussed in the report.

**Environmental Review:** Mitigated Negative Declaration No. 125935 has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines which identified potential impacts to Archaeological Resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to a level below significance, any potential impacts identified in the environmental review process.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None

**Housing Impact Statement:** The project proposal would add twenty-four new multi-family dwelling units on the subject parcel. Six existing dwelling units will be demolished. Therefore, the net effect would be the addition of eighteen new dwelling units to the La Jolla Community Plan. The applicant would pay the in lieu fee to meet the inclusionary housing requirements.

## **BACKGROUND**

The project site is located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within the La Jolla Community Plan area.

The proposed residential development is located on a parcel that is designated within the La Jolla Community Plan and Local Coastal Program Land Use Plan for Medium High Residential Density, 30-45 dwelling units per acre. The proposed twenty-four unit project is consistent with this land use designation and is under the twenty-eight unit maximum for this site.

The 0.636 acre site located at 1030 Pearl Street is developed with a commercial building constructed in 1956, and 7522-32 Herschel Avenue has five detached structures with a total of six residential apartments constructed in 1938.

## **DISCUSSION**

### **Project Description:**

The proposed project includes the demolition of an existing office building and five detached structures containing six residential apartments, and the construction of twenty-four residential condominiums units. A Coastal Development Permit is required due to its location within the Coastal Overlay Zone. In addition, a Vesting Tentative Map with an easement vacation and waiver for the undergrounding of the existing overhead utilities is requested. A Vesting Tentative Map is required for the sale of the condominium units which will include the easement vacation of an existing ten foot storm drain abandoned since 1960.

The proposed condominiums units would be two-stories with attached basement/garages and roof decks. The units would have one to three bedrooms and range in size from 957 square feet to 1,566 square feet. The structure would include two separate motor courts and common open space. The exterior elevation would be designed with stone veneer, hard board shingle siding, wood window trim, vinyl windows and asphalt shingle roof.

The total parking requirement for the twenty-four residential condominiums is forty-five spaces.

Each unit would have an attached one-car or two-car garage and there would be an additional ten spaces provided on the site, for a total of fifty-five parking spaces. Eight off-street parking spaces abutting the south alley would be available for guests.

The project would require the entire site to be graded. The grading would include approximately 3,500 cubic yards of cut and 3,300 cubic yards of fill at a maximum depth of 7.3 feet.

The project proposes a Vesting Tentative Map for the subdivision of a 0.636 acre site to twenty-four residential condominiums on five lots. The applicant is also requesting that the requirement for the undergrounding of the existing overhead utilities be waived. Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. Staff has reviewed the proposed condominiums and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

#### Undergrounding of Existing Utilities

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirements to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Undergrounding Conversion of Utility Lines at the Developer's Expense*, the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per condition No. 9 of the draft Vesting Tentative Map resolution (Attachment 10). The applicant would also be required to underground any new service run to any new proposed structures within the subdivision per Condition No. 8 of the draft Vesting Tentative Map resolution (Attachment 10).

The site currently contains power poles and overhead utility lines along the south alley of Herschel Avenue. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 1L, and the date for the undergrounding will be determined by City Council

#### **Coastal Zone Affordable Housing Replacement:**

The proposed project to demolish an existing office building and six residential apartments is exempt from the Coastal Zone Affordable Housing Replacement Regulations since the demolition is less than ten dwelling units and on a premises with more than one residential structure (SDMC, Section 143.0820 (d)).

#### **Community Plan Analysis:**

The subject project is located within the La Jolla Community Plan area and is designated for medium high residential use (30-45 dwelling units per acre). The proposed new construction of

twenty-four dwelling units is consistent with this land use designation. Currently there are six existing dwelling units for rent and a commercial office on the site. The six dwelling units were found not to have any historic significance and the commercial office is currently underutilized.

The surrounding neighborhood is characterized by older multi-family residences, single family residences, a commercial parking lot and commercial uses at the corner of Pearl Street and Herschel Avenue. Adjacent to Herschel, to the east, High Avenue is developed with single family homes. Pearl Street towards Girard Avenue is a combination of multi-family, single family and commercial uses. Girard Avenue, one block west of Herschel, is the main commercial street in the village in La Jolla. The proposed new residences are designed in a modern interpretation of the craftsman style and serve as a transition between the single family homes on Pearl Street to the multi-family residential along Herschel Avenue. The proposed development includes high quality materials such as river rocks and wood materials on the facades and has building articulation which relates to the pedestrian scale of the neighborhood.

The community plan characterizes medium-high density as higher density condominiums and apartments. The proposed townhomes will provide pedestrian access from Herschel Avenue and Pearl Street. Vehicular access to on-site parking will be taken from the alley. The proposal includes street trees along both Herschel Avenue and Pearl Street, to blend the project with the existing pedestrian oriented streets in the neighborhood.

The community plan recommends that new residences fit into the overall character of the neighborhood. The relative bulk and scale of the proposed new residences is in keeping with the neighborhood. The proposed new townhomes step down from the streetscape to minimize the bulk and scale of the buildings. The proposed project complies with the Land Development Code and the character compatibility recommendations in the community plan. Staff can support the project as proposed.

#### **Community Planning Group:**

On October 4, 2007, the La Jolla Community Planning Association voted 9-3-1 to recommend approval for the proposed project with the following condition. "All construction and deliveries to the site be limited from the hours of 8:45 AM to 9:15 AM and 2:45 PM to 3:45 PM on days when school is in session and construction workers park on the site." The applicant agrees that limiting construction and deliveries during school hours would be beneficial to the community to not further impact traffic congestion during school drop-offs and pick-ups, and will try to limit activity during that time. The applicant will also try to accommodate parking on the site for the workers when possible. Staff, however, is aware that the San Diego Municipal Code allows construction noise Monday through Saturday from 7:00 AM to 7:00 PM and does not have restrictions on construction traffic nor parking regulations.

#### **Conclusion:**


Staff has reviewed the proposed project and has determined that it complies with all the applicable sections of the Land Development Code and the La Jolla Community Plan and Local Coastal Program Land Use Plan. Therefore, staff can support the Coastal Development Permit,

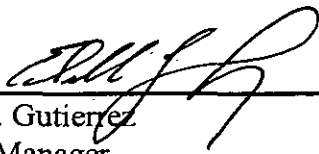
and a Vesting Tentative Map with an Easement Vacation.

**ALTERNATIVE**

1. Recommend that the City Council **Approve** Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879 and Easement Vacation No. 468619, **with modifications.**
2. Recommend that the City Council **Deny** Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879 and Easement Vacation No. 468619, **if the findings required to approve the project cannot be affirmed.**

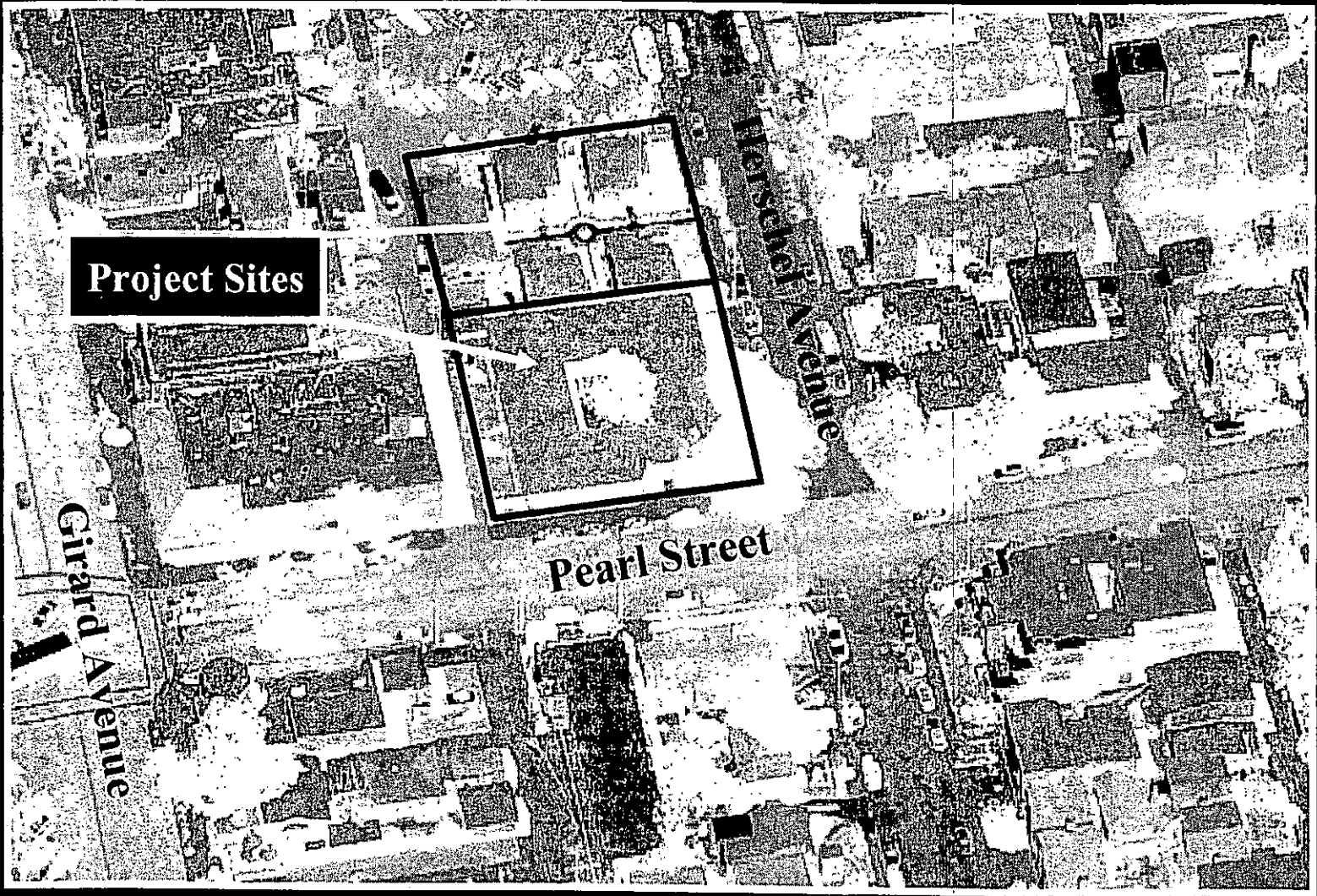
Respectfully submitted,

  
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Mike Westlake  
Program Manager  
Development Services Department

  
\_\_\_\_\_  
Edith Y. Gutierrez  
Project Manager  
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. City's Undergrounding Master Plan 1L
5. Project Data Sheet
6. Vesting Tentative Map
7. Site Plan
8. Landscape Plan
9. Easement Vacation
10. Elevations
11. Draft Permit with Conditions
12. Draft Resolution with Findings
13. Draft Map Conditions and Subdivision Resolution
14. Community Planning Group Recommendation
15. Ownership Disclosure Statement
16. Project Chronology

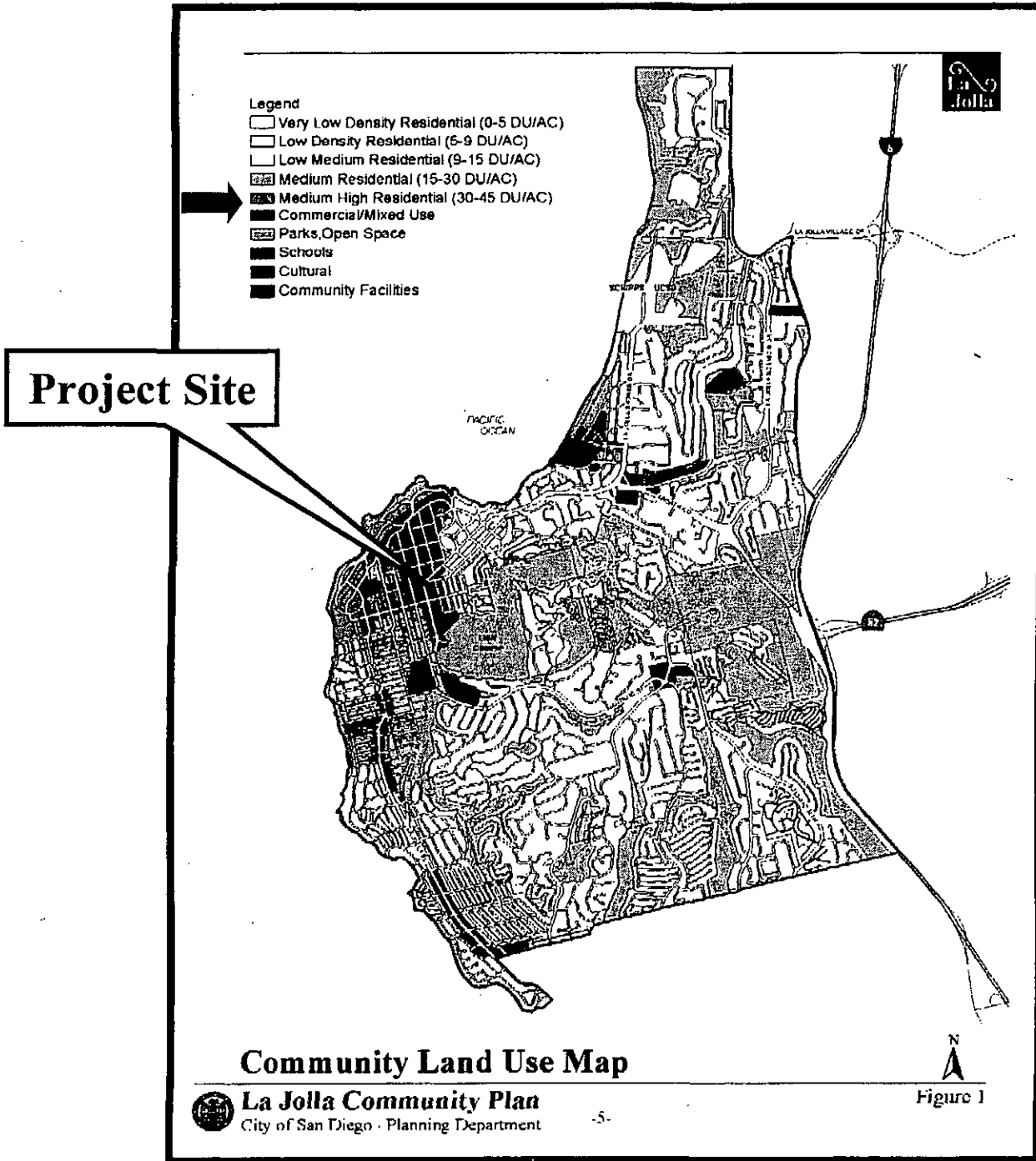


### Aerial Photo

PEARL STREET TOWNHOMES – 1030 PEARL STREET/7522 HERSCHEL AVENUE

PROJECT NO. 125935

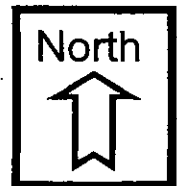




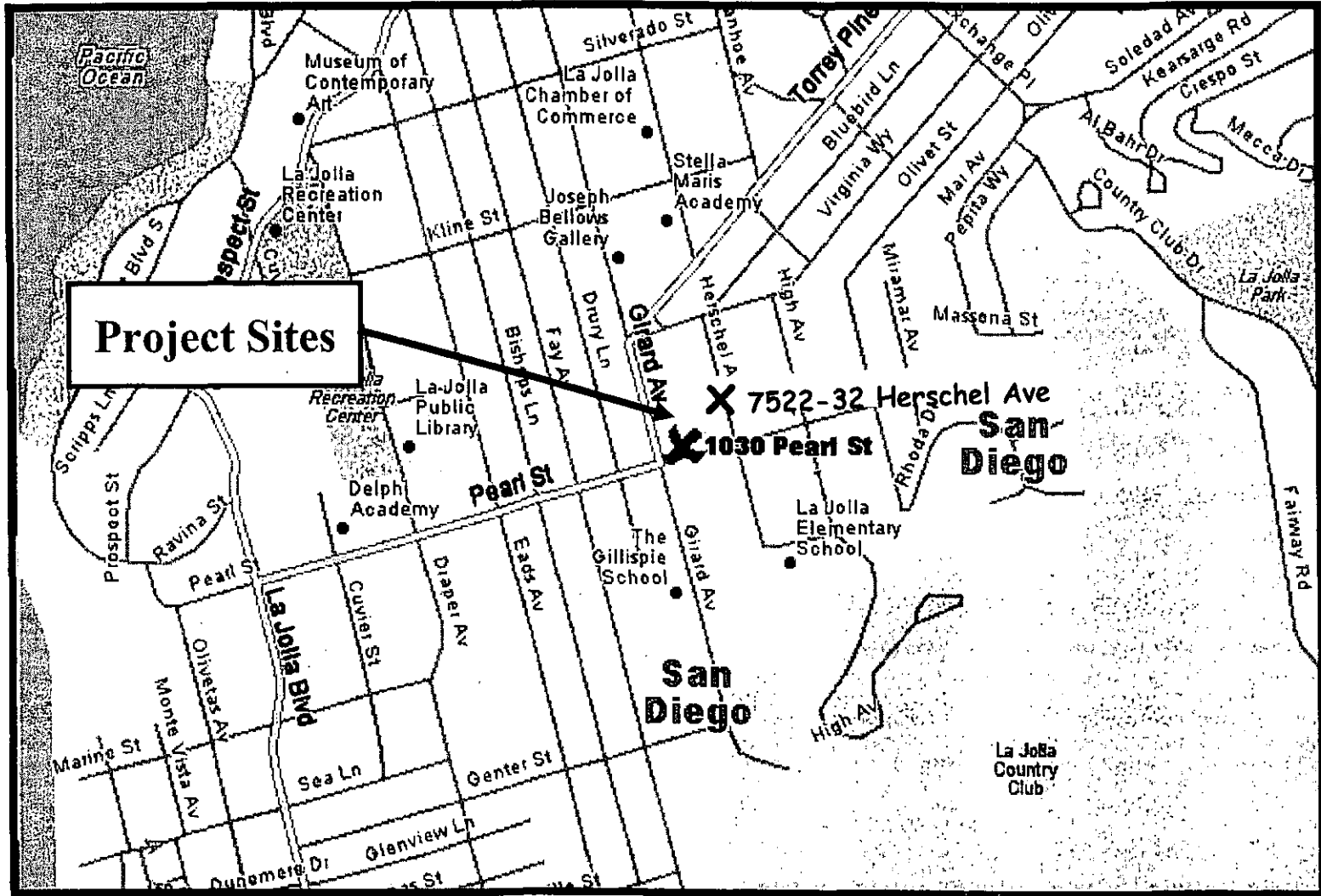
# Community Plan Land Use Map

PEARL STREET TOWNHOMES - 1030 PEARL STREET

PROJECT NO. 125935 - LA JOLLA







## Project Location Map

**PEARL STREET TOWNHOMES – 1030 PEARL STREET/7522-32 HERSCHEL AVENUE**  
**PROJECT NO. 125935**





**Identify Results**

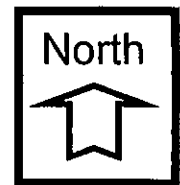
**Council Districts**  
 Council District: 1  
 Member Name: Scott Peters  
 Office Phone: (619) 236-6611

**Utilities Undergrounding**  
**Projects**  
 Project Name: Project Block 1L  
 Year Allocated: 2025  
 Project Start: May 31, 2027  
 Project End: May 30, 2029  
 Contact Person: Carol Drummond  
 Phone #: 6195333841  
 Email: [undergrounding@sa](mailto:undergrounding@sa)  
 Website: [www.sandiego.gov](http://www.sandiego.gov)  
 Council District: 1  
 Phase: unallocated



# Utilities Undergrounding Mapping

**PEARL STREET TOWNHOMES – 1030 PEARL STREET/7522-32 HERSCHEL AVENUE**  
**PROJECT NO. 125935**



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Pearl Street Townhomes – PTS125935
<b>PROJECT DESCRIPTION:</b>	Demolish an existing office building and six residential apartments and construct 24 residential condominiums on a 0.636 acre site at 1030 Pearl St and 7522-32 Herschel Ave
<b>COMMUNITY PLAN AREA:</b>	La Jolla Community Plan
<b>DISCRETIONARY ACTIONS:</b>	Coastal Development Permit, Vesting Tentative Map, and Easement Vacation
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Medium High Residential Density (30-45 du/acre)

### ZONING INFORMATION:

**ZONE:** RM-3-7: (multi-unit residential, 1 dwelling unit for each 1,000 square-feet of lot area)

**HEIGHT LIMIT:** 30-foot maximum height limit/Proposed 30 feet

**LOT SIZE:** 7,000 square-foot minimum lot size/Existing 27,708 sq. ft.

**FLOOR AREA RATIO:** 1.80 maximum/Proposed 1.6

**FRONT SETBACK:** 10 ft. minimum, 20 ft standard/Proposed 10 ft, 20 ft.

**SIDE SETBACK:** 5 feet minimum or 10% lot width/Proposed 13 ft.

**STREETSIDE SETBACK:** 10 feet or 10% lot width/Proposed 13 ft.

**REAR SETBACK:** 5 feet minimum/Proposed 8 ft. 5 in.

**PARKING:** Required 45 spaces/Proposed 55

<u>ADJACENT PROPERTIES:</u>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Multi-Family Residential; RM-3-7.	Commercial Parking Lot
<b>SOUTH:</b>	Multi-Family Residential; RM-3-7.	Multi-Family Residential
<b>EAST:</b>	Multi-Family Residential; RM-3-7.	Multi-Family Residential
<b>WEST:</b>	La Jolla Planned District – Zone 1	Arterial Commercial

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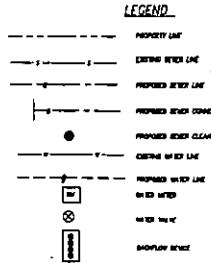
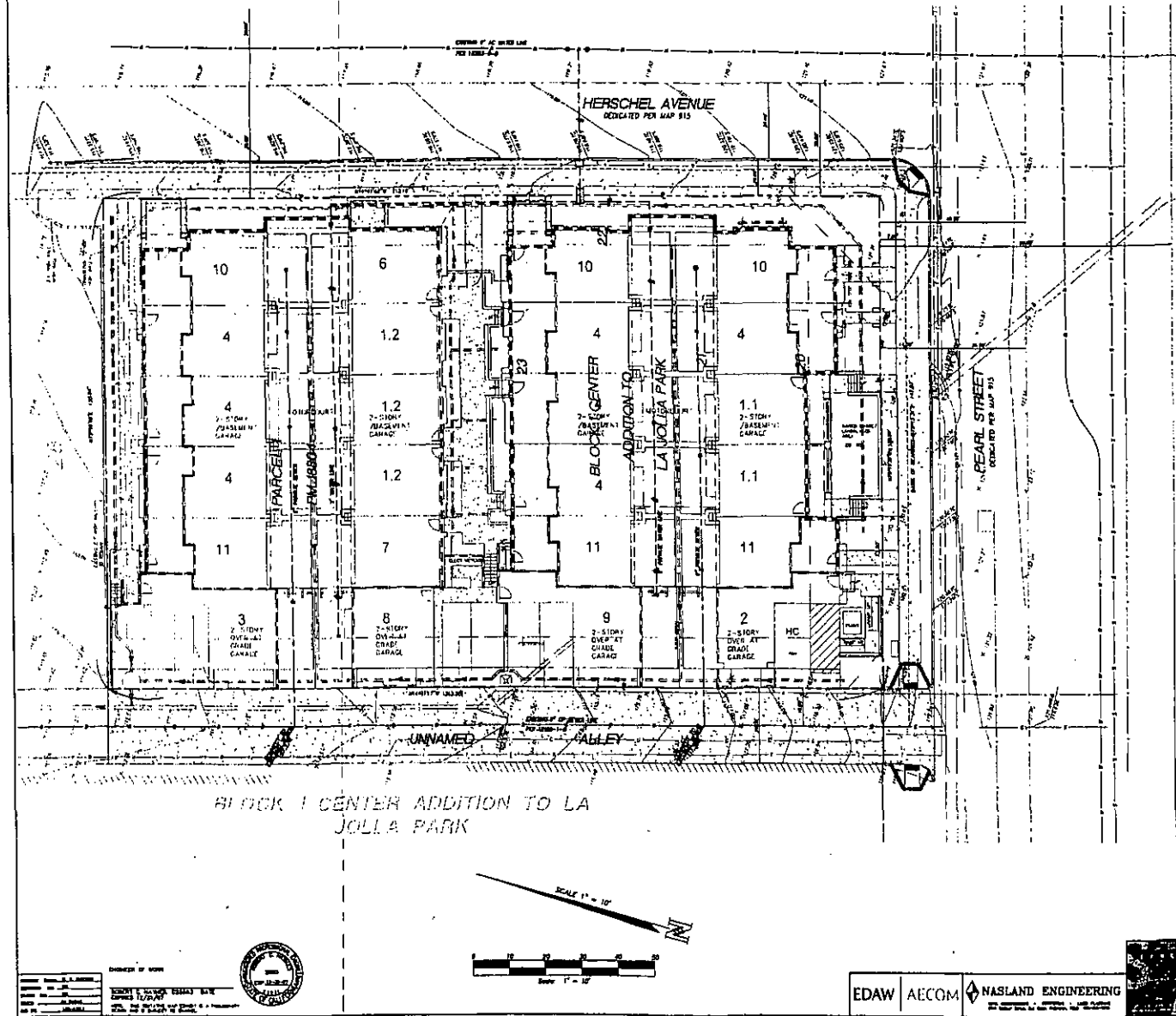
ATTACHMENT 5

<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	None
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On October 4, 2007, the La Jolla Community Planning Association voted 9-3-1 to recommend approval with conditions

**VESTING TENTATIVE MAP 431879**  
**Pearl Street Townhomes**

ATTACHMENT 6

001149



**SEWER NOTES:**

1. ALL PROPOSED PUBLIC SEWER FACILITIES ARE TO BE FINISHED AND CONSTRUCTED IN ACCORDANCE WITH ESTABLISHED ORDINANCE IN THE MOST CURRENT CITY OF SAN DIEGO STREET DESIGN GUIDE.
2. ALL PROPOSED PRIVATE SEWER FACILITIES SHALL CONFORM TO THE MOST CURRENT LOCAL, FEDERAL, AND CITY REGULATIONS AND TO THE REQUIREMENTS OF THE MOST CURRENT EDITION OF THE INTERNATIONAL BUILDING CODE DEPARTMENT SEWER DESIGN GUIDE OR THE CALIFORNIA UNIFORM PLUMBING CODE AS ADOPTED BY THE CITY OF SAN DIEGO.
3. ALL ON-SITE WASTEWATER SYSTEMS ARE PERMITTED.
4. NO FEET OR DIMENSIONS EXCEEDING THREE FEET IN HEIGHT AT SEWERITY SHALL BE PERMITTED WITHIN TEN FEET OF ANY PUBLIC SEWER FACILITIES.

**WATER NOTES:**

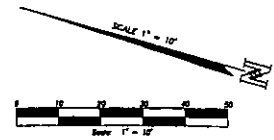
1. THE SUBMITTER SHALL DESIGN AND CONSTRUCT NEW WATER SERVICES AND CONNECTIONS AT THE WATER MAIN ANY EXISTING LATERED IN USE SERVICES ADJACENT TO THE PROJECT SITE, IN A MANNER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR AND THE CITY ENGINEER.
2. THE SUBMITTER SHALL DESIGN AND CONSTRUCT ALL PROPOSED PUBLIC WATER FACILITIES, INCLUDING BUT NOT LIMITED TO SERVICES, SERVICE AND EXHIBITS IN ACCORDANCE WITH ESTABLISHED ORDINANCE IN THE MOST CURRENT EDITION OF THE CITY OF SAN DIEGO WATER FACILITY DESIGN HANDBOOK AND CITY REGULATIONS. EXHIBITS AND PRACTICES PERTAINING TO WATER FACILITIES SHALL BE APPROVED AT FINAL ENGINEERING TO COMPLY WITH STANDARDS.

**C-4 PEARL STREET TOWNHOMES**  
**PEARL AND HERSCHEL LLC**  
**VESTING TENTATIVE MAP 431879**  
**CONCEPTUAL SEWER & WATER PLAN**

Prepared By: _____	Revision 11: _____
Drawn: _____	Revision 10: _____
Checked: _____	Revision 9: _____
Address: 1240 HERSCHEL STREET	Revision 8: _____
City: SAN DIEGO, CA	Revision 7: _____
Project Address: _____	Revision 6: _____
1240 HERSCHEL STREET	Revision 5: _____
725-10 HERSCHEL AVENUE	Revision 4: _____
LA JOLLA, CA 92037	Revision 3: _____
Project Name: _____	Revision 2: _____
PEARL STREET TOWNHOMES	Revision 1: _____
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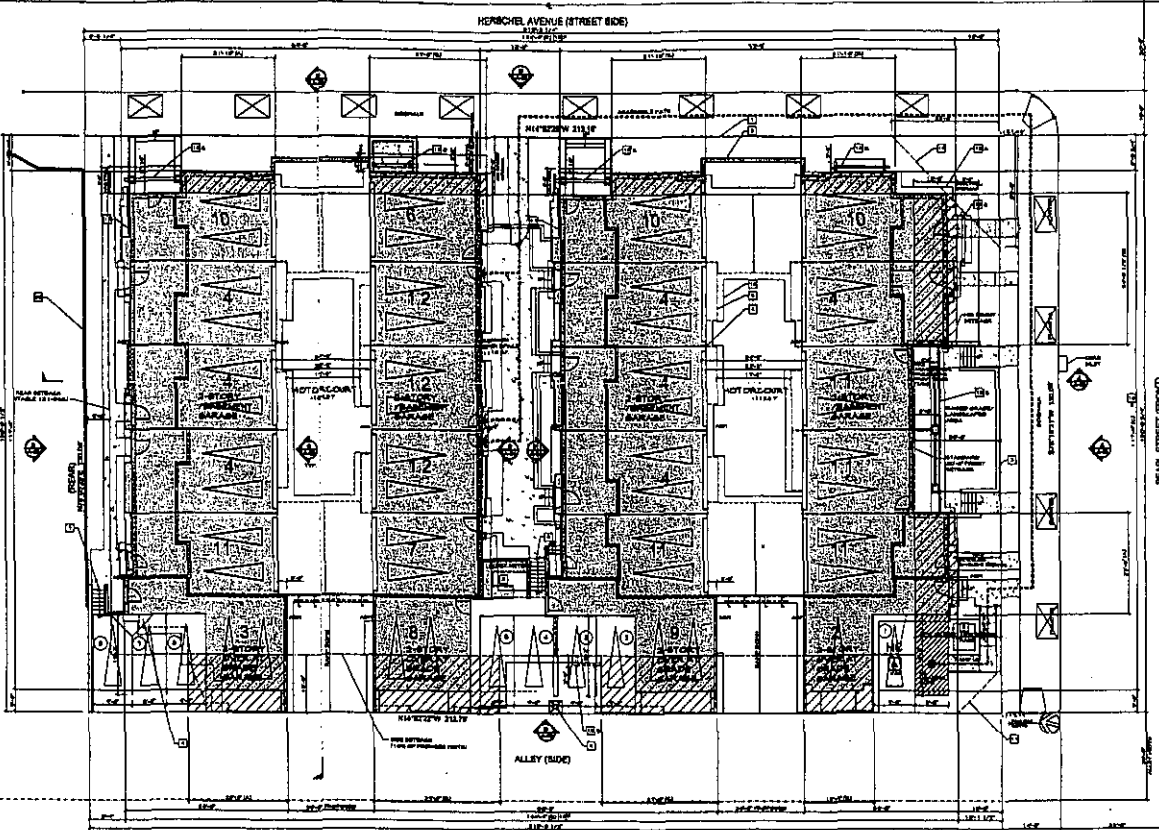


DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_



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STREET SIDE SETBACK  
 UP TO 5% OF BUILDING HEIGHT BUT MINIMUM OF 10'-0"  
 THIS REQUIREMENT SHALL APPLY TO ALL  
 LENGTH OF BUILDING (A) : 10'-0" FT  
 LENGTH OF BUILDING (B) : 10'-0" FT  
 LENGTH OF BUILDING (C) : 10'-0" FT  
 TOTAL LENGTH OF BUILDINGS : 30'-0" FT  
 MAXIMUM PERCENTAGE OF BUILDINGS : 100%  
 MAXIMUM PERCENTAGE OF BUILDINGS : 100%



FRONT STREET SETBACK  
 UP TO 5% OF BUILDING HEIGHT BUT MINIMUM OF 10'-0"  
 THIS REQUIREMENT SHALL APPLY TO ALL  
 LENGTH OF BUILDING (A) : 10'-0" FT  
 LENGTH OF BUILDING (B) : 10'-0" FT  
 LENGTH OF BUILDING (C) : 10'-0" FT  
 TOTAL LENGTH OF BUILDINGS : 30'-0" FT  
 MAXIMUM PERCENTAGE OF BUILDINGS : 100%  
 MAXIMUM PERCENTAGE OF BUILDINGS : 100%

SIDE SETBACK  
 UP TO 5% OF THE LENGTH OF THE BUILDING BUT NOT  
 PROPERTY LINE AND MINIMUM OF 10'-0" FROM  
 PROPERTY LINE. THIS REQUIREMENT SHALL APPLY TO ALL  
 LENGTH OF BUILDING (A) : 10'-0" FT  
 LENGTH OF BUILDING (B) : 10'-0" FT  
 LENGTH OF BUILDING (C) : 10'-0" FT  
 TOTAL LENGTH OF BUILDINGS : 30'-0" FT  
 MAXIMUM PERCENTAGE OF BUILDINGS : 100%  
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- PLAN KEYNOTES**
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**SITE PLAN**  
 1/8" = 1'-0"

# PEARL STREET TOWNHOMES

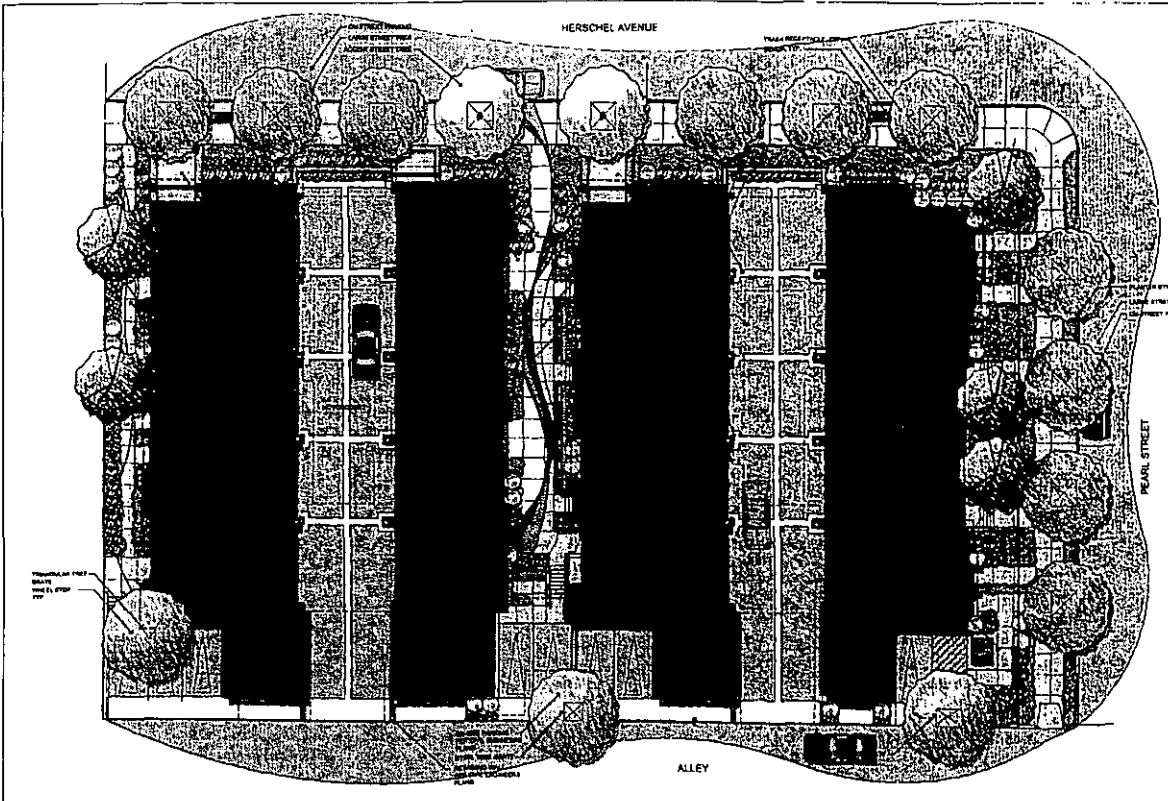
## PEARL AND HERSCHEL LLC



**A-01 ARCHITECTURAL SITE PLAN**

Project No.	STARCK ARCHITECTURE	Revision 11	
Client	AND PLANNING	Revision 10	
Address	3044 KETTER BLVD	Revision 9	
	SAN DIEGO, CA 92104	Revision 8	
Phone #	619-594-7675	Revision 7	
Project Address	1530 PEARL STREET	Revision 6	
	7022-23 HERSCHEL AVENUE	Revision 5	
	LA JOLLA, CA 92037	Revision 4	
Project Name	PEARL STREET TOWNHOMES	Revision 3	06/20/07
Original Date	03/29/07	Revision 2	06/20/07
Sheet No.	4 OF 23	Revision 1	
Project Title	ARCHITECTURAL SITE PLAN	Sheet	PTB 128830

NOTE: ACCURACY OF ALL DATA AND DIMENSIONS ARE NOT GUARANTEED BY THIS ARCHITECTURE FIRM. THE CLIENT SHALL BE RESPONSIBLE FOR VERIFYING ALL DATA AND DIMENSIONS.



**PLANT LEGEND**

BOTANICAL NAME	COMMON NAME	QTY	SIZE	HEIGHT	SPREAD
<b>TREES</b>					
<b>STREET TREE</b>					
ACACIA DECAPOLORENSIS	ROSEWOOD	5	34" BOX	25'±	15'±
ACACIA DECAPOLORENSIS	ROSEWOOD	5	34" BOX	25'±	15'±
<b>PARKING LOT TREE</b>					
ACACIA DECAPOLORENSIS	ROSEWOOD	4	34" BOX	25'±	15'±
ACACIA DECAPOLORENSIS	ROSEWOOD	4	34" BOX	25'±	15'±
<b>ACCENT STREET TREE</b>					
ACACIA DECAPOLORENSIS	ROSEWOOD	2	34" BOX	25'±	15'±
ACACIA DECAPOLORENSIS	ROSEWOOD	2	34" BOX	25'±	15'±
<b>ACCENT TREE</b>					
ACACIA DECAPOLORENSIS	ROSEWOOD	1	34" BOX	25'±	15'±
ACACIA DECAPOLORENSIS	ROSEWOOD	1	34" BOX	25'±	15'±
<b>SHRUBS, VINES, AND GROUNDCOVERS</b>					
<b>SHRUBS</b>					
ACACIA DECAPOLORENSIS	ROSEWOOD	10%	15" GALLON		
ACACIA DECAPOLORENSIS	ROSEWOOD	10%	15" GALLON		
<b>GROUNDCOVERS</b>					
ACACIA DECAPOLORENSIS	ROSEWOOD	80%	1" GALLON		
ACACIA DECAPOLORENSIS	ROSEWOOD	80%	1" GALLON		

**DESIGN STATEMENT**

The landscape for the Pearl Street Townhomes enhances the local character and charm of the village of La Jolla. The central courtyard is reflective of the relationship of the site and near by La Jolla Cove. A water feature is proposed to create waves crashing into the shore. The tile mosaic is the point at which land meets ocean. This tile mosaic is designed to reflect the final wave crashing and falling onto the shore. The mosaic will be anchored by the placement of an art sculpture to the west and interface with the streetscape to the east. Street trees will be provided on Herschel Avenue and Pearl Street for shade and screening. The interior parking courts will be landscaped with trees, shrubs, and vines and will be screened from the streets. Landscape is also provided in the front of the buildings to buffer and soften the appearance of the new development from the streets to enhance the experience for the pedestrians along the street, as well as new residents of the Pearl Street Townhomes.

**NOTES**

1. A MAJOR CONCRETE CURB OF AT LEAST SIX INCHES IN HEIGHT SHALL BE PROVIDED FOR ALL LANDSCAPE AREAS IN OR ADJACENT TO ALL VEHICULAR AREAS FOR PROTECTION FROM VEHICULAR DAMAGE.
2. TREES SHALL BE PROVIDED FOR ALL PARKING SPACES THAT ABUT A LANDSCAPE AREA THAT IS FIVE FEET WIDE OR LESS. THE TREE TRUNKS SHALL BE LOCATED A MINIMUM OF TWO FEET FROM THE LANDSCAPE AREAS.
3. A MINIMUM OF FORTY SQUARE FEET OF PLANTING AREA SHALL BE PROVIDED FOR EACH TREE AND TREES WITHIN THE VEHICULAR AREA SHALL BE 34" BOX SIZE OR GREATER.
4. ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 3 INCHES. EXCLUDING SLOPES REQUIRING RETENTION AND AREAS PLANTED WITH GROUNDCOVERS. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THE MINIMUM DEPTH.

**IRRIGATION SYSTEM**

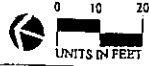
All planting areas to be irrigated according to plant type and environmental exposure shall use the uniform irrigation coverage by means of an automatically controlled, electrically actuated underground pipe irrigation system for water conservation and to minimize evaporation. STATE OF THE ART AUTOMATIC CONTROLLER WITH MASTER VALVE CAPABILITIES AND LOW PRECIPITATION RATE EQUIPMENT SHALL BE USED. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED TO PROTECT THE SOURCE OF THE WATER FROM POSSIBLE BACKFLOW CONTAMINATION. ALL PRECIPITATION RATE AND LATERAL LINES WILL BE PVC INSTALLED BELOW GRADE. ALL IRRIGATION SYSTEMS SHALL BE INSTALLED PER LOCAL AND REGIONAL STANDARDS. THE LANDSCAPE AND IRRIGATION SYSTEMS SHALL BE DESIGNED UTILIZING ALL REVENUE OF THE PROJECT. GOOD DESIGN SHALL BE ACHIEVED BY SEPARATING IRRIGATION SYSTEMS PER MICRO CLIMATIC AND PLANT ZONES. THE SOIL SHALL BE AMENDED UTILIZING AN AGRONOMIC SOIL REPORT. DROUGHT TOLERANT AND LOW WATER DEMANDING PLANTS SHALL BE USED AS MUCH AS POSSIBLE. MULCH SHALL BE USED IN ALL FLOWS AND STRIP BEDS. THE PROJECT SHALL BE MAINTAINED UTILIZING PREVENTIVE MAINTENANCE AND MANAGEMENT PRACTICES.

**MAINTENANCE**

All required landscape areas shall be maintained free of debris and litter. All plants shall be maintained in a healthy growing condition. All diseases on dead plants shall be treated or replaced per conditions of the permit. The landscape maintenance shall be the responsibility of the owner.

**MINIMUM TREE SEPARATION DISTANCE FROM PUBLIC UTILITIES**

MINIMUM DISTANCE FROM NEW PLANTED STREET TREES TO:  
 TRANSMISSION LINE (TOP WIRE) - 30 FEET  
 UNDERGROUND UTILITY LINES - 5 FEET  
 ABOVE GROUND UTILITY STRUCTURE - 10 FEET  
 DRIVEWAY ENTRIES - 10 FEET  
 INTERSECTION OF INTERSECTING CURB LINES OF TWO STREETS - 25 FEET



EDAW | AECOM

NASLAND ENGINEERING  
 3950 SANDHURST AVE., SUITE 200, SAN DIEGO, CA 92121  
 TEL: 619.594.1100 FAX: 619.594.1101



Prepared By: JOAN LECHE Revision 11

Date: 08/20/2010 Revision 10

Approved: [Signature] Revision 9

Scale: AS SHOWN Revision 8

Project Name: PEARL STREET TOWNHOMES Revision 7

Project Address: 230 N HERSCHEL AVENUE Revision 6

City: LA JOLLA, CA 92037 Revision 5

Project Owner: PEARL STREET TOWNHOMES DEVELOPER Revision 4

Project No.: 100-00000000 Revision 3

Sheet: 30 OF 31 Revision 2

Project Title: LANDSCAPE ARCHITECTURE PLAN Revision 1

PTB 112334







SOUTH ELEVATION (PEARL STREET)

STREET SCENE

PEARL STREET TOWNHOMES

PEARL & HERSCHEL, LLC



© 2011

001154



PEARL ST.

EAST ELEVATION (HERSCHEL STREET)

STREET SCENE

PEARL STREET TOWNHOMES

PEARL & HERSCHEL, LLC



014147

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-7589

**COASTAL DEVELOPMENT PERMIT NO. 431859**  
**PEARL STREET TOWNHOMES (MMRP) - PTS 125935**  
 CITY COUNCIL

This Coastal Development Permit No. 431859 is granted by the City Council of the City of San Diego to Pearl & Herschel LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701. The 0.636 acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within La Jolla Community Plan. The project site is legally described as Lots 20, 21, 22 and 23, Block 1; Center Addition to La Jolla Park, Map No. 915 and Parcel 1, Map No. 18804.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing office building and a six residential apartments and construct twenty-four residential condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 7, 2008, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing office building located at 1030 Pearl Street and demolition of six residential apartments located at 7522-32 Herschel Avenue;
- b. Construction of twenty-four, residential condominium units with attached garages;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and

- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. The applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

**AFFORDABLE HOUSING REQUIREMENTS:**

11. Prior to receiving a final map, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a final map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

**ENGINEERING REQUIREMENTS:**

12. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.
13. 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.
14. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
15. 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 Appendix E of the City's Storm Water Standards.
16. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
17. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is in accordance with the approved tentative map.

**SEWER AND WATER REQUIREMENTS:**

18. No trees or shrubs exceeding 3'-0" in height at maturity shall be installed within 10'-0" of any public sewer facilities.
19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of any existing unused water services adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
20. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.
21. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

22. No fewer than forty-five (fifty-five are provided) off-street parking spaces shall be maintained 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 Development Services Department.

23. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

24. The heights(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

25. 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.

26. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

27. 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.

28. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

29. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

**LANDSCAPE REQUIREMENTS:**

30. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards 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 Office of the Development Services Department.

31. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permitte shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account 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.
32. Prior to issuance of any construction permits for buildings, the Owner/Permitte shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual 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 Office of the Development Services Department.
33. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permitte to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
34. The Owner/Permitte shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
35. The Owner/Permitte shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
36. 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, the Owner/Permitte is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

**TRANSPORTATION REQUIREMENTS:**

37. The Owner/Permitte shall close all under-utilized driveways along the project's frontage on Herschel Avenue and replace with full height curb, gutter and sidewalk, satisfactory to the City Engineer.
38. The Owner/Permitte shall remove all damaged curb, gutter and sidewalk along the project's frontage on Pearl Street and Herschel Avenue and replace with standard curb, gutter and sidewalk, satisfactory to the City Engineer.



39. The Owner/Permitte shall remove all damaged asphalt pavement along the project's frontage in the alley and replace with standard concrete pavement, satisfactory to the City Engineer.
40. The Owner/Permitte shall provide and maintain adequate visibility area along the front setback. No obstacles higher than 36" shall be located within this area.
41. The Owner/Permitte shall construct new pedestrian ramps at the northwest corner of Pearl Street and Herschel Avenue and at both sides of the Alley that intersects with Pearl Street, satisfactory to the City Engineer.

**ENVIRONMENTAL REQUIREMENTS:**

42. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP): These MMRP conditions are incorporated into the permit by reference or authorization for the project.
43. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 125935, shall be noted on the construction plans and specifications under the heading Environmental/Mitigation Requirements. The Subdivider shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 125935, satisfactory to the Development Services Department and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Archaeological Resources.
44. Prior to issuance of any construction permit, the Owner/Permitte shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_.

Coastal Development Permit No. 431859  
Date of Approval:

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

---

Edith Y. Gutierrez  
Development Project Mangager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1180 et seq.**

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**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.**

**Pearl & Herschel LLC**  
Owner/Permittee

By \_\_\_\_\_  
Gerald M. Rudick  
Managing Member

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

CITY COUNCIL  
RESOLUTION NO.  
COASTAL DEVELOPMENT PERMIT NO. 431859  
**PEARL STREET TOWNHOMES (MMRP) – PTS 125935**

WHEREAS, Pearl & Herschel LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing office building and six residential apartments and construct twenty-four residential condominiums units (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 431859), on portions of a 0.636 acre site;

WHEREAS, the project site is located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within La Jolla Community Plan;

WHEREAS, the project site is legally described as Lots 20, 21, 22 and 23, Block 1, Center Addition to La Jolla Park, Map No. 915 and Parcel 1, Map No. 18804;

WHEREAS, on \_\_\_\_\_, the City Council of the City of San Diego considered Coastal Development Permit No. 431859 pursuant to the Land Development Code of the City of San Diego;  
NOW, THEREFORE,

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

That the City Council adopts the following written Findings, dated \_\_\_\_\_.

FINDINGS:

Coastal Development Permit - Section 126.0708

A.

- 1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan; and**

The 0.636 acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building and six residential apartments and construct twenty-four residential condominiums units. The proposed 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. The proposed development conforms to all the requirements of the RM-3-7 Zone and is consistent with the community land use designation.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands; and**

The 0.636 acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building six residential apartments and construct twenty-four residential condominiums units. Mitigated Negative Declaration No. 125935 has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines which identified potential impacts to Archaeological Resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to a level below significance, any potential impacts identified in the environmental review process.

**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; and**

The 0.636 acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building and six residential apartments and construct twenty-four residential condominiums units. The project is located on a parcel that is designated for Medium High Residential Density (30-45 dwelling units per acre) in the La Jolla Community Plan area. The proposed twenty-four units is consistent with this land use designation and is under the twenty-eight unit maximum for this site area. The proposed development conforms to all the requirements of the RM-3-7 Zone and would adhere to community goals since the proposed residential condominium units were designed in a manner that do not intrude into any of the physical access ways used by the public.

**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 0.636 acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building and six residential apartments and construct twenty-four residential condominiums units. The proposed coastal development is less than one mile from the Pacific Ocean. The first public roadway adjacent to this property is Coast Boulevard. There will be no impact to public beach parking since the proposed residential condominiums were developed with private garages and will have an additional ten parking spaces for guests. All of the proposed development will be contained within the legal lot. The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Coastal Development Permit No. 431859 is hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 431859, a copy of which is attached hereto and made a part hereof.

001165

ATTACHMENT 12

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Edith Y. Gutierrez  
Development Project Manager  
Development Services

Adopted on: \_\_\_\_\_

Job Order No. 42-7589

cc: Legislative Recorder

CITY COUNCIL  
RESOLUTION NO.  
VESTING TENTATIVE MAP NO. 431879  
**PEARL STREET TOWNHOMES - PROJECT NO. 125935**  
**DRAFT**

WHEREAS, PEARL & HERSCHEL LLC, Applicant/Subdivider, and NASLAND ENGINEERING, Surveyor, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 431879, for the demolish an existing office building and six residential apartments and construct twenty-four residential condominiums units, an easement vacation and to waive the requirement to underground existing overhead utilities. The project site is located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within La Jolla Community Plan. The project site is legally described as Lots 20, 21, 22 and 23, Block 1, Center Addition to La Jolla Park, Map No. 915 and Parcel 1, Map No. 18804; and

WHEREAS, the Map proposes the subdivision of a 0.636 acre site into one lot for a twenty-four unit residential condominium development and a storm drain easement vacation granted to the City of San Diego on June 13, 1923 in Book 934, Page 458 Deeds and February 17, 1948 in Book 2674, Page 301 of Official Records; and

WHEREAS, Mitigated Negative Declaration No. 125935 has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is twenty-four; and

WHEREAS, on February 7, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 431879 and Easement Vacation No. 468619, and pursuant to Resolution No. \_\_\_\_\_-PC voted to recommend City Council approval of the map; and

WHEREAS, on \_\_\_\_\_, the City Council of the City of San Diego considered Vesting Tentative Map No. 431879 and Easement Vacation No. 468619, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 144.0240 (undergrounding) and 125.0941 (vacation) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been

submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 431879 and Easement Vacation No. 468619:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).

9. The proposed subdivision complies with the parking regulations of the Land Development Code (Land Development Code Section 142.0505).
10. The storm drain easement granted to the City of San Diego on June 13, 1923 in Book 934, Page 458 Deeds and February 17, 1948 in Book 2674, Page 301 of Official Records, is no longer needed for the public purpose for which it was granted. The storm drain must be vacated on the Final Map in accordance with San Diego Municipal Code 125.0430.
11. Pursuant to California Government Code section 66434(g) the storm drain granted to the City of San Diego on June 13, 1923 in Book 934, Page 458 Deeds and February 17, 1948 in Book 2674, Page 301 of Official Records, located within the project boundaries as shown on Vesting Tentative Map No. 431879, shall be vacated, contingent upon the recordation of the approved Final Map for the project.
12. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. The conversion would represent an isolated undergrounding with a minimum probability of extension in the future.
13. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 431879 and Easement Vacation, are hereby granted to PEARL & HERSCHEL, LLC, Applicant/Subdivider, subject to the following conditions:

**GENERAL**

1. This Tentative Map will expire \_\_\_\_\_.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.



4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

#### **AFFORDABLE HOUSING**

6. Prior to receiving a final map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a final map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

#### **ENGINEERING**

7. The Final Map shall comply with the provision of the Coastal Development Permit No. 431859.
8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the

conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

10. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
11. The Subdivider shall terminate the existing development permits and void out the existing grading and improvement plans. A new Subdivision Improvement Agreement is required prior to the termination of the existing agreement.
12. The Subdivider shall replace the existing curb with full height City standard curb and gutter, along the project frontage on Pearl Street, per Standard Drawing G-2 and SDG-100.
13. The Subdivider shall replace the existing pedestrian ramps with City standard pedestrian ramps with truncated domes, at the northwest corner of the Herschel Avenue and Pearl Street and on both sides of the alley entrance on Pearl Street.
14. The Subdivider shall construct City standard alley apron at the alley entrance on Pearl Street.
15. The Subdivider shall replace the existing asphalt pavement in the alley with full width City standard alley, adjacent to the project site, per Standard Drawing G-21.
16. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the private landscape and irrigation located within Herschel Avenue and Pearl Street rights-of-way.
17. The Subdivider shall replace the existing sidewalk with City Standards sidewalk along the entire project frontage on Herschel Avenue and Pearl Street.
18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

## MAPPING

Project No. 125935  
VTM No. 431879  
Approval Date: \_\_\_\_\_

19. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
20. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
21. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true meridian (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

## SEWER AND WATER

22. All proposed public sewer facilities shall be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.
23. The Subdivider shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.
24. All on-site wastewater systems shall be private.
25. Sewer lateral connections shall be made in accordance with Table 2-6 Of the City of San Diego sewer design guide. Remove the connection @ SMHs and show lateral connections through a "Y" fitting or saddle type connections. (2 private laterals connections to existing public sewer in the alley).

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

**INFORMATION:**

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY OF THE CITY OF SAN DIEGO, CALIFORNIA, ON \_\_\_\_\_.

APPROVED: \_\_\_\_\_, City Attorney

By \_\_\_\_\_  
Deputy City Attorney

/SEC. INITIALS

DATE \_\_\_\_\_

R-

Reviewed by Edith Y. Gutierrez

## La Jolla Community Planning Association

President: Tim Golba Vice President: Lance Peto Secretary: Sherri Lightner

### REGULAR MEETING – October 4, 2007

**Present:** Dave Abrams, Darcy Ashley, Tim Golba, Lynne Hayes, Todd Lesser, Sherri Lightner, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Ray Weiss, Rob Whittemore

**Absent:** Orrin Gabsch, Mark Lyon.

**Late:** Abrams, McGee, Morton, Thiele

**Left Early:** McConkey, Metcalf

#### AGENDA ITEMS:

##### 1. Welcome and Call to Order:

THE CHAIR, PRESIDENT TIM GOLBA, CALLED THE REGULAR MEETING TO ORDER 6:23 PM.

##### 2. Request for Agenda Modifications

Item 9 will be heard at beginning of the meeting. Time Certains will be heard at the time scheduled. No other changes to the Agenda.

##### 3. Approval for the September 6, 2007 Minutes

**APPROVED MOTION:** To approve the minutes. (Ashley/Weiss: 7-0-4)

Affirmative Votes: Darcy Ashley, Lynne Hayes, Todd Lesser, Sherri Lightner, Phil Merten, Lance Peto, Ray Weiss,

No Votes: None

Abstentions: Phil McConkey, Paul Metcalf, Alice Perricone, Rob Whittemore.

9. **Thyme Curtis - CD 2 Representative for Kevin Faulconer** – There are three new water main breaks in Pacific Beach that happened this afternoon. They are located at Ingraham and Sea World Drive. Ingraham is in District 6 and is shut down. The other breaks Quincy and Grand and Everts (sp?) and Garnet. Councilmember Faulconer will hold a forum on Saturday, October 6 from 9:30 to 10:30 at P.B. Middle School on Ingraham for victims of the landslide. The draft alcohol ban may be available tomorrow. PS&NS will hear the draft on October 10, 2007. Question from Roger Wiggans as to how the notice for projects can be improved. 300 feet does not seem sufficient. Suggested to contact Nick Colaro.

Stephen Lew of the Mayor's office also spoke. There will be a Prop 218 public hearing by the County Water Authority for the water and sewer rates. Phone him at (619) 236-7174. The Mayor will be at Faulconer's forum on Saturday. The Mayor is forming a committee to monitor water and sewer rate increases.

6:35 - 6:37 Mr. Thiele and Mr. Morton arrived.

##### 4. President's Report – Tim Golba

- 1.) CPC updates – There was discussion of the proposed indemnification ordinance. CPC wants it strengthened. The draft General Plan is out.
- 2.) Armstrong – Latest plans have been received and they appear to conform to all regulations. The City is recommending approval.
- 3.) La Jolla Alta – the City's insurance carrier has become involved and has another proposal to fix the damage in the canyon. This alternative will be presented at the October 10 CDP meeting. Both proposals will be at the November CPA meeting. The work being done now is emergency repair work and is paid for by the HOA. This activity did not come to the community for permits.
- 4.) 5785 La Jolla Blvd – three-story project in the PDO Zone 4 limited to two stories has been withdrawn.
- 5.) Request for volunteers for new Secretary of the CPA. Ms. Lightner has resigned to work on her campaign for City Council.

- (3) Jack's at Wall Street (7863 Girard Avenue – Convert 3,500 sq. ft. of office space to restaurant). Approved 5-3-1. Recused: Peto. PULLED Lightner/Ashley.
- (4) Knoke Residence (7857 Eads Avenue – enclose first floor deck on an historically designated structure). Approved 4-0-2. Recused: Morton. ON CONSENT.
- (5) Weber Residence (5806 Bucknell Avenue – New 10,714 sq. ft. single family residence). Approved 6-0-3. ON CONSENT.

**REQUEST PULLING:** Ms. Lightner and Ms. Ashley pulled item (3). Project uses a lot of temporary structure, plasticine roll-up curtains, pipes for canvas roof, no facades were shown. Concern with exterior look, possible "entrance" canopy to curb front and valet parking. Mr. LaCava commented on the PDO requirements for canopies.

**APPROVED MOTION:** To accept recommendation of the CDP Committee on Item (1) and forward recommendations to the City. (Ashley/Hayes: 14-0-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Lynne Hayes, Todd Lesser, Sherri Lightner, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Robert Thiele, Ray Weiss, Rob Whittemore

No Votes: None

Abstentions: None

Recused: Lance Peto

**APPROVED MOTION:** To accept recommendation of the CDP Committee on Items (2) and (5) and forward recommendations to the City. (Hayes/Merten: 15-0-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Lynne Hayes, Todd Lesser, Sherri Lightner, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Lance Peto, Alice Perricone, Robert Thiele, Ray Weiss, Rob Whittemore

No Votes: None

Abstentions: None

Recused: None

**APPROVED MOTION:** To accept recommendation of the CDP Committee on Item (4) and forward recommendations to the City. (Hayes/Lightner: 13-0-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Lynne Hayes, Todd Lesser, Sherri Lightner, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Alice Perricone, Robert Thiele, Ray Weiss, Rob Whittemore

No Votes: None

Abstentions: Lance Peto

Recused: Michael Morton

C) La Jolla Shores Permit Review Committee (LJSPRC) – No meeting this month. No projects on the agenda.

D) Traffic & Transportation Board (T&T): No August Meeting

1.) Pearl Street Townhomes – traffic plan for construction

**MOTION:** To limit or curtail construction staging and deliveries during the hours of 8:45 to 9:15 am and 2:45 TO 3:45 pm on days when school is in session and require construction workers to park on site. **APPROVED 7-0-0. ON CONSENT**

2.) 700 Block on Prospect – City updates information only. **NO ACTION**

3.) Girard Green Zone – Pharmaca request for green zone – **INFORMATION ONLY.**

**APPROVED MOTION:** To accept the recommendation of the T&T Board on Item 1 and forward the recommendation to the City. (McGee/Thiele: 15-0-0)

Affirmative Votes: Dave Abrams, Darcy Ashley, Lynne Hayes, Todd Lesser, Sherri Lightner, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Lance Peto, Alice Perricone, Robert Thiele, Ray Weiss, Rob Whittemore

No Votes: None

Abstentions: None

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Recused: None

Paul Metcalf left

**12. Hronopoulos Residence.** (8216 Caminito Maritimo) Approved by LJSRPC on August 28, 2007.

**APPROVED MOTION: Approve project. (McGee/Thiele: 13-1-0)**

Affirmative Votes: Darcy Ashley, Lynne Hayes, Todd Lesser, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Ray Weiss, Rob Whittemore  
No Votes: Sherri Lightner. Concerned that the project should include a PDP or PRD amendment for open space encroachments.

Abstentions: None

Abrams out of the room.

**APPROVED MOTION: To call the question. (10-3-0)**

Affirmative Votes: Lynne Hayes, Todd Lesser, Phil McConkey, Marty McGee, Phil Merten, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele, Rob Whittemore.

No Votes: Darcy Ashley, Sherri Lightner, Ray Weiss

Abrams and Metcalf out of the room.

Abrams back in room.

McConkey left during discussion of the Lifeguard Station.

**11. La Jolla Children's Pool Lifeguard Station** – Update on the design for the new Lifeguard Tower – Possible vote on presented scheme.

**APPROVED MOTION: To approve with condition that the building is made more transparent. (Thiele/Lesser: 9-5-0)**

Affirmative Votes: Dave Abrams, Lynne Hayes, Todd Lesser, Sherri Lightner, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele

No Votes: Darcy Ashley, Marty McGee, Phil Merten, Ray Weiss, Rob Whittemore

Abstentions: None

**FAILED MOTION: To postpone. (Whittemore/Merten: 4-10-0)**

Affirmative Votes: Darcy Ashley, Phil Merten, Ray Weiss, Rob Whittemore

No Votes: Dave Abrams, Lynne Hayes, Todd Lesser, Sherri Lightner, Marty McGee, Paul Metcalf, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele

Abstentions: None

**APPROVED MOTION: To call the question. (Hayes/Lesser: 13-0-1)**

Metcalf left.

**13. Pearl Street Townhomes.** (1030 Pearl Street – demolition of six units and single story office building – construction of 24 condominiums) *Approved with conditions 5-3-0 t CDP Subcommittee (1030 Pearl Street).*

**APPROVED MOTION:** Approve the project subject to the T&T motion [approved by the CPA] and the conditions of the CDP approval dated August 2, 2007 [Attached to the minutes]. (Hayes/Abrams: 9-3-1)

Affirmative Votes: Dave Abrams, Darcy Ashley, Lynne Hayes, Marty McGee, Phil Merten, Michael Morton, Alice Perricone, Lance Peto, Robert Thiele

No Votes: Todd Lesser, Sherri Lightner, Rob Whittemore

Abstentions: Ray Weiss

**Meeting adjourned at 9:15 PM. Next regular meeting on November 1, 2007. Recreation Center Auditorium.**

Submitted by Sherri Lightner, 10/17/07



Project Title: <b>Pearl Street Townhomes</b>	Project No. (For City Use Only)
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**Part III - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**

Corporation   
  Limited Liability -or-   
  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership

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

Corporate/Partnership Name (type or print):  
**Pearl and Herschel LLC**

Owner     Tenant/Lessee

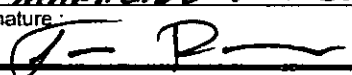
Street Address:  
**7646 Girard Avenue**

City/State/Zip:  
**La Jolla, CA 92037**

Phone No: **619-948-8239**    Fax No: **619-298-9006**

Name of Corporate Officer/Partner (type or print):  
**GERALD KUDICK**

Title (type or print):  
**MANAGING MEMBER**

Signature:     Date: **2/8/07**

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:    Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :    Date:

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:    Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :    Date:

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:    Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :    Date:

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:    Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :    Date:

Corporate/Partnership Name (type or print):

Owner     Tenant/Lessee

Street Address:

City/State/Zip:

Phone No:    Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature :    Date:

DEVELOPMENT SERVICES  
**Project Chronology**  
**PEARL STREET TOWNHOMES - PROJECT NO. 125935**

<b>Date</b>	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
04/04/07	First Submittal	Project Deemed Complete		
05/08/07	First Submittal Complete		24 days	
05/30/07	Second submittal			16 days
07/23/07	Second Submittal Complete		1 month, 8 days	
08/07/07	Third submittal			11 days
09/10/07	Third Submittal Complete		22 days	
11/29/07	Historical Resources Board			1 month, 27 days
12/17/07	Draft MND		11 days	
01/14/08	Final MND		14 days	
02/07/08	Public Hearing	<b>Planning Commission</b>	17 days	
<b>TOTAL STAFF TIME</b>			<b>4 months, 6 days</b>	
<b>TOTAL APPLICANT TIME</b>				<b>2 month, 24 days</b>
<b>TOTAL PROJECT RUNNING TIME</b>		From Deemed Complete to PC Hearing	<b>7 months</b>	

\*\* Based on 30 business days equals to one month



ENTITLEMENTS DIVISION  
(619) 446-5460

## Mitigated Negative Declaration

Project No.125935

**SUBJECT:** Pearl Street Townhomes: EASEMENT ABANDONMENT, COASTAL DEVELOPMENT PERMIT (CDP), VESTING TENTATIVE MAP (VTM), to demolish an existing 6 unit apartment complex and office building and construct 24 residential condos on a .636-acre site located at 7522-7532 Herschel Avenue and 1030 Pearl Street between Pearl Street and Virginia Way. The site is zoned RM-3-7 and is located in the La Jolla Community Plan Area, City and County of San Diego (Lots 20, 21, 22, and 23 in Block 1 of Center Addition to La Jolla Park, Map No. 915).

**Applicant:** Pearl and Herschel LLC.

**Note:** **Minor changes have been included in the document. These changes do not affect the analysis or conclusions of the document. The changes are shown in standard strike-out/underline format.**

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect on archaeology. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project, as revised, now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an environmental impact report will not be required.

- IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above determination.

- V. MITIGATION, MONITORING AND REPORTING PROGRAM:

General Measures which must be completed prior to any authorization to proceed:

1. Prior to issuance of any grading permits, the Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading, Environmental Requirements: "Pearl Street Townhomes project is subject to a Mitigation Monitoring and Reporting Program and shall conform to the mitigation

conditions as contained in the environmental MND (LDR No. 125935). The project is conditioned to include the monitoring of grading operations by an archaeologist.”

2. The owner/permittee shall make arrangements to schedule a preconstruction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer (RE), the monitoring archaeologist, and staff from the City's Mitigation Monitoring and Coordination (MMC) Section.

## HISTORICAL RESOURCES (ARCHAEOLOGY)

### I. Prior to Permit Issuance

- A. Land Development Review (LDR) Plan Check
  1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
  1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
  2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
  3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

### 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 (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
  2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
  3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.
- B. PI Shall Attend Precon Meetings
  1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor

shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
  1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
  2. 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.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
  1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately

- notify the RE or BI, as appropriate.
  - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with *photos of the resource in context, if possible.*
- C. Determination of Significance
- 1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
    - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

#### IV. **Discovery of Human Remains**

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

- A. Notification
- 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
  - 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
- 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
  - 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
  - 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
- 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) *within 24 hours.* By law, **ONLY** the Medical Examiner can make this call.
  - 2. NAHC will immediately identify the person or persons determined to be the Most

Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
    - c. In order to protect these sites, the Landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement on the site;
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 6.c., above.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

#### V. **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 of the next business day.

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

## VI. Post Construction

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



function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
  1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
  1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The environmental mitigation measures listed above shall be shown on the construction plans or referenced under the heading, "Environmental Requirements."

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

City of San Diego

Central Library (81A)  
La Jolla/Riford Branch Library (81L)  
City Attorney's Office  
Community Service Center, Clairemont Mesa  
Councilmember Peters, Council District 1  
Development Services, Edith Guitierrez, Development Project Manager  
Development Services, Thomas Bui, Engineering  
Development Services, Allison Sherwood, Environmental  
Development Services, Craig Hooker, Landscape  
Development Services, Mitigation, Monitoring Coordination Program  
Development Services, Antoinette Gibbs, Permit Planning  
Development Services, Labib Quasem, Transportation  
Planning Department, Leslie Hennegar, Long Range Planning

Others

Pearl and Herschel LLC, Applicant  
Jay Wexler, Applicant's Agent  
Jerry McLees, Edaw  
Native American Heritage Commission (56)  
Historical Resources Board (87)

Carmen Lucas (206)  
Jerry Schaefer PHD (209)  
South Coastal Information Center (210)  
San Diego Historical Society (211)  
San Diego Archaeological Center (212)  
Save Our Heritage Organisation (214)  
Ron Christman (215)  
Louie Guassac (215A)  
Clint Linton (215B)  
San Diego County Archaeological Society (218)  
Kumeyaay Cultural Repatriation Committee (225)  
Native American Distribution List (225A-R)  
La Jolla Town Council (273)  
Pat Dahlberg (274)  
La Jolla Community Planning Association (275)

VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( x ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- ( ) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

Allison Sherwood  
Allison Sherwood, Senior Planner  
Development Services Department

December 17, 2007  
Date of Draft Report

January 14, 2008  
Date of Final Report

Analyst: Lizzi



San Diego County Archaeological Society, Inc.

Environmental Review Committee

31 December 2007

Responses

To: Mr. Philip Lizzi  
Development Services Department  
City of San Diego  
1222 First Avenue, Mail Station 501  
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration  
Pearl Street Townhomes  
Project No. 125935


Dear Mr. Lizzi:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

1. Based on the information contained in the DMND, Initial study, historical assessment and update letter, and archaeological resource report for the project, we agree with the impact analysis and mitigation recommendations incorporated in the DMND.

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,

  
James W. Royle, Jr., Chairperson  
Environmental Review Committee

cc: Marie Burke Lia, Attorney at Law  
EDAW  
SDCAS President  
File

1. Comment noted. No response necessary.

City of San Diego  
Development Services Department  
ENTITLEMENTS DIVISION  
1222 First Avenue, Mail Station 501  
San Diego, CA 92101  
(619) 446-5460

INITIAL STUDY  
LDR No. 125935

**SUBJECT: Pearl Street Townhomes: EASEMENT ABANDONMENT, COASTAL DEVELOPMENT PERMIT (CDP), VESTING TENTATIVE MAP (VTM),** to demolish an existing 6 unit apartment complex and office building and construct 24 residential condos on a .636-acre site located at 7522-7532 Herschel Avenue and 1030 Pearl Street between Pearl Street and Virginia Way. The site is zoned RM-3-7 and is located in the La Jolla Community Plan Area, City and County of San Diego (Lots 20, 21, 22, and 23 in Block 1 of Center Addition to La Jolla Park, Map No. 915).

**Applicant:** Pearl and Herschel LLC.

#### **I. PURPOSE AND MAIN FEATURES:**

The proposed Easement Abandonment, Coastal Development Permit and Vesting Tentative Map to be considered would allow for the demolition of an existing office building and a six unit apartment complex constructed in 1938 and the construction of twenty-four new residential condominiums.

Project implementation would require grading 100 percent of the subject site. This grading would include approximately 3,500 cubic yards of cut and 3,300 cubic yards of fill over the entire site at a maximum depth of 7.3 feet.

Parking would be provided for the condos in garages under each unit. Additional surface parking would be located adjacent to the structures. Parking would total 55 spaces where 45 spaces are required.

The proposed residential buildings would be a 2-story over basement and consist of ~~four separate~~ one structures. ~~These structures would be separated by two separate~~ The structure would have internal motor courts and common open space. The exterior finish would consist of stucco with vinyl windows. The roof for ~~all the~~ the buildings would be a flat roof deck with parapets. The property would be accessed by pedestrians primarily from Herschel Avenue and Pearl Street and by automobile from the alley on the opposite side of the property from Herschel Avenue. ~~The proposed motor courts would stretch between the two access points.~~

#### **II. ENVIRONMENTAL SETTING:**

The .636-acre site located at 7522-7532 Herschel Avenue and 1030 Pearl Street between Pearl Street and Virginia Way. The site is zoned RM-3-7 and is located in the La Jolla Community Plan Area, City and County of San Diego (Lots 20, 21,

22, and 23 in Block 1 of Center Addition to La Jolla Park, Map No. 915). (See Figure 1). The site is currently developed with six unit apartment complex built in 1938, and an office building constructed in 1956.

The surrounding area is designated Medium Density Residential use to the west, north, east, and south. The surrounding zoning is R-3 and LJPD-1. Existing development in the area includes a mix of multi-unit and single-unit residential structures on all sides. The site is fairly level with a 5 foot drop in grade toward the rear (alley) portion of the lot. No sensitive biological species occur on the site, which is not in or adjacent to the City's Multiple Habitat Planning Area.

### **III. ENVIRONMENTAL ANALYSIS:**

See attached Initial Study checklist.

### **IV. DISCUSSION:**

The attached Initial Study Checklist summarizes the environmental issues that were considered during the review of the project. Of these, the following issue was determined to be potentially significant but mitigable. All referenced reports are available for public review at the offices of the Land Development Review Division at the above address.

#### **Historical Resources (Archaeology)**

A cultural resources study was conducted by EDAW Inc. in March 2007 to evaluate the potential for finding archaeological resources. The report found that no archaeological resources were discovered onsite. Further no other resources have been identified at the site location. However within a 1-mile radius of the study area 25 pre-historic sites have been identified. Because of the sensitivity of the area, impacts to cultural resources during grading could be significant and would require mitigation in the form of archaeological monitoring. The inclusion of the mitigation measures described in Section V of the Mitigated Negative Declaration would preclude significant environmental impacts.

The following environmental issues were considered during the in depth review of the project and were determined not to be significant.

#### **Geology/Soils/Erosion**

A geotechnical evaluation and was conducted for the property entitled "Geotechnical Evaluation for 1030 Pearl Street, 7522-7532 Herschel Avenue" and was prepared by Geotek Insite Inc. dated September 23, 2002 with an update of March 5, 2007. In 4 of the 5 borings conducted for the report, fill was documented in the first 0.5 feet to 4 feet of depth. Underlying the fill was Slopewash and Bay Point formations. The materials in these formations possess good engineering characteristics and are considered suitable for foundation support. No active fault is known to exist at this site. There are no known active faults in the immediate proximity of the site. In addition the site is situated within Geological Hazard Category 52 which is described as "Other terrain, other level areas, gently sloping to steep terrain, favorable geologic structure, low risk." Proper compaction and proper engineering design of the proposed structure, to be

verified prior to building permit issuance by City Geology staff, would ensure that the potential for geologic impacts from regional hazards is minimal. No significant impacts were identified and no mitigation is required.

### **Historical Resources (Architecture)**

A historic resources review entitled "Historical Assessment of the Igelstroem Apartment Court", dated May, 1999, was conducted by Scott A. Moomjian for the project site to evaluate the potential for the proposed project to impact historical sites on and within the vicinity of the project site. Mr. Moomjian also provided an update to the report that was concluded June 8, 2007. The evaluation found that the existing buildings were constructed in 1938-39 and at one time was owned by the Dr. J T and Gerogeanna Lipe, who were two prominent individuals in the fields of La Jolla medicine and artistry. However this property was one example of many that were owned by the Lipes and their association does not cause this project to be considered significant. Furthermore, the buildings do not clearly and truly embody the distinctive characteristics of a type, period, or method of the late 1930's Modern Minimal Traditional construction, nor does it represent the work of a master architect or builder. Therefore the buildings are not historically significant and project implementation would not cause impacts to historical resources. In addition the City's Historical Resources Staff reviewed the assessment and the project was heard by the Historical Resources Board on November 29, 2007. The board agreed that the structures did not meet the criteria to warrant designation. Therefore, no impacts would occur.

### **Noise**

A noise study was conducted for the site by EDAW Inc. entitled "Noise Compatibility Analysis Pearl Street Townhomes Development San Diego CA" March 2007. The noise study addressed the traffic patterns of the area and the noise that was generated from existing traffic volume at peak hours. It concluded that all noise levels at all noise sensitive exterior locations would be less than 65 dBA CNEL and no noise abatement would be needed for the residential patio areas.

### **Paleontological Resources**

According to the geologic map prepared by Kennedy (1975), the project site is underlain by the Linda Vista formation. Project construction would require 3,500 cubic yards of excavation with 3,300 cubic yards of export and 200 cubic yards of fill at a maximum depth of 7.3 feet. According to the City's Paleontological Guidelines excavation of 1,000 cubic yards of matter at a depth of 10 feet or greater could result in a significant impact to fossil resources. Therefore, based on the sensitivity of the affected formation and the proposed excavation depths, the project would not result in significant impacts to paleontological resources.

**V. RECOMMENDATION:**

On the basis of this initial evaluation:

- The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect on the environment; there will not be a significant effect in this case because the mitigation measures described in Section V above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

Analyst: Philip Lizzi

Attachments: Figure 1 - Vicinity Map  
Figure 2 - Project Site Plan  
Figure 3 - Elevations  
Figure 4 - Building Sections  
Initial Study Checklist



Pearl Street Townhomes

Location Map

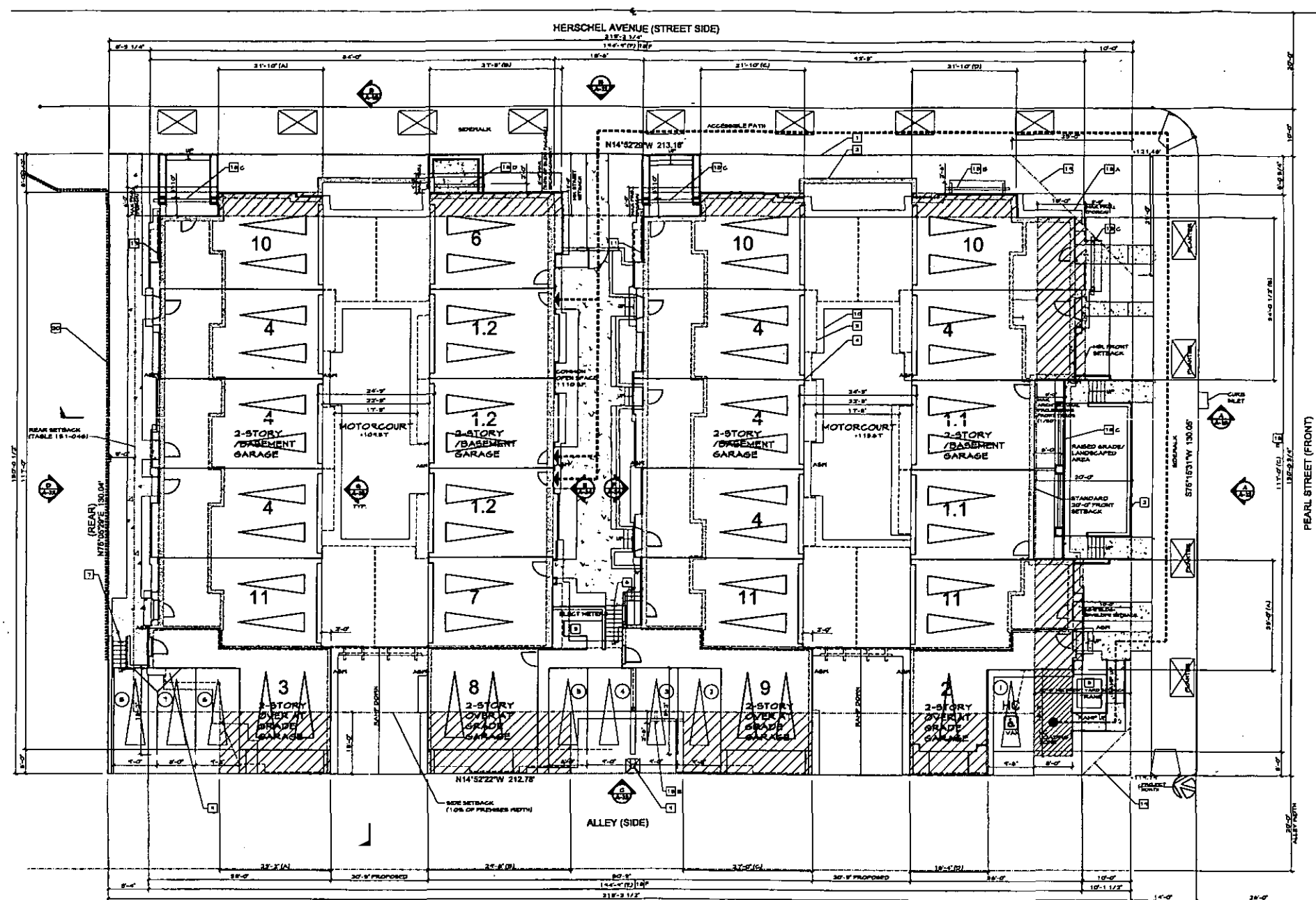
Environmental Analysis Section Project No. 125935

CITY OF SAN DIEGO · DEVELOPMENT SERVICES

Figure  
1







**SIDE SETBACK**  
 UP TO 50% OF THE LENGTH OF THE BUILDING MAY ABUT  
 PROPERTY LINE - NO ENCROACHING ELEMENTS EXCEEDING 50 FT  
 IN LENGTH, THE ELEMENTS SEPARATED BY AT LEAST 5'

LENGTH OF BUILDING (C)	= 156.8 FT
50% OF C (MAXIMUM ALLOWABLE LENGTH OF ENCROACHMENTS)	= 77.9 FT
LENGTH OF ENCROACHMENT (A)	= 23.17 FT
LENGTH OF ENCROACHMENT (B)	= 28.87 FT
LENGTH OF ENCROACHMENT (D)	= 18.33 FT
TOTAL LENGTH OF ENCROACHMENTS	= 70.37 FT
ACTUAL PERCENTAGE OF ENCROACHMENTS	= 45%

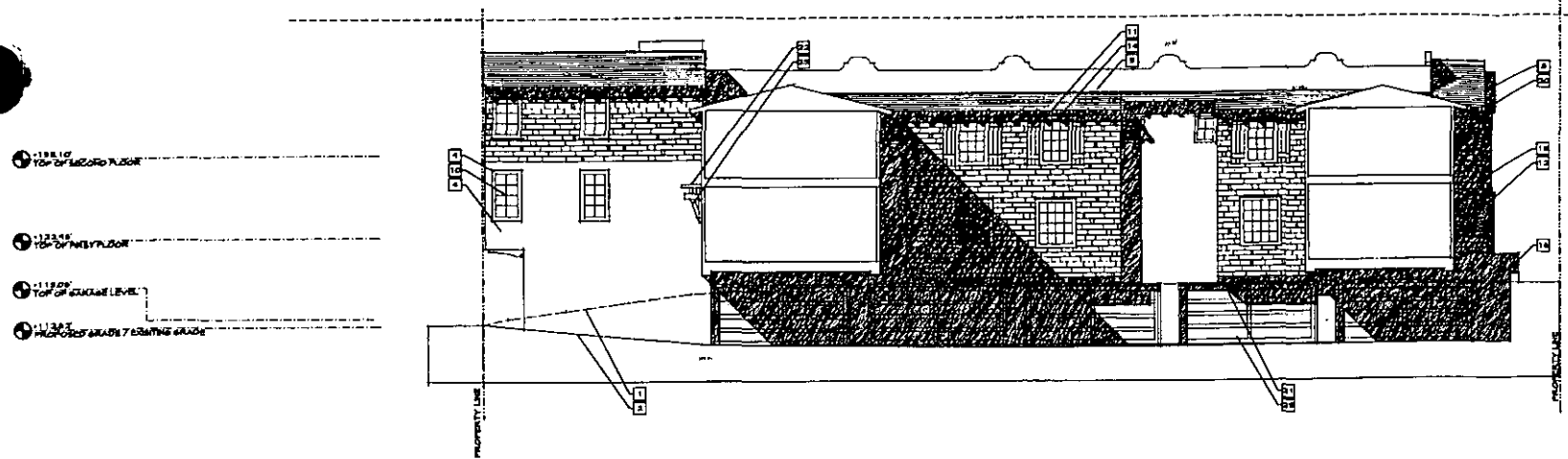
HATCHING INDICATES ALLOWABLE ENCROACHMENTS

**SITE PLAN**  
 1"=10'-0"

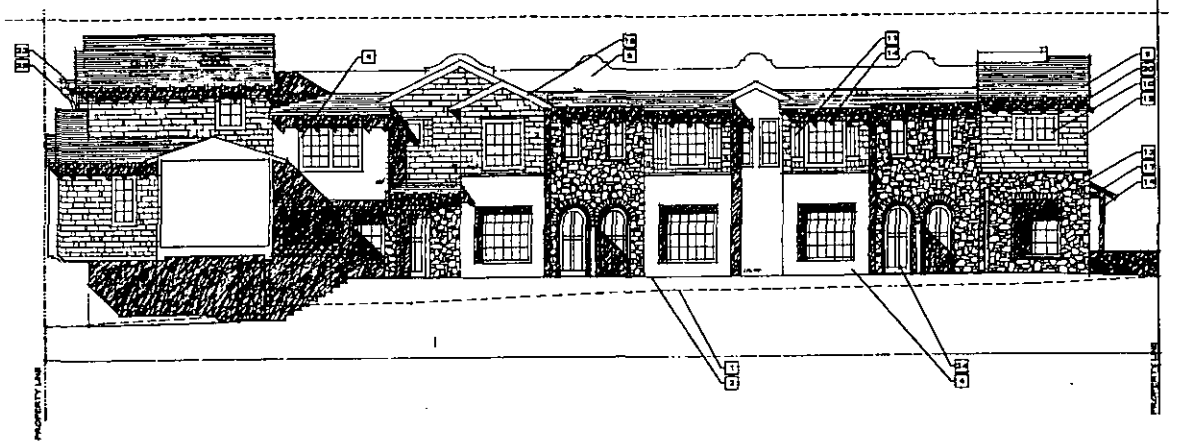
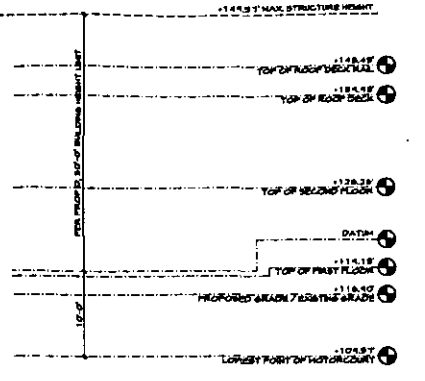


**Site Plan**  
**Environmental Analysis Section Project No. 125935**  
**CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT**

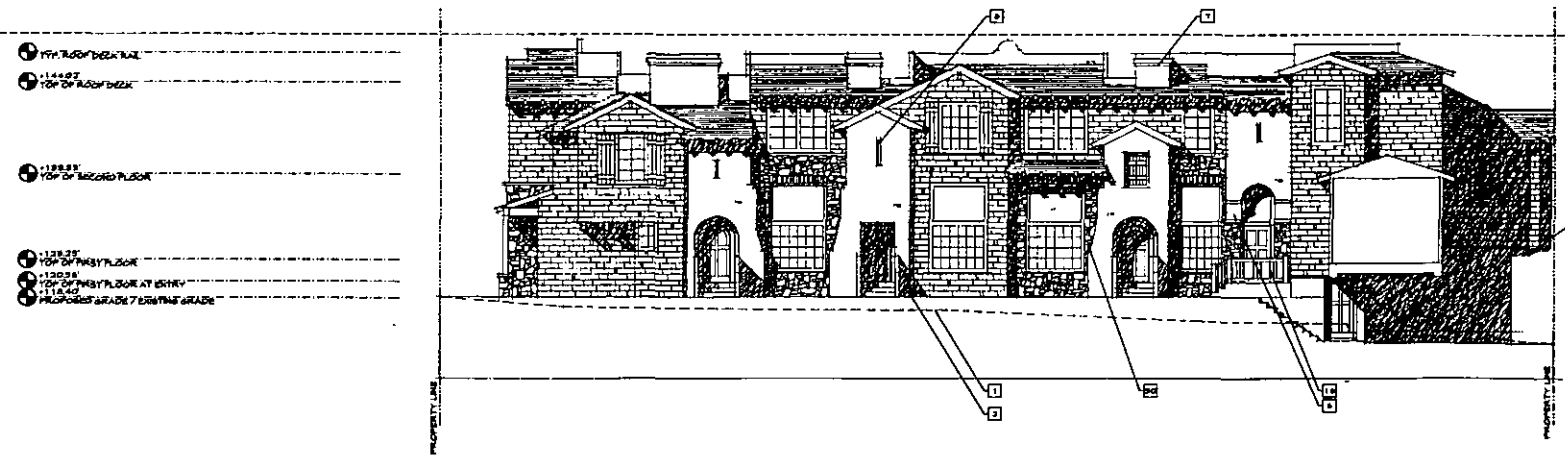
**Figure**  
**2**



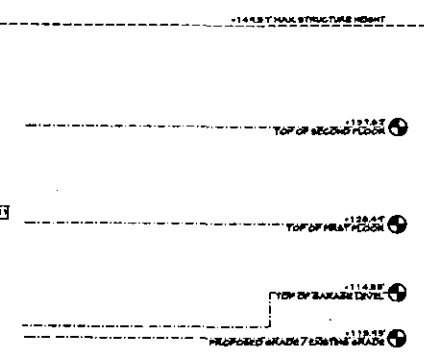
NORTH ELEVATION (VIEW FROM MOTORCOURT)

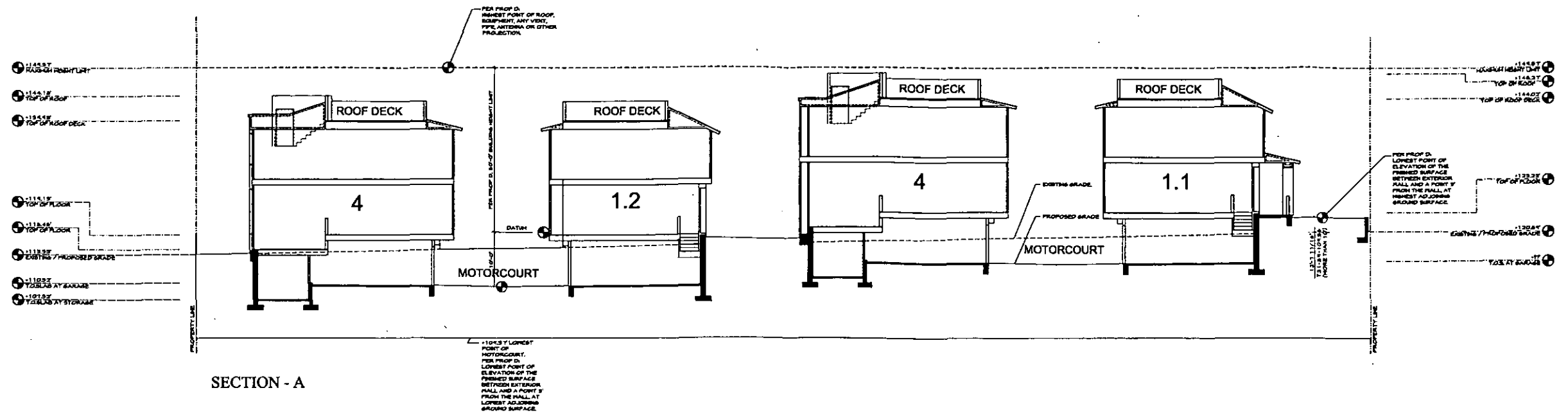


NORTH ELEVATION (VIEW FROM COURTYARD)

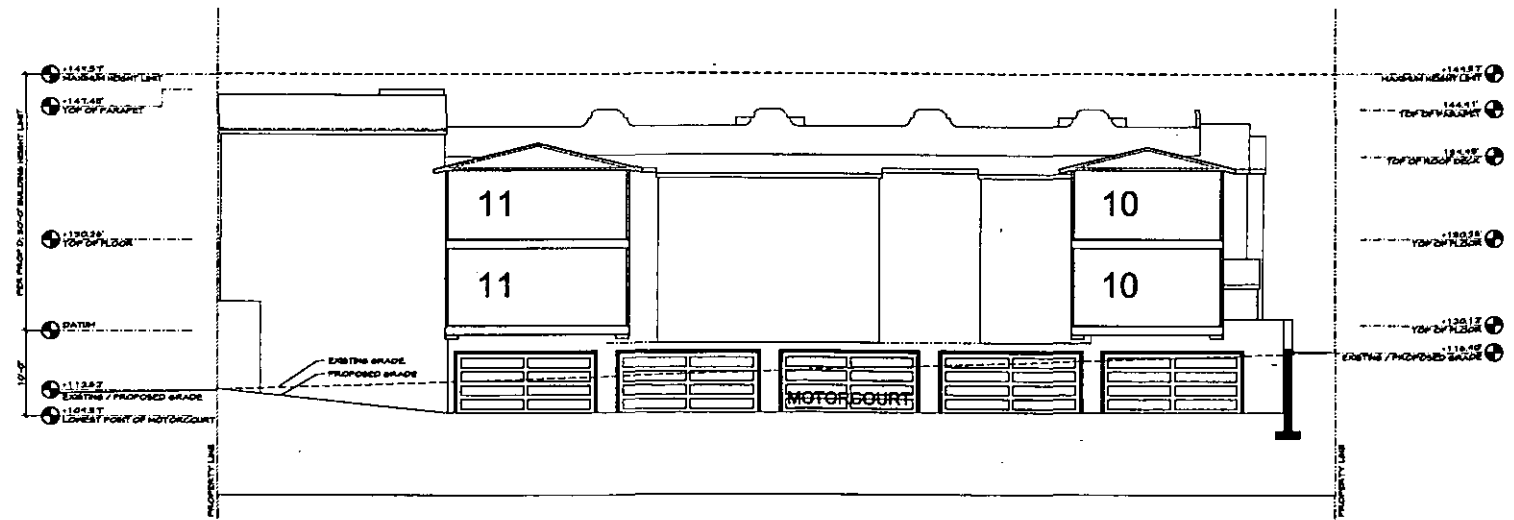


SOUTH ELEVATION (VIEW FROM COURTYARD)





SECTION - A



SECTION - B

BUILDING SECTIONS  
1/8"=1'-0"



Building Sections  
 Environmental Analysis Section Project No. 125935  
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Figure  
4

## Initial Study Checklist

Date: December 5, 2007

Project No.: 125935

Name of Project: Pearl Street Townhomes

### III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:			
A. The obstruction of any vista or scenic view from a public viewing area? <u>Pearl Street is not in a designated public view area.</u>	—	—	<u>X</u>
B. The creation of a negative aesthetic site or project? <u>This project would replace an office building and existing apartments with 24 residential condos that would be compatible with the neighborhood.</u>	—	—	<u>X</u>
C. Project bulk, scale, materials, or style which would be incompatible with surrounding development? <u>See I B.</u>	—	—	<u>X</u>
D. Substantial alteration to the existing character of the area? <u>This project would construct residential condos which would be compatible with the existing buildings in the area.</u>	—	—	<u>X</u>
E. The loss of any distinctive or landmark tree(s), or a stand of mature trees?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<p><u>The existing large street trees would be removed and new street trees planted. These trees were determined to be improperly pruned which caused them to be unsafe and in need of replacement.</u></p>			
F. Substantial change in topography or ground surface relief features? <u>The existing lot is a flat parcel. On-site grading would not substantially alter the topography.</u>	—	—	<u>X</u>
G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent? <u>See I F.</u>	—	—	<u>X</u>
H. Substantial light or glare? <u>This project would not would not cause substantial glare and all lighting would be directed on site.</u>	—	—	<u>X</u>
I. Substantial shading of other properties? <u>This project would not be large enough to substantially shade surrounding properties.</u>	—	—	<u>X</u>
<p>II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:</p>			
A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state? <u>This project is in a developed neighborhood and would not be suitable for mineral extraction.</u>	—	—	<u>X</u>
B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land? <u>See II A. This site is not suitable for agriculture.</u>	—	—	<u>X</u>
<p>III. AIR QUALITY – Would the proposal:</p>			
A. Conflict with or obstruct implementation of the applicable air quality plan? <u>This project would replace existing structures and would not obstruct any air quality or air movement in the area.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <u>See III A.</u>	—	—	<u>X</u>
C. Expose sensitive receptors to substantial pollutant concentrations? <u>This project would not create additional substantial pollutant concentrations.</u>	—	—	<u>X</u>
D. Create objectionable odors affecting a substantial number of people? <u>This project is a residential condo project and is not expected to create objectionable odors.</u>	—	—	<u>X</u>
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)? <u>Any dust created by construction would be abated using standard dust control measures.</u>	—	—	<u>X</u>
F. Alter air movement in the area of the project? <u>See III A.</u>	—	—	<u>X</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>See III A.</u>	—	—	<u>X</u>
IV. BIOLOGY – Would the proposal result in:			
A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>No such species exist on site.</u>	—	—	<u>X</u>
B. A substantial change in the diversity of any species of animals or plants? <u>See IV A.</u>	—	—	<u>X</u>
C. Introduction of invasive species of plants into the area? <u>The proposed project would conform to the City of San Diego's Landscaping requirements.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>There are no established wildlife corridors in the area.</u>	—	—	<u>X</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>There is not sensitive habitat on-site or adjacent to the site.</u>	—	—	<u>X</u>
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>There are no wetlands on or adjacent to the site.</u>	—	—	<u>X</u>
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>This project is not located in or adjacent to the Program area and therefore would not have a detrimental affect on habitat conservation.</u>	—	—	<u>X</u>
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The project would use standard consumption for residential condo buildings and would not use excessive amounts of fuel, energy or power.</u>	—	—	<u>X</u>
B. Result in the use of excessive amounts of power? <u>See V A.</u>	—	—	<u>X</u>
VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? <u>This project would be properly engineered so as to avoid geologic hazards.</u>	—	—	<u>X</u>
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>The proposed project would use best management practices to control erosion during construction. After construction the site would be appropriately landscaped. See Initial Study.</u>			
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>See VI A and Initial Study discussion.</u>	—	—	<u>X</u>
VII. HISTORICAL RESOURCES – Would the proposal result in:			
A. Alteration of or the destruction of a prehistoric or historic archaeological site? <u>The project would conduct monitoring during grading activities. See Initial Study.</u>	—	<u>X</u>	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>See VII C.</u>	—	—	<u>X</u>
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>There are no architecturally significant buildings on the proposed site or in the immediate surrounding area. A historic assessment report was completed for the existing apartment units and it was determined that the buildings were not significant. See Initial Study.</u>	—	—	<u>X</u>
D. Any impact to existing religious or sacred uses within the potential impact area? <u>No such uses occur on the site.</u>	—	—	<u>X</u>
E. The disturbance of any human remains, including those interred outside of formal cemeteries? <u>See VII A.</u>	—	—	<u>X</u>
VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:			
A. Create any known health hazard (excluding mental health)?	—	—	<u>X</u>



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>The proposed project does not propose the use of any chemicals or practices that are known to create health hazards.</u>			
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>The project does not propose any transport of hazardous materials.</u>	—	—	<u>X</u>
C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? <u>See VIII A.</u>	—	—	<u>X</u>
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>The proposed project is redevelopment in a previously developed neighborhood and would not interfere with any emergency response or evacuation plan.</u>	—	—	<u>X</u>
E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? <u>According to the County of San Diego Department of Environmental Health Hazardous Materials Listing (2007), no recorded hazardous materials sites exist on-site or within the proximity of this site.</u>	—	—	<u>X</u>
F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <u>See VIII A.</u>	—	—	<u>X</u>
IX. <b>HYDROLOGY/WATER QUALITY</b> – Would the proposal result in:			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. <u>Best management practices would be used to eliminate any increased sedimentation during construction. Conformance with State and City stormwater water standards would preclude downstream impacts.</u>	—	—	<u>X</u>
B. An increase in impervious surfaces and associated increased runoff? <u>The proposed project would conform to the City of San Diego's current Stormwater standards and best management practices would be used during construction.</u>	—	—	<u>X</u>
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? <u>See IX B. Runoff from the project site would be directed into the City's storm drain system.</u>	—	—	<u>X</u>
D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)? <u>No impaired water bodies are downstream of the project site.</u>	—	—	<u>X</u>
E. A potentially significant adverse impact on ground water quality? <u>The project would not result in areas of ponded water.</u>	—	—	<u>X</u>
F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? <u>The proposed project would not result in standing pools and therefore would not result in degradation of ground water quality. See also IX B.</u>	—	—	<u>X</u>
X. LAND USE – Would the proposal result in:			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project? <u>The proposed project would be in conformance with current zoning regulations and would not be in conflict with any current land uses.</u>	—	—	<u>X</u>
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? <u>See X A. The project is consistent with the surrounding community plan and doesn't conflict with its goals and objectives.</u>	—	—	<u>X</u>
C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area? <u>The project is located far enough away from the MHPA that it would not adversely affect any sensitive habitat.</u>	—	—	<u>X</u>
D. Physically divide an established community? <u>The proposed project would not divide an established community but would be an addition to the current structures in the neighborhood.</u>	—	—	<u>X</u>
E. Land uses which are not compatible with aircraft accident potential as defined by an adopted Airport Land Use Compatibility Plan? <u>The proposed project is not located in an ALUCP.</u>	—	—	<u>X</u>
XI. NOISE – Would the proposal result in:			
A. A significant increase in the existing ambient noise levels? <u>The proposed project would replace existing buildings which would not generate a significant increase in noise levels.</u>	—	—	<u>X</u>
B. Exposure of people to noise levels which exceed the City's adopted noise ordinance? <u>See XI A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted airport Comprehensive Land Use Plan? <u>The proposed project is in conformance with transportation requirements.</u>	—	—	<u>X</u>
XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>Due to the depth of cut paleontological monitoring would not be required. See Initial Study discussion.</u>	—	—	<u>X</u>
XIII. POPULATION AND HOUSING – Would the proposal:			
A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <u>The project is consistent with SANDAG's population forecast.</u>	—	—	<u>X</u>
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>The project site is currently developed with an office building and apartment complex. However it would increase existing available housing.</u>	—	—	<u>X</u>
C. Alter the planned location, distribution, density or growth rate of the population of an area? <u>See XIII A.</u>	—	—	<u>X</u>
XIV. PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
A. Fire protection? <u>The project is served by Fire Station 13 with a response time of 2.7 minutes.</u>	—	—	<u>X</u>
B. Police protection? <u>This project is located within the Northern Division of the Police Department.</u>	—	—	<u>X</u>
C. Schools?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>The existing school district would accommodate any additional pupils from this housing project.</u>			
D. Parks or other recreational facilities? <u>Existing recreational facilities would cover any additional use from this project.</u>	—	—	<u>X</u>
E. Maintenance of public facilities, including roads? <u>No additional maintenance would be needed.</u>	—	—	<u>X</u>
F. Other governmental services? <u>N/A.</u>	—	—	<u>X</u>
XV. RECREATIONAL RESOURCES – Would the proposal result in:			
A. <i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i> <u>See XIV D.</u>	—	—	<u>X</u>
B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <u>See XIV D.</u>	—	—	<u>X</u>
XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:			
A. Traffic generation in excess of specific/ community plan allocation? <u>The project would not generate excessive traffic and would be within the community plan allocation. Any construction traffic would have a traffic plan and would be required to comply with traffic Best Management Practices.</u>	—	—	<u>X</u>
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>See XVI A.</u>	—	—	<u>X</u>
C. An increased demand for off-site parking? <u>The project would include sufficient on-site parking.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
D. Effects on existing parking? <u>See XVI C.</u>	—	—	<u>X</u>
E. Substantial impact upon existing or planned transportation systems? <u>See XVI A.</u>	—	—	<u>X</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>No alterations are proposed.</u>	—	—	<u>X</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>The project would conform to City engineering safety standards.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>No such conflicts are proposed.</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>The proposed project site would be able to use existing public utilities and would need to be connected to existing utilities but would not result in the need for additional utilities.</u>	—	—	<u>X</u>
B. Communications systems? <u>See XVII A.</u>	—	—	<u>X</u>
C. Water? <u>See XVII A.</u>	—	—	<u>X</u>
D. Sewer? <u>See XVII A.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>See XVII A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
F. Solid waste disposal? <u>See XVII A.</u>	—	—	<u>X</u>
XVIII. WATER CONSERVATION – Would the proposal result in:			
A. Use of excessive amounts of water? <u>Standard consumption is expected.</u>	—	—	<u>X</u>
B. Landscaping which is predominantly non-drought resistant vegetation? <u>The project would comply with the City of San Diego's regulations regarding landscaping.</u>	—	—	<u>X</u>
XIX. MANDATORY FINDINGS OF SIGNIFICANCE:			
A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? <u>This project is in an urbanized area and would not adversely affect wildlife habitats or degrade the quality of the environment. Archaeological monitoring would reduce any impacts below a level of significance.</u>	—	—	<u>X</u>
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.) <u>This project would not affect any environmental longterm goals in the area.</u>	—	—	<u>X</u>
C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	—	—	<u>X</u>

Yes    Maybe    No

The project would not have a cumulatively considerable effect on air quality, water quality, traffic, or any other environmental issue areas.

- D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?

—            —            X

The project proposes no environmental effects which would cause substantial adverse effects on human beings.



## INITIAL STUDY CHECKLIST

### REFERENCES

#### I. Aesthetics / Neighborhood Character

City of San Diego Progress Guide and General Plan.

Community Plan.

Local Coastal Plan.

#### II. Agricultural Resources / Natural Resources / Mineral Resources

City of San Diego Progress Guide and General Plan.

U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

Site Specific Report: \_\_\_\_\_.

#### III. Air

California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

Regional Air Quality Strategies (RAQS) - APCD.

Site Specific Report: \_\_\_\_\_.

#### IV. Biology

City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

- Community Plan - Resource Element.
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- City of San Diego Land Development Code Biology Guidelines.
- Site Specific Report: \_\_\_\_\_.
- V. Energy**
- \_\_\_\_\_
- VI. Geology/Soils**
- City of San Diego Seismic Safety Study.
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- Site Specific Report: Geotechnical Evaluation for 1030 Pearl Street, 7522-7532 Herschel Avenue by Geotek Insite Inc. dated September 23, 2002 with an update of March 5, 2007.
- VII. Historical Resources**
- City of San Diego Historical Resources Guidelines.
- City of San Diego Archaeology Library.
- Historical Resources Board List.
- Community Historical Survey:
- Site Specific Reports: Archaeological Resource Report Form for The Pearl & Herschel LLC Project, La Jolla, CA March 2007. & Historical Assessment of the Igelstraem Apartment Court 7522-7532 Herschel Avenue, La Jolla, CA 92037, May 1999 with Update June 8, 2007.

**VIII. Human Health / Public Safety / Hazardous Materials**

- San Diego County Hazardous Materials Environmental Assessment Listing, 2007.
- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
- Airport Comprehensive Land Use Plan.
- Site Specific Report: \_\_\_\_\_

**IX. Hydrology/Water Quality**

- Flood Insurance Rate Map (FIRM).
- Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
- Clean Water Act Section 303(b) list, dated July 2002, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html).
- Site Specific Report: Water Quality Technical Report for Pearl & Herschel 7522-7532 Herschel Avenue, La Jolla, CA.

**X. Land Use**

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- Airport Comprehensive Land Use Plan
- City of San Diego Zoning Maps
- FAA Determination

**XI. Noise**

- Community Plan

- San Diego International Airport - Lindbergh Field CNEL Maps.
- Brown Field Airport Master Plan CNEL Maps.
- Montgomery Field CNEL Maps.
- San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- City of San Diego Progress Guide and General Plan.
- Site Specific Report: Noise Compatibility Analysis Pearl Street Townhomes, San Diego, CA.

**XII. Paleontological Resources**

- City of San Diego Paleontological Guidelines.
- Demere, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.
- Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.
- Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.
- Site Specific Report:\_\_\_\_\_

**XIII. Population / Housing**

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- Series 8 Population Forecasts, SANDAG.
- Other:\_\_\_\_\_

**XIV. Public Services**

- City of San Diego Progress Guide and General Plan.
- Community Plan.

**XV. Recreational Resources**

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- Department of Park and Recreation
- City of San Diego - San Diego Regional Bicycling Map
- Additional Resources: \_\_\_\_\_

**XVI. Transportation / Circulation**

- City of San Diego Progress Guide and General Plan.
- Community Plan.
- San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- San Diego Region Weekday Traffic Volumes, SANDAG.
- Site Specific Report: \_\_\_\_\_

**XVII. Utilities**

**XVIII. Water Conservation**

- Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

08 FEB 20 PM 5:49  
CITY CLERK'S OFFICE  
RECEIVED

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO				1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Development Services Department		3. DATE: 2/13/08			
4. SUBJECT: <p style="text-align: center;">PEARL STREET TOWNHOMES – PROJECT NO. 125935</p>							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) EDITH Y. GUTIERREZ (619)446-5466		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) JEANNETTE TEMPLE (619)557-7908		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>			
<b>8. COMPLETE FOR ACCOUNTING PURPOSES</b>							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.	1300			A deposit has been collected from the applicant to cover all costs associated with processing the proposed project			
ORGANIZATION	1671						
OBJECT ACCOUNT	4022						
JOB ORDER	42-7589						
C.I.P. NUMBER							
AMOUNT							
<b>10. ROUTING AND APPROVALS</b>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG DEPT	MIKE WESTLAKE	2/14/08	8	DEPUTY CHIEF	WILLIAM S. ANDERSON	2/17/08
2	EAS	ALLISON SHERWOOD	2-14-08	9			
3				10	CITY ATTORNEY	Marianne Cochrane Marianne Greene	2/25/08
4				11	ORIG. DEPT	KELLY BROUGHTON	2/14/08
5					DOCKET COORD:	COUNCIL LIAISON	
6				<input checked="" type="checkbox"/>	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION	
7					<input type="checkbox"/> REFER TO:	COUNCIL DATE:	
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. RESOLUTION CERTIFYING MITIGATED NEGATIVE DECLARATION NO. 125935 AND ADOPTING THE MITIGATION, MONITORING AND REPORTING PROGRAM							
2. RESOLUTION APPROVING COASTAL DEVELOPMENT PERMIT NO. 431859							
3. RESOLUTION APPROVING VESTING TENTATIVE MAP NO. 431879 AND EASEMENT VACATION NO. 468619							
11A. 1) STAFF RECOMMENDATIONS: CERTIFYING THAT THE INFORMATION CONTAINED IN PROJECT NO. 125935 HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE CEQA GUIDELINES, AND THAT SAID MITIGATED NEGATIVE DECLARATION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF SAN DIEGO AS LEAD AGENCY 2) STATING FOR THE RECORD THAT THE FINAL MND HAS BEEN REVIEWED AND CONSIDERED PRIOR TO APPROVING THE PROJECT 3) ADOPTING THE FINAL MND 4) ADOPTING THE MITIGATION, MONITORING AND REPORTING PROGRAM.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)							
COUNCIL DISTRICT(S): 1							
COMMUNITY AREA(S): La Jolla							
ENVIRONMENTAL IMPACT: The City of San Diego as Lead Agency under CEQA has prepared and completed a Mitigated Negative Declaration No. 125935, dated January 14, 2008, and Mitigation, Monitoring and Reporting Program covering this activity.							
HOUSING IMPACT: The project proposal would add twenty-four new multi-family dwelling units on the subject parcel. Six existing dwelling units will be demolished. Therefore, the net effect would be the addition of eighteen new dwelling units to the La Jolla Community Plan. The applicant would pay the in lieu fee to meet the inclusionary housing requirements.							
OTHER ISSUES: 10 business days, noticed public hearing. Newspaper.							

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: February 13, 2008                      REPORT NO.: PC-08-009  
ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: Development Services Department  
SUBJECT: Pearl Street Townhomes PTS Project Number 125935  
COUNCIL DISTRICT(S): 1  
STAFF CONTACT: Edith Y. Gutierrez (619)446-5466 Egutierrez@sandiego.gov

REQUESTED ACTION:

Demolish an existing office building and six residential apartments, and construct twenty-four residential condominiums units, including the request to waive the requirements to underground existing utilities and a storm drain vacation. The site is located on a 0.636 acre site at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within the La Jolla Community Plan area.

STAFF RECOMMENDATION:

Recommend City Council **APPROVE** Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879, including the request to waive the requirement to underground the existing utilities, and Easement Vacation No. 468619 and Certify Mitigated Negative Declaration and Adopt the Mitigation, Monitoring and reporting program.

EXECUTIVE SUMMARY:

The project site is located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within the La Jolla Community Plan area.

The proposed project includes a Coastal Development Permit for the demolition of an existing office building and five detached structures containing six residential apartments, and the construction of twenty-four residential condominiums units. A Vesting Tentative Map with an easement vacation and waiver for the undergrounding of the existing overhead utilities is requested to sell the proposed residential units as condominiums. The easement to be vacated is a ten foot storm drain easement that has been abandoned since 1960.

The proposed condominiums units would be two-stories with attached basement/garages and roof decks. The units would have one to three bedrooms and range in size from 957 square feet to 1,566 square feet.

The total parking requirement for the twenty-four residential condominiums is forty-five spaces. Each unit would have an attached one-car or two-car garage and there would be an additional ten spaces provided on the site, for a total of fifty-five parking spaces. Eight off-street parking spaces abutting the west alley would be available for guests.

Mitigated Negative Declaration No. 125935 has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines which identified potential impacts to Archaeological Resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to a level below significance, any potential impacts identified in the environmental review process.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On February 7, 2008, the Planning Commission voted 6-0-0 to recommend to the City Council approval of the project without any changes.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

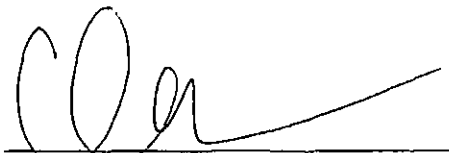
On October 4, 2007, the La Jolla Community Planning Association voted 9-3-1 to recommend approval for the proposed project with conditions.

The conditions were that all construction and deliveries to the site be limited from the hours of 8:45 AM to 9:15 AM and 2:45 PM to 3:45 PM on days when school is in session and construction workers park on the site.

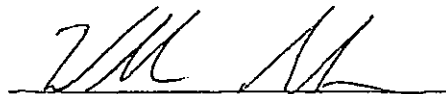
The applicant agrees that limiting construction and deliveries during school hours could be beneficial to the community in terms of reducing traffic congestion during school drop-offs and pick-ups, and will try to limit activity during that time. The applicant will also try to accommodate parking on the site for the workers when possible. Staff however, pursuant to the San Diego Municipal Code, has not imposed these restrictions as required conditions of permit approval.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Pearl & Herschel, LLC  
Gerald M. Rudick 100%



Kelly Broughton  
Director  
Development Services Department



William Anderson  
Deputy Chief of Land Use and  
Economic Development

ATTACHMENTS: Planning Commission Report No. PC-08-009



001187

NOTICE OF DETERMINATION

Original  
to  
Peggy  
on 2/21/08

TO: X Recorder/County Clerk  
P.O. Box 1750, MS A33  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101-2422

FROM: City of San Diego  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

         Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Project Number: 125935

State Clearinghouse Number: N/A

Permit Number: Coastal Development Permit 431859, Vesting Tentative Map 431879, and Easement Abandonment 469619

Project Title Pearl Street Townhomes

Project Location: 1030 Pearl Street La Jolla CA 92037 Lots 20, 21, 22, and 23 in Block 1 of Center Addition to La Jolla Park, Map No. 915

Project Description: EASEMENT ABANDONMENT, COASTAL DEVELOPMENT PERMIT (CDP), VESTING TENTATIVE MAP (VTM), to demolish an existing 6 unit apartment complex and office building and construct 24 residential condos on a .636-acre site located at 7522-7532 Herschel Avenue and 1030 Pearl Street between Pearl Street and Virginia Way. The site is zoned RM-3-7 and is located in the La Jolla Community Plan Area, City and County of San Diego.

Project Applicant: Pearl and Herschel LLC, Jay Wexler 7646 Girard Avenue, La Jolla, CA 92037 Ph. 858-452-9990

This is to advise that the City of San Diego Planning Commission on February 7, 2008 approved the above described project and made the following determinations:

1. The project in its approved form will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Record of project approval may be examined at the address above.

3. Mitigation measures were made a condition of the approval of the project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Philip Lizzi

Telephone: (619) 446-5159

Filed by: Allison Sherwood  
Signature  
SENIOR PLANNER  
Title

Reference: California Public Resources Code, Sections 21108 and 21152.

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, on April 4, 2007, Pearl & Herschel LLC, Applicant submitted an application to the City of San Diego for a coastal development permit, a vesting tentative map and easement vacation for the Pearl Street Townhomes project; and

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

WHEREAS, the issue was heard by the City Council on \_\_\_\_\_; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 125935; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration No. 125935, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations 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 the report, together with any comments received during the public review process,

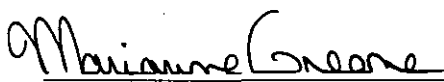
has been reviewed and considered by this Council in connection with the approval of a coastal development permit a vesting tentative map and easement vacation for the Pearl Street Townhomes project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Marianne Greene  
Deputy City Attorney

MG:pev:js  
02/19/08  
Or.Dept:DSD  
R-2008-702  
MMS #5930

## EXHIBIT A

## MITIGATION MONITORING AND REPORTING PROGRAM

## Coastal Development Permit, Tentative Map, and Easement Abandonment

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 Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No.125935) shall be made conditions of Coastal Development Permit, Tentative Map, and Easement Abandonment as may be further described below.

## HISTORICAL RESOURCES (ARCHAEOLOGY)

**I. Prior to Permit Issuance**

- A. Land Development Review (LDR) Plan Check
  - 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.
  
- B. Letters of Qualification have been submitted to ADD
  - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
  - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.

3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

## 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 (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

### B. PI Shall Attend Precon Meetings

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

- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
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 site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
  1. The Archaeological Monitor shall be present full time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
  2. 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.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

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

C. Determination of Significance

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

**IV. Discovery of Human Remains**

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

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

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

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
  - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
  - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance



with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

- c. In order to protect these sites, the Landowner shall do one or more of the following:
  - (1) Record the site with the NAHC;
  - (2) Record an open space or conservation easement on the site;
  - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 6.c., above.

**D. If Human Remains are NOT Native American**

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

**V. 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 CSVV and submit to MMC via fax by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

## **VI. Post Construction**

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

#### B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

#### C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The environmental mitigation measures listed above shall be shown on the construction plans or referenced under the heading, "Environmental Requirements."

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.

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, Pearl & Herschel, LLC, Owner/Permittee, filed an application with the City of San Diego for a coastal development to demolish an existing office building and six residential apartments and construct twenty-four residential condominium units to be known as the Pearl Street Townhomes project, located at 1030 Pearl Street and 7522-32 Herschel Avenue, and legally described as Lots 20, 21, 22, and 23, Block 1, Center Addition to La Jolla Park, Map No. 915, and Parcel 1, Map No. 18804, in the La Jolla Community Plan area, in the RM-3-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone and Transit Area Overlay Zone; and

WHEREAS, on February 7, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 431859, and pursuant to Resolution No. 4367-PC voted to recommend City Council approval of the Permit; 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; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 431859:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE  
[SDMC] SECTION 126.0708**

**1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The 0.636-acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building and six residential apartments and construct twenty-four residential condominiums units. The proposed 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. The proposed development conforms to all the requirements of the RM-3-7 zone and is consistent with the community land use designation.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.** The 0.636-acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building six residential apartments and construct twenty-four residential condominiums units. Mitigated Negative Declaration No. 125935 has been prepared for this project in accordance with the State of California Environmental Quality Act [CEQA] Guidelines which identified potential impacts to Archaeological Resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented to reduce, to a level below significance, any potential impacts identified in the environmental review process.

**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 0.636-acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building and six residential apartments and construct twenty-four residential condominiums units. The project is located on a parcel that is designated for Medium High Residential Density (30-45 dwelling units per acre) in the La Jolla Community Plan area. The proposed twenty-four units are consistent with this land use designation and are under the twenty-eight unit maximum for this site area. The proposed development conforms to all the requirements of the RM-3-7 zone and would adhere to community goals since the proposed residential condominium units were designed in a manner that do not intrude into any of the physical access ways used by the public.

**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 0.636-acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue. The project proposes to demolish an existing office building and six residential apartments and construct twenty-four

residential condominiums units. The proposed coastal development is less than one mile from the Pacific Ocean. The first public roadway adjacent to this property is Coast Boulevard. There will be no impact to public beach parking since the proposed residential condominiums were developed with private garages and will have an additional ten parking spaces for guests. All of the proposed development will be contained within the legal lot. The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

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 Coastal Development Permit No. 431859 is granted to Pearl & Herschel, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MG:pev  
02/20/08  
Or.Dept:DSD  
R-2008-703  
MMS #5930

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

**WHEN RECORDED MAIL TO**  
 CITY CLERK  
 MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 427589

**COASTAL DEVELOPMENT PERMIT NO. 431859**  
**PEARL STREET TOWNHOMES (MMRP) PTS #125935**  
 CITY COUNCIL

This Coastal Development Permit No. 431859 is granted by the City Council of the City of San Diego to Pearl & Herschel, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0701. The 0.636-acre site is located at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone of the La Jolla Community Plan area. The project site is legally described as Lots 20, 21, 22, and 23, Block 1, Center Addition to La Jolla Park, Map No. 915 and Parcel 1, Map No. 18804.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing office building and six residential apartments, and construct twenty-four residential condominium units, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of an existing office building located at 1030 Pearl Street and demolition of six residential apartments located at 7522-32 Herschel Avenue;
- b. Construction of twenty-four residential condominium units with attached garages;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and



- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
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 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 modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made 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 have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. The applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

**AFFORDABLE HOUSING REQUIREMENTS:**

11. Prior to receiving a final map, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a final map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

**ENGINEERING REQUIREMENTS:**

12. A Final Map shall be recorded in the Office of the County Recorder, prior to the Vesting Tentative Map expiration date.

13. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance, satisfactory to the City Engineer.

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

15. 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 Appendix E of the City's Storm Water Standards.

16. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post construction BMP's on the final construction drawings, consistent with the approved Water Quality Technical Report.

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

**SEWER AND WATER REQUIREMENTS:**

18. No trees or shrubs exceeding 3'-0" in height at maturity shall be installed within 10'-0" of any public sewer facilities.

19. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of any existing unused water services

adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service serving the project, in a manner satisfactory to the Water Department Director and the City Engineer.

21. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

**PLANNING/DESIGN REQUIREMENTS:**

22. No fewer than forty-five (fifty-five are provided) off-street parking spaces shall be maintained 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 City Manager.

23. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

24. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

25. 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.

26. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

27. 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.

28. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
29. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

**LANDSCAPE REQUIREMENTS:**

30. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

31. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the City Manager for approval. Improvement plans shall take into account 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.

32. Prior to issuance of any construction permits for buildings, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

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

34. The Owner/Permittee shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

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

36. 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, the Owner/Permittee is responsible to repair and/or replace any landscape in kind and equivalent size per the

approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Certificate of Occupancy.

**TRANSPORTATION REQUIREMENTS:**

37. The Owner/Permittee shall close all under-utilized driveways along the project's frontage on Herschel Avenue and replace with full height curb, gutter and sidewalk, satisfactory to the City Engineer.
38. The Owner/Permittee shall remove all damaged curb, gutter and sidewalk along the project's frontage on Pearl Street and Herschel Avenue and replace with standard curb, gutter and sidewalk, satisfactory to the City Engineer.
39. The Owner/Permittee shall remove all damaged asphalt pavement along the project's frontage in the alley and replace with standard concrete pavement, satisfactory to the City Engineer.
40. The Owner/Permittee shall provide and maintain adequate visibility area along the front setback. No obstacles higher than 36" shall be located within this area.
41. The Owner/Permittee shall construct new pedestrian ramps at the northwest corner of Pearl Street and Herschel Avenue and at both sides of the Alley that intersects with Pearl Street, satisfactory to the City Engineer.

**ENVIRONMENTAL REQUIREMENTS:**

42. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.
43. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 125935, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
44. The Subdivider shall comply with the MMRP as specified in Mitigated Negative Declaration No. 125935, satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for Archaeological Resources.
45. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**INFORMATION ONLY:**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_, by  
Resolution No. R-\_\_\_\_\_.

001213

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

Pearl & Herschel, LLC  
Owner/Permittee

By \_\_\_\_\_  
Gerald M. Rudick  
Managing Member

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04



RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, Pearl & Herschel, LLC, Applicant/Subdivider, and Nasland Engineering, Surveyor, submitted an application to the City of San Diego for a vesting tentative map (Vesting Tentative Map No. 431879) and an easement vacation (Easement Vacation No. 468619) to demolish an existing office building and six residential apartments and construct twenty-four residential condominium units for the Pearl Street Townhomes project [Project], located at 1030 Pearl Street and 7522-32 Herschel Avenue, and legally described as Lots 20, 21, 22, and 23, Block 1, Center Addition to La Jolla Park, Map No. 915 and Parcel 1, Map No. 18804, in the La Jolla Community Plan area, in the RM-3-7 zone, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone; and

WHEREAS, the applicant seeks to waive the requirement to underground existing overhead utilities, pursuant to Council Policy 600-25; and

WHEREAS, on February 7, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 431879 and Easement Vacation No. 468619, and pursuant to Resolution No. 4367-PC voted to recommend City Council approval of the map; and

WHEREAS, the Map proposes the subdivision of a 0.636-acre site into one lot for a 24-unit residential condominium development and an easement vacation granted to the City of San

Diego on June 13, 1923 in Book 934, Page 458 Deeds and February 17, 1948 in Book 2674, Page 301 of Official Records; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium units is twenty-four; 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; and

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 431879 and Easement Vacation No. 468619:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code [LDC] section 125.0440(a) and Subdivision Map Act Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).
9. The proposed subdivision complies with the parking regulations of the Land Development Code (LDC section 142.0505).
10. The storm drain easement granted to the City of San Diego on June 13, 1923 in Book 934, Page 458 Deeds and February 17, 1948 in Book 2674, Page 301 of Official Records, is no longer needed for the public purpose for which it was granted. The storm drain must be vacated on the Final Map in accordance with San Diego Municipal Code section 125.0430.
11. Pursuant to California Government Code section 66434(g) the storm drain granted to the City of San Diego on June 13, 1923 in Book 934, Page 458 Deeds and February 17, 1948 in Book 2674, Page 301 of Official Records, located within the project boundaries as shown on Vesting Tentative Map No. 431879, shall be vacated, contingent upon the recordation of the approved Final Map for the project.
12. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 Underground Conversion of Utility Lines at Developers Expense in that the conversion involves a short span of overhead facility (less than a full block in length) and it has been determined that such conversion is not a part of a continuing effort to accomplish a total undergrounding within a specific street or area. The conversion would represent an isolated undergrounding with a minimum probability of extension in the future.

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

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 431879 and Easement Vacation No. 468619 are granted to Pearl & Herschel, LLC, Applicant/Subdivider and Nasland

Engineering, Surveyor, subject to the attached conditions which are made a part of this resolution  
by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MG:pev  
02/20/08  
Or.Dept:DSD  
R-2008-704  
MMS #5930

CONDITIONS FOR TENTATIVE MAP NO. 431879/  
EASEMENT VACATION NO. 468619

PEARL STREET TOWNHOMES PROJECT

ADOPTED BY RESOLUTION NO. R-\_\_\_\_\_ ON \_\_\_\_\_

**GENERAL**

1. This Tentative Map will expire \_\_\_\_\_.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Vesting Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The applicant 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, including, but not limited to, any 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 applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant 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, applicant 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 applicant 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 applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

**AFFORDABLE HOUSING**

6. Prior to receiving a final map, the Subdivider shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code). The applicant has elected to pay an in-lieu fee to meet these requirements. Prior to receiving a final map/certificate of compliance, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

**ENGINEERING**

7. The Final Map shall comply with the provision of the Coastal Development Permit No. 431859.
8. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
9. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
10. Compliance with all conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
11. The Subdivider shall terminate the existing development permits and void out the existing grading and improvement plans. A new Subdivision Improvement Agreement is required prior to the termination of the existing agreement.
12. The Subdivider shall replace the existing curb with full height City standard curb and gutter, along the project frontage on Pearl Street, per Standard Drawing G-2 and SDG-100.
13. The Subdivider shall replace the existing pedestrian ramps with City standard pedestrian ramps with truncated domes, at the northwest corner of the Herschel Avenue and Pearl Street and on both sides of the alley entrance on Pearl Street.
14. The Subdivider shall construct City standard alley apron at the alley entrance on Pearl Street.
15. The Subdivider shall replace the existing asphalt pavement in the alley with full width City standard alley, adjacent to the project site, per Standard Drawing G-21.

16. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for the private landscape and irrigation located within Herschel Avenue and Pearl Street rights-of-way.
17. The Subdivider shall replace the existing sidewalk with City Standards sidewalk along the entire project frontage on Herschel Avenue and Pearl Street.
18. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

### MAPPING

19. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
20. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
21. The Final Map shall:
  - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
  - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

**SEWER AND WATER**

22. All proposed public sewer facilities shall be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.
23. The Subdivider shall design and construct all proposed private sewer facilities to conform with the most current State, Federal and City Regulations, and to the requirements of the most current edition of the Metropolitan Wastewater Department Sewer Design Guide or the California Uniform Plumbing Code as adopted by the City of San Diego.
24. All on-site wastewater systems shall be private.
25. Sewer lateral connections shall be made in accordance with Table 2-6 Of the City of San Diego sewer design guide. Remove the connection @ SMHs and show lateral connections through a "Y" fitting or saddle type connections. (two private laterals connections to existing public sewer in the alley).
26. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

**INFORMATION:**

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



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

001225

PLANNING COMMISSION RESOLUTION NO. 4367-PC  
RECOMMENDING TO THE CITY COUNCIL APPROVAL  
COASTAL DEVELOPMENT PERMIT NO. 431859,  
VESTING TENTATIVE MAP NO. 431879  
AND EASEMENT VACATION NO. 468619

WHEREAS, on February 7, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval of a Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879 with Easement Vacation No. 468619; and

WHEREAS, Pearl & Herschel, LLC, Owner/Permittee, requested Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879 with Easement Vacation No. 468619, to demolish an existing office building and six residential apartments, and to construct twenty-four residential condominiums units. The project known as Pearl Street Townhomes is located on a 0.636 acre site at 1030 Pearl Street and 7522-32 Herschel Avenue in the RM-3-7 Zone, Coastal Overlay Zone (non appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone, within the La Jolla Community Plan area; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW  
THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends approval of Coastal Development Permit No. 431859, Vesting Tentative Map No. 431879 with Easement Vacation No. 468619.

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Edith Y. Gutierrez  
Development Project Manager  
Development Services Department  
Dated February 7, 2008  
By a vote of: 6-0-1

**PLANNING COMMISSION OF THE CITY OF SAN DIEGO  
MINUTES OF REGULAR SCHEDULED MEETING OF  
FEBRUARY 7, 2008  
IN CITY COUNCIL CHAMBERS - 12<sup>TH</sup> FLOOR  
CITY ADMINISTRATION BUILDING**

**CHRONOLOGY OF THE MEETING:**

Chairperson Schultz called the meeting to order at 9:07 a.m. Chairperson Schultz adjourned the meeting at 10:54 AM.

**ATTENDANCE DURING THE MEETING:**

Chairperson Barry Schultz - present  
Vice-Chairperson - Vacant  
Commissioner Robert Griswold – present  
Commissioner Gil Ontai -present  
Commissioner Dennis Otsuji - present  
Commissioner Eric Naslund - present  
Commissioner Mike Smiley – present

Staff

Andrea Dixon, City Attorney - present  
Mary Wright, CP & CI – present  
Mike Westlake, Development Services Department - present  
Elisa Contreras, Recorder - present

**COMMISSION ACTION:**

~~MOTION BY COMMISSIONER OTSUJI TO DENY THE APPEAL AND UPHOLD THE HEARING OFFICER'S DECISION TO DENY A CONDITIONAL USE PERMIT NO. 289980 AND SITE DEVELOPMENT PERMIT NO. 452372. Second by Commissioner Smiley.~~

~~Passed by a 5-0-2 with Commissioner Griswold recusing and one vacancy. Resolution No. 4366-PC, Reso #4366-PC~~

ITEM-9: **\*PEARL STREET TOWHOMES – PROJECT NO. 125935**  
City Council District: 1 ; Plan Area: La Jolla

Staff: Edith Gutierrez

Speaker slip in favor submitted by, Jay Wexler, Steve Wallet, Jerry Rudick, JT Barr, Jerry Mclees, and Bob Haynes.

No one present in opposition

**Commission Action:**

CONSENT MOTION BY COMMISSIONER OTSUJI TO RECOMMEND TO CITY COUNCIL TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 431859 AND EASEMENT VACATION NO. 468619, VESTING TENTATIVE MAP NO.431879.

RECOMMEND TO THE CITY COUNCIL TO CERTIFY MITIGATED NEGATIVE DECLARATION NO. 125935 AND ADOPTION OF THE MITIGATION, MONITORING AND REPORTING PROGRAM.  
Second by Commissioner Naslund. Passed by a 6-0-1 vote with one vacancy. Resolution No. 4367-PC, Reso # 4367-PC

Development Services Department  
Project Management Section


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**PEARL STREET TOWNHOMES**  
Project No. 125935  
Community: La Jolla

Planning Commission  
February 7, 2008

Development Project Manager:  
Edith Y. Gutierrez

Review Team:  
Antoinette Gibbs - Planning  
Craig Hooker - Landscaping  
Philip Lizzi - Environmental




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Development Services Department  
Project Management Section

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**Project Scope**

- Demolish an existing office building and six residential apartments, and construct twenty-four residential condominium units
- Easement Vacation




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Development Services Department  
Project Management Section

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**Project Scope**

- Site Features
  - 0.636 acre site (27,708 square feet)
- Approvals
  - Coastal Development Permit
  - Vesting Tentative Map including the Waiver of the Underground Utilities Requirement
  - Storm Drain Easement Vacation




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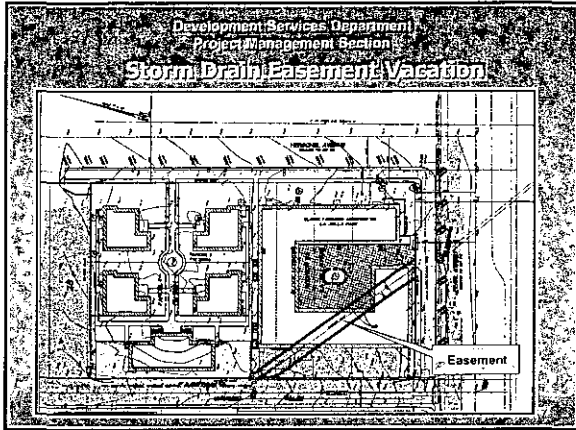
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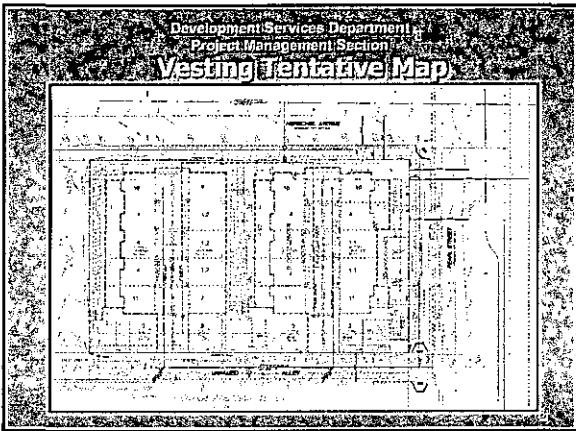
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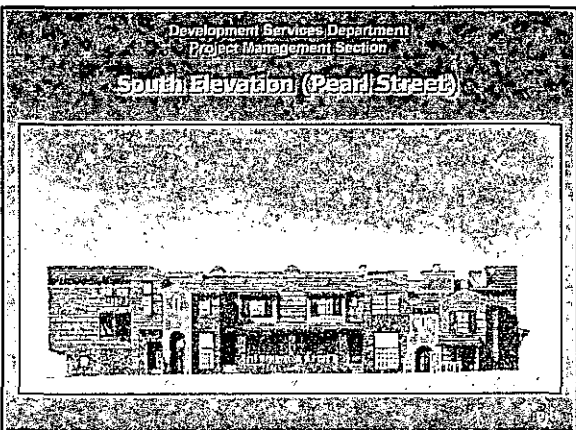
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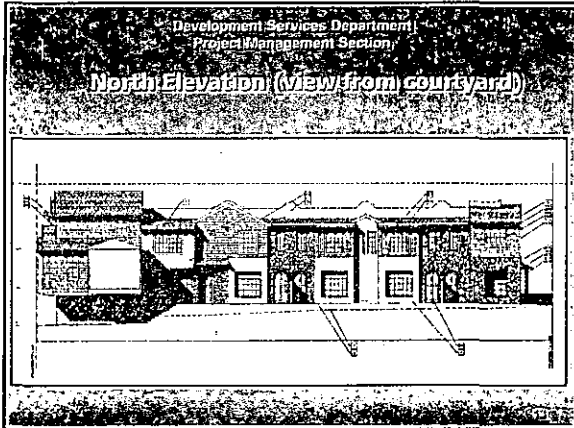
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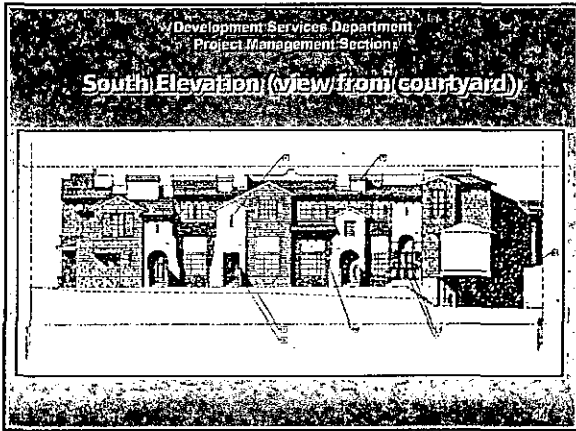
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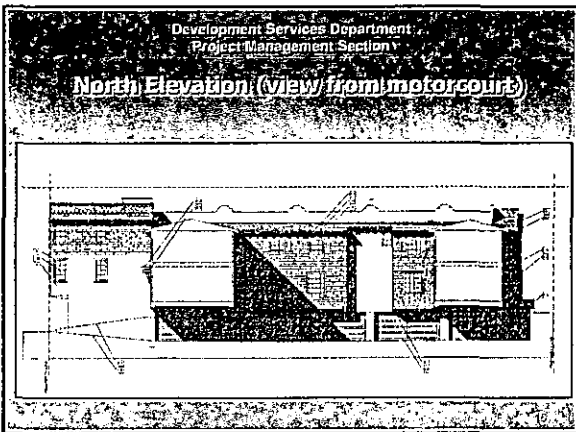
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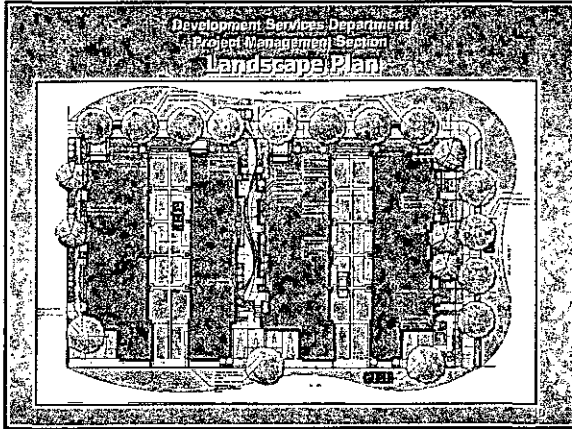
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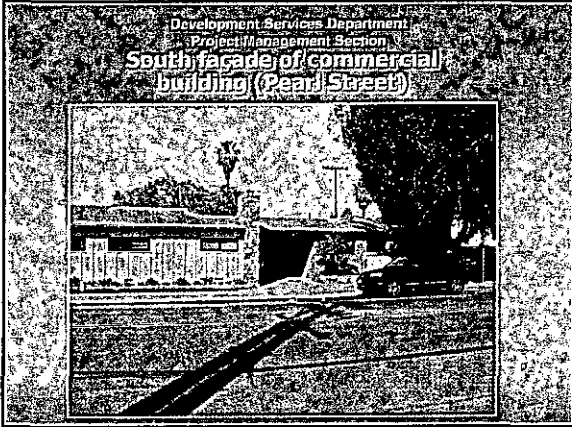
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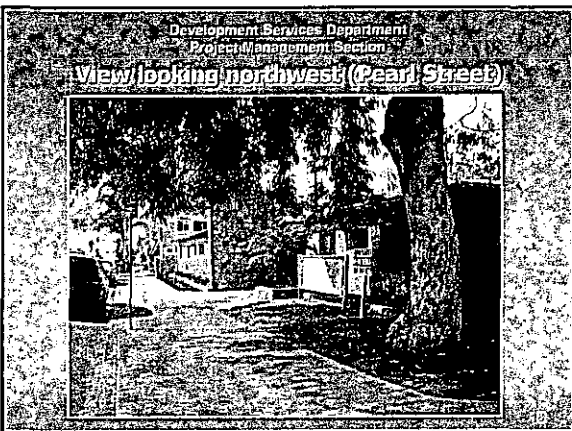
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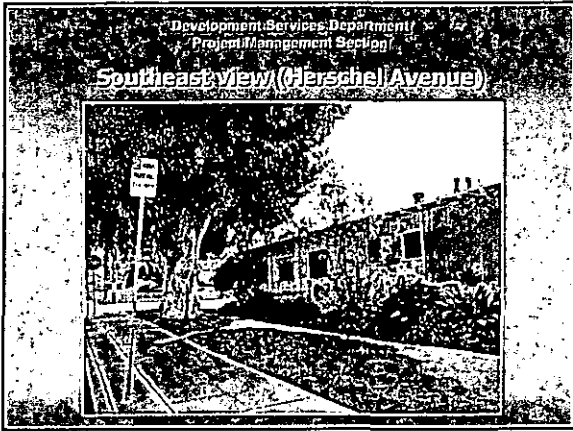
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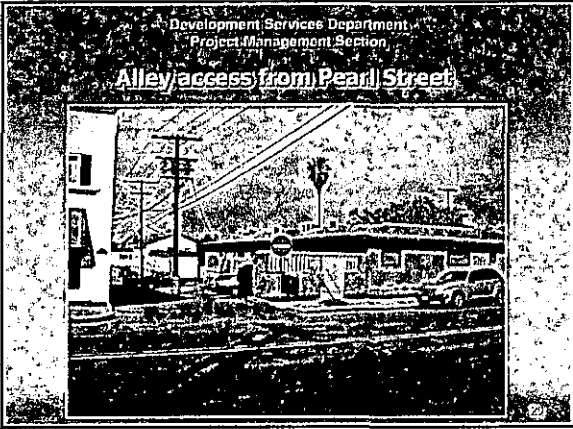
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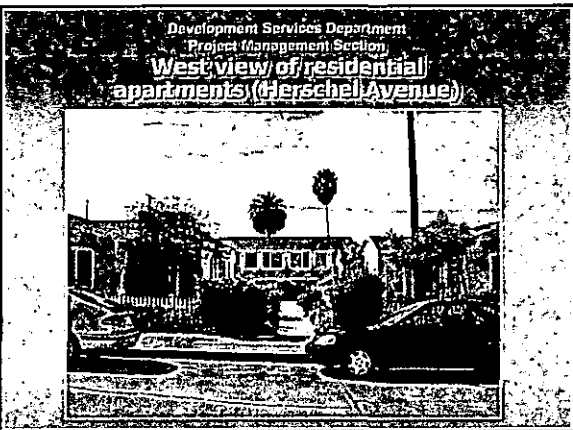
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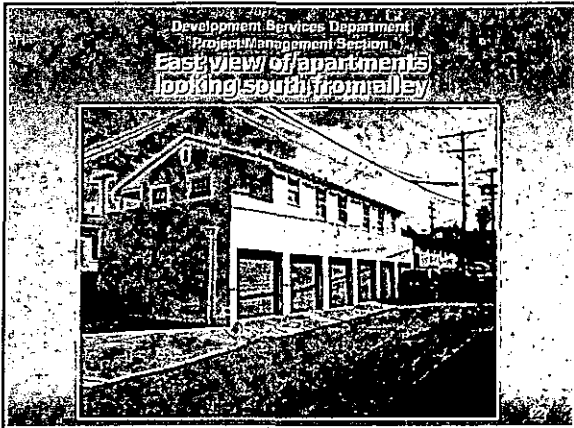
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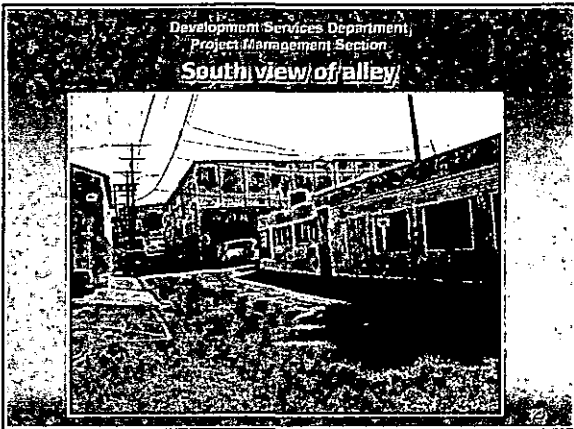
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Development Services Department  
Project Management Section

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**Recommendation**

- **Community Planning Group**
  - On October 4, 2007, the La Jolla Community Planning Association voted 9-3-1 to recommend approval of the project with conditions



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Development Services Department  
Project Management Section

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**Recommendation**

- **Community Planning Group Condition**  
All construction and deliveries to the site be limited from the hours of 8:45 AM and 9:15 AM and 2:45 PM to 3:45 PM on days when school is in session and construction workers park on site
- **Staff Response**  
San Diego Municipal Code allows construction noise Monday through Saturday from 7:00 AM to 7:00 PM and does not have restrictions on construction traffic nor parking regulations



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Development Services Department  
Project Management Section

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**Recommendation**

- **Recommend City Council APPROVAL**
  - Coastal Development Permit No. 431859
  - Vesting Tentative Map No. 431879
  - Storm Drain Easement Vacation No. 468619



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