

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370



# Th 12c

## Addendum

June 6, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Th 12c**, Coastal Commission Permit Application  
**#A-6-LJS-08-43 (Roseman & Delgado)**, for the Commission Meeting of  
6/12/08

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On 4/28/08 the Notice of Final Action was received in the San Diego District's office. During the ten day appeal period an appeal was filed on 4/29/08. A Commission Notification of Notice of Appeal was sent to the City of San Diego on 5/1/08 requesting that the file materials be submitted within the required five working days. However, the file was not received until 5/29/08, one day after an Open and Continue staff report, dated 5/28/08, was prepared for the June Commission hearing. Because the Commission staff ultimately received the City file prior to the June meeting, the Substantial Issue staff report is being prepared. Staff recommends the following changes be made to the above-referenced staff report:

1. The attached staff report shall replace the Open and Continue staff report dated 5/28/08.
2. The attached two exhibits shall be added as Exhibit Nos. 3 & 4 to the staff report.

(G:\San Diego\Reports\Appeals\2008\A-6-LJS-08-043 Roseman & Delgado Addendum.doc)

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

(619) 767-2370

**Th 12c**

Filed: 4/29/08  
49th Day: 6/17/08  
Staff: Laurinda Owens-SD  
Staff Report: 6/6/08  
Hearing Date: 6/11-13/08

STAFF REPORT AND RECOMMENDATION ON APPEAL  
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-LJS-08-43

APPLICANT: Jon Roseman; Cynthia Delgado

PROJECT DESCRIPTION: Demolition of an existing two-story, 2,415 sq.ft. single-family residence with attached garage and detached shed and construction of a new three-story, approximately 5,019 sq.ft. single-family residence over a 2,767 sq.ft. basement with an attached garage and associated improvements on an 8,998 sq.ft. lot.

PROJECT LOCATION: 7272 Dune Lane, La Jolla, San Diego, (San Diego County)  
APNs 351-090-31 and -32

APPELLANTS: R. Jay Engel

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STAFF NOTE:

On 4/28/08 the Notice of Final Action was received in the San Diego District's office. During the ten day appeal period an appeal was filed on 4/29/08. A Commission Notification of Notice of Appeal was sent to the City of San Diego on 5/1/08 requesting that the file materials be submitted within the required five working days. However, the file was not received until 5/29/08, one day after an Open and Continue staff report, dated 5/28/08, was prepared for the June Commission hearing. Because the Commission staff ultimately received the City file prior to the June meeting, the Substantial Issue staff report is being prepared in the Addendum for the June Commission hearing

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Based on review of the City's file and information provided by the appellant and

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applicant, staff has concluded that the development, as approved by the City, is consistent with all applicable LCP provisions as it is in character with the overall surrounding community and will not result in impacts to historical resources.

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SUBSTANTIVE FILE DOCUMENTS: Appeal Form; Certified La Jolla LCP Land Use Plan (2003); Certified City of San Diego LCP Implementation Plan; City File; Historical Significance Evaluation of the Roseman-Delgado Residence by Larry J. Pierson, Senior Archaeologist and Historian, Brian F. Smith and Associates – dated 11/30/05; Letter by Brian F. Smith & Associates dated 11/28/07 to City of San Diego; Site Survey prepared by Coastal Land Solutions dated 4/15/08; Mitigated Negative Declaration dated November, 2004; Report to Hearing Officer dated 9/19/07 for Baldwin Residence at 325 Dunemere Drive, La Jolla.

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I. Appellants Contend That: The proposed development, as proposed by the City of San Diego, may be inconsistent with the policies of the certified LCP which pertain to preservation of community character and protection of historic resources. The appellant also contends that the proposed project does not comply with the required driveway width, number of on-site parking spaces proposed, tandem parking regulations, and that the proposed development will potentially obstruct Dune Lane with vehicles parking there which is inconsistent with the Beach Impact Zone parking regulations of the City's certified Land Development Code.

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II. Local Government Action: The Development Services Staff approved the proposed development on 7/16/07. The project was appealed to the Planning Commission and on 12/6/07, the Planning Commission denied the appeal and upheld the Development Services Staff's decision to approve the coastal development permit and to certify the Mitigated Negative Declaration. The conditions of approval address, in part, the following: parking, landscaping, best management practices and drainage.

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III. Appeal Procedures/Substantial Issue Analysis: After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30604(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

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*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;

4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellant's contentions.

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#### IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission determine that Appeal No. A-6-LJS-08-43 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

#### **STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

#### **RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. **A-6-LJS-08-43** does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

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#### V. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Permit Jurisdiction/History. Proposed is the demolition of an existing two-story, 2,415 sq.ft. single-family residence with attached garage and detached

shed and construction of a new three-story, 30 ft. high, approximately 5,019 sq.ft. single-family residence over a 2,767 sq.ft. basement with an attached garage and associated improvements on an 8,998 sq.ft. lot. The existing residence is 24 ft., 9 inches high (not including the chimney) and the proposed residence will be 30 ft. high. The proposed basement will contain three bedrooms, three bathrooms, a great room, gym, wine cellar, bar, an elevator, a two-car garage with car elevator and mechanical equipment. The first and second floor will contain three bedrooms, four-and-a-half bathrooms, an office, patios and balconies. The third floor will include a viewing room with roof deck. The subject site is located on Dune Lane in the community of La Jolla in the City of San Diego. The residence is surrounded by other single-family residential development and is located approximately one-and-a-half blocks east of the ocean.

There has been some confusion as to whether or not the project site was appealable. Prior to the development being acted on by the City, Commission staff was contacted to determine if the project site was within the Commission appeals jurisdiction. At that time, the project site was only identified as APN 351-090-31. After consulting with the Commission's Technical Services Mapping staff, it was determined that APN 351-090-31 was neither between the first public road and the sea, nor within 300 ft. of the inland extent of the beach. Thus, Commission staff indicated that the project site was not within the Commission's appeals jurisdiction. Subsequently, it was explained that the project site also included APN 351-090-32 (ref. Exhibit No. 3). Commission staff again consulted with the Commission's Technical Services Mapping staff given the new information and it was determined that the project site was within 300 ft. of the inland extent of the beach and thus, within the Commission appeals jurisdiction. This information was then provided to the City. However, after the project was acted on by the City, the Notice of Final Action (NOFA) dated 3/11/08 was received in the Commission office indicated the project site was **not** within the Commission's appeals jurisdiction. Commission staff sent the City a deficiency notice stating that the NOFA was incorrect as the project was within the Commission's appeals jurisdiction. To resolve the issue, the applicant hired a licensed surveyor and based on input from the Commission's Technical Services Mapping staff and the Commission's Regulations, provided a survey which documented that a portion of the project site and the development falls within 300 ft. of the inland extent of the beach (ref. Exhibit No. 4). Thus, the City sent a revised NOFA (received on 4/28/08) indicating the project was appealable and on 4/29/08, an appeal was filed.

The standard of review is conformance with the policies and provisions of the certified LCP.

2. Community Character. The appellant asserts that the proposed development is inconsistent with the La Jolla LCP Land Use Plan addressing community character because it violates requirements with regard to 1) bulk and scale; and, 2) density.

The appellant's first concern pertains to bulk and scale. The appellant states the project is inconsistent with the following LCP policies from the certified La Jolla Community Plan and Local Coastal Program Land Use Plan (dated February 2004):

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- a. In order to maintain and enhance the existing neighborhood character...preserve the following elements: 1) Bulk and scale – as viewed from the public right-of-way...
- b. In order to regulate the scale of new development; apply development regulations to all residential properties in La Jolla that proportionally relate the building envelope to the existing lot dimensions. Apply minimum side and rear yard setback requirements that separate structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Side yard setbacks should be incrementally increased for wider yards.
- c. In order to promote transition in scale between new and older structures, create visual relief through the use of diagonal or offsetting planes, building articulation, roofline treatment and variations within front yard setback requirements.
- d. For large lots in single dwelling unit areas, apply development regulations that will limit the perceived bulk and scale differences relative to surrounding lots. Apply a sliding scale for floor area ratios that will decrease building scale as the lot size increases.
- e. Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-ft. highest limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amount of light and air. [p. 90]

The appellant's second concern pertains to density. The appellant asserts that by allowing two separate low density parcels to be jointly used for a single project violates the density requirements of the La Jolla Community Plan. The RS-1-7 plan designation allows a density of 5-9 dwelling units per acre and a maximum allowable lot size of 7,000 sq.ft. which equates to a maximum square footage of 4,060 per lot. The appellant asserts that permitting two lots to be combined has resulted in a structure that has "ballooned to 5,053 sq.ft. plus a basement of 2,767 sq.ft.", which is inconsistent with the certified LCP because it results in a much larger house on the subject site.

With regard to the appellant's first contention regarding bulk and scale, while the new structure will be larger than the existing home to be demolished (two-story, 2,415 sq.ft. single family residence to be demolished and replaced with a three-story, approximately 5,019 sq.ft. single-family residence over a 2,767 sq.ft. basement), the proposed new structure meets all the LCP required setbacks, height limits and required floor area ratio for this residential zone, all of which are used to address bulk and scale. At 5,019 sq.ft. in size, the proposed home is similar in scale and size to other single-family residences which have recently undergone redevelopment in the neighborhood. Commission staff conducted a walking tour of the surrounding neighborhood and found it consisted of a mixture of development types including many one-story, cottage-like structures

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(resembling a “Hansel and Gretel” type of look) interspersed with newer two-to three story structures.

In addition, the applicant’s architect has also provided a short inventory of other residences in the neighborhood which are similar in size to that proposed (which is 5,019 sq.ft. above ground):

325 Dunemere Drive	6,129 sq. ft. (above grade)
331 Dunemere Drive	6,620 sq. ft. (above grade)
308 Vista de la Playa	9,142 sq. ft. (above grade)
340 Dunemere Drive	4,141 sq.ft.
7230 Vista del Mar	8,398 sq.ft.

As can be seen, the proposed residence at 5,019 sq.ft. in size (above grade) is comparable in size (and even smaller than some of the other residences listed) and is consistent with the pattern of redevelopment for the coastal area. Although the structure will have a basement level, this is not counted towards FAR because it is below grade and therefore has no relevance regarding bulk and scale.

The appellant has also stated that the proposed residence violates the community character policies of the certified LCP because it exceeds 1 ½ stories (the appellant asserts that the homes in the neighborhood are deed restricted to a maximum of 1 ½ stories in height). Although such a restriction on the number of stories existed at one time in the CC&Rs for this area, the majority of the homes in the neighborhood are two or three stories high. In addition, the CC&Rs are not enforceable by the City, nor are they contained in or a part of the certified LCP. In any case, the proposed residence will observe the LCP required height limit of 30 feet, consistent with zoning.

Pursuant to the policies of the certified La Jolla LCP Land Use Plan, the proposed residence is consistent with the LCP policy that calls for the preservation of the bulk and scale of the neighborhood character as viewed from the public right-of-way. As noted earlier, the residence is not highly visible to passersby and it will be barely visible from any of the public right-of-ways in the area, which include Monte Vista Avenue while driving or walking in a south/north direction or Sea Lane while driving or walking in an east/west direction. The subject site is removed from either roadway by several lots thus making it somewhat inconspicuous. The site is most visible to its adjacent neighbors. The proposed residence will also include in its architectural design, building articulations and offsetting planes, etc. and meets all of the required building setbacks, consistent with the certified LCP Land Use Plan policies. In addition, though not an issue raised by the appellant, the project site is not visible from the beach and no public views of the beach currently exist over the project site.

With regard to the appellant’s second contention addressing lot size and density, the La Jolla Community Plan designates the property for Low Residential (5-9 duu) and the R-1-7 Zone requires a minimum lot size of 5,000 sq.ft. for single-family residential development. The existing and proposed development of the site with a single-family



residence is consistent with the density range of the community plan and use designation because it is a single-family residence. The appellant suggests that the project is taking two lots and making them into one larger lot that is greater than the maximum lot size allowed by the Zone (the zone calls for lot sizes that range from 5,000 to 7,000 sq.ft.). However, the subject site, which consists of two assessor's parcel numbers (Nos. 31 and 32) was originally two lots, but these lots were merged many years ago by the owner at the time who remodeled and added onto the house which spanned across both lots. Thus, the lot, which is 8,998 sq. ft., is considered legal non-conforming (relative to maximum lot size). In any case, the development is still bound by the Floor Area Ratio (FAR) that is required for the zone. Because the lot size is larger, it does allow for a larger home. However, it is because the lot is larger, that the home appears "in scale" with the land it is built on because it is in "proportion" to the lot. FAR is the ratio of the building to the land. Floor area ratios are established for this purpose—to assure a structure is proportionate to the size of the lot. As noted earlier, the proposed home will attain of a FAR of .55 which is consistent with the required FAR of .56 for the subject site.

In summary, the Commission finds that the proposal is consistent with the community character policies of the certified LCP as the proposed residence will be similar in bulk and scale to other newer development in the surrounding neighborhood and consistent with the permitted density for this zone. As such, the proposed new single-family residence will be compatible with the community character of the neighborhood, even though community character, *per se*, isn't part of the LCP standard. Therefore, the Commission finds that there is no substantial issue with respect to this ground on which the appeal was filed.

2. Historical Resources. The appellant contends that the proposed development is inconsistent with the LCP policies that call for the protection of historic structures because it proposes to demolish an 83-year old historic structure on the property. The appellant also contends that the house to be demolished is historically significant because it was the first house built by Philip Barber. The subject residence is located within an area of La Jolla referred to as "The Barber Tract" which is a residential subdivision that was developed by Philip Barber in the early 1920s. The appellant thus contends that the subject house is of historical significance due to its association with a significant person.

The appellant has also included a letter dated 10/19/07 from the La Jolla Historical Society which was written to the Planning Commission regarding the subject site when the subject project was going through the review process at the City. The letter states that the proposed development does not fit within the context of the Barber Tract Historical District and must be abandoned or modified to provide adequate "fit" so as not to preclude the future designation of the area as an historical district. It also states that the subject residence is a central contributor to the Barber Tract Historical District as the earliest house built in the subdivision by Mr. Barber himself.

The certified La Jolla Community Plan and Local Coastal Program Land Use Plan (dated February 2004) contain the following applicable policies:

1. The City should protect sites of significant archaeological, architectural, and historical value within the residential and commercial areas of La Jolla for their scientific, education and heritage values. [p.128]
2. The City, in cooperation with the Historical Resources Board and the community, should conduct a survey of historic and architecturally significant sites that are eligible for historic designation. This survey should be updated on a periodic basis per the Secretary of Interior Standards. [p 128]
3. The City should encourage the adaptive reuse of historic structures to encourage their retention in order to preserve the structural integrity, usefulness and potential historic value of these buildings. Relocation of a historic structure to another site within the community should be utilized only after all other means to retain the structure on the original site have been exhausted, and the action has been deemed to meet the Secretary of Interior Standards criteria. [p. 128]

In addition, the certified Land Development Code (LDC), which is the City's LCP implementation plan, includes the following:

#### **Section 123.0202 Designation Process for Historical Resources**

- (a) **Nominations.** Nominations of a *historical resource* to become a *designated historical resource* may originate from the Historical Resources Board, the City Manager, the City Council, or any member of the public including the property owner by submitting a research report or similar documentation, as identified in the Historical Resources Guidelines of the Land Development Manual, to the Board's administrative staff for consideration by the Board. Nominations from the City Manager may originate as a result of a site-specific survey required for the purpose of obtaining a construction or *development permit* consistent with Section 143.0212.
- (b) **Public Notice to Owner.** The owner of a property being considered for designation by the Historical Resources Board shall be notified at least 10 business days before the Board hearing. Notice to the owner shall contain information about the potential impacts of designation and a request to contact the Board's administrative staff regarding information for making a presentation to the Board on the proposed designation. No action shall be taken by the Board to designate a *historical resource* except at a public hearing that provides all interested parties an opportunity to be heard.
- (c) **Adequacy of Research Report.** The decision on whether or not to designate a *historical resource* shall be based on the information in a research report, as specified in the Historical Resources Guidelines of the Land Development Manual. If the Board determines, either by public testimony or other documentary evidence presented to it, that the research report is not adequate to assess the significance of the *historical resource*, the Board may continue its

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consideration of the property for up to two regular meetings and direct that a research report be prepared by the applicant with specific direction from staff as to the inadequacies of the original report. The revised research report may be prepared by City staff or volunteers, with a copy provided to the owner at least 10 *business days*.

- (d) Continuation. At the request of the property owner, the Historical Resources Board shall grant a continuance of one scheduled Board meeting after the motion has been made to designate a *historical resource*.
- (e) Historical Resources Board Decision. The Historical Resources Board shall view the Research Report and shall make a decision on whether to designate a *historical resource* based on the criteria specified in, and consistent with the procedures of the Historical Resources Guidelines of the Land Development Manual. The action to designate shall require the affirmative vote by eight members of the Board.
- (f) *Findings*. The decision to designate a *historical resource* shall be based on written *findings* describing the historical significance of the property.
- (g) Re-initiation of Designation Proceedings. Designation procedures may not be re-initiated within 5 years without owner consent, absent significant new information.

#### **Section 143.0212 Need for Site-Specific Survey and Determination of Location of Historical Resources**

- (a) The City Manager shall determine the need for a site-specific survey for the purposes of obtaining a *construction permit* or *development permit* for *development* proposed for any parcel containing a *structure* that is 45 or more years old and not located within any area identified as exempt in the Historical Resources Guidelines of the Land Development Manual or for any parcel identified as sensitive on the Historical Resource Sensitivity Maps. [...]

During the City's review, because the structure proposed for demolition was constructed over 45 years ago, the potential of the residence being an historical resource was evaluated pursuant to the certified LCP, as noted above. Several historical reports were subsequently prepared and forwarded to the Historical Resource Board. As explained in a report to the City Council dated 2/17/08, staff to the Historic Resources Board reviews and comments on projects that may have historical significance (thus, this responsibility is delegated to staff on behalf of the City Manager pursuant to Section 123.0202 cited above). If, based on submitted historical information, it is determined that such significance may exist, the project is forwarded to the Historical Resources Board, an independent board, for further determination. In this particular case, City Staff to the Historical Resources Board (Mike Tudury) reviewed the historical reports as well as the marked-up existing plans and elevations. These documents show that many alterations

have been made to the house and City staff believes that these alterations, particularly the 1974 additions, have changed the 1925 Spanish Eclectic style house to the extent that it is not historic under any HRB Criteria. Specifically, it was noted that the entire south and west elevations, as well as part of the east elevation have been significantly altered. In addition, the original front door which once faced north is now located on the south. It should also be noted that all of the improvements to the subject residence have been documented through valid building permits as well as other building, fire and insurance records. As there was no potential historical significance to the structure, the project was not forwarded to the Historical Resources Board, consistent with the certified LCP Implementation Plan.

As noted previously, structures over 45 years of age (as is the subject residence) have the potential to be significant historical resources. Therefore, a historical report titled, "Historical Significance Evaluation of the Roseman-Delgado Residence", dated November 30, 2005, was prepared by a firm specializing in the field of archaeology and history known as Brian F. Smith & Associates. The report thoroughly addressed the historic research results and the architectural analysis.

With regard to the appellant's contention that the existing residence is historic, the Smith report concludes that the property has had several addresses over the years. The existing structure has also been altered several times since construction, including new windows, the relocation of the kitchen three times and changes to the main entry. According to the report, these alterations have resulted in the loss of integrity of the original house and no historical event or activity was identified in association with the house. Finally, no unique materials or unique use of common materials was identified of the structure.

Specifically, the Smith report included the following information and conclusion:

The research issue for this project was limited to whether or not the Roseman-Delgado Residence at 7272 Dune Lane in La Jolla, California would qualify as a significant historic structure under any criterion listed in CEQA or the City's Historical Resource Guidelines. Enough research was conducted for the Roseman-Delgado house to identify the age, location, context, any association with an important person or event, uniqueness, and structural integrity. In the final analysis, the house does not retain integrity of the original design, was found to be clearly not significant in terms of architectural style, appearance, design, construction, or thorough association with important persons or events in history.

[...]

A historical evaluation of the Roseman-Delgado residence resulted in a finding of no significance based on area, location, context, association with an important person or event, uniqueness, or structural integrity. The structure exhibits no unique architectural significance, and is constructed in a generic style and with materials that were standard for their time. Likewise, the structure was found to have no significant historical association with persons or events important in the region, state or nation, and offers no potential to hold information important to current research.

Because the house has little integrity and was to be not historically significant, any impact resulting from the proposed remodeling of the house would not be significant. For these reasons, no further cultural concerns are recommended for the Roseman-Delgado residence. The current study is sufficient to record this structure, and it is recommended that no mitigation measures be attached to the remodeling application.

In addition, a Mitigated Negative Declaration also evaluated the proposed project's potential impacts on a number of resources with a focus on paleontology, archaeological and architectural historical resources. The findings of the mitigated Negative Declaration also support these findings that the subject residence is not a historical resource.

With regard to the appellant's contention that the subject house is historically significant because it was the first one built by Philip Barber, the Smith report states the following:

The Roseman-Delgado residence, built in 1925 according to the Assessor's Building Record, was one of five homes (besides Barber's own residence) constructed in the Barber Tract by 1926 (Sanborn Fire Insurance Maps). Philip Barber constructed his own residence, now known as 325 Dunemere Drive, in the tract in 1923 (Randolph 1955; Marone 2004; Oliver 1986; Schaelchin 1977, 1988; Building Permit in possession of the Barber family). The nearby 349 Sea Lane house was also built in 1923, according to a water hook-up order for the house signed by Mr. Barber on September 7, 1923 (City of San Diego). [emphasis added]

Hence, Mr. Barber's first residence was at 325 Dunemere Drive—not the subject Roseman-Delgado residence which is located at 7272 Dune Lane—a different property, altogether. Mr. Barber resided at 325 Dunemere Drive (parcel #29) for fifteen years (ref. Exhibit No. 3). Subsequently, the residence at that address gained additional notoriety when actor Cliff Robertson bought it and resided there for about 30 years (1970's to 2003). That particular residence was designated as Historical Site Number 520 by the City of San Diego's Historical Resources Board. The Spanish Eclectic home was the first home constructed in La Jolla by Philip Barber, the developer and namesake of the La Jolla Barber Tract subdivision. Of historical interest is that the house is reported to be one of the largest ocean front lots on sandy beach in La Jolla. Therefore, the subject residence was not the first house built by Mr. Barber. In fact, according to the Smith report, the Roseman-Delgado house was originally built as a seasonal rental and constituted a speculative investment by a succession of early absentee owners. Although the first owner of the property was Philip Barber, he was simply an investor and there is no evidence that he had anything whatsoever to do with the design or construction of the house itself, although he did invest in construction of the house next door to the north.

As noted previously, a letter from the La Jolla Historical Society letter dated 10/19/07 makes several claims as to the potential historical status of the subject residence. However, as was noted in the Smith report, the project site is not located within an historic district. The Barber Tract has not been designated as an historical district. Furthermore, the residence is not the *first* one developed by Philip Barber. Therefore, the

letter from the La Jolla Historical Society is erroneous. The residence is located in an area with a wide variety of architectural styles as well as the variation of cottages and architect-designed homes making it difficult to select a unique theme for the area. Cynthia Howse, State Historian III and supervisor of the Registration and Fiscal Unit at the California Office of Historical Preservation, toured the Barber Tract in the early 1990's when discussions were taking place regarding nomination of the tract as an historic district. Ms. Howse found that the Barber Tract lacked architectural and historical continuity and integrity and was therefore not eligible as an historic district at the State or National level. The significance criteria set forth by the City of San Diego makes no provision for "potential" historical districts, only designated historical districts, of which the Barber Tract is not.

In addition, with regard to the certified La Jolla LCP Land Use policies addressing historical resources, the subject residence is not on the survey of significant sites that are eligible for historic designation. Furthermore, as earlier noted, since the site is not regarded as historic, none of its components were required to be retained or incorporated into future development on the site and it was not necessary to relocate the structure to another site for preservation nor were any character-defining elements required to be incorporated into any new development on the site.

In summary, the proposed demolition of the existing single-family residence located on the subject site at 7272 Dune Lane has been reviewed by the Historical Resources Board staff which has concluded that the residence is not a historical structure. Furthermore, the subject site is not listed on any of the historical sites listed in the certified La Jolla LCP Land Use Plan or any other historical surveys in the La Jolla community. Therefore, the Commission finds that the proposal is consistent with the heritage resource protection policies of the certified LCP and will not result in any adverse impacts to potential historical resources. As such, the Commission finds that there is no substantial issue with respect to this ground on which the appeal was filed.

4. Other issues. The appellant also raises issues related to the proposed driveway width, number of on-site parking spaces proposed, potential obstruction of Dune Lane by vehicles and the allowance of tandem parking, asserting that all are inconsistent with the Beach Impact Zone parking regulations of the City's certified Land Development Code. However, as noted by the City in its findings, all single dwelling units, except those with five or more bedrooms in campus impact areas, require two parking spaces. Any single-family residence that does not provide a driveway at least 20 feet long shall provide two additional parking spaces. The proposed driveway for the subject project is approximately 16 feet long thus two additional spaces are required. The applicant proposes to meet this requirement by installing a car elevator in the garage. The design of the project through the use of the car elevator provides vertical tandem parking (two spaces above two spaces). Vehicles will not "obstruct" parking in the public right-of-way; thus the project complies with the current city-wide parking requirements. In addition, as noted earlier, Dune Lane is a City owned property (but not public right-of-way). Although Dune Lane has been referred to as a private easement, according to the City engineer, there is no private easement over this parcel. However, the adjacent

owners are using it for access as if it were a continuation of Dune Lane. Furthermore, the City engineer has stated that although the City Council designated the area to be a public street, that the actual dedication never occurred, thus the street is not considered a "public right-of-way."

In addition, the appellant also asserts that the City's Mitigated Negative Declaration was deficient in that it did not evaluate the proposed project on the deed-protected sand dune which is the namesake of Dune Lane and Dunemere Drive. However, there is nothing in the City file which contains any information that the sand dune is deed-restricted or whether such a restriction exists in the CC&Rs. According to the applicant's architect, there exists today on the subject site a remnant sandy slope, but all of the dunes were destroyed by the earlier development, including the historic Barber house and all of the other houses and roads, including the appellant's that were built in the area known as "playas de las arenas". There is no longer any native vegetation or natural sand dunes on the subject site or the surrounding area that warrant protection under the certified LCP. Furthermore, the "remnant" sand dune mentioned is not in any way connected to the existing public beach which is several lots seaward of the project site. Therefore, this latter statement made by the appellant is incorrect. Thus, the Commission finds that there is no substantial issue with respect to these grounds on which the appeal was filed.

5. Conclusion. In summary, the development as approved by the City, is consistent with all applicable LCP land use policies and provisions/development standards of the certified LCP Implementation Plan. The project, as approved by the City, is in character with the surrounding community and will not result in any adverse impacts to heritage resources. Therefore, the Commission finds there is no substantial issue with regard to the project's consistency with the certified LCP or the Coastal Act.

6. Substantial Issue Factors. As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed project is for a single-family residence and is typical in size and scale of other projects in the vicinity and is not of unusual extent or scope. In addition, the City, in its approval of the development, granted no "exceptions" or variances such that a precedent would be made regarding future interpretations of the LCP. The objections to the project suggested by the appellants do not raise any substantial issues of regional or statewide significance.







**OWNER:**

JONATHAN ROSEMAN & CYNTHIA DELGADO

**ADDRESS:**

7272 DUNE LANE  
LA JOLLA, CA 92037

**APN:**

APN 351-090-31 & 32

## NOTES:

THIS SURVEY WAS PERFORMED TO IDENTIFY THE LOCATION OF THE PROPERTY RELATIVE TO THE SHORELINE AS DEFINED BY THE COASTAL COMMISSION TO IDENTIFY IF THE PROPERTY IS IN THE APPEAL ZONE FOR A COASTAL DEVELOPMENT PERMIT ONLY.

THE APPEAL ZONE LINE IS ESTABLISHED BY  
CRITERIA CONVEYED TO THIS OFFICE BY  
TONY CIANI.

BEARING AND DISTANCES SHOWN HEREON ARE DERIVED FROM A PRECISE BOUNDARY SURVEY PERFORMED BY COASTAL LAND SOLUTIONS.

## LEGEND:

( ) INDICATES RECORD INFORMATION PER  
CORNER RECORD 21154.

**PREPARED BY:**

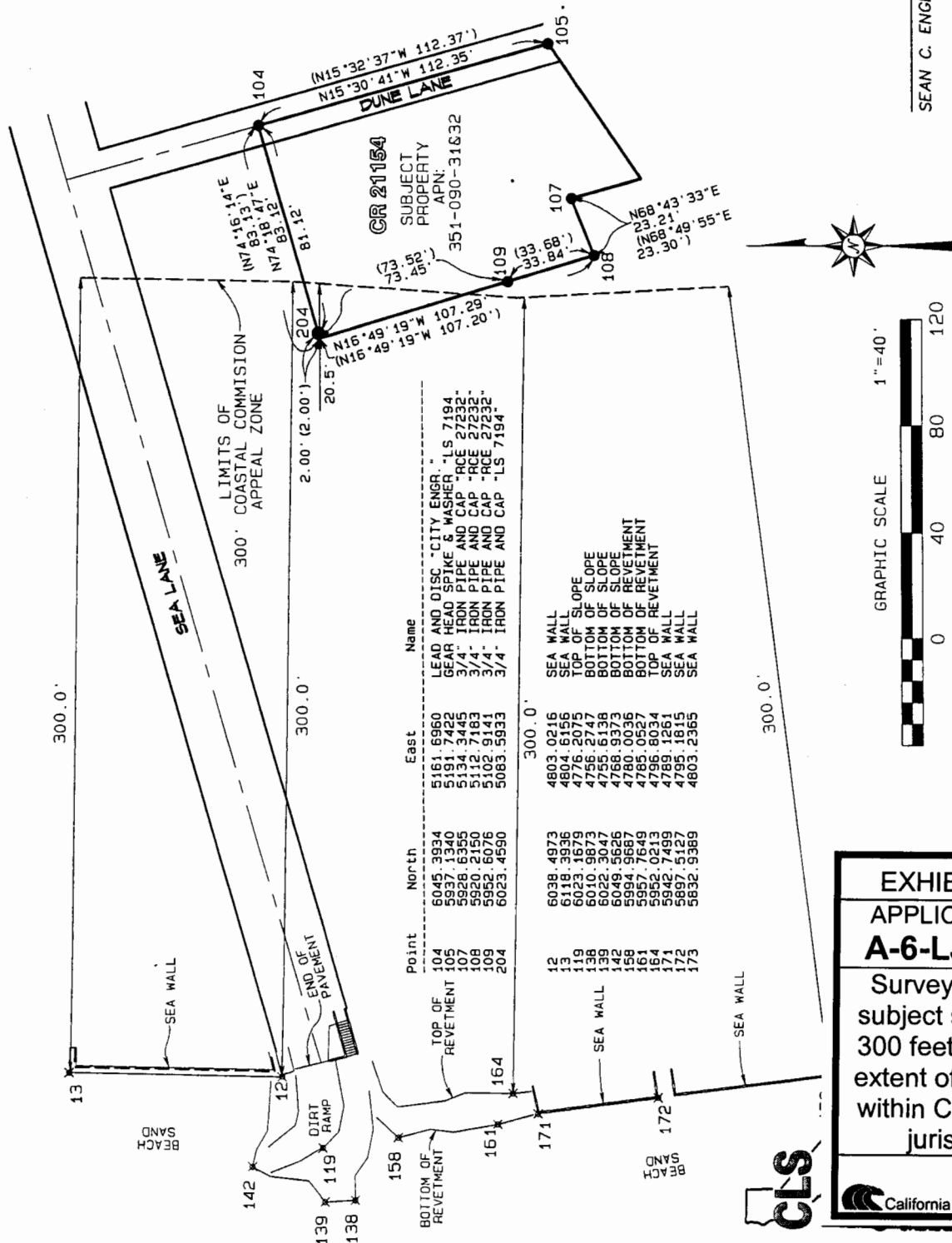
COASTAL LAND SOLUTIONS  
573 SECOND STREET  
ENCINITAS, CA 92024  
760-230-6025

DATE OF SURVEY: APRIL 15, 2008.



# PRELIMINARY

SEAN C. ENGLERT, LS 7959	DATE





June 9, 2008

California Coastal Commissioners

RE: # A-6-LJS-08-043----Roseman & Delgado  
Hearing Date: June 12, 2008---- Item 12c

Dear Commissioner;

I am writing hoping to persuade you to read the brief I am attaching to this letter. I realize you will not receive the staff's recommendation until a day before this hearing. I hope you receive this letter and attached brief in time for you to read and evaluate it. I have not seen the staff's recommendation. It won't be finished until June 9, 2008. In my opinion, a very important statewide issue is presented. I am sending it Fed Exp today.

The substantial issue presented by this appeal is:

The County of San Diego, and probably other Counties, is challenging and usurping, the California Legislature's mandated jurisdiction of the State of California over the coastline of California. By failing to comply with the enabling code sections (Div 20, The Calif Coastal Act, Pub Res Code, 30200(a)) re developments within 300 feet of California beaches, the County is not recognizing that The State of California has the primary responsibility for that 300-foot section of California, not the individual counties.

There are several failures by San Diego to comply with the certified local coastal program which I have set-forth in the attached brief. However, I want to emphasize that portion of the brief that shows how San Diego has admittedly usurped the power of the State of California, an action that goes to the very core of this Commission's ability to carry out its mandated responsibility.

- 1) To insure that the interest of California, and not just San Diego, is carried out, the local certified plan required a different review process if the project is within 300 feet of the beach (within the State's jurisdiction/interest). Despite knowing that this project is within 300 feet of the beach the County did not require a Process Three Review, which requires a Hearing Officer, examination by interested parties, and broad review by The City Council. That is how California's interest is to be protected.
- 2) San Diego was required to certify that this project conforms to the local coastal program (Pub Res Code, 30604(b), (c)). San Diego did not. San Diego stated: "The project site is not located between the nearest public road and the sea and is therefore not required to conform to the above finding"(The Coastal Act). San Diego knew and confirmed by a survey that this project is **within 300 feet of the beach and therefore**

**there must be conformance, and a certification of conformance,  
with the local coastal program.**

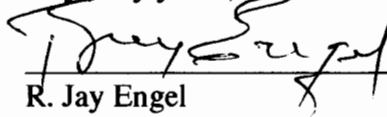
The San Diego County Grand Jury has just finished a several months investigation of the Dept. of Development Services of San Diego, the permitting agency who's conduct is the subject of this Appeal. This project is part of that analysis. I'm attaching the article from the San Diego union of April 30, 2008 setting forth the Grand Jury's conclusion that "City Development ordinances are unclear" and "There is excessive latitude in administering the code".

The California Legislature could not have been more clear as to the gravity, the importance, of protecting the 300-foot perimeter of California. "Vital", "enduring interest to all the people", "paramount concern to present and future residents". The Legislatures findings are compelling on this Commission: "Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment", "that achievement of sound coastal conservation and development is dependent upon public understanding and support"(Pub Res Code 3000-3006).

These demands by the Legislature include the specific mandatory finding:  
**"30253. New Development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics are popular visitor destinations points for recreational uses."**

**The Barber Tract in La Jolla perhaps meets this mandate better than any other neighborhood along the coast of California. This Commission cannot do its duty without insisting the County comply with the procedures intended to carry out the Legislative mandate and to certify that the State's standards have been conformed to.**

Very truly yours,



R. Jay Engel

c.c. Staff, Coastal Comm.  
7575 Metropolitan Dr.  
San Diego, CA 92108

Edmund G. Brown  
Attorney General, State of Calif.  
P.O. Box 944255  
Sacramento, CA 94244-2550

# Th12c

---

Joe Marrone  
7150 Monte Vista Avenue  
La Jolla, California 92037  
San Diego Historic Landmark # 226

A-6-LJS-08-043  
Roseman & Delgado, San Diego  
June 12, 2008  
Opposition to the Project

California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Drive Suite 103  
San Diego, CA 92108-4421

Dear Commissioners,

I am the owner of San Diego designated landmark home # 226 in the "historic district" Barber Tract of La Jolla between the shoreline and the first public roadway within one block of the proposed Roseman & Delgado project and oppose this oversized project in my historic neighborhood coming before you June 12, 2008.

In 2005 I appealed the San Diego City Council and the Coastal Commission on the Olsen Tang project adjacent to my home and the Coastal Commission denied my appeal based on San Diego Councilman and Coastal Commissioner Scott Peters testimony to the commission that no substantial issue exists.

I was told no state wide interest exists and now I have a three story Mc Mansion walled effect; MC 132.0403 (b) (1) four feet from my historic 1935 home that has a direct adverse impact on 4 designated historic homes, two with adjacent property lines to the Olsen Tang project and another two within 50 feet of the project in the historic Barber Tract of La Jolla.

My research into the codes and laws has given me a better understanding of government and now I understand an historic neighborhood in the Coastal Overlay Zone between the shoreline and first public roadway is a substantial issue, has state wide interest and is required by law to be protected.

RECEIVED

JUN 09 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Letters of Opposition

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San Diego's lead agency, Development Services Department is not allowed to ignore their own MC & Land Development codes, General Plan, Public Resources Code, and CEQA EIR: MC 143.0220 when "full mitigation" is required for new construction that has an adverse impact on historic resources; MC 143.0251(C).

According to the City of San Diego and State of California historic resources DO NOT have to be designated in order to be protected. The Roseman & Delgado project and Olsen Tang project are over thirty feet in height when a ground floor living space and the underground garage is called a basement by the City of San Diego's DSD and d create a walled effect and exceed their gross floor area; MC 113.0234. The law requires view corridors be protected and enhanced in the Coastal Zone west of Monte Vista Avenue in La Jolla. The Barber Tract now has 14 designated San Diego historic homes, seven of them west of Monte Vista Avenue between Fern Glen and Sea Lane and was included in the La Jolla Historical Survey (see attached) as a potential Historic District.

Commissioners, please do the right thing and protect our historic coastal resources and review the adverse impact the supersized Roseman & Delgado project will have on the character of San Diego's Barber Tract historic neighborhood. My last comment concerns the Mills Act, the City of San Diego is a signatory on over 800 contracts with San Diego historic homeowners and may be in breach of their own contracts for not protecting historic resources according to the law and in violation of the California CLG program.

Thank you,



Joe Marrone

[JMarrone@San.RR.com](mailto:JMarrone@San.RR.com)

(858) 459-1247

San Diego Historic Landmark # 226

Since: 1988

Mills Act: 1996

Section 21065 if the applicant and the lead agency jointly elect to comply with all other applicable provisions of this division.

(k) Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.

(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

**21084. Guidelines shall list classes of projects exempt from Act.**

(e) No project that may cause a substantial adverse change in the significance of an historical resource, as specified in Section 21084.1, shall be exempted from this division pursuant to subdivision (a).

**21084.1. Historical Resources Guidelines.**

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.

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**5.11 Phillip Barber Tract Thematic Historic District**

In the late 1920s and early 1930s, a local developer, Phillip Barber (1888-1963) purchased the land bordered on the west by the coastline, to the east by La Jolla Boulevard, to the north by Sea Lane and to the south by Fern Glen. Parcels were sold and quickly developed into the "Barber Tract". The area attracted many prominent families including Barber, who along with his wife and children moved to La Jolla from New Jersey. This area boasts designs by many noted architects such as Cliff May, Thomas Shepherd, and Edgar Ulrich.

**Boundaries:**<sup>32</sup> Community defined boundaries for the area commonly known as the Barber Tract include the north side of Marine Street to the north, the Pacific Ocean to the west, Fern Glen to the south, and east side of Olivetas Street to the east. This area consists of portions of the First Addition to South La Jolla Map No. 891, La Jolla Beach Map No. 893, and the surveyed area known as Playa De Las Arenas.

**Character Defining Features:** The Barber Tract is characterized by gridiron street patterns with the exception of Dunemere Drive, rectilinear lots measuring 25' x 100' or 30' x 110', view sheds, and coastal access points. Triangular corner lots are located in the Baja Barber area developed in the First Addition to South La Jolla. Spanish Eclectic, Spanish Colonial, Colonial Revival, and French Provincial architectural styles are indicative of this neo-eclectic area.

**District Recommendation:** At the local level of significance, the Phillip Barber Tract appears eligible to the National Register of Historic Places under Criteria B for its association with Phillip Barber. The period of significance begins with 1921 and ends with 1958.



**Linda Marrone**  
**The Morgan Larkins Marrone Residence – Historic Site #226**  
**7150 Monte Vista Avenue**  
**La Jolla, California 92037**  
**858/459-4173 H      858/459-3851 O**  
**lmarrone@san.rr.com**  
**www.LindaMarrone.com**

June 7, 2008

California Coastal Commission  
San Diego Coastal District  
7575 Metropolitan Drive, Suite 103  
San Diego, California 92108-4421

Re: Opposition to Project #A-6-LJS-08-043  
Roseman & Delgado – San Diego  
Hearing: June 12, 2008

**RECEIVED**

JUN 09 2008

Dear Commissioners:

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

As a neighbor to the Roseman & Delgado project and a real estate agent, I am opposed to the destruction of an original home in our historic neighborhood, the Barber Tract and to the oversized scale of the home that is proposed to replace it. The home that is slated to be demolished was a home that the original developer of the Barber Tract, Phillip Barber constructed in the 1920s. The Barber Tract is one of the few remaining neighborhoods in La Jolla that boasts its original 1920s and 30s European Revival style homes, many designed by master architects of that era, as well as significant people who helped to shape La Jolla in the early days of its history.

Uncontrolled development in our sensitive coastal areas that have historic significance will undermine our property values over time, by changing both the character and what remains of our valuable view corridors. Both the City of San Diego and the State Office of Historic Preservation have acknowledged the Barber Tract as a historically significant neighborhood eligible for historic district status - see attached.

According to the State of California the neighborhood meets the following criteria to be eligible to the National Register of Historic Places: 1.) Under Criteria B for its association with a significant person, Phillip Barber. 2.) The period of significance is from 1921 to 1958, with many of the homes designed by noted architects. 3.) The Barber Tract was one of the first areas to develop outside of La Jolla's Village area and is considered the first addition to South La Jolla.

The Barber Tract is a popular destination for tourists as well as locals who flock to our beautiful beaches and wander along our charming streets to admire old growth gardens and vintage architecture. Our neighborhood is included on many historic bus, walking, biking, garden and architectural tours that have been sponsored by the La Jolla Historical Society, the San Diego Historical Society and Save our Heritage Organization (SOHO).

Over recent years, I have been disappointed in the way the Commission and the City of San Diego has ignored the cries of my neighbors when asked to look at scaling down or stopping the demolition of our historic resources and neighborhood character. It is time the Commission revisit their mission statement and Public Resources Code #30254 that specifically requires you to *"protect special neighborhoods that have unique characteristics and are popular destinations"* and begin to closely and sincerely analyze the severe change in our neighborhood's character, density, view corridors, as well as the demolition and alterations of many of our homes.

I respectfully ask you to carefully review this proposed project and how it impacts neighboring homes, their values, views, sunlight and air circulation. The only home in the neighborhood that this proposed project benefits is the property owned by the projects architect. By building the home up several stories, this allows the portion of the lot contiguous to the architect's lot to remain unchanged. I ask that the same consideration he is taking to preserve the density on his side of the lot, his privacy, air circulation, etc. be given to others who are impacted by this large out of scale proposed home.

Sincerely,

A handwritten signature in cursive script, reading "Linda Marrone".

Linda Marrone  
Historic & Architectural Real Estate Specialist  
Coldwell Banker - La Jolla

State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**DISTRICT RECORD**

Primary  
HRI #  
Trinomial

Page 1 of 2

\*NRHP Status Code 3S

\*Resource Name or # (Assigned by recorder) Phillip Barber Tract Thematic Historic District

D1. Historic Name: Barber Tract

D2. Common Name: Barber Tract

**\*D3. Detailed Description:**

(Discuss overall coherence of the district, its setting, visual characteristics, and minor features. List all elements of district.)

The Barber Tract is characterized by gridiron street patterns with the exception of Dunemere Drive, rectilinear lots measuring 25' x 100' or 30' x 110', view sheds, and coastal access points. Triangular corner lots are located in the Baja Barber area developed in the First Addition to South La Jolla. Spanish Eclectic, Spanish Colonial, Colonial Revival, and French provincial architectural styles are indicative of this neo-eclectic area.

**\*D4. Boundary Description** (Describe limits of district and attach map showing boundary and district)

Community defined boundaries for the area commonly known as the Barber Tract include the north side of Marine Street to the north, the Pacific Ocean to the west, Fern Glen to the south, and east side of Olivetas Street to the east. This area consists of portions of the First Addition to South La Jolla Map No.891, La Jolla Beach Map No.893, and the surveyed area known as Playa De Las Arenas.

**\*D5. Boundary Justification:**

The boundaries are historically and commonly known as the area developed by Phillip Barber in the early 1920s.

**\*D6. Significance: Theme:** Phillip Barber

**Area:** La Jolla

**Period of Significance:** 1921-1958

**Applicable Criteria:** (Discuss importance in terms of historical or architectural context as defined by theme, period, and geographical scope. Also address

At the local level of significance, the Phillip Barber Tract appears eligible to the National Register of Historic Places under Criteria B for its association with a significant person, Phillip Barber. The period of significance is from 1921-1958. In 1921, Dr. James Boal sold his property between Marine Street, Fern Glen, La Jolla Boulevard and the ocean to Philip Barber (1888-1963). After building his own home in 1923, Mr. Barber began to develop the area known as the "Barber Tract". The development included winding and narrow paved roads with streetlights at the intersections and underground utilities to preserve the atmosphere and natural beauty. Parcels were sold and quickly developed into the "Barber Tract". The area attracted many prominent families including Barber, who along with his wife and children moved to La Jolla from New Jersey. This area boasts designs by many noted architects such as Cliff May, Thomas Shepherd, and Edgar Ullrich. The Barber Tract is one of the first areas to develop outside of La Jolla's village area.

**\*D7. References** (Give full citations including the names and addresses of any informants, where possible.)

Barber, Philip. *The La Jolla Historical Society - Biography File*.

Bevil, Alex and Robert Broms. *The Beautiful Barber Tract of La Jolla*. San Diego, California: Save Our Heritage Organization. 1991.

May, Vonn Marie. Draft National Register of Historic Places Nomination. *The Dunes (Barber) Casa de la Paz (Robertson)*. January 2003.

Oliver, Shirley. "The Barber Tract." *La Jolla Historical Society Vertical Files*. Unpublished, short manuscript. 1986.

Save Our Heritage Organization. "The Beautiful Barber Tract of La Jolla: A Select Listing of Architecturally and Historically Significant Homes." *Walking Tour Guide*. 1991.

**\*D8. Evaluator:**

W. Donaldson, P. Harrington

**Date:** 12/15/01

**Affiliation and Address:** Architect Milford Wayne Donaldson, FAIA  
530 Sixth Ave, San Diego, CA 92101



## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# Th 12c

Filed: 4/29/08  
49th Day: 6/17/08  
Staff: LRO-SD  
Staff Report: 5/28/08  
Hearing Date: 6/11-13/08

## **STAFF REPORT: APPEAL** **SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of San Diego

**DECISION:** Approved with Conditions

**APPEAL NO.:** A-6-LJS-08-43

**APPLICANT:** Jon Roseman & Cynthia Delgado

**AGENT:** Tony Ciani

**APPELLANTS:** R. Jay Engel

**PROJECT LOCATION:** 7272 Dune Lane, La Jolla,, San Diego (San Diego County). APN 351-090-31 & 32

**PROJECT DESCRIPTION:** Demolition of a two-story, 2,415 sq.ft. single-family residence and construction of a new three-story, approximately 5,019 sq.ft. single-family residence over a 2,767 sq.ft. basement with an attached garage and associated improvements on an 8,998 sq.ft. lot.

**SUBSTANTIVE FILE DOCUMENTS:** Appeal form (ref. Exhibit #1 attached); Revised Notice of Final Action/Permit from City of San Diego dated April 28, 2008 (ref. Exhibit #2 attached).

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### **SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends the Commission **OPEN AND CONTINUE** the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the reasons set forth below. **See Page 3 for the motion**

Pursuant to Section 30621 of the Coastal Act, a hearing on a coastal development permit appeal shall be set no later than 49-days after the date on which the appeal of the locally-

issued coastal development permit is filed with the Commission. An appeal of the above-described decision was filed on April 29, 2008. The 49<sup>th</sup> day falls on June 17, 2008. The only remaining Coastal Commission meeting scheduled between the date the appeal was filed and the 49-day limit is the June 11-13, 2008 meeting in Santa Rosa.

In accordance with Section 13112 of Title 14 of the California Code of Regulations, staff requested on May 1, 2008 that the City of San Diego forward all relevant documents and materials regarding the subject permit to the Commission's San Diego office. The requested documents and materials relating to the City's approval of the project are necessary to analyze the project's consistency with the certified Local Coastal Program (LCP) in relation to the grounds of the appeal.

In order to be ready for the Commission's meeting, the staff report and recommendation for the appeal would have to be completed by the end of the day on May 28, 2008. As of the date of this writing, the City's documents and materials relating to the local approval have not been received in the Commission's San Diego office. Therefore, it is not possible to thoroughly analyze the appealed project and City approval in time to prepare a staff recommendation in time for the Commission's June 2008 meeting in Santa Rosa.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the staff recommends that the Commission open and continue the Substantial Issue Hearing at the June meeting in Santa Rosa.

Section 13112 of Title 14 of the California Code of Regulations (Effect of Appeal) states:

*(a) Upon receipt in the Commission office of a timely appeal by a qualified appellant, the executive director of the Commission shall notify the permit applicant and the affected local government that the operation and effect of the development permit has been stayed pending Commission action on the appeal by the Commission as required by Public Resources Code Section 30623. Upon receipt of a Notice of Appeal the local government shall refrain from issuing a development permit for the proposed development and shall, within five (5) working days, deliver to the executive director all relevant documents and materials used by the local government in its consideration of the coastal development permit application. If the Commission fails to receive the documents and materials, the Commission shall set the matter for hearing and the hearing shall be left open until all relevant materials are received.*

As required by the above stated regulation, the Substantial Issue Hearing will be reopened at a subsequent Commission hearing after staff fully analyzes the local approval of the appealed project.

Staff recommends a **YES** vote on the following motion:

**MOTION:**     *I move that the Commission open and continue the public hearing for Appeal A-6-LJS-08-43 pursuant to the staff recommendation.*

Passage of this motion will open the public hearing for Appeal A-6-LJS-08-43 and continue the public hearing to a subsequent Commission hearing. The motion passes only by affirmative vote of the majority of the Commissioners present.

**Resolution to Open and Continue the Public Hearing**

The Commission hereby opens and continues the public hearing for Appeal A-6-LJS-08-43.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4421  
 VOICE (619) 767-2370 FAX (619) 767-2384

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

**SECTION I. Appellant(s)**

Name: R. JAY ENGEL

Mailing Address: 7270 MONTE VISTA AVE

City: LA JOLLA

Zip Code: CA, 92037 Phone: 858-454-4929

**SECTION II. Decision Being Appealed**

1. Name of local/port government: SAN DIEGO CITY COUNCIL; SAN DIEGO DEPT. OF DEV. SERVICES; CITY OF SAN DIEGO PLANNING COMMISSION

2. Brief description of development being appealed:

DEMOLITION OF HISTORIC HOME IN BARBER TRACT, WEST OF MONTE VISTA AVE AND BUILDING A MEGA-MANSION ON TWO PARCELS OVER LARGE BASEMENT

3. Development's location (street address, assessor's parcel no., cross street, etc.):

7272 DUNE LANE, LA JOLLA, 92037; WEST OF MONTE VISTA AVE + SOUTH OF SEA LANE

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions  
☐ Approval with special conditions:  
☐ Denial

**RECEIVED**

MAR 13 2008

CALIFORNIA  
 COASTAL COMMISSION  
 SAN DIEGO COAST DISTRICT

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-6-LJS-08-43

DATE FILED: 4/29/08

DISTRICT: San Diego

EXHIBIT NO. 1  
 APPLICATION NO.  
**A-6-LJS-08-43**  
 Appeal

California Coastal Commission



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☐ Planning Director/Zoning Administrator  
☒ City Council/Board of Supervisors  
☒ Planning Commission  
☒ Other SAN DIEGO, DEPT OF DEVELOPMENT SERVICES

6. Date of local government's decision: 12-6-07 and 3-4-087. Local government's file number (if any): PC-07-135, #52589SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

JOHN ROSEMAN  
7272 DUNE LANE  
LA JOLLA, CA 92037

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) TONY CIANI  
~~836 KLINE ST.~~ 340 Dunemere  
LA JOLLA, CA. 92037

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

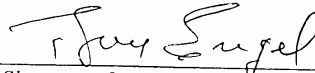
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SEE ATTACHED GROUNDS FOR  
Appeal with ATTACHED exhibits

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.



\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: \_\_\_\_\_

3-11-08

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize \_\_\_\_\_

to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

## **GROUND'S FOR APPEAL TO CALIFORNIA COSTAL COMMISSION**

### **A. GROUND'S FOR APPEAL;**

This historic eighty-three year old Phillip Barber house, to be demolished, is west of Monte Vista Ave in La Jolla and within 300 feet of the beach and therefore is in the Appeal Zone of the California Coastal Commission. Attached is EX #1: e-mails from the Coastal Commission dated 2/08; a map prepared by San Diego Dept. of Development Services showing the 300 foot measurement; Cycle Issue statements from the Department of Development Services dated 12/04 and 7/06 stating the project appeared to be within 300 feet of the beach. Also attached is a copy of the Coastal Commission map and the conflicting San Diego map regarding whether the project is west of the first public road.

As discussed below, this project began as a remodeling of an existing historic house on a single parcel, parcel #31. After historic and environmental reviews were performed, the project was changed to a mega- mansion, which used two parcels, #31 and 32. Because of demolition, the project would no longer be able to grand-father-in code compliance (Muni Code 127.0106 and 127.0107). A portion of parcel 32 lies west of parcel 31. That portion of parcel 32 is 25.5 feet wide, making the project 25.5 feet closer to the ocean than the project originally was when using only parcel 31.

Attached, as EX#2, are two copies of the site map prepared by the applicant's architect, one is marked and the other is not. The marked copy shows parcel #31 in yellow and the existing house as green. Parcel #32 is marked in black and the new proposed house is marked in red. By adding parcel #32, the FAR could be increased to the maximum for an 8,998 sf lot; enabled the project to meet the required rear set back on the western side of the new house which was approved at 8.78 feet even though 13 feet was required (Muni Code Table 131-04D); the house could be extended 17 feet westerly and that portion includes a gym, guest room, and part of the "great room" in the

13 foot deep basement, the kitchen and eating area on the first floor, an office, full bath and a portion of the master bedroom on the second floor (see EX #3 attached, proposed elevation drawings).

This development is within 300 feet of the beach, is clearly geographically appealable given that all of the above portions of the development on parcel 32 that are to be created west of parcel 31 had to be and were approved and had to be approved to enable the rest of the development to also be approved.

This project is also appealable, and is being appealed, on the grounds that San Diego failed to comply with the certified local plan, The La Jolla Community plan.

The decision of the City Manager of San Diego that this project be subject to a Process Two review rather than Process Three is reviewable by the Coastal Commission (Muni Code 126.0706).

Because this project is in the appeal area of the Coastal Commission the City Manager was required to put the project through a Process Three review (Muni. Code 126.0707). Appellant was deprived of a Hearing Officer review and all the appeal grounds granted to a Process Three appeal set forth in Muni. Code 112.0506 (c).

**B. TIMELINESS OF APPEAL:**

Appellant exhausted his local appeals on March 4, 2008 before the City Council of San Diego. San Diego did not permit appeal (Muni Code 126.070) of the Coastal Development Permit granted on December 6, 2007 and/but required appeal be limited to environmental issues, The Mitigated Negative Declaration, which was heard on March 4, 2008. The Coastal Commission requires the exhaustion of all local appeals before filing this appeal to the Coastal Commission.

The Planning Commission made the decision to approve the Coastal Permit on December 6, 2007. San Diego has given notice of that decision to the Coastal Commission less than 10 days of this appeal being filed.

**C. ISSUES:**

**1) San Diego ignored the La Jolla Community Plan:**

The California Coastal Commission certified the La Jolla Community Plan and Local Coastal Program on February 19, 2004. Notice of this project was dated November 17, 2004.

However, The San Diego Department of Development Services erroneously concluded:

"The project site is not located between the nearest public road and the sea and is therefore not required to conform to the policies of [the California Coastal Act]". (see EX#4 attached, a copy of Development Services Decision Coastal Development Permit No. 159127).

As shown by the attached documents, The Coastal Commission has confirmed that this project "is in the appeal zone of the Coastal Commission".

Likewise, the Municipal Code of San Diego also requires that issuance of permits be in conformance with the La Jolla Community Plan.

In addition, section 30603 of the Public Resources Code provides that "in determining whether a proposed development is in conformity with the certified LCP, the commission may consider aspects of the project other than those identified by the appellant in the appeal itself, and may ultimately change conditions of approval or deny a permit altogether".

**2) The project violates the La Jolla Community Plan:**

There are several parts of the LJCP/ The Coastal Act that have not been conformed to by this proposed project: density, bulk & scale, driveway, parking, unobstructed off-street parking. Attached (EX#2) are copies of the site plan prepared by the architect of the applicant, one that is unmarked, the other marked showing as marked by the architect: I) green equals existing home, II) yellow equals parcel 31, III) red equals proposed house, IV) black equals parcel 32, including the portion of parcel 32 that lies west of parcel 31.

Also attached (EX#5) are copies of photos of east and west elevations of the existing home and applicant's architect's renderings (EX#3) of all elevations of the proposed house.

Also attached (EX#6) are pages 89 and 90 of the La Jolla Community Plan with regard to the Plan's recommendations for density and community character.

The certified La Jolla Community Plan was not met:

a) That erroneous decision, that this project is not subject to a California Coastal Commission appeal, lead to this project being reviewed under a Process Two procedure rather than a Process Three procedure as required (Muni Code section 126.0707 (b), (a)). A Process Three review requires a hearing before a Hearing Officer, the right to subpoena witness and cross-exam them (Muni Code, section 12.0407). Also, there were four appellate grounds that were not permitted and therefore not reviewed by the City Council (Muni Code 112.0506).

b) By allowing two separate low-density parcels to be jointly used for a single project violates the density requirements of the LJCP. This RS-1-7, 5-9du, low-density zone permits a maximum allowable size lot of 7,000 sf. and therefore a structure with a maximum square footage of 4,060. By allowing two lots to be used totaling 8,998 sf, the structure ballooned to 5,053 sf. plus a basement of 2,767 sf. (see EX #7 attached, title sheet of the architectural drawings).

c) The application for this project was for remodeling the existing historic house (see attached EX #8 letter from La Jolla Historical Society and letter from Dept Dev Services), with no basement, on the existing single lot (parcel 31). There are only seven property owners on Dune Lane, which is only ten to fifteen feet wide with no sidewalks and little to no setbacks (see EX #8 attached photos of Dune Lane and photos of the four homes on the east side of Dune Lane, which were taken from Monte Vista). All the houses, including the applicant's, have deed restrictions limiting houses to one and one-half stories and a single car garage. Subsequently, after historic reviews were performed, the plan was changed. The new much grander plan involves demolition, excavation

and construction of a mega house on two parcels with a front façade five times greater than the existing home, to be set among eighty year old two story homes in the historic area of The Barber Tract. The new FAR is the maximum for the new jointly used two lots of 8,998 sf. No new reviews or safeguards were put into place for this new plan. Reviews that were done were of the old plan, the remodel plan.

d) Apparently because Development Services believed the project was not subject to Coastal Commission review, nor the policy of the Coastal Act, none of the requirements set forth below are met by this project:

“a. In order to maintain and enhance the existing neighborhood character...preserve the following elements: 1) Bulk and scale- as viewed from the public right-of-way....

b. In order to regulate the scale of new development; apply development regulations to all residential properties in La Jolla that proportionally relate the building envelope to the existing lot dimensions. Apply minimum side and rear yard setback requirements that separate structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Side yard setbacks should be incrementally increased for wider yards

c. In order to promote transition in scale between new and older structures, create visual relief through the use of diagonal or offsetting planes, building articulation, roofline treatment and variations within front yard setback requirements.

d. For large lots in single dwelling unit areas, apply development regulations that will limit the perceived bulk and scale differences relative to surrounding lots. Apply a sliding scale for floor area ratios that will decrease building scale as the lot size increases.

e. ...Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the



streetscape and providing adequate amounts of light and air."

Thus, the 7,000 sf lot regulation is to be violated, which leads to also allowing the maximum FAR (not decreasing) for the new double sized lot, which leads to reducing (not increasing) the side yard setback from 18 feet to 4 feet, and creating a massive second and third floor wall (rather than a slope or step back stories), plus a balcony at the second level that illegally protrudes into the required 15 foot front set back (MC 131.0461).

A mega-mansion, of course, also means ignoring the restrictions designed to control how many cars are brought to the neighborhood and where to park them. There are strict parking requirements for this Parking Impact Overlay/ Beach Impact Zone project, particularly on a 10-15 foot wide, no sidewalk, and no street parking Dune Lane (see EX #8), which is within 300 feet of the beach.

The drive way is to be almost twice as wide as the 12 feet allowed (MC 142.0560(j)) and is not the required 20 feet in length (MuniCode 142.0520, 132.0802, 113.0103, 142.05B); there is no parking for the "nanny" as required (Muni Code 141.0303(a); nor the "guest" as required (Muni Code 141.0306); and required "additional unobstructed off street parking" is proposed to be two places in the basement to be accessed only by a car elevator that is obstructed by two cars parked in the garage above at street level, with no place on Dune Lane to move those two cars. The proposed parking also does not meet the requirements of being in the Beach Impact Zone (Muni Code 142.510 (d)).

Because San Diego initially believed that Dune Lane was an alley (see attached EX #10, revised San Diego Land Development Division, initial study), it concluded the two underground obstructed, additional, parking places were allowed as tandem parking. However, San Diego thereafter recognized that Dune Lane is not an alley (see EX #10), not so dedicated and is not a secondary means of access (see attached EX #11, Muni Code definitions of street and alley). Thus tandem parking is not applicable (Muni Code 132.0905, (a), (4)). Nonetheless, the

justification for the two obstructed parking places was not changed.

**3) The City's and the State's established safe guards for protecting the City and State's historical resources have not been utilized:**

The application for this project was noticed on 11/17/04, at precisely the time that San Diego citizens voted to eliminate the office of City Manager. Consequently there was no review by the City Manager, as required, to determine whether a Process Two or Three review should be performed and/or whether a potential historical resource should be reviewed by the Historical Resources Board as required by Chapter 12, Article 3, Division 2 of the Land Development Code (see attached EX #12, pages one and two of San Diego's initial review dated 12-27-04)

This project began as a remodel and no excavation on a single parcel of land, parcel 31. Only a Process Two review by the City staff was imposed (contrary to San Diego Municipal Code, section 126.0707) notwithstanding the fact this project is within the appeal zone of the Coastal Commission. However, because the initial project was a remodel project on one parcel (not a demolition and major excavation on two parcels as it now is) and because the City just recently learned (September 2006) that the home in question is the first built by Philip Barber to begin the Barber Tract (see letter from the City of San Diego dated September 25, 2006 attached EX #8) the City's Historical Resources Board did not and has not considered this matter and no Environmental Impact Report was done. Nor has the state's Historic Preservation Officer been involved in this project.

The City's environmental assessment was performed in November 2004, the month the application for this project was filed with the City of San Diego. The uncertified archaeological survey was performed before February 2005. The certification of the historical significance of the existing home was dated November 30, 2004 (see EX #9, copy of certification). The evaluation was only of parcel 31 (see attached EX #13, Introduction page of environmental study).

These required expert analysis by Applicant were conducted at the very beginning of the project when remodeling of the existing 2,500 square foot house was proposed (see attached EX #19, certifications). After those analysis were prepared, the project was changed to include two adjoining parcels (parcels 31 and 32, contrary to LJCP density limitations), demolition of this eighty-two year old historic house and building a three-story mega- mansion of 7,786 sf over a 2,767 sf basement (see attached EX #7, architect Title Sheet). The basement would involve excavation of 13 to 17 feet deep over the 2,767 square foot area.

The required certified, qualified, expert has not analyzed this new project and no certified report from such an expert has been prepared/submitted for review.

The La Jolla Historical Society sent a strong letter (see attached EX #8) to The Planning Commission stating this matter should be sent to the City' Historical Resources Board to insure protecting the Barber Tract's potential Historic District status as the proposal "is out of character with the Barber Tract historical area and must be abandoned or modified to provide adequate "fit" so as not to preclude the future designation of the area as an Historical District"

**4) The historical resources have not been protected:**

This area has basically never had any excavation; there are no basements in Barber Tract houses. The City's Land Development Review Division (see attached EX #14, revised SD Land Development study) determined this project created three environmental issues that were "significant": 1) Paleontological Resources, 2) Historical (architecture) Resources, and 3) Historical (archaeology) Resources. This review found that the project involved the demolition of an eighty-two year old home in The Barber Tract, which is located on land "that has produced large and diverse assemblages of well preserved invertebrate fossils" and therefore has been assigned "high paleontological resource sensitivity". The review also concluded that the project is located in an area of "high cultural and historical resource sensitivity".

**The City's study specified five areas/issues regarding Historical Resources that "indicate that there is a potential for significant environmental impacts". This refusal of Development Services to require conformity with the policies of Chapter 3 of the California Coastal Act is of extreme importance for the following reasons; 1) the City of San Diego must be required to conform with the Coastal Act as required by Public Resources Code, 2) Public Resources Code section 30240 specifically provides "Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas" 3) Public Resources Code section 30244 states "where development would adversely impact archaeological or paleontological resources as identified by the state Historic Preservation Officer, reasonable mitigation measures shall be required"**

**However, the Mitigated Negative Declaration (see attached EX #15) has some glaring omissions, the most glaring of which is that it relied on the inspection of 11/04 and that inspection was only as to the one parcel, parcel #31.**

**Parcel 32 has a deed-protected sand dune, which is responsible for the street names Dune Lane and Dunemere. Because parcel 32 has not been part of the environmental and historical reviews, the importance of this sand dune has not been evaluated.**

**Therefore, it is respectfully requested the Coastal Commission require compliance with the Public Resources Code, La Jolla Community Plan, The Coastal Act, and the enabling code sections of the San Diego Municipal Code. Further to deny the approval of the Coastal Development Permit No. 159127.**

**San Diego's decisions rely on an inadequate and inaccurate review and non-existent required certified expert analysis and report, and do not take advantage of the independent expertise of the Historical Resource Board and an Environmental Impact study.**

**That The Coastal Commission require, of the entire project, an historical review by the state's Historical Preservation Officer and an Environmental Impact study; to**

**require a Process Three review by San Diego; require the Applicant to conduct and submit a proper certified expert report and an Environmental Impact Report; and have the City's Historical Resources Board review this matter.**

**It is further respectfully requested the Council reject the conclusions of the San Diego City Council and Planning Commission and the recommendations of the Department of Development Services.**



**R. Jay Engel  
7270 Monte Vista Av  
La Jolla**

**EXHIBIT INDEX, COASTAL COMMISSION APPEAL**

- 1. E-mails of Coastal Commission, dated 2/08  
San Diego map re 300 feet  
Cycle Issues re 300 feet  
Coastal Commission map  
San Diego map**
- 2. Site maps**
- 3. Elevation drawings**
- 4. Coastal Development permit**
- 5. Photos of Roseman residence and Dune Lane**
- 6. Pages 89 and 90 of La Jolla Community Plan**
- 7. Title sheet, architect**
- 8. Letters from La Jolla Historical society and San Diego  
Development Services  
And photos of Dune Lane and houses on east side of Dune  
Lane**
- 9. Environmental certifications**
- 10. Land Development Review, re alley, revised**
- 11. Definitions, street, alley from Muni Code**
- 12. Initial Review, Development Services**
- 13. Expert historical and environmental evaluation, undertaking  
information**

**14. Land Development Review Division, revised**

**15. Mitigated Negative Declaration**

**Subject:** Geographic appeal status San Diego County APNs 351-090-31 & 32, 7272 Dune Lane

**Date:** Thursday, February 28, 2008 11:37 AM

**From:** Darryl Rance <drance@coastal.ca.gov>

**To:** Laurinda Owens <lowens@coastal.ca.gov>, Lee McEachern <lmceachern@coastal.ca.gov>

**Cc:** Darryl Rance <drance@coastal.ca.gov>, Jon Van Coops <jvancoops@coastal.ca.gov>, <keepsmart@san.rr.com>

**Priority:** UrgentHighest

Hello Laurinda,

I got a call from R. Jay Engel, La Jolla resident and "interested party" for a development that is being proposed on San Diego County APNs 351-090-31 & 32. It is my understanding that the proposed development includes a SFR demolition, consolidation of 2 parcels, and the construction of a larger home and related development on both parcels. The subject application is scheduled for a La Jolla City Council hearing on March 4, 2008, Item-336.

By way of memo dated February 19, 2008, you requested that we look at the mapped geographic appeal status of 7272 Dune Lane (351-090-31). Our response at that time was that based on the information provided and available in our office, it appeared that San Diego County APN 351-090-31 was located at the margin of, and just outside of the "300-foot from beach" geographic appeal area. Further our determination was that "adjacent properties located seaward of the subject property are located within the 300-feet from beach/bluff geographic appeal area." San Diego County APN 351-090-32 is located seaward of APN 351-090-31 and appears to be located within the "300-feet from beach/bluff" geographic appeal area. As such, a local government decision on a CDP application is subject to Coastal Commission appeal jurisdiction. .

I am available to discuss this matter with you at your convenience. Please call (415) 904-5335 or email [drance@coastal.ca.gov](mailto:drance@coastal.ca.gov) with any questions or comments.

Cc: R. Jay Engel ([Keepsmart@san.rr.com](mailto:Keepsmart@san.rr.com))



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**Subject: FW: Appeal status of project.**  
**Date:** Thursday, March 6, 2008 2:36 PM  
**From:** Robles, Jeff <JWRobles@sandiego.gov>  
**To:** "R. Jay Engel" <keepsmart@san.rr.com>

Dear Mr. Engel:

Per your request below is the communication between myself and the Coastal Commission.

Best regards,

**Jeffrey W. Robles**

Jeffrey W. Robles

Associate Planner

Development Services Department

1222 First Ave. MS:501

San Diego, CA 92101

(619) 446-5225

jwrobles@sandiego.gov <mailto:jwrobles@sandiego.gov>

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**From:** Lee McEachern [mailto:lmceachern@coastal.ca.gov]

**Sent:** Tuesday, March 04, 2008 8:22 AM

**To:** Robles, Jeff

**Subject:** RE: Appeal status of project.

Jeff – you are correct, please make that correction. If the project is approved and it is determined to be appealable, then after this office receives the City's Notice of Final Action (NOFA), a 10 working day appeal period is opened. At that point, any interested parties that opposed the project at the local hearings (or 2 Coastal Commissioners), could then appeal the development to the Coastal Commission on the grounds that the project, as approved by the City, is inconsistent with the

certified LCP. Lee

-----Original Message-----

**From:** Robles, Jeff [mailto:JWRobles@san Diego.gov]

**Sent:** Tuesday, March 04, 2008 8:17 AM

**To:** Lee McEachern; cianidesign@aol.com

**Subject:** RE: Appeal status of project.

Hi Lee:

Thanks for the clarification. Shouldn't the following be changed to APN 351-090-32. *"Based on our mapping unit's review, it was determined that while APN 351-090-31 was not within 300 ft. of the inland extent of the beach, at least a portion of APN 351-090-31 (Shouldn't this portion be -32?) was".*

A second issue: If it is somehow determined that the project is within the appealable zone to the Coastal Commission based on a Survey what would be the appropriate procedure to make such an appeal?

Tony:

Would the new project encroach into the 300 foot limit?

Best regards,

**Jeffrey W. Robles**

Jeffrey W. Robles

Associate Planner

Development Services Department

1222 First Ave. MS:501

San Diego, CA 92101

(619) 446-5225

jwrobles@san Diego.gov <mailto:jwrobles@san Diego.gov>

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**From:** Lee McEachern [mailto:lmceachern@coastal.ca.gov]  
**Sent:** Tuesday, March 04, 2008 8:04 AM  
**To:** Robles, Jeff  
**Subject:** RE: Appeal status of project.

Jeff – At the time we rendered our initial opinion on whether or the development was appealable, it was our understanding that the site only included APN 351-090-31. Subsequently we learned that it also included APN 351-090-32. Based on our mapping unit's review, it was determined that while APN 351-090-31 was not within 300 ft. of the inland extent of the beach, at least a portion of APN 351-090-31 was. As such, we indicated that the project was appealable to the Coastal Commission. However, in talking with Toni Ciani, he indicated that he went out and actually measured the distance and based on his measurements (understanding he is not a licensed surveyor), only a very small corner (approx. 6 ft.) of APN 351-090-32 was within 300 ft. of the inland extent of the beach (measured from the inland extent of the riprap revetment). That being said, Section 126.0710(a) of the City's Land Development Code states:

"A Coastal Development Permit that has been approved by the City may be appealed to the Coastal Commission if the *coastal development* that is authorized by the permit is located within the *appealable area* of the Coastal Overlay Zone."

Based on the above LDC language, in order for the permit to be appealable, the **development itself that is authorized by the permit** must be located within 300 ft. of the inland extent of the beach. As such, in this particular case, even if a small portion of the lot (APN 351-090-32) is located within 300 ft. of the inland extent of the beach, if no portion of the development being approved is within 300 ft., then the project is not appealable. Hopefully this clarifies things for you. If not, please give me a call. Thanks.

Lee McEachern  
District Regulatory Supervisor

-----Original Message-----

**From:** Robles, Jeff [mailto:JWRobles@sandiego.gov]  
**Sent:** Monday, March 03, 2008 4:31 PM

**To:** Lee McEachern

**Cc:** cianidesign@aol.com; Gibbs, Antoinette; Temple, Jeannette; Geiler, Gary; Sherwood, Allison; Joyce, Dan

**Subject:** Appeal status of project.

**Importance:** High

Hi Lee:

My name is Jeff Robles I am serving as the project manager for a project which goes before City Council tomorrow. We have received conflicting information from the Coastal Commission as to whether or not a proposed development is within 300 feet of the Coastal Bluff and therefore is appealable to the Commission. Our certified maps indicate APN numbers 351-090-31 and 32 are non-appealable to the Coastal Commission, this was confirmed by Laurinda Owens in an email to City staff. Today I received an email indicating that APN 351-090-32 is within the appealable zone. It is also my understanding that the Local Coastal Program measures the distance from the inland extent of the sea wall, beach berm or bluff edge to the actual development not to the closet portion of the lot line. Please clarify.

Best regards,

**Jeffrey W. Robles**

Jeffrey W. Robles

Associate Planner

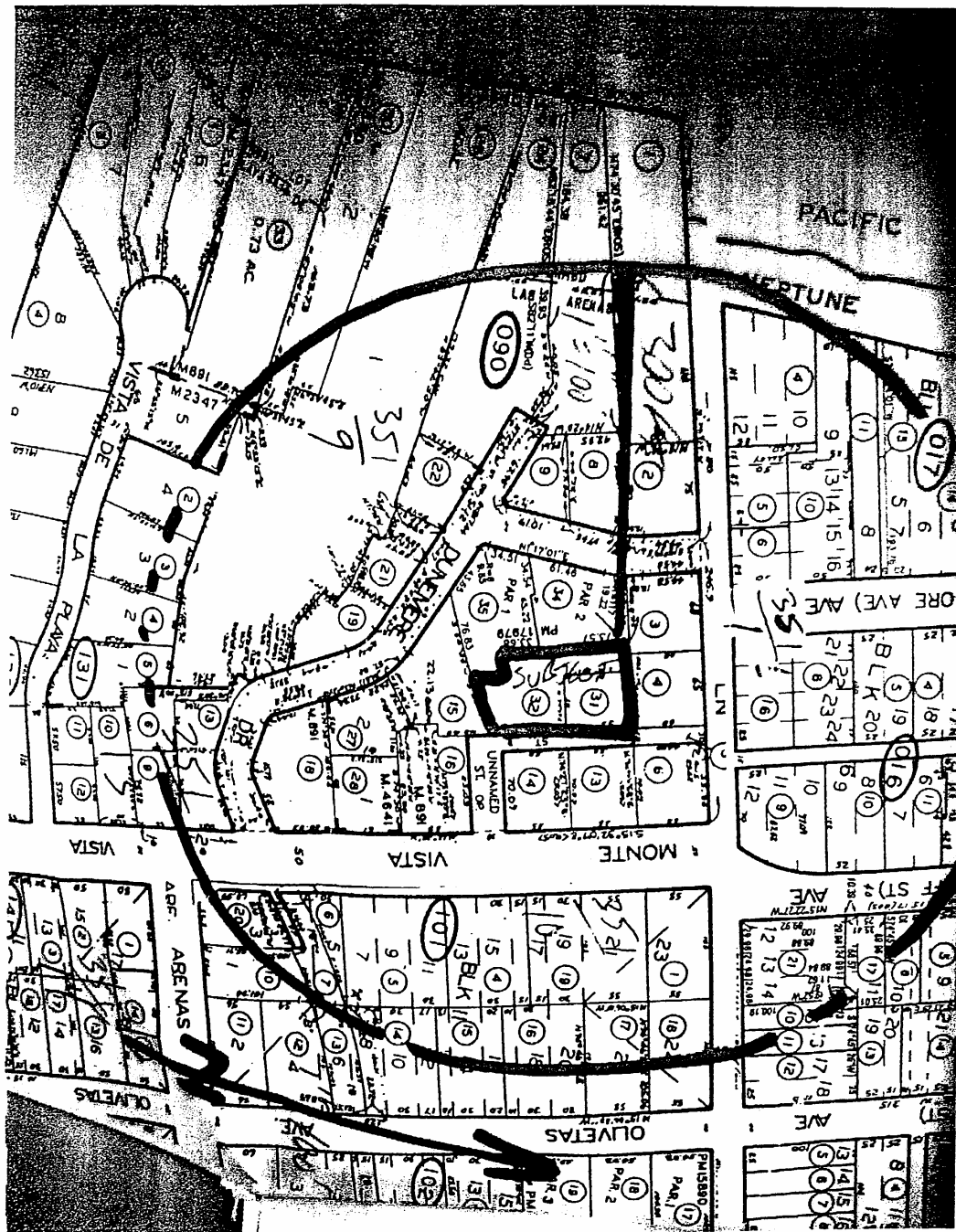
Development Services Department

1222 First Ave. MS:501

San Diego, CA 92101

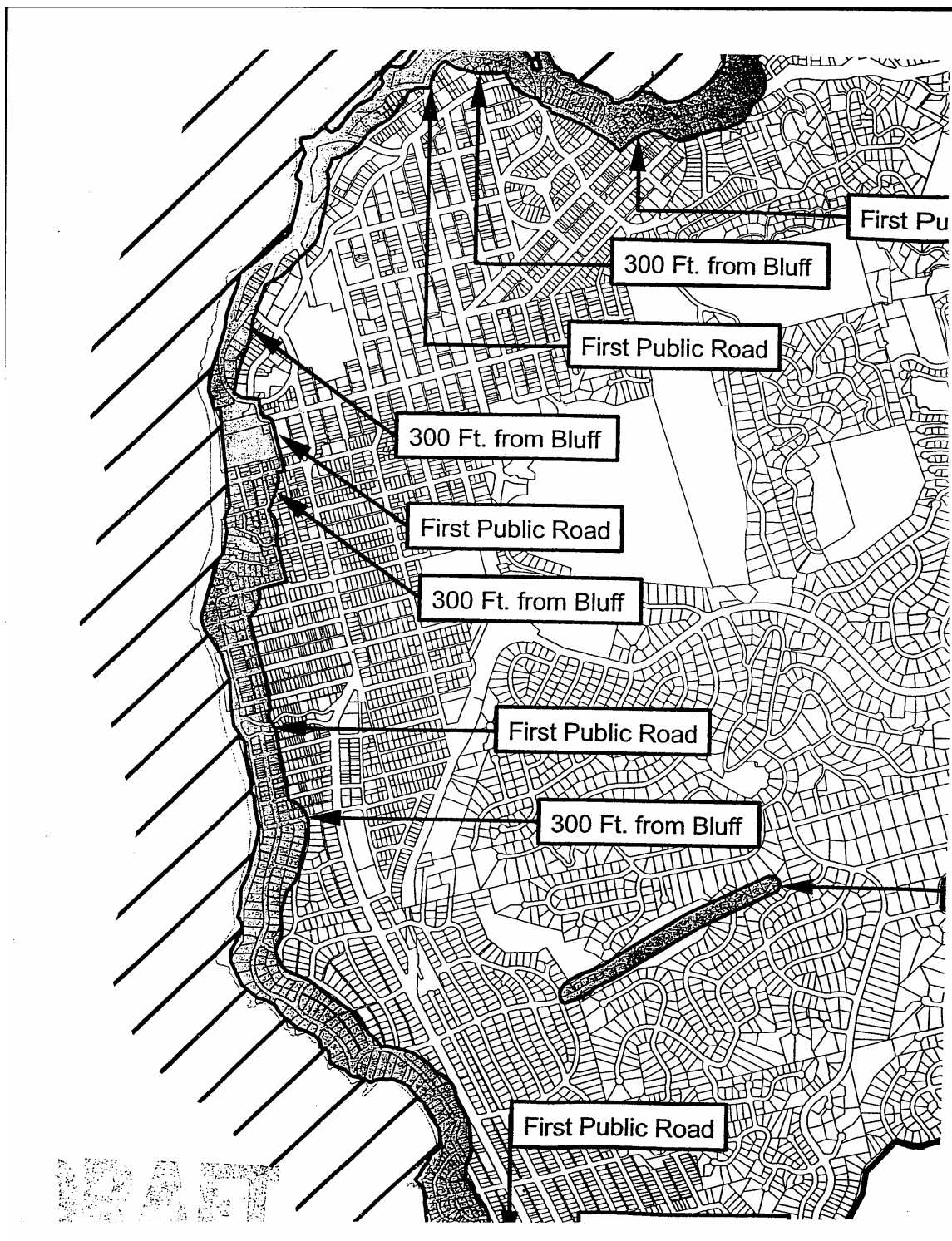
(619) 446-5225

[jwrobles@sanidiego.gov](mailto:jwrobles@sanidiego.gov) <<mailto:jwrobles@sanidiego.gov>>

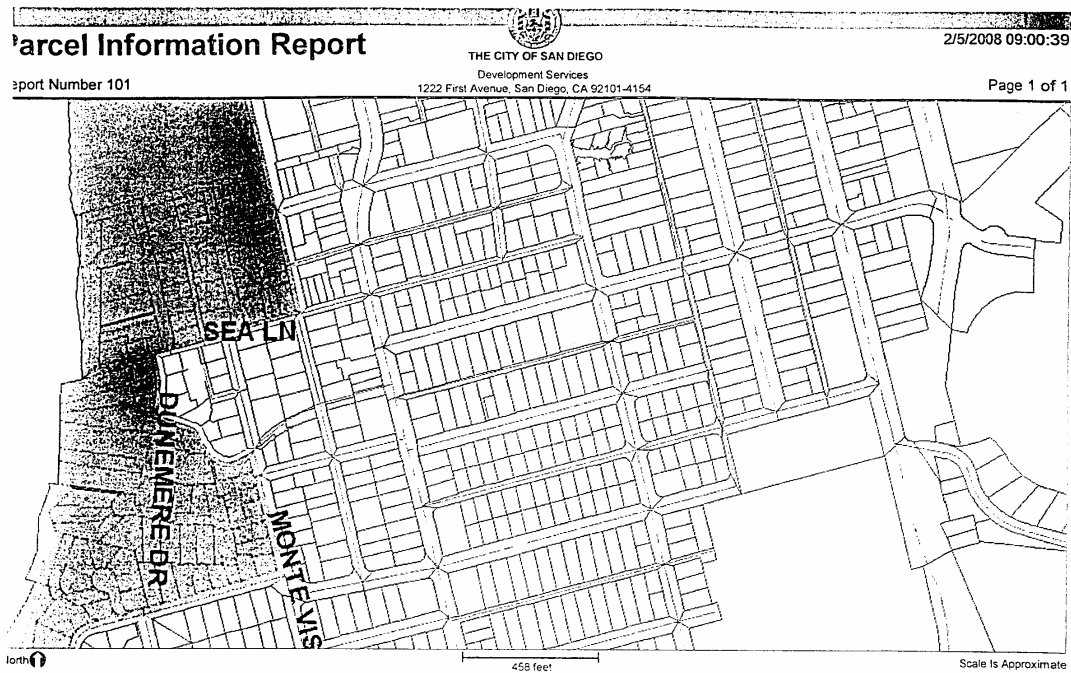


Cycle Issues		THE CITY OF SAN DIEGO Development Services 1222 First Avenue, San Diego, CA 92101-4154	12/27/2004 01:53:38 F
L64A-003A		Page 1 of 1	
<b>Project Information</b>			
Project Nbr:	52589	Title:	ROSEMAN RESIDENCE
Project Mgr:	Robles, Jeff	(619) 446-5225	jwrobles@sanidiego.gov
<b>Review Cycle Information</b>			
Review Cycle: 1 Submitted (Multi-Discipline) [Closed]		Opened: 10/20/2004 11:15 AM	Submittal: 10/20/2004 11:49 AM
Deemed Complete on 11/2/2004 10:40:56		Closed: 12/9/2004 10:44 AM	
<b>Review Information</b>			
Reviewing Discipline: LDR-Planning Review		Requested: 11/2/2004 10:41 AM	Started: 12/3/2004 07:30 PM
Reviewer: Saunders, Kelley		Assigned: 11/5/2004 03:12 PM	Completed: 12/3/2004 07:39 PM
Next Review Method: Submitted (Multi-Discipline)		Reassigned:	Needed Again: <input checked="" type="checkbox"/>
Cleared? Issue Number and Description			
<b>Project Information</b>	<input type="checkbox"/> 1 The proposed project is located at 7272 Dune Lane in the RS 1-7 Zone; the La Jolla Community Plan and Local Coastal Program Land Use Plan; the Coastal Overlay Zone, Non-Appellable Area 2 (Map C-730); the Coastal Height Limitation Overlay Zone; and the Beach Parking Impact Overlay Zone. In addition, the proposed site appears to be located within 300 feet of a beach.		
	<input type="checkbox"/> 2 The proposed project is to construct a 2,530 square foot addition plus basement to an existing 2,484 square foot single family home.		
	<input type="checkbox"/> 3 The proposed project requires a Coastal Development Permit in accordance with a Process Two Decision (Staff as decision maker).		
<b>Coastal Development Permit</b>	<input type="checkbox"/> 4 The proposed project requires a Coastal Development Permit per SDMC Section 126.0704(a)(2).		
<b>ESL</b>	<input type="checkbox"/> 5 This site is not subject to the Environmentally Sensitive Lands regulations. The sand dune identified on the project plans is not considered Environmentally Sensitive Lands and the project site is not located within the Sensitive Coastal Resource Zone. In addition, the site does not contain steep slopes.		
<b>FAR</b>	<input type="checkbox"/> 6 Staff's G.F.A. calculations differ from those indicated on the plans.		
	<input type="checkbox"/> 7 Please provide a Gross Floor Area diagram sheet with crossed hatched areas showing all portions included in the calculations so that the F.A.R. may be verified. Shade any areas not calculated in the F.A.R. and state the reason those areas, if any, were excluded from the calculations.		
	<input type="checkbox"/> 8 Please note that the covered decks and balconies may be excluded from GFA calculations if they comply with SDMC Section 113.0234(b)(1 & 2).		
<b>Height</b>	<input type="checkbox"/> 9 The project appears to comply with height requirements; however, staff is requiring the following for confirmation:		
	<input type="checkbox"/> 10 Please provide 30' height limit lines on all elevations and sections. In addition, please provide existing and proposed grade lines (as well as elevation points along the building) on all elevations and sections.		
	<input type="checkbox"/> 11 Please note that angled building envelopes are measured from the setback line, not the property line. Please modify the lines shown on the elevations as appropriate.		
<b>Existing/Demo Plan</b>	<input type="checkbox"/> 20 Please provide Existing/Demo plans for the project on a floor-by-floor basis.		
<b>Grading Plan</b>	<input type="checkbox"/> 12 As noted in the ESL comments, the site does not contain steep hillsides and is not subject to Environmentally Sensitive Lands regulations. Please remove references to steep slopes from the grading plan.		
	<input type="checkbox"/> 13 Please clarify the amounts of cut, fill, import and export required for the basement as well as the project as a whole (if different).		

 2007







### Map Layers Included In Report

Description	Visible	Transparent	Has Intersecting Features
Parcels	<input checked="" type="checkbox"/>		No
Streets	<input checked="" type="checkbox"/>		No
Parcels	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes
Coastal Overlay Zone (Permit Jurisdictions)	<input type="checkbox"/>	<input type="checkbox"/>	Yes
First Public Roadway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No

Every reasonable effort has been made to assure the accuracy of this map. However, neither the SanGIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or relicensing of this information is prohibited, except in accordance with such sublicense agreements.

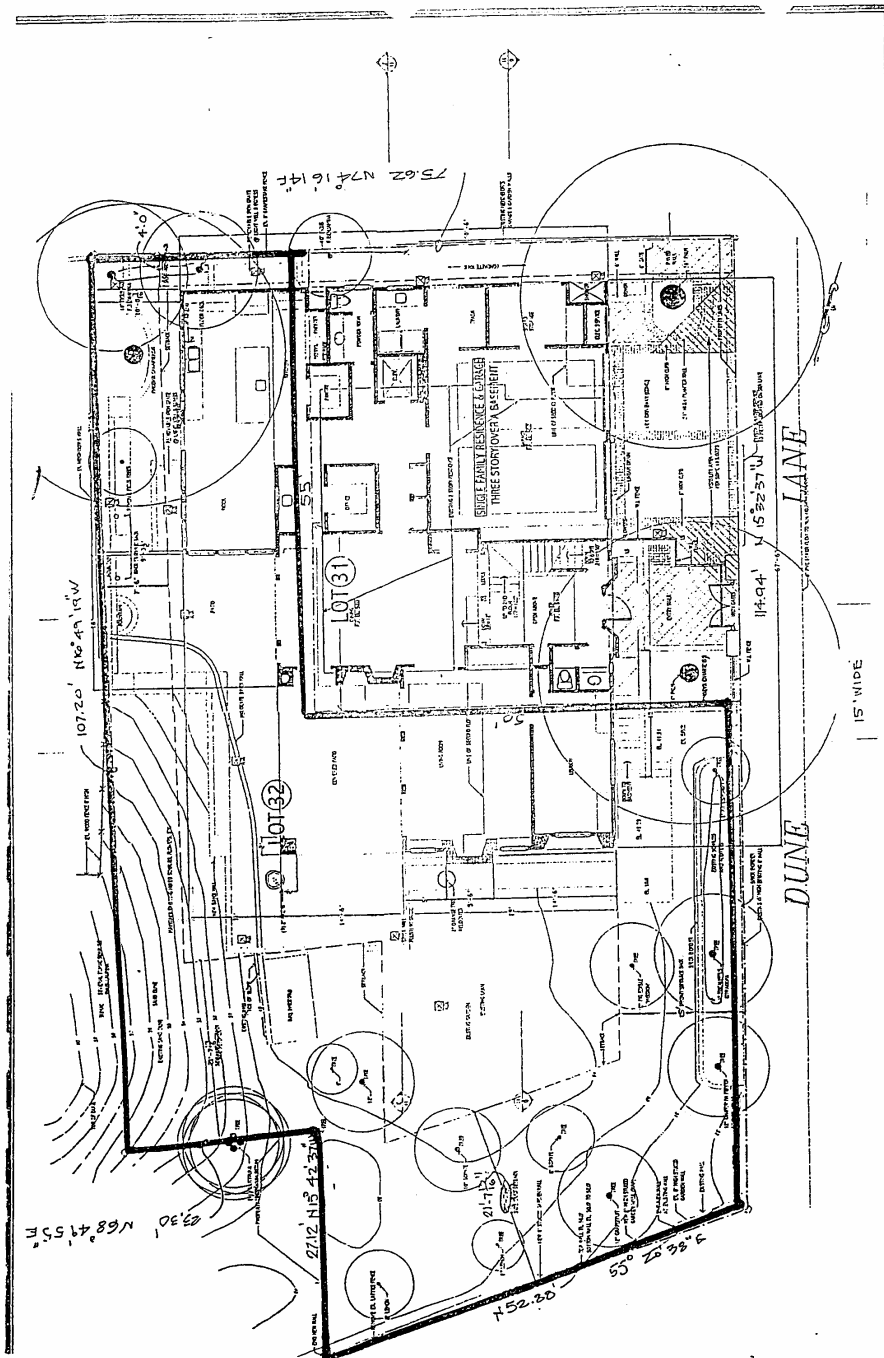
### Intersecting Features

#### Parcels

PN	Recordation	Owner Information	Valuation	Other
1-090-3100	Record: 524446 Date: 6/22/2005	ROSEMAN JONATHAN D & DELGADO CYNTH	Land: \$716,715	Units: 1
	Legal:	7272 DUNE LN * LA JOLLA CA	Imp: \$77,183	Taxable: <input checked="" type="checkbox"/>
Address(es)	PLAYA DE LAS ARENAS (EX D LA JOLLA	CA 92037	Total: \$793,898	Own Occ: <input type="checkbox"/>
72 DUNE LN				

#### Coastal Overlay Zone (Permit Jurisdictions)

Zone Name	Ordinance Number	Implementation Date
APP-2	O-17067 NS	10/17/1988



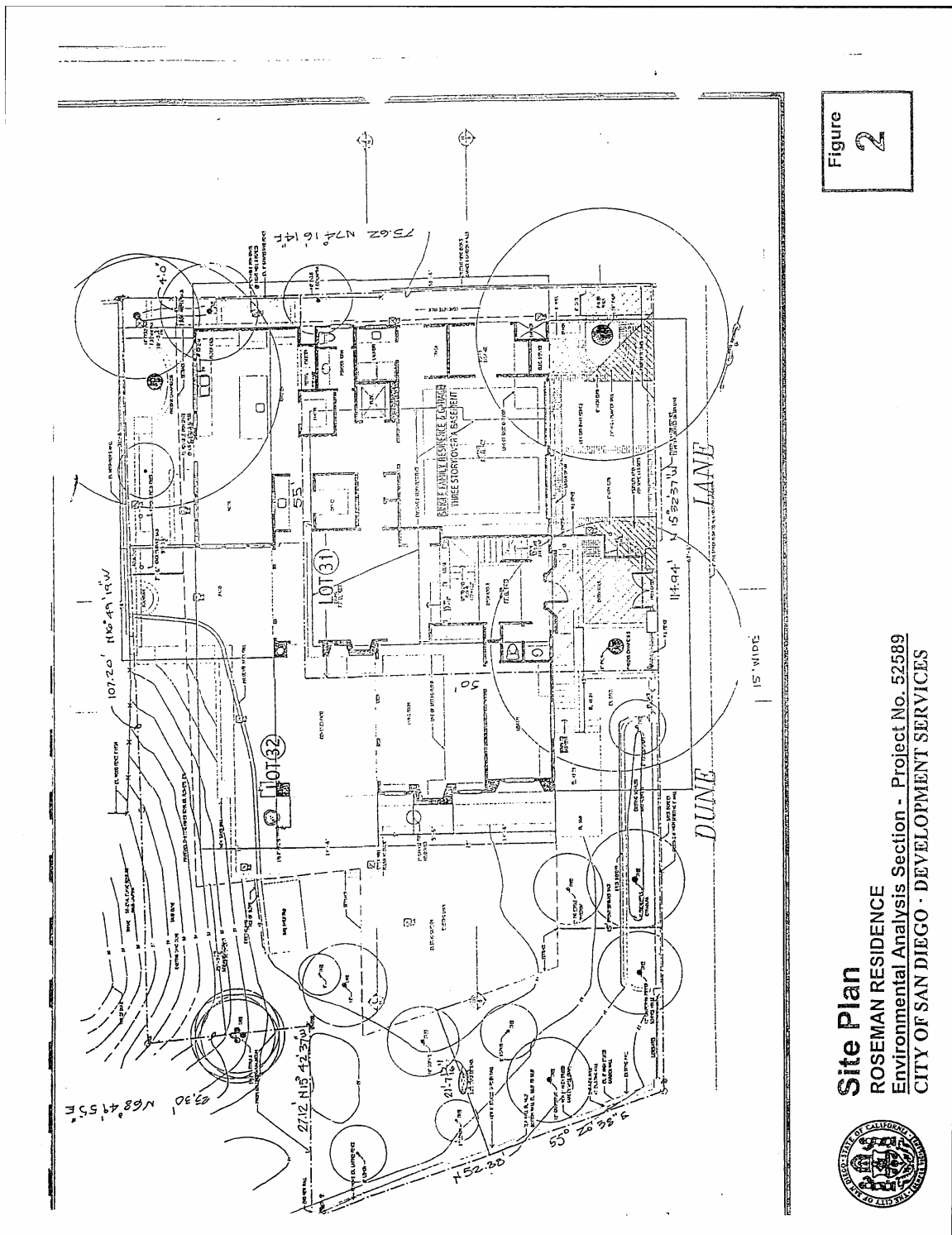
Figure

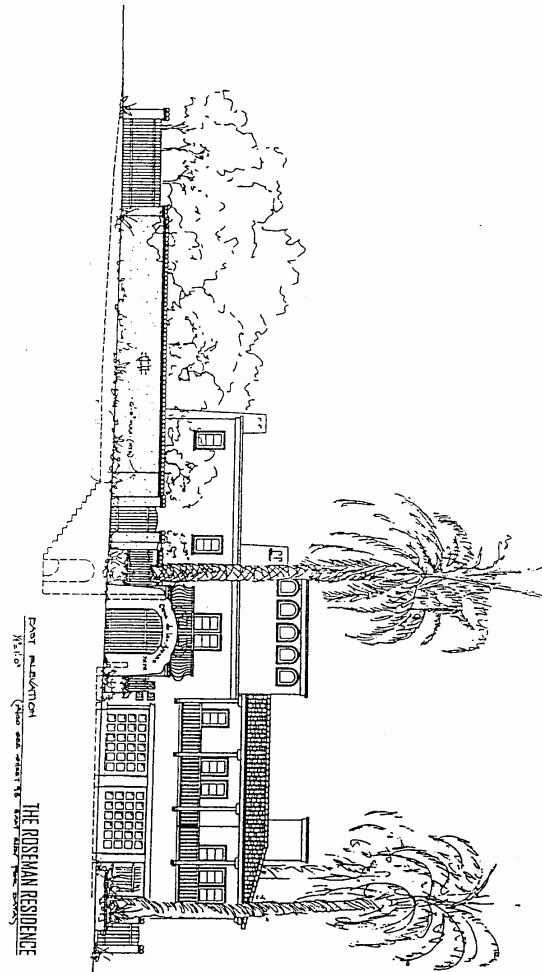
2

# Site Plan

ROSEMAN RESIDENCE  
Environmental Analysis Section - Project No. 52589  
CITY OF SAN DIEGO · DEVELOPMENT SERVICES







FACT MULTIPLICATION

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
$\frac{1}{2} \times 10 = 5$  (Also see other 98 fact after page 100)

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THE ROSEMAN RESIDENCE

THE ROSEMAN RESIDENCE  
5 West Alder Street, Denver

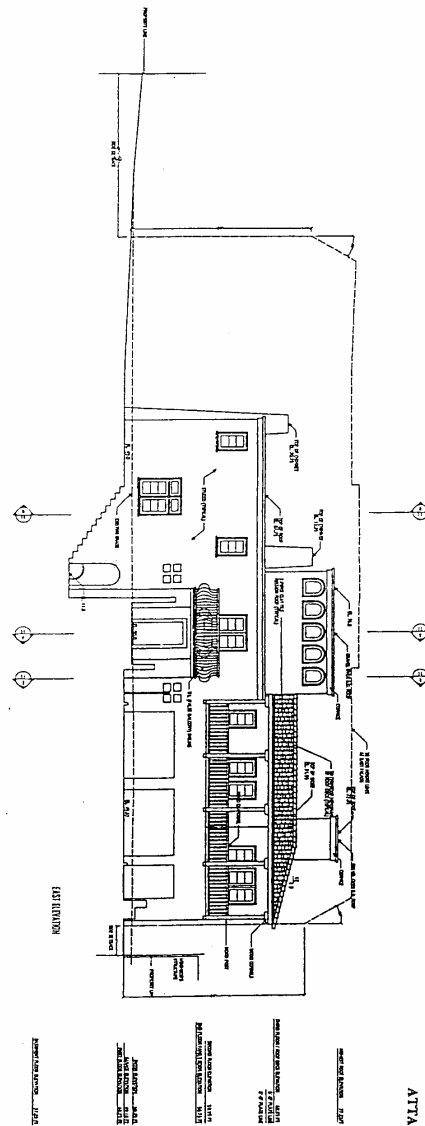
DATE OF BIRTH	1949 12 17
NAME	JOHN L. STEPHENSON JR
RELATIONSHIP	WIFE
ADDRESS	1000 1/2 N. 10TH ST TULSA OK 74103
PHONE	361-1771
EDUCATION	HIGH SCHOOL GRAD
EMPLOYMENT	RETIRED
REMARKS	ADVISOR TO DAUGHTER DAUGHTER'S NAME JANET L. STEPHENSON BORN 1949 04 15 LIVES IN TULSA OKLAHOMA
DATE	MAY 15 1968
BY	SA J. H. BROWN
AGENCY	TULSA
FILE NO.	44-1987-100



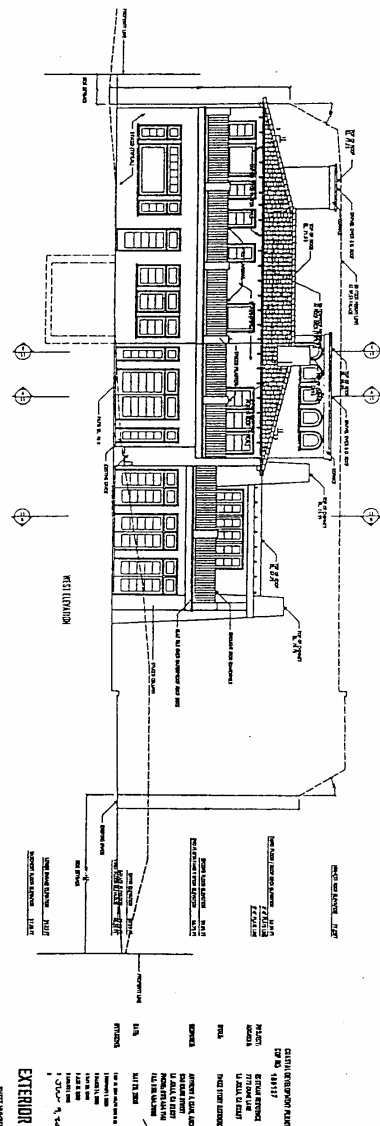
Seal of the Federal Bureau of Investigation, Tulsa, Oklahoma. The seal features a central shield with a scale of justice, a sword, and a laurel wreath. The words 'DEPARTMENT OF JUSTICE' and 'FEDERAL BUREAU OF INVESTIGATION' are inscribed around the perimeter, with 'TULSA, OKLAHOMA' at the bottom.

**DUNE LANE ELEVATION**  
**RIGHT MOWER BA # 21**

EXHIBIT BA # 21



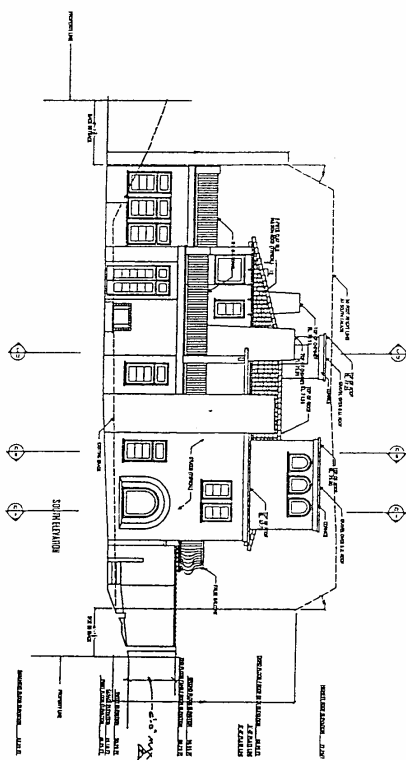
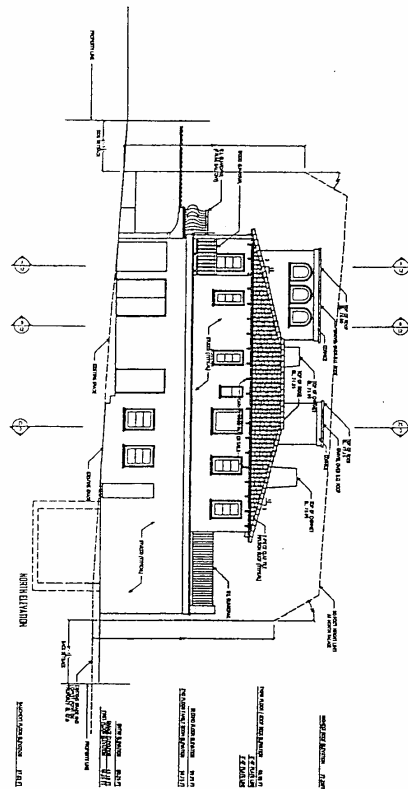
**ATTACHMENT 5**

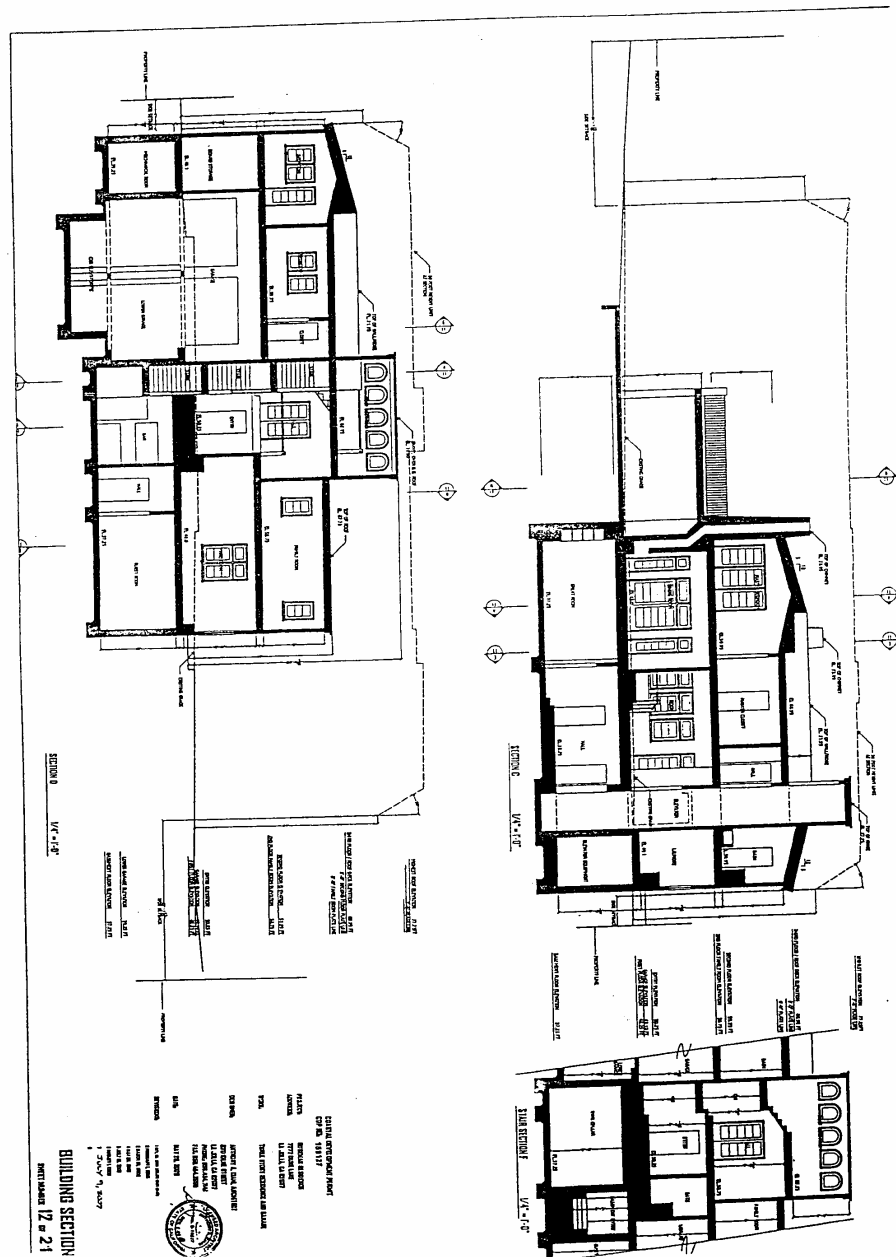


## EXTERIOR ELEVATIONS

BB of 21

## ATTACHMENT 5

[illegible]



CITY MANAGER  
RESOLUTION NO. CM 5803  
COASTAL DEVELOPMENT PERMIT NO. 159127  
ROSEMAN RESIDENCE – PTS NO. 52589

WHEREAS, JON ROSEMAN, a Married Man as His Sole and Separate Property, Owner/Permittee, filed an application with the City of San Diego to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construct a new three-story single-family residence, basement, garage, patios and landscaping as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 159127 on portions of a 0.21 acre site;

WHEREAS, the project site is located at 7272 Dune Lane in the RS-1-7 zone, the Coastal Overlay (non-appealable) and the Coastal Height Limitation Overlay Zones of the La Jolla Community Plan area, and;

WHEREAS, the project site is legally described as "All that portion of Playa De Las Arenas, First Addition to South La Jolla, Map No. 891.

WHEREAS, on July 16, 2007, the City Manager of the City of San Diego considered Coastal Development Permit No. 159127 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE;

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

That the City Manager adopts the following written Findings, dated July 16, 2007

**FINDINGS:**

**Coastal Development Permit - 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 access way 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 proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three-story single-family residence, basement, garage, patios and landscaping located at 7272 Dune Lane. The subject property is located over 300 feet from the Pacific Ocean and is not located within or near any designated public view corridors. Accordingly, the proposed project will not impact any public views to or along the ocean



or other scenic coastal areas. Additionally, the site is not located along any existing or proposed public accessways identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan.

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

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three-story single-family residence, basement, garage, patios and landscaping located at 7272 Dune Lane. The project site is located within an urbanized area of the La Jolla community, and does not contain environmentally sensitive lands. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental impacts to paleontological resources. A Mitigated Negative Declaration (MND) has been prepared and incorporated into the Coastal Development Permit to mitigate such impacts. Therefore the proposed construction would not adversely affect these resources.

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

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three-story single-family residence, basement, garage, patios and landscaping located at 7272 Dune Lane conforms to the La Jolla Local Coastal Program Land Use Plan. The project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the RS-1-7 zone, the Coastal Overlay (non-appealable) and Coastal Height Limitation Overlay zones.

**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 project site is not located between the nearest public road and the sea and is therefore not required to conform to the above finding.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Manager, Coastal Development No. 159127 is hereby GRANTED by the City Manager to the

referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 159127, a copy of which is attached hereto and made a part hereof.

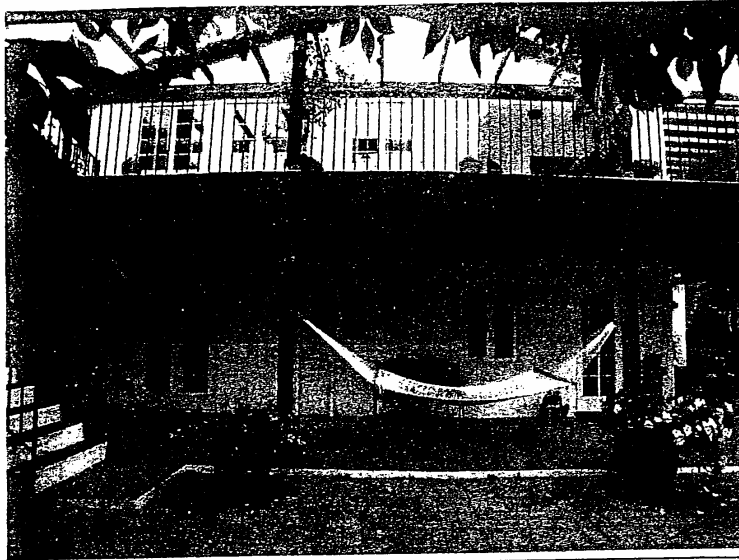
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Jeffrey W. Robles  
Development Project Manager  
Development Services

Adopted on: July 18, 2007

Job Order No.42-3506

cc: Legislative Recorder, Planning Department



**Plate 6.0-5** View of west elevation showing the maid's quarters on the first floor.  
Note the retrofitted plumbing on the outside wall for the maid's bathroom.



**Plate 6.0-6** View of east elevation with garage doors on the first floor,  
overhang and privacy walls.

## PLAN RECOMMENDATIONS

### 1. Residential Densities

The plan has assigned a variety of residential densities throughout the community. Ensure that proposed new development is constructed within the density range identified for the project site on the Residential Densities map and as described below.

**Very Low Density:** 0-5 dwelling units per net residential acre (excluding right-of-way and utility easements). This density range is characterized by large, single dwelling unit, estate homes built on 10,000 to 40,000 square-foot parcels with steep slopes and/or open space areas. This type of development is appropriate for the bluff top areas of La Jolla Farms, the Muirlands and portions of the Planned Residential Development areas of La Jolla Alta along Mount Soledad Road. The RS-1-4, RS-1-2 and the RS-1-1 zones implement this designation.

In order to preserve the existing bulk, scale and existing development pattern of single dwelling unit homes in the southeast corner of West Muirlands Drive and Nautilus Street of the Muirlands area, rezone approximately 8 acres from RS-1-5 to RS-1-4 which is consistent with the average lot size in this neighborhood of 14,000 square feet.

**Low Density:** 5-9 dwelling units per net residential acre. This range is characterized by single dwelling unit residential homes on 5,000 - 7,000 square foot lots. Approximately 20 percent of the community planning area is developed through this category which is implemented through the RS-1-7 zone.

**Low-medium Density:** 9-15 dwelling units per net residential acre. This low-medium density range will allow for multiple dwelling unit development in the form of townhomes and low-scale apartments that are found in portions of the Windansea area. The RM-1-1 zone is proposed to implement this designation.

**Medium Density:** 15-30 dwelling units per net residential acre. This density range is characterized by medium density condominiums and apartments and is implemented through the RM-2-5 zone.

Increased density in Zone 5 of the La Jolla Planned District Ordinance (PDO): Residential development or redevelopment in Zone 5, normally limited to 30 dwelling units per acre, may be allowed up to a maximum of 45 dwelling units per acre if all applicable Special Use Permit requirements of Section 103.1208 of the La Jolla PDO are complied with.

**Medium-High Density:** 30-45 dwelling units per net residential acre. This density is characterized by higher density condominiums and apartments and is implemented through the RM-3-7 zone.

### 2. Community Character

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

- Bulk and scale - with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space;
- 2) Street landscape - with regard to size and shape or generalized type of planting materials;
- 3) Hardscapes - with regard to pavement types, patterns or lack of patterns, colors, widths, colors and contours;
- 4) Street fixtures - with regard to type, size and location (street light fixtures, benches, street signage);
- 5) Site fixtures - with regard to height, type, material and location (fences, walls, retaining walls, curb cuts and driveways);
- 6) Curbs, gutters and street pavements -with regard to types and materials; and
- 7) Public physical and visual access as identified in Figure 9 and Appendix

- b. In order to regulate the scale of new development, apply development regulations to all residential properties in La Jolla that proportionally relate the building envelope to the existing lot dimensions. Apply minimum side and rear yard setback requirements that separate structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Side yard setbacks should be incrementally increased for wider lots.
- 

- c. In order to promote transitions in scale between new and older structures, create visual relief through the use of diagonal or off-setting planes, building articulation, roofline treatment and variations within front yard setback requirements.

- d. For large lots in single dwelling unit areas, apply development regulations that will limit the perceived bulk and scale differences relative to surrounding lots. Apply a sliding scale for floor area ratios that will decrease building scale as the lot size increases.

- e. In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D. Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air.

DEMOLITION PLANS      ELEVATIONS

**EXISTING USE:** SINGLE FAMILY RESIDENCE AND GARAGE AND GARDEN.  
BUILT CIRCA 1925  
REMODELED: 1974, 1977, 1978, 1998, 2001/2

**DESCRIPTION OF WORK:** SHED: BUILT CIRCA 1990  
THREE STORY RESIDENCE AND GARAGE WITH A BASEMENT,  
AND ASSOCIATED PATIOS AND LANDSCAPING. REMOVE  
EXISTING SHED.

**ZONING:** RS-1-7, LJCP, COASTAL (CITY), COASTAL 30 FOOT  
HEIGHT LIMIT, PARKING IMPACT, RESIDENTIAL TANDEM  
PARKING, TRANSIT AREA

**YARD SETBACKS:** INTERIOR SIDE (E & W): 8.6 Feet and 6.6 Feet (20% x 75.6' = 15.2' Total)  
PROPOSED: 15.05 Feet and 8.78 Feet for a total of 23.83 Feet  
INTERIOR SIDE (S & N): 21.65 Feet and 4.0 Feet min. (20% x 128.25' = 25.65' Total)  
PROPOSED SIDE: 43.54 Feet AND 4.5 Feet for a total of 48.04 Feet  
(LDC Diagram 13i-04i)

**HEIGHT LIMIT:** ALLOWABLE: 30 FEET/ 24 Feet with 30 Degree Angle  
PROPOSED: 30 FEET/ 24 Feet with 30 Degree Angle; 30  
FT. COASTAL HEIGHT LIMIT

**PARKING:** REQUIRED: 4 SPACES  
PROVIDED: 4 SPACES

**LAND AREA:** 8,998.45 Sq. Ft.

**FLOOR AREA ANALYSIS:**

ALLOWABLE FAR:	8,998.45 Sq. Ft. X 0.56 = 5039.132
EXISTING:	Allowable GSF
	First Floor 1,227,035 SF
	Second Floor 1,187,925 SF
	Shed 70,000 SF
	TOTAL 2,484,960 SF
PROPOSED:	First Floor 2,713.58 SF
	Second Floor 2,073.14 SF
	Third Floor 252.03 SF
	TOTAL w/o Basement 5,018.75 SF
	Basement 2,767.25 SF
	TOTAL w/ Basement 7,786.00 SF
PROPOSED FAR:	5018.75/8,998.45 = 0.5577

**AVERAGE:** BUILDING: 2,713.58 Sq. Ft.  
PATIO/DRIVEWAY/WALKS: 2,216.02 Sq. Ft.  
LANDSCAPING: 3,839.43 Sq. Ft.

**BUILDING CODE** OCCUPANCY: R-3 RESIDENTIAL  
TYPE OF CONSTRUCTION: V-N  
NUMBER OF STORIES: 3 OVER A FULL BASEMENT  
BUILDING HEIGHT: 30 FEET  
BUILDING CODES: C.B.C. 2001, C.E.C. 2001, C.P.C. 2001

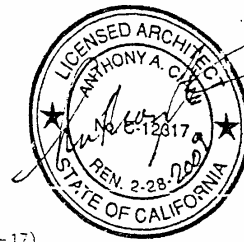
**COASTAL DEVELOPMENT PERMIT**

**PERMIT NO** 158127

**PROJECT** BRUSHMAN RE

**7712 DRIVE**

PROJECT: ROSEMAN RESIDENCE  
ADDRESS: 7272 DUNE LANE  
LA JOLLA, CA 92037  
WORK: THREE STORY RESIDENCE AND GARAGE  
DESIGNER: ANTHONY A. CIANI, ARCHITECT  
830 KLINE STREET  
LA JOLLA, CA 92037  
PHONE: 858.454.7141  
FAX: 858.454.3998  
DATE: MAY 25, 2006



- REVISIONS:
- 1 OCT. 25, 2004 (DELETE SHTS 12-17)
  - 2 FEBRUARY 1, 2006 PER CITY COMMENTS
  - 3 MARCH 24, 2006 PER OWNER
  - 4 MAY 25, 2006 (PER OWNER AFTER MEETING WITH NEIGHBORS)
  - 5 JULY 18, 2006
  - 6 AUGUST 1, 2006
  - 7 DECEMBER 11, 2006
  - 8 JULY 9, 2007
  - 9
  - 10

TITLE SHEET &  
GENERAL INFO



PO Box 2085  
La Jolla, CA 92038  
(858) 459-5335  
fax: (858) 459-0226  
www.lajollahistory.org

#### Board of Directors

Roger Craig, President  
Judith Hase, Vice President  
Ruth Cowell, Secretary  
Sharilyn Gullison, Treasurer  
J. H. Trip Bennett  
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Patricia Erdberg  
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Sharon Lightner  
David Reynolds  
Henry Rudolph, III  
Don Schmidt  
Jeffrey Shorn  
Melissa Trolley  
Betty Vale  
Donald Yerdel  
Ann Zehner

#### Executive Director

John H. Bothhouse, III

October 19, 2007

Planning Commission  
City of San Diego  
202 C Street  
San Diego, CA 92101

**SUBJECT:** Roseman Residence, 7272 Dune Lane, PTS 52589, APN 351-090-31-00

#### Members of the Planning Commission:

The La Jolla Historical Society has reviewed the proposed project referenced above, due before you in November, and opposes its approval as currently proposed based on the following:

1. The Historical Study prepared for the project is inadequate.
2. The project as currently proposed does not fit within the context of the Barber Tract Historical District. This District was originally identified some forty years ago as an important potential historical district in the La Jolla community and most recently by the 2000 La Jolla Historical Survey prepared by the historical architecture consulting firm of Milford Wayne Donaldson, now the State of California's Historic Preservation Officer. The Historical Study should be referred to the City's Historical Resources Board for proper direction in the preparation of such a study. The La Jolla Historical Society finds this study inadequate, based on what the study itself states as speculative and not backed by evidence; its inadequate evaluation of the various owners' significance to the historical development of La Jolla; and its inadequate evaluation of the structure's architecture and integrity.
3. The study further ignores the longstanding identification of the neighborhood as a potential Historical District (the Barber Tract Historical District) as it relates to the site and its building. Even if no additional evidence is found that would make the existing house a stand-alone historical site, the Roseman House is a central contributor to the Barber Tract Historical District as the *earliest house built in the subdivision by Mr. Barber himself*. Barber's involvement in the construction of the house also deserves thorough analysis and identification of his work, his associations and the people he worked with, which will shed light on the mysteries surrounding the house and the many speculations made by the applicant's consultant.



The proposed project would replace the earliest house built in the Barber Tract on a site critical to the integrity of the future Historical District with a new building that does not carefully respect the special characteristics of this district. The La Jolla Historical Society finds that the new development as proposed is out of character with the Barber Tract historical area and must be abandoned or modified to provide adequate "fit" so as not to preclude the future designation of the area as a Historical District. Each of the properties that Barber sold had, and still carries, deed restrictions limiting the houses to one- and one-half stories and a single-car garage. These are defining characteristics of the Barber Tract as can be observed from walking the neighborhood or through examination of aerial photographs.

The La Jolla Historical Society believes that the existing house, built by Barber, should be preserved and additions made to it under the Historical Code, as has been done numerous times elsewhere in the City. If the existing house is not to be preserved then any new project should be of character and scale consistent with the historical context of the Barber Tract.

Based on the above, the La Jolla Historical Society requests that the applicant be asked to update the Historical Study to adequately analyze the site's historical context, and modify the project to assure that its scale and character are properly integrated within the context of the identified potential Historical District.

The La Jolla Historical Society is eager to work with the applicants and their consultants to achieve objectives consistent with the critical need to preserve this architectural resource in this distinctive neighborhood of older La Jolla.

Sincerely,



John Bolthouse  
Executive Director

cc: Jeff Robles, Development Project Manager  
City Council President Scott Peters  
Cathy Winterrowd, San Diego Historical Resources Board



THE CITY OF SAN DIEGO

September 25, 2006

R. Jay Engel  
7270 Monte Vista Ave.  
La Jolla, CA 92037

Dear Mr. Engel:

Subject: Project #52589, 7272 Dune Lane, La Jolla

Thanks for your letter and attachments regarding this property. While it is true that this property was the first developed for sale by Phillip Barber in the Barber Tract, unfortunately the structure has little integrity left. I have included as an attachment to this letter a copy of the review comments that list the changes. Regarding historicity of the structure, one must ask the question: In its current configuration, would Phillip Barber recognize the structure? We concluded that Mr. Barber would not.

Again, thank you for your interest in the property. We truly value neighbor's eyes on the street.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Tudury".

MICHAEL TUDURY  
Staff to the Historical Resources Board/Senior Planner

Attachment: Review comments, dated 7/3/2006

cc: Jeff Robles  
Robert Manis  
Cathy Winterrowd

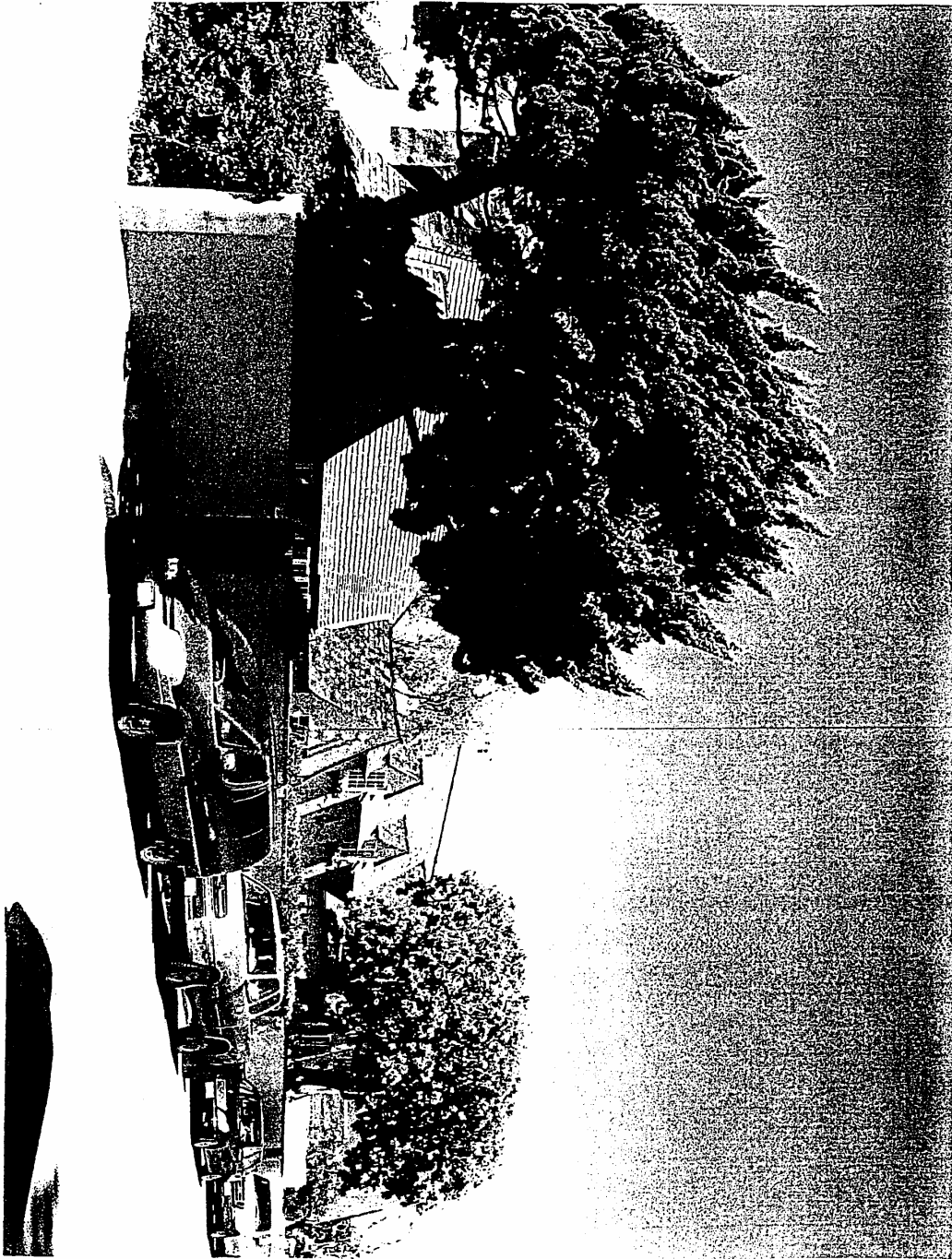


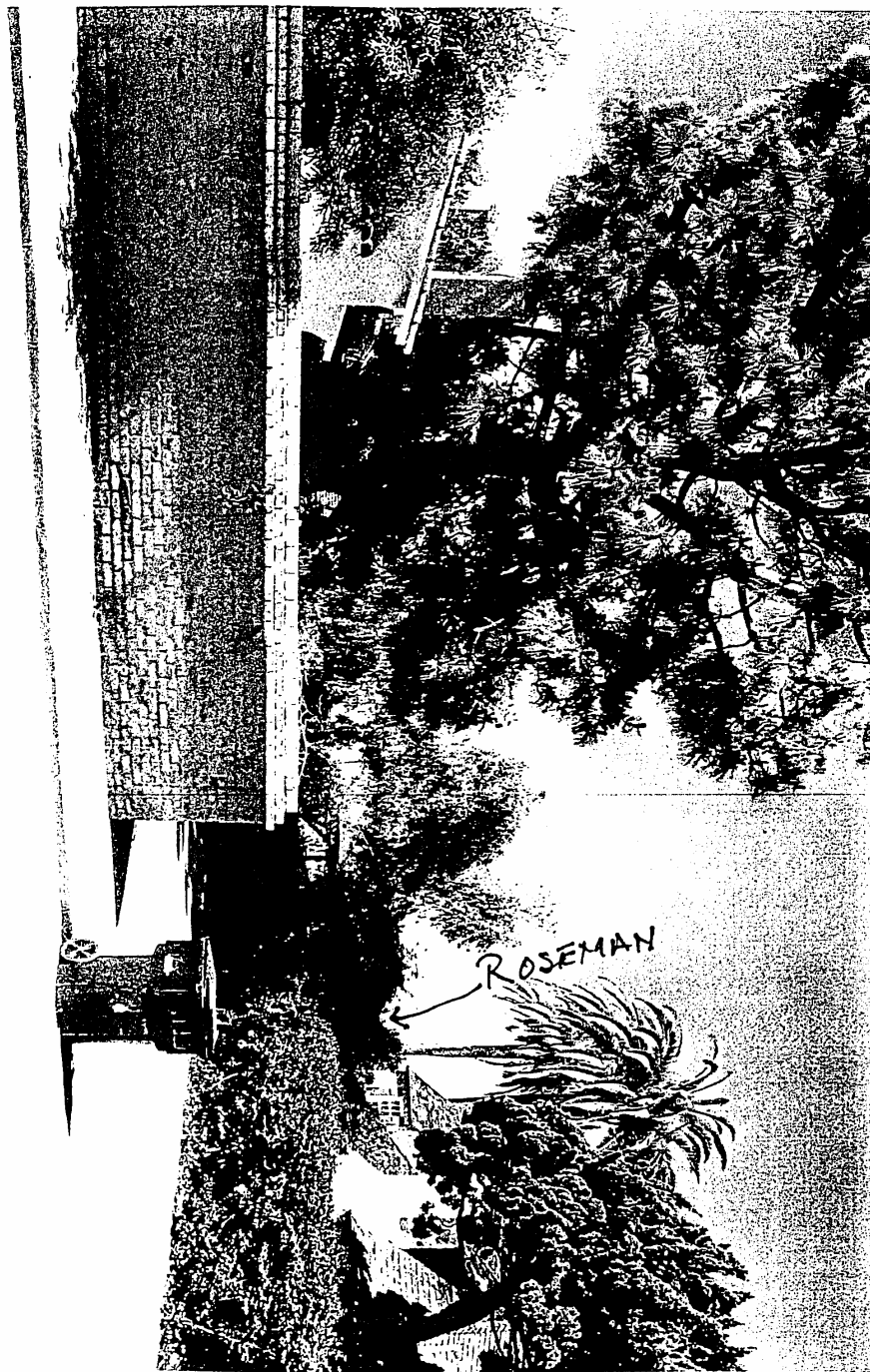
Planning Department











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*The Roseman Residence Project***National Archaeological Data Base Information**

*Author(s):* Larry J. Pierson, RPA

*Consulting Firm:* Brian F. Smith and Associates  
14010 Poway Road, Suite A  
Poway, California 92064  
(858) 484-0915

*Report Date:* February 15, 2005

*Report Title:* An Archaeological/Historical Survey of the Roseman Residence Project

*Prepared for:* Jon Roseman  
7272 Dune Lane  
San Diego, California 92037

*Submitted to:* City of San Diego  
Development Services Department, Land Development Review  
1222 First Avenue, MS 501  
San Diego, California 92101

*Submitted by:* Brian F. Smith and Associates  
14010 Poway Road, Suite A  
Poway, California 92064  
(858) 484-0915

*USGS Quadrangle:* La Jolla, California (7.5 minute)

*Study Area:* One residential lot

*Key Words:* USGS *La Jolla* quadrangle (7.5 minute); Phase I survey; no resources; 1925 structure lacks integrity



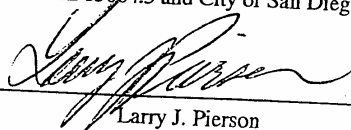
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*A Historical Significance Evaluation of the Roseman-Delgado Residence*

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#### **10.0 CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this archaeological report, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief, and have been compiled in accordance with the California Environmental Quality Act (CEQA) criteria as defined in Section 15064.5 and City of San Diego Historical Resources Guidelines.



Larry J. Pierson  
Principal Investigator

November 30, 2004

Date

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

INITIAL STUDY  
Project No. 52589

SUBJECT: **ROSEMAN RESIDENCE:** COASTAL DEVELOPMENT PERMIT to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and construct a new ~~6,780~~ 7,786 square-foot, three-story over basement single family residence with attached garage on an existing 8,998 square-foot lot. The proposed project is located at 7272 Dune Lane, between Sea Lane and Dunemere Drive, within the Coastal Zone and the La Jolla Community Planning Area. Applicant: Jon Roseman and Cynthia Delgado.

I. PURPOSE AND MAIN FEATURES:

The proposal is a Coastal Development Permit, Process 2 staff level decision, to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and construct a new ~~6,780~~ 7,786 square-foot, three-story over basement single family residence with attached garage on an existing 8,998 square foot lot. The project was originally submitted as an addition to the existing single family residence. However, the scope of work was changed to demolish the existing house and construct a new house. The proposed basement would consist of a two-car lower garage with car elevator, mechanical equipment room, elevator equipment room, elevator, wine cellar, great room, gym, full bathroom, maid's quarters with full bath and bar sink, and guest room with full bath. The proposed first floor would consist of a two-car upper garage with trash room and board storage room, foyer, library, living room, dining room, kitchen, office, laundry room, two powder rooms, covered patio, and outdoor shower. The proposed second floor would consist of a master bedroom and bath, family room, bedroom with full bath, a bedroom and office with shared full bath, and a covered patio. The proposed third floor would consist of a stair landing leading to a roof deck. The elevation plans indicate the use of stucco on the exterior and clay mission tile on the pitched roof. Proposed grading would consist of ~~1,410~~ 1,384 cubic yards of cut for a maximum cut depth of 13 feet and 59 cubic yards of fill for a maximum fill height of 1.5 feet

II. ENVIRONMENTAL SETTING:

The proposed development is located within the La Jolla Community Planning Area. The project site is located at 7272 Dune Lane, between Sea Lane and Dunemere Drive. Dune Lane is a ~~public right of way and based on the existing dimensions and improvements, is considered a named alley.~~ City owned property with a Private Easement granting access rights to all abutting property owners. The site is relatively level with an approximate elevation of 56 feet above mean sea level (MSL). The eastern flank of a sand dune is located in the southwestern corner of the property. The top of the sand dune (located on the southwesterly adjacent property) is at an elevation of approximately 64 feet above MSL and the base of the sand dune is at an elevation of approximately 48 feet above

*Story* means the area between *grade* and finished *floor*, the area between finish-*floor* elevations or the area between the finish-*floor* elevation and the roof elevation. See Section 113.0261 for additional information on measuring *story*.

*Street* means that portion of the *public right-of-way* that is dedicated or condemned for use as a public road and includes highways, boulevards, avenues, places, drives, courts, lanes, or other thoroughfares dedicated to public travel, but does not include *alleys*.

*Street frontage* means the length of one *premises' property line* along the *street* it borders.

*Street, side* (See *sidestreet*)

*Street wall* means all contiguous walls of a building whose overall limits make up the *building facade*. See Section 113.0264 for additional information on determining the *street wall*.

*Street wall line* means the *street wall* and a line extending outward from the outermost points of the *street wall* parallel to the *street* until the extensions of the lines intersect the side or rear *property lines* or encircle the building. See Section 113.0267 for additional information on determining *street wall line*.

*Street yard* means the area of a *lot* or *premises* that lies between the edge of the nearest *public right-of-way* and the *street wall line*.

*Structural envelope* means the three-dimensional space enclosed by the exterior surfaces of a building or *structure*.

*Structure* means an edifice or building of any kind or any construction built up or composed of parts joined together in some definite manner including a wall, *fence*, pier, post, *sign*, or shelter.

*Structure height* means the vertical distance between all points on top of a *structure* or any of its appurtenances and *grade* directly below. See Section 113.0270 for additional information on measuring *structure height*.

*Subdivider* has the same meaning as stated in the *Subdivision Map Act*, Section 66423.

*Subdivision* has the same meaning as stated in the *Subdivision Map Act*, Section 66424.

*Subdivision map* means any map that is filed for the purpose of subdividing property as defined by the *Subdivision Map Act*. It may be a final map or a *parcel map*.

*Affiliate* means business entities, organizations, or individuals who either directly or indirectly (1) control one another or have the power to control one another or (2) are controlled by a third party or are subject to control by a third party. *Affiliates* include chief executive officers and members of boards of directors or their equivalents.

*Affordable housing cost* shall mean (1) for ownership housing, a housing payment which includes loan principal, loan interest, property taxes, property and mortgage insurance, and homeowners association dues which allows a household with a gross income at not more than one hundred percent (100%) of the area median income to purchase a home and (2) for rental or cooperative housing, a housing payment including a reasonable allowance for utilities, which does not exceed thirty percent (30%) of not more than fifty percent (50%) of the area median income for *very low income* households and thirty percent (30%) of not more than eighty percent (80%) of the area median income for *low income* households.

*Alley* means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an *abutting property*.

*Amended map* means a map as set forth in the *Subdivision Map Act*, Section 66469 through 66472.1, that is used to correct errors or to amend an existing final map or *parcel map*.

*Antenna* means a device or system used for the transmission or reception of radio frequency signals for wireless communications. It may include an Omni-directional (whip), directional (panel), dish, or GPS *antenna*. It does not include the support structure.

*Appealable area* means the area, as defined by California Public Resources Code Section 30603, within the coastal zone that constitutes the appeal jurisdiction of the Coastal Commission. This area includes lands between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. The *appealable area* is shown on Map Drawing No. C-730, on file in the office of the City Clerk as Document No. 00-17067-1; however, this map may be updated as appropriate and may not include all lands involving post-LCP certification appeal jurisdiction.

*Applicant* means any person who has filed an application for a permit, map, or other matter and that is the *record owner* of the real property that is the subject of the permit, map, or other matter; the record owner's authorized agent; or any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property subject to the application; including any person who has an approved and executed Disposition and Development Agreement with the Redevelopment Agency of the City of San Diego.

December 27, 2004

Dear Mr. Ciani:

Subject: Roseman Residence Assessment Letter; Project No. 52589; W.O. 423506 La Jolla Community Plan area.

The Development Services Department has completed the initial review of the above referenced project.

- A Coastal Development Permit for a 2,530 square foot addition to an existing single family residence on a 8,998 square foot site at 7272 Dune Lane in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable) and Coastal Height Limit zones.
- Attached to this Assessment Letter is a Cycle Issues Report (Enclosure 1) which contains review comments from Staff representing various disciplines, outside agencies and the community planning group. The purpose of this Assessment Letter is to summarize the significant project issues and identify a course of action for the processing of your project.

If any additional requirements should arise during the subsequent review of your project, we will identify the issue and the reason for the additional requirement. To resolve any outstanding issues, please provide the information that is requested in the Cycle Issues Report. If you choose not to provide the requested information or make the requested revisions, processing may continue. However, the project may be recommended for denial if the remaining issues cannot be satisfactorily resolved and the appropriate findings for approval cannot be made.

**L. REQUIRED APPROVALS/FINDINGS** - Your project as currently proposed requires the processing of:

- **Required approvals:** A Coastal Development Permit, Process (2), Staff Decision is required for all coastal development of a premises within the Coastal Overlay Zone as described in Chapter 13, Article 2, Division 4, See Section 126.0702 (a) of the Municipal Code. Staff decision can be appealed to the Planning Commission.
- The proposed project falls outside of the State Coastal Commission jurisdiction and requires only a Coastal Development Permit from the City of San Diego. The proposed project is not appealable to the State Coastal Commission.
- It has been determined that a historical resource may exist on the parcel. Therefore, a site-specific survey is required. The site-specific survey is required to be conducted

Page 2  
Mr. Anthony Ciani  
December 27, 2004

with the Historical Resources Guidelines of the Land Development Manual. The City Manager shall determine whether a historical resource exists, whether a potential historical resource is eligible for designation as a designated historical resource by the Historical Resources Board in accordance with Chapter 12, Article 3, Division 2 of the Land Development Code, and the precise location of the resource. If the Historical Resources Board designates the structure as a historical resource, and if it is determined that the proposed modifications to the existing structure do not comply with the Secretary of the Interiors Standards a Site Development Permit (SDP), will be required. The proposed addition would become a Process four (4) with a hearing before the Planning Commission, appealable to the City Council.

- Unless a Site Development Permit is required because of the historical significance of the project, no modifications to the project would eliminate the need for a particular permit or approval. However, any changes to the project, such as historical designation of the property, may require further review and additional permits or conditions.
- No Grading Permit is currently required, refer to "*Exemptions from Requirement for a Grading Permit*", Section 129.0603 (a) of the Municipal Code, "Excavation below finished grade for the basement or footing of a building, for a retaining wall, or for any other structure authorized by a valid Building Permit provided that the excavated material is disposed of at a legal disposal site in a safe and sanitary manner." A grading permit may be required if excavation is done outside of the footprint of the residence. The footprint of the residence includes the area of the addition.
- A Conditional Use Permit, (CUP), would be required if the excavated material is processed and sold for export. No CUP would be necessary if the excavated material is disposed of at a legal disposal site.

- **Required Findings:** In order to recommend approval of your project, certain Findings must be substantiated in the record. Enclosure 2 contains the required Findings for a Coastal Development Permit; Land Development Code Section 126.0708 .

**II. SIGNIFICANT PROJECT ISSUES:** The significant project issues are summarized below. Resolution of these issues could affect your project. Additional explanation is provided in the Cycle Issues Report.

**KEY ISSUES:**

- **LDR PLANNING-** Staff Gross Floor Area calculations differ from those indicated on the plans. Resolve any inconsistencies between the two. Shade any areas not calculated in the F.A.R. and state the reason those areas were excluded from the calculations. Provide thirty (30') foot height limit and grade lines on all elevations and sections. Please provide existing/demo plans for the project on a floor-by-floor basis. As mentioned in the LDR- Environmental comments, the site does not contain steep hillsides and is not subject to Environmentally Sensitive Lands, (ESL),

## **2.0 UNDERTAKING INFORMATION/INTRODUCTION**

During an initial survey for a development permit by BFSA, one standing structure was identified at 7272 Dune Lane in the La Jolla neighborhood of San Diego, California (P-37-026884). The property, consisting of a residential lot of less than one acre, is situated on a low terrace in the Playa de Las Arenas Subdivision (Map No. 891), in the unsectioned Pueblo Lands of San Diego, in an area also known as the 'Barber Tract' (Figure 2.0-1). Specifically, the parcel (APN 351-090-31) lies within Township 15 South, Range 4 West of the San Bernardino Meridian, as shown on the USGS *La Jolla* Quadrangle in Figure 2.0-2. The location of the project within the La Jolla area is depicted on a portion of the 800'-scale City Engineering Map in Figure 2.0-3.

The proposed project involves the redesign and remodeling of the existing residential structure, as shown in Figure 2.0-4. The Land Development Review staff of the Development Services Department of the City of San Diego, California required information in addition to a negative survey report previously prepared for the Roseman-Delgado Residence (Pierson 2005). The cycle review included a requirement for a full historical significance evaluation for this project (Project No. 52589) in conformance with the California Environmental Quality Act (CEQA) and the City's Historical Resources Guidelines (amended April 30, 2001). BFSA was retained as a consultant to the property owners to conduct the additional work and, if necessary, to evaluate impacts and prepare a mitigation plan with alternatives. Larry J. Pierson, senior historian at BFSA, directed the research program in collaboration with the architect for this project, Anthony A. Ciani of Design Associates, during research and interpretation of collected data.

A history of the property and its ownership was constructed, as were numerous details relating to construction episodes at the property. The project architect provided elevations and a plat based on this information to help illustrate the textual discussion. An annotated table of significant historic events was prepared from factual information about the house and its history. The finding of no historic significance is based on the information developed during this research effort. The property was recorded with SCIC and a copy of this evaluation report will be submitted to them.



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

INITIAL STUDY  
 Project No. 52589

SUBJECT: **ROSEMAN RESIDENCE:** COASTAL DEVELOPMENT PERMIT to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and construct a new 6,780 7,786 square-foot, three-story over basement single family residence with attached garage on an existing 8,998 square-foot lot. The proposed project is located at 7272 Dune Lane, between Sea Lane and Dunemere Drive, within the Coastal Zone and the La Jolla Community Planning Area. Applicant: Jon Roseman and Cynthia Delgado.

#### I. PURPOSE AND MAIN FEATURES:

The proposal is a Coastal Development Permit, Process 2 staff level decision, to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and construct a new 6,780 7,786 square-foot, three-story over basement single family residence with attached garage on an existing 8,998 square foot lot. The project was originally submitted as an addition to the existing single family residence. However, the scope of work was changed to demolish the existing house and construct a new house. The proposed basement would consist of a two-car lower garage with car elevator, mechanical equipment room, elevator equipment room, elevator, wine cellar, great room, gym, full bathroom, maid's quarters with full bath and bar sink, and guest room with full bath. The proposed first floor would consist of a two-car upper garage with trash room and board storage room, foyer, library, living room, dining room, kitchen, office, laundry room, two powder rooms, covered patio, and outdoor shower. The proposed second floor would consist of a master bedroom and bath, family room, bedroom with full bath, a bedroom and office with shared full bath, and a covered patio. The proposed third floor would consist of a stair landing leading to a roof deck. The elevation plans indicate the use of stucco on the exterior and clay mission tile on the pitched roof. Proposed grading would consist of 1,440 1,384 cubic yards of cut for a maximum cut depth of 13 feet and 59 cubic yards of fill for a maximum fill height of 1.5 feet

#### II. ENVIRONMENTAL SETTING:

The proposed development is located within the La Jolla Community Planning Area. The project site is located at 7272 Dune Lane, between Sea Lane and Dunemere Drive. Dune Lane is a public right-of-way and based on the existing dimensions and improvements, is considered a named alley. City owned property with a Private Easement granting access rights to all abutting property owners. The site is relatively level with an approximate elevation of 56 feet above mean sea level (MSL). The eastern flank of a sand dune is located in the southwestern corner of the property. The top of the sand dune (located on the southwesterly adjacent property) is at an elevation of approximately 64 feet above MSL and the base of the sand dune is at an elevation of approximately 48 feet above



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MSL. The property is zoned RS-1-7 and is situated in a neighborhood setting of residential uses. (See Figures 1 & 2)

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

The following environmental issue was considered during review and determined to be significant.

Paleontological Resources

The project area is underlain with Bay Point Formation, a geologic formation that has produced large and diverse assemblages of well-preserved marine invertebrate fossils, primarily mollusks. Remains of fossil marine vertebrates such as sharks, rays, and bony fishes have also been recovered. Therefore, the Bay Point Formation has been assigned a high paleontological resource sensitivity. In addition, several known sites are located within a mile of the project site. Based on the sensitivity of the formation and the proposed excavation quantities and depth of over ten feet, the project could result in significant impacts to paleontological resources. To reduce this impact below a level of significance, excavation within previously undisturbed formations shall be monitored by a qualified paleontologist or paleontological monitor. Any significant paleontological resources encountered shall be recovered and curated, as outlined in Section V. of the Mitigated Negative Declaration. These measures would ensure that any impacts to paleontological resources would be reduced to below a level of significance.

The following environmental issues were considered during review and determined not to be significant.

Historical Resources (Architecture)

The existing structure was constructed in 1925. Structures over 45 years of age have the potential to be significant historical resources. Therefore, a historical report titled, "Historical Significance Evaluation of the Roseman-Delgado Residence", dated November 30, 2005, was prepared by Brian F. Smith & Associates. The report is available for review in the offices of Land Development Review. The property has had several addresses over the years. The existing structure has been altered several times since construction, including new windows, the relocation of the kitchen three times, and changing the main entry. According to the report, these alterations have resulted in the loss of integrity for the original house. Moreover, no notable architect or builder was found to be associated with the house and no historical event or activity was identified in association with the house. Finally, no unique materials or unique use of common materials was identified for the structure. The report concludes that the existing structure is not historically significant. As the existing structure is not considered historically significant, no mitigation is required.

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Historical Resources (Archaeology)

The project site is located in an area of high cultural and historical resource sensitivity. Several known archaeological sites are located within a mile of the project site. An archaeological survey report titled "An Archaeological/Historical Survey of the Roseman Residence Project", dated February 15, 2005, was prepared by Brian F. Smith & Associates. The report is available for review in the offices of Land Development Review. An institutional records search was conducted. The results indicated that no evidence of cultural materials has ever been reported for the project area. A field reconnaissance of the site was performed. No evidence of cultural materials were found on the property. The report concludes that the proposed project would not have an adverse effect on archaeological resources and, therefore, no mitigation is required.

## 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 in this case because the mitigation measures described in Section IV 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.

PROJECT ANALYST: Clark

Attachments: Figure 1 - Vicinity Map  
Figure 2 - Site Plan  
Initial Study Checklist



Land Development  
Review Division  
(619) 446-5460

## Mitigated Negative Declaration

Project No. 52589

**SUBJECT: ROSEMAN RESIDENCE:** COASTAL DEVELOPMENT PERMIT to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and construct a new 6,780 square-foot, three-story over basement single family residence with attached garage on an existing 8,998 square-foot lot. The proposed project is located at 7272 Dune Lane, between Sea Lane and Dunemere Drive, within the Coastal Zone and the La Jolla Community Planning Area. Applicant: Jon Roseman and Cynthia Delgado.

- 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. Subsequent revisions in the project proposal create the specific mitigation identified in Section V. of this Mitigated Negative Declaration. 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:

As conditions of the COASTAL DEVELOPMENT PERMIT the following mitigation measures are required to reduce potentially adverse impacts to paleontological resources due to project implementation.

#### PALEONTOLOGICAL RESOURCES

##### 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 Paleontological Monitoring have been noted on the appropriate

Initial Study ChecklistDate: November, 2004Project No.: 52589Name of Project: Roseman Residence

## 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.

Yes    Maybe    No

## I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- |  |   |   |          |
|--|---|---|----------|
| A. The obstruction of any vista or scenic view from a public viewing area?<br><u>No obstruction of public views would occur</u>  | — | — | <u>X</u> |
| B. The creation of a negative aesthetic site or project?<br><u>No such impacts are anticipated.</u><br><u>Proposed project is a new single family residence in a residential neighborhood</u>  | — | — | <u>X</u> |
| C. Project bulk, scale, materials, or style which would be incompatible with surrounding development?<br><u>Proposed project is consistent with the Land Development Code regarding allowed height and floor area ratio and would, therefore, be substantially compatible with surrounding development</u> | — | — | <u>X</u> |
| D. Substantial alteration to the existing character of the area?<br><u>Proposed single family residence would be substantially consistent with the existing residential character of the area</u>  | — | — | <u>X</u> |
| E. The loss of any distinctive or landmark tree(s), or a stand of mature trees?<br><u>No such loss would occur</u>   | — | — | <u>X</u> |
| F. Substantial change in topography or ground surface relief features?<br><u>No such impact would occur</u>  | — | — | <u>X</u> |

	Yes	Maybe	No
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>No such loss would occur</u>	—	—	<u>X</u>
H. Substantial light or glare? <u>Proposed project would not result in substantial light or glare</u>	—	—	<u>X</u>
I. Substantial shading of other properties? <u>Proposed project would not shade other properties</u>	—	—	<u>X</u>
II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:			
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>No such resources on site</u>	—	—	<u>X</u>
B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land? <u>No such resources on site</u>	—	—	<u>X</u>
III. AIR QUALITY – Would the proposal:			
A. Conflict with or obstruct implementation of the applicable air quality plan? <u>No such conflict or obstruction would occur</u>	—	—	<u>X</u>
B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <u>No such violation would occur</u>	—	—	<u>X</u>
C. Expose sensitive receptors to substantial pollutant concentrations? <u>No such exposure would occur</u>	—	—	<u>X</u>
D. Create objectionable odors affecting a substantial number of people? <u>Proposed project would not create objectionable odors</u>	—	—	<u>X</u>
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>Proposed project would not exceed 100 pounds of particulate matter per day</u>			
F. Alter air movement in the area of the project? <u>No such alteration would occur</u>	—	—	<u>X</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>No such alteration would occur</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 reduction would occur</u>	—	—	<u>X</u>
B. A substantial change in the diversity of any species of animals or plants? <u>No such change would occur</u>	—	—	<u>X</u>
C. Introduction of invasive species of plants into the area? <u>No such introduction would occur;</u> <u>landscaping would be in conformance with the City of San Diego's Landscape Manual</u>	—	—	<u>X</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>No such interference would occur</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>No such impact would occur</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>No such impact would occur</u>	—	—	<u>X</u>
G. Conflict with the provisions of the City's			

	Yes	Maybe	No
Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>No such conflict would occur</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>Proposed project would not result in the use of excessive amounts of fuel or energy</u>	—	—	<u>X</u>
B. Result in the use of excessive amounts of power? <u>Proposed project would not result in the use of excessive amounts of power</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>No such exposure would occur. Project site is located within Geologic Hazard Zone 53 which has a low to moderate risk</u>	—	—	<u>X</u>
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? <u>No such increase would occur</u>	—	—	<u>X</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>Refer to VI.A. above</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>See Initial Study Discussion</u>	—	<u>X</u>	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>See Initial Study Discussion</u>	—	<u>X</u>	—

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>See Initial Study Discussion</u>	—	<u>X</u>	—
D. Any impact to existing religious or sacred uses within the potential impact area? <u>See Initial Study Discussion</u>	—	<u>X</u>	—
E. The disturbance of any human remains, including those interred outside of formal cemeteries? <u>See Initial Study Discussion</u>	—	<u>X</u>	—
VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS : Would the proposal:			
A. Create any known health hazard (excluding mental health)? <u>No such health hazard would occur</u>	—	—	<u>X</u>
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>No such exposure would occur</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>No such risk would occur</u>	—	—	<u>X</u>
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>No such impairment would occur</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>Proposed project is not located on a site which is included on a list of hazardous materials sites</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			



	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
of hazardous materials into the environment? <u>No such hazard would occur</u>	—	—	<u>X</u>
IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:			
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>No such increase would occur</u>	—	—	<u>X</u>
B. An increase in impervious surfaces and associated increased runoff? <u>No such increase would occur</u>	—	—	<u>X</u>
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? <u>No such alteration would occur</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 such discharge would occur</u>	—	—	<u>X</u>
E. A potentially significant adverse impact on ground water quality? <u>No such impact would occur</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>No such impact would occur</u>	—	—	<u>X</u>
X. LAND USE – Would the proposal result in:			
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>No such inconsistency would occur</u>	—	—	<u>X</u>
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? <u>No such conflict would occur</u>	—	—	<u>X</u>

	Yes	Maybe	No
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>No such conflict would occur</u>	—	—	<u>X</u>
D. Physically divide an established community? <u>Proposed project would not physically divide an established community</u>	—	—	<u>X</u>
E. Land uses which are not compatible with aircraft accident potential as defined by an adopted airport Comprehensive Land Use Plan? <u>Proposed project is not located within any aircraft accident potential zone</u>	—	—	<u>X</u>
XI. NOISE – Would the proposal result in:			
A. A significant increase in the existing ambient noise levels? <u>Some minor noise during construction</u>	—	—	<u>X</u>
B. Exposure of people to noise levels which exceed the City's adopted noise ordinance? <u>No significant net increase to the existing noise level would occur</u>	—	—	<u>X</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>Consistent with community plan</u>	—	—	<u>X</u>
XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>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>No such inducement would occur</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>No such displacement would occur</u>	—	—	<u>X</u>
C. Alter the planned location, distribution, density or growth rate of the population of an area? <u>No such alteration would occur</u>	—	—	<u>X</u>
XIV. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:			
A. Fire protection? <u>Area services are presently adequate</u>	—	—	<u>X</u>
B. Police protection? <u>Refer to XIV. A.</u>	—	—	<u>X</u>
C. Schools? <u>Refer to XIV. A.</u>	—	—	<u>X</u>
D. Parks or other recreational facilities? <u>Refer to XIV. A.</u>	—	—	<u>X</u>
E. Maintenance of public facilities, including roads? <u>Refer to XIV. A.</u>	—	—	<u>X</u>
F. Other governmental services? <u>Refer to XIV. A.</u>	—	—	<u>X</u>
XV. RECREATIONAL RESOURCES – Would the proposal result in:			
A. 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? <u>No such increase in use would occur</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>Proposed project does not require recreational facilities</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>to be constructed</u>			
XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:			
A. Traffic generation in excess of specific/ community plan allocation? <u>Would not significantly exceed community plan allocation</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>Refer to XVI. A.</u>	—	—	<u>X</u>
C. An increased demand for off-site parking? <u>Adequate parking would be provided on site</u>	—	—	<u>X</u>
D. Effects on existing parking? <u>Adequate parking would be provided on site</u>	—	—	<u>X</u>
E. Substantial impact upon existing or planned transportation systems? <u>Refer to 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>Refer to XVI. A.</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>Refer to XVI. A.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>Refer to XVI. A.</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>Adequate utilities are presently available</u>	—	—	<u>X</u>
B. Communications systems? <u>Refer to XVII. A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Water? <u>Refer to XVII. A.</u>	—	—	<u>X</u>
D. Sewer? <u>Refer to XVII. A.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>Refer to XVII. A.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>Refer to XVII. A.</u>	—	—	<u>X</u>
XVIII. WATER CONSERVATION – Would the proposal result in:			
A. Use of excessive amounts of water? <u>No such impact would occur</u>	—	—	<u>X</u>
B. Landscaping which is predominantly non-drought resistant vegetation? <u>Landscaping would be in conformance with the City of San Diego's Landscape Manual</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>The project would not impact any biological or historical resources.</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>The proposed project would not result in an impact to long-term environmental goals</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</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>The proposed project would not result in cumulative impacts</u>	—	—	<u>X</u>
D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly? <u>Proposed project is the demolition of an existing single family residence and the construction of a new single family residence and would not result in any substantial adverse effects to human beings</u>	—	—	<u>X</u>



6-LJS-08-082

THE CITY OF SAN DIEGO

## COASTAL DEVELOPMENT PERMIT REVISED NOTICE OF FINAL ACTION

California Coastal Commission, San Diego Area Office  
7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402  
Phone (619) 767-2370

DATE: April 21, 2008

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

**PROJECT NAME - NUMBER:** Roseman Residence- PTS 52589

**PROJECT DESCRIPTION:** Demolition of an existing single-family residence and construction of a new single-family residence with associated improvements.

**LOCATION:** 7272 Dune Lane, La Jolla, CA (Orthophoto Attached)

**APPLICANT'S/OWNERS NAME** Anthony Ciani/Jon Roseman & Cynthia Delgado

**FINAL ACTION:** APPROVED WITH CONDITIONS

**ACTION/DATE:** Coastal Development Permit (CDP) & Mitigated Negative Declaration (MND) APPROVED by City Staff 7/16/07  
APPEAL DENIED at Planning Commission 12/6/07  
ENVIRONMENTAL APPEAL of MND DENIED at City Council 3/4/08

**CONDITIONS OF APPROVAL:** Previously provided

**FINDINGS:** Previously provided

X Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission only after a decision by the City Council (or Planning Commission for Process 2 and 3 Coastal Development Permits) and within ten (10) working days following Coastal Commission receipt of this Notice, as to the date the Commission's appeal period will conclude.

**CITY CONTACT:**

Jeffrey W. Robles  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101-4153  
Phone: (619) 446-5225, jwrobles@sandiego.gov

EXHIBIT NO. 2
APPLICATION NO.
<b>A-6-LJS-08-43</b>
City NOFA
California Coastal Commission

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

**WHEN RECORDED MAIL TO**  
**PERMIT INTAKE**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3506

**COASTAL DEVELOPMENT PERMIT NO. 159127**  
**ROSEMAN RESIDENCE - PROJECT NUMBER: 52589**  
**PLANNING COMMISSION**

This Coastal Development Permit No. 159127 is granted by the Planning Commission of the City of San Diego to JON ROSEMAN and CYNTHIA DELAGADO, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] Section 126.0107. The 0.21 acre site is located at 7272 Dune Lane in the RS-1-7 zone and Coastal Zone of the La Jolla Community Plan area. The project site is legally described as a Portion of Playa De Las Arenas, First Addition to South La Jolla, in the City of San Diego, State of California, Map No. 891.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees, to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construct a new three-story single-family residence, basement, garage, patios and landscaping as identified by size, dimension, quantity, type, and location on the approved exhibits, dated July 16, 2007, on file in the Development Services Department.

The project or facility shall include:

- a. A new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage on an existing 8,998 square-foot lot;
- b. Landscaping (planting, irrigation and landscape related improvements
- c. Off-street parking facilities;
- d. Accessory improvements determined by the Planning Commission 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

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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. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months 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 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 Planning Commission.
4. This Permit is a covenant running with the subject property and shall be binding upon the 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 utilization and 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 Owners/Permittees shall secure all necessary building permits. The applicant 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. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the Development Services Department for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department.

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 is 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 Owners/Permittees 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 Owners/Permittees 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.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. 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.

12. As conditions of Coastal Development Permit No. 159127, the mitigation measures specified in the MMRP, and outlined in the MITIGATED NEGATIVE DECLARATION, LDR NO. 52589 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

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13. The Owners/Permittees shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the MITIGATED NEGATIVE DECLARATION, LDR NO.52589 satisfactory to the Development Services Department and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

**ENGINEERING REQUIREMENTS:**

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

15. Prior to the issuance of any construction permit the applicant 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. This project proposes to export 1,384 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

17. The drainage system proposed for this development is private and subject to approval by the City Engineer.

18. Prior to foundation inspection, the applicant 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 plans.

**PLANNING/DESIGN REQUIREMENTS:**

19. No fewer than four off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. 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.

20. 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.

21. 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.

22. 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 Permittee.

23. 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.

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

**INFORMATION ONLY:**

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 Planning Commission of the City of San Diego on December 6, 2007,  
Resolution No. 4343-PC

**ORIGINAL**

Coastal Development Permit No.159127  
Project No. 52589/ROSEMAN RESIDENCE  
Date of Approval: July 16, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
JEFFREY W. ROBLES  
Development Project Manager

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

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

**Jon Roseman**  
Owner/Permittee

By \_\_\_\_\_  
JON ROSEMAN

**Cynthia Delgado**  
Owner/Permittee

By \_\_\_\_\_  
CYNTHIA DELGADO

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

**ORIGINAL**

PLANNING COMMISSION DECISION  
RESOLUTION NO. 4343 PC  
COASTAL DEVELOPMENT PERMIT NO. 159127  
**ROSEMAN RESIDENCE – PTS NO. 52589**

WHEREAS, JON ROSEMAN and CYNTHIA DELAGADO, Owners/Permittees, filed an application with the City of San Diego to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construct a new three-story single-family residence, basement, garage, patios and landscaping as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 159127 on portions of a 0.21 acre site;

WHEREAS, the project site is located at 7272 Dune Lane in the RS-1-7 zone, the Coastal Overlay (non-appealable) and the Coastal Height Limitation Overlay Zones of the La Jolla Community Plan area, and;

WHEREAS, the project site is legally described as "All that portion of Playa De Las Arenas, First Addition to South La Jolla, Map No. 891.

WHEREAS, on July 16, 2007, the Development Services Staff of the City of San Diego approved Coastal Development Permit No. 159127 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 30, 2007 an appeal of approved Coastal Development Permit No. 159127 was filed by R.J. Engle;

WHEREAS, on December 6, 2007, the Planning Commission of the City of San Diego considered an appeal of Coastal Development Permit No. 159127 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 6, 2007, the Planning Commission of the City of San Diego Affirmed Development Services Staff Decision NOW, THEREFORE;

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

That the Planning Commission adopts the following written Findings, dated July 16, 2007

**FINDINGS:**

**Coastal Development Permit - 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 access way identified in a Local Coastal Program land use plan; and the proposed coastal

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**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 proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage, patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane. The subject property is located over 300 feet from the Pacific Ocean and is not located within or near any designated public view corridors. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas. Additionally, the site is not located along any existing or proposed public accessways identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan.

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

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage, patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane. The project site is located within an urbanized area of the La Jolla community, and does not contain environmentally sensitive lands. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental impacts to paleontological resources. A Mitigated Negative Declaration (MND) has been prepared and incorporated into the Coastal Development Permit to mitigate such impacts. Therefore the proposed construction would not adversely affect these resources.

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

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage, patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane. The project conforms to the La Jolla Local Coastal Program Land Use Plan. The project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the RS-1-7 zone, the Coastal Overlay (non-appealable) and Coastal Height Limitation Overlay zones.

**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**

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**with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage , patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane.

The project site is not located between the nearest public road and the sea and is therefore not required to conform to the above finding.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development No. 159127 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 159127, a copy of which is attached hereto and made a part hereof.

  
Jeffrey W. Robles  
Development Project Manager  
Development Services

Adopted on: December 6, 2007

Job Order No.42-3506

cc: Legislative Recorder, Planning Department

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DEVELOPMENT SERVICES STAFF DECISION  
RESOLUTION NO. CM 5803  
COASTAL DEVELOPMENT PERMIT NO. 159127  
**ROSEMAN RESIDENCE – PTS NO. 52589**

WHEREAS, JON ROSEMAN and CYNTHIA DELAGADO, Owners/Permittees, filed an application with the City of San Diego to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construct a new three-story single-family residence, basement, garage, patios and landscaping as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 159127 on portions of a 0.21 acre site;

WHEREAS, the project site is located at 7272 Dune Lane in the RS-1-7 zone, the Coastal Overlay (non-appealable) and the Coastal Height Limitation Overlay Zones of the La Jolla Community Plan area, and;

WHEREAS, the project site is legally described as "All that portion of Playa De Las Arenas, First Addition to South La Jolla, Map No. 891.

WHEREAS, on July 16, 2007, the Development Services Staff of the City of San Diego considered Coastal Development Permit No. 159127 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE;

BE IT RESOLVED by the Development Services Staff of the City of San Diego as follows:

That the Development Services Staff adopts the following written Findings, dated July 16, 2007

**FINDINGS:**

**Coastal Development Permit - 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 access way 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 proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage, patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane. The subject property is located over 300 feet from the Pacific Ocean and is not located within or near any designated public view corridors. Accordingly, the proposed project will not impact any public views to or along the ocean or other scenic coastal areas. Additionally, the site is not located along any existing or

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proposed public accessways identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan.

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

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage, patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane. The project site is located within an urbanized area of the La Jolla community, and does not contain environmentally sensitive lands. The City of San Diego conducted an Initial Study which determined that the proposed project could have significant environmental impacts to paleontological resources. A Mitigated Negative Declaration (MND) has been prepared and incorporated into the Coastal Development Permit to mitigate such impacts. Therefore the proposed construction would not adversely affect these resources.

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

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage, patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane conforms to the La Jolla Local Coastal Program Land Use Plan. The project is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the RS-1-7 zone, the Coastal Overlay (non-appealable) and Coastal Height Limitation Overlay zones.

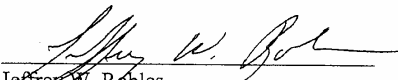
**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter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

The proposed project consists of demolition of an existing 2,415 square-foot, two-story single family residence with attached garage and a 70 square-foot shed and construction of a new three story residence of approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage, patios and landscaping on an 8,998 square-foot lot located at 7272 Dune Lane.

The project site is not located between the nearest public road and the sea and is therefore not required to conform to the above finding.

**ORIGINAL**

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Development Services Staff, Coastal Development No. 159127 is hereby GRANTED by the Development Services Staff to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 159127, a copy of which is attached hereto and made a part hereof.

  
Jeffrey W. Robles  
Development Project Manager  
Development Services

Adopted on: July 18, 2007

Job Order No.42-3506

cc: Legislative Recorder, Planning Department

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