CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103 SAN DIEGO, CA 92108-4402 (610), 767-2370

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Hearing Date:

Agent: Lynne Heidel

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

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

Applicant: Craig T. Irving

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.

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. The subject de novo permit was scheduled for Commission review at its June 14, 2000 meeting. At that meeting, after a brief staff presentation and discussion regarding the project, the Commission voted to continue the matter due to outstanding questions regarding information from the fire department regarding brush management required for Zone 1 and confirmation from the fire department that the access road off of Lomaland was the preferred access route required by the fire department and that the other proposed alternatives for access to the site would not meet fire department requirements. The applicant provided Commission staff with a draft letter from the fire department addressing these issues on 6/21/00; however a final letter is not yet available. It is anticipated that this information will be received in time for the addendum to the Commission's packet for the July 11-14, 2000 meeting.

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 size. 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.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

1. 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.

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 PERMT, 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. <u>Drainage/Runoff Control</u>. 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. <u>Landscaping Plan/Deed Restriction</u>. 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 onestory, 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-desac 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 no 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) <u>Public View Blockage</u>. 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 white 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) <u>Community Character.</u> 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. <u>Runoff/Water Quality</u>. 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. <u>Land Use</u>. 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. <u>Local Coastal Planning</u>. 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.

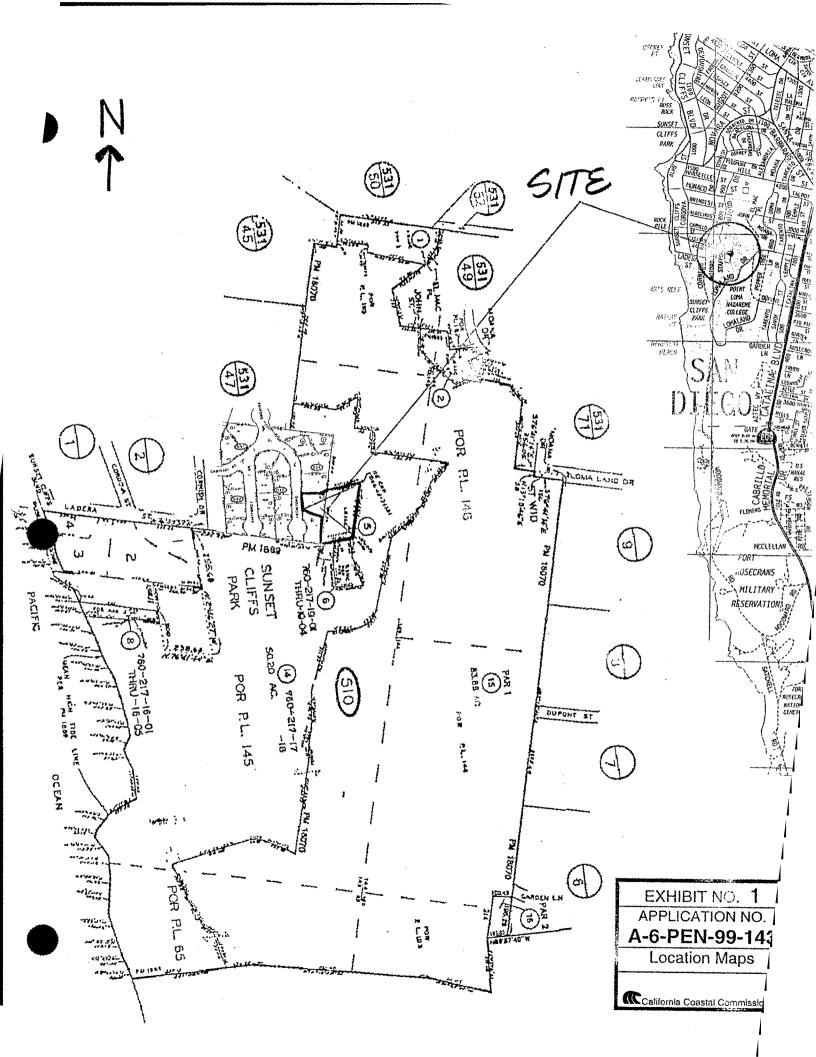
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the biological and visual resources policies of the Coastal Act. As conditioned, there are no feasible alternatives or mitigation 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.

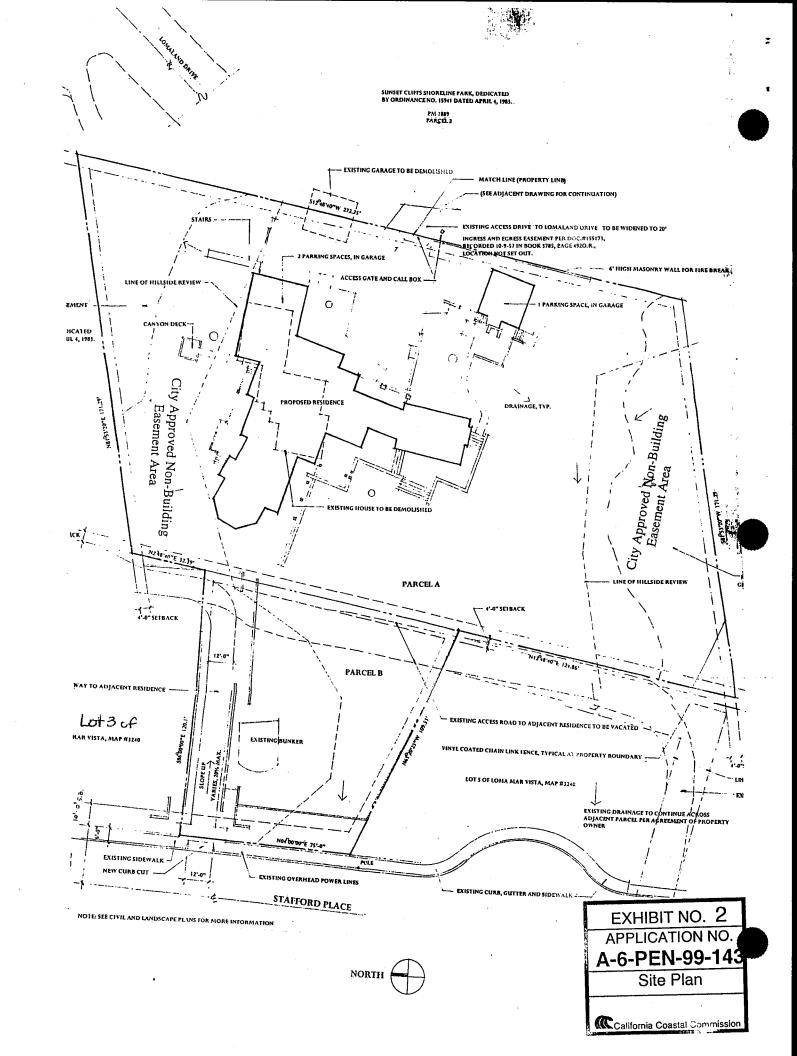
STANDARD CONDITIONS:

- 1. Notice of Receipt and Acknowledgment. The permit is not valid and de clopment 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. <u>Expiration</u>. 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. <u>Compliance</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

- 6. <u>Assignment</u>. The permit may be assigned to any quantied person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 7. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to Lind all future owners and possessors of the subject property to the terms and conditions

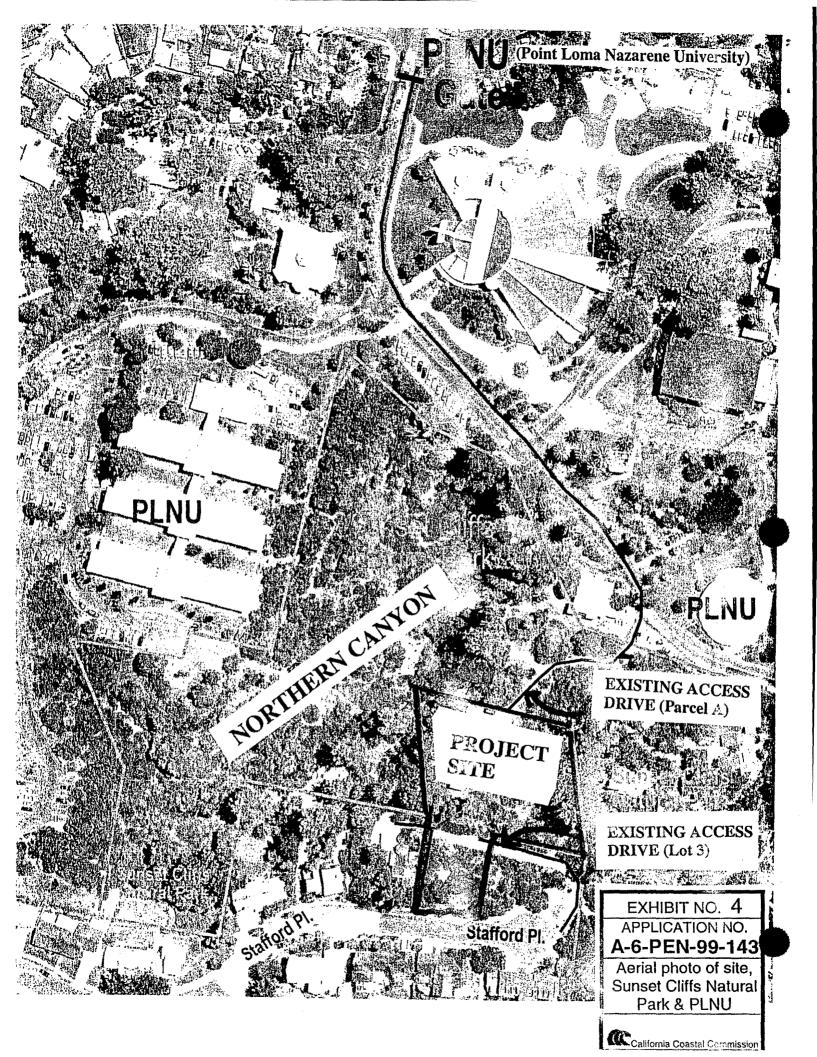
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PM 1825 PARÇE: 1 EXISTING GARAGE TO BE DEMOLISHED MATCH LINE (PROPERTY LINE) (SEE ADJACENT DRAWING FOR CONTINUATION) EMENT SICATED UL 4, 1983. PARCEL A 4'-0" SETBACK PARCEL B WAY TO ADJACENT RESIDENCE Lot3 of VINYL COATED CHAIN LINK FENCE, TYPICAL AT PROPERTY LOT S OF LOMA MAR VISTA, MAP #1240 EXHIBIT NO. 3 EXISTING CURB, GUTTER AND SIDEWALK APPLICATION NO. STAFFORD PLACE A-6-PEN-99-143 NOTE: SEE CIVIL AND LANDSCAPE PLANS FOR MORE INFORMATION Open Space Deed Restriction pursuant NORTH to SC#3 (in concept only)

California Coastal Commission



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PAMELA LAWTON WILSON

April 18, 2000

VIA MESSENGER

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

APR 1 9 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 ... 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.

St Clients 4141 011 Llowers ltr.wpd

EXHIBIT NO. 5
APPLICATION NO.
A-6-PEN-99-143

Letter from Applicant's Representative with Attachments Ms. Laurinda Owens April 18, 2000 Page 2

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. <u>Proposed Access</u>

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 the 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.

Ms. Laurinda Owens April 18, 2000 Page 5

6. <u>Alternative Analysis for Lawn</u>

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

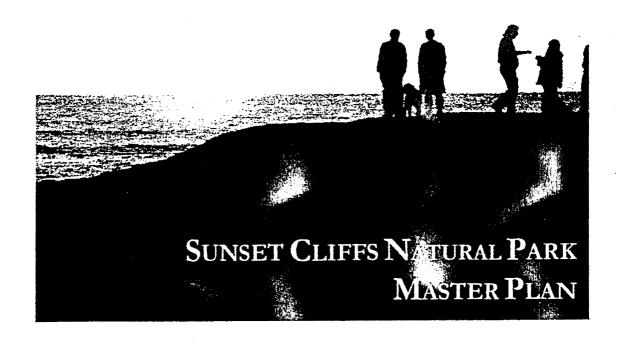
SULLIVAN WERTZ McDADE & WALLACE

A Professional Corporation

Enclosures

cc: Mr. Craig Irving

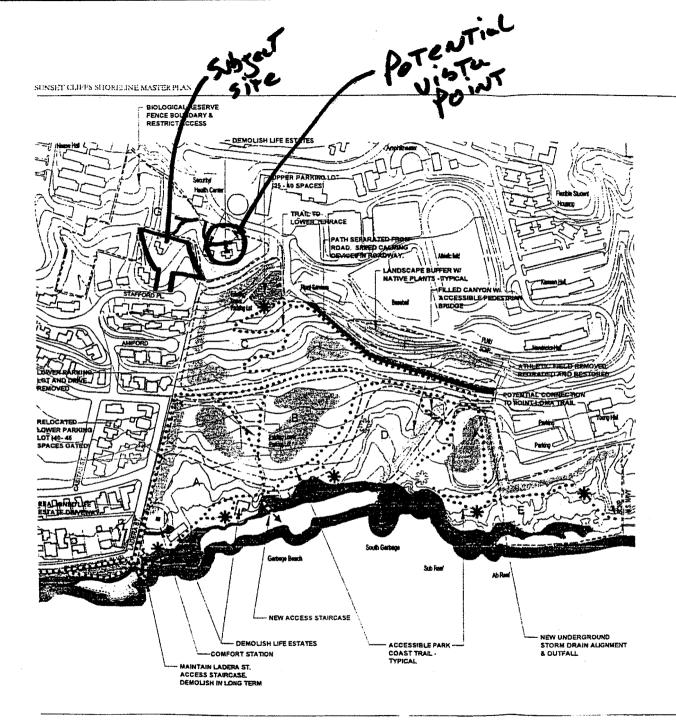
Ms. Rebecca Irving Mr. Eric Naslund James R. Dawe, Esq. Mr. Art Shingler



DRAFT

Prepared For City of San Diego

Prepared By Van Dyke, LLP



Natural Park Master Plan Hillside Park

Park Entry	
Lower Caostal Terrace	$\begin{bmatrix} \mathbf{B} \end{bmatrix}$
Upper Coastal Terrace	روع
The Badlands	
South Coastal Terrace	[E]
East Slope	[F]
Upper Canyon Reserve	
Park Entry Sign	^
Streets/Parking Area	and fight w
Revegetation	
Landscape Buffer/Massing	Sec. 3
Pedestrian Trail System	p :0 · 0 · 0
Beach Access	
Primary Observation Point	*
Secondary Observation Point	£.03
Cliff Formations	
Beach	
Riprap Erosion Control	



GLANT DEED

Created Eugement

ALIFORNIA - WESTIRN UNIVERSITY OF BAN DIEGO.

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

does hereby GRANT to STIPLING CLAPBELL ALEXANDER, his heirs.

20 feet in width 1 California 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 Louis 85, 103, 144, 145, 148 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 Morthwesterly corner of Woodland Terrace, Unit No. 1 according to the Map thereof No. 2882 on tile 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 to. 1 and its Southerly prolongation, 2193.09 feat; thence North 89° 57' 40" West, 890.00 feet; thence South 13° 18' 46" West, 800.00 feet to an intersection with the Northerly line of a 55.00 sort track of land conveyed by Howard Throckmorton and wife to the United States of America by deed dated June 8, 1944, and recorded in Book 1704, page 401 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 by Growth by dead 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 Maid Crontiles land to the Southeasterly corner thereof; thence Bouth 2° 48' 27" West, along the Easterly line of the last mentioned land, 555, 89 1867 to the Configuration of the Manne Vista. according to the Map thereof No. 1981 on file in the Office of the Recorder of said San Diego County; thince South 78° 41' 14" East, slong the Southerly line of said Azure Vista, 202. 32 feet to the Southeasterly corner thereof; there's continuing South 76° 41' 14" East (Record South 77° 15' 21" East) along the Easterly prolongation of the Southerly line of said Amere Vista.
450. 58 feet to the Southeasterly corner of a parcel of land conveyed by
Howard Throckmorton and sife to the United States of America by deed dated June 10, 1942 and recorded in Book 1249, page 391 of Official Records; thence South 13, 18' 48" West, 73.92 feet; thence South 76' 41' 14" Fast, 193.18 feet; thence South 76' 41' 14" Fast, 193.18 feet; thence North 30' 41' 26" East; 53.33 feet; thence South 83' 59' 10" East, 234.17 feet; thence North 36' 55' 90" 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' 38' 40" West, 102.84 feet; thence North 26' 25' 90" West, 233.10 feet; thence North 12' 43' 233. 10 feet: thence North 80° 15' 20". West, 81.04 feet; theme North 12° 43° 40" limit; 178. 48 feet; theory: Scuth 78° 42' 14" Rest, 424.80 feet to the Westerly line of Medica Terrace, according to the Mar Mar Mar of the Test on file in the Office of the Recorder of said San Diego County; thence South 130 13' 48" West, slorg the Westerly line of said Medina Terroce, 147. 67 feet to the Southwesterly corner thereof; thence South 78° 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. 2843 on the in the Office of the Recorder of said San Diego County, thence South 130 18' 48" West, along the Westerly line of said Colonial Manor 250.00 feet to the Southwesterly corner thereof; thence South 78° 43' 14" East, along the Southerly line of said Colonial Manor, 100.00 feet to the point of beginning.

1995年1995年

Enidensement for ingress and agrees 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 routs to the grantee's property, hereinofter discribed, or by an alternate direct route via Lomaland Drive, also by an elisterly approach, and of equal convenience for access to the grantee's home, as may be hereinafter provided by the granter, its successor or assigns; said essement for ingress and egress to run in favor of and be appurtenent to the following described property.

Beginning at a point on the Easterly prolongation of the Southerly boundry line of Azure Vista, according to the Map ther of No. 1981 distant therefrom 450, 58 feet S. 770, 13', 30" E. (S. 76° 41' 14"E. Record of Survey No. 950) from the Southeasterly corner of said Azure Vista, thence North 12' 46' 30" E. (N. 13' 18' 46" E. Record of Survey No. 950) a distance of 272 35 feet to a point; thence North 81' 51' 16" E. a distance of 171, 38 feet to a point; thence South 12' 46' 30" W. a distance of 272 25 feet to a joint; thence South 51' 51' 50" West a distance of 171, 28 feet to the point of beginning, containing an area of one acre.

All essements herein granted shall be severable and shall be appartenant to all or any portion of the real property cames by the grantee and described herein and shall innire to the benefit of the grance, his heirs, successors and sasigns.

This grant is in addition to the grant contained in their certain deed daied April 10, 1945, recorded in the office of the San Diego County Records April 26, 1945, in Book 1869, Page 27, and shall not be construed as to him or restrict in any way the rights of grantee created herein.

DATED: September 12th, 1957.

CALIFORNIA-WESTERN UNIVERSET

OF SAN DIEGO

Dani - Kent Pres

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Tab 3 of Attachment to Exhibit No. 5

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.

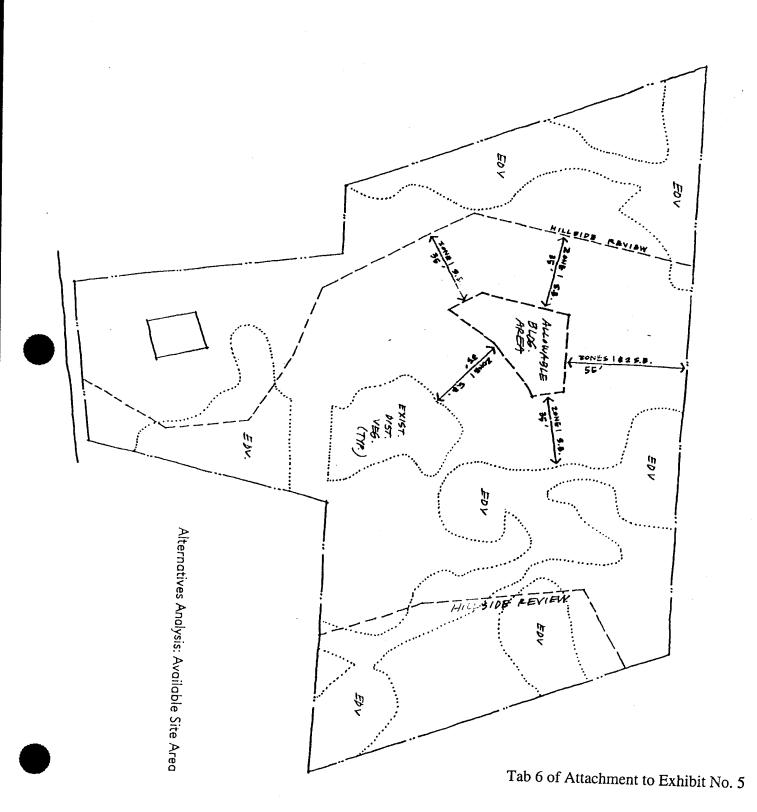
Again, my sincere appreciation for your cooperation and the work your crews have done to help ensure that the unique bio-diversity of the area is preserved. Please call me at (858) 573-1236 if you need clarification or have any questions about the content of this letter.

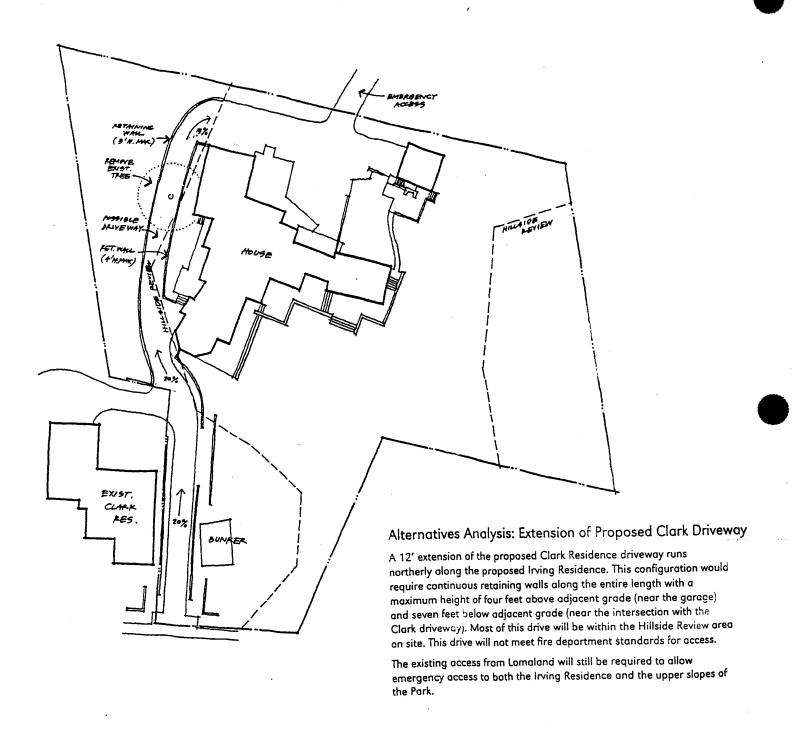
Sincerely,

Lisa F. Wood Senior Biologist

Tab 4 of Attachment to Exhibit No. 5







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 <u>Pasadena College</u>, a non-profit corporation dba <u>Point Loma College</u> 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:

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

No. 4804

Exp. 9-32-00

Tab 8 of Attachment to Exhibit No. 5

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;

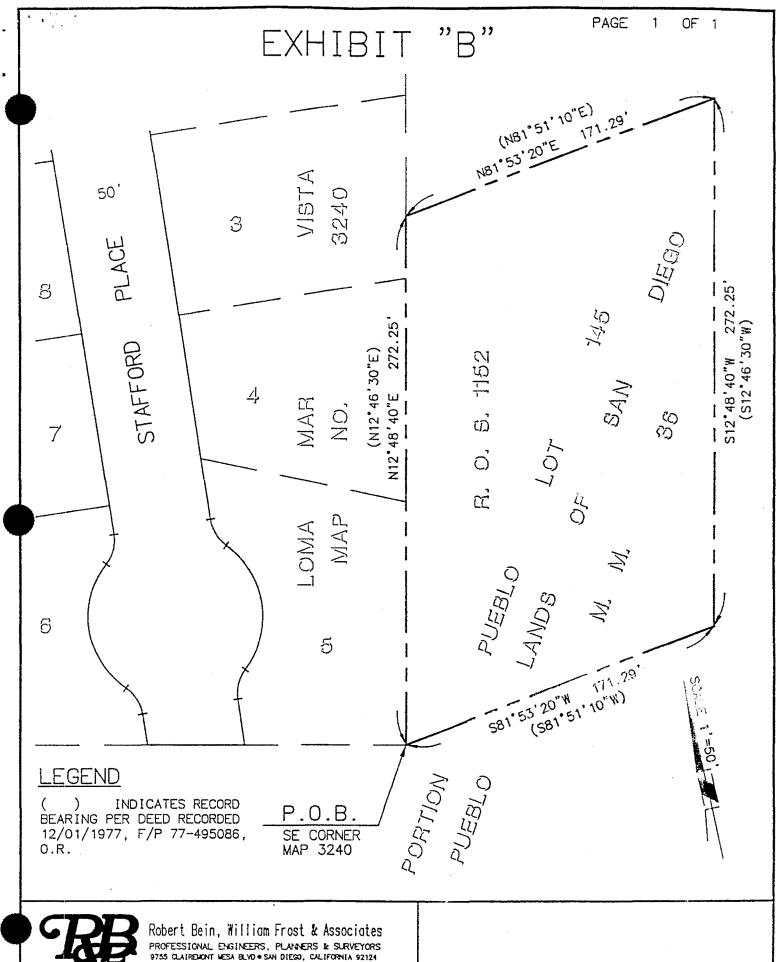
Contains: 1.00 acres, more or less.

Lonie K. Cvr P.L.S. 6929

Expiration: 9-30-2001

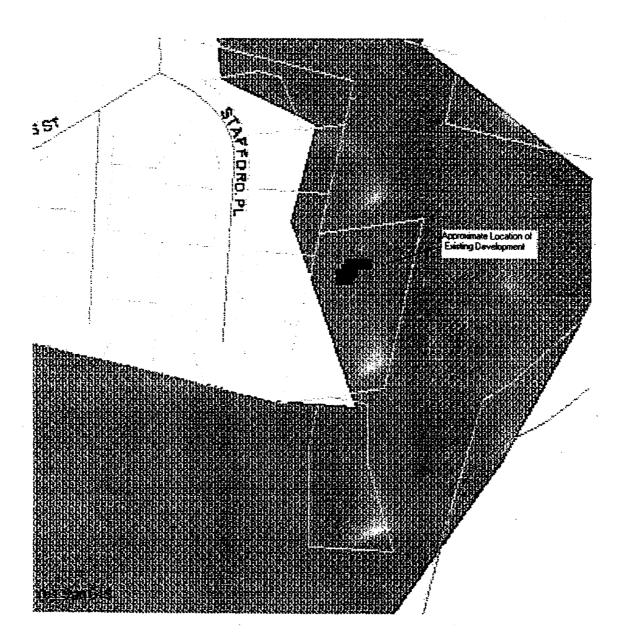
W.O. #035000 I.D. #99-363 EXP 9/30/01
LS. 6929

OF CALIFORNIA





9755 CLAIREMONT MESA BLVD . SAN DIESO, CALIFORNIA 92124 (619) 614-5000 FAX (619) 614-5001



Irving Residence Previous MHPA Boundary



January 21, 2000

Financial Affairs

Mr. Samuel L. Oets Ortes Assistant Fire Marshal 1010 Second Avenue, 3rd Floor San Diego, CA 92101

Dear Mr. Oets: OFFE

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.

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 Dats ON TES

Assistant Fire Marshal

Eddie Villavicencio Deputy Fire Marshal

ALS:vfm

ce: Mr. Eddie Villavicencio Deputy Fire Mershal



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.
- 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,

Shanny Dengus
C. "Shammy" Dingus

Enclosures

CC:

Ms. Ann Swanson Ms. Dedi Ridenour

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

Letters from Interested Persons



Sullivan Wertz McDade & Wallace

A PROFESSIONAL CORPORATION

April 18, 2000

SANDRA J. BROWEP
RICHARO T. FORSYTH
RICHARO T. FORSYTH
RICHARO T. FORSYTH
RICHARO T. FORSYTH
RESIN M. GEE
LYNNE L. HEIDEL
GEORGE BURKE HINMAN
JOHN C. HUGHES
J. MICHAEL MCDADE
KATHLER J. MCKEE
RESECCA 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) 696-9476

> > inerder@swmw.

OF COUNSEL EVAN S RAVICH

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BECEIVED

APR 1 9 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-9\(\frac{1}{43}\)/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 wo 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.

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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 lay 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 Agreement² 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.

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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.

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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

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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

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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 Deed³ 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 8 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 agreement⁴ 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 Eiclogy 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 minutes⁵ of the May 3, 1999 meeting show that the project was misrepresented in several ways:

- 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.
- 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."

.: ote 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.

easement is attached behind Tab 2. To suggest that <u>any other access</u> 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.

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 staff⁵ (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 report⁷ submitted to the City for this project. However, while under appeal to the Coastal Commission, the road across the park land was evidened 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. Photos⁸ 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.

8

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.

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.

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 staff⁹. 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 dated June 30, 1999 City staff directed the applicant to remove the stairs form 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.

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 tencing 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.

Ms. Laurinda Owens April 18, 2000 Page 6

from the MHPA suppling 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, .45 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 nermission 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

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A Professional Corporation

Enclosures

cc: Mr. Craig Irving

Ms. Rebecca Irving

Mr. Eric Naslund

James R. Dawe, Esq.

Mr. Art Shingler

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

Page 6B

Note 1 - Disturbed Habitat

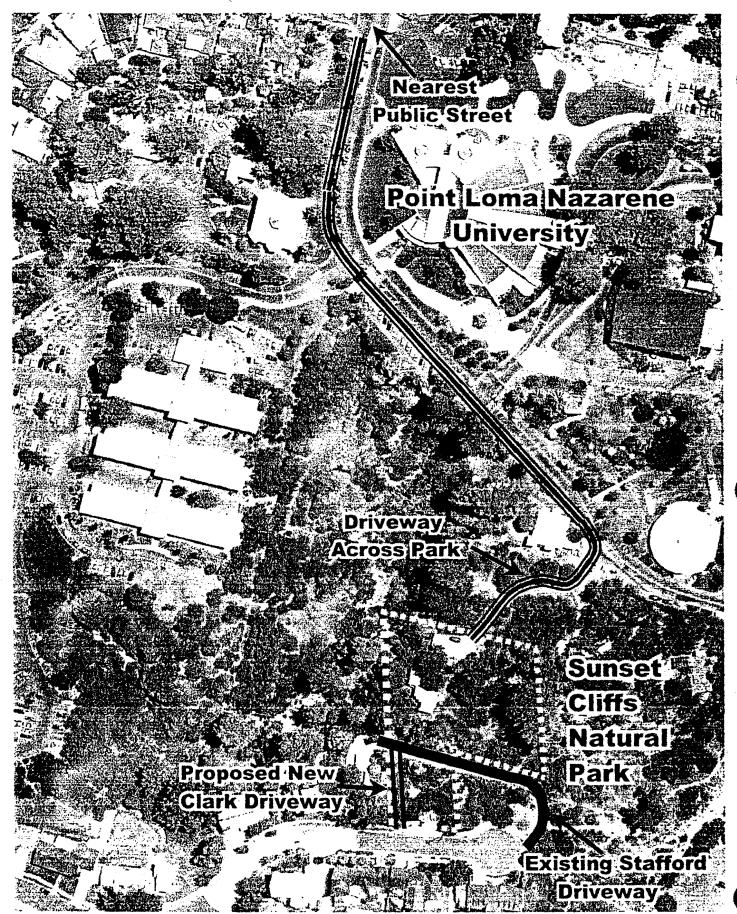
Even though much of the site and adjacent parkland contains disturbed native habitat, these areas are a valuable part of the wildlife habitat. The applicant's plans only protect the plants designated as "sensitive"; however the other native plants and even some of the non-natives provide an important 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

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



Irving Property, surrounded by park, illustrating three driveways discussed



JAN 2 5 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 8feet would be increased to 16 feet (including shoulders) in width, extending 160 feet across the parkland, impeding wild-life 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

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

PECEIVED

JAN 2 5 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 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

To:

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 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.

Respectfully,

James A. Peugh

Asmas Ce Paugh

Coastal and Wetlands Conservation Chair

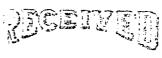
January 20, 2000

Margaret Lange 1085 Sunset Cliffs Blvd San Diego, CA 92107

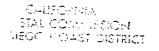
California Coastal Commission San Diego Area 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108-1725

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

Irving and PLNU



WAR I 0 2000



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

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 I, 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, *

N 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 cleaning 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 rehabitate 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 comdor. 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 Irving 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 laws 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

Dedi Ridenour 1071 Subject Cliffs Blvd San Diego CA 92107



CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

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

May 25, 2000

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

Point Loma Nazarene University

Craig Irving

According to California Environmental Quality Act (CEQA) a mitigated negative declaration (MND) may be prepared by the lead agency (City of San Diego) if the project proponent agrees to modify the project to reduce or eliminate any significant or potentially significant adverse effects identified by the lead agency's initial study. [Pub. Resources Code,# 21080, subd. (c)(2)]. The applicant as of this writing has not agreed either verbally or in writing to most of the mitigations requested by City or Coastal staff to potentially mitigate the adverse effects to insignificant.

CEQA's "fair argument" standard establishes a low threshold for requiring the preparation of an EIR in order to fulfill CEQA's substantive environmental mitigation policies and objectives. As the California Supreme Court has stated, an EIR is necessary to resolve "uncertainty created by conflicting assertions" and to "substitute some degree of factual certainty for tentative opinion and speculation" [No Oil, Inc. v. City of Los Angeles] (1975) 13 Cal.3d 68,85.]

This developer has not been willing nor required to modify his project since its initial presentation. There has been no official environmental review of alternative sitings. He has incorrectly stated that all alternatives are more environmentally damaging.

There has been no analysis as required by CEQA of the whole of the project and its long-term impacts on the scarce and fragile coastal resource.

Because there have been substantive arguments as to the actual environmental impacts of this project an EIR needs to be prepared before the California Coastal Commission can legally and in good conscience act on this project.

This project is surrounded on three sides by a critical coastal resource, Sunset Cliffs Natural Park.

A major issue missed in initial environmental assessment due to staff not understanding the purpose and knowing the boundaries of the Park.

Findings required by Coastal Act

A-6-PEN-99-143 LETTERS OF OBJECTION/CONCERN May 25, 2000

Robert Wedgewood % Cordelia 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 June 13, 2000

This letter from Robert Wedgewood is being re-issued because he passed away May 6, 2000. He was very concerned about the park and a memorial grove of native plants is being planted in his honor in the park he loved. The issues he raised here are still valid and need resolution before any approvals on this subject.

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.

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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 rehabitate with native plants and animals?

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Margaret Lange 1085 Sunset Cliffs Blvd San Diego, CA 92107 May 24, 2000

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

Irving and PLNU

Dear Commissioners:

I have lived in Sunset Cliffs since the 1950's. I supported the Park since the 1970's. Now I find that one special place is being made nearly unusable for our meager wildlife and park users by one person's greed. Irving doesn't need to hurt the park to build his house! I understand that he won't discuss simple changes that would still give him that enormous house on the last big parcel of undeveloped private land on the west side of Point Loma. The City seems overly impressed with his political connections and his money for lawyers. I hope you are independent enough to see that this is the type of project the Coastal Act was designed for.

Please insist that this project be resubmitted, redesigned with access from the city street not through a dedicated City park. The 20 foot wide 160 foot long access road he stubbornly insists on using is a wildlife corridor and the critical link between the most verdant part of the park and the other 40 acres. This area is filled with native plants and links up with the 650 plus acre Federally protected Ecological Preserve to the south. This is critical coastal sage scrub and chaparral of which there is very little left. Irving could move his house to the west and tuck his garage underneath and use the perfectly good existing access road off Stafford Place. Is it greed or pride that makes him not want to share this existing road with his neighbor, Clark? Sure he needs this access road off Stafford abandoned. Then he can put in a 5000 square foot lawn in place of the wart stemmed ceonothus (a protected plant). Also he can cut the beautiful eroded bluffs on Stafford and make Clark use a 20% grade driveway that is a real visual blight.

Can you help him to see that going to and from his home from Stafford is preferable both for him and his family than wandering through the park where we sometimes have homeless and criminals hiding? It is preferable to have urbanization next to existing urban homes and keep natural open spaces open and connected. Ask for a redesign or an EIR.

Sincerely, MEL

RECEIVED MAY 2 6 2000

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY INDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS. FACT: The new project seriously impacts a public coastal viewshed.

- 1. Project will degrade views from two of the eight Primary Observation Points proposed by the Park Master Plan (now in review) in the hillside park section.
- A. This project blocks coastal views from the northernmost proposed viewpoint of the Sunset Cliffs Natural Park. The Irving building, approximately 100 feet long and 100 ft wide and 30 feet high, will completely dominate and obstruct this now pristine ocean view. The North Canyon overlook site now allows unobstructed views to the north, south and most importantly west.
- B. The Irving project will also degrade the view to the north from the highest point in the park, also proposed by the Master Plan as Primary Observation Point.
- C. The view from the narrow connecting corridor between the major park and the North Canyon nature preserve will change from a meandering way through densely grown chaparral and trees to a paved road. The road accesses across the public park to a twostory 800 square foot garage right on the western boundary of this narrow MHPA. wildlife connecting corridor. To build this close to the projects boundaries the City required a cinder block wall with no windows or doors. This is a visual assault on the park's vision of a natural woodland for retreat from urbanization,

This project is not compatible with the present setting.

An EIR could evaluate a revised project which could move the obstructing garage to logical proximity to a city street and place the main house about 100 feet to the west allowing large trees and chaparral to be required to screen the house. A revised project could be much less visible since only the thirty foot high and wide part of main house would be visible if house was rotated.

Please insist that the viewshed impacts be shown visually or ask for a site visit. This park is one of a kind and needs your help to preserve it. I believe that an environmentally sound project can be built on this side without seriously degrading the Park. The present project is not it.

Thank you for your kind consideration and action on this matter.

Dedi Ridenour

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.

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

Very Sincerely,

Clarganord

Robert Wedgewood %Cordelia Wedgewood

June 6, 2000

TO: California Coastal Commissioners California Coastal Commission

3111 Camino del Rio North, Suite 200

San Diego, CA 92108

FROM: Ann Swanson, Chair

Sunset Cliffs Natural Park Recreation Council

3611 Warner St. San Diego, CA 92106

Re: Agenda 10a, June 14, 2000 - Opposed

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

Dear Coastal Commissioners:

The Sunset Cliffs Natural Park Recreation Council is deeply concerned about the 160' X 20' wide private access easement across the environmentally sensitive MHPA and Sunset Cliffs Natural Park when access from Stafford Place is both feasible and significantly less environmentally impacting.

A close review of the Staff Report reveals key missing facts regarding the, admittedly, very confusing issue of access to both the applicant's property and to that of his neighbor on the north (Clark). See <u>Alternatives for Access Roads</u>, page 13.

CLARK ACCESS - Information on the access the applicant proposes to build for the Clark's is missing entirely in the staff report yet the 120.1' driveway from Stafford Place will: 1) result in approximately 2,041.7 square feet of grading on up to a 20% slope in the Hillside Review area, 2) remove native habitat, and 3) require variances for six retaining walls varying in height from 7' 10" to 15' 10". The new Clark driveway will not meet the Fire Department's criteria for fire and emergency access! Adding to the confusion is the fact that the extension referred to in the last paragraph on page 13 actually refers to the possibility of extending from the Clark access, not the preferred Stafford Place access described next.

STAFFORD PLACE ACCESS - An "Easement Relocation and Road Maintenance Agreement" dated April 28, 1997 (See attachment) provides for access from Stafford Place for 4 separate parcels/lots including the applicant's property and the Clark's. While the applicant estimates this alternative would require removal of approximately 2,500 square feet of habitat in this area, it would actually save approximately 2,740 square feet of habitat by not creating the Clark access and by abandoning the access through Sunset Cliffs Natural Park. Advantages to implementing this alternative include: 1) emergency access from the nearest city street for both the applicant and the Clarks, 2) no need to build a new driveway for the Clarks, 3) no retaining walls, 4) abandonment of the access across MHPA and Sunset Cliffs Natural Park, and 5) saving more potential habitat.

Clearly, implementing the 1997 "Easement Relocation ... Agreement " from Stafford Place as described above is a winning solution! The 2,040+ square feet of grading in the Hillside



Review area would not be needed. By doing the math, one finds that approximately 2,740 square feet of habitat would actually be saved by choosing the Stafford Place access. And finally, the 160' X 20" of private access directly across the MHPA and Sunset Cliffs Natural Park wildlife corridor could be removed.

The impact of access across the wildlife corridor seems to have been minimized in this report due to misinformation in the Commission staff biologist's report. On page 15, paragraph two, of the staff report, it states "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."

The "residences and structures", mentioned in the above paragraph are actually previous life estates which are part of Sunset Cliffs Natural Park and are planned for removal in the Sunset Cliffs Natural Park draft master plan. One of the goals of removing the buildings is to save the integrity of the wildlife corridor which facilitates wildlife connectivity from the park's northern canyon, lush with high quality coastal sage chaparral, through approximately 3 ½ miles of protected habitat to the tip of Point Loma. Since the unfenced applicant's property currently serves as part of that wildlife corridor, the fencing of the applicant's property will restrict the flow through this corridor. Removal of both the access easement across parkland and the buildings in the park would help to mitigate the impact of the applicant's project on the wildlife corridor. Additionally, In an area where such precious resources are rare, connectivity and linkage for the habitat and wildlife become paramount.

While the Sunset Cliffs Natural Park Recreation Council supports the protective conditions the Coastal Commission staff has placed on the approval of this project, we recommend adding the condition that access to the site be from Stafford Place. Additionally, we suggest that instead of contributing to the Habitat Acquisition Fund, the most meaningful mitigation for habitat removal onsite would be removal of the private access easement across parkland, an easement which significantly impacts the coastal sage shrub habitat in the adjacent park.

Sincerely,

Ann E. Swanson, Chair

Sunset Cliffs Natural Park Recreation Council

Attachments:

Easement Relocation and Road Maintenance Agreement

Map showing Sunset Cliffs Natural Park Boundaries

RECORDING REQUESTED BY

AND WHEN RECORDED RETURN TO:

Point Loma Nazarene College Att'n: Arthur L. Shingler 3900 Lomaland Drive San Diego, CA 92106-2899

SPACE ABOVE THIS LINE FOR RECORDER'S US

EASEMENT RELOCATION AND ROAD MAINTENANCE AGREEMENT

This Easement Relocation and Road Maintenance Agreement ("Agreement") is dated as of April <u>28</u>, 1997, by and between PASADENA COLLEGE doing business as Point Loma Nazarene College (the "College"), and ROBERT D. CLARK and JERIE L. CLARK (the "Clarks"), with respect to the following facts:

RECITALS:

- A. The College is the owner of three parcels of land located in the City of San Diego, County of San Diego, State of California, more particularly described in Exhibit A attached hereto (the "College Property").
- B. Concurrently with the recordation of this Agreement or shortly prior thereto, the Clarks purchased certain improved residential real property located in the City of San Diego, County of San Diego, State of California, more particularly described in Exhibit B attached hereto (the "Clark Property").
- C. The Clark Property shares a boundary with the College Property on the north boundary of the College Property.
- D. Access to the Clark Property and the College Property is presently available by virtue of a roadway easement affecting the southerly 20 feet of Parcel A described in Exhibit A and the easterly 20 feet of Parcel A described in Exhibit A (the "Old Easement"). The Old Easement is legally described as Parcel 2 in Exhibit B attached hereto.
- E. A recent survey of the existing driveway improvements disclosed that a portion of the driveway improvement is located outside of the Old Easement.
- F. The College desires (i) to adjust the boundary lines of the parcels comprising the College Property to conform to a certain Lot Line Adjustment Plan dated March 11, 1997, prepared by Robert Bein, William Frost & Associates (the "Lot Line Adjustment Plan") and attached hereto as Exhibit C, and (ii) to relocate the roadway easement and driveway

improvements to the location depicted on Exhibit D attached hereto (the "New Driveway Easement").

- G. The Clarks desire to prohibit the subdividing of the College Property.
- H. The College and the Clarks desire to provide for an equitable sharing of the repair and maintenance costs of the New Driveway Easement.
- NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT:

- 1. Quitclaim of Old Easement. The Clarks hereby quitclaim to the College all right, title and interest in and to the Old Easement. Additionally, the Clarks agree to cooperate with the College in obtaining the City of San Diego's approval of the lot line adjustment described above, provided the Clarks shall not be obligated to incur any cost or expense in connection therewith.
- 2. <u>New Driveway Easement</u>. The College hereby grants to the Clarks a nonexclusive easement and right-of-way for ingress and egress over, along and across the New Driveway Easement, the location of which is depicted on Exhibit D and the legal description of which is set forth on Exhibit E attached hereto.
- 3. Construction of Driveway Improvements and Installation of Landscaping. The College, at its cost, shall construct the driveway improvement within the New Driveway Easement and install the landscaping described in the Lot Line Adjustment Plan. The width of the driveway will be approximately 14 feet. The College will be responsible for all engineering, legal, construction, landscaping, improvement and other costs necessary to relocate the Old Easement to the New Driveway Easement. During the construction of the driveway improvements within the New Driveway Easement, the College shall use reasonable efforts to minimize any inconvenience to the Clarks arising from such construction.
- 4. <u>Prohibition on Subdividing</u>. The College hereby covenants and agrees that the College Property (presently consisting of three legal lots) shall not be subdivided in the future.
- 5. Road Maintenance. The cost and expense of maintaining and repairing the New Driveway Easement (and related driveway improvements) shall be allocated equitably among the present and future owners of the College Property and the Clark Property as follows:

The Clark Property	-	25%
The College Property Parcel A		
Lot 4		25%
Lot 5	-	25%
Parcel B	_	25%

The cost and expense of maintaining the New Driveway Easement shall include all reasonable and normal road improvement and maintenance work reasonably necessary or appropriate to

adequately maintain the private roadway and related drainage facilities in order to permit all weather access, including, without limitation, the filling of all chuck holes, repairing of cracks, repairing or resurfacing of roadway, repairing and maintaining drainage structures, removing debris, maintaining signs, markers, striping and lighting, if any, and any other work reasonably necessary or proper to repair and preserve the driveway for all weather access. If the driveway is damaged as a result of any action taken or contracted for by the College or the Clarks, or any successor owner(s) of the College Property or the Clark Property, the party taking action or the party contracting for the work which caused the necessity for the extraordinary repair shall be solely liable for the cost of repairing the roadway to the condition existing prior to such damage.

- 6. Repairs and Maintenance. The College and the Clarks may from time to time designate an agent to act for them for the purpose of repairing and maintaining the New Driveway Easement. Initially, the College and the Clarks designate the College as the agent responsible for performing all repairs and maintenance work required or authorized by this Agreement. The repair and maintenance work on the New Driveway Easement shall be performed whenever a majority of owner(s) of the parcels benefitted by the New Driveway Easement agree in writing that such work is needed. The agent shall obtain three bids from licensed contractors and shall accept the lowest of the three bids. The agent shall notify owners in writing of the agent's need for funds to satisfy repair and maintenance costs, and each owner shall pay to the agent such owner's allocable share within 45 days after receipt of such notification. The agent shall maintain an account, in trust, and shall maintain accurate accounting records pertaining to such repair and maintenance work. The records shall be available for inspection by any owner or an authorized agent upon reasonable request during normal business hours. All such records shall be retained by the agent for a period of five years.
- 7. Collection of Costs. If the College or the Clarks, or any successor owner of the College Property or the Clark Property, fail to pay his or her pro rata share of cost and expenses required under this Agreement, then the agent or any other owner of property benefitted hereby shall be entitled, without further notice, to institute legal action for the collection of funds advanced on behalf of such owner in accordance with the provisions of California Civil Code Section 845 and shall be entitled to recover in such action in addition to the funds advanced, interest thereon at the rate of 10% per annum, until paid, and all costs and disbursements of such action, including such sum or sums as the court may fix for reasonable attorneys' fees.
- 8. <u>Insurance</u>. Each owner shall be responsible for procuring and maintaining his or her own liability insurance, if any. Any liability of any owner for personal injury to the agent hereunder or to any worker employed to make repairs or to provide maintenance under this Agreement, or to other persons as well as any liability of the owners to any damage to the property of the agent, any worker employed to make repairs or to provide maintenance under this Agreement, or other persons as a result of or arising out of repairs or maintenance under this Agreement, shall be borne amongst the owners in the same percentages as the cost and expenses of such repair and maintenance are allocated. By this Agreement, the parties do not intend to provide for any sharing of liability with respect to personal injury or property damage other than that attributable to repairs and maintenance undertaken pursuant to this Agreement. Each owner agrees to indemnify, defend and hold the other owners harmless from any and all liability for injury to itself or damage to its property whenever such injury or

damage results from, or arises out of, or is in any way attributable to any maintenance or repairs undertaken pursuant to this Agreement.

- 9. <u>Parking Prohibited</u>. Parking shall be prohibited within the New Driveway Easement in order to improve safety associated with the use of the New Driveway Easement. Any vehicle parked within the New Driveway Easement or adjacent thereto shall be subject to towing and impoundment at the discretion of any owner of property benefitted hereby. The cost of any towing and/or impoundment shall be borne by either (i) the vehicle owner or (ii) if the vehicle is owned by a guest of an owner of property benefitted hereby, the parcel owner.
- 10. Covenant Running with the Land. The property to be burdened by the covenant described in Section 4 above is the College Property; the property to be benefitted by such covenant is the Clark Property. The property to be burdened by and benefitted by all of the other covenants and restrictions contained in this Agreement shall be both the College Property and the Clark Property. All of the covenants and restrictions contained in this Agreement shall run with the land and shall be binding upon the College and the Clarks and their respective successor owners. The foregoing covenants and restrictions shall run with the land and shall be deemed to be for the benefit of the land of each of the owners and their successor owners.
- 11. <u>Binding Effect</u>. The covenants contained herein shall be binding upon the heirs, executors, administrators, successors and assigns of each of the owners.
- 12. <u>Recordation</u>. This Agreement shall be recorded in the San Diego County real estate records and any subsequent purchaser of all or any portion of the land benefitted and burdened hereby shall, by acceptance of the delivery of a deed and/or conveyance, regardless of form, be deemed to have consented to and become bound by the covenants, conditions and restrictions contained herein, including, without limitation, the right of any person entitled to enforce the terms of this Agreement.
- 13. <u>Amendment</u>. The terms of this Agreement may only be amended in writing upon the approval of a majority of the owners of the parcels covered by this Agreement; provided, however, that the prohibition on any subdividing of the College Property may not be amended without the approval of the Clarks.
- 14. Governing Law. This Agreement shall be governed by the laws of the State of California.
- 15. Severability. In the event that any of the provisions of this Agreement are held to be unenforceable or invalid by any court of competent jurisdiction, the validity and enforceability of the remaining provisions shall not be affected thereby.
- 16. <u>Counterparts</u>. This Agreement may be executed in any number of identical counterparts, each of which shall be deemed to be an original, and all of which together shall

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

be deemed to be one and the same instrument when each party has signed one such counterpart.

The parties hereto have executed this Agreement as of the date and year first set forth above.

The College:

PASADENA COLLEGE doing business as Point Loma Nazarene College

Ву:

ivn L. Bond, President

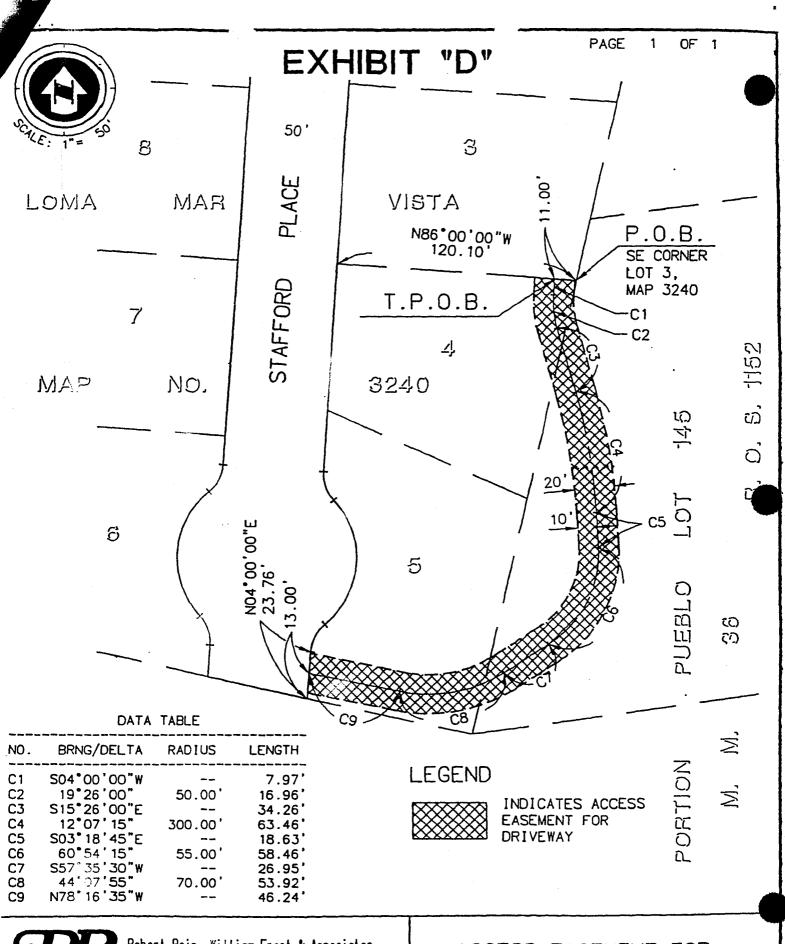
By:

Arthur L. Shingler, Vice Fresident

The Clarks:

ROBERT D. CLARK

JÉRIE L. CLARK





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

DWG: 6054EX01

PLOT: 03-20-97

ACCESS EASEMENT FOR LOT 3, MAP NO. 3240

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Exhibit E

LEGAL DESCRIPTION OF THE NEW DRIVEWAY EASEMENT

All 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 by James Pascoe in 1870, filed in the Office of the County Recorder of San Diego County as Miscellaneous Map No. 36 and Lots 4 and 5 of LOMA MAR VISTA, according to Map thereof No. 3240, filed in the Office of the County Recorder of San Diego County, June 1, 1955, being an 18.00 foot wide strip of land, the centerline of which is described as follows:

COMMENCING at the Southeast corner of Lot 3 of said Map No. 3240; thence along the line common to said Lots 3 and 4. North 86°00'00" West, 11.00 feet to the TRUE POINT OF BEGINNING; thence leaving said common line, South 04°00'00" West, 7.97 feet to the beginning of a tangent 50.00 foot radius curve, concave to the East; thence Southerly, along said curve, through a central angle of 19°26'00" an arc distance of 16.96 feet; thence South 15°26'00" East, 34.26 feet to the beginning of a tangent 300.00 foot radius curve, concave to the West; thence Southerly, along said curve, through a central angle of 12°07'15" an arc distance of 63.46 feet; thence South 03°18'45" East, 18.63 feet to the beginning of a tangent 55.00 foot radius curve, concave to the Northwest; thence Southwesterly, along said curve, through a central angle of 60°54'15" an arc distance of 58.46 feet; thence South 57°35'30" West, 26.95 feet to the beginning of a tangent 70.00 foot radius curve, concave to the North; thence Westerly, along said curve, through a central angle of 44°07'55" an arc distance of 53.92 feet; thence North 78°16'35" West, 46.24 feet to the Westerly line of said Lot 5, said point being distance thereon North 04°00'00" East, 13.00 feet from the Southwest corner of said Lot 5.

Said strip of land shall be shortened or lengthened so as to terminate Westerly in said Westerly line of Lot 5.

CONTAINING: 0.135 acres, more or less

Lonie K. Cyr PJ_S. 6929

Expiration: 9-30-97

No. 8929

STATE OF CALIFORNIA



League of Women Voters of San Diego 2801 Camino del Rio South, Suite 300G San Diego, CA 92108 June 5, 2000

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

Re: Application # 10A-6-PEN-99-143

Coastal Commissioners:

We are writing in regard to the plan of Craig Irving to design his residence with a personal private roadway crossing Sunset Cliffs Park. His property legally has access off of Stafford Place, but he is trying to permanently eliminate this existing easement in order to use access through dedicated parkland so that he can have a 5000 square foot lawn. Relocating his garage to access Stafford Place would require a reduction in the size of this lawn area.

The League of Women Voters of San Diego has a position that states "roads through parklands for non-park purposes should not be allowed". A corner of the park would be isolated from the rest of the park because of proposed barriers he wants to erect to enclose his piece of land. The fenced-off area would include the proposed driveway, if it is allowed.

We are also questioning why the city of San Diego was not given the opportunity to purchase this piece of land, which is bordered on three sides by Sunset Cliffs Park, when Point Loma Nazarene University decided to sell it.

We ask that you deny the applicant's request to have access across Sunset Cliffs Park to private property.

Sincerely, Beryl Flom, President (858) 459-4406



JUN 0 7 2000

CAUFORMIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT A-6-PEN-99-143 Agenda # 10-A Debra Blum Oppose

Applicants: Craig Irving & Point Loma Nazarene University(PLNU)

Dear Coastal Commissioners;

Please note first and foremost in applicant Irving's request that the identified parcels S.D.532-034-04 and 532-510-05 are not on Lomaland Drive they are actually situated adjacent to the San Diego City street called Stafford Place. The parcels in question are at least a 1/4 mile away from the city street of Lomaland Dr. across the MHPA(multiple habitat protection area) dedicated regional natural parkland and the private property of PLNU. There is an existing gradually sloping easement road from the parcels to Stafford Pl. and all the necessary fire hydrant, trash collection, etc. City services. Answering a question from Chairman Steele at a September San Diego City Planning Commission hearing, Mr. Irving's architect stated that it would be very easy to make a small change in his plans to place Mr. Irving's driveway directly to Stafford Pl. from the garage area.

Mr. Irving's demand to utilize protected parkland with an expanded road is very damaging to the public use of and the wildlife passage in this dedicated park of native plants and animals. Mr. Irving does not need to use this public park for his private road. Sunset Cliffs Natural Park(SCNP) has already suffered much damage and erosion from poorly designed construction.

Attached to the Irving home design is a plan to close the existing gently sloping easement road that has not caused erosion and build a steep 20% grade road with high walls for his neighbors to access Stafford Pl. The rain storm water will flow down it to Stafford Pl. which drains down hill to the West toward SCNP and the ocean cliff bluffs. This steep drive will add water and increase its acceleration and then exacerbate the erosion in the park on the coast. When there is any question the public interest should take precedence over the private desires. It would be poor precedent to not follow through with the Coastal Commission's charge to protect this MHPA natural Park on the Coastal bluffs. Please deny this influential citizen's request to use the public dedicated park for his

private expanded road across it. Also recognize if he uses the existing easement road to Stafford Pl. there will be no need for him to construct the steep 20% grade walled drive for his neighbors.

Yours truly,

Debra Blum

890 Cornish Dr.

San Diego CA 92107

June 6, 2000



JUN 07 2000

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT Debra Blum 890 Cornish Dr. San Diego, CA 92107 Sept. 4, 1999

Planning Commissioners City Administration building 202 "C" Street, Mail Station 5A San Diego, CA 92117

Subject: 98-1074/CDP/HR/CUP/VAR, IRVING RESIDENCE

Attention Members of the Planning Commission; It is very sad that I, a private citizen, have been forced to investigate City records and appeal to you because the City has not been diligent in protecting parkland in Sunset Cliffs Natural Park (SCNP) Point Loma Nazarene University (PLNU) is the current owner of these parcels (532-034-045 & 532-510-05) in question which have been put up for sale for private development and lists its own Lomaland address. As a university PLNU has taken a "school exemption" and never paid property taxes. This Lomaland address is misleading because the parcel actually fronts on Stafford Pl. about 1/4 mile from Lomaland. If Mr. Irving purchases the land he cannot claim the same school address or exemption. The parcels should therefore be listed as Stafford Pl. as are the neighboring lots. Irving should use the existing access road on the western end of the parcel that connects to Stafford Pl. for his private residence needs and services such as mail delivery, trash and recycling services as well as fire and emergency vehicles. It is unacceptable planning for Mr. Irving to demand that these parcels be removed from their Stafford Pl. actual location and be permanently attached to our public dedicated City Park, and a private university. encumbrances created by such a combination will wreak havoc with the tax rolls and the future sale of either these parcels or the private The easement across parkland must be removed college property. and Mr. Irving should redesign his residence to utilize access to Stafford Place. This simple correction would be acceptable planning for the City of San Diego and its citizens.

The best planning for the City of San Diego and its current and future citizens would be for the City Council to condemn these parcels, per section 220 of the San Diego City Charter, to add the property to the adjacent SCNP. Mr. Irving has indeed spent time and money in his attempt to privately develop the land in question, however, the following case will show that the City need not take that into consideration when deciding what to do with public parkland. In 1973, the acreage in SCNP south of Ladera St. was acquired by the City from United States International University (USIU). That land had also been exempted from property taxes as "school land" and the City adhered to the law that states that former "school land" should be turned into "parkland" rather than private residences and added the parcels to public parkland property. In June 1973, Mayor Pete Wilson and his Council requested that the City Manager investigate methods to purchase three privately owned parcels within that acreage south of Ladera St. to complete and maintain the integrity of the park and remove private incursions. June 9, 1976 The City Council adopted resolution No. 216152, which states and determines that the public interest, convenience and necessity require the acquisition of certain real property for development of a public park. Funds had been secured in 1975, from a Federal Grant under the Land and Water Conservation Act to assist in the The private citizens had been regularly paying property taxes on their land and they all had plans some well into the design stage to build homes when the City by right of eminent domain condemned their land. These individuals were forced to defend themselves in Superior Court (#383992) at great time and expense. Capt. Ervin Lobreis was particularly aggrieved and took the case to the Federal District Court, the Court of Appeal, and on Sept. 14, 1979 the Supreme Court to which he made his final appeal refused to review his complaint of condemnation. The case then went back to the local California Superior Court where the City prevailed and the private property owners who had continued to pay property taxes throughout were forced to vacate their land because the public would be better served by converting these privately held parcels into parkland.

In light of the above case, to treat this developer and potential property owner preferentially is wrong. PLNU has never paid property taxes and they are a school similar to USIU and any land

they are divesting themselves of should be converted into parkland. PLNU should have offered this land to the City before it was put up for private sale. There was a request regarding "school land" to parkland conversion but somehow it has been lost so that you have not been told. I am sure the current City Council has the ability to ask for funding to acquire the entire parcel of property that is no longer needed by PLNU in the same way Mayor Wilson's Council did. These parcels are surrounded on three sides by protected dedicated public regional parkland that is in the most endangered coastal sage scrub zone of a Federal Multiple Habitat Protection Area (MHPA) and includes a designated "bunker" of historical WWII significance. Certainly the City Council can at least condemn any easement across this parkland that does not serve the public and if developed will cause significant damage to the park as Mr. Irving's plan does. The position that planning staff is asking you to support, allowing Mr. Irving to expand a private "oad across and encroach into dedicated regional parkland is a travesty of justice. What if any protection does the City have to stop Mr.Irving and others from developing these and other adjacent parcels into multiple family dwellings? The damage to the surrounding MHPA public park and coastal terrain and bluffs would be increased logarithmically. In as much as PLNU is the owner of record of the land parcels in question, approval of 98-1074/CDP/HR/CUP/VAR would actually give a variance to PLNU. The PLNU Conditional Use Permit (CUP) requires a '70 foot setback to protect surrounding community and parkland from PLNU development and activities. You must direct City Council to remove the easement across this very sensitive parkland. SCNP is now a dedicated regional park therefore this proposed development is of citywide significance, which renders this an extraordinary appeal per Section 111.0507 of the Municipal Code. It is important that your commission adhere to the spirit and rules of Section 55 of the San Diego City Charter, which protects parkland from private use. This entire issue is an insult to good government. I here-by request that you reject Mr. Irving's plan as presented.

Sincerely,

Debra Blum (Enclosures: other related correspondence)

California State Coastal Commission

3111 Camino del Rio #200

A-6-PEN-99-143 Agenda item 10A **Kay Harry** Opposed

To the Members of the Commission,

I, and many other members of the Point Loma Garden Club, am opposed to the proposed Irving development adjacent to Sunset Cliffs Natural Preserve. Our group has promoted parks and protection of the environment for our thirty years of existence, and we were instrumental in securing and defending Sunset Cliffs Natural Preserve in the past.

We are appreciative of the Commission's efforts and support in trying to make the Irving proposal conform to protecting the natural plant and animal habitat by requiring native plants be used instead of a lawn. We also strongly suggest that the garage be configured to access at the existing easement to Stafford Place. We heard Mr. Irving's architect state that this was possible at a San Diego Planning Commission meeting.

Ideally, this development should not be inserted into an area with a dedicated natural park which is part of the Multiple Habitat Preservation Area that extends one and a half miles along the Pacific Ocean. If you find total denial for this project is not feasible, then the mitigating factors above are essential for the future of our coast.

Sincerely,

Xay Harry

Kay Harry



San Diego Chapter Serving the Environment in San Diego and Imperial Counties

> Hon. Sara Wan, Chair California Coastal Commission June 6, 2000

RE: A-6-PEN-99-143, IRVING RESIDENCE

Office (619) 299-1743 Conservation (619) 299-1741 Fax (619) 299-1742 Voice Mail (619) 299-1744



CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

Dear Chairman Wan and Commissioners:

The San Diego Sierra Club would like to bring to your attention outstanding issues raised by this project. While we strongly support Staff's alternatives analysis for the hillside encroachment, siting, and design considerations of this complex project, we find the need for additional analysis, clarification, and factual corrections regarding perimeter fencing and the access road through Sunset Cliffs Natural Park (SCNP). We would appreciate the Commission's close consideration of the following concerns.

ACCESS ROAD ANALYSIS:

While the Staff report, paragraph 2, p. 7, clearly identifies that"...the applicant does not want the neighboring property to the access across the subject site in the manner that currently exists," we believe the access ultimately recommended by Staff is the design choice of the applicant, and not the least damaging to the environment, the SCNP Master Plan Update, or the Peninsula Plan. Nor is it, as the applicant claims, the "only legal access to Parcel A." (Paragraph 4, p. 13). The 1997 "Easement Relocation and Road Maintenance Agreement," signed by Point Loma Nazarene University (PLNU), appears to provide legal access from Stafford Place to all parcels at issue, thus eliminating both the need for access through the Park and the impacts from the new access drive proposed to be built by the applicant for the Clark's.

Variance Findings (SDMC 101.0502): The new access drive for the Clark property, which would apparently not meet fire and emergency access requirements, would require some 2000+ sq. ft. of grading, plus a request for variances to build 6 retaining walls, from 7'10" to 15'10" in height, in the Hillside Review Overlay Zone. The discussion of this portion of the project is confusing, and does not clearly address the Clark access drive location in relation to the road through SCNP; nor is there any analysis of the required variance findings. Staff analysis of the variance findings are critical to the determination of whether there are special circumstances not of the applicant's making that would justify the request, and whether denial of the 6 retaining walls necessary for the proposed Clark access. would deny the applicant reasonable use of the property. Nor is there discussion of whether the variances would adversely affect the Community Plan.



Office (619) 299-1743 Conservation (619) 299-1741 Fax (619) 299-1742 Voice Mail (619) 299-1744

San Diego Chapter
Serving the Environment in San Diego and Imperial Counties

A-6-PEN-99-143 June 6, 2000 Page 2

PERIMETER FENCE AND MHPA BOUNDARY CORRECTION:

The U.S. Fish and Wildlife Service took issue in the environmental document with both the proposed perimeter fencing and the MHPA mapping "error." Without further staff discussion, we are unclear what the basis is of the Commission staff's override of the Service's recommendations. The opinion of the Commission's staff biologist also raises a strong question of what "residences and structures" belonging to PLNU were the basis of the determination of fragmentation. It appears that the structures referenced may be the life estates that are to be removed from the Park as part of the Master Plan Update.

We strongly support the statement of the Service that "It is critical that corridors are retained to ensure connectivity between habitat patches. The project would result in the need for a "boundary correction." The "boundary correction" would allow for a perimeter fence (around the entire site), trail system, and landscaping which may degrade/eliminate connection of habitat on the Point Loma peninsula." While the Service concludes with the recommendation that a meeting be set up to discuss alternatives to the proposed fencing, the Staff report has no details of such an alternatives discussion.

OFF-SITE MITIGATION:

While the City has insisted the Commission use the 1999 San Diego Municipal Code for this review, the City had no hesitancy in using the Biology Guidelines of the new Land Development Code in its own analysis. We believe this was procedurally improper since the LDC only became effective in January 2000. We are further dismayed that the City is currently, as in this project, declaring any site smaller than 5 acres to be "small and isolated," with sensitive on-site habitat allowed to be developed in exchange for "contributions" at fire sale prices to the City's habitat acquisition fund. As a result, the impetus is not to protect and restore severely depleted coastal sage scrub. To the contrary, the City's MSCP funding goals are trumping coastal communities' plans which address maintaining and restoring the habitat.

If, as the Staff report states, the Commission cannot address the MSCP because the City refused to allow the Commission to participate in its creation or to include it in the certified LDC, we believe the Commission can address the issue either from the Land Use Plan perspective or, in the case of Sunset Cliffs Natural Park, from the perspective of "Environmentally Sensitive Habitat Areas," as defined in PRC 30107.5, and which are addressed through the Coastal Development Permit findings.



Office (619) 299-1743 Conservation (619) 299-1741 Fax (619) 299-1742 Voice Mail (619) 299-1744

San Diego Chapter Serving the Environment in San Diego and Imperial Counties

> A-6-PEN-99-143 Irving residence Page 3

If the City's approach is allowed to stand on this site, which is within the Commission's appeal jurisdiction, there will be significant future losses of irreplaceable coastal habitat. Currently in the pipeline are at least seven coastal projects with off-site mitigation. The bigger the impact, the more dollars for the MSCP. Coastal community plans were neither written nor reviewed for this situation. We urgently request your consideration of why on-site or Coastal Zone mitigation cannot be required.

CONCLUSION:

In conclusion, we strongly recommend approval of the project subject to:

- 1. Adoption of the site access identified in the April 1997 "Easement Relocation and Road Maintenance Agreement."
- 2. Perinater fence location to be shifted adjacent to the living area adjoining the
- 3. Impact mitigation to be directed to Sunset Cliffs Natural Park, in the form of either a non-use deed restriction for the 1957 easement access, or financial contribution to preservation and enhancement of Park resources.

Thank you for your consideration.

Joanne H. Pearson, Co-Chair

San Diego Sierra Club Coastal Committee

January 20, 2000

Dedi Ridenour 1071 Sunset Cliffs Blyd 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 Nazarena 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 I, 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,

Dodi Ridenour, 619-222-8983





JUN 07 2000

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

June 7, 2000

California Coastal Commission 3111 Camino Del Rio North, Ste. 200 San Diego, CA 92106-1725

Dear Commission Members.

I am writing as a longtime resident of Pt. Loma and fan of Sunset Cliffs Natural Park environs since the late 50's when I attended a Youth Leadership Training on the then campus of Cal Western. I want to congratulate the Coastal Commission's careful consideration of the proposed plan, Application No.: A-6-PEN-99-143.

I have been a witness of the blight incurred by people-made encroachments on the natual terrain accelerate over the years. Irrigation has been problematic not only for exacerbation of run-off on the steep terrain, but also the threat irrigation poses for the indigenous inhabitants of the landscape. For example, the coastal horned toad, a recent resident of Pt. Loma has not been sighted in 90's. As the story goes Argentine ants have been introduced, have loved the artificially introduced irrigation and have destroyed local populations of indigenous ants on which the diet of the coastal horned toad is dependent (researched at UCSD by A. V. Suarez, D. T. Boger and T. J. Case (1997). "The affects of fragmentation & invasion on the native ant communities in southern California Ecology").

My primary concern is for the necessary regard for the native habitat surrounding the "footprint" of the proposed building. The proposed structure will be intrusive as it extends into native vegetation and wildlife corridor. I urge the Commission Members to: 1) hold firm to what you have outlined as requests and restrictions, 2) that you will pay close attention to the size of the imprint, 3) the invasive nature of the proposal, 3) the potential for exacerbating the depletion of native species, and 4) the potential for contributing to the downhill erosion of this unique local resource.

While I am not an official member of the Sunset Cliffs Natural Park Advisory Council, I have attended numerous monthly meetings, participated in giving input for the Park's Master Plan and I attended the Los Angeles meeting of the Coastal Commission when this particular issue was on the agenda. I will not be attending the Santa Barbara meeting, but my thoughts will be with you.

Thank you for your caring attention to this matter.

With warmest regards, Earbara Looth Keilles

Barbara Booth Keiller, M.S., MFT

Barbara Keiller, M.S., MFCC

Sullivan Wertz McDade & Wallace A PROFESSIONAL CORPORATION

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OF COUNSEL EVAN S. RAVICH

JANE A. WHITWORTH ADMINISTRATOR

June 8, 2000



JUN 0 9 2000

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

VIA FEDERAL EXPRESS

Chairwoman Sara Wan and Members of the California Coastal Commission California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, CA 94105-2219

Re:

Coastai Development Permit Application #A-6-LJS-99-143/Irving

Item 10a on Wednesday, June 14, 2000

Dear Chairwoman Wan and Members of the Commission:

We represent the applicant, Craig and Rebecca Irving, with respect to the referenced project. The Irvings have reviewed the Staff Report and Preliminary Recommendation and concur with the majority of the six (6) Special Conditions and with most of the analysis set forth in the Findings. However, we request that Special Conditions 1 and 5 be modified as discussed below.

I.

THE GOAL OF THE PROJECT IS TO CREATE A FAMILY-ORIENTED HOME IN A NATURAL SETTING

The Irvings instructed their architect and landscape architect to design a family-oriented home that would maintain and improve the existing natural setting. The subject property is located adjacent to the Sunset Cliffs Natural Park which creates a secluded setting for the residence. Although the property was originally developed before the Park was created, the goal of the Irvings and the architect is to redevelop the parcels in a manner compatible with the adjacent Park and to improve the Park where possible. In order to minimize intrusion into natural slopes, the new home will be located in the same location on the property as the existing residence. The proposed residence

A-6-PEN-99-143 LETTER FROM APPLICANTS REPRESENTATIVE (SENT BY MAIL TO COMMISSIONERS) will echo the Greene and Greene architectural style which emphasizes a use of natural materials and an almost organic relationship between the man-made structure and the natural setting. Behind Tab 1 are photographs of residences that are the inspiration of the one being proposed.

The two existing lots total approximately 1.3 acres. The floor area ratio of the proposed residence is 15%, where 60% is allowed. Coverage of the development is only over 27% of the site. Of the 1.3 acres, almost one (1) acre will be preserved in its natural state or revegetated with native species to improve its degraded condition. Behind Tab 2 is the Brush Management. Revegetation and Planting Plan which illustrates those areas to be preserved as natural. This will benefit the Park and will be in keeping with the goal to maintain a natural setting for the home.

The project also enhances the Park by capping old water and sewer lines, improving drainage, and contributing \$4,500 to the Park. In summary, the style and extent of development are complementary to the Park and are consistent with the LCP.

П.

CONTRARY TO THE APPEARANCE CREATED BY THE APPEAL, THE PROJECT HAS WIDESPREAD SUPPORT IN THE POINT LOMA COMMUNITY

The dispute between the appellants and the Irvings has its roots in the fact that the appellants would like to see private holdings of Point Loma Nazarene College incorporated into the Sunset Cliffs Natural Park. The College has entered into an escrow to sell the subject parcels to the Irvings rather than dedicate them to the Park. Despite the vilification of the applicants by the appellants, the Irvings are committed to improving and sustaining the Park. As stated above, except for the house and lawn, the plans will maintain and, in fact, revitalize the natural setting.

We concur with Staff's analysis of the issues raised by the appellants. For the record we have attached behind Tab 3 responses to the comments made by the appellants to our letter dated April 18, 2000. Both our letter and the appellants' responses are included in the Staff Report and Preliminary Recommendation. Furthermore, while the appellants have described themselves as representatives of a huge constituency, they in fact represent only one element of the Point Loma Community interested in the Park. There has been no consensus in the Point Loma Community about the development and nature of the Sunset Cliffs Natural Park, and the views of the appellants should not be assumed to represent the official position of the City or the immediate neighborhood. In fact, there is a fundamental disagreement about the nature of the Park which just last week was

Chairwoman Sara Wan and Members of the California Coastal Commission June 8, 2000 Page 3

exhibited in a public meeting where the overwhelming majority of participants objected to elements of the Plan proposed by the appellants. The project is supported by the immediate neighbors and many residents of Point Loma who use the Park. Behind Tab 4 are letters from residents who support the project.

III.

THE PROPOSED BRUSH MANAGEMENT IS CONSISTENT WITH THE LCP

San Diego Municipal Code Section 101.0454 (Hillside Review Overlay Zone) regulates encroachments into slopes 25% and greater. Subsection I. specifically applies in the Coastal Zone. A copy of the Code is attached behind Tab 5. Although Staff acknowledges that a 10% encroachment into the slopes is allowed, they state on page 10 that "...such encroachment is only permitted when no other feasible alternative exists to provide reasonable use of the site and avoid the encroachment." There is no such qualifying provision in the Municipal Code Section. There is no discussion of feasible alternatives in the HillsideReview Overlay Zone, not even in the Section on Findings. The Code simply states that encroachment may be permitted per the encroachment table.

The 6% encroachment, well below the 10% permitted in the encroachment table, is into the slope area to the north of the residence. No grading is proposed in the slope area. However, brush management is required. Because the Irvings want to preserve the natural setting, they worked with the Fire Marshal and City environmental staff to come up with a brush management plan that would allow native vegetation to be preserved and enhanced in the Zone 1 brush management zone. Accordingly, all existing native vegetation within Zone 1 is to remain in place. No clear cutting or grubbing is allowed. All exotic vegetation within the existing disturbed slope area is to be removed and replaced with native and natualized plants. Native plants are to be added to areas where removal of dried plant litter and thinning have exposed areas of unvegetated ground. Finally, only drip irrigation is to be allowed in Zone 1, simply to insure survival of native species that are dormant in the summer. The notes on the Plan found behind Tab 2 state these requirements.

Special Condition 1.a. requires a redesign such that no clear cut of natively vegetated slopes is required for brush management. Because no clear cutting is proposed, we request that this condition be deleted.

Apparently, Special Condition 1.b. which requires a 30 foot setback from the steep slopes is intended to provide an area for brush management. Since the additional 30 feet is not needed for brush management, Special Condition 1.b. should also be deleted.

Finally, Special Condition 5.a. is inconsistent with the Findings, in that it apparently would require the elimination of the lawn area on the site. Page 12 of the Staff Report states in essence that there is no LCP provision that prohibits removal of native vegetation for the lawn area. The lawn is proposed over a flat area of the site that is currently traversed by a paved driveway. Special Condition 5.a. would require all plant materials to be drought tolerant, non-invasive, native or naturalized plant species. To eliminate a lawn would be unreasonable. The Irvings are not proposing a swimming pool or tennis court, two typical requests on large properties, but they should be allowed to have an outdoor play area for their children. (They currently have four children under the age of five.)

We request that Condition 5.a. be modified to allow the lawn area as shown on the current landscape plan.

If Staff could agree to these changes, we would concur with the Staff Recommendation.

IV.

THE PROJECT DOES NOT IMPACT ANY VIEW CORRIDORS

Special Condition 5.b. and c. require planting of seven specimen size trees to screen the structures from a "prospective vista point in the Sunset Cliffs Natural Park to the south." There is no vista point. The Park plan is a work in progress. The appellants are correct: the March 2000 plan did not show a vista point, but the May 2000 draft does. City staff has told us that this vista point was specifically requested by the appellants. In reality, the area of the alleged vista point is currently developed with homes which the City leases to private individuals. The City has no plan to evict these individuals and no plans to demolish the homes. The appellants would like to have the City do this, but the City uses the revenue from the leases to help maintain the Park, and the Park planners do not want to lose this revenue.

Even if a vista point is someday created as the appellants hope, four (4) existing 50-foot torrey pines are located along the slope between the would-be vista point and the proposed residence. In addition, the planting plan calls for three (3) more torry pines on the south side of the residence.

Chairwoman Sara Wan and Members of the California Coastal Commission June 8, 2000 Page 5

V.

WE REQUEST YOU APPROVE THE PROJECT AS RECOMMENDED BY STAFF WITH THE MODIFICATIONS SET FORTH ABOVE

The project as proposed and conditioned is consistent with the City of San Diego LCP. Accordingly, we request you approve the project.

· Very truly yours,

Lynne L. Heidel

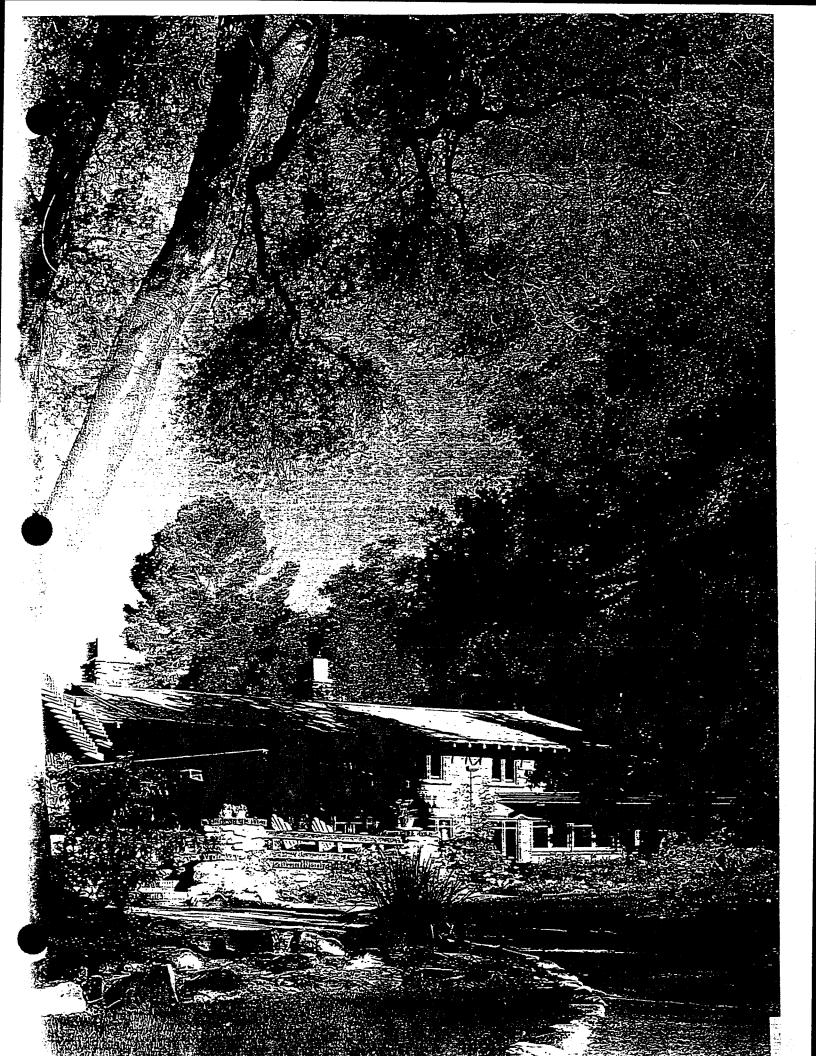
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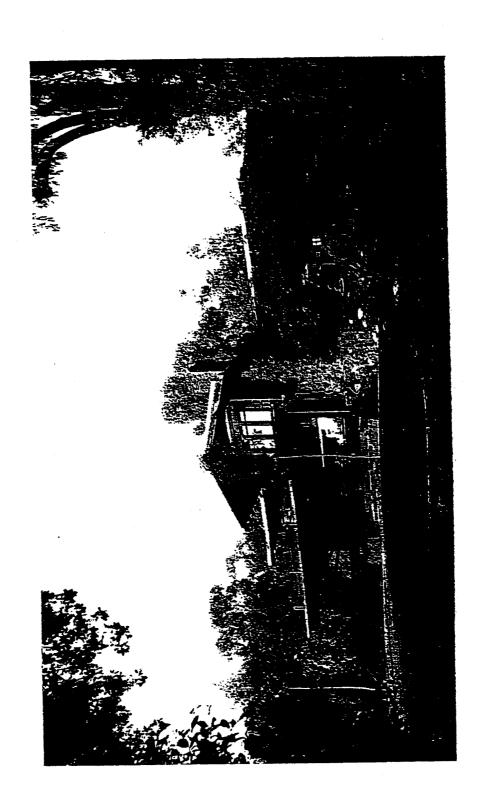
SULLIVAN WERTZ McDADE & WALLACE

A Professional Corporation

Enclosures

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TAB 2

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TAB 3

RESPONSE TO RESPONSES FROM APPELLANTS TO LETTER FROM SULLIVAN WERTZ MCDADE & WALLACE

We are responding only to those responses that contain misinformation or are relevant to our argument. The responses are numbered to coincide with the appellants responses.

Page 2B. Note 1 - Legal Access

The only legal access recognized by the Preliminary Title Report and the City is the existing driveway from the College. The appellants protests to the contrary, no matter how vociferous, do not change that fact.

Page 2B, Note 3 - Community Opposition

The Sunset Cliffs Natural Park Rec Council has about 14 active members. It is a closed group that does not welcome opposing points of view. Individuals who do not agree with the appellants have been tacitly refused membership. 2. The Friends of Sunset Cliffs appears to be a sham organization. It has never to our knowledge held a meeting and has failed to cash a membership check from Mr. Irving. 3. One of the members of the Rec Council is a member of the League of Women Voters, but we have no knowledge that the League ever formally considered the project. The applicant was never asked to make a presentation to the League. 4. No presentations were made to the California Native Plant society. 5. Two requests by Mr. Irving to the Sierra Club made through the Surfrider Foundation of which Mr. Irving is a lifetime member, received no response. The residents who live closest to the Park support the project. With the exception of the two appellants, none of the opponents live near the Park.

Page 3B, Note 2 - Park Master Plan

We concur with the appellants. The Park Master Plan is merely a draft that will be subject to public input and will undoubtedly be revised many times. Therefore it should not be relied upon.

Page 3B, Note 3 - Width of Park Road

The driveway has not been widened. The majority of the paved driveway exceeds 12 feet. It is not 8 feet wide. The clearing referenced by the appellant occurred after the appellant called the Fire Department to report alleged violations of the fire code by the College. According to the City's biologist, Lisa Wood, no native plants were removed and in fact the native dwarf stemmed ceonothus was saved because of the clearing of non-native plants.

Page 5B, Note 1 - Alternative Lawn

The lawn is approximately 3,890 square feet in size, not 5000 square feet.

Page 5B, Note 2 - Alternative Fence

There is no wildlife corridor.

- NEIGHBORS
- PARK USERS
- NEIGHBORS LIVING IN CLOSE PROXIMITY
- ARCHITECTS, OTHERS

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NEIGHBORS

April 2, 2000

Chairwoman Sara Wan and fellow Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan and fellow Coastal Commissioners,

We live immediately next door to the Irving Residence and are in full support of their plans for many reasons.

The Irvings have-agreed to help construct a new driveway adjacent to our property for our exclusive use. Access for us will be greatly improved while also providing access for emergency vehicles, nonexistent today.

Security will be greatly enhanced. We are constantly plagued by late night noise of people drinking and picking up the evidence the next morning of empty bottles and drug paraphernalia. We also have to chase people off our property late at night. There has also been an increase in the amount of homeless people wandering up towards our property looking for a place to sleep. We can't imagine living here with small children, nor can we imagine anyone denying the Irvings the right to security for their family by denying them the right to fence-in their property.—We-look-forward to-an-end to the noise and disruption and the peace and quiet that will come with this new house.

Prior to the Irving's' proposed residence, the University was planning to sell off the three separate parcels for development. Had those plans come to fruition, we would have had another house right on top of ours. As it is now, that will never happen as the Irvings are building behind us and have agreed not to develop the parcel adjacent to us.

It seems obvious that one house, as opposed to several, is the least impact full to the area. We are in full support of the residence and hope you agree. The Irvings and this house are not a negative impact in any way to the park or the surrounding neighborhood. The impact will be just the opposite. If the opponents want to make a positive

impact on the park and the surrounding area, they should figure out a way to clean up the park and kick out all the drunks and drug users.

Sincerely,

Don and Jerie Clark

April 20, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, California 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

I have been a lifelong resident of Point Loma and have used the Park since a small child. The opposition to the Irving project is a conspiracy of three women, who despise the University, and their close friends at the Sierra Club and the League of Women Voters. The Audubon Society opponent is a friend and member of the Sunset Cliffs Recreation Council. With all of the challenges of erosion, homelessness and drug use the Park faces, the Sierra Club and League of Women Voters have never before weighed in with their help or opinions. It is evident that their energies are misdirected for personal vendettas with the University, which has nothing to with the beneficial, quality home the Irvings are trying to build.

Very truly yours,

Randy Rubin

3950 La Cresta Drive

MM

San Diego, CA 92107

Derek R. May

747 Stafford Place San Diego California 92107 Tel # 619 – 224 - 5569

April 3, 2000

Chairwoman Sara Wan Members of the Coastal Commission Care of San Diego Office 3111 Camino Del Rio North, Suite 200 San Diego, Ca. 92108

Dear Chairwoman Wan and fellow Members of the Coastal Commission,

I live at 747 Stafford Place, three houses away from the proposed Irving residence. My property is adjacent to the north canyon, which is also adjacent to the Irving property. I am concerned about the opponents to Mr. Irving's development, who want to open up pedestrian access to this canyon where none legally exists today.

I have observed trespassers in this area, all of whom are a threat to the natural vitality of the canyon, and a threat to the safety of those of us that live adjacent to the canyon. In recent months I have observed and photographed motorcyclists making new paths up the canyon and damaging both the flora and fawner of the area. On occasions, joggers, bicyclists, rowdy partygoers and homeless people have tried to use the canyon and totally upset the wild life eco system

The north canyon is a land locked area that should be preserved as a wild life sanctuary where animals can enjoy protection from human pollution. There are several sites where people have made camps leaving behind drug paraphernalia, beer cans and bottles, (which create an imminent fire hazard in this area).

The canyon has steep grades and is not accessible without destroying the natural habitat. If it is opened up to public access there will be the inevitable accident and rescue crews will destroy the fragile eco system.

The Irving's should be allowed to fence their property. I grew up in the countryside and I know that fences do not stop wild animals. Some culverts could be placed to allow access for less agile creatures but I do not know what they would be. I have a fence round my property and see possums, skunks, raccoons, rabbits and coyotes in my garden. After people trespass in the canyon these animals disappear for several days before coming back.

This is a very small area and not large enough to support both uncontrolled human and wildlife activity. It is presently rich with wildlife during the day as there a very few areas left on Point Loma where human trespassing has not restricted wildlife activity.

Please do not turn this north canyon into another piece of waste and derelict property by encouraging public access over private grounds. Please help preserve this wildlife sanctuary and allow the Irving's to build their fence with necessary animal-access-points but not human-access.

Sincerely,

Derek R. May

(619)-224-5569

April 2, 2000

Chairwoman Sara Wan and Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan and Coastal Commissioners,

SUBJECT: IRVING RESIDENCE

We have lived on Stafford Place for over 25 years. Our home is two lots away from the proposed Irving Residence. We are very much in favor of their project, including continued access through the University. We are dismayed by the apparent discussion regarding the fencing of their property. They have small children. Unfortunately, the city does not do a good job of policing the park area and we constantly have people at the end of the street drinking and doing drugs. This is right in front of the Irving's property. As to the wildlife, a fence is no obstruction to wildlife as we know this first hand.

We are in complete support of the great addition this project will bring to our neighborhood. If the opponents are so concerned about the park, we wish they would do something about all the drug users and homeless people and let the Irvings help improve our neighborhood.

Sincerely, Charlet Ber Jugetory Bein

Charles H. and Ingeborg Barr



April 6, 2000

Chairwoman Sara Wan and Fellow Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, California 92108

Financial Affairs

RE: Coastal Development Permit Application A-6RJS-99-143/Irving

Dear Ms. Wan and Fellow Commissioners:

Point Loma Nazarene University is the current owner of the properties upon which Mr. Craig Irving is attempting to purchase and build his family home.

We believed at the time of our agreement that Mr. Irving's plans would receive no opposition because it reduced the number of residences on the legal parcels from two to one. The University acquired these lots as part of our purchase of the campus in 1973. The upper lot has had a residence on it since 1910. The vehicular access to the upper lot has always been through our main gate on Lomaland Drive. Since our purchase of the campus, we have used the house on the upper lot as a residence for our campus Chief Security Officer or to house students. We have never rented out this property for non-university use. The residence is now vacant pending the close of escrow on the sale to Mr. Irving.

It was our original intent to sell these lots separately because the existing road easement to the Clark residence on the north separates the lots. Mr. Irving, through a separate agreement with the Clarks, has designed a new driveway for their exclusive use which allows Mr. Irving to utilize these lots for his residence.

It has come to our attention that some individuals oppose the City's approval of Mr. Irving's plans on the basis of two issues. The first issue relates to their concern over Mr. Irving's plans to fence his property. It has been reported that the reasons for their opposition to the fence is that it becomes an obstruction to a wildlife corridor that extends from the canyon north of the subject property three miles south to the tip of Point Loma. Also, they oppose the fence because it presents an obstruction to pedestrian access to the north canyon.

To our knowledge, no one has defined or designated any wildlife corridor on or near this property. We are unaware of any evidence of any migration of animals across the property. In fact, several hundred yards to the south of the property, at the campus southern boundary, exists an eight foot high fence topped with barbed wire. This fence runs from the base of the cliffs at the water all the way east to Catalina Boulevard. If such a wildlife corridor exists, it is already completely blocked at its north end.

Chairwoman Sara Wan and Fellow Coastal Commissioners Page 2 April 6, 2000

As to pedestrian access to the north canyon, we offer the following comments. Due to geographic limitations (i.e., steep cliffs), residential homes and campus dormitories, there is very limited access to the north canyon. This north canyon is very isolated. Other portions of Sunset Cliffs including portions of our campus, suffer from indigent camps, drug use, and vandalism. Increasing access to the north canyon creates significant security concerns because of our women's dormitories next to the north canyon. Also, access already exists through the park to the north canyon. In summary, the fence being opposed will prevent trespassing on Mr. Irving's property, provide safety to his children and increases security for our residential dormitories.

The second issue relates to the continued use and widening of the existing access road easement. This easement has been in existence and continual use since long before the City acquired Sunset Cliffs Park. The legal rights of the easement are of record and were of record at the time the city purchased the Sunset Cliffs Park.

As you may be aware, we have had strained relations with some of the members of the Sunset Cliffs Natural Park Recreation Council, which is unfortunate. We believe that the opposition to Mr. Irving's plans may be more an opposition to the University than to the plans themselves.

Very truly yours,

Arthur L. Shingler

Vice President for Financial Affairs

ALS:vfm

Dennis H. Pennell Nan A. Pennell 716 Stafford PLace San Diego, CA 92107

Mr. Craig A. Irving
The Irving Hughes Group, Inc.
501 West Broadway, Suite 2020
San Diego, CA 92101

Dear Mr. Irving:

We have had the opportunity to review your plans for your new home across the street from us. We are pleased that you are planning such a large home which we feel will be very suitable for the special piece of property you own.

As you know Stafford Place is a very short street with only seven existing homes. Two of these homes are currently under significant remodelling projects which will further enhance the neighborhood.

As we understand it you will be building a new driveway to your property directly across the street from our driveway. We have no problem with this. We also understand you will be building a substantial retaining wall in conjunction with the new driveway. Again we have no objection to this as the present high bank that exists is being constantly eroded and misused by transients and sightseers.

Furthermore by closing off the existing private driveway off the Stafford Place cul de sac it will discourage trespassers and troublemakers who try to gain access to the property for purposes of drinking and loud partying.

In other words we welcome your proposed improvements and having lived in our home for the past 15 years we feel your proposed home will be an enhancement to our neighborhood.

Sincerely,

Dennis H. Pennelī

Nan A. Pennell

To Whom It May Concern,

Dear Sir or Madam,

My wife and I have lived at 741 Amiford Dr where entry to our home is from Stafford Place.
We have resided here since 1974.

We are aware of the Irving familys plans to Construct a new home at the end of our street and We are in total accord with their plans.

We are also aware there are a few people in opposition That does not even live in close proximity and are causing undo Problems, please tell them to stay out of our neighborhood And leave us be.

Bostom Big

The Irving family will do nothing but improve all our Properties as well as being welcomed neighbors.

Sincerely Yours,

Alvin and Roseann Zigman

alun Zignan

741 Amiford Dr

San Diego, Ca. 92107

619-225-1379

FAX 619-225-1370

E-MAIL AZRAZ@aol.com

Howard & Andrea Justus

710 Amiford Drive San Diego, CA 92107 Telephone (619) 222-8200

April 7, 2000

California Costal Commission 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Re: The Irving Project

Dear Chairwoman Sara Wan and Fellow Coastal Commissioners:

My family and I live at 710 Amiford Drive, which is adjacent to the Sunset Cliffs Nature Park and approximately 100 yards to the west of the proposed building site of the Irving project. I am familiar with the Irving project and the plots of land it proposes to use.

We are in favor of the project, as it in no way negatively impacts the Park or surrounding areas and the neighborhood needs an active participant in combating the noise and litter brought by the juveniles and vagrants that frequent the Park.

The land the project is proposing to use is in a residential area that generally cannot be seen from the street or from the Park. The parcels included in Mr. Irving's project have been marketed for sale, as three individual parcels, in the past by Point Loma Nazarene University. Mr. Irving's project is favorable to the neighborhood as it proposes only one residence rather than three that would be built if the parcels were sold and developed separately.

We are also not concerned about the impacts the project will have on the wildlife in the immediate surrounding area. The only wildlife living in the section of the Park near our residences are rabbits, skunks, squirrels and raccoons. Our property is a living testimony that none of these creatures are impacted by fences the Irving project is proposing.

Currently, the Park is most significantly impacted by the problems associated with litter and noise brought into the Park by juveniles and vagrants. Mr. Irving has proven to be a friend of the Park by his active participation in the Sunset Cliffs Surfing Association and their efforts to clean the Park of the massive litter problem.

We urge you to approve Mr. Irving's project.

Sincerely

Howard Justus

And If

Eugene H. Pennell 726 Stafford Place San Diego, CA 92107

Mr. Craig A. Irving

The Irving Hughes Group, Inc.

501 West Broadway, Suite 2020

San Diego, CA 92101

To Alkomit may concern, Dear Mr. Irving:

My wife Violet and I have lived in our home at 725 Stafford Place for the past 43 Years. We feel we have a wonderful street and neighborhood and are pleased to welcome you to our neighborhood.

We thoroughly approve of your plans for your new residence in our neighborhood. The area needs and deserves a few large and gracious homes such as yours.

The suggested alternative by others of an unwanted and undeveloped park would be a home for drug dealers and other criminal activities incompatible with our lovely neighborhood.

We wish you the best of luck with your plans and wish to inform anyone who opposes them that as one of your closest neighbors we heartily approve of them.

Sincerely, Violet A. Terrell Expore & Ferrell

Eugene H. Pennell

To Whom It May Concern:

I own a home directly below the proposed single family residence construction site for the Irving family. As a neighbor and concerned resident of the Sunset Cliffs region, I have discussed the proposed single residence construction plans with Mr. Irving and am in favor of the project as a single family residence on the 3 lots above my property and request that the project move forward.

Respectfully Submitted,

Judy Nugent

711 Amiford

San Diego, Ca 92106



To Whom It May Cancern: I am and have been a resident of Point Lana since 1969. I live in close proximity to The proposed Irving residence and am in full Support of Then plans. Opponents claims That This project will negatively impact Surset Cliffs Wateral Park are unfounded. I look forward to welcoming the dring family to air neighborhood and Then beautiful new have which will Certainly enhance The Sunset Cliffs Park and The neighborhood. Very Sincerely Gara J. Wrain

> Norman Rockwell -- "Thiple Self-Portrait © 1995 The Curte Publishing Company

Nina Crawford 3535 First Avenue, Unit 12 D, San Diego, California 92103

April 19, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, California 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

Prior to three years ago, my husband and I owned the property at 727 Stafford Place and lived there for twenty-six years. We were very pleased to learn that the vacant property to the south and adjacent to our former property, had been purchased for a single home residency.

From our experience of 26 years, this vacant property draws homeless people, drug users, and drinking parties who regularly gather and trespass on the isolated cul de sac.

On many occasions we found it necessary to call the police for assistance in removing troublemakers who regularly took advantage of this "secret spot". We were also constantly concerned about the possibility of these trespassers starting wildfires in the dry brush. I know that the entire neighborhood would welcome the development and care of that property, and that there would be no negative impact to the Park which lies outside of the residential area.

It is inconceivable to the neighborhood that an outside contingency could dictate and delay the proper use of this property. My husband and I endorse the Irving House Project. We are confident that this project would greatly improve the residential area and at the same time it would solve a major community security problem.

Thank you for your consideration in this matter.

Sincerely,

Nina Crawford

Nuis Crawford

TAB 4

T....

PARK USERS

to whom it may comem, I have been a resident of soint forma for most of my life. Aunset clifts Natural park is and has been a second backyoud to me and my family as we continue to access it on a daily basis. as a professional photographer, -l have been using The park for its Natural Settings since 1968. Several years ago, I was asked to document The erosion and drainage issues in The park. We have reviewed The living project plans and have read the objections of the opponents. In my opinion, They are without ment. The elving project will enhance The part, not degrade its Valve. I can only survive that These opponents' positions are based solely in Their enmity with The university! Very truly years,

Very truly years, Mya North

To Whom it May Concern:

My name is Paul Stanley. I have been living and surfing in Point Loma (specifically the Sunset Cliffs area) for over 30 years. My wife and I have been married for 20 years and I have 3 teenage daughters. I have also owned and operated photographic studios in San Diego (mostly in Point Loma) for 18 years.

The Sunset Cliffs area in Point Loma is dear to me. It is truly a work of art. I say these things in order that you may fully appreciate my opinion concerning the construction of the Rebecca and Craig Irving family home.

The Irvings are a young couple with 3 small children. They have lived in Point Loma all of their lives and fully appreciate its charm and beauty. They represent all that is good in this community. I believe that the design of their house compliments the inherent qualities found in the Sunset Cliffs area and adds to the already existing esthetics. I would be opposed to this if the effort was being put forth by a developer whose main motivation was simply to make a profit and then move on. This is exactly the opposite. This is a Point Loma family that is building their family home in Point Loma. They will live in this home and community (God-willing) for a long time. Their children will come to love Point Loma as we all do. San Diego, and especially Point Loma is lucky to have a family like the Irvings, living and caring about the quality of life and surroundings in the Sunset Cliffs Park area.

I care tremendously about the Sunset Cliffs area as do the Irvings, and I believe that this care shows in the design of their proposed home.

Thank you for your considerations.

Sincerely,

Paul Stanley

672 San Fernando St.

San Diego CA 92106

tel: (619)222-9231

Company Name: lere

To Whom it may concern:

My name is Chris Sullivan and I am a native San Diegan. I have resided in Point Loma for many years and frequent Sunset Cliffs Natural Park on a regular basis. I have reviewed the Irving residence plans and I am in full support. I have reviewed the opposition letters and feel they are without merit. This home will enhance the surrounds and I look forward to seeing the project completed.

AIF

Garis Sullivan

Re: Irving Family Residence

To whom it may concern,

We have lived in the Ocean Beach/Point Loma area our entire lives and have used the Sunset Cliffs Natural Park frequently for the past 25 years. We are both owners of small business's in the Ocean Beach/Point Loma area. We believe that the Irving family residence will not have a negative impact on the Sunset Cliffs Natural Park and we are in support of this project.

Best regards,

Brack c.Wds

GENERAL DENTISTRY

Sports Arena Medical Center 3340 Kemper Street, Suite 201 San Diego, California 92110 Telephone (619) 224-2828

April 10, 2000

Chairwoman Sara Wan & Fellow Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Ms. Wan & Fellow Commissioners:

My family and I live in Point Loma, although not contiguous to either the park or Point Loma Nazarene University. However, we have been on parkland property several times a week for many years.

Mr. and Mrs. Irving's home will be great. We are in favor of the Irving project and urge you to approve their permit.

Sincerely,

Edward K. Holly, D.D.S.

EKH:dkl

To Whom it May Concern:

I am writing on behalf of the family of Mr. Craig Irving, regarding a project he has undertaken in our community of Point Loma. I am a 47 year old native of Point Loma, a lawyer working in downtown San Diego and have lived in Point Loma all my life. Currently, I reside with my husband and children in an area which is in close proximity to Sunset Cliffs Park, the site of Mr. Irving's project.

I would ask that you give this project very special consideration. As a resident of the Point Loma community and in view of the fact that I am very familiar with Sunset Cliffs Park, I am understandably concerned about any changes that occur in any of our Point Loma neighborhoods, particularly when the changes are occurring in areas which I frequent on a regular basis. Naturally, the questions, "what are these changes, and how will they impact the surrounding area?" come to mind. For the sake of the residents, both longstanding and those who might be newer to the community, all significant changes must be evaluated from the point of view for which they are intended, then decided upon from within that framework; namely, how will these changes affect the community per se and especially, how will the lives of those who live in the community be affected? The answers to these questions are fairly simple considering that the plan proposed by Mr. Irving for this particular area of Sunset Cliffs Park has been designed not only to retain the Park's already existing and natural beauty, but to enhance the beauty of the Park as well. The thoughts and ideas relating to the planning, development and construction of all phases of the project have been methodically and creatively drawn with sensitivity toward many issues, environmental issues being of primary focus. Having seen and understood the details of a rendering which will result in an elegant, dignified and tasteful family home amid an environment that preserves the natural beauty of its surroundings, it is my opinion that this project will cultivate, preserve and foster the unique qualities which make up our neighborhood coastal community of Point Loma. For these reasons, I see no detriment resulting from the building of Mr. Irving's project, and would urge those in such a position to affirm a resolution recommending the project's continuance.

Thank you for your time and attention.

Sincerely,

Maria R. Stanley

672 San Fernando St.

San Diego CA 92106

April 12, 2000

Coastal Commissioners 3111 Camino Del Rio North, S-200 San Diego, CA 92108

Dear Coastal Commissioners,

We reside in Point Loma a few short blocks from Sunset Cliffs Park. We understand that the city's approval of Mr. Craig Irving's home has been appealed to the coastal commission. This appeal seems very surprising because the Irving home will be such a good addition to our neighborhood. Why would anyone appeal such an obvious good addition? It just doesn't make any sense.

Please approve the Irving residence. We can't imagine any reason for an appeal let alone the disapproval of the Irving's home.

Thank you very much.

John and Margie Black 1069 Santa Barbara Street San Diego, CA 92107

April 3, 2000

Chairwoman Sara Wan and Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Ladies and Gentlemen:

This is in regards to the home that Mr. Craig Irving is trying to build at the top of Sunset Cliff Park. I want to voice my support for this project for a couple of reasons.

- 1. As a person who has known Mr. Irving for 15 years, I have come to know his standard of excellence and integrity. He cares very deeply about the neighborhood he lives in and would only construct the most aesthetically pleasing structure that he could. With the house he currently lives in (and built), this home has only added to value and beauty of the neighborhood. I would expect Mr. Irving to do the same with his new home. This home would have a positive effect on the neighborhood, which I want. And so should anyone else.
- 2. My father and I walk in the park three mornings a week and know this area very well. I also try to get out surfing when I can along the cliffs. This corner of the park the house is being built on is not used for anything other than young teen-age kids sneaking there to drink or smoke. I have never seen anyone truly hike to that corner. Therefore, this home would make a good use of the land.

I have lived in Point Loma for 20 years. I have been a member of the Sierra Club and the Nature Conservancy. I know the neighborhood very well and believe that this home is a great idea for neighborhood. Please allow this project to continue. Thank you.

Sincerely

Kuri Baranski

1645 Santa Barbara St. San Diego, CA 92107

(619) 222-7609

2515 Poinsettia Drive San Diego, CA 92106 619-224-0657

April 13, 2000

Chairwoman Sara Wan Honorable Coastal Commissioners 3111 Camino Del Rio North Suite 200 San Diego, California 92108

Commissioners:

I am writing to support the home proposed to be built by Mr. and Mrs. Craig Irving near Sunset Cliffs Park. I have lived in Point Loma for the last 20 years, and my wife has lived in Point Loma her entire life. We have both spent much time in this park and in this community.

The home the Irving's have planned will be a welcome and attractive addition to the neighborhood. I believe the home will blend with existing homes, and will have no negative impact on those who live and play in the area. In fact, I welcome more active residents to the community to help ensure that Sunset Cliffs Park and the surrounding area remain safe for everyone to use. In the past, I have felt my family unsafe due to those who have frequented the park at times; people who appear only to be there because it is relatively private for their activities.

As long-time Point Loma residents, I know the Irvings will be sensitive to the community's needs. I know of no neighborhood opposition to their project. Their project does not hinder the use of the park, and will improve the area.

I encourage you to please support their proposal.

Sincerely,

Glen P. Vieira

April 6, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

My wife and I have lived in Point Loma our entire lives. We use the Sunset Cliffs Natural Park almost every day throughout the year and it is a very special place for us! I am an active member of the Sunset Cliffs Surfing Association and regularly participate in the club's beach clean ups.

I am aware of the Irving family's plans to build a home on their property. In no way do their plans detract from the beauty of the park! I know that Craig and Rebecca Irving respect this natural park as much as we do. I urge you to let them go through with their plans!

Sincerely,

Thomas Vaughn

April 10, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

My family lives in close proximity to the Irving's new house. We visit the Park on a regular basis. The Irving's new home is a beautiful addition to our neighborhood and in no way adversely affects our Park. Please approve the project.

Sincerely,

Bill and Van Thaxton

Buil and Un that

825 Silvergate

San Diego, CA 92106

Thomas F. Sullivan 757 "J" Avenue Coronado, CA 92118

April 12, 2000

Coastal Commission Chairwomen Sara Wan Honorable Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwomen Wan and Honorable Commissioners,

I am a 47 year old native San Diegan. While I currently reside in Coronado, I previously lived in Point Loma for over 40 years. I am also an avid surfer and continue to be a regular user of Sunset Cliffs Park, often with my two sons who feel they have grown up in the Park. Before me, my father was a Point Loman and an original member of the Sunset Cliffs Surfing Association that adapted the Park as their recreational "home" in the 1950's.

I provide this background to let you know that I am intimately familiar with the Park, the campus of Point Loma Nazarene University and its environs. I have recently become aware of the plight of the Irving family who is seeking approval for a single family home on a site above the Park. Being very familiar with the site I can say without question that it will in no way impact the Park.

I urge you to approve the Irving's home project without further delay.

Thank you for your consideration.

Sincerely,

Thomas F. Sullivan

Mrs. Frank Rosa 2965 Rosecrans Street * San Diego, CA 92106 (619) 224-5745

April 12, 2000

Coastal Commission Chairwoman Sara Wan Honorable Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Wan and Honorable Commissioners,

This letter is to ask you to allow the building of the Irving family private residence on Sunset Cliffs Natural Park.

I came to Point Loma in the 1920's from Portugal. I have raised my four children and 18 grandchildren in Point Loma. I have come to see much change in Point Loma over my lifetime.

Allowing the Irving family to build their personal residence on Sunset Cliffs
Natural Park will enhance the beauty of this park. I have heard that a few people
have been opposed to their building project and have made claims that the home
will negatively impact the area with little proof. I have been to the Irving home
many times and the care they take to beautify their home and surrounding
landscape would encourage anyone to want them as a neighbor.

I hope you will give the Irving family permission to build their personal residence on this site. Thank you for your attention to this matter.

Sincerely,

Anna Rosa

April 18, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, California 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

I have lived in Point Loma my entire life. I have used Sunset Cliffs Natural Park my entire life. The opponents to the Irving's house have it out for the University. Their animosity toward them is deep-rooted and blatant. It has nothing to do with the Irvings and yet they are caught in the middle. There is no reason why this project should not be approved. This is our backyard and for these few opponents to claim this house has a negative impact on our Park proves my point about them.

Sincerely,

Mark Panissidi

821 Armada Terrace

Steven G. Matchinske PMB: 320 1220 Rosecrans Street; #320 San Diego, California, 92106 Office:619-222-3737

Date: August 30, 1999

Re: In favorable to Support Craig Irving's project

To Whom It May Concern,

It is my pleasure, to my life long friend, Craig Irving to pursue his project in Point Loma. I myself have lived in Point Loma, since 1960.

I truly support Craig's interest for building his future home in Point Loma. I know it will be one of it kinds.

I would really appreciate any help Craig could get.

Please do not hesitate to call, if you have any questions or concerns.

Sincerely Yours

Steven G. Matchinske

To Whom it May Concern:

I am a Point Loma resident and have been since 1926. I arrived in this country when I was 3 years old and remember thinking as I grew up that I was so lucky to be in such a beautiful town. This is the home I came to know and love, my home of Point Loma. Over the years, I have seen my community grow and change. There have been many changes, some good and some bad. After the war, people flocked in droves to California, many to San Diego and of those, some to Point Loma, where the climate was friendly and jobs were plentiful. It was truly the land of opportunity. But the pressures of relocating, pursuing a livelihood and other such constraints became too great and the demands of the community plus the demands on people began to take their toll. Growth at any price, in any form and for almost any purpose was the order of the day. Growth for growth's sake became the rule. Soon after the dust from the war had settled, as sort of a knee-jerk response, Point Loma was overrun with a series of erratic developments which unfortunately, robbed us of our vision, stripped us of our community pride and toiled with our memories. We were saddened by what seemed like an overnight assault on the character of Point Loma. It was tragic to see our quaint and picture-perfect little town out here on the bay fall prey to the plight of dirty beaches, overcrowding and tract housing. It was clear that there was no longer any thought of focusing on what we had strived for so many years Sadly, the focus had shifted in the wrong direction along with the feelings of those of us who had lived here for so long.

Slowly, the pendulum has begun to shift and now we are witnessing development trends which mirror the true and original design of picturesque Point Loma. Concepts which echo redirected thoughts are replacing rapid fire with careful planning, and esthetics for mundane practicality. I am pleased and indeed anxious to write on behalf of the Irving family whose plan is to construct a new and beautiful family dwelling of the highest standards while reflecting many of the original ideas so long ago set aside. The area which the Irving family intends to build on is in and of itself idyllic, but definitely requires the sound care and quality attention the Irving family is willing to provide. To improve this property in the way proposed by the Irving family is to better the area and the conditions surrounding the area for all who live there.

Thank you for your consideration.

Mary R. Santos

Mary R. Santos

Mary R. Santos 3114 Lawrence St. San Diego CA 92106 Mr. & Mrs. Stanley Jones 381 Rosecrans Street San Diego, CA 92106 (619) 223-6353

April 12, 2000

Coastal Commission Chairwoman Sara Wan Honorable Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Wan and Honorable Commissioners,

This letter is to let you know that my family and I think the proposed residence on Sunset Cliffs Natural Park by the Irving family would be a wonderful addition to the park site.

I was born in Point Loma more than sixty years ago, and have lived here my entire life. My husband and I raised our 4 children here, and the three who live in San Diego own homes in Point Loma. We are very active in the San Diego Yacht Club and other organizations in the Point Loma area. We use Sunset Cliffs Natural Park often.

Allowing the Irving family to build their personal residence on Sunset Cliffs Natural Park will enhance the beauty of this park. I have heard that a few people have been opposed to their building project and have made claims that the home will negatively impact the area with little proof. We have known Craig Irving and his family since Craig was a young boy. He often would accompany us to our cabin in Julian. He appreciates nature and our environment. If he thought for one moment his home would impact the park in a negative way, he would never consider having it built. I have been to the Irving home many times and the care they take to beautify their home and surrounding landscape would encourage anyone to want them as a neighbor.

I hope you will give the Irving family permission to build their personal residence on this site. Thank you for your attention to this matter.

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Sincerely,

Mary Rosa Jones

Hamlin

April 5, 2000

Chairwoman Sara Wan and Coastal Commissioners 3111 Camino Del Rio North Suite 200 San Diego, California 92108

Commissioners:

I am writing to support the home proposed to be built by Mr. and Mrs. Craig Irving near Sunset Cliffs Park. I have lived in Point Loma my entire life, and have spent much time in this park and in this community.

The home they have planned will be a welcome and attractive addition to the neighborhood. It will blend smoothly with the existing homes, and will certainly have no negative impact on those who live and play in the area. In fact, I welcome more active residents to the community to help ensure that Sunset Cliffs Park and the surrounding area remain safe for everyone to use. There have been many times in the past where I have felt my family unsafe due to some of the people who have frequented the park at times; people who appear only to be there because it is relatively private for their unsavory activities.

As long-time Point Loma residents, I know the Irvings will be sensitive to the community's needs; in fact, I know of no neighborhood opposition to their project. I know their has been some concern about those who like to hike in the canyons, but the north canyon area is typically not used for these purposes. Their project does not hinder the use of the park, and will improve the area.

I encourage you to please support their proposal.

Sincerely.

William R. Hamlin

1704 Redondo Street ■ San Diego ■ California ■ 92107

April 5, 2000

Chairwoman Sara Wan
Coastal Commission
3111 Camino Del Rio North
Suite 200
San Diego, California 92108

Re: Craig and Rebecca Irving; proposed residence near Sunset Cliffs

Dear Chairwoman Wan:

I am a native and current resident of Point Loma. I wholeheartedly support Craig and Rebecca Irving in their efforts to purchase property from Point Loma Nazarene University and build a residence near Sunset Cliffs. I am familiar with their plans and am confident that their residence will not only fit in nicely but also enhance the neighborhood and not have a negative impact on Sunset Cliffs or the surrounding neighborhood.

A small group of opponents has created an obstacle to the project's progress without a legitimate basis. This minority imposes its views and oppresses respectable citizens by interfering with their free-exercise of rights with regard to private property. The opponents mistakenly and irrationally believe that the property in question is public. In fact it is private property. The Irvings are reasonable people and will not take away from the public property of Sunset Cliffs Park as the opponents believe. As they go along, the opponents come up with crafty justifications for their disapproval of this project. The final analysis will reveal that the opponents' contentions are frivolous, and they simply are people who dislike all change, even positive change.

Please approve the project. Thank you for your courtesy and cooperation.

Very truly yours,

Frig Mo

Christopher W. & Kirsten M. Cramer 777 Armada Terrace San Diego, CA 92106 Work Phone: (858) 273-2739 ext. 305 Home Phone: (619) 222-3142

April 9, 2000

Chairperson Sara Wan Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

RE: Support of Craig and Rebecca Irving's plans to build their new home

Dear Ms. Wan and Coastal Commissioners,

I am a lifetime resident of Point Loma and have owned a home at 3824 Jennings Street in the Colonial Manor development next to Point Loma Nazarene College since 1989. Recently, I became aware of the opposition by a few vocal individuals to Craig and Rebecca Irving's plans to build a beautiful family home for themselves and their four children in this neighborhood. As I see it, the Irvings have every right to build their new home on their land, and their extremely respectful and completely legal planned development will have no negative effects on this neighborhood.

It should be noted that Craig Irving is one of the most respected leaders of the San Diego business community, and that he and Rebecca are widely known for their local philanthropic efforts benefiting this community. It is highly regrettable that such good people as the Irvings should be put to such tremendous expense and should have been delayed for so long in building their new home due to the obstructionist efforts of a few vocal neighbors. I fully support the Irvings' plans to build their new home on their parcel of land, and ask you to please approve of their project without any further delays.

Sincerely,

Christopher W. Cramer

April 2, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

My wife and I have lived in Point Loma our entire lives. As an active member of the Sunset Cliffs Surfing Association and an avid surfer, I consider Sunset Cliffs Natural Park my family's backyard. I am utilizing the park almost daily throughout the year and am aware of the challenges of over use, drainage, homelessness and other problems.

I am also aware of the Irving's plans for their family home. In no way does it even remotely affect the Park. In fact, it actually will enhance the area. Craig Irving, like me, considers the Park a sacred place and I can't think of many others who respect our community and the Park more. Thank God this property is not going to a developer who would build multiple houses. Please allow them to go through with their plans.

Sincerely,

Nathan Cintas

Richard M. Bregman 860 Albion Street San Diego, California 92106

April 9, 2000

Chairwoman Sara Wan and Coastal Commissioners 3111 Camino Del Rio North Suite 200 San Diego, California 92106

Dear Chairwoman Wan and Coastal Commissioners:

My wife Laura and I are both Point Loma natives wishing to express our support for Craig Irving and his family in their plans to build a single family residence next to Point Loma Nazarene University. We are aware that the Irvings have encountered some unreasonable opposition to their plans by a small group of protestors.

Laura and I are in favor of preserving the environment. However, we do not feel that the environment will be significantly impacted by the Irvings' proposed residence. On the contrary, we believe that the home will be an excellent addition to the neighborhood, and that the Irving family will be protectors of the adjacent Sunset Cliffs Park. Most neighbors in the area are aware of the problems of pollution, vagrancy, and generally unwanted loitering in the Park after hours. The Irving family themselves will most likely be enjoyers of the park and will have a personal interest in preserving it.

In addition, the residence will be built on private property sold to them by the University. As we understand it, this private property is currently inaccessible and therefore not used by the public.

Please approve the Irvings plans for their single family residence. Thank you.

Sincerely,

Mr. & Mrs. Todd Stanley Jones 3634 Oliphant Street San Diego, CA 92106 (619) 222-9652 aaccurate@earthlink.net

April 10, 2000

Coastal Commission Chairwoman Sara Wan Honorable Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Wan and Honorable Commissioners,

I have been a resident of Point Loma my entire life, almost 40 years. I reside in the Point Loma Heights area with my wife and daughter. I am writing to you today to ask you to approve the Irving family's request to build their personal residence on Sunset Cliffs Natural Park.

I have been friends with the Irving family since I was a child. I have enjoyed the Sunset Cliffs Natural Park with his family on many occasions and use the park often. I think the Irving residence would be a wonderful addition to this site.

The Irving family is very active in the Point Loma community and strives to preserve the neighborhood spirit of the area. Both Craig and his wife are involved with several not-for-profit organizations. They have invested their time and talents to better our community.

I understand that the few individuals opposed to them building on this site have made unsubstantiated claims that it will impact the area in a negative way. I cannot fathom why anyone would be against them building their home in this location. A beautifully designed home built to specifications designed to benefit the surrounding landscape will only be an asset to Sunset Cliffs Natural Park.

Please grant the Irving family permission to move forward with this project. If you have any other questions, please do not hesitate to contact me at the above number.

Sincerely

Todd Stanley Jones



Chairwoman Sara Wan California Coastal Commission 3111 Camino del Rio North, Suite 200 San Diego, CA 92108

Sub: Irving Residence / Point Loma

I am a lifetime resident of Point Loma and currently live adjacent to Point Loma Nazarene University. My grandparents moved here in 1948. My parents, uncles, aunts, brother, cousins all grew up here. My children are growing up here now.

With the exception of going out of state for college, I have always lived in the neighborhood surrounding Point Loma Nazarene University and Sunset Cliffs Park. I know this area extremely well. I have been given the opportunity recently to review Craig Irving's plans for the private property adjacent to the City owned Sunset Cliffs Park. I completely support Craig Irving's project for the following reasons:

- O Craig is constructing a residence in the same location where the current residence is located. I have looked at the existing residence and it is not worth saving. He is utilizing the very best consultants in the industry for all phases of his project. This house over time will be regarded as a tremendous historical architectural reference for this area.
- o He is preserving a tremendous amount of the existing native plant material. The majority of the property will remain in its natural state.
- O As a private owner, he will maintain a higher level of ecological preservation than The City of San Diego has demonstrated in the surrounding "public park" area. This is witnessed daily by the drinking, drug use, trash and homeless elements of the current park area.

I find it ludicrous to witness first hand the petty, hypocritical opposition to this project by a very few but militant members of the so-called Sunset Cliffs Recreational Council. If they spent half as much energy focusing on getting The City and area homeowners to assist in cleaning up the trash, dog waste and the transients in the current park they could really make difference. I know that Craig Irving's project is supported by the people who have lived long-term in Point Loma, and also know what kind of a person Craig Irving is.

Sincerely,

Andy La Dow 3913 Garden Lane

San Diego, CA 92106

619-222-2283

April 7, 2000

Chairperson Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairperson Sara Wan, Coastal Commissioners,

I have lived in Point Loma for more than fifty years. I am a member and past officer of the Sunset Cliffs Natural Park Recreation Committee. I know the area of the proposed project very well. I am also aware of the Irving's plans for their family home. The home will be located on private property adjacent the to Sunset Cliffs Natural Park and would have only a minor effect where the existing driveway needs improvement to satisfy fire safety needs. The building code allows a denser use of the land than requested and therefore a smaller development should be an advantage to the Park.

Sincerely,

Frederick A. Van Woy 4561 Adair St. San Diego, CA 92107 619-222-0615 Coastal Commission Chairwoman Sara Wan Honorable Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Wan and Honorable Commissioners:

I have been a resident of Point Loma since 1975. I currently live at 860 Cordova Street and wish to give my support to the Irving's in their plans to build a new home in our community. My wife, son, golden retriever and I take frequent walks to Sunset Cliffs Natural Park and feel their plans will have no negative impact to the park. In fact, we feel their residence will help to deter the current vagrant problem that currently exists in this isolated area and create a safer environment for our family and others who frequent the park.

We ask you to join us in supporting the Irving family residence to be built in Point Loma.

Sincerely,

Kim Kundrak

Kin Kundrak

PS: I can be reached for comments at work (760) 741-2111 or home (619) 225-1997.

April 10, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

I have lived in Point Loma for 74 years. Sunset Cliffs Natural Park is our backyard. The Irving's new home is a beautiful addition to the neighborhood and in no way adversely affects our Park. Please approve the project.

Sincerely,

G. William Kettenburg

3760 Trudy Lane

April 10, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92107

Dear Chairwoman Sara Wan, Coastal Commissioners,

My family lives adjacent to Point Loma Nazarene University. We have reviewed the Irving's plans and are aware of the positions of the opposition. This project, in its entirety, is an enhancement to our surrounding neighborhood. Please approve the project.

Sincerely,

Rich and Lee Anne Zajicek

504 Savoy Street

April 8, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Re: Irving Family Residence/Point Loma Nazarene University

Dear Chairwoman Sara Wan and Coastal Commissioners,

My family lives adjacent to Point Loma Nazarene University. We have toured the site and reviewed the plans. This project enhances our neighborhood and in no way detracts from it. Arguments of a fence blocking wildlife are humorous. We have a fence around our property and enjoy all of the wildlife of the area in our yard. It is a shame that your valuable time has to be taken up by a few people who have a grudge against the University (who happen to be great neighbors as well).

Please approve this project promptly.

Sincerely

Rand and Patti Wassem

751 Tarento Drive

DANIEL S. VAUGHN

全线性物质

April 11, 2000

Dear Sara Wan and Coastal Commissioners,

I am writing you this letter in support about the building of Craig Irving's dream home. First of all, I want to preface this by telling you that I am a native Point Loma resident of 43 years, went to Silvergate Elementary School, Dana Jr. High, Point Loma High School and Cal Western University (now Point Loma Nazarene College).

For the past 30 years I have been surfing the Sunset Cliffs area and enjoying the Sunset Cliffs Natural Park. My children now also enjoy the park and surf there together on a consistent basis. There's nothing more sacred to my family and friends than Sunset Cliffs.

I have seen the PLNC have free reign on building and covering up acres of pristine coastal land causing major erosion, the destruction of natural wildlife habitats, overcrowding of the surrounding areas and park all in the name of education, when in reality the college was promoting the school to pack in more students to make more money. The community was appalled that this was allowed to happen, but it has with no say so from our community and we are experiencing problems from this development all of the time.

When Craig Irving had purchased his property and planned on building a home there. I was ecstatic because of the secluded location. I had the opportunity to look at the plans and was impressed by all of the careful planning involved so that building this home and living in it would be as unobtrusive as possible to the surrounding environment. This plan was well thought out for the park, the surrounding environment even from the architecture to planting indigenous plants to enhance the natural beauty of the area. Imagine that someone actually took the time in today's world to keep it the way it is, when destruction of our land happens on a daily basis, imagine that, what a concept?

I must admit that my friends, family and I are in total disbelief over this opposition for a law abiding citizen who legally purchased the land and worked very hard to get this opportunity to build his dream home. There is a dilapidated home already on the land and all this would do is have a positive impact on this area. It's a home, not some huge development that's going to have a negative impact on the environment, like the college has.

It's in a secluded area number one that is private property not park land, there are other homes built in this same area, that have had no negative impact on the park. There is reconstruction at this moment right on the edge of the park that has more of an impact than this would ever have.

You really need to actually go out and look at this area, you will realize how absurd this whole opposition situation really is. I can't fathom the thought of people not having more important goals in life that they would spend all this time and taxpayers money opposing the building of a private residence. This group should do something good for the environment like stop the city from dumping sewage into our beaches and bays.

PLNC and the Government has created a huge negative impact on the area, go check out the erosion from their buildings and the six foot barbed wire fence the government put up to keep out trespassers, well that same fence can keep animals from migrating to the end of Point Loma and I haven't heard that there taking that down anytime soon. I want this group of people to quit wasting taxpayers money. Let this man build his home, isn't this America? What happened to freedom?

I am more than willing to testify under oath on Craig Irving's behalf at any hearing that would be required. I can be contacted at 858-456-4561, 858-616-7472 or email address: dan psd@msn.com. I look forward to hearing from you soon.

Respectfully,

Dan Vaughn, Point Loma Native

CHRIS E. GHIO

945 Orma Drive San Diego, California 92106-2815 (619) 899-5322 Fax (619) 544-6243 GhioC@ctt.com

April 2, 2000

Chairwoman Sara Wan and Coastal Commissioners 3111 Camino Del Rio North Suite 200 San Diego, California 92108

Re: Proposed residence on two lots to be conveyed from Point Loma Nazarene University to Irving family

Dear Madam Chairwoman and Honorable Commissioners:

This is to express my enthusiastic support for Craig and Rebecca Irving's plan to build a family home on two lots they are purchasing from Point Loma Nazarene University.

I am a third generation San Diegan and a lifetime resident of Point Loma. My home is approximately 100 yards from the University. I am active in the community and, among other things, served as a board member of the Peninsula Community Planning Board for eight years, including three years as treasurer. This experience provided me with knowledge in residential planning issues in Point Loma.

The Irvings' home will not negatively impact Sunset Cliffs Park and will only enhance the surrounding neighborhood. The current designs for the home are beautiful and not inconsistent with other homes in the area. Further, the Irvings are the kind of family who will help the neighborhood overcome the problem of vagrants and other people littering and generally causing trouble in the park.

The few opponents to the project have an ax to grind with the University and the Irvings have been caught in the middle. Please look beyond the opponents' ulterior motives and approve the project. My family looks forward to welcoming the Irving family to our neighborhood, hopefully in the near future.

Please do not hesitate to call me at (619) 899-5322 should you have any questions or comments. Thank you for your courtesy.

Very truly yours,

Chris E. Ghio

cc: Craig and Rebecca Irving

Maxine Garrigues 825 Cordova Street San Diego, CA 92107

April 12, 2000

Chairperson, Sara Wan
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108

Dear California Coastal Commissioners;

I live in the Sunset Cliffs area and am writing as a neighbor regarding the Irving Project on Stafford Place. My family and I are frequent users of the Sunset Cliffs Natural Park and I see no problems nor negative ramifications on the park or the neighborhood for that matter.

The project seems to have tried very hard to conform to the requirements unlike several other projects over the past ten years. I would like to see equal observation of the zoning requirements, regulations and laws.

The Irving Project has my approval and should proceed without any further delay.

Sincerely,

Maxine Garrigues

Maxim Garagues

April 11, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan, Coastal Commissioners,

I have lived in Point Loma for almost 40 years. I raised my children here and enjoyed Sunset Cliffs Park with my family for all of those years. The Irvings are planning a beautiful home in a residential neighborhood adjacent to our Park. We are in complete support of their plans. Don't be snookered by the few opponents' attempts to get back at the University.

Regards,

Dee Cabana

3710 Warner Street

Du Cahan

James Lightner 2445 Fifth Avenue, Suite 420 San Diego, CA 92101

TO WHOM IT MAY CONCERN

Three Residential Parcels (1.5 acres) owned by Point Loma Nazarene University and accessible from Stafford Place, Point Loma APN# 532-510-04; 532-510-05; 532-510-06

I am a resident of the area neighboring Point Loma Nazarene University and the subject residential parcels. A development plan for the subject parcels created by a prospective buyer, Mr. Craig Irving of San Diego, has been presented to area residents and interested parties.

I support Mr. Irving's development plan for the following reasons:

- 1. it proposes construction of only one home on site rather than three or more as previously contemplated
- 2. it provides a generous ratio of open space to improvement area
- 3. it specifies retention of abundant native-plant landscape and protection of fragile hillsides
- 4. Mr. Irving appears to be knowledgable about the area and sensitive to the needs and wishes of his neighbors and the public.

Sincerely yours,

James Lightner

in liptur

April 10, 2000

Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92107

Dear Chairwoman Sara Wan, Coastal Commissioners,

My wife and I have lived in Point Loma for over forty years. We live in close proximity to the Irving's new home and our property is adjacent to the same canyon they share. This project is welcome in our neighborhood.

Sincerely,

La Bunjard Lonline M Birnyord

4350 Monaco Street San Diego, CA 92107 April 10, 2000

Chairwoman Sara Wan and Fellow Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, California 92108

RE: Coastal Development Permit Application A-6RJS-99-143/Irving

Dear Ms. Wan and Fellow Commissioners:

Our house, on Moana Drive, backs up to the campus of Point Loma Nazarene University. We have been on the Sunset Cliffs property many times and are familiar with the plan for Mr. and Mrs. Craig Irving to build their residence on the property that backs up to the park.

We are in favor of the Irving project and ask you to approve the project as submitted. We feel that this project will reduce potential development and enhance our neighborhood.

Thank you for your assistance in this matter.

Sincerely,

Mr. and Mrs. William Westphal

William and hymne Westphal

April 6, 2000

Chairwoman Sara Wan, Coastal Commissioners 311 Camino Del Rio North, Suite 200 San Diego, California 92107

Dear Chairwoman Sara Wan, Coastal Commissioners,

My family lives adjacent to Point Loma Nazarene University. We are in complete agreement with the Irving's house. It is going to be a beautiful addition to our neighborhood and we look forward to welcoming their family into our area. Please approve the project.

Sincerely,

Ned and Laura Banning

937 Orma Drive

San Diego, California 92106

ARCHITECTS, OTHERS

HOPE

FL Hope Architectural Planning and Design PO Box 6029, San Diego, CA 92166 ph/fx: 619-220-7115 LHOPEDESIN@AOL

April 18, 2000

Chairperson Sara Wan Honorable Coastal Commission 3111 Camino Del Rio North, Suite 200 San Diego, Ca. 92108

Dear Coastal Commissioners,

As an Architect working within the Point Loma area, I am encouraged when a new home design such as Mr. Irving's are built. The typical homes within the Point Loma area lack design quality and sensitivity to the existing beautiful natural environment. Mr. Irving's Architects has spent countless hours massaging his design to blend with the terrain of Sunset Cliffs Natural Park.

I was born and raised in Point Loma, and have frequented Sunset Cliffs Natural Park often. I also have known Mr. Irving from my youth, and can say with confidence his outstanding respect for the natural environment. He cherishes the Sunset Cliffs Natural Park as well as the community where he lives.

Thank you for your consideration.

Sincerely

F. Leland Hope, Architect

F.L. HOPE ARCHITECTURAL PLANNING AND DESIGN

20 April 2000

Honorable Coastal Commissioners 3111 Camino Del Rio North

Dear Chairperson Sara Wan,

This letter is to serve notice that I have reviewed the architectural drawings for the Craig Irving family residence and feel strongly that the proposed design will be an asset to the local neighborhood and that it is sensitive to the particulars of the site. As a licensed architect and six year resident of the home sharing the Stafford Place cul-de-sac, I am familiar with the neighborhood and the adjoining nature park. On most weekends, in particular during the summer months, it is a common occurrence to witness apparently underage individuals drinking alcohol and/or using drugs on the park land accessed through our respective properties. Approximately five years ago, the previous property owners. The Point Loma Church of the Nazarenes University installed a chain link fence at the southern property line common with the park. This fence has been effective in minimizing the above referenced illegal activity by limiting easy access to the top of the hill. Ample parking with park access is presently provided via two paved lots located further down the hillside. It is my belief that the fencing included in the proposed site improvements will serve to further discourage additional illegal activity in the immediate area. I support Mr. Irving's efforts to create a safe and secure environment for his family in the form of perimeter fencing around his lot. Thank you for your consideration to this common concern within the neighborhood.

Sincerely,

Thomas R. Hayes AIA 706 Stafford Place

Thomas a- Tonga

The Office of WAYNE RAFFESBERGER

Business Consultant~Attorney

3145 Seville, San Diego, CA 92110 619.222.7369; fax 222.2217 E-mail; wrat[@adnc.com

April 20, 2000

Chairwoman Sara Wan & Honorable Coastal Commissioners 3111 Camino Del Rio North, Ste. 200 San Diego, CA 92108

Subject:

Irving Residence in Point Loma, CDP #A-6RJS-99-143/Irving

Dear Members of the Coastal Commission:

I am writing you in support of the proposed new Irving residence in Point Loma. I am a two-decade resident of Point Loma, a former member of the Peninsula Community Planning Board, and am currently the President of the Point Loma Association. I am writing you as an individual, however, since the Point Loma Association does not normally make official recommendations on specific projects like an individual home. I am also a former council representative for the San Diego City Council, and represented Councilman Ron Roberts on Point Loma issues for over two years.

I support this particular project because it actually reduces, rather than increases, the number of homes which could be built on the affected two lots. Per the current zoning, a possible fourteen homes could be theoretically built there, rather than the one that the Irvings propose to build. The proposed house would utilize an existing road through Point Loma Nazarene University for access. The house is supported by all of the immediate neighbors, who are the ones most affected by any proposed development.

For the above reasons, I hope you will give the Irving proposal your consideration and support.

Sincerely

Wayne Raffesberger

Dwayne Little

2311 Caminito Recodo San Diego, CA 92107 Phone: (619) 225-8693

April 11, 2000

Members of the California Coastal Commission 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

RE: Coastal Development Permit Application A-6RJS-99-143/Irving

This letter is written in support of the CDP application of Mr. Craig Irving, who wishes to build a home on a parcel of land in Point Loma which lies between Stafford Place and Point Loma Nazarene University.

To help validate my statement, I would like to inform you of my participation in planning and development issues in the Point Loma community. From 1990-1998 I was an active member of the Sunset Cliffs Recreation Council, attending its regular monthly meetings and working with the City Recreation Department in its efforts to develop Sunset Cliffs Coastal Park. I am very familiar with all of the ecological issues which might be raised by this project. From 1992-1998 I also served two three-year terms (the maximum) on the Peninsula Community Planning Board, and in 1998 I was elected to a three-year term on the Point Loma Association. This year I have served as PLA Vice-President.

The parcel of land which Mr. Irving wishes to develop for a single-family home should be an ideal use for the property. It should have a minimal impact on the ecology of the area, much less than almost any other conceivable development. In fact, I believe community residents believe it will be a significant community asset. I am unaware that the parcel has ever been considered a "wildlife corridor." While there is wildlife in the area, the animals' movement should not be obstructed by this development. There are many alternative routes in the area for wildlife to move from place to place.

I strongly recommend the approval of CDP A-6RJS-99-143/Irving.

me Littly

Sincerely,

Dwayne Little



PENINSULA COMMUNITY PLANNING BOARD, INC. P.O. BOX 60418 SAN DIEGO, CALIFORNIA 92166

April 11, 2000

Ms. Sara Wan, Chairperson California State Coastal Commission 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Re: Irving Residence, 3900 Loma Land Drive, San Diego Coastal Development Application AR6JS-99-143

Dear Ms. Wan:

Please find enclosed the summary of the Peninsula Community Planning Board's action on the Irving Residence on May 12, 1999. The Board voted 8-2-2 in favor of "not opposing" the Irving Residence coastal development application.

Should you have any questions, please contact me at your earliest convenience at 619.223.3710.

Sincerely,

Larry Pappas AIA, Chairman of Project Review Committee Peninsula Community Planning Board



PENINSULA COMMUNITY PLANNING BOARD, INC. P.O. BOX 60418 SAN DIEGO, CALIFORNIA 92166

June 23, 1999

Mr. Dan Stricker, Development Project Manager City of San Diego Development Services Department 1222 1st Avenue, MS 501 San Diego, CA 92101-4155 f. 236.6620

Re: Irving Residence CDP 98-1074 3900 Loma Land Drive, San Diego

Dear Mr. Stricker:

The Peninsula Community Planning Board considered the above referenced application for a second time during our May 12, 1999 meeting. By a poll of eight yeas, two nays, and two abstentions, the board voted "to not oppose the Irving Residence project with the following conditions: (1) All mitigation obligation to be designated to Sunset Cliffs Natural Park; (2) Additional landscape review required to assure maximum compatibility of landscape treatments with adjacent Sunset Cliffs Natural Park."

Should you have any questions, please contact me at your earliest convenience at 223.3710.

Sincerely,

Larry Pappas AIA

Peninsula Community Planning Board

April 10, 2000

Chairwoman Sara Wan and Fellow Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

RE: Coastal Development Permit Application

A-6RJS-99-143 Irving Residence

Dear Chairwoman Wan & Coastal Commission:

I am an architect who has been in business in Point Loma for some thirty five years. I have also been a resident here for a similar period of time.

I am currently on the Board of the Point Loma Association and also on the architectural review committee for the Peninsula Community Planning Board.

In the past I have served on the following:

Point Loma Association: President 2 years, Board approximately 16 years Peninsula Community Planning Board: Director approximately 8 years

Peninsula Community Plan #1

Point Loma Implementation Committee: Chairman 10 years

Roseville Report Plan: Chairman

Local Coastal Program

Peninsula Community Plan #2

Roseville Community Implementation Overly Zone: Chairman

In addition to my planning qualifications, I formerly lived in the house just north of the subject property (the Clark's residence).

Chairwoman Sara Wan and Fellow Coastal Commissioners April 10, 2000

I recommend that you approve the Irving Residence project for the following reasons:

- 1. As proposed the 1.3 acre parcel of land will accommodate just one residence and guest house in lieu of possibly seven or eight homes if it were subdivided.
- 2. There will be less traffic on Stafford Place as the access will be from the east.
- 3. The balance of the property will be landscaped.
- 4. The Architectural Review Committee and the Peninsula Community Planning Board have previously reviewed and approved the project.
- 5. This would obviously be a major improvement to the neighborhood.

I expect that the fence will have a reasonable setback to allow ample landscaping and that the driveway to the Clark's residence will be suitably designed.

Hence, I would urge that the Irving Residence be approved.

Sincerely,

Richard J. Lafeau
Richard J. Lafeau

RJL/dl

Chairwoman Sara Wan Coastal Commissioners 3111 Camino Del Rio North – Suite 200 San Diego, CA 92108

Dear Ms. Wan and all Coastal Commissioners:

My wife and I have owned a house in the Sunset Cliffs area of Point Loma for nine years.

Having an environmental degree in architecture and being an active outdoorsman drew me to the beauty of the coastal bluffs, tide pools, and rugged natural topography of the area, including the Sunset Cliffs Park, which we frequent regularly.

I have known the Irvings for 10 years and share their love of nature and the beautiful environment along the southern Point Loma coastline, especially at the Sunset Cliffs area.

We have seen the existing run-down house which would be transformed into a home for Rebecca and Craig and their expanding family and wholeheartedly support the Irving's new home.

It not only would be a welcome addition to the neighborhood but also would be a home for raising the young Irving children.

We strongly urge you to support this project.

Sincerely.

Perry & Donna Dealy 4415 Granger Street

San Diego, CA 92107

(619)222-2032

April 10, 2000

Ms. Sara Wan
Commissioner
State of California Coastal Commission
3111 Camino Del Rio North
Suite 200
San Diego, CA 92108

RE: THE PROPOSED IRVING RESIDENCE Point Loma

Dear Ms. Wan and Fellow Commissioners,

This letter is written to you to ask for your *approval* of the development and new home construction proposed by Craig and Rebecca Irving in Point Loma/San Diego, California.

As a long term resident and property owner in Point Lorna, I am very interested and concerned about the residential redevelopment in our area.

The home proposed for construction by the Irvings displays the outstanding quality expected of a traditional craftsman style home. They have hired some of the best architects and design consultants to assist them. Their thoughtful appreciation for our community is very apparent in the design.

This project is a strong example of what **should** be taking place in our older communities. Urban in-fill and the ability of homeowners to renew properties are critical to the future of our city.

As a fellow design professional and Point Loma neighbor, I urge you to approve this project.

Sincerely,

Kim Lee Jackson Managing Principal DIVAN + Studio

MORGAN DENE OLIVER

April 11, 2000

Ms. Sara Wan
California Coastal Commission
22350 Carbon Mesa Road
Malibu, CA 90265

Dear Ms. Wan:

I am a lifetime resident of Point Loma in San Diego. I have grown up surfing, hiking and enjoying Sunset Cliffs and Sunset Cliffs Park. My young children will be doing the same. I am extremely concerned about the future of the Park and the Sunset Cliffs area.

As someone who is extremely involved in art, architectural planning and design, I would like to share with you my views on the Irving project. The Irving's contacted me initially seeking advice on the selection of a very sensitive design team. I recommended Studio E Architects as well as Spurlock Poirier Landscape Architects (who recently completed the Robert Irwin Sculpture Gardens as the new Getty Museum). The Irving's hired this fine team and, in my opinion, has designed a project that enhances the Park and the Sunset Cliffs area by sensitively minimizing the interruption of this extraordinary residential site and at the same time limited the site density to a singe family residence. As I am sure you were aware, this residential property is actually zoned for multiple residential units. The opportunity to achieve this density reduction and eliminate the cutting of new roadways in the cliff is a great opportunity for the area and all of us who are concerned residents. The plan that is before you today is a solid, environmentally sensitive plan for this residential property.

Please consider these facts when making your decision. If this project does not go forward, the issues of the existing drive through the park will remain. The rejection of this project may lead to true future ecological disruption in the form of greater density and cliffside grading to gain access from below to a multiple unit housing project.

Very truly yours,

Morgan Dene Oliver

Kipland Howard 678 Rosecrans Street San Diego, CA 92106

April 10, 2000

Chairwoman Sara Wan Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan and Coastal Commissioners:

I am an architect and my wife and I have been a resident of the Point Loma area for over 13 years.

I have taken the time to review the Irving's residential plans and have personally visited the proposed site.

We are frequent visitors of Sunset Cliffs Park and consider Sunset Cliffs my local surfing break. As such, I am of the strong opinion that the Irving's proposed residential plans are appropriate and in no way will harm any of the sensitive ecological systems inherent in this area.

I believe that the home is appropriately sighted and designed to compliment the surrounding areas, and therefore I would offer my strong support for your approval of the plan.

Sincerely,

Kip Howard

CARRIER JOHNSON

ARCHITECTURE INTERIOR DESIGN PLANNING

GORDON R. CARRIER AIA MICHAEL C. JOHNSON AIA April 8, 2000

WILLIAM C. BOCKEN AIA DEBORAH P. ELLIGITI IIDA FRANK A. WOLDEN Chairwoman Sara Wan, Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Dear Chairwoman Sara Wan, Coastal Commissioners:

I am a local architect and live in Point Loma within close proximity to the Irving's proposed new home. I have reviewed their plans, toured the site, and given them input from the beginning. As a frequent Park user, I was initially concerned what the house might look like and what affect it might have on the Park. I can say professionally that the project will have a positive impact on the Park and its surrounds due to the diligence with which the Irvings and their Architect pursued the project. A craftsman style house in that setting will retain the visual quality of the site, the aesthetic qualities of the area and the neighboring characteristics. It is a proper structural scale with varied architectural treatments and appropriate plant materials that will surely become a historical site in its time.

Sincerely

*Gord*lon Carrier /3665 Dupont Street San Diego, CA 92106

1361 THIRD AVENUE SAN DIEGO CALIFORNIA 92101

> TEL 619 239 2353 FAX 619 239 6227

2600 MICHELSON DR SUITE .400 IRVINE CALIFORNIA 92612 TEL 949 955 2353 FAX 949 955 2377

www.carrierjohnson.com
G.R. CARRIER ARCHITECT



April 17,2000

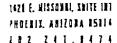
1924 BASECBARS STREET
SAN DIEGO, CALIFORNIA \$2188
E-MAIL: YEN@HRME.COM
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Chairwoman Sara Wan Fellow Coastal Commissioners 3111 Camino Del Rio North, Suite 200 San Diego, CA 92108

Re: Proposed Residence for Mr. Craig Irving.

Via:

U.S. Mail



Dear Chairwoman Wan and Coastal Commissioners,

I am writing in support of the proposed Irving residence. I am an architect who has practiced in San Diego for the past twenty five years. My office is located in Point Loma and my residence is located within five blocks of the proposed dwelling. I jog the cliffs and run through the park every evening. The house would be a positive addition to the park. It is sensitive to the surroundings and well conceived. I hope that the commission will support good architecture and encourage quality projects in conjunction with coastal uses.

Respectfully,

Richard Yen & Associates

*ICRATE CASILEAS
SUSTAYO CASILEAS
A | C | F | A | C | C | C | C | C | C |
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Richard S. Yen, AIA

Principal

RY:sm

MEMEFE AMERICAN INSTITUTE NE ABERITECTS



Chairperson Sara Wan, and Members of the Coastal Commission 3111 Camino del Rio North, Suite 200 San Diego, California 92108

Dear Commissioners:

I lived in Point Loma for more than fifteen years before moving to Alpine about three years ago. My home was on Sunset Cliffs Boulevard two houses north of Ladero Street at the north edge of the Sunset Cliffs Natural Park.

I was an active member of the Sunset Cliffs Natural Park Recreation Council and attended meetings on a regular basis for a number of years before moving to Alpine. I did attend meeting after moving here but no longer attend meetings of the council on a regular basis.

I have spent a lot of time in the park and on the beaches below and I believe I am familiar with the real and envisioned problems in the park.

I am a consultant and I regularly travel to work with a client in Point Loma and often while there I visit the park.

I was not a supporter of the "bash the college" and "remove the ball field" mentality that seemed to drive many members of the council.

I think the park is a valuable asset to the community and city.

I am familiar with the area owned by the Point Loma Nazarene College on which Mr. Craig Irving hopes to build his home and don't see how building a house there will have a negative impact on the park. There is presently one residence on the property that was used in the past as a home for the head of the college security. So it seems one home is to be replaced by another, which will not affect the density or use of the area.

I believe that much of the opposition by some members of the Rec Council to Mr. Irving building a home on the land he will purchase from the college stems from their opposition to the college in general and anything it does on or with its property adjacent to the park.

Sincerely

Louis Gerlinger P.O. Box 2187

Alpine, CA 91903

(619) 659-1291

TAB 5

- § 101.0452.11 Height Limitation Zone South San Diego (Expired June 30, 1973.)
- § 101.0452.12 Height Limitation Zone South Peninsula (Expired June 30, 1973.)
- § 101.0452.13 Height Limitation Zone Midway-Mission Bay Park (Expired June 30, 1973.)
- § 101.0452.14 Height Limitation Zone University Community Del Mar Torrey Pines (Expired June 30, 1973.)
- § 101.0452.15 Height Limitation Zone San Diego Avenue (Expired November 21, 1976.)
- § 101.0452.16 Height Limitation Zone Middletown (Expired November 21, 1976.)
- § 101.0452.17 Height Limitation Zone— Uptown (Repealed 1-6-92 by 0-17726 N.S.)
- § 101.0454 H.R. (Hillside Review) Overlay Zone A. PURPOSE AND INTENT

It is the purpose of the Hillside Review Overlay Zone to provide supplementary development regulations to underlying zones to assure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety and general welfare by insuring that development does not create soil erosion, silting of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of this zone to encourage a sensitive form of development and to allow for a reasonable use which complements the natural and visual character of the City. Reference will be made to the community plan recommendations and the hillside design guidelines when making the required findings of fact. In the case of conflict between the community plan and the guidelines, the plan shall apply.

B. APPLICATION OF THE HILLSIDE REVIEW OVERLAY ZONE

The City Council, in accordance with "Process Five", may apply the Hillside Review Overlay Zone to property having slopes with a natural gradient in excess of twenty-five percent (25%) (twenty-five (25) feet of vertical distance for each 100 feet of horizontal distance) and a minimum elevation differential of fifty (50) feet. If the City Council determines that land located adjacent to the slope, either above or below, must be included in the Hillside Review Overlay Zone in order to promote the purpose and intent of this zone, such rim or bottom land may be included in the Hillside Review Overlay Zone provided that such area is within 300 feet of the nearest point of the slope to which the Hillside Review Overlay Zone is to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of this overlay zone.

C. PERMITTED USES

Permitted uses shall be those permitted by the underlying zone subject to the regulations and restrictions of the underlying zone in addition to the regulations and restrictions of this overlay zone.

D. DEVELOPMENT REGULATIONS

Within a Hillside Review Overlay Zone no building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged or used, or demolished, nor shall any lot or premises be excavated or graded, nor shall any erosion control structure, device or method be constructed or placed until a Hillside Review Permit or an exemption is obtained in accordance with the procedure set forth in this section, or a Conditional Use Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 5, or a Planned Development Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 9; provided, however, that a Hillside Review Permit will not be required in those cases where said building, improvement or portion thereof does not in any way alter the ground coverage of an existing building or structure. The granting of a Hillside Review Permit does not relieve the applicant for such permit of the responsibility for obtaining other applicable permits from the City and other governmental agencies, including a Land Development Permit from The City of San Diego, if such permit is required by the Municipal Code.

E. HILLSIDE REVIEW PERMIT

1. An application for a Hillside Review Permit may be filed with the Development Services Department in accordance with Section 111.0202. The application shall be accompanied by appropriate site plans, grading plans, sections and elevations. The plans, sections and elevations required to be submitted with a request for a Hillside Review Permit shall be only those required to inform the City as to the facts listed in Section

101.0454(E) (5).

- 2. An application for a Hillside Review Permit for the construction, conversion, alteration, enlargement use, demolition, grading or excavation of one single family residence may be exempted pursuant to Section 101.0454(E)(3), approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three." The decision of the "Hearing Officer" may be appealed to the Planning Commission in accordance with Section 111.0506. All other applications for Hillside Review Permits may be approved, conditionally approved or denied by the Planning Commission in accordance with "Process Four." This decision may be appealed to the City Council in accordance with Section 111.0509.
- 3. The following types of development or improvements shall be exempt from the requirement to obtain a Hillside Review Permit, provided that there is no existing improvement benefitting from a previous variance encroachment allowance, discretionary permit, or other property development exception, and the developments or improvements meet all the following applicable criteria:

a. Development or improvements that do not encroach into the Hillside Review Overlay Zone.

- b. Improvements that are in accordance with a previously approved discretionary permit, provided that such improvements are not located within a designated environmental mitigation area.
- c. Minor improvements to existing structures, within the Hillside Review Overlay Zone, subject to all of the following criteria:
 - (1) Improvements clearing or grubbing less that one hundred square feet (100 sq. ft.) per acre, per lot.
 - (2) Improvements utilizing pilings or foundations totaling less than ten cubic yards (10 cu. yd.) excavation.
- (3) One story structures supported by pilings or pillars having a total coverage within the Hillside Review Overlay Zone, provided that the aggregate of all approved encroachments shall not exceed five percent (5%) of the total floor area of the building or structure.
- (4) Improvements to residential decks of less than five hundred square feet (500 sq. ft.). The deck shall be attached to the building or structure. A deck may extend over the canyon slope but shall not exceed twelve fee: (12') in elevation above natural grade at any point.
- (5) Development or improvements that do not disturb "biologically sensitive lands" as defined by the Resource Protection Ordinance, Municipal Code section 101.0462(F)(2).
- (6) The grading and excavation proposed in connection with the improvements shall not result in soil ero sion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability.

(d) Repair or maintenance activities within improved or previously graded public rights-of-way.

4. The appropriate decisionmaker shall examine the Environmental Impact Report, plans, sections and elevations submitted with the application for a permit and determine whether or not a Hillside Review Permit should be issued. The appropriate decisionmaker shall not issue a Hillside Review Permit unless the available information supports the findings of fact set forth in Section 101.0454(E)(5). In approving a Hillside Review Permit, the appropriate decisionmaker may impose such conditions, including modification of the property development, parking and other regulations of the underlying land use zone, as deemed necessary and desir able to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E)(5) and to protect the environment in keeping with the provisions of the California Environmenta Quality Act and San Diego Municipal Code Chapter VI, Article 9.

Prior to approving, conditionally approving or denying an application, the decisionmaker may solicit the recommendations and comments of other public agencies, City departments and interested groups. Where ε tentative map or tentative parcel map is required, the decision in regard to the Hillside Review Permit shall be made at the time action is taken on the map.

- 5. In reviewing an application for a Hillside Review Permit, the appropriate decisionmaker shall make the following findings of fact in the review process:
- a. The site is physically suitable for the design and sitting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas.
- b. The grading and excavation proposed in connection with the development will not result in soil erosion silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability which would affect health, safety and general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self sufficient vegetation.
- c. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material.
- d. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the community plan, any other adopted applicable plan, and the zone. The applicant has discussed the feasibility of open space dedications or easements with appropriate City staff.
- e. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-262129 "Hillside Design and Development Guidelines", and, if the property is within the HR Overlay Zone areas adjacent to Tecolote Canyon, San Clemente Canyon and all other designated open space areas in Clairemont Mesa, the proposed development is also in conformance with Document

No. RR- 267476, "Tecolote Canyon Rim Development Guidelines."

- 6. The decisionmaker may approve a Hillside Review Permit if, after considering the information presented in the application and after reviewing the plans, sections and elevations submitted with the application and after considering the testimony presented at the hearing, concludes that the available information supports the findings of fact set forth in Section 101.0454(E)(5).
- 7. In granting a Hillside Review Permit, the decisionmaker may impose such conditions as may be deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E)(5).
- 8. If the decisionmaker after considering the available information is unable to reach the findings of fact set forth in Section 101.0454(E)(5), the application shall be denied.
- 9. The decision of approving, conditionally approving or denying the application shall include the findings of fact relied upon by the decisionmaker. The decision shall be filed with the City Clerk, the Development Services Department, and the Engineering Department and a copy shall be mailed to the applicant.
- 10. All landscaping shall be developed in conformance with standards adopted by the City Council as set forth in the document entitled, "City of San Diego Landscape Technical Manual," on file in the office of the City Clerk.

F. FAILURE TO UTILIZE HILLSIDE REVIEW PERMIT

A Hillside Review Permit shall expire and become void thirty—six (36) months after the "Date of Final Action" of the permit if the permit is not utilized in the manner set forth in Section 111.1114; or unless otherwise provided within a phasing program contained in: 1) a development agreement entered into between the City and owners of land located within the Hillside Review Permit area, 2) a specific plan applicable to the subject property, or 3) as otherwise provided by the terms of the permit.

G. EXTENSION OF TIME FOR A HILLSIDE REVIEW PERMIT

The expiration of a valid Hillside Review Permit may be extended as provided in Section 111.1122. To initiate a request for an extension of time, the property owner or owners shall file a written application with the Development Services Department.

H. CANCELLATION OF A HILLSIDE REVIEW PERMIT

A valid Hillside Review Permit may be canceled at any time during the thirty—six (36) month period referred to in Section 101.0454(F). Cancellation may be initiated by the owner of the property covered by the permit by means of a communication directed to the Development Services Director in the office of the Development Services Department. The permit becomes void 120 calendar days after receipt of the communication in the office of the Development Services Department.

L COASTAL ZONE REGULATIONS

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this section.

- 1. Application of the Hillside Review Overlay Zone (see also Subsection B.1.). Where any portion of a parcel is located within the Hillside Review Overlay Zone, the regulations of the Hillside Review Overlay Zone shall be applicable to the entire parcel.
- 2. Development Regulations (see also Subsection D.1.). Where a conditional use permit or planned development permit is sought in conjunction with a development in the Hillside Review Overlay Zone, the application requirements, special regulations and findings of the Hillside Review Overlay Zone shall be incorporated into the review process and approval requirements of the conditional use permit or planned development permit.
- 3. Hillside Review Permit (see also Sections 101.0454(E) (1) and 101.0454(E)(3)). Every application for a hillside review permit shall be accompanied by the following information.
- a. A slope analysis, based upon a topographic map with contour intervals not exceeding five (5) feet. The slope analysis shall show the following slope categories for the entire property in acres:
 - 1) Less than twenty-five percent (25%) slope.
 - 2) Twenty-five percent (25%) to thirty-five percent (35%) slope.
 - 3) Greater than thirty-five percent (35%) slope.
- b. A geological reconnaissance report where development is proposed to be located in a "moderate" (C), "high" (D), or "variable" (BC or AC) Risk Zone as identified on the geo-technical land-use capability maps referenced by the Seismic Safety Element of the General Plan, and on file in the office of the City Engineer. The geological reconnaissance report shall be prepared in accordance with the City Engineering Department's "Guidelines for Geo-technical Reports," and shall address potential geologic hazards. The report shall be considered and made available for public review as part of the standard environmental review process.

Where unstable conditions are indicated but, in the opinion of the City Engineer, are not sufficiently defined in the geological reconnaissance report, a preliminary engineering geology report shall also be required. The preliminary engineering geology report shall include the results of subsurface investigations sufficient to identify the nature and magnitude of such unstable conditions; and shall identify alternative mitigation measures that may be needed.

In reviewing the potential of any development to create or increase geologic instability, official governmental soils maps, determinations of highly erodible soils, mapped active landslide areas, and similar documenta-

tion of geological instability shall be presumed to constitute rebuttable evidence and the applicant shall have an affirmative obligation to bring them to the attention of the City. Any decision by the City to override such evidence shall be based upon substantial evidence presented by a geo-technical expert licensed to practice in California. All liability for the accuracy of the geo-technical information presented on behalf of the applicant shall be assumed by the applicant, who shall also be required in writing as a condition precedent to issuance of the Coastal Development Permit to address and fully mitigate or otherwise correct any geologic instability, erosion, or sedimentation caused by the permitted development on other private or public properties and offsite coastal natural resources. Failure by an applicant to provide geo-technical or other engineering responses to such identified geological instabilities shall constitute grounds for denial of the development.

- c. A map or overlay showing the following information on the site:
- 1) Significant geologic features, landmarks, or known archaeological and paleontological sites.
- 2) Watercourses and natural drainage paths.
- 3) Mature trees, groves and other significant natural vegetation.
- 4) Areas of twenty-five percent (25%) or greater slope where the natural vegetation has been disturbed by previous grading activities.
 - 5) Existing vistas from public roadways and other public vantage points.
 - d. A preliminary grading plan for building sites and on-site access roads.
 - e. A preliminary site and landscaping plan showing the proposed location of all of the following:
 - 1) Buildings, recreational areas and all other accessory structures.
 - 2) Planting materials including trees, shrubs and ground covers.
 - Native vegetation restoration areas.
 - 4) All paved and/or impervious surfaces including driveways, parking areas and patios.
 - 5) Acreage figures for each of the above categories.
 - f. A drainage plan showing proposed runoff control measures.
 - g. A preliminary elevation plan (including sections) showing basic foundations and roof types.
- h. A statement describing the visual impact of the proposed development on the scale and character of the surrounding area.
 - 4. Special Regulations.
- a. Where a development, including any land division, 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 (on file in the office of the City Clerk as Document No. OO-17065), 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 OF SECTION 101.0454

25% SLOPE ENCROACHMENT ALLOWANCE

Percentage of Parcel in Slopes of 25% Grade and Over	Maximum Encroachment Allowance as Percentage of Area in Slopes of 25% Grade and Over
75% or less	10%
7 6% - 80%	12%
81% - 85%	14%
86% - 90%	16%
91% - 95%	18%
9 6% - 100%	20%

For the purposes of Section 101.0454, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope 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.

The following uses and/or development features shall be exempt from the encroachment limitations set forth above:

- a) Major public roads and collector streets identified in the Circulation Element of an adopted community plan of The City of San Diego Progress Guide and General Plan.
 - b) Public utility systems.

c) In the North City Local Coastal Program Land Use Plan areas only:

Local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than twenty-five percent (25%) grade, provided no less environmentally damaging alternative exists. The determination of whether or not a proposed road or driveway qualifies for an exemption in whole or in part, shall be made by the Development Services Director based upon an analysis of the project site.

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.

Exemptions from the encroachment limitations set forth above shall not be allowed for any designated areas located within thirty (30) feet of existing or proposed structures, which are cleared or cut down to comply with existing City fire codes.

- e) Natural slopes or previously graded slopes located directly underneath pole supported or cantilevered buildings, provided such areas are open to light and air and allow a minimum clearance of four (4) feet between the building sub-floor and the ground.
- f) Erosion control structures, devices or methods for purposes of protecting existing principal structures which do not cause the removal or disturbance of any native vegetation located on any portion of the property and which are not located within delineated "viewshed" areas of Map No C-720.
- 2) On existing legal parcels, a deviation in the encroachment allowance percentage may be granted by the Development Services Director if necessary to maintain a minimum development right (total disturbed area) equal to twenty percent (20%) of the entire parcel.
- 3) All encroachment allowances including permissible deviations, shall be subject to a determination by the Development Services Director that such encroachment supports the findings of fact set forth in Subsection E.5. of this section.
- b. Where a development or land division is proposed on slopes of twenty-five percent (25%) grade and over which have not been identified as possessing environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development, as identified on Map Drawing No. C-720 (on file in the office of the City Clerk as Document No. OO-17065), such slopes may be developed provided the following regulations are met.
- 1) The proposed development shall minimize the alteration of natural landforms and create only new slopes that are topographically compatible with natural landforms of the surrounding area.
- 2) The proposed development shall restore and enhance any previously manufactured slopes on the site to make them compatible with surrounding natural landforms and native vegetation.
- 3) The proposed development shall include a native vegetation restoration and enhancement program for those disturbed portions of the site in twenty-five percent (25%) or greater slopes that will provide as follows:
- a) For every area or quantity of native vegetation located on slopes of twenty-five percent (25%) grade and over, in excess of the encroachment allowance provided in Table 1 (Subsection J.4.a.), that is disturbed by the development, an area equal to one hundred twenty percent (120%) of the disturbed area shall be restored in native vegetation.
- b) The native vegetation restoration and enhancement area shall be located on the site of the permitted development. However, if the size, topography, or biological characteristics of the site are determined by the Development Services Director to be unsuitable for restoration or enhancement, such native vegetation shall be provided at one or more off—site locations within the Coastal Zone, which may include publicly owned rights—of—way.
- c) All native vegetation restoration and enhancement proposals shall be prepared by a biologist, registered landscape architect, or other qualified professional in consultation with the California Department of Fish and Game and United States Fish and Wildlife Service.
- c. Encroachment allowances for the development of slopes of twenty-five percent (25%) grade and above occurring in either slope category described in Subsections a. of b. above, shall not be transferable between categories.

Any adjustment or modification of the adopted Coastal Zone Sensitive Slopes classifications, as identified on Map Drawing No. C-720, which results in a change from the sensitive to nonsensitive category on a portion of a property or a property in its entirety shall require a Local Coastal Program amendment.

- d. All slopes of twenty—five percent (25%) grade and over which remain undisturbed or which are restored or enhanced as a result of a development approval shall be conserved as a condition of permit approval through a deed restriction, open space easement or other suitable device that will preclude any future development or grading of such slopes.
- e. All development on slopes of twenty-five percent (25%) grade and over located in the La Jolla or La Jolla Shores Community Plan areas, shall, in addition to meeting all other requirements of this section, be found consistent with the Hillside Development Guidelines set forth in the La Jolla—La Jolla Shores Local Coastal

Program Land Use Plan.

f In accordance with the development boundaries established by previous Coastal Commission Development approvals obtained prior to May 14, 1985, in lieu of other provisions of this ordinance, development, grading, or filling shall be allowed on slopes of twenty-five percent (25%) or greater on the north and south sides of Lopez Canyon provided that such development, grading, or filling shall not be visible from a point located along the streamed of Lopez Canyon that is nearest to the proposed development, grading or filling. All other developments within the Hillside Review Zone on the north and south sides of Lopez Canyon shall comply with the provisions of this ordinance.

J. EROSION CONTROL STRUCTURES, DEVICES OR METHODS

1. A Hillside Review Permit is required for any erosion control structure, device or method if any portion of the property lies within the Hillside Review Overlay Zone. For purposes of Section 101.0454, erosion control structures, devices or methods include but are not limited to retaining walls, air placed concrete and other structures, devices or methods appropriate for controlling or minimizing erosion. Erosion control measures do not include those preventive measures required for soil stabilization or drainage. An erosion control structure, device or method shall only be allowed if it is determined to be the only feasible means of erosion control necessary to protect the existing principal structure(s) or public improvement(s). A geotechnical report shall be required documenting the need for the erosion control structure, device or method, unless it is demonstrated by the responsible department through submittal of an appropriate investigative report, documentation or other evidence that unstable conditions on the site do not exist. The geotechnical report shall identify the type and design of the erosion control structure, device or method necessary, based upon site specific conditions. The use of air—placed concrete as an erosion control structure, device or method, either by gunite or shotcrete, shall be designed and applied in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics, including but not limited to color coating, texturing, landscape and topographical features.

2. The permittee shall, prior to the approval of the Hillside Review Permit, execute and record a waiver of public liability for the approved erosion control measure. Where a proposed erosion control structure, device or method would encroach upon any portion of property owned by The City of San Diego, the permittee shall provide written permission from the City Manager prior to the approval of the HR Permit. Documentation of this

approval shall be recorded with the conditions of permit approval.

K. REPAIR AND MAINTENANCE OR EROSION CONTROL STRUCTURES, DEVICES OR METHODS

The responsible department shall determine if any repair or maintenance activity of an approved and permitted erosion control structure, device or method constitutes a minor modification or requires an amendment to the permit(s) or a new permit(s). The responsible department shall require submittal of necessary reports, documents or any other material necessary to make such determination. Repair or maintenance of an erosion control structure, device or method which was constructed or placed without City approvals or permits shall necessitate all required approvals and permits to be obtained and reviewed.

(Amended 7-25-94 by O- 18088 N.S.)

§ 101.0455 SL Overlay Zone (Small Lot) There is hereby established the Small Lot Overlay Zone. (Added 11-9-77 by O-12204 N.S.)

§ 101.0455.1 Purpose and Intent

The purpose of the Small Lot (SL) Overlay Zone is to provide for the development of attached and detached dwelling units on R-1-5 Zoned lots under modified, optional land use regulations which are consistent with General Plan objectives while protecting the public health, safety and general welfare, and creating development of single-family character. The SL Zone is an overlay zone intended to expand the choice, range, and type of single-family housing and to implement community plan objectives wherever densities in the 5-10 dwelling-units-per-acre range are therein prescribed.

It is the intent that the application of the SL Overlay Zone be made in such a manner that would assure that there would be no overconcentration of the type of single—family housing allowed by the Zone anywhere

within The City of San Diego.

The SL Overlay is intended to create development that achieves density of community plans while maintaining the goals of single—family development design. Its use is intended in areas where the standard lot pattern of the SL Overlay would not adversely affect direction in the community plan, other adopted plans, or any environmental documents, to create development sensitive to existing topography or natural features of the project site.

It is also the intent of this overlay that development which occurs on small lots is not repetitious in nature, that the design of the units are diverse and varied, and that the unit size is in scale to adjacent structures. Design guideline review by the Development Services Director is required to insure attractive building elevations, unique site planning, and singularity in design.

The SL Overlay Zone will be considered for application in areas having a natural grade of 20 percent or less.