

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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 SAN DIEGO, CA 92108-1725  
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## RECORD PACKET COPY



# Wed 10a

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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: A-6-PEN-99-143

Applicant: Craig T. Irving

Agent: Lynne Heidel

Description: Demolition of a one-story, 1,765 sq.ft. single-family home and detached garage and construction of a new one-story, 8,010 sq.ft. single family residence, a detached garage with guest quarters above totaling 800 sq.ft., installation of a 5-6 ft. high perimeter fence around the project site, widening of an existing paved access drive on the east from approximately 10 feet to 12 feet with four-foot wide shoulders and construction of an approximately 160-foot long, 12-foot wide access driveway for a neighboring lot to the north on a 1.3 acre hillside site consisting of two lots.

Site: 3900 Lomaland Drive, Point Loma, San Diego, San Diego County. APNs 532-034-04 and 532-510-05

Substantive File Documents: Appeal Forms; Certified Peninsula Community Plan; City of San Diego Implementing Ordinances; City of San Diego Report to the Planning Commission dated 9/9/99; Mitigated Negative Declaration LDR No. 98-1074/ SCH No. 99041049 dated 7/8/99; Letter from Applicant's Representative dated 5/18/00.

STAFF NOTES:

The Commission found Substantial Issue at the January 12, 2000 meeting. This report is for the de novo permit.

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with several special conditions. The project raises concerns over potential impacts to biological and visual resources. The subject development involves demolition of an existing one-story, 1,765 sq.ft. single family residence and construction of a one-story, 8,010 sq.ft. single family residence which is situated adjacent to a steep natively vegetated canyon to the north within the City's Hillside Review Overlay zone. As proposed, the residence will require an

encroachment of 6% into these steep natural slopes for brush management purposes for fire safety. The Commission's staff biologist has determined that the vegetation in the canyon is high quality coastal sage chaparral and, as such, Special Condition #1 requires submittal of revised plans for the residence such that it is sited on the subject property in a manner that eliminates any encroachment into the steep natively vegetated hillsides or removal of native vegetation for brush management (Zone 1) purposes. Special Condition #2 requires submittal of a final brush management plan approved by the City of San Diego which requires that no Zone 1 brush management and/or clear cut of native vegetation shall be permitted in the open space deed restricted areas of the site. It further requires that a min. 30 ft. setback be provided both for the primary residence as well as accessory structures. Special Condition #3 requires the recordation of an open space deed restriction over the Hillside Review Overlay areas of the subject site to the north and south of the proposed building pad. Special Condition #4 addresses drainage controls and requires submittal of a plan that documents that drainage will be directed away from the adjacent natively vegetated canyon and into an existing storm drain. Portions of the site may be visible from a proposed scenic overlook as part of the draft Sunset Cliffs Natural Park Master Plan to the south and east of the site. Protection of visual resources is addressed through landscaping requirements in Special Condition #5 and exterior treatment of the proposed structures through Special Condition #6.

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**I. PRELIMINARY STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

- MOTION:** *I move that the Commission approve Coastal Development Permit No. A-6-PEN-99-143 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there

are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Revised Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed development including a demolition plan, floor plan, site plan, foundation plan and elevation plan that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans submitted with this application by Studio E Architects dated 9/14/99, except that they shall be revised to reflect the following:

- a. The project shall be re-designed in a manner such that no clear cut of natively vegetated steep slopes is required for brush management for any of the proposed structures (principal or accessory). Alternatives for re-design include a reduction in size of the home or siting the residence in a different location.
- b. All structures shall be setback a minimum of thirty feet (30 ft.) from the area that is required to be maintained in open space pursuant to Special Condition #3. This requirement shall apply to both the primary residence and all accessory structures, including the proposed cantilevered deck.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Final Brush Management Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final detailed brush management plans for the site approved by the City of San Diego. Said plans shall include the following:

- a. Zone 1 and Zone 3 brush management and/or clear cut vegetation removal is prohibited in the area that is required to be maintained in open space pursuant to Special Condition #3.

- b. Zone 2 brush management may occur in the area that is required to be maintained in open space provided such management is required by the Fire Department.
- c. All requirements for fire-resistive construction and other architectural features shall conform to the City and Regional Building Code Standards as required by the City of San Diego Fire Department.
- d. The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shall reflect the requirements of Special Condition #2 of CDP #A-6-PEN-99-143. The recorded document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Open Space Deed Restriction. No development, as defined in Section 30106 of the Coastal Act shall occur in the area generally described as the steep naturally vegetated hillsides in the HR Overlay zone to the north and south of the proposed residence and as shown on the attached Exhibit "3" except for Zone 2 brush management for fire safety (as required by the City of San Diego Fire Department) and approved by Special Condition #2 in CDP #A-6-PEN-99-143.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

4. Drainage/Runoff Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a drainage and runoff control plan. The final plans shall document that the runoff from all impervious surfaces shall be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation. Any excess runoff above the percolation rate shall be conveyed off-site in a non-erosive manner into the street drainage system.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Landscaping Plan/Deed Restriction. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a revised landscape plan approved by the City of San Diego. The plan shall be in substantial conformance with the plan by Studio E Architects dated 9/14/99 submitted with this application but shall be revised to reflect the following:

- a. The type, size, extent and location of all plant materials, the proposed irrigation system and other landscape measures shall be identified. In addition, landscape materials shall consist of drought tolerant, non-invasive, native or naturalizing plant species.
- b. A least seven (7) specimen size trees (minimum 24-inch box) shall be planted along the southeast-facing portion of the proposed residence. Special emphasis shall be placed on screening of the structures from views from a prospective vista point in the Sunset Cliffs Natural Park to the south.
- c. A planting schedule indicating that the seven (7) trees shall be planted within 60 days of completion of residential construction.
- d. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.

The permittee shall undertake development in accordance with the approved final landscaping plan. Any proposed changes to the required screening trees on approved final plans shall be reported to the Executive Director. No changes to the required screening trees on the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that landscaping shall be implemented in accordance with plans approved pursuant to Special Condition #2 of CDP #A-6-PEN-99-43. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Exterior Treatment/Deed Restriction. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residence. The color of the primary residence and guest house and roofs permitted herein shall be restricted to earthen tones compatible with the surrounding environment (i.e., shades of green, brown and grey, with no white or light shades, no red tile roof and no bright tones except as minor accents. All windows shall be comprised of non-glare glass).

The permittee shall undertake development in accordance with the approved color board. Any proposed changes to the approved exterior treatment shall be reported to the Executive Director. No changes to the exterior treatment shall occur without an approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that the exterior treatment of the residential structures and roofs permitted herein shall be restricted to earthen tones compatible with the surrounding environment (white tones shall not be acceptable) in accordance with Special Condition #6 of CDP #A-6-PEN-99-143. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Other Special Conditions of the CDP/HR/CUP No. 98-1074. The following special conditions of the City's CDP/HR/CUP Permit #98-1074 are modified herein and are a part of the subject coastal development permit: Special Condition #11 and 29. All other special conditions of the City of San Diego's Permit #98-1074 remain subject to the City's jurisdiction.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of an existing one-story, 1,675 sq.ft. single-family residence and a detached garage and the construction of a new one-story, 8,010 sq.ft. single-family residence and a detached garage with an 800 sq.ft. guest house above. The subject site is comprised of two parcels totaling 1.3 acres in size. The easternmost lot (Parcel A) is 1.07 acres and the westernmost lot (Parcel B), which fronts on Stafford Place, is 0.23 acres. The subject site (Parcel A) is accessed by an existing paved approximately 10-foot wide road off of Lomaland Drive to the east which is also the main entrance to the Point Loma Nazarene University located to the east and southeast of the subject site. This driveway is a legal access easement. As approved by the City, this access road will be widened from approximately 10 feet to 12 feet with four-foot wide shoulders. The western portion of the site lies adjacent to the cul-de-sac of Stafford Place. Presently, there is an existing 12-foot paved access road off the cul-de-sac of Stafford Place that traverses another vacant and undeveloped parcel (Lot 5) and then goes in a northerly direction across Parcel B of the subject site to provide access to a neighboring parcel (Lot 3) to the north (reference Exhibit No. 2). According to the applicant's representative, the applicant intends to purchase Lot 5 which is currently in escrow.

As part of the subject proposal, the applicant proposes to vacate the access driveway off of Stafford Place that traverses Lots 5 and Parcel B and construct a new approximately 160-foot long, 12-foot wide paved access driveway perpendicular to Stafford Place at the far northwest corner of Parcel B of the subject site (reference Exhibit No. 2). According to the City, the applicant does not want the neighboring property to gain access across the subject site in the manner that presently exists. The existing driveway is proposed to be removed and then replanted to provide a large lawn area that will be approximately 5,000 sq.ft. in size. Due to the steep terrain of this portion of the site, the construction of this latter access road will also involve the construction of six retaining walls to support the driveway which range in height from 7' 10" to 15' 10" inches. An existing historic structure, a World War II Base End Station (bunker), exists on Parcel B just south of the new proposed access road. The City required that this structure be preserved through recordation of a conservation easement.

The subject site is located within the Point Loma (Peninsula) community of the City of San Diego and just inland and to the east of the cul-de-sac of Stafford Place. The subject property is located immediately adjacent to Sunset Cliffs Natural Park which is a 50-acre park that is largely situated to the west of Point Loma Nazarene University. The park extends to the west where there are steep sandstone bluffs that descend in elevation to the beach below. A smaller "pocket" canyon of the park exists to the north of the subject site. As noted earlier, parkland exists to the north, south and east sides of the subject property (reference Page 5 of Exhibit No. 4). The majority of the park affords panoramic views of the ocean looking west, and consists of both flat and steep natively vegetated

hillsides. There are also numerous hiking trails throughout the park. The area where the subject residence is located is relatively flat. However, the site slopes upwards to the south and downwards to the north. The area north of the site is referred to as the "northern canyon" (refer to Exhibit No. 4). These steep slopes are predominantly natively vegetated. Parcel B slopes downwards to the west. This latter area contains both native and non-native vegetation.

The standard of review for the proposed development is the City's certified Peninsula Community Plan and other applicable sections of the former implementation plan (municipal code) that was in effect at the time that the proposed development was reviewed and approved by the City. The City of San Diego recently received effective certification of an LCP amendment that replaces its former municipal code with its new Land Development Code Update. The LCP amendment became effective on January 1, 2000. However, the amendment was submitted with a provision that the prior municipal code would continue to be applied to projects for which complete permit applications were submitted prior to the effective date of the LCP amendment. The subject proposal was submitted and acted on by the City prior to the effective date of the LCP amendment. The Commission finds that in this case, the appropriated standard of review is the LCP that was in effect prior to the effective date of the LCP amendment (i.e., the former municipal code).

2. Environmentally Sensitive Areas/Steep Slopes/Brush Management. The proposed residence will be situated on an existing level building pad; however, natively vegetated steep slopes exist to the north and south of the building pad in two canyon slopes on the subject site. These areas are within the City's Hillside Review (HR) Overlay Zone. According to a slope analysis submitted by the applicant, 28% of the site contains slopes of 25% grade or greater and 27% of the site contains native coastal sage chaparral on steep slopes within the Hillside Review area of the site. As approved by the City, the proposed residence will precipitate the need to clear cut vegetation for brush management (to reduce fire hazard) purposes on slopes of 25% or greater that contain coastal sage chaparral (i.e., slopes within the Hillside Review Overlay Zone). The Fire Department requires a thirty foot Zone 1 brush management area around all structures in this area. The amount of clear cutting that will be needed for brush management is 6% (0.03 acres) of the total area of the site containing steep naturally vegetated slopes within the Hillside Review Overlay Zone. Clear cutting for brush management is referred to as "Zone 1" brush management. Zone 2 brush management is also required for the subject site by the Fire Department. Zone 2 will extend for a distance of 20 feet beyond Zone 1 and will consist of selective thinning and pruning of vegetation as opposed to clear cutting that occurs in Zone 1.

The City did not require an analysis of alternative locations of the residence and new access road to avoid and/or minimize encroachment into steep naturally-vegetated areas and removal of native vegetation. In particular, alternatives such as a reduction in the building footprint of the home to reduce the encroachment into steep hillsides for brush management were not addressed. The certified LCP requires that the home and access road be sited in a manner that has the least damage to the environment.

Specifically, the certified LCP provides the following policies:

Conserve existing open space including canyons, hillsides, wetlands and shorelines. (p. 15, Peninsula Community Plan)

Encourage sensitive placement of structures in steeply sloped residential areas to minimize removal of natural vegetation, grading and landform alteration. (p. 23, Peninsula Community Plan)

All projects should minimize grading and maintain the natural topography to [the] greatest extent feasible. Significant canyons and hillsides should not be developed. (p. 102, Peninsula Community Plan)

Also, the certified HR ordinance states the following:

5. In reviewing an application for a Hillside Review Permit, the Planning Director and/or the Planning Commission shall make the following findings of fact in the review process:
  - a. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas.
  - [ ... ]
  - c. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighboring characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. ...

Specifically, the Special Regulations under Section 4.A of the Hillside Review Overlay zone regulations states the following:

- a. Where a development, including any land decision, is proposed on slopes of twenty-five percent (25%) grade and over which possess environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development, as identified on map Drawing No. C-720....the following regulations shall apply:
  - 1) Slopes of twenty-five percent (25%) grade and over shall be preserved in their natural state, provided a minimal encroachment into such slopes (areas disturbed by grading or development) may be permitted as set forth in the following table:

Table 1  
Percentage of Parcel in Slopes  
of 25% Grade and Over

25% SLOPE  
ENCROACHMENT ALLOWANCE  
Maximum Encroachment Allowance  
as Percentage of Area in Slopes of  
25% Grade and Over

75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

For the purposes of this ordinance encroachment shall be defined as any area of twenty-five percent (25%) or greater slopes in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation, other than allowed below.

[...]

d) All vegetated areas located between thirty (30) and one hundred (100) feet of existing or proposed structures, which are selectively pruned, thinned or trimmed by hand to comply with existing City fire codes provided that such slopes retain their native root stock, and that no alteration or reconfiguration of the natural landform is required. Selective clearing under this exemption shall not allow the wholesale clearing or cutting of existing vegetation down to a uniform height....

While the HR ordinance does provide for encroachments into steep sensitive slopes, such encroachment is only permitted when no other feasible alternative exists to provide reasonable use of the site and avoid the encroachment. The maximum percentage of allowable encroachment is not an automatically allowed encroachment. Rather, it is intended in unique cases when there is no other alternative means to accommodate the development. Also, several findings of fact must be made by the City when issuing an HR permit. One of those findings is that proposed development "will result in *minimum* disturbance of sensitive areas." [Emphasis added] The above LCP provisions specifically require that adverse impacts to sensitive habitat areas, native vegetation, scenic qualities, and natural landforms be minimized. New residential structures that are located in close proximity to natively vegetated steep slopes can be inconsistent with these provisions because they can result in the need to remove coastal sage chaparral and other sensitive vegetation around the residence for brush management purposes.

In this particular case, the brush management program that will be required in order to protect the proposed residence involves the removal of native vegetation on steep natural slopes for brush management (total encroachment of 6% for brush management). This encroachment is inconsistent with the above LCP provisions because there are

alternatives that will avoid the need for any encroachment into steep naturally vegetated slopes. The City did not review alternatives that could avoid the need for this encroachment, such as a reduction in the size of the home or alternative siting of the home. The Commission staff biologist visited the subject site and concurred that the canyon known as the "Northern Canyon" north of the subject site contained the most critical and sensitive vegetation on the site. This canyon is the area where Zone 1 brush management requirements will result in the removal of approximately .03 acres of native vegetation on steep slopes. In this particular case, the City has approved an 8,010 sq.ft. house and other improvements that will require encroachment into steep slope areas for brush management without considering what appear to be feasible alternatives that could avoid such encroachment altogether as required per the certified LCP.

The applicant has indicated that the only area of Parcel A that can be developed without encroachment into steep natively vegetated hillsides is an approximate 2,500 sq.ft. pad area which represents 4% of the parcel (ref. Tab 6 of Exhibit No. 5). The exhibit referenced also shows the setbacks required for brush management purposes. The applicant states that any other alternative would require encroachment into the steep slopes of the site. However, this exhibit is somewhat misleading. What the exhibit shows is a "brush management setback" from native vegetation on the site. However, only the native vegetation in the most northern and southern portions of the site within the mapped HR areas is located on steep slopes, and is thus protected under the certified LCP (the native vegetation on non-steep slopes is not required to be preserved under the LCP standards). In addition, the project, as approved by the City, already proposes removal of the native vegetation on the non-steep areas to accommodate the proposed guest house and landscape improvements (lawn). Thus, the proposed residence could be resited on the site and still avoid the need for any encroachment into steep natural hillsides for any structures or necessary brush management.

In addition, the option of reducing the size of the home has not been addressed by the applicant nor alternative compliance with the fire department (such as incorporating fire resistant construction materials into the proposed residence) such that any proposed encroachment into native vegetation could be eliminated or reduced. Thus, given that there are alternatives for siting the home that would avoid encroachment onto natively vegetated steep slopes, the home, as proposed, is inconsistent with the LCP. Therefore, the Commission is requiring through Special Condition #1, submittal of revised site, building, floor and elevation plans for the residence such that the home is reduced in size or sited on the subject property in a manner to avoid encroachment into the adjacent steep hillsides for Zone 1 brush management purposes. This condition further requires that a min. 30 ft. setback be provided for the principal residence and the proposed accessory structure from the steep natural areas on the site.

Special Condition #2 also requires submittal of a final brush management plan approved by the City of San Diego which requires that no Zone 1 or Zone 3 brush management and/or clear cut of native vegetation shall be permitted in the open space deed restricted areas of the site. Zone 1 is typically a distance of 30 ft. around structures that must be cleared (clear cut) of vegetation required by the fire department in order to reduce fire

hazards. As noted earlier, Zone 2 brush management is also required for the proposed development. However Zone 2 brush management requires only the selective thinning and/or pruning of vegetation within 20 feet beyond the perimeter of Zone 1 as opposed to clear-cutting of vegetation and is permitted within HR designated slopes.

Special Condition #3 requires the applicant to record a deed restriction to limit any further improvements, grading, or development beyond the edge of the graded building pad or into the HR Overlay Zone, except for Zone 2 brush management for fire safety as approved by this permit. The special conditions assure that brush management consisting of clear cutting of natively vegetated steep slopes shall not be permitted. As cited above, clear cutting of vegetation in this case involves encroachment into the Hillside Review Overlay zone and natively vegetated steep slopes of the site. The HR Overlay Zone regulations permit Zone 2 brush management because it does not involve the wholesale clear-cutting of native vegetation and the native root stock of such vegetation is left in place. However, as proposed, Zone 1 brush management will involve the clearcutting of natively vegetated steep slopes on the site, inconsistent with the certified LCP. Special Condition #1 addressed above requires revised plans that will result in the re-siting of the residence on the subject site in a different location or reducing the size of the home such that encroachment on the steep slopes with native vegetation does not occur.

As shown on the project plans, there is a deck proposed which extends out onto steep slopes north of the proposed residence within the mapped Hillside Review (HR) Overlay zone. This deck appears inconsistent with the HR Overlay ordinance. However, the applicant has indicated that the deck will be cantilivered and does not involve any encroachment onto steep slopes for either its construction or its footings. However, it is not clear if brush management may be required for the deck that would extend into steep natively vegetated slopes. Because no encroachment for Zone 1 brush management is permitted within the steep slopes, if brush management is required, the deck will have to be entirely removed or relocated such that it does not result in the need to clear native vegetation for brush management purposes. Thus, Special Condition #1 requires that all structures shall be setback a minimum of thirty feet (30 ft.) from the area that is required to be maintained in open space pursuant to Special Condition #3 inclusive of both the primary residence and all accessory structures.

On a related point, the project opponents have also asserted that the proposed grading and removal of the existing access road and its replacement with a large (5,000 sq.ft.) lawn area would be inconsistent with the certified LCP because it would result in clear cutting of native vegetation. However, this area is flat and contains no steep slopes. Therefore, the certified municipal code serving as the standard of review in this case does not prohibit removal of native vegetation if it is not located on steep slopes and thus, there is no LCP provision which restricts that clearance. In summary, with the above-cited special conditions which require the residence to be designed in a manner that will eliminate any proposed clearcutting of natively vegetated steep slopes for brush management purposes, the biological resources of the canyons to the north and south of the site will be adequately protected, consistent with the certified LCP.

3. Other Potential Impacts to Environmentally Sensitive Resources. There were several issues that were raised as concerns with regard to potential impacts to other environmentally sensitive resources on the site. These are discussed below:

a) Alternatives for Access Roads. There is also a concern that the proposed driveway across Parcel B from Stafford Place for access to Lot 3 for the adjacent property owner to the north will result in the removal of mature habitat. It is also a concern that this will result in a significant landform alteration inconsistent with policies of the certified LCP. Another concern is that the existing driveway off of Lomaland Drive through the Point Loma Nazarene University to the subject residence will be widened and it may result in the fragmentation of parkland, thereby impacting its value and function.

The applicant has addressed alternatives to the proposed new road. In addition, the applicant considered mitigating the impacts of the new access road by redesigning it so that it would provide access to the applicant's proposed residence as well as to Lot 3 and then eliminating the current access from Lomaland Drive. These alternatives included: 1) maintain existing access from the existing access road off of Lomaland Drive, 2) revise the existing driveway off of Stafford Place such that it would serve Parcel A as well as Lot 3, and 3) extend the newly proposed driveway off Stafford Place for Lot 3 in an easterly direction to serve Parcel A, as well. Staff also asked for information on the degree of impacts of each alternative on sensitive resources (i.e., steep slopes, environmentally sensitive habitat/coastal sage chapparal plant communities) and any information related to the easement for the existing driveway off Stafford Place, including when it was created.

In response to these questions, the applicant's representative has indicated that the existing driveway off of Lomaland Drive which runs through the Point Loma Nazarene University campus and across a small portion of the park is the only legal access to Parcel A. The driveway has been in use for many years and the easement for the driveway was granted in 1957. With regard to the second alternative of using the existing access road off of Stafford Place, the existing driveway is an easement for ingress/egress by the property owner to the north of the subject site. In addition, the City also noted in their review and approval of the subject project that the reason this driveway cannot be extended northeast to provide access for the new residence is that the grading required to meet fire department standards would be extensive due to the steepness of the hillside. The applicant's representative has also indicated that this alternative will result in approximately 2,500 sq.ft. of grading and clearing within the HR overlay of Lot 5 to provide an adequate turnaround at the street for a fire truck without accounting for improvement of the driveway itself to City standards. Finally, the applicant has stated that there is currently no legal access to Parcel A across Parcel B. However, the applicant's statement is unclear because the applicant owns both Parcel A and B and presumably, could construct a driveway across Parcel B to access Parcel A.

The applicant further states that an extension of the driveway across Parcel B to the subject residence would require 200-300 cy. of grading and the addition of continuous retaining walls along both sides of the driveway. Again, this grading would occur within

the steep slope portions of the site which has also been acknowledged by the City in its review of the project. Even if this road were to be extended in such a fashion, the applicant has also noted that due to the slope of the driveway, it would not meet fire department standards. Thus, the existing legal driveway within the easement off of Lomaland would still be required to be maintained for emergency access to Parcel A and the upper slopes of the park according to the Fire Marshal. In addition, only the portion of the existing driveway off of Stafford Place that crosses Parcel B for access to Lot #3 is part of the subject permit. The removal of the portion of the driveway that crosses Lot #5 is not before the Commission as no development is being proposed on this lot at this time (reference Exhibit No. 2).

In summary, the purpose of addressing the two alternatives discussed above, was to consider the ability of consolidating the driveways in a manner that would serve both the subject site and the lot to the north of the site to minimize encroachment into naturally vegetated areas of the site. This alternative also included the potential to remove the existing driveway easement off of Lomaland Drive and restore it to its former condition by revegetating it with native plants similar to the surrounding native vegetation on the site. However, given that the existing driveway easement off of Lomaland Drive would need to be maintained in any case for access by the fire department, the ability to consolidate driveways for access purposes to the subject property and the lot to the north is not feasible. As such, the Commission concurs with the applicant's analysis regarding alternatives for the access roads to the subject site and that maintaining the existing driveway easement off of Lomaland is the most feasible alternative.

Therefore, the applicant has an existing legal easement for use of the existing driveway off of Lomaland Drive and is not required to remove it. Based on the earlier discussion, maintaining this legal access represents the least environmentally-damaging alternative. Furthermore, the applicant has indicated that no grading will be necessary to widen the driveway to meet the City's requirement for a 10-foot wide driveway. The existing driveway ranges in width from over 9 feet to over 24 feet and the majority of the driveway exceeds 12 feet in width. In addition, no sensitive vegetation will be disturbed with the improvement of the driveway.

It should be acknowledged when Commission staff visited the site in the early part of this year, it was apparent that brush clearance had occurred along both sides of the driveway and other areas of the site. Staff notified the applicant that any brush clearance would require a coastal development permit and that no work should occur to the site prior to the issuance of such a permit. To address this issue, the applicant's representative has included a letter from the University to the Fire Marshal verifying that the clearance was necessary for brush management purposes for fire safety. The Fire Marshal signed the letter agreeing to its content. The letter noted that the clearing was done in compliance with a Notice of Violation issued to the University (property owner) from the Fire Marshall on November 30, 1999, which required a fuel break of approximately 85 feet around the residence on the property and that 20 feet of unobstructed width be provided for the existing roadway. Thus, the removal of vegetation that occurred was to meet the requirements of the Fire Department. In addition, the City of San Diego has also verified

through a letter written to the applicant that clearing of vegetation along the driveway involved only the removal of non-native species while preserving native species. Therefore, the removal of this non-native vegetation for brush management purposes can be found consistent with LCP provisions addressing the protection of sensitive resources.

However, it should also be acknowledged that the City advised the applicant that in the future, if any brush management efforts are necessary in this area that they be discussed with the Sunset Cliffs community group before such work occurs and that a biologist be present to assure that the work is done in compliance with the Landscape Technical Manual and that no adverse impacts to native vegetation occurs. In summary, even though it appears that the brush clearance was performed in accordance with the requirements of the fire department, it does constitute "development" pursuant to the Coastal Act. As such, the applicant has been advised that no further work (i.e., brush removal of any kind) shall occur on the property until a coastal development permit is first obtained to authorize such development.

b) Wildlife Corridor/Fencing. The appellants asserted that the proposed development, including the installation of a fence around the perimeter of the site, will obstruct a wildlife corridor between the larger portion of the park to the south and the smaller canyon to the north (Northern Canyon). As can be seen in Exhibit No. 1, there is small area of Sunset Cliffs Natural Park north of the subject site (Northern Canyon) with the great majority of the natural park being located south of the subject site. However, the project site was visited by the Commission staff biologist who concurred that while the vegetation is good quality coastal sage scrub in the north canyon, the small area connecting the north canyon with the remainder of the park is "fragmented" by the presence of other development (residences and structures associated with the Point Loma Nazarene University) and fences. There is no evidence that there is a viable wildlife corridor connecting the "northern canyon" to the remainder of Sunset Cliffs Natural Park southwest of the site.

c) MHPA Mapping Error - As noted in the staff report for substantial issue during review of the proposed project, the City determined that Parcel A, the parcel that contains the existing single family residence that will be demolished, and where the new residence is proposed to be constructed, was erroneously included in the Multiple Habitat Planning Area (MHPA), in the area identified as Sunset Cliffs Natural Park. In addressing a letter from the U.S. Fish and Wildlife Service (FWS) commenting on the environmental document for the project (in which FWS disagreed with the City's determination of a "mapping error"), the City indicated that Parcel A is surrounded by Sunset Cliffs Natural Park on three sides (to the north, west and south) yet does not appear as a distinct parcel within the park on a subdivision map. The portion of the site mapped MHPA included the residence, driveway, detached garage and lawn area, but excluded the undeveloped area in the southern portion of the property and although Parcel A is not associated with a subdivision map, it is a legally separate parcel and contains an 89-year old residence. Thus, the City modified the boundary of the MHPA to reflect this error. The City considered its modification to the MHPA in this area a "correction" rather than an "adjustment" as it believed that this area was never intended to be included in the MHPA

and therefore, should not require an exchange of equivalent MHPA area. As such, the boundary of the MHPA was corrected such that the portion of the site that contains the existing residence was entirely removed from the MHPA. In any case, the MHPA is not part of the City's certified LCP nor it is addressed in the certified Peninsula Community Plan. Although the project opponents have raised the mapping error as a concern, it does not raise an issue with regard to consistency with the certified LCP.

#### 4. Visual Impacts/Coastal Scenic Area.

a) Public View Blockage. The proposed development initially raised concerns with regard to impacts on public views toward the ocean as well as public views within the Sunset Cliffs Natural Park. The subject site is located in the middle of City parkland (Sunset Cliffs Natural Park) in that it is surrounded by public parkland on three sides (to the north, east and south). Specifically, the construction of the proposed residence will result in the grading and removal of native vegetation. Also, the grading and construction of the new access road on steep slopes, with the construction of several retaining walls up to 15' in height, raise a potential concern with alteration of natural landforms.

The Peninsula Community Plan contains the following policies relative to protection of public views and scenic resources:

Structures should be designed to protect views of Peninsula's natural scenic amenities, especially the ocean shoreline, and San Diego Bay. (p. 108)

All projects should minimize grading and maintain the natural topography to [the] greatest extent feasible. Significant canyons and hillsides should not be developed. (p. 102)

However, Commission staff visited the subject site and drove around the area looking at the property from different vantage points. The site is not visible from most areas of Sunset Cliffs Natural Park. However, the site is visible from portions of the University to the east. In addition, there are three existing residences which are located southeast of the site that are "Life Estates" proposed to be demolished in the Sunset Cliffs Natural Park Master Plan. The opponents to the proposed development have stated that a scenic overlook is proposed to be constructed in this area which will look west toward the ocean (however, no such overlook is identified in the most current Park Master Plan). Due to the lower elevation of the parcel as compared to the elevation of the proposed scenic overlook site, it does not appear that any ocean views will be impacted by the new residence from the proposed location of the overlook. While some views are visible of the ocean from parts of the subject lot looking west, the proposed overlook would be at a higher elevation.

In any case, given that the subject site is located within the "viewshed" of the potential future scenic overlook, the Commission finds that any potential visual impacts can be mitigated through the planting of several tree elements along the southeastern portion of the residence and site between the proposed residence and the scenic overlook to help

buffer the development from public views. Given that the certified LCP calls for protection of views to the ocean, with the proposed mitigation, the project is consistent with the scenic/visual protection policies. As such, Special Condition #5 requires submittal of landscape plans which require the planting of seven box-size trees along the south and eastern-facing portions of the site to help buffer the proposed residence from public views from the proposed future scenic overlook to the southeast. In addition, to help assure the home is subordinate to the natural surrounding environment, Special Condition #6 requires that the home be constructed with earth tones (no whites or bright shades). Both of the special conditions which address landscaping and exterior color treatment are required to be recorded in a deed restriction for the subject site so that requirements run with the land should the parcel be sold in the future.

As noted in the previous findings, the applicant proposes to construct a large lawn area on a flat portion of the site. This potentially raises concerns with regard to visual impacts because it will result in the removal of native vegetation and replacement with ornamental landscaping. However, as previously stated, the City's former IP does not protect native vegetation that is located on flat land. However, the landscape provisions of Special Condition #5 require that proposed landscaping be of native, non-invasive and drought tolerant species. With this provision, the developed site will better "fit" with the surrounding natural areas and will not introduce plants that could "invade" and impact the adjacent sensitive areas.

It should also be acknowledged that the proposed grading and construction of retaining walls for the proposed access road off of Stafford Place for Parcel #3 will not be visible from any public vantage points nor major coastal access routes. As such, although it will result in landform alteration, it will not be visible to park users.

In summary, with the attached special conditions for landscaping and exterior treatment, visual impacts associated with the proposed development will be reduced to the maximum extent feasible. As such, the proposal can be found consistent with the certified LCP relative to protection of visual resources.

b) Community Character. The appellants assert that the size and scale of the proposed residence at 8,010 sq.ft., compared to the existing 1,765 sq.ft. residence which is proposed to be demolished, raises a potential concern with regard to compatibility with the character of the surrounding neighborhood.

The certified Peninsula Community Plan states the following:

"New development should be consistent with the scale and character of the existing development of the surrounding areas. The fitting in of new development is, in a broad sense, a matter of scale. It requires a careful assessment of each building site in terms of the size and texture of its surroundings, and a very conscious attempt to achieve balance and compatibility in design between old and new buildings." (p. 110)

The subject site, consisting of two parcels, is quite large and is surrounded by a natural canyon to the north, residential development to the west, the University to the east and other residences to the immediate south. The site is natural in character because of its proximity to the Northern Canyon of Sunset Cliffs Natural Park and there is also other native vegetation on the site, as well, including a variety of trees, etc. The existing residence is largely buffered from public views due to the presence of the existing surrounding vegetation. The proposed new residence will be compatible with the surrounding area and with the surrounding development in that there are other homes located within the area close to native vegetated hillsides, etc. In addition, while the proposed home is large, it is proposed on a lot of greater than one acre in size and there are other structures in the area of similar size and scale (directly east of the site is a very large building associated with the university).

5. Runoff/Water Quality. The project site is proposed to be developed with a large single-family residence and accessory structures including a guesthouse. The site is not immediately adjacent to any wetland or environmentally sensitive resources but a coastal canyon known as the "Northern Canyon" exists immediately north of the existing residence.

In order to reduce the potential for adverse impacts to water quality resulting from runoff from the proposed development, Special Condition #5 requires the installation of drought tolerant, native and non-invasive landscaping on the developing portion of the site, consisting of shrubs, trees and ground cover. In addition, Special Condition #4 requires that runoff from the impervious surface of the site be directed into the landscaped areas on the site for infiltration and excess runoff be conveyed off-site to an existing street drainage system. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established best management practice for treating runoff from small developments such as the subject proposal. As conditioned, the proposed landscaping will serve to reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with the policies addressing water quality of the certified LCP.

6. Land Use. Another issue raised by the appellants is with regard to the sale of the subject property from the Point Loma Nazarene University to the permit applicant (Mr. Irving). Specifically, the appellants contend that, consistent with the policies of the certified Peninsula Community Plan, the subject property should have first been offered for sale to the City of San Diego for possible acquisition by the City as an addition of parkland to Sunset Cliffs Natural Park prior to being offered for sale for private development. The certified Peninsula Community Plan contains an objective that states the following, "[e]valuate feasibility of developing park and recreation facilities on portions of school sites no longer being used for education purposes." (p. 48) Elsewhere in the community plan a similar policy statement is made, but it refers to "*public* school sites". Specifically, the policy states, "[f]easibility studies should be undertaken for any school sites to be disposed of by the San Diego Unified School District in the future to determine the desirability of developing all or a portion of such sites for park and recreation use" (p. 111). Thus, the two policies in the certified LUP appear to conflict in

that one clearly refers to "public schools", while the other does not. The City concluded that these policies do not apply to the subject site because they believed that these policies addressed public school sites and the university is a private institution. Neither policy requires that the property be made into parkland. In addition, the site was previously owned by the university and has contained a single family residence for over 80 years. The Commission concurs with the City's conclusion that the reference is intended for public schools rather than private schools (as is the Point Loma Nazarene University) and as such, this does not raise an inconsistency with the certified LCP.

A second related issue brought up on appeal was with regard to the legality of the subject lot (Parcel A). Specifically, the subject site is located just inland of the cul-de-sac of Stafford Place. Initially, there appeared to be inconsistencies with regard to the creation of the subject site as a legal parcel as the site is located in the middle of City parkland (Sunset Cliffs Natural Park) that was previously owned by the adjacent Point Loma Nazarene University. Specifically, Section 101.0101.34 of the City's Municipal Code defines a lot as a parcel of land which meets several requirements. Subsection C cites one of the requirements as, "[h]eld as a separate parcel prior to March 4, 1972, and having a minimum of 15 feet of frontage on a dedicated street or other legal access to a dedicated street as approved by the City Engineer. The applicant has since submitted a Certificate of Compliance for the lot which documents compliance with the above cited municipal code provisions and thus, documents that Parcel A is a legal lot.

7. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made for the proposed development, as conditioned.

The subject site is zoned R1-5000 and designated for school use in the certified Peninsula Community Plan. The proposed residential development is "technically" inconsistent with the community plan designation. However, while the site is designated for school use, the existing single family residence is 86 years old and was formerly used as housing for officials associated with the previous private college east of the site which is now known as the Point Loma Nazarene University and the proposed development will continue a residential use on this site. Thus, the City should consider amending the community plan in the future to address this minor discrepancy. The preceding findings have demonstrated that the proposal, as conditioned, is consistent with all applicable policies and ordinances of the certified LCP. Therefore, the Commission finds that approval of the development, as conditioned, should not prejudice the ability of the City of San Diego to continue implementation of their fully certified LCP.

8. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act

(CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological and visual resources policies of the Coastal Act. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**STANDARD CONDITIONS:**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions



SITE

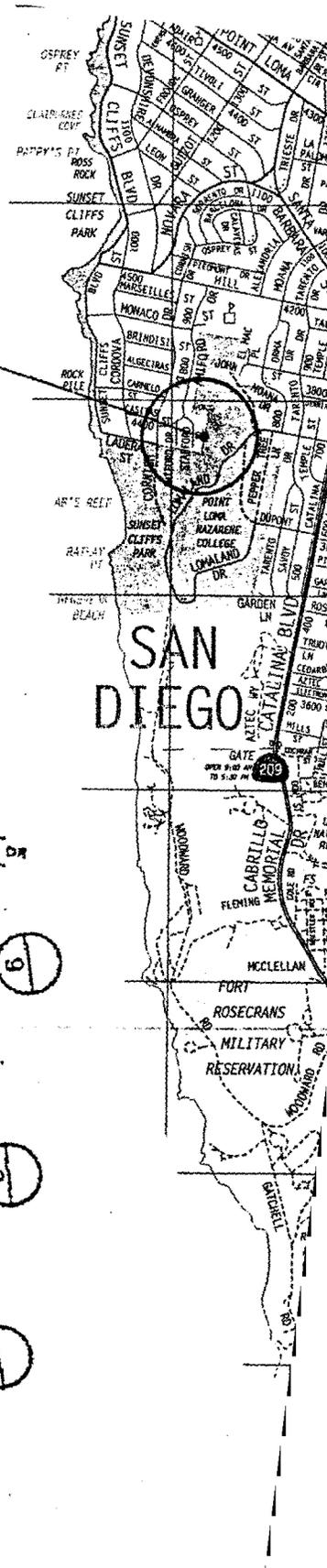
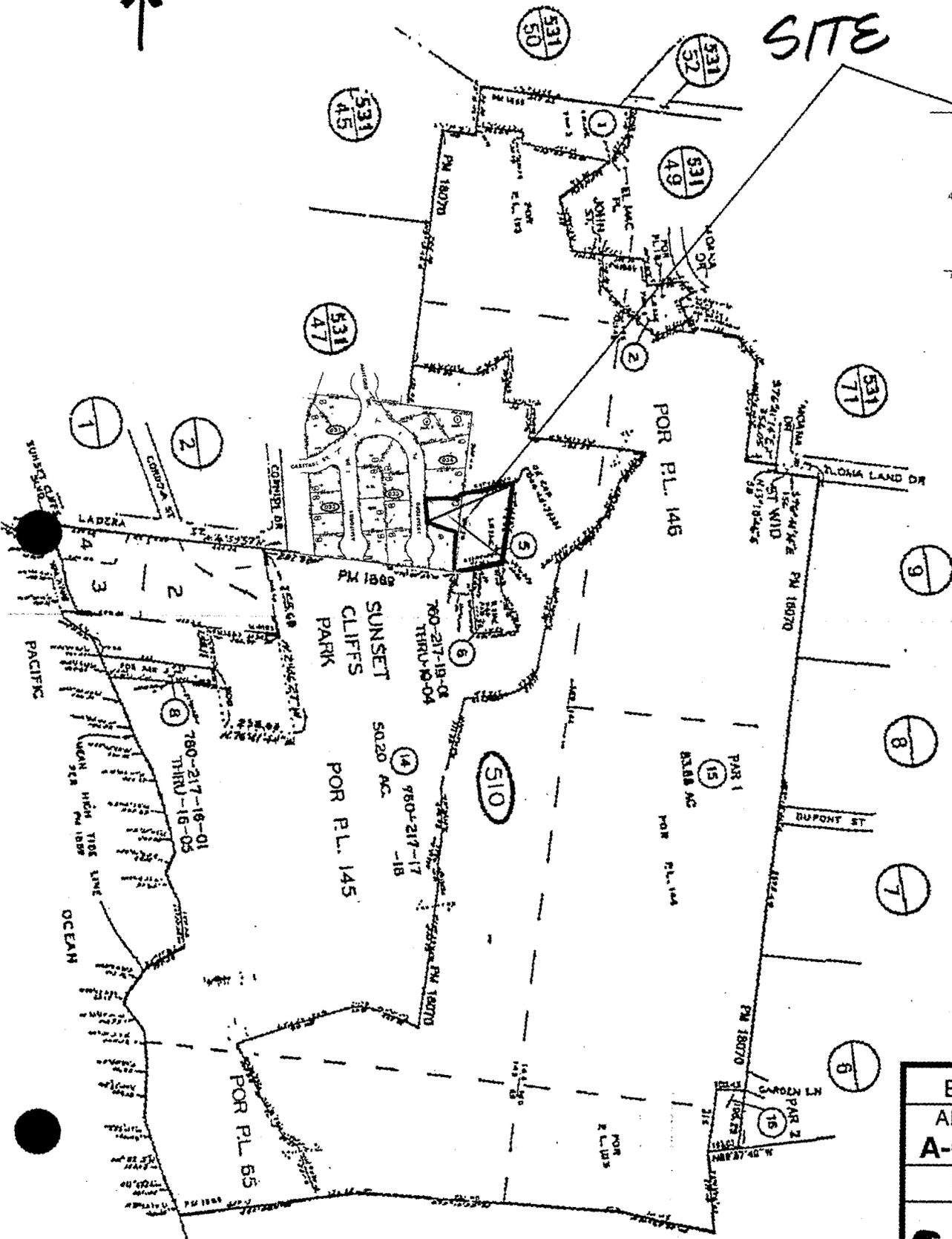
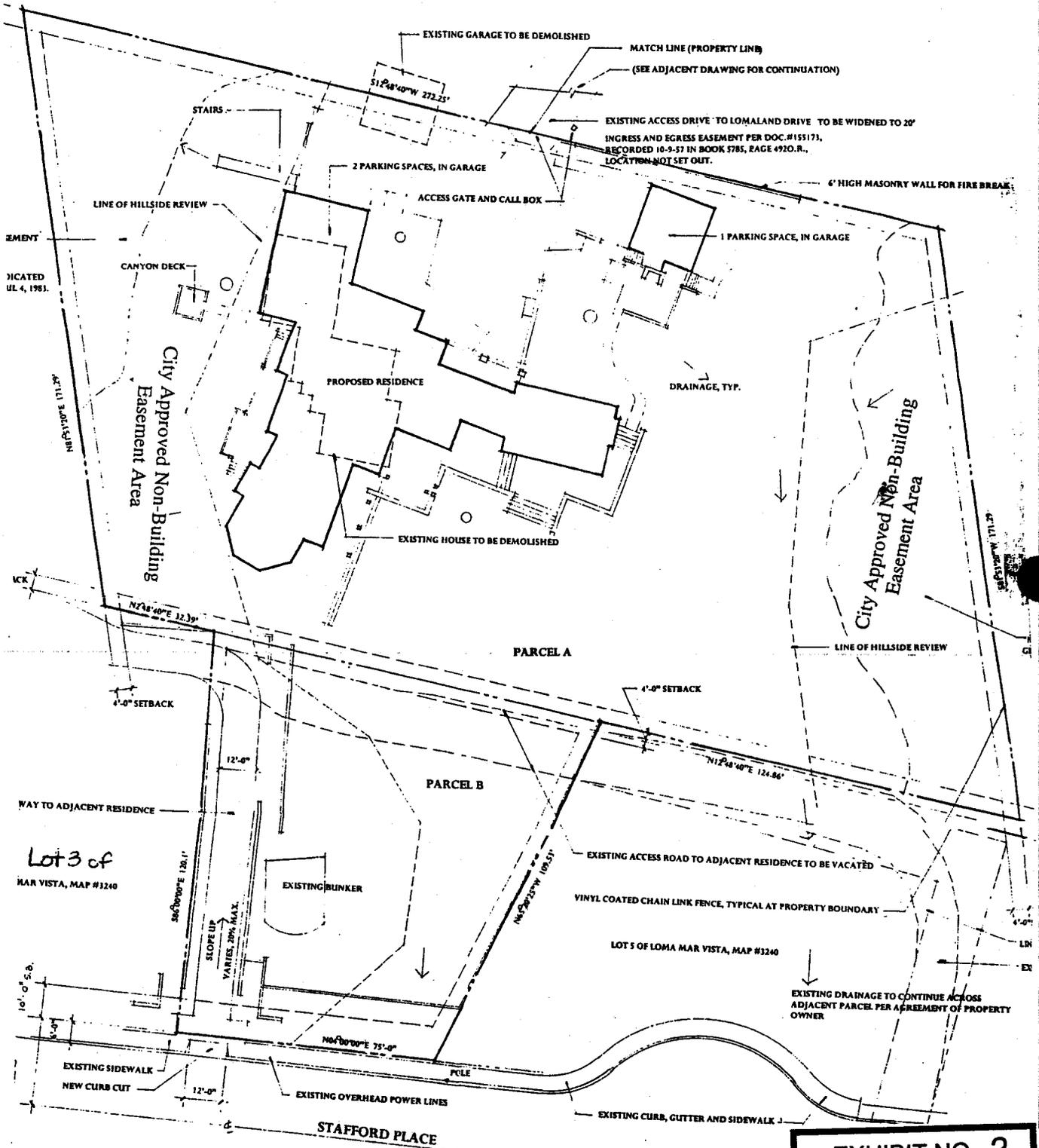


EXHIBIT NO. 1  
APPLICATION NO  
A-6-PEN-99-1  
Location Maps  
California Coastal Comm

SUNSET CLIFFS SHORELINE PARK, DEDICATED  
BY ORDINANCE NO. 15941 DATED APRIL 4, 1983.

PH 1889  
PARCEL 2



NOTE: SEE CIVIL AND LANDSCAPE PLANS FOR MORE INFORMATION

NORTH

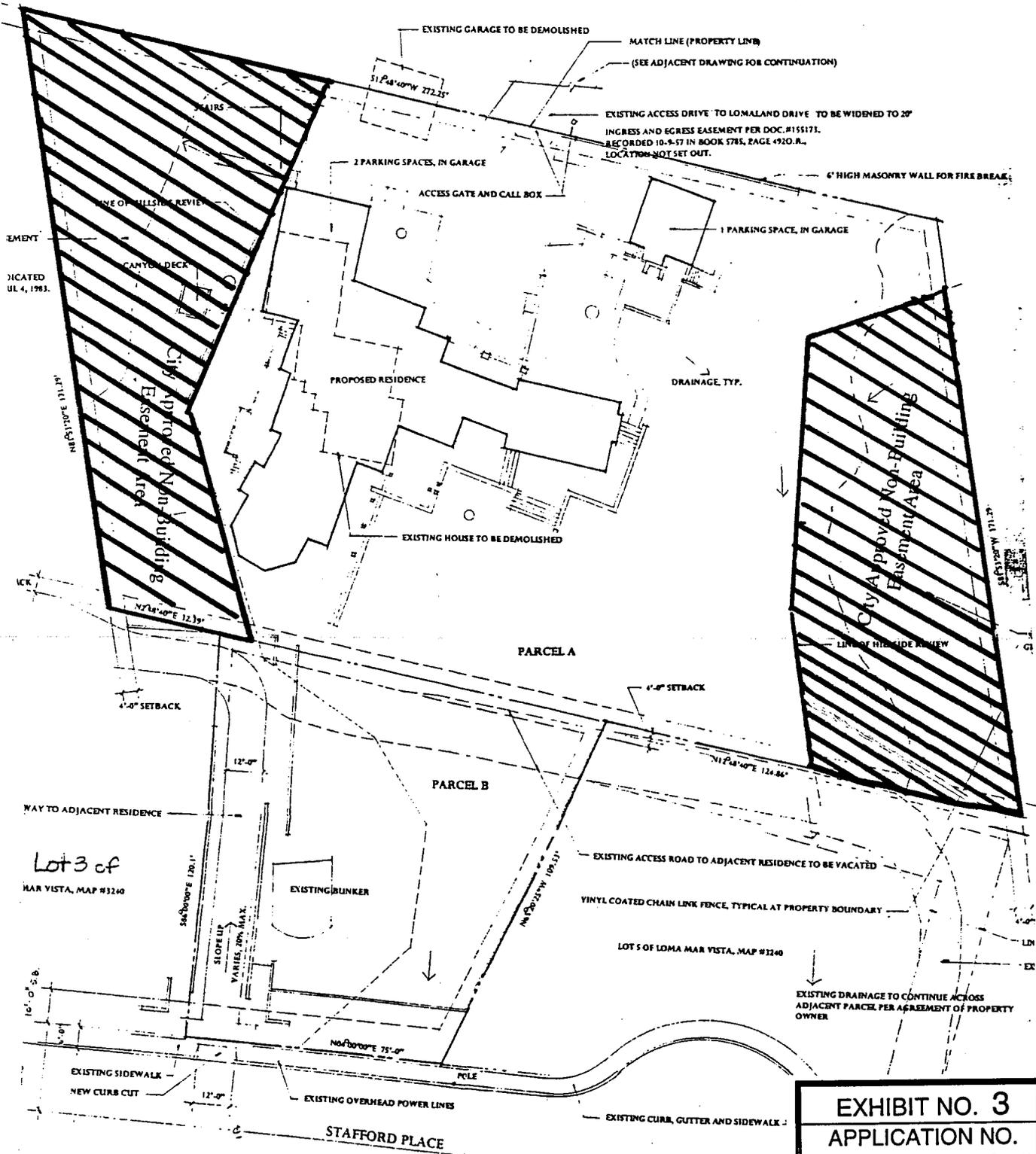


**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**A-6-PEN-99-143**  
**Site Plan**

California Coastal Commission

SUNSET CLIFFS SHORELINE PARK, DEDICATED BY ORDINANCE NO. 15941 DATED APRIL 4, 1981.

FM 1889  
PARCEL 2



NOTE: SEE CIVIL AND LANDSCAPE PLANS FOR MORE INFORMATION



**EXHIBIT NO. 3**  
**APPLICATION NO.**  
**A-6-PEN-99-143**  
 Open Space Deed  
 Restriction pursuant  
 to SC# 3  
 (in concept only)  
 California Coastal Commission

PLNU (Point Loma Nazarene University)

Gate

PLNU

NORTHERN CANYON

PLNU

EXISTING ACCESS DRIVE (Parcel A)

PROJECT SITE

EXISTING ACCESS DRIVE (Lot 3)

EXHIBIT NO. 4  
APPLICATION NO.  
A-6-PEN-99-143

Aerial photo of site,  
Sunset Cliffs Natural  
Park & PLNU

Sunset Cliffs  
Natural Park

Stafford Pl.

Stafford Pl.

Sullivan Wertz McDade & Wallace  
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April 18, 2000

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OF COUNSEL  
EVAN S. RAVICH  
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ADMINISTRATOR

VIA MESSENGER

Ms. Laurinda Owens  
California Coastal Commission  
San Diego Office  
3111 Camino del Rio South, Suite 200  
San Diego, California 92108

RECEIVED

APR 19 2000

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: Coastal Development Permit Application #A-6-LJS-99-143/Irving

Dear Ms. Owens:

We are writing in response to your letter dated January 21, 2000 wherein you requested additional information which you felt was needed to evaluate the project's consistency with the LCP.

1. Project Description

The subject site is located approximately 1600 feet or five streets back from the shoreline. It is not located on a beach or a coastal bluff; there are no coastal access or hazardous bluff issues raised by the project, and no marine resources will be affected.

The subject site consists of two legal lots both of which were previously developed. Parcel A is 1.07 acres in size and is currently developed with a single family residence. Parcel B is a .23 acre lot on which an historic World War II bunker is located. Mr. and Mrs. Irving, the applicants, propose to demolish the existing residence and build a new residence generally on the footprint of the existing one on Parcel A. The historic bunker will be preserved on Parcel B. Except for construction of a driveway to an adjacent property, Parcel B will otherwise remain undeveloped.

The proposed 8,010 square-foot residence along with an 800 square foot detached garage and guest quarters will represent a floor area ratio of only .19 on Parcel A alone or .15 over the two parcels where a floor area ratio of .6 is allowed. The underlying R1-5000 zone would allow development of up to 10 units on the two Parcels, but the applicants are willing to forego any further development on the two Parcels. Accordingly, the majority of the property will remain undeveloped.

S:\Clients\4141\011\EL\owens ltr.wpd

EXHIBIT NO. 5
APPLICATION NO.
<b>A-6-PEN-99-143</b>
Letter from Applicant's Representative with Attachments
 California Coastal Commission

The only legal access to Parcel A is a driveway from the Point Loma Nazarene College campus which crosses Sunset Cliffs Natural Park (Park). The existing driveway, which currently ranges in width from approximately 9 to 20 feet, will be improved to a more uniform width of 12 feet. The Irvings will cap certain water lines that crisscross the Park and install a single water main in the new driveway. This is significant because the existing water lines are old and are leaky, and the City has been unable to solve the drainage problems that result from these leaks. In addition, the Irvings will install a new drainage system across the subject property which will also help prevent existing erosion problems that plague the Park.

It is the relationship of the subject property to the Park that has generated concerns by a few individuals. These concerns are the basis of the appeal. To understand its relationship of the project to the Park, a map of the draft park Master Plan is enclosed behind Tab 1. From the map, it is clear that while the subject property abuts the Park, it is not unique in this regard. Development of other residential properties similarly situated is far more intense. In addition the existing Parcels and the existing residence were developed several decades prior to creation of the Park. In other words, the existing residence, bunker and driveway all predate the Park for which planning began in the 1980's. The driveway has been in continuous use for over 80 years.

The project was supported by the Peninsula Planning Board (the local planning group) and also has the support of the vast majority of the neighbors. The appellants do not represent the majority of residents in the area, and there will be an outpouring of support for the project as proposed when the matter comes before the Commission.

## 2. Standard of Review

As you are aware from previous correspondence, it is our position that the LCP applicable to this project is the one which was in effect at the time the application was deemed complete by the City of San Diego. Our position is consistent with the provisions of the ordinance adopting the new City Land Development Code. This project was deemed complete in the fall of 1998. It was approved by the City on September 16, 1999 and appealed to the Coastal Commission on September 30, 1999 prior to the certification of the LDC by the Coastal Commission. Regardless of your position and our cooperation with you to bring this matter to hearing, we will continue to reserve our right to object to any analysis of the project which is not consistent with the LCP in place at the time the application was deemed complete by the City.

## 3. Access Alternatives

### a. Proposed Access

As discussed above, the existing residence is accessed via a driveway off Lomaland Drive which runs through the Point Loma Nazarene College campus and then across a portion of the Park. This is the only legal access to Parcel A. The driveway has been in use for over 80 years. An easement for the driveway was granted in 1957. A copy of the

Ms. Laurinda Owens  
April 18, 2000  
Page 3

easement is attached behind Tab 2. To suggest that any other access would be a viable alternative has no legal basis. Although we will discuss the merits or lack thereof of alternative driveways from Stafford Place, the existing easement is the only legal access to the property, and therefore it is our position that there is no alternative access. The legality of the easement was discussed at public hearings, where the City Attorney reviewing this matter opined on its validity.

As stated above, the existing residence and lot predate the establishment of the Park. It is interesting to note that the current draft of the Park Master Plan prepared by the City shows the access driveway and does not recommend its deletion. (See map behind Tab 1.)

No grading will be required in order to widened the driveway to meet the City's requirement for a 10 foot driveway. Attached behind Tab 3 is a drawing which shows that the measurements of the existing driveway range in width from over 9 feet to over 24 feet. The majority of the driveway already exceeds 12 feet.

No sensitive vegetation will be disturbed with the improvement of the driveway for the proposed project. Attached behind Tab 4 is a letter from the City's senior biologist, Lisa Wood, confirms that clearing along the driveway which was done for fire protection or brush management purposes reduced the non-native species while preserving native species. Such clearing therefore had a beneficial rather than a deleterious effect.

Not only is the existing driveway the only legal access to the Parcel A, it is also more environmentally sound than the alternatives you suggest in your letter. It is, for example, the only alternative that does not require grading. In addition, as stated above, at the request of the Park and Recreation Department, our clients will construct a new water line in the driveway and cap four water mains that currently crisscross the Park and are believed to be the cause of erosion problems in the Park. By capping these lines, they will alleviate a drainage problem that has plagued the Park for years.

In summary, to suggest that there are more environmentally sound access alternatives not only ignores the legal reality that the current access is the only legal access to Parcel A, but also ignores its environmental benefits.

b. Existing Driveway from Stafford Place

There is no legal access from Stafford Place to Parcel A. The existing driveway is an easement for ingress and egress held by the Clark parcel to the north of the subject property. Besides the fact that the property over which it runs is not a part of this application, there are other reasons why this driveway is less desirable than the legal access to the property. First, the grading required to meet the Fire Marshal standards would be substantial because of the steepness of the existing grades.

This alternative will result in approximately 2500 square feet of grading and clearing within the hillside review area of Lot 5. No biological survey was done on this lot, but based upon the survey for the adjacent Parcel B, considerable habitat would also be disturbed if this driveway were to be improved to City standards. Depending on the route of a driveway across Lot 5, it may have to be located in an area of steep slopes which would require even more grading. The 2500 square feet mentioned above is merely for purposes of providing an adequate turning radius at the street for a fire truck to navigate the driveway.

c. New Driveway from Stafford to the Clark Property

There is currently no legal access to Parcel A across Parcel B. If Parcel B were deleted from the project, this would not be an option. Even if it were, this alternative is not as environmentally sound as the existing driveway. An extension of the new driveway across Parcel B to the Irving residence would require moving an additional 200-300 cubic yards of dirt and the addition of continuous retaining walls along both sides of the driveway.

All of this grading would be in a steep slope area of the site adjacent to the Park. Attached behind Tab 5 is a site plan showing the extension of the Clark driveway. Because the slope of this driveway would not meet Fire Marshal standards, the existing driveway from the College across the Park would still be required to allow emergency access to both Parcel A and the upper slopes of the Park according to the Fire Marshal.

4. Deck

The plans show that the deck does not encroach into steep slopes. The deck is elevated; it is not at grade and therefore requires no disturbance to the slope. The footings are to be located in an area of Zone 1 brush management, and no additional brush management is required for the deck.

5. Alternative Locations for the Size and Location of the House

Enclosed behind Tab 6 is a site analysis which outlines the only area of Parcel A that could be developed without encroaching either in steep hillsides or sensitive vegetation. This area is only approximately 2500 square feet or 4% of the Parcel. Any alternative would therefore require some encroachment into either steep hillsides or sensitive vegetation. The currently proposed residence will essentially be located on the pad of the existing residence and will minimize encroachments into these areas. Furthermore, as noted above, the residence, garage and guest quarters represent a mere .14 floor area ratio where .60 is allowed.

It should not be overlooked that Parcel A could, under the R1-5000 zone, be further subdivided. Neither the applicants nor the owner of the property is asking to subdivide the property. Neither are they asking to develop each of the existing legal lots. But for the sake of comparison, we have had a site plan prepared that shows the intensity of development that could be proposed on the two existing legal lots by remodeling the existing residence on Parcel A, which would require no permits, and building a new residence on Parcel B. The site plan is attached behind Tab 7.

6. Alternative Analysis for Lawn

The current location of the lawn area is the only logical one. Please recall the exhibit behind Tab 6. The lawn is proposed on the flattest remaining portion of Parcel A, a portion that represents a tiny percentage of the subject site on which some disturbed habitat exists. Based upon the exhibit located behind Tab 6, there would be no other area suitable for a lawn. The lawn area has been included in all calculations considered by the City with respect to habitat disturbance and grading.

7. Fence

The fence is an essential part of the development for the applicants. They have four young children, and the open fencing will give them some peace of mind when their children are outside on the property. At the same time the fence will establish private property boundaries for both the children and unwanted trespassers. The Park is unfortunately a gathering place for individuals who are using drugs and alcohol. Litter, cans, glass bottles and drug paraphernalia are left throughout the Park.

The openness of a fence will also allow small animals to come and go from the property. But it is important to note that no reputable expert has identified a wildlife corridor across the property. Even if such a corridor existed, it would currently be interrupted by the barbed wire fence across the Navy property south of the Park.

Also please note in the draft Park Master Plan that the north part of the park is to be fenced along its boundary line and access is to be restricted. (See map behind Tab 1.) A clear delineation between parkland and private property is also appropriate.

8. Certificate of Compliance

The Certificate of Compliance can be found behind Tab 8.

9. MSCP Mapping Error

The City concluded administratively that they had erred in including the subject property within the MHPA. Enclosed behind Tab 9 is the City's original MHPA Map. The line runs directly through the currently developed site. The City did not intend to include developed properties within the MHPA. The scale used by the City in its mapping was such that some property was unintentionally included. It is only when specific development proposals are submitted that such errors are identified and can be corrected. In this case the existing residence would have been within the MHPA.

Also, much of the site supports non-native or disturbed vegetation communities which differ

Ms. Laurinda Owens  
April 18, 2000  
Page 6

from the MHPA mapping designation for this area of coastal sage scrub. The MHPA boundary correction results in deleting .72 acre from the MHPA of which .21 acre is disturbed coastal sage scrub/chaparral, .46 acre is disturbed habitat, and .05 acre is developed. Impacts to the disturbance of the already disturbed coastal sage scrub/chaparral will be mitigated by purchasing preserved habitat of the same type off site or contributing to the city's habitat acquisition fund.

10. Legal Owner

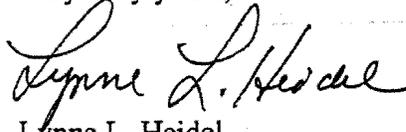
I believe you already have a letter on file from Point Loma Nazarene College authorizing this application. The Irvings are in escrow and have permission to apply for the CDP.

11. Clearing of Driveway

While the appeal has been pending, issues were raised as to whether illegal clearing of vegetation had occurred along the driveway. Attached behind Tab 10 is a letter prepared by the College and confirmed by the Assistant Fire Marshal, Samuel Oates, which states that the clearing was done in accordance with City policies and at the request of the Fire Marshal.

With this information, we assume that you will be able to prepare your report and recommendation. If you need additional information, please let me know.

Very truly yours,

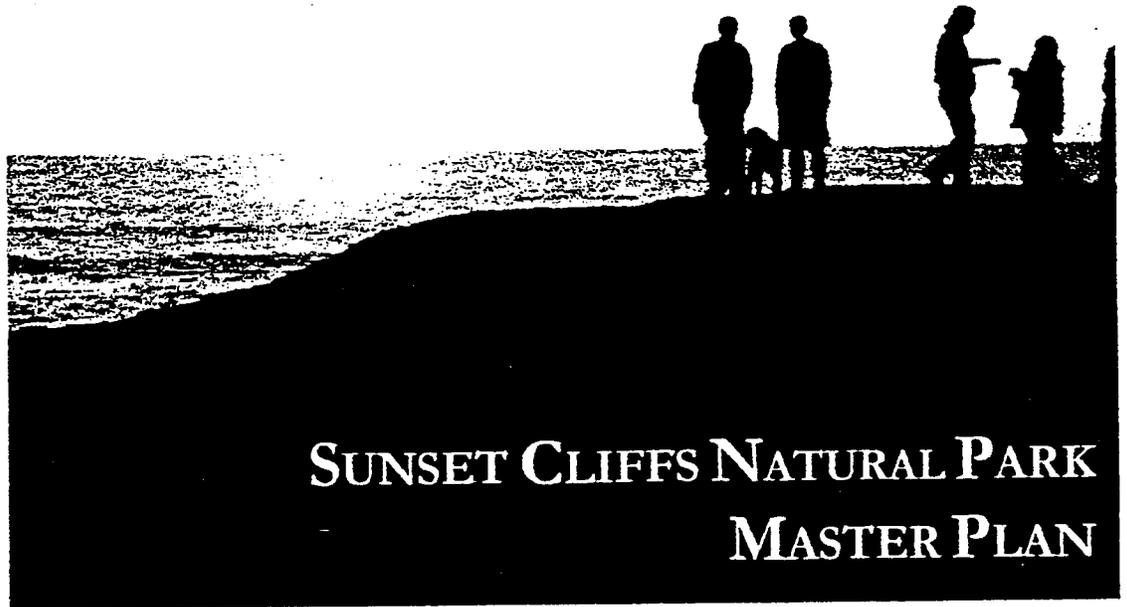


Lynne L. Heidel  
of

SULLIVAN WERTZ McDADE & WALLACE  
A Professional Corporation

Enclosures

cc: Mr. Craig Irving  
Ms. Rebecca Irving  
Mr. Eric Naslund  
James R. Dawe, Esq.  
Mr. Art Shingler



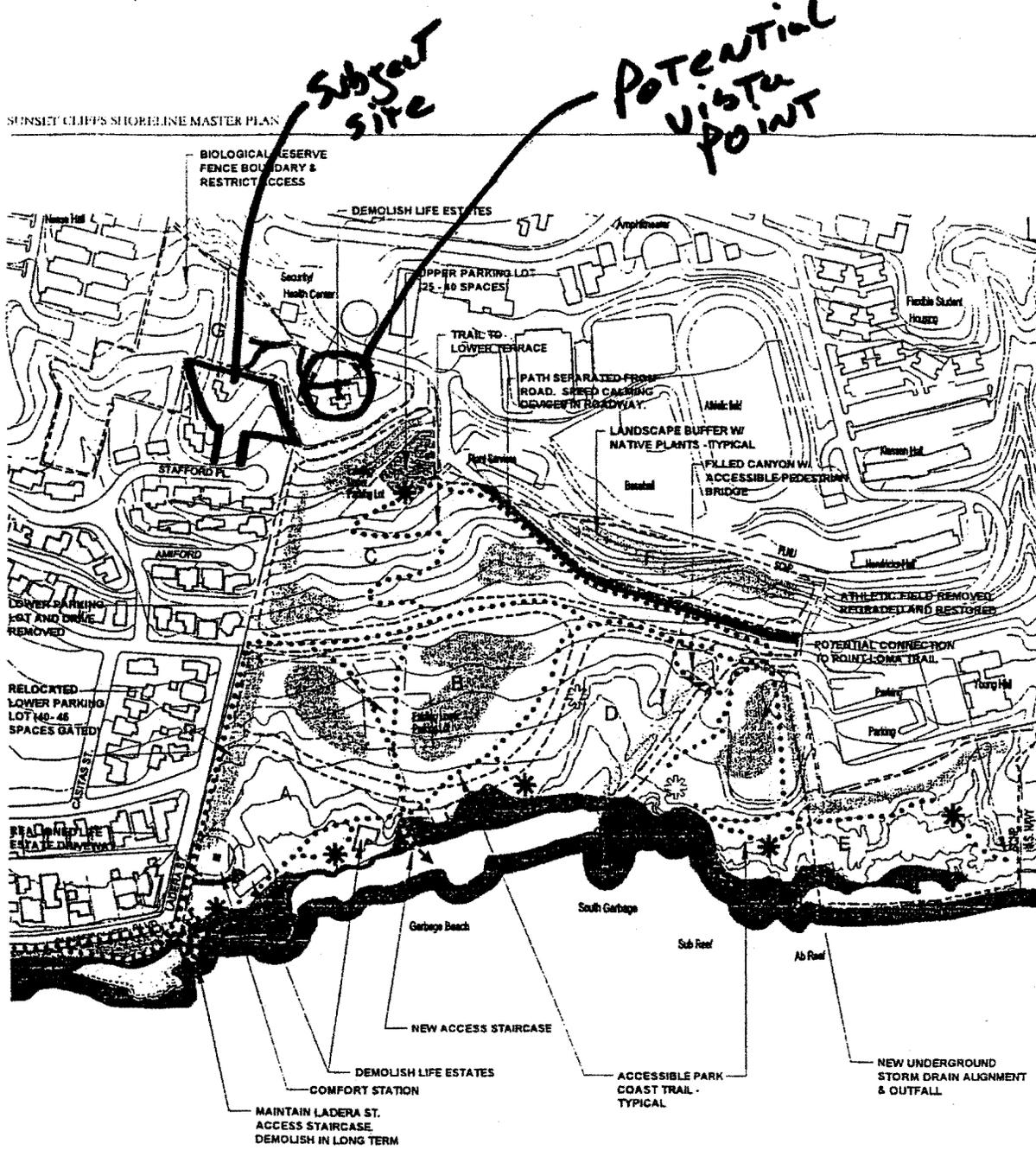
# SUNSET CLIFFS NATURAL PARK MASTER PLAN

DRAFT

Prepared For  
City of San Diego

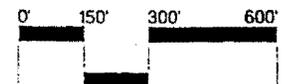
Prepared By  
Van Dyke, LLP

Tab 1 of Attachment to Exhibit No. 5



## Natural Park Master Plan Hillside Park

- Park Entry [A]
- Lower Coastal Terrace [B]
- Upper Coastal Terrace [C]
- The Badlands [D]
- South Coastal Terrace [E]
- East Slope [F]
- Upper Canyon Reserve [G]
- Park Entry Sign ▲
- Streets/Parking Area [Solid Black]
- Revegetation [Horizontal Lines]
- Landscape Buffer/Massing [Dotted]
- Pedestrian Trail System [Dashed]
- Beach Access [Arrow]
- Primary Observation Point [\*]
- Secondary Observation Point [Flower]
- Cliff Formations [Wavy Line]
- Beach [Horizontal Line]
- Riprap Erosion Control [Vertical Line]



GRANT DEED

Created EASEMENT

CALIFORNIA - WESTERN UNIVERSITY OF SAN DIEGO,

a California non-profit corporation. FOR A VALUABLE CONSIDERATION,

does hereby GRANT to STIRLING CAMPBELL ALEXANDER, his heirs, 20 feet in width successors and assigns, an easement for ingress and egress over and upon

the following described property located in the City and County of San Diego:

All that portion of Lots 85, 103, 144, 145, 146 and 182 of the Pueblo Lands of San Diego. In the City of San Diego, County of San Diego, State of California, according to the Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the Office of the Recorder of said San Diego County, November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Beginning at the Northwesterly corner of Woodland Terrace, Unit No. 1 according to the Map thereof No. 7883 on file in the office of the Recorder of said San Diego County; thence South 13° 13' 48" West along the Westerly line of said Woodland Terrace Unit No. 1 and its Southerly prolongation, 2,93.09 feet; thence North 89° 57' 40" West, 890.00 feet; thence South 13° 18' 46" West, 890.00 feet to an intersection with the Northerly line of a 35.00 acre tract of land conveyed by Howard Throckmorton and wife to the United States of America by deed dated June 8, 1943, and recorded in Book 1704, page 651 of Official Records; thence North 89° 57' 40" West, along said Northerly line, 1004 feet more or less to an intersection with the mean high tide line of the Pacific Ocean; thence Northwesterly, along said mean high tide line to the Southwesterly corner of a parcel of land conveyed to Charles C. Crouch by deed dated September 2, 1941 and recorded in Book 1342, page 77 of Official Records; thence South 76° 41' 14" East, along the Southerly line of said Crouch's land to the Southeasterly corner thereof; thence North 2° 48' 27" West, along the Easterly line of the last mentioned land, 688.89 feet to the Southerly line of Azure Vista, according to the Map thereof No. 1981 on file in the Office of the Recorder of said San Diego County; thence South 76° 41' 14" East, along the Southerly line of said Azure Vista, 202.32 feet to the Southeasterly corner thereof; thence continuing South 76° 41' 14" East (Record South 77° 15' 21" East) along the Easterly prolongation of the Southerly line of said Azure Vista, 450.58 feet to the Southeasterly corner of a parcel of land conveyed by Howard Throckmorton and wife to the United States of America by deed dated June 10, 1942 and recorded in Book 1348, page 391 of Official Records; thence South 13° 18' 48" West, 73.92 feet; thence South 76° 41' 14" East, 182.18 feet; thence North 30° 44' 26" East, 65.33 feet; thence South 85° 59' 10" East, 234.17 feet; thence North 26° 55' 00" East, 282.40 feet; thence North 51° 31' 05" East, 247.07 feet; thence South 87° 02' 14" East, 214.54 feet; thence North 5° 40' 30" West, 164.51 feet; thence North 7° 45' 20" East, 150.05 feet; thence North 11° 28' 40" West, 102.84 feet; thence North 26° 25' 00" West, 233.20 feet; thence North 60° 15' 20" West, 81.04 feet; thence North 12° 43' 40" East, 178.48 feet; thence South 76° 41' 14" East, 424.80 feet to the Westerly line of Medina Terrace, according to the Map thereof No. 7681 on file in the Office of the Recorder of said San Diego County; thence South 13° 13' 48" West, along the Westerly line of said Medina Terrace, 147.67 feet to the Southwesterly corner thereof; thence South 76° 43' 1" East, along the Southerly line of said Medina Terrace, 90.00 feet to the Northwesterly corner

of Colonial Manor, according to the Map thereof No. 1843 on file in the Office of the Recorder of said San Diego County, thence South 13° 18' 48" West, along the Westerly line of said Colonial Manor 250.00 feet to the Southwesterly corner thereof; thence South 76° 43' 14" East, along the Southerly line of said Colonial Manor, 100.00 feet to the point of beginning.

Said easement for ingress and egress to be via Lomaland Drive, a dedicated Street, formerly known as Wilcox Street, over the street and/or streets presently used, running by convenient and direct route to the grantee's property, hereinafter described, or by an alternate direct route via Lomaland Drive, also by an easterly approach, and of equal convenience for access to the grantee's home, as may be hereinafter provided by the grantor, its successor or assigns; said easement for ingress and egress to run in favor of and be appurtenant to the following described property.

Beginning at a point on the Easterly prolongation of the Southerly boundary line of Azure Vista, according to the Map thereof No. 1981 distant therefrom 450.58 feet S. 77° 13' 30" E. (S. 76° 41' 14" E. Record of Survey No. 950) from the Southeastery corner of said Azure Vista, thence North 12° 46' 30" E. (N. 15° 18' 46" E. Record of Survey No. 950) a distance of 272.25 feet to a point; thence North 81° 51' 18" E. a distance of 171.23 feet to a point; thence South 12° 46' 30" W. a distance of 272.25 feet to a point; thence South 81° 51' 18" West a distance of 171.23 feet to the point of beginning, containing an area of one acre.

All easements herein granted shall be severable and shall be appurtenant to all or any portion of the real property owned by the grantee and described herein and shall inure to the benefit of the grantee, his heirs, successors and assigns.

This grant is in addition to the grant contained in that certain deed dated April 10, 1945, recorded in the office of the San Diego County Recorder April 28, 1945, in Book 1869, Page 27, and shall not be construed as to limit or restrict in any way the rights of grantee created herein.

DATED: September 12th, 1957.



CALIFORNIA-WESTERN UNIVERSITY OF SAN DIEGO  
By W. D. [Signature] Pres.,  
By Carl M. [Signature] Sec.

STATE OF CALIFORNIA

County of SAN DIEGO

October  
September

1957 before me

a Notary Public in and for said County and State, personally appeared

WILLIAM C. ROSE

known to me to be the

President and Secretary

GARD M. ESKOFF

known to me

to be the Secretary

OF CALIFORNIA-WESTERN UNIVERSITY

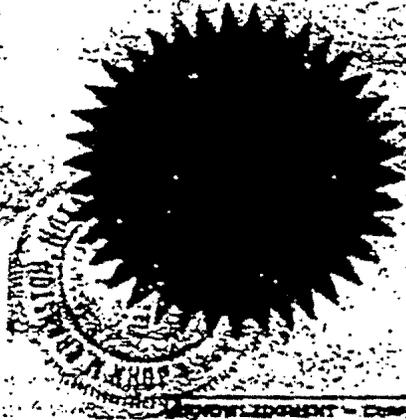
OF SAN DIEGO,

the Corporation that executed the within Instrument, known to me to be the person who executed the within Instrument, on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the within Instrument pursuant to its by-laws or a resolution of its Board of directors.

In Witness Whereof, I have hereunto set my hand and official seal the day and year in this certificate first above written.

*[Signature]*  
Notary Public in and for said County and State.

ACKNOWLEDGMENT - Done, - Public Act - 9110, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



NOTARY PUBLIC - COMM. - PUBLIC ACT - 9110, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

RECORDED IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF SAN DIEGO COUNTY, CALIFORNIA, ON OCTOBER 9, 1957, AT 2:23 PM.

DOCUMENT NO. 1551713

RECORDED BY *[Signature]*

OCT 9 4 23 PM '57

BOOK 5785 PAGE 492  
SAN DIEGO COUNTY, CALIF.  
ROBERT A. HOWE, RECORDER

*[Signature]* 360  
3

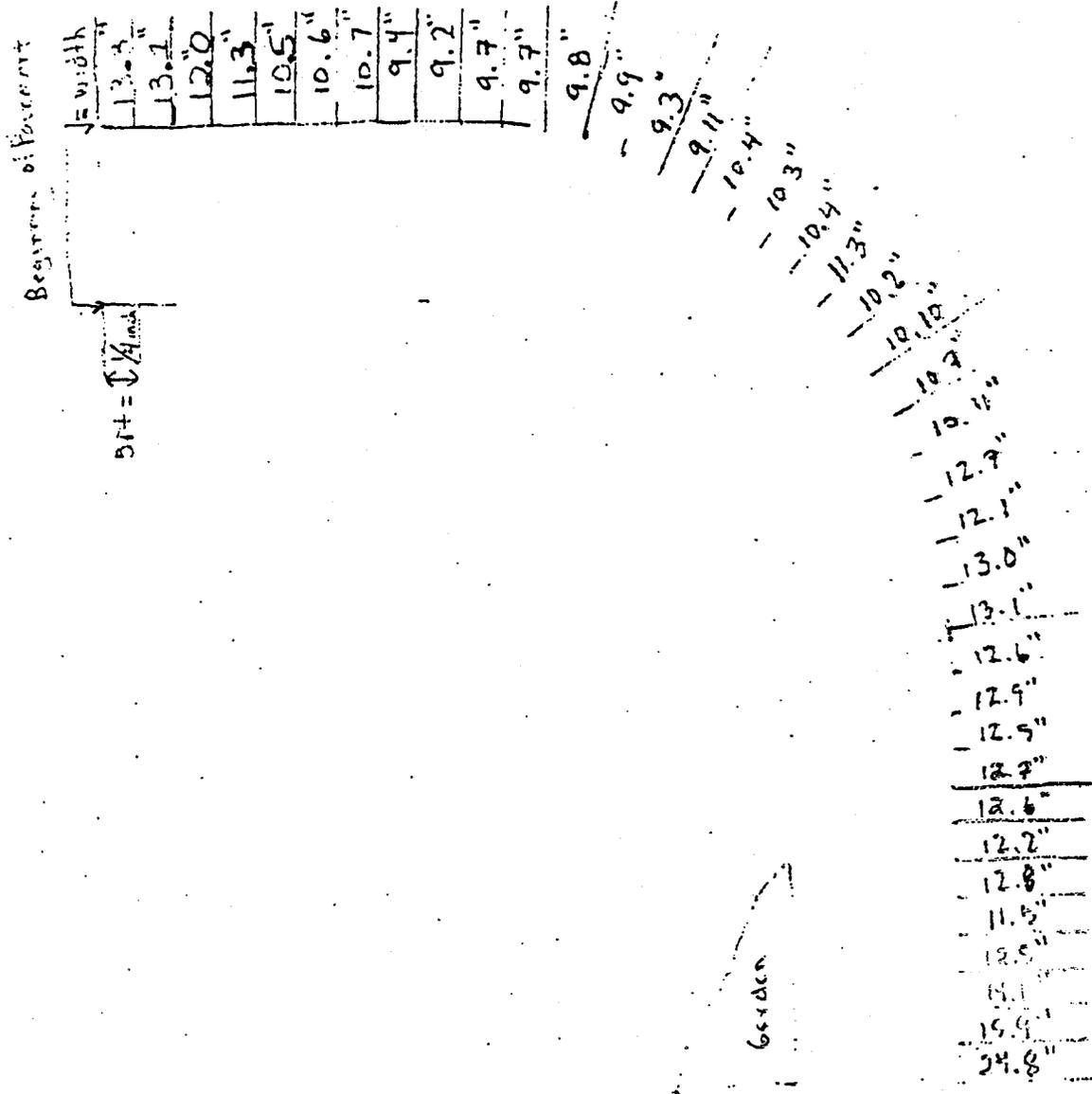
Ro, Bentley's Old Driveway Measurements

NOT TO SCALE

- \* 1/4 inch = 5ft
- \* total length = 115ft

NOTES

every 1/4 inch of length is  
 equal to 5ft of the map. The  
 bars to the right indicate  
 width of the driveway per  
 increments.



JAN 27 2000

THE CITY OF SAN DIEGO

January 21, 2000

Art Shingler  
Vice President  
3900 Lomaland Drive  
San Diego, California 92106

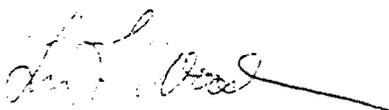
Dear Mr. Shingler:

It was my pleasure to work at the beautiful site that forms the boundary between your campus and the City's parkland. Although I had initial concern that the brush management that had been done along the driveway could have been done in a more sensitive manner, my continued investigation of the site revealed a number of wart-stemmed ceanothus plants that would have been displaced by non-natives if crews had not taken steps to remove overgrowing iceplant and acacia. I greatly appreciate the help your crews provided in this endeavor. The work accomplished has complied with the Fire Department's requirement to provide access and with the fuel-reduction procedures of the Landscape Technical Manual, while preserving much of the existing botanical structure and reducing the non-native component.

I know that there was some concern about the driveway access. I have looked at the plants within the driveway access and have concluded that complying with the Fire Department's regulation to maintain a 20' unobstructed access roadway over the existing easement driveway from the Point Loma campus to the property would not conflict with the environmental interest of the City, provided it is done in compliance with the Landscape Technical Manual. I recommend that future brush management efforts in this area 1) be discussed with the Sunset Cliffs community group before-hand, and 2) have a biologist monitor who can ensure that the work is done in a sensitive manner that is in compliance with the Landscape Technical Manual and does not harm the wart-stemmed ceanothus.

Again, my sincere appreciation for your cooperation and the work your crews have done to help ensure that the unique bio-diversity of the area is preserved. Please call me at (858) 573-1236 if you need clarification or have any questions about the content of this letter.

Sincerely,



Lisa F. Wood  
Senior Biologist

Tab 4 of Attachment to Exhibit No. 5

Environmental Services Department • Public Works Business Center

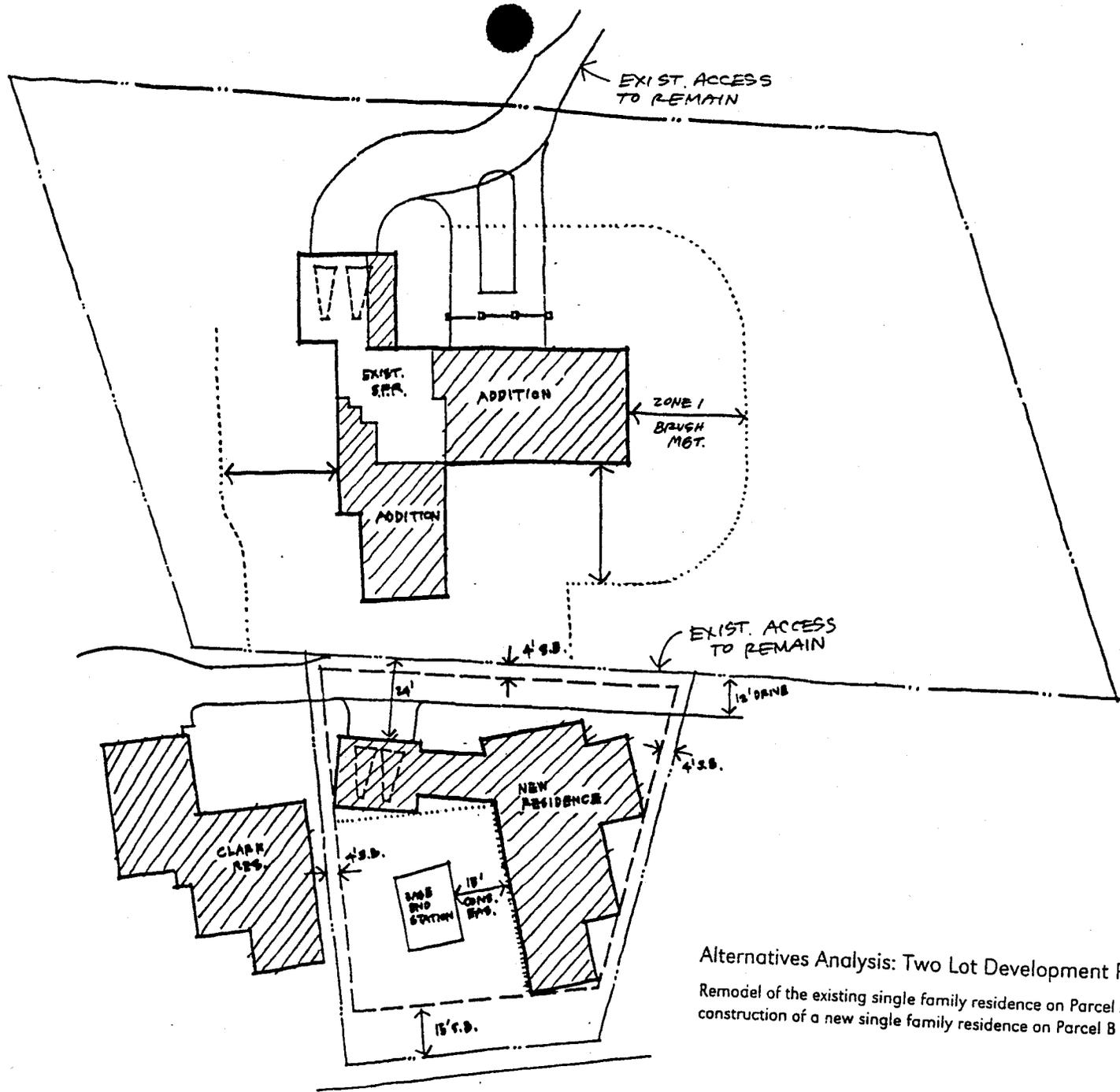
14601 Ridgehaven Court • San Diego, CA 92123-1636

Environmental Programs Division • Suite 320  
Tel (619) 492-5010 Fax (619) 492-5089

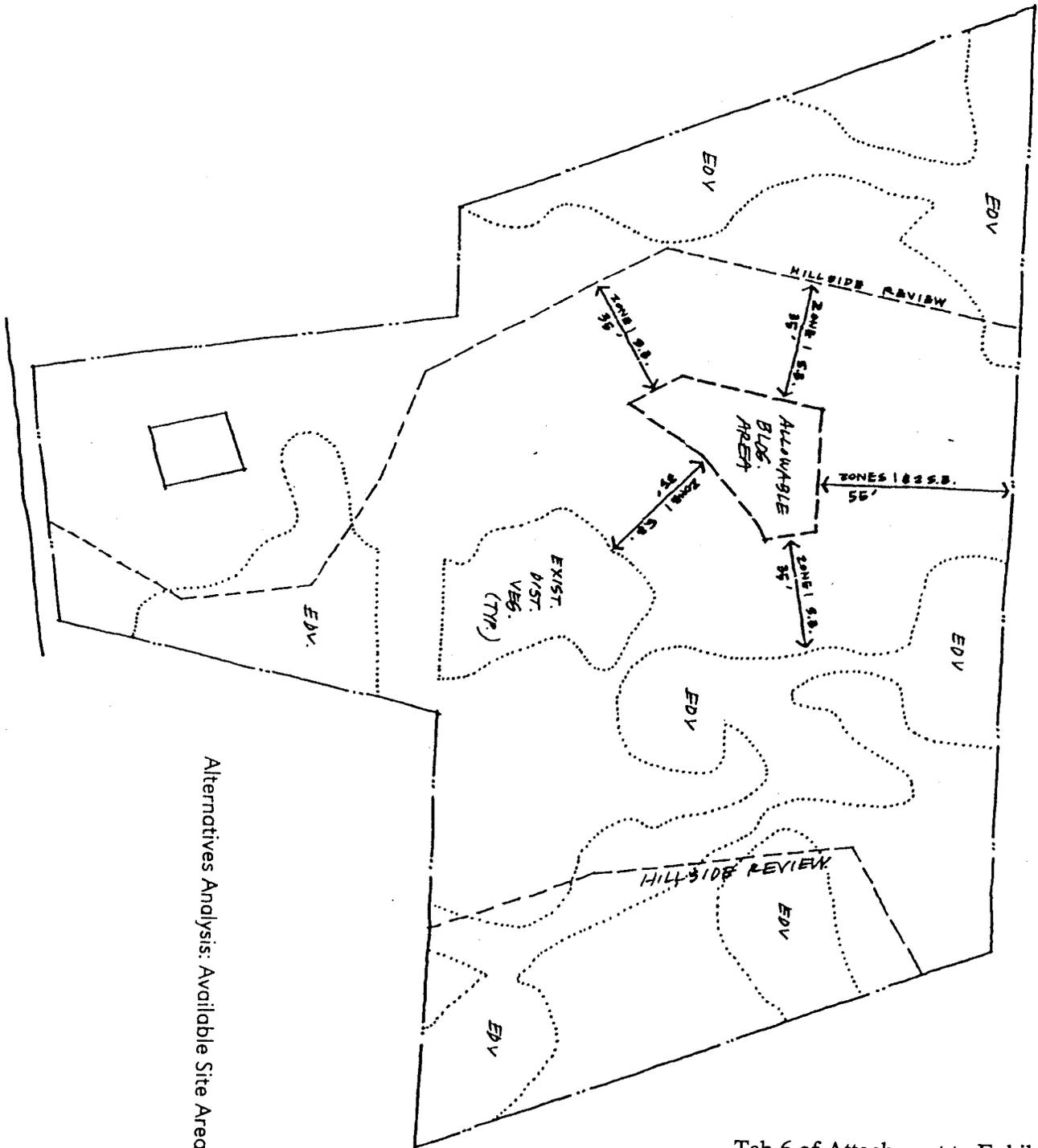
Refuse Collection Division • Suite 120  
Tel (619) 492-5057 Fax (619) 492-5068

Refuse Disposal Division • Suite 310  
Tel (619) 492-5020 Fax (619) 492-5041

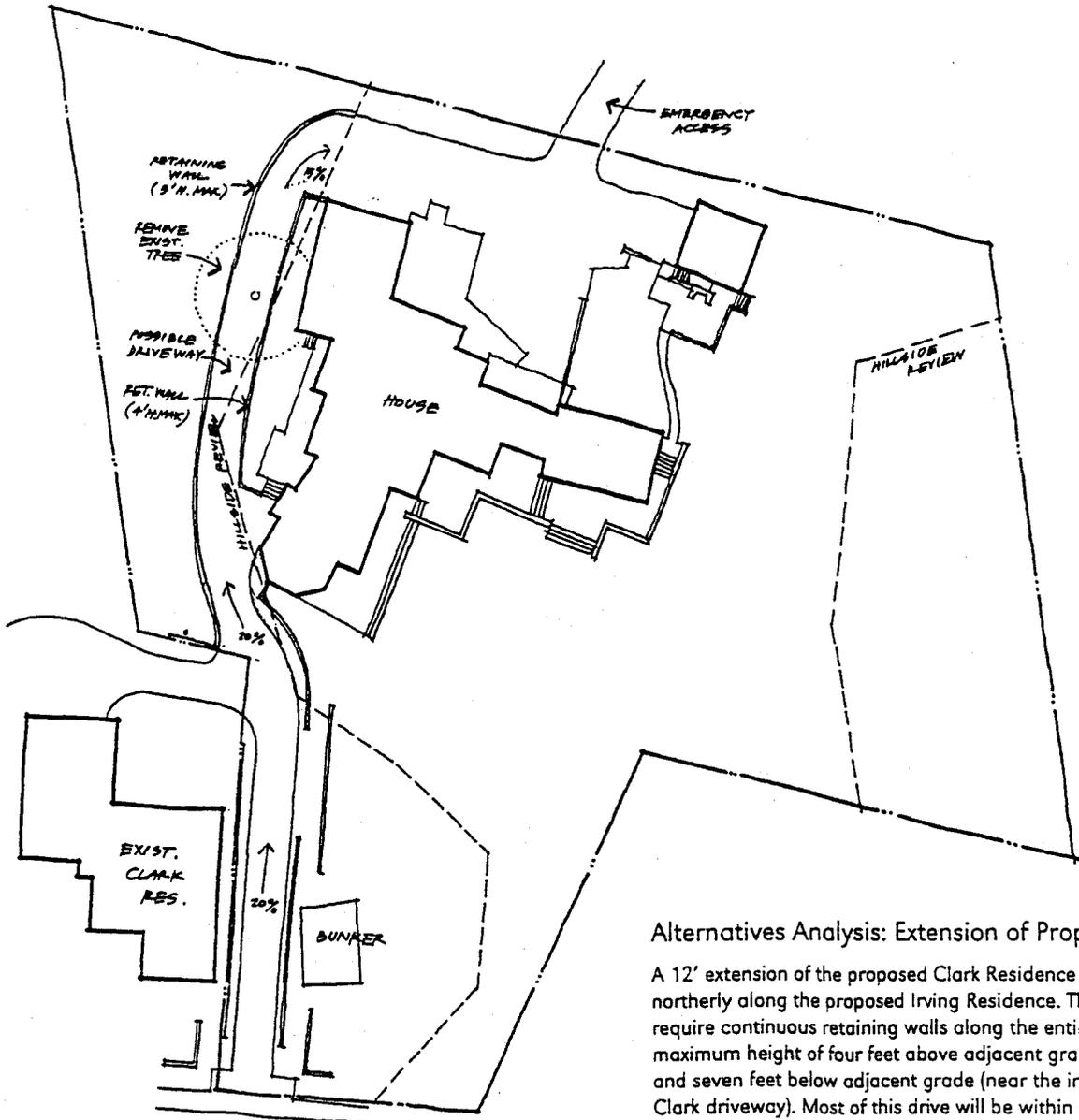




Alternatives Analysis: Two Lot Development Potential  
 Remodel of the existing single family residence on Parcel A and  
 construction of a new single family residence on Parcel B



Alternatives Analysis: Available Site Area



**Alternatives Analysis: Extension of Proposed Clark Driveway**

A 12' extension of the proposed Clark Residence driveway runs northerly along the proposed Irving Residence. This configuration would require continuous retaining walls along the entire length with a maximum height of four feet above adjacent grade (near the garage) and seven feet below adjacent grade (near the intersection with the Clark driveway). Most of this drive will be within the Hillside Review area on site. This drive will not meet fire department standards for access.

The existing access from Lomaland will still be required to allow emergency access to both the Irving Residence and the upper slopes of the Park.

RECORDING REQUESTED BY:  
Tina Christiansen, Director  
Planning and Development Review Department  
City of San Diego

THE ORIGINAL OF THIS DOCUMENT  
WAS RECORDED ON FEB 15, 2000  
DOCUMENT NUMBER 2000-0078888  
GREGORY J. SMITH, COUNTY RECORDER  
SAN DIEGO COUNTY RECORDER'S OFFICE  
TIME: 3:12 PM

RETURN RECORDED DOCUMENT TO:  
The City of San Diego  
1222 First Avenue, M.S.#508  
San Diego, CA 92101  
Attention: Anne Hoppe

**CERTIFICATE OF COMPLIANCE**  
City of San Diego  
County of San Diego, State of California

C.O.C. No.: 99-363  
Assessor's Parcel No.: 532-510-05

Date: 4FEB00

1. Upon the application of Pasadena College, a non-profit corporation dba Point Loma College and pursuant to California Government Code Section 66499.35, the City of San Diego has determined that the following described parcel of real property described below was created by a deed of record and court decree and it is in compliance with the Subdivision Map Act and local ordinances adopted pursuant thereto. Said real property is situated in the City of San Diego, County of San Diego, State of California is more particularly described as follows:

See Exhibit "A" for the legal description and Exhibit "B" for illustrative purposes, attached hereto and by this reference made a part of this document.

The above described parcel of real property shall be held as ONE PARCEL unless it is subsequently lawfully subdivided. It may be legally sold, leased, or financed as a unit without further proceedings. NO DEVELOPMENT RIGHTS are conferred by this document nor is there any implied approval for the development of the herein described real property.

This Certificate of Compliance runs with the land and its issuance and recordation imparts constructive notice to the owner and his heirs, successors, and assigns of the necessity to comply with all City zoning, building, and other ordinances or regulations governing the development of the herein described real property prior to, or concurrently with, or as a condition of, the issuance of any permit or other grant of approval for such development.

Approved for the City of San Diego  
Frank Belock, Jr., City Engineer:

By: LeRoy C. Hennes  
LeRoy C. Hennes, Deputy - L.S. 4804



EXHIBIT "A"

That portion of Pueblo Lot 145 of the PUEBLO LANDS OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pasco in 1870, a certified copy of which was filed in the Office of the County Recorder of San Diego County, November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

BEGINNING at the Southeast corner of Map No. 3240, filed in the Office of the County Recorder of San Diego County, June 1, 1955, said point also being also the Southwest corner of that certain parcel of land granted to Pasadena College per document recorded December 1, 1977 as File/Page No. 77-495086 of Official Records; thence along the Easterly boundary line of said Map No. 3240 and Westerly line of said Pasadena College's land, North 12°48'40" East, 272.25 feet [North 12°46'30" East per deed] to the Northwest corner of said Pasadena College's land; thence along the Northerly, Easterly and Southerly lines of said Pasadena College's land the following three (3) courses: North 81°53'20" East, 171.29 feet [North 81°51'10" East per deed]; thence South 12°48'40" West, 272.25 feet [South 12°46'30" West per deed]; thence South 81°53'20" West, 171.29 feet [South 81°51'10" West per deed] to the POINT OF BEGINNING;

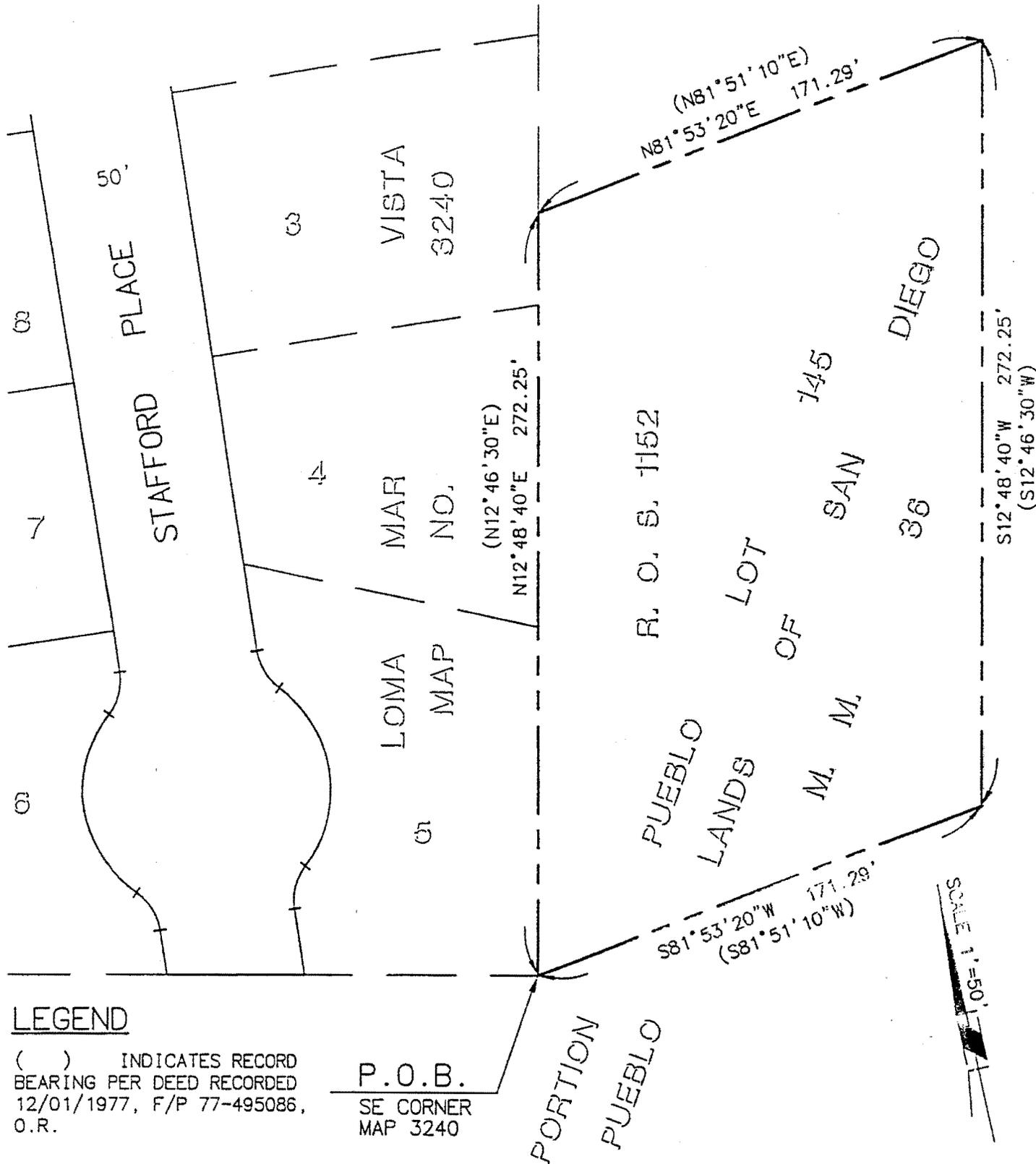
Contains: 1.00 acres, more or less.

  
Lonie K. Cyr P.L.S. 6929      02/08/2000      Date  
Expiration: 9-30-2001



W.O. #035000  
I.D. #99-363

# EXHIBIT "B"



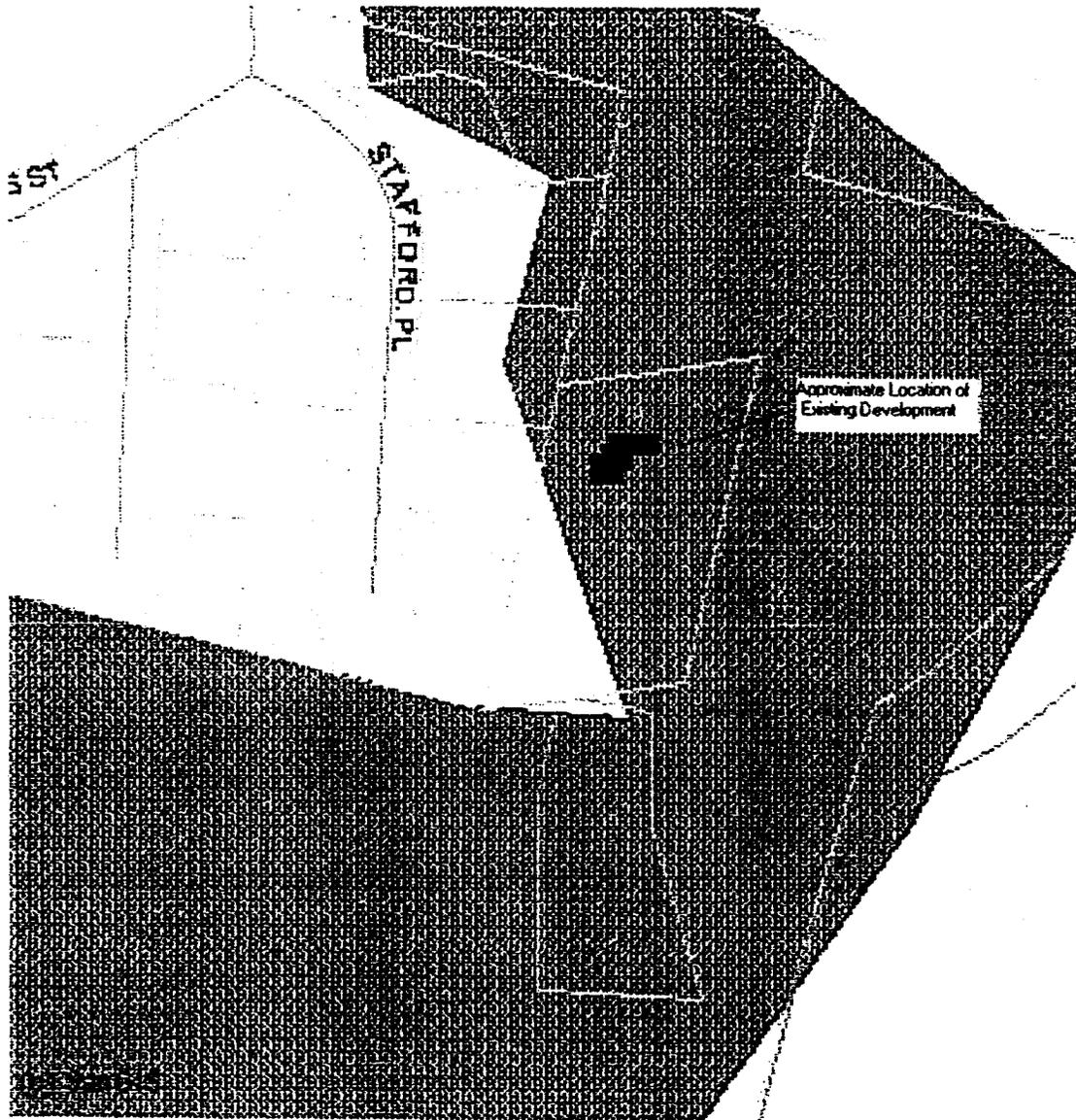
## LEGEND

( ) INDICATES RECORD BEARING PER DEED RECORDED 12/01/1977, F/P 77-495086, O.R.

P.O.B.  
SE CORNER  
MAP 3240



Robert Bein, William Frost & Associates  
PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS  
9755 CLAREMONT MESA BLVD • SAN DIEGO, CALIFORNIA 92124  
(619) 614-5000 FAX (619) 614-5001



Irving Residence  
Previous MHPA Boundary



POINT LOMA  
NAZARENE  
UNIVERSITY

Financial Affairs

January 21, 2000

Mr. Samuel L. ~~Oats~~ *OATES*  
Assistant Fire Marshal  
1010 Second Avenue, 3<sup>rd</sup> Floor  
San Diego, CA 92101

Dear Mr. ~~Oats~~ *OATES*

The purpose of this letter is to review the status of our Notice of Violation and to insure that we clearly understand our responsibilities regarding compliance with Fire Department hazardous fire regulations and policies relative to Assessor Parcel #532-510-05-00.

On November 29, 1999 Mr. Eddie Villavicencio and other members of your department met with our Director of Physical Plant, Mr. Richard Schult, and members of his staff to inspect and identify hazardous fire conditions related to property we own west of our immediate campus. You also inspected the driveway access to the subject property which runs from our campus to the subject property across parkland property. This driveway access is a 20 foot easement that was recorded with the county of San Diego many years before the park was established.

Mr. Villavicencio issued a Notice of Violation on November 30, 1999 which required us to have a fuel break of approximately 85 feet around the residence on the property. We worked with city environmental people and park and recreation people to complete the required fuel break around the residence on the parcel.

Your department also informed us of the City's policy regarding our requirement to provide an unobstructed fire access roadway to the subject property. Your BFLS Policy A-96-1 and Fire Access Roadways UFC 902.1 states, in part, "Access roadways shall be not less than 20 feet of unobstructed width, shall have an adequate roadway turning radius and shall have a minimum vertical clearance of 15 feet 6 inches."

The policy (UFC 902.1) leaves room for a private roadway width of less than 20 feet where buildings were constructed prior to February 9, 1975. The existing residence on the property was constructed prior to that date. However, your department stated that due to the extreme distance to the nearest fire hydrant, fuel load, wind conditions, and structure type, your department requires a 20 foot width fire access roadway to be continuously maintained from our campus to the property. It is our understanding that the basis of all of these regulations is to protect lives, property, and the environment. The 85 foot fuel break around the residence and the required unobstructed driveway access to the property protects not only the residence but all of the surrounding parkland property.

3000 LOMALAND DRIVE SAN DIEGO, CALIFORNIA 92106-2899

619.849.2501 Fax: 619.849.2579 Email

Tab 10 of Attachment to Exhibit No. 5

Mr. Samuel L. Oats

Page 2

January 21, 2000

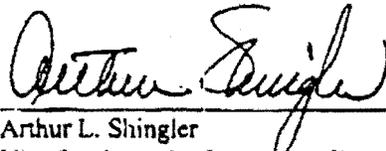
Mr. Villavicencio indicated that there are times when your codes and regulations to promote fire safety come in conflict with the City's environmental interests. We have reviewed the plants within the driveway access with Lisa Wood, biologist with the City of San Diego. She determined that complying with the Fire Department's regulation to maintain a 20 foot unobstructed access roadway over the existing easement driveway from the Point Loma campus to the property is not in conflict with the environmental interests of the city provided it is done in compliance with the landscape technical manual. We have cleared the 20 foot access driveway and will maintain it continuously hereafter.

I believe that you also stated that potential access to the property from Stafford Place was inappropriate for several reasons and is not approved and would not be approved as a primary access to the subject property. You determined that the existing driveway from the Point Loma campus is the approved primary fire access roadway.

If our understanding of our responsibilities relative to the subject property, and the access driveway is accurate as stated above, will you and Mr. Villavicencio please sign your approval at the bottom of this page and return it to me in the enclosed envelope for my files.

Thank you very much for your help. We want to comply with fire and safety policies and regulations.

Very truly yours,

  
Arthur L. Shingler  
Vice President for Financial Affairs

  
Samuel L. Oats  
Assistant Fire Marshal

  
Eddie Villavicencio  
Deputy Fire Marshal

ALS:vm

cc: Mr. Eddie Villavicencio  
Deputy Fire Marshal



1295 Sunset Cliffs Blvd., San Diego, CA 92107  
(619) 523-6721 Voice (619) 523-6722 Fax  
www.cliffhugger.org

## Friends of Sunset Cliffs

May 3, 2000

Ms. Laurinda Owens  
California Coastal Commission  
San Diego Office  
3111 Camino del Rio South, Suite 200  
San Diego, California 92108

Re: Coastal Development Permit Application #A-6-LJS-99-143/Irving

Dear Ms. Owens:

We are writing in response to the letter dated April 18, 2000 from Lynne Heidel, attorney for the applicant in this matter. We were very disappointed to see that after waiting over three months for a response, the package submitted by the applicant does not present any realistic alternatives, and does not seem to demonstrate any willingness to make reasonable changes that would diminish the impact on Sunset Cliffs Natural Park.

The letter contained many misrepresentations of the facts, and we felt it is important to set the record straight. We have attached a series of documents, principally obtained from the City's files, which support the facts cited in this rebuttal.

The following key points summarize our position:

1. The ONLY legal access to the parcel is from Stafford Place.
2. The project was misrepresented at key public hearings.
3. The applicant's assertion that he could alternatively build up to 10 homes is not credible.
4. There is broad-based community opposition to this project.
5. Sunset Cliffs Natural Park and the MHPA preserve will be severely impacted by this project.

We hope that you will consider our research as you prepare your report and recommendation. I received considerable help from Ann Swanson and Dedi Ridenour of the Sunset Cliffs Natural Park Recreation Council in preparing this analysis, and you may feel free to contact any of us to discuss the issues involved.

Very Truly Yours,

C. "Shammy" Dingus  
President

Enclosures

cc: Ms. Ann Swanson  
Ms. Dedi Ridenour

EXHIBIT NO. 6
APPLICATION NO.
<b>A-6-PEN-99-143</b>
Letters from Interested Persons
California Coastal Commission

Sullivan Wertz McDade & Wallace  
A PROFESSIONAL CORPORATION

LAWYERS

SANDRA J. BROWER  
RICHARD T. FORSYTH  
ERIN M. GEE  
LYNNE L. HEIDEL  
GEORGE BURKE HINMAN  
JOHN C. HUGHES  
J. MICHAEL MCDADE  
KATHLEEN J. MCKEE  
REBECCA MICHAEL  
JOHN S. MOOT  
ELAINE A. ROGERS  
BARRY J. SCHULTZ  
LEO SULLIVAN  
BRUCE R. WALLACE  
JOHN ROSS WERTZ  
PAMELA LAWTON WILSON

945 FOURTH AVENUE  
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 233-1888  
FACSIMILE (619) 696-3476

heidel@swmw.com

OF COUNSEL  
EVAN S. RAVICH

JANE A. WHITWORTH  
ADMINISTRATOR

April 18, 2000

RECEIVED

APR 19 2000

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

VIA MESSENGER

Ms. Laurinda Owens  
California Coastal Commission  
San Diego Office  
3111 Camino del Rio South, Suite 200  
San Diego, California 92108

Re: Coastal Development Permit Application #A-6-LJS-99-143/Irving

Dear Ms. Owens:

We are writing in response to your letter dated January 21, 2000 wherein you requested additional information which you felt was needed to evaluate the project's consistency with the LCP.

1. Project Description

The subject site is located approximately 1600 feet or five streets back from the shoreline. It is not located on a beach or a coastal bluff; there are no coastal access or hazardous bluff issues raised by the project, and no marine resources will be affected.

The subject site consists of two legal lots both of which were previously developed. Parcel A is 1.07 acres in size and is currently developed with a single family residence. Parcel B is a .23 acre lot on which an historic World War II bunker is located. Mr. and Mrs. Irving, the applicants, propose to demolish the existing residence and build a new residence generally on the footprint of the existing one on Parcel A. The historic bunker will be preserved on Parcel B. Except for construction of a driveway to an adjacent property, Parcel B will otherwise remain undeveloped.

The proposed 8,010 square-foot residence along with an 800 square foot detached garage and guest quarters will represent a floor area ratio of only .19 on Parcel A alone or .15 over the two parcels where a floor area ratio of .6 is allowed. The underlying R1-5000 zone would allow development of up to 10 units on the two Parcels, but the applicants are willing to forego any further development on the two Parcels. Accordingly, the majority of the property will remain undeveloped.

Friends of Sunset Cliffs  
Response to April 18, 2000 Additional Information RE: #A-6-LJS-99-143/Irving

Page 1B

**Note 1 - Parcels Not Identified**

The letter refers to Parcel A and Parcel B repeatedly, but they are never defined or labeled in any of the illustrations. Other documents refer to parcels 1, 3, 4, and 5. Without a consistent, defined use of labels for the parcels it is impossible to be accurate in interpreting what is being said.

**Note 2- Greatly Expanded Use**

The phrase "generally on the footprint" of the existing structure is misleading in this context. The current house is 1600 sq. ft., whereas the proposed residence is 8,010 square feet PLUS an 800 sq. ft. guest house, PLUS a 5,000 sq. ft. lawn AND assorted decks and other structures.

**Note 3 - Threat of Subdivision**

The applicant repeatedly states that up to 10 units can be built on these two parcels. However, the designation R1-5000 specifies use for a SINGLE residence per parcel. The parcels would have to be legally sub-divided before multiple dwellings could be built. As indicated page 4 of the applicant's letter, **only 4% of this parcel can be developed without encroaching into either steep hillsides or sensitive vegetation**, making the approval of such a subdivision extremely unlikely. Furthermore, City staff (Dan Stricker, Project Manager) repeatedly informed the applicant that this was the case, and requested that any such references be removed from the applicants documents as well admonishing them to REFRAIN from stating in public meetings that this intense development would be the alternative, because it was misleading and untrue. There was particular concern over that fact that Mr. Irving had used this argument at both the Peninsula Planning Board and Planning Commission hearings. The minutes of the May 3, 1999 meeting of the Sunset Cliffs Recreation Council show that Mr. Irving told the group he has the right to build 12 to 14 homes on this property, and that although he only wants to build one home at this time, circumstances in the future might change. As it stands, Mr. Irving has refused to consolidate the two lots in escrow, to preserve his future development rights.

**Note 4 - Prohibition Against Subdivision**

Furthermore, the *Easement Relocation and Road Maintenance Agreement*<sup>2</sup> dated April 28, 1997 between PLNU and the Clarks, states that "The College hereby covenants and agrees that the College Property (presently consisting of three legal lots) shall not be subdivided in the future". This agreement makes the threat to create 10 buildable lots even more misleading. The threat of building so many residences also seems to have been the main argument that the applicant used to gain the support of neighbors for this project, as it is cited in several of their letters, in which indicate that they indicate the strong preference for a single residence. They were apparently unaware that there never was any real issue of developing 10-15 homes. They may believe that approval of this project will prevent additional homes from being built on the parcels currently owned by the college - however, the applicant has refused to consolidate the parcels, as requested by the City, so that he will retain the option of developing additional residences on the two parcels facing onto Stafford Place in the future.

05/02/00

The only legal access to Parcel A is a driveway from the Point Loma Nazarene College campus which crosses Sunset Cliffs Natural Park (Park). The existing driveway, which currently ranges in width from approximately 9 to 20 feet, will be improved to a more uniform width of 12 feet. The Irvings will cap certain water lines that crisscross the Park and install a single water main in the new driveway. This is significant because the existing water lines are old and are leaky, and the City has been unable to solve the drainage problems that result from these leaks. In addition, the Irvings will install a new drainage system across the subject property which will also help prevent existing erosion problems that plague the Park.

It is the relationship of the subject property to the Park that has generated concerns by a few individuals. These concerns are the basis of the appeal. To understand its relationship of the project to the Park, a map of the draft park Master Plan is enclosed behind Tab 1. From the map, it is clear that while the subject property abuts the Park, it is not unique in this regard. Development of other residential properties similarly situated is far more intense. In addition the existing Parcels and the existing residence were developed several decades prior to creation of the Park. In other words, the existing residence, bunker and driveway all predate the Park for which planning began in the 1980's. The driveway has been in continuous use for over 80 years.

The project was supported by the Peninsula Planning Board (the local planning group) and also has the support of the vast majority of the neighbors. The appellants do not represent the majority of residents in the area, and there will be an outpouring of support for the project as proposed when the matter comes before the Commission.

2. Standard of Review

As you are aware from previous correspondence, it is our position that the LCP applicable to this project is the one which was in effect at the time the application was deemed complete by the City of San Diego. Our position is consistent with the provisions of the ordinance adopting the new City Land Development Code. This project was deemed complete in the fall of 1998. It was approved by the City on September 16, 1999 and appealed to the Coastal Commission on September 30, 1999 prior to the certification of the LDC by the Coastal Commission. Regardless of your position and our cooperation with you to bring this matter to hearing, we will continue to reserve our right to object to any analysis of the project which is not consistent with the LCP in place at the time the application was deemed complete by the City.

3. Access Alternatives

a. Proposed Access

As discussed above, the existing residence is accessed via a driveway off Lomaland Drive which runs through the Point Loma Nazarene College campus and then across a portion of the Park. This is the only legal access to Parcel A. The driveway has been in use for over 80 years. An easement for the driveway was granted in 1957. A copy of the

Friends of Sunset Cliffs  
Response to April 18, 2000 Additional Information RE: #A-6-LJS-99-143/Irving

Page 2B

**Note 1 - Legal Access (Stafford Place Easements)**

The Grant Deed<sup>3</sup> dated July 11, 1977 in which S. Campbell Alexander granted to Pasadena College the title to the main Irving parcel (Parcel A?) specifically incorporates easements for utilities from Stafford Place ("over and upon the northerly 4 feet of lot 4") and access from Stafford Place ("ingress and egress over and upon the southerly 20 feet and the easterly 20 feet of lot 5"). Access to the property from Stafford Place is acknowledged and reinforced by a subsequent agreement, dated April 28, 1997 between the college and the Clarks, ("Easement Relocation and Road Maintenance Agreement"). It specifically provides for access from Stafford Place for BOTH parcels which make up the Irving property (referred to as Lot 4 and Parcel B in this agreement) with a 25% share of the maintenance costs for the road assigned to each of the applicant's two parcels. The 1997 access arrangement was further acknowledged in a subsequent October 26, 1998 agreement<sup>4</sup> between the Clarks and the Irvings (not yet in effect, as it is contingent upon the close of escrow by the Irvings) which states, in part "Access to the Clark Property and the Irving Property is presently available by virtue of multiple roadway easements", and references the April 28, 1997 agreement. Therefore, the documentation clearly shows legal access to the parcels is via Stafford Place.

**Note 2 - Water Pipe Erosion**

We know of no mention, in any report on erosion in the park, which refers to problems related to these old water lines, or of any prior attempts by the city to solve any park drainage problems related to these pipes. Furthermore, no mention of this has ever been made in any of the documents or arguments made previously. If the Irvings are now contending that this is the case, we would like to see prior independent corroborating documentation of the problem and City's failed attempts to solve drainage problems on park land due to this problem.

**Note 3 - Community Opposition**

The Sunset Cliffs Natural Park Recreation Council has passed multiple resolutions expressing concern over various aspects of this project. The most recent vote unanimously approved support for access to the Irving Property through Stafford Place rather than the 160-foot road across dedicated parkland (which is designated MHPA and named in the Biology Report as a wildlife corridor). The SCNPRC authorized the Executive Committee to handle communications regarding any additional environmental issues. In addition, the Friends of Sunset Cliffs, the Sierra Club, San Diego Audubon Society, League of Women Voters, California Native Plant Society, and US Fish and Wildlife have all written letters, participated in appeals, or spoken at public meetings in opposition to this project.

**Note 4 - Unique Parcel**

This is a VERY unique parcel, which is surrounded on three sides by the park. Because of its intrusion into the park, its development will have a dramatic effect on the northeastern section of the park, in perpetuity.

**Note 5 - Misstatements Relied Upon for Approval**

Unfortunately, at the Peninsula Planning Board meeting many misleading statements about the project were made. The minutes<sup>5</sup> of the May 3, 1999 meeting show that the project was misrepresented in several ways:

1. Stated it "consists of 3 lots totaling 70,000 sq. ft." (actually 2 lots). NOTE: It is our understanding that Mr. Irving's agreement with PLNU includes an option to purchase a third lot, which he may develop. This was not disclosed at the meetings at which the project was presented, and the neighbors may not be aware of it.
2. Stated that it will "include a conditional use permit because of the university land use designation" (no such permit related to the change in land use was every requested or issued, and the land use designation was never officially changed)
3. Stated that "site could be developed into approximately 12 lots because of the zoning designation" (but only 1 lot per parcel is actually allowed). NOTE: The applicant has not offered any evidence that they have applied for or been granted any rights to subdivide this property - in fact, just the opposite was stipulated in the April 1997 agreement with the Clarks - making their statements in this regard are very misleading.
4. The Planning Board minutes also state "Current access to the project site is off of Stafford Drive."

**Note 6 - Standard of Review**

We agree that the most current LCP should be applied to this project, particularly as it will affect many people due to its impact on the park. Because a full EIR was not required, alternatives which could alleviate the impact were never evaluated, and it is our understanding that the new LCP would strengthen the requirement for alternatives to be presented. We were particularly disappointed at the lack of good faith alternatives presented in this letter.

5/2/00

easement is attached behind Tab 2. To suggest that any other access would be a viable alternative has no legal basis. Although we will discuss the merits or lack thereof of alternative driveways from Stafford Place, the existing easement is the only legal access to the property, and therefore it is our position that there is no alternative access. The legality of the easement was discussed at public hearings, where the City Attorney reviewing this matter opined on its validity. 1

As stated above, the existing residence and lot predate the establishment of the Park. It is interesting to note that the current draft of the Park Master Plan prepared by the City shows the access driveway and does not recommend its deletion. (See map behind Tab 1.) 2

No grading will be required in order to widened the driveway to meet the City's requirement for a 10 foot driveway. Attached behind Tab 3 is a drawing which shows that the measurements of the existing driveway range in width from over 9 feet to over 24 feet. The majority of the driveway already exceeds 12 feet. 3

No sensitive vegetation will be disturbed with the improvement of the driveway for the proposed project. Attached behind Tab 4 is a letter from the City's senior biologist, Lisa Wood, confirms that clearing along the driveway which was done for fire protection or brush management purposes reduced the non-native species while preserving native species. Such clearing therefore had a beneficial rather than a deleterious effect.

Not only is the existing driveway the only legal access to the Parcel A, it is also more environmentally sound than the alternatives you suggest in your letter. It is, for example, the only alternative that does not require grading. In addition, as stated above, at the request of the Park and Recreation Department, our clients will construct a new water line in the driveway and cap four water mains that currently crisscross the Park and are believed to be the cause of erosion problems in the Park. By capping these lines, they will alleviate a drainage problem that has plagued the Park for years. 4

In summary, to suggest that there are more environmentally sound access alternatives not only ignores the legal reality that the current access is the only legal access to Parcel A, but also ignores its environmental benefits.

b. Existing Driveway from Stafford Place 5

There is no legal access from Stafford Place to Parcel A. The existing driveway is an easement for ingress and egress held by the Clark parcel to the north of the subject property. Besides the fact that the property over which it runs is not a part of this application, there are other reasons why this driveway is less desirable than the legal access to the property. First, the grading required to meet the Fire Marshal standards would be substantial because of the steepness of the existing grades.

Friends of Sunset Cliffs  
Response to April 18, 2000 Additional Information RE: #A-6-LJS-99-143/Irving

Page 3B

**Note 1 - Legal Access (Stirling Campbell Alexander Easement)**

The ONLY certain legal access to the property is off Stafford Place, which is described in the college's 1977 Grant Deed, and further amended in the 1997 Easement Relocation agreement. The City's Land Development Review staff<sup>6</sup> (William Southern) determined that the 1957 driveway easement cited here was granted to Sterling Campbell Alexander, NOT the applicant, and requested documentation showing that the applicant is an Heir or Assignee. The records contain NO such documentation. Furthermore, the 1957 easement was never recorded, appears on no maps, and was not identified in the City's purchase agreements for the park land. **It is important to note that the 1977 Grant Deed from Stirling Campbell Alexander to the college, which transfer the title to the applicant's parcel, omits any reference to the 1957 easement, and instead describes the parcel "together with easements, all as described in legal description attached hereto", which attachment ONLY describes the utility and access easements across the lots 4 and 5 on Stafford Place (described in Note 1 on the Page 2B).**

**Note 2 - Park Master Plan**

The draft master plan pages copied here are from an **early rough draft which was subsequently changed**. The draft presented by the City staff to the Sunset Cliffs Natural Park Recreation Council on May 1, 2000, has already been revised to show the driveways across the park being removed and revegetated. Since the 2000 draft master plan has yet not been approved at any level, it should not be cited or relied upon in this matter.

**Note 3 - Width of Park Road**

Until very recently, the road across the park was only 8 feet wide, as stated in the certified biology report<sup>7</sup> submitted to the City for this project. However, while under appeal to the Coastal Commission, the road across the park land was widened by PLNU in October of 1999 without a permit, and without approval from the City Parks and Recreation staff. The brush clearing and widening activity along the road was discussed in the Sunset Cliffs Natural Park meeting on November 1, 1999 at which pictures showing the changes were reviewed. Subsequently, the fire department was contacted and PLNU then performed substantial additional clearing in response to the fire department's issuance of an order to clear brush away from the existing structure and road. During this activity several large, mature native plants were destroyed, including native sumac and lemonade berry plants. Photos<sup>8</sup> taken while the work was under way show PLNU bulldozers clearing the road. Lisa Wood, the city's biologist, did not see the area until weeks after the majority of clearing had occurred, and so she may not have known the extent to which native plants were removed.

**Note 4 - Utilities from Stafford**

See Note 2 on Page 2B regarding water line. The most environmentally sensitive solution is for NO water lines or other utilities to run across the park. All utilities are readily available from Stafford Place, and the 1977 Grant Deed provides an easement across the northern boundary of lot 4 to provide for this connectivity. The argument presented in the letter seems to confuse this pipe with surface runoff ("drainage") problems NOT associated with water lines. **The long-term consequences to the park of placing these utility lines across the environmentally-sensitive MHPA land consists of not only the impacts to wildlife during the initial construction, but years of potential interface problems related to future breaks in the lines, brush management, and access for maintenance equipment.**

**Note 5 - Access Alternatives**

See Note 1 on Page 2B. Even if the existing access arrangement from Stafford were not completely satisfactory to the applicant, since PLNU owns all of the parcels in question, it should be simple for PLNU to modify the placement of the Stafford access road to accommodate an acceptable site layout for their buyer. The current Stafford access road is already paved, and has a quite gradual slope, except for one approximately 10-foot section. **It is considerably less steep than the proposed new Clark driveway, which will require massive landform alteration within the Hillside Review area.**

5/2/00

This alternative will result in approximately 2500 square feet of grading and clearing within the hillside review area of Lot 5. No biological survey was done on this lot, but based upon the survey for the adjacent Parcel B, considerable habitat would also be disturbed if this driveway were to be improved to City standards. Depending on the route of a driveway across Lot 5, it may have to be located in an area of steep slopes which would require even more grading. The 2500 square feet mentioned above is merely for purposes of providing an adequate turning radius at the street for a fire truck to navigate the driveway.

c. New Driveway from Stafford to the Clark Property

There is currently no legal access to Parcel A across Parcel B. If Parcel B were deleted from the project, this would not be an option. Even if it were, this alternative is not as environmentally sound as the existing driveway. An extension of the new driveway across Parcel B to the Irving residence would require moving an additional 200-300 cubic yards of dirt and the addition of continuous retaining walls along both sides of the driveway.

All of this grading would be in a steep slope area of the site adjacent to the Park. Attached behind Tab 5 is a site plan showing the extension of the Clark driveway. Because the slope of this driveway would not meet Fire Marshal standards, the existing driveway from the College across the Park would still be required to allow emergency access to both Parcel A and the upper slopes of the Park according to the Fire Marshal.

4. Deck

The plans show that the deck does not encroach into steep slopes. The deck is elevated; it is not at grade and therefore requires no disturbance to the slope. The footings are to be located in an area of Zone I brush management, and no additional brush management is required for the deck.

5. Alternative Locations for the Size and Location of the House

Enclosed behind Tab 6 is a site analysis which outlines the only area of Parcel A that could be developed without encroaching either in steep hillsides or sensitive vegetation. This area is only approximately 2500 square feet or 4% of the Parcel. Any alternative would therefore require some encroachment into either steep hillsides or sensitive vegetation. The currently proposed residence will essentially be located on the pad of the existing residence and will minimize encroachments into these areas. Furthermore, as noted above, the residence, garage and guest quarters represent a mere .14 floor area ratio where .60 is allowed.

It should not be overlooked that Parcel A could, under the R1-5000 zone, be further subdivided. Neither the applicants nor the owner of the property is asking to subdivide the property. Neither are they asking to develop each of the existing legal lots. But for the sake of comparison, we have had a site plan prepared that shows the intensity of development that could be proposed on the two existing legal lots by remodeling the existing residence on Parcel A, which would require no permits, and building a new residence on Parcel B. The site plan is attached behind Tab 7.

Friends of Sunset Cliffs  
Response to April 18, 2000 Additional Information RE: #A-6-LJS-99-143/Irving

Page 4B

**Note 1 - Missing Diagram**

We do not understand the reference to 2500 square feet of clearing on Lot 5. Was there a missing diagram in our copy of the most recent package submitted by the applicant? Or, does this refer to the diagram for placement of the easement in the 1997 easement relocation agreement?

**Note 2 - Fire Safety**

We DO request that the provisions for fire safety (hydrants, turnarounds, sprinklers) be applied fairly for each access alternative proposed, and that the total distance from a public street, and from the nearest fire hydrant, be shown for each proposed fire access, as previously requested by City staff<sup>9</sup>. The currently proposed new Clark driveway does NOT meet the fire regulation standards, and the access across the park is described as an "extreme distance from the nearest fire hydrant" in the letter to the Fire Marshal attached to applicant's package.

**Note 3 - Legal Access**

See Note 1 on Pages 2B and 3B.

**Note 4 - Location of Garage**

The alternative road along the steep slope is only required if the garage is placed at the east side of the lot. The obvious solution is to relocate the garage to the west side of the property, near the Stafford driveway. It could be underground, to minimize the visual impact. The distance to the house from the existing Stafford road, or from the top of the proposed Clark driveway, is less than 30 feet, and only a few feet higher. Relocating the garage would principally affect the 5,000 sq. ft. lawn, which would have to be reduced in size to allow for access from the front.

**Note 5 - Deck**

The deck is located entirely within the hillside review area, with footings embedded into a steep slope. How is that not encroachment? It would create a significant negative impact on the viewshed from the park. In addition, the plans show stairs placed on the same steep slope, east of the deck, which would further endanger this highly unstable hillside. In a letter<sup>10</sup> dated June 30, 1999 City staff directed the applicant to remove the stairs from the plan.

**Note 6 - Alternative Location of House**

As shown, this alternate location would be in conformance with the goals of the LCP, and is the most environmentally sensitive site for the house. A two-story structure in this location could yield 5,000 sq. ft. home, which would also be much more consistent with the character of the surrounding neighborhood.

**Note 7 - Plan to Subdivide**

If the applicant intends to argue the case for multiple dwellings, a sample plan for subdividing the property should be submitted for review to show the buildable area of each lot. Then the commission could more reasonably determine if the claim of building these residences is credible. If only 4% of the parcel is developable under the land use code, as is stated in the letter, it is very unlikely that subdivision the lots would be approved.

**Note 8 - Two Residence Alternative**

The SCNP Recreation Council has not reviewed the plan to develop two conforming residences, on the two lots, but might prefer this approach as it moves the structures away from the park boundaries, and also eliminates the need for the new Clark driveway. However, this approach would need to also eliminate the access road across the park to be acceptable.

5/2/00

6. Alternative Analysis for Lawn

The current location of the lawn area is the only logical one. Please recall the exhibit behind Tab 6. The lawn is proposed on the flattest remaining portion of Parcel A, a portion that represents a tiny percentage of the subject site on which some disturbed habitat exists. Based upon the exhibit located behind Tab 6, there would be no other area suitable for a lawn. The lawn area has been included in all calculations considered by the City with respect to habitat disturbance and grading.

7. Fence

The fence is an essential part of the development for the applicants. They have four young children, and the open fencing will give them some peace of mind when their children are outside on the property. At the same time the fence will establish private property boundaries for both the children and unwanted trespassers. The Park is unfortunately a gathering place for individuals who are using drugs and alcohol. Litter, cans, glass bottles and drug paraphernalia are left throughout the Park.

The openness of a fence will also allow small animals to come and go from the property. But it is important to note that no reputable expert has identified a wildlife corridor across the property. Even if such a corridor existed, it would currently be interrupted by the barbed wire fence across the Navy property south of the Park.

Also please note in the draft Park Master Plan that the north part of the park is to be fenced along its boundary line and access is to be restricted. (See map behind Tab 1.) A clear delineation between parkland and private property is also appropriate.

8. Certificate of Compliance

The Certificate of Compliance can be found behind Tab 8.

9. MSCP Mapping Error

The City concluded administratively that they had erred in including the subject property within the MHPA. Enclosed behind Tab 9 is the City's original MHPA Map. The line runs directly through the currently developed site. The City did not intend to include developed properties within the MHPA. The scale used by the City in its mapping was such that some property was unintentionally included. It is only when specific development proposals are submitted that such errors are identified and can be corrected. In this case the existing residence would have been within the MHPA.

Also, much of the site supports non-native or disturbed vegetation communities which differ

Friends of Sunset Cliffs  
Response to April 18, 2000 Additional Information RE: #A-6-LJS-99-143/Irving

Page 5B

**Note 1 - Alternative Lawn**

The letter does not address the obvious alternative of making the 5,000 sq. ft. lawn smaller, allowing room for the garage at the driveway in front of the house, or the siting of the house farther away from the Park. Furthermore, considerable native habitat will be destroyed by the construction of this turf lawn.

**Note 2 - Alternative Fence**

We agree that a fence is essential, as it will prevent household pets from roaming the park, as well as protect the applicant's young children. However, the fence should be installed along the line of the hillside review area rather than at the park boundary. This would provide better protection for the children from the steep slopes, as well as preserve the "open space" area for wildlife, thereby easing the transition between the private property and the park. The wildlife in the park currently depends upon this area to traverse from the northeastern canyon to other parts of the park. Contrary to the applicant's disparaging assertions, the biology report for this project specifically describes the MHPA preservation area adjacent to the Irving project as a "wildlife corridor". This report was prepared Helix Environmental Planning, Inc., a firm chosen by the applicant, and certified by the City of San Diego. As proposed, the fence would cut off the majority of area currently used by small mammals in this area. The report states "the wildlife corridor is expected to be utilized by small mammals such as skunks, foxes, opossums and rabbits as well as migratory birds." The design of the applicant's chain link fence does not show how it could accommodate the free passage of these types of animals.

**Note 4 - Master Plan Fence**

See Note 2 on Page 3B regarding this draft of the Master Plan – the fence has already been deleted in the most current draft.

5/2/00

from the MHPA mapping designation for this area of coastal sage scrub. The MHPA boundary correction results in deleting .72 acre from the MHPA of which .21 acre is disturbed coastal sage scrub/chaparral, .46 acre is disturbed habitat, and .05 acre is developed. Impacts to the disturbance of the already disturbed coastal sage scrub/chaparral will be mitigated by purchasing preserved habitat of the same type off site or contributing to the city's habitat acquisition fund. 1

10. Legal Owner

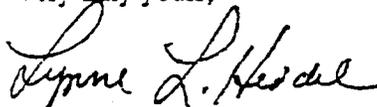
I believe you already have a letter on file from Point Loma Nazarene College authorizing this application. The Irvings are in escrow and have permission to apply for the CDP. 2

11. Clearing of Driveway

While the appeal has been pending, issues were raised as to whether illegal clearing of vegetation had occurred along the driveway. Attached behind Tab 10 is a letter prepared by the College and confirmed by the Assistant Fire Marshal, Samuel Oates, which states that the clearing was done in accordance with City policies and at the request of the Fire Marshal.

With this information, we assume that you will be able to prepare your report and recommendation. If you need additional information, please let me know.

Very truly yours,



Lynne L. Heidel  
of

SULLIVAN WERTZ McDADE & WALLACE  
A Professional Corporation

Enclosures

cc: Mr. Craig Irving  
Ms. Rebecca Irving  
Mr. Eric Naslund  
James R. Dawe, Esq.  
Mr. Art Shingler

**Note 1 - Disturbed Habitat**

Even though much of the site and adjacent parkland contains disturbed native habitat, these areas are a valuable part of the wildlife habitat. The applicant's plans only protect the plants designated as "sensitive"; however the other native plants and even some of the non-natives provide an important function within the overall environment. The wholesale destruction of these other plants in the lawn area on the site, and in the park land along the road and property boundaries, may do irreparable harm to the park's function as a wildlife habitat and MHPA preserve.

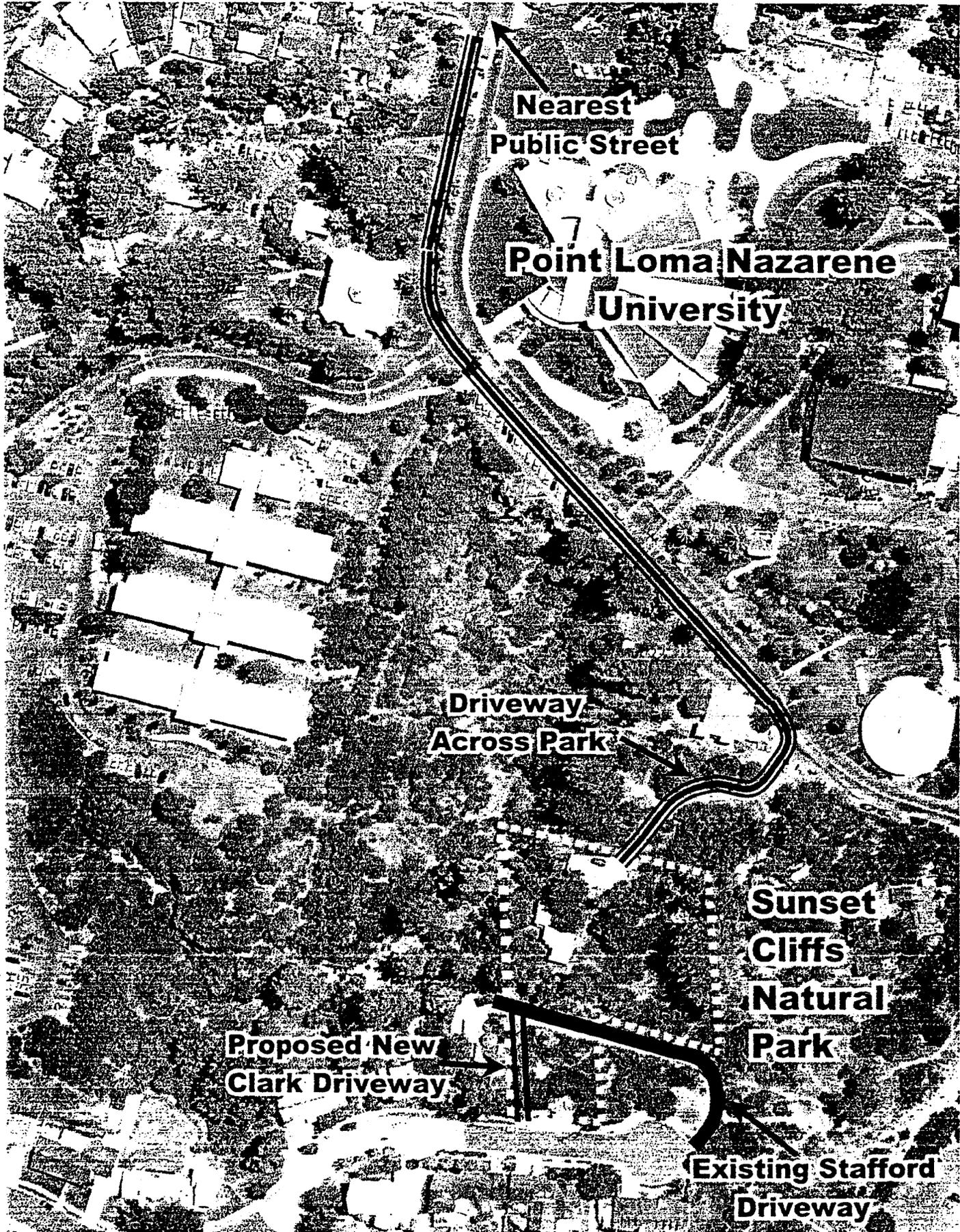
**Note 2 - Clearing of Driveway**

See Note 3, Page 3B. While the Fire Department may be satisfied with the clearing that was done, it is their function to focus on the protection of structures, not the environment. The letter from the college is misleading to the extent that it fails to acknowledge that the brush clearing began in October, prior to any contact with either the Fire Department or the City Park and Recreation staff. Furthermore, the brochures provided to the college by the Fire Department's staff emphasized the need to check with other City departments to obtain the necessary permits before performing the brush clearing. However, the college did not obtain any permits, and performed the majority of the clearing on park land without supervision by a qualified biologist, as is required on MHPA designated land. Their defense of this practice makes it seem likely that this is the approach that they would again take in the future.

---

## Attachments

- <sup>0</sup> Photo-Map of Irving Property showing 3 driveways being considered in this matter.
- <sup>1</sup> Minutes of the May 3, 1999 meeting of the Sunset Cliffs Natural Park Recreation Council
- <sup>2</sup> April 28, 1997 *Easement Relocation and Road Maintenance Agreement* between PLNU and Clarks
- <sup>3</sup> July 11, 1977 *Individual Grant Deed* from S. Campbell Alexander to Pasadena College
- <sup>4</sup> October 26, 1998 *Easement Relocation and Lot Line Adjustment Agreement* between Irvings Clarks
- <sup>5</sup> Minutes of the May 12, 1999 Peninsula Community Planning Board meeting
- <sup>6</sup> October 29, 1998 email from Planning Department to applicant (Dan Stricker's file, p. 49)
- <sup>7</sup> Certified Biology Report from Helix Environmental Planning Inc., dated March 25, 1999, pp. 4-5
- <sup>8</sup> Photos: 1) pre-clearing taken April 1999, 2) bulldozers in operation November, 1999, 3) bulldozers and workcrew in operation November, 1999, 4) post-clearing measurement of 24 ft. width at entrance to drive
- <sup>9</sup> December 9, 1998 letter from Planning Department to applicant (Dan Stricker's file, p. 47)
- <sup>10</sup> June 30, 1999 letter from Planning Department to applicant (Dan Stricker's file, p. 8)



Irving Property, surrounded by park, illustrating three driveways discussed

**RECEIVED**

JAN 25 2000

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

California Coastal Commission  
Llaurinda Owens  
3111 Camino del Rio #200  
San Diego, CA 92108-1725

Re: Irving #A-6-PEN.99-143

The proposed Irving development should be rejected because:

1. The city accepted a Mitigated Negative Declaration instead of a full E.I.R. in this environmentally sensitive, dedicated parkland. A full E.I.R. is required.
2. The subject property is bounded on three sides by Sunset Cliffs Natural Park.
3. The Multiple Habitat Planning Area would be adversely affected by such construction denying presently available access for wildlife.
4. The Local Coastal Program adopted by the City is expressly repudiated by this proposal.
5. The present road easement of 8 feet would be increased to 16 feet (including shoulders) in width, extending 160 feet across the parkland, impeding wildlife access to a sensitive canyon.
6. Access to the applicants parcel already exists from an adjacent city street and therefore construction of a new driveway would not be necessary.

In the best interest of sound planning and environmental protection I urge the commission to deny the Irving project.

Sincerely,  
*Kay Harry*  
Kay Harry  
876 Golden Park Ave.  
San Diego, Ca. 92106w



**SAN DIEGO AUDUBON SOCIETY**  
2321 Morena Boulevard, Suite D • San Diego CA 92110 • 619/275-0557

January 22, 2000

**RECEIVED**

JAN 25 2000

Commissioners of the California Coastal Commission  
3111 Camino De Rio North  
San Diego, California 92108-1725  
Submitted by FAX: 619-521-9672  
Attn: Laurinda Owens

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Subject: Request that the Commission reject the application for the construction of the Irving residence in Point Loma, San Diego, A-6-PEN-99-143.

Dear Commissioners:

The San Diego Audubon Society is very concerned with the potential environmental impact of this project, especially to the native wildlife and vegetation of this area.

We urge that the Commission not grant a Coastal Development Permit for this project until it is significantly modified to avoid or at least minimize its considerable and unnecessary environmental impacts. The project could disrupt the wildlife connectivity between 6 acres of the MHPA from the rest of the Sunset Cliffs Natural Park and from the Navy's Point Loma Ecological Reserve to the south. It could isolate 6 acres of Sunset Cliffs Natural Park from public access. The proposed residence would be virtually surrounded by MHPA land and could cause considerable edge impacts to the adjacent habitat area. Specific impacts of the project will be discussed in following paragraphs.

We urge that the Commission also require that the applicant set forth adequate mitigation measures to fully offset the impacts of the project that can not be avoided. The mitigation provided in this project is not adequate to offset the projects impacts on the habitat value of the MSCP preserve, Sunset Cliffs Natural Park, and on public access. These measures should offset impacts related to habitat loss, habitat fragmentation, edge effects, and erosion impacts. Needed mitigation measures will be listed in following paragraphs.

**BACKGROUND**

The structure that is currently on the property is very small and is surrounded by minimal non-native landscaping and no fencing. Traffic to that building through the existing road easement is minimal. The building was part of the college. The proposed home will be extremely large with a non-attached residence and garage; the fencing will extend well into the habitat areas; the roadway will have to be widened and native vegetation removed; a large lawn area and landscaping will introduce aggressive non-native plants to the Preserve; and the expanded roadway, roofs, driveways, and hardscape areas will risk increased runoff and erosion problems.

**WILDLIFE CONNECTIVITY**

This project will require variances from City regulations for the construction of retaining walls, up to 15'6" high, for a driveway, to the west of the proposed house, . These walls would

prevent wildlife movement west of the proposed house. The planned residence, other structures, fencing, lighting, and landscaping would seriously limit wildlife movement through the project area itself. The 160-foot road easement, across City Park land and the MHPA, to the property would impair wildlife movement to the east of the property and increase the likelihood of road kill and vulnerability to predators for wildlife that try to cross the road. The combination of these will seriously impair north-south wildlife movement across the entire corridor that should connect the six acres to the rest of Sunset Cliffs Natural Park and the MHPA. If this easement continues to be the accessway for this development the City would require that the roadway be broadened, and vegetation removed, increasing the habitat fragmentation and loss of corridor value for wildlife. We urge that the Commission not approve the development unless the applicant agrees to maintain the wildlife corridor value by abandoning the road easement and modifying the project to provide access to the property from the west side (Staffordshire Place) only.

#### FIRE FUEL CLEARANCE AREAS

This project is surrounded by habitat, much of it native. Fire clearance requirements will require that vegetation be removed from the zone surrounding the house, and the vegetation in the next zone out will have to be substantially thinned. As the house and other structures will occupy a lot of land, the clearance zones will be very large, and will degrade or destroy a lot of habitat value. We urge that the shape and the area covered by structures be substantially modified to reduce the fire clearance impact.

#### MSCP PRESERVE IMPACTS

A major portion of the property, 0.72 acres, had been included in the MHPA, but was removed in a "Boundary Correction" by the City. It is not clear why this arbitrary adjustment was made, or if any offsetting boundary adjustments were made to maintain the adequacy of the MHPA for these extremely scarce coastal slope habitats, or if there is some evidence or agreement that the MHPA contains more than enough coastal slope habitat area to fully protect the species covered by the MSCP.

#### MSCP PRESERVE IMPACTS, EDGE EFFECTS

The proposed development is adjacent to the Preserve and to Sunset Cliffs Natural Park on three sides. This will cause significant edge effect impacts to the Preserve, unless protective measures are taken to reduce these impacts. Unfortunately, reduction of lighting impact appears to be the only edge impact on the surrounding habitat that has been addressed by the City.

The natural drainage from the property is into the MHPA. Any dry season runoff from irrigation or pavement rinsing will run off into the MHPA. This could promote erosion and an infiltration of invasive vegetation within the preserve. Any wet season runoff will be increased in volume and accelerated in flow by the roofs, driveways, walkways, etc. of the project, which will also encourage invasive plants and erosion.

The Commission should not consider approving the project until the following mitigation measures are incorporated into the project to minimize edge impacts to the habitat of the Park and the Preserve:

Abandon the road right of way through the park and MHPA.

Keep pets 50 feet from the border with the MHPA.

Protect the MHPA from artificial lighting.

Require that runoff from the developed area and driveway not flow into the MHPA or be slowed and diffused to sheet flow before entering the MHPA.

Require that fencing not prevent or discourage wildlife from crossing the property.

Require that all vegetation planted in the ground be of species that are native to coastal San Diego.

Require that any non-native vegetation be in fully contained planter boxes, no closer than 50 feet to the border with the MHPA to prevent invasion.

If lawn areas are necessary, require that they be kept 50 feet from the preserve, small in size, and that frequent monitoring and eradication be provided to make sure that the grasses do not escape into the preserve.

Require that the property be kept free of non-native invasive plants.

Require that the use of pesticides, herbicides, fertilizers, and fungicide use be limited to areas within 20 feet of the residence and at least 50 feet from the border with the MHPA.

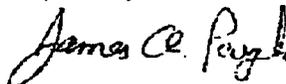
#### EVENTUAL USE OF THE PROPERTY

SDAS appreciates that the applicant has expressed a desire to protect the habitat value of the site. However, we urge that the Commission to consider that fact that the proposed house will probably change occupants many times. Future residents may have no understanding of the impacts of their activities. Also, this is a very large residence and has additional residences over the garage. The proximity to the college suggests, under future owners the house could be occupied by large numbers of residents, such as students, faculty, campus guests, parents, meeting facilities, etc., resulting in heavy use of the driveway for residents and services and likelihood of considerable foot traffic into the Preserve. Rigorous protections and mitigations that are enforceable need to be incorporated into this project to ensure that it is only used as a single family residence. Requiring that the proposed home and the auxiliary residence be reduced in size would also help to reduce the likelihood of overly intensive use of the site in the future.

#### CONCLUSION

We urge that the Commission reject this project and urge that the developer return with a project in which the habitat impacts are reduced, the roadway easement is abandoned and access be provided via Stafford Place, the scale of buildings, landscaping, and fencing substantially be reduced, and that adequate and enforceable mitigation measures be incorporated to fully protect the habitat value of Sunset Cliffs Natural Park, the MSCP preserve, and park user access. Please keep us aware of future actions and information on this project at 619-224-4591 or [peugh@home.com](mailto:peugh@home.com).

Respectfully,



James A. Peugh  
Coastal and Wetlands Conservation Chair

January 20, 2000

Margaret Lange  
1085 Sunset Cliffs Blvd  
San Diego, CA 92107

California Coastal Commission  
San Diego Area  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108-1725

RECEIVED

MAR 10 2000

RE: Appeal No: A-6-Pen-99-143  
Irving and PLNU

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Questions about February Coastal Commission Hearing:  
Logical Access Reduces Environmental Impacts

Did anyone think about future property owners of the Irving development?

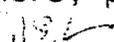
Looking at a map, it is obvious that owners of this lot would only have to go 3 blocks to get to the nearest collector street, Hill Street, if they accessed from Stafford Place. However, if they went through the MHPA and Sunset Cliffs Natural Park and Point Loma Nazarene University (PLNU) they would travel much farther to get to a main collector street, Catalina.

PLNU has 2000 full time equivalent students, which is at least 3000 students and faculty at this small campus. Everyone must go in and out one entrance which frequently has a long line of cars. Frequently PLNU has cultural and sporting events which cause big traffic jams. Irving and future owners will routinely be at the mercy of this inadequate access route. If his four children go to Sunset View Elementary school, which is three blocks away by Stafford access I can't see him going about three quarters of a mile to get there through the college and park.

Can't anyone see the logic?

His apparently stubborn resolve to widen and use this park road will not only destroy a beautiful part of a coastal park. The park would abandon this road as it tramples a narrow wildlife connecting corridor. If it remains as a road the students will always try to park in there further destroying the natural appearance of the park.

Dear commissioners, please try to remedy this bad situation.

Thank you,  Margaret Lange

January 20, 2000

Dedi Ridenour  
1071 Sunset Cliffs Blvd  
San Diego, CA 92107

California Coastal Commission  
San Diego Area  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108-1725

**RE: Appeal No: A-6-Pen-99-143**  
**Point Loma Nazarene University**  
**Craig Irving**

Using the 12/14/99 California Coastal Commission staff report I have organized my comments and referenced the pages in that document. Overall the staff stated most of the major coastal environmental issues very well. The main issues that need clarification are the magnitude of the visual impact and the cumulative long-term habitat destruction. The loss of this last large western facing open space parcel of Point Loma bounded on three sides by city dedicated open space public park and MHPA is a large impact on the City's coastal resources. It should be added to the park to retain the integrity of the wildlife corridor and to preserve the two historic resources. If it can not be added to the park at a bare minimum the development should not adversely impact the park and MHPA. This document seeks to show how this development is not consistent with the LCP, Hillside Review Ordinance, Chapter 3 of the Recreation Policies and the Multiple Species Conservation Plan.

Page 5

1. Since **new conditions** apply as of January 1, 2000, how does this affect this project?
2. Since the **certified LCP** requires that the home and access road(s) be **sited** in a manner that has the **least damage** to the environment, can we now ask that the logical revision to the project which reduces the adverse impacts to the park and MHPA be studied?

**Alternative:** Move the house west and south partially onto Parcel B. Turn the whole house on a pivot point of the northwest corner clockwise 90 degrees. Move the garage/guest house to access by Stafford Place. Delete canyon deck and stairs in hillside review area. Abandon road easement to east thru park/MHPA. Place fence within Zone 1 Brush Management Line. Keep predator pets within that fenced area except if on a leash. Extend the no-build zone to the Hillside Review line.

**Impacts of alternative**

Reduces visual impact  
Buffers and protects the park/MHPA  
Reduces the impact of brush management in MHPA  
Protects the Hillside Review area  
Conforms to LCP

**3. Roads sited for least environmental damage**

Vacate 160 foot road eastern easement across sensitive habitat protection area of park. Access property solely from the west either along existing easement across Lot 5 from Stafford Place or a new driveway. Utilizing a road across sensitive coastal sage scrub MHPA area in a dedicated natural park certainly does not "retain the visual quality of the site, the aesthetic qualities of the area, and the neighboring characteristics by utilizing proper structural scale and character". . .

**To understand the visual impacts digital photos are needed:**

From the south (near the Lotus house on park land)  
From the lower parking lot or the ball field area  
From the Southeast (from the west high knoll)  
From the trail head at Lomaland Drive and life estates access road.  
From the East along the park trail (easement road)  
From the cross on PLNU visitor parking lot overlooking North Canyon  
From the trail terminus overlooking North Canyon in the Park  
From the North Canyon east, middle and west end  
From the west (near the end of Stafford Place in the park)  
From the west (on the trail from the upper parking lot)  
From the west (on the trail from the lower parking lot)

Please request these simulations showing the house and guest house. It does not seem reasonable to ask the commissioners to rule on this development without this information. The photos should be certified by a registered architect as to accuracy and full disclosure.

Thank you in advance for your careful consideration and action on these requests. Please call if you have questions.

Sincerely,

  
Dedi Ridenour, 619-222-8983

January 23, 2000

Robert Wedgewood  
1071 Sunset Cliffs Blvd  
San Diego, CA 92107

Attn. Laurinda Owens  
California Coastal Commission  
San Diego Area  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108-1725

**RE: Appeal No: A-6-Pen-99-143**

**Craig Irving Applicant**

Areas for resolution before Coastal Commission Hearing February---, 2000

The following are some environmental concerns that were not resolved in the course of the city's processing

**Development Footprint's impact on Diegan Coastal sage scrub**

Development footprint is much larger than indicated in the negative declaration. Grading and clearing of 4858.5 sq.ft. for house and garage, 4,724.1 sq. ft. for landscaping plus 5,100 sq. ft. of paving plus the realigning and widening of private easement in the public park of at least 2,000sq.ft. and subtracting the existing house and garage of 1,675 sq. ft. plus about 1,500 sq. ft. of grass around the building equals ~11,500 sq. ft. or about a third of an acre.

The additional development foot print cause by the zone 2 brush management zone and the traversing the site with construction equipment cannot be adequately assessed without further information but this is much more than the 0.16 acre of Diegan coastal sage brush.

What is the cumulative impact of all of this construction, brush management and planting of non-native plants? Please see landscape plan which shows non-natives.

What are the current actual zone 2 brush management boundaries? How does this impact this last parcel of native and old growth chaparral on the west side of Point Loma? How does this compromise the mission of the natural park to revegetate and rehabilitate with native plants and animals?

Doesn't the proximity of the adjacent 640 acre plus Federally protected Ecological Preserve make this land a more valuable and fragile resource worthy of extra effort to preserve?

**MHPA**

Most of this parcel was correctly mapped as Multiple Species Habitat Protection Area(MHPA) as it clearly contains substantial stands of old growth chaparral including very large samples of the sensitive species, Wart stemmed Ceonothus. It is clearly a migratory pathway for birds, animals and insects between two portions of the adjoining park land which is in the MHPA and connects directly to the 640 acres of federally protected ecological reserve to the south. The "error" was overcorrected to exclude this land and an administrative meeting was held Feb.19, 1999 among staff who did not fully have the impacts of their decision available. I have been told that the staff that met on adjusting the MHPA boundary were heavily influenced by City Council members and the lawyers for the Irvings. Further I understand that the director of the MSCP, George Story did not know of the Federally Protected

Ecological Preserve on the Point. Further he did not know of its connectivity to the 68 acre natural park. Can this have been a correct process? This was not a mapping problem and must be corrected to by Coastal Commission staff to reduce the adverse environmental impacts of this project.

I would recommend:

The MHPA area be restored or a new boundary be placed on Parcel A that recognizes the proximity to the Ecological Preserve and the south swale's critical connectivity function to the three plus mile long wildlife corridor. We have very little unurbanized land on Point Loma. Virtually no land on the west side is left.

Reduce the development footprint and reorient the house away from the park and MHPA..

Allow no predator pets outside the Zone 1 fenced brush management zone .

Prohibit predator pets access within 50 feet of MHPA boundary.

### **Off Site Drainage Source**

Prior to selling this parcel of land, as a condition of final sale, the 8" storm drain which now drains PLNU onto the park and down into the south swale must be rerouted out of the park or conducted to the storm drain that living will need for this massive conversion of landscape to hardscape.

Coastal Commission should recognize that the public have not been able to see the actual grading plans so it is impossible to see where the drains will be constructed and whether they will keep water out of the park. Recent studies have show how coastal bluff failure is related to landscape watering. The proposed 5000 square feet of lawn requiring of up to 100 inches of equivalent rainfall per year amounts to a severe erosion potential. The Sunset Cliffs hillside area is used by geology professors to show the erosive effects of piping of ground water. Lawn is not native plant landscaping and should be prohibited.

### **WWII Historic Site**

I am a WWII veteran who treasures our local WWII heritage. I remain very concerned that public access will forever be denied to a significant WWII coastal defense site. Can the Coastal Commission do anything to help ensure that this site is preserved and made accessible perhaps annually to historic groups?

Thank you very much for your time and careful consideration to these issues.

Very Sincerely,

Robert Wedgewood

