

**CALIFORNIA COASTAL COMMISSION**

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

[www.coastal.ca.gov](http://www.coastal.ca.gov)

**F7**

# **SAN DIEGO COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the*

## *November Meeting of the California Coastal Commission*

MEMORANDUM

Date: November 4, 2011

TO: Commissioners and Interested Parties  
FROM: Sherilyn Sarb, San Diego Coast District Deputy Director  
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the San Diego Coast District Office for the November 4, 2011 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the San Diego Coast District.

***REGULAR WAIVERS***

1. 6-11-069-W City Of San Diego, Engineering And Capital Projects Department, Attn: Joe Diab (Mission Bay Park, San Diego, San Diego County)
2. 6-11-081-W David Winkler (Solana Beach, San Diego County)

***IMMATERIAL AMENDMENTS***

1. 6-03-003-A3 University of California, San Diego (UCSD), Attn: Milt Phegley (La Jolla, San Diego, San Diego County)

***EXTENSION - IMMATERIAL***

1. A-6-ENC-09-003-E1 Carlos Wellman (Encinitas, San Diego County)
2. A-6-ENC-09-002-E1 Carlos Wellman (Encinitas, San Diego County)

**TOTAL OF 5 ITEMS**

## DETAIL OF ATTACHED MATERIALS

### REPORT OF REGULAR WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>6-11-069-W</b> City Of San Diego, Engineering And Capital Projects Department, Attn: Joe Diah	Repair and resurfacing of parking lots at two locations within Mission Bay Park to accommodate 11 additional ADA parking spaces. The existing parking lots currently provide for 937 spaces. To accommodate the additional 11 ADA parking spaces there will be a net loss of 7 regular parking spaces, however, there will still be adequate parking to accommodate park visitors consistent with all applicable Mission Bay Park parking regulations. Construction will include repair of damaged pavement by removal and replacement or mill and pave as well as resurfacing of the existing two parking lots with 1.5" thick asphalt concrete. Construction shall include stripping, marking, curb ramps and bumpers in accordance with ADA accessibility laws.	Two Parking Lot Locations Within Mission Bay Park (Bonita Cove Central-Mariners Way south of W. Mission Bay Drive and Bonita Cove West-North of San Fernando Place and east of Mission Blvd.), Mission Bay Park, San Diego (San Diego County)
<b>6-11-081-W</b> David Winkler	Addition of a roof-mounted solar system containing 52 photovoltaic panels to an existing single family bluff top residence. All of the solar panels will be located greater than 25 ft. from the edge of the coastal bluff and will be a maximum height of 1 ft. 9 in. above the existing roof line. Work shall take place in accordance with the recommendations set forth in the 'Geotechnical Review Letter' by Richard Hanson of SolarCity, dated October 25th, 2011.	521 Pacific Avenue, Solana Beach (San Diego County)

### REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>6-03-003-A3</b> University of California, San Diego (UCSD), Attn: Milt Phegley	Extend temporary use period until December 2012	North of Torrey Pines Scenic Drive and west of North Torrey Pines Road, La Jolla, San Diego (San Diego County)

### REPORT OF EXTENSION - IMMATERIAL

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
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<p><b>A-6-ENC-09-003-E1</b> Carlos Wellman</p>	<p>Demolish existing 12-unit apartment building that spans two blufftop lots (lots 1 and 2), remove remnants of a dilapidated stairway on the face of the bluff and construct a two-story 4,297 sq. ft. single family residence with 715 sq.ft. garage and 1,818 sq. ft. basement on lot #2.</p>	<p>708 Fourth Street, Encinitas (San Diego County)</p>
<p><b>A-6-ENC-09-002-E1</b> Carlos Wellman</p>	<p>Demolish existing 12-unit apartment building that spans two blufftop lots (lots 1 and 2) and construct a two-story 4,521 sq. ft. single family residence with 724 sq. ft. garage and 2,121 sq. ft. basement on lot #1.</p>	<p>708 Fourth Street, Encinitas (San Diego County)</p>

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: October 27, 2011  
TO: City Of San Diego, Engineering And Capital Projects Department, Attn:  
Joe Diab  
FROM: Charles Lester, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver Number 6-11-069-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13252(e) of the California Code of Regulations.

APPLICANT: City Of San Diego, Engineering And Capital Projects Department, Attn: Joe Diab

LOCATION: Two Parking Lot Locations Within Mission Bay Park (Bonita Cove Central-Mariners Way south of W. Mission Bay Drive and Bonita Cove West-North of San Fernando Place and east of Mission Blvd.), Mission Bay Park, San Diego (San Diego County)

DESCRIPTION: Repair and resurfacing of parking lots at two locations within Mission Bay Park to accommodate 11 additional ADA parking spaces. The existing parking lots currently provide for 937 spaces. To accommodate the additional 11 ADA parking spaces there will be a net loss of 7 regular parking spaces, however, there will still be adequate parking to accommodate park visitors consistent with all applicable Mission Bay Park parking regulations. Construction will include repair of damaged pavement by removal and replacement or mill and pave as well as resurfacing of the existing two parking lots with 1.5" thick asphalt concrete. Construction shall include stripping, marking, curb ramps and bumpers in accordance with ADA accessibility laws.

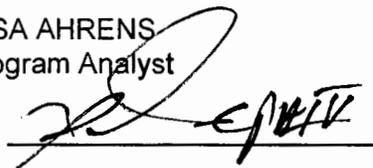
RATIONALE: The proposal requires a coastal development permit because it involves a change in the density or intensity of use of land (net reduction in number of public parking spaces). Although there will be a minor decrease in the number of public parking spaces, the proposed project will not result in any adverse impacts on public access or public views and will result in an increase in the number of handicapped-accessible parking for handicapped individuals in several of the public parking lots next to Mission Bay. As such, no adverse impacts to any coastal resources are anticipated.

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, November 4, 2011, in Oceanside, Ca. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
CHARLES LESTER  
Executive Director

By: MELISSA AHRENS  
Coastal Program Analyst

Supervisor: 

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**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER**

DATE: October 31, 2011  
TO: David Winkler  
FROM: Charles Lester, Executive Director  
SUBJECT: Waiver of Coastal Development Permit Requirement:  
**Waiver Number 6-11-081-W**

Based on project plans and information submitted by the applicant(s) named below regarding the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit, pursuant to Title 14, Section 13250(c) of the California Code of Regulations.

APPLICANT: **David Winkler**

LOCATION: **521 Pacific Avenue, Solana Beach (San Diego County) (APN(s) 263-041-04)**

DESCRIPTION: **Addition of a roof-mounted solar system containing 52 photovoltaic panels to an existing single family bluff top residence. All of the solar panels will be located greater than 25 ft. from the edge of the coastal bluff and will be a maximum height of 1 ft. 9 in. above the existing roof line. Work shall take place in accordance with the recommendations set forth in the 'Geotechnical Review Letter' by Richard Hanson of SolarCity, dated October 25th, 2011.**

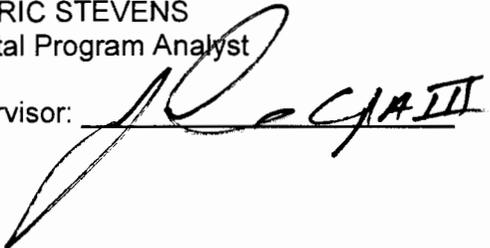
RATIONALE: **The project requires a permit because it involves improvements to a structure located within 50 ft. of the bluff edge. The applicant has demonstrated the improvements will not adversely affect bluff stability and will not be visible from the street or the beach. The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the existing development; therefore, the improvements will not be out of character with the existing community. The proposed development is consistent with the zoning and plan designations for the City of Solana Beach and the previously certified County of San Diego Local Coastal Program. The project is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts on coastal resources are anticipated.**

IMPORTANT: This waiver is not valid unless the site has been posted AND until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of Friday, November 4, 2011, in Oceanside, Ca. If three Commissioners object to this waiver, a coastal development permit will be required.

Persons wishing to object to or having questions regarding the issuance of a coastal permit waiver for this project should contact the Commission office at the above address or phone number prior to the Commission meeting date.

Sincerely,  
CHARLES LESTER  
Executive Director

By: ERIC STEVENS  
Coastal Program Analyst

Supervisor: 

**CALIFORNIA COASTAL COMMISSION**

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**NOTICE OF PROPOSED PERMIT AMENDMENT**

TO: All Interested Parties  
FROM: Peter Douglas, Executive Director  
DATE: October 14, 2011  
SUBJECT: **Permit No: 6-03-003-A3**  
Granted to: University of California, San Diego (UCSD), Attn: Milt Phegley

## Original Description:

for **Proposed is the temporary use of a 30 acre undeveloped and unimproved site for construction staging and storage, contractor parking as needed, golf tournament parking, and glider operations.**  
at **North of Torrey Pines Scenic Drive and west of North Torrey Pines Road, La Jolla, San Diego (San Diego County)**

The Executive Director of the Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

**Extend temporary use period until December 2012**

**FINDINGS**

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled meeting. This amendment has been considered IMMATERIAL for the following reason(s):

**The project site is an unimproved, undeveloped area that does not contain environmentally sensitive habitat areas (ESHA). As previously conditioned to require adequate BMP's to address water quality, the continued uses for an additional 1 year period will not adversely affect water quality. In addition, the continued use will not adversely affect public access, ESHA or other coastal resources.**

If you have any questions about the proposal or wish to register an objection, please contact Melissa Ahrens at the San Diego Coast District office.

cc: Local Planning Dept.

University Of California, San Diego, Attn: Anu Delouri

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October 17, 2011

## NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **Carlos Wellman**

has applied for a one year extension of Permit No: **A-6-ENC-09-003-E1**

granted by the California Coastal Commission on: October 9, 2009

for **Demolish existing 12-unit apartment building that spans two blufftop lots (lots 1 and 2), remove remnants of a dilapidated stairway on the face of the bluff and construct a two-story 4,297 sq. ft. single family residence with 715 sq.ft. garage and 1,818 sq. ft. basement on lot #2.**

at **708 Fourth Street, Encinitas (San Diego County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
CHARLES LESTER  
Executive Director

By: ERIC STEVENS  
Coastal Program Analyst

Supervisor:

A handwritten signature in black ink, appearing to read "ERIC STEVENS", written over a horizontal line.

cc: Local Planning Dept.  
Erica Love

**CALIFORNIA COASTAL COMMISSION**

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October 17, 2011

## NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that: **Carlos Wellman**  
has applied for a one year extension of Permit No: **A-6-ENC-09-002-E1**  
granted by the California Coastal Commission on: October 9, 2009

for **Demolish existing 12-unit apartment building that spans two blufftop lots (lots 1 and 2) and construct a two-story 4,521 sq. ft. single family residence with 724 sq. ft. garage and 2,121 sq. ft. basement on lot #1.**

at **708 Fourth Street, Encinitas (San Diego County)**

Pursuant to Section 13169 of the Commission Regulations the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive. . . and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,  
CHARLES LESTER  
Executive Director

By: ERIC STEVENS  
Coastal Program Analyst

Supervisor.

cc: Local Planning Dept.  
Erica Love

A handwritten signature in black ink, appearing to read "Eric Stevens", written over the word "Supervisor.".

F7

RECEIVED

OCT 27 2011

**ALTASeashore, LLC.  
4445 Eastgate Mall #400  
San Diego CA, 92121**

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Coastal Commissioners  
C/o California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

October 27, 11

Re: Demolition of the vacant structure at 708 4th Street, Encinitas, CA 92024

Dear Commissioners:

This is to request a one-year extension on the construction permits for the two lots on the referenced site. This confirm our intent to demolish the referenced vacant and boarded up structure as soon as possible after we obtain said extension

**BACKGROUND:**

- A demo contract was executed between ALTASeashore, LLC. And Charco Construction Company on 4/5/11. Copy to be provided upon request. (Contact for Charco is Mr. Armando Flores 619-286-1633).
- Requested a permit from the Coastal Commission I order to start the demo shortly there after.
- Were told that we can obtain the demo permit but that it would void the construction permit that had not been finalized
- Decided to first finalize the construction permit, and then start the demo. To that effect we commissioned and obtained new engineering, updated surveying. Currently our architect is updating the plans on the basis of the Coastal Commission changes required for the permit as well as the updated engineering and survey. We expect that the preliminary drawings will be ready the second week of November for Coastal commission review.
- If the extension is granted, we expect to file the pending paperwork with the CC in order to finalize the permitting process.
- With the final construction permit in place we will request a demo permit and we will start said demo as soon as we get the permit.

As you can see we have been working diligently to start the demo. We would very much appreciate your granting us the one-year extension.

Sincerely,

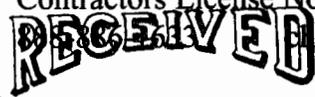
Alex Stolarski: Managing Agent ALTASeashore, LLC.

Letter from applicant's agent

Contract No.: \_\_\_\_\_



7065 El Cajon Blvd.  
San Diego, CA 92115  
Contractors License No. 241040  
charco.com



**HOME IMPROVEMENT AGREEMENT**

OCT 27 2011

*M. Alex Stokarski by  
North Central Investment Inc.*

*cell  
(972) 571-5711* CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

“Owner”)

Home Phone

*7084 4TH AVEN. ENCINITAS CA 92024*

“Property”) Address

HIS HOME IMPROVEMENT CONTRACT (“Agreement”) is made as of the date above between The owner (“Owner”) of certain real property (“The Property”) stated above and Charco Construction Company, a California corporation in the business of home improvement as a contractor, Licensed in the State of California, California Contractor’s License No. 241040 (“Contractor”). Owner retains the services of Contractor and contractor shall perform services for owner subject to the provisions and conditions set forth in this agreement.

For the services to be performed by Contractor (the “Work” as defined), Owner shall pay Contractor:

Cash Price .....	\$	<u>76,585<sup>00</sup></u>
a. Upon Completion of <i>Permits &amp; start of work</i> .....	\$	<u>17,231<sup>50</sup></u>
b. Upon Completion of <i>Demolition of stucco &amp; Drywall</i> .....	\$	<u>17,231<sup>50</sup></u>
c. Upon Completion of <i>Demolition of framing</i> .....	\$	<u>17,231<sup>50</sup></u>
d. Upon Completion of <i>Demolition of concrete slab</i> .....	\$	<u>17,231<sup>50</sup></u>
e. Due upon Completion of Work .....	\$	<u>7,659<sup>00</sup></u>

The Contract Sum shall be the sum equal to all of the following: (A) Wages, salary and related benefits of Contractor’s employees engaged in the work; (B) Payments by Contractor to subcontractors related to Work; (C) costs of materials and equipment used in Work.

**PAYMENTS.** Contractor shall invoice Owner for all payments due in accordance with the payment schedule. Each payment shall be made within five (5) days of invoice date. If Owner fails to make any payment within five (5) days of invoice date, in addition to the right of Contractor to suspend Work in accordance with paragraph 25 below, Owner shall pay contractor interest on such unpaid balance calculated at the maximum legal rate.

**CONSTRUCTION FINANCING AND LOAN PROCEEDS.** If a portion of the Contract Sum is to be obtained by Owner, then Owner shall apply for a loan from a bank, savings and loan association or mortgage company (“Lender”) and provide satisfactory evidence of the application within (3) days after Owner’s execution of this agreement. Owner shall be responsible for and shall pay directly to Lender all fees or credit reports, appraisals ordered at the lender’s request, loan origination, processing or other fees charged by or incurred at the request of lender. Owner is not obligated to obtain financing from any specific source and Contractor is not an agent of, and is not authorized to make any loan commitments on behalf of, any Lender.

**FAILURE TO OBTAIN LOAN APPROVAL.** If Owner despite diligent efforts, is unable to obtain a loan within forty-five (45) days of execution of this Agreement, then either party, upon three (3) days’ written notice to the other party, may terminate this Agreement. In such event, all rights and obligations of the parties shall be terminated and of no further force and effect and the Deposit shall be returned to Owner, less hard costs actually incurred by Contractor, if any.

**COMMENCEMENT AND COMPLETION OF WORK.** *Permits & start demolition* which is substantial commencement of the work will begin on approximately: *April 10, 2011*, and construction will be completed by: *August 10, 2011* OR *45* days after start of demo whichever is later, barring delays caused by reasons beyond Contractor’s control which could not be reasonably anticipated. If work has not commenced within sixty (60) days from the date of this Agreement for any reason beyond Contractor’s control. Contractor may, at its option, cancel this agreement by giving Owner notice thereof.

**LIMITED WARRANTY.** The limited warranty provided herein excludes consequential and incidental damages and limits duration of implied warranties. (See Paragraph 10)

**ACH BUYER ACKNOWLEDGES THAT: (1) BEFORE SIGNING THIS AGREEMENT BUYER RECEIVED AND READ A LEGIBLE, COMPLETELY FILLED-IN COPY OF AGREEMENT SIGNED BY CONTRACTOR, THE ATTACHED NOTICE TO OWNER AND ANY ATTACHED PLANS AND SPECIFICATIONS, AND TWO COPIES OF THE ATTACHED NOTICE OF CANCELLATION AND WAS ORALLY INFORMED OF OWNER’S RIGHT TO CANCEL; (2) OWNER UNDERSTANDS, APPROVES AND AGREES TO BE BOUND BY ALL OF THE PROVISIONS HEREOF INCLUDING THE TERMS AND**

F7

IRA B. ZINMAN  
Attorney at Law  
403 E. Third Street  
Bloomington, IN 47401  
Telephone (812) 334-1100  
FAX (812) 333-8299

EMAIL ZINLAW @ AOL.COM

FAX COVER-SHEET

From: Ira B. Zinman  
Date: OCT 24, 2011  
Pages (including cover sheet): \_\_\_\_\_  
To: Mr Eric Stevens  
Fax #: 619-767-2384

RECEIVED

OCT 24 2011

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: Permit NO A-6-ENC-09-002-F-1

Remarks:

Dear Mr Stevens:

Please find enclosed your California Coastal Commission letter to me of OCT 17, 2011 and: (1) Article from newspaper - Union Tribune, May 9, 2010, regarding the subject property; (2) Letter from City of Encinitas, Planning Dept. re: Code Violations; (3) Complaint "Hedapitated Apartment Bldg" + Addendum to Complaint.

MR. Carlos Wellman's Bldg needs to be removed as soon as possible. He is a poor steward of the property, and has caused innumerable problems for the neighborhood.

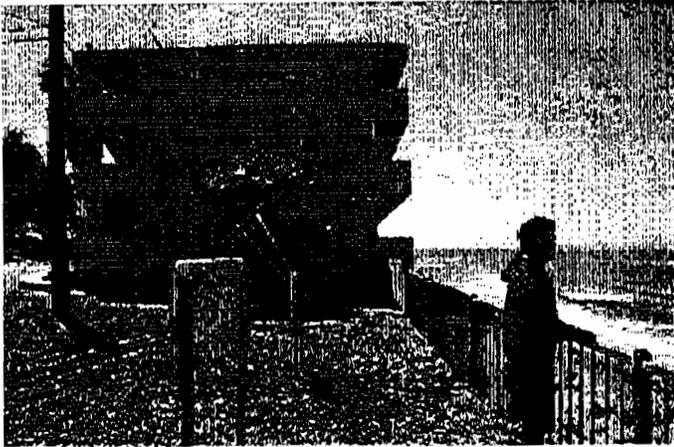
CONFIDENTIALITY NOTICE: This facsimile transmission from Zinman Law office (including all enclosures) is for the sole use of the intended recipients and may contain confidential information. Any unauthorized review, use, disclosure, alteration or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

and has caused unsanitary and unsafe conditions to be perpetuated. Mr. Wellman has not complied with local, state and Commission regulations and is NOT likely to comply if an extension is given.  
Thank you for your attention in this matter. Sincerely,  
Ira B. Zinman

Letters of Opposition

## Dilapidated apartment building vacant since early 2006

BY TANYA MANNES, UNION-TRIBUNE STAFF WRITER  
SUNDAY, MAY 9, 2010 AT 12:04 A.M.



CHARLIE NEUMAN / UNION-TRIBUNE

Mario Urrutia, taking a break from his job nearby, checks the surf at the west end of F Street, where neighbors say a vacant apartment building has become a magnet for transients, taggers and partyers.

**ENCINITAS** — A decrepit apartment building, vacant for more than four years, with peeling paint and plywood covering its windows, stands on a bluff overlooking Moonlight Beach, one of Encinitas' coastal jewels.

It's a magnet for transients, taggers and partyers, neighbors say.

"It's of real concern to the neighborhood," said Mark Hendrick, who lives near the 12-unit building. "People are always trying to get inside of the vacant units to sleep for the night or do drugs. It's a constant safety problem with a lot of vandalism. We actually had somebody try to break into our house."

The eyesore, plainly visible to beachgoers, is supposed to be demolished, but the owner hasn't taken the steps necessary to do so.

The property, at the west end of F Street, is owned by Carlos Wellman. His San Diego company secured permits to demolish the building but hasn't followed through on the permit conditions. In October 2009, the California Coastal Commission approved his request to demolish the building so he could build a pair of two-story houses. One would be a 4,300-square-foot house with a 1,800-square-foot, furnished basement, and the other would be a 4,500-square-foot house with a 2,200-square-foot basement.

Despite securing the coastal development approval, Wellman hasn't complied with the permit conditions, such as submitting final plans for the project, said Gary Cannon, the Coastal Commission's staff planner for Encinitas. "This has just been sitting in limbo," Cannon said.

Wellman can't begin demolition or construction until he submits those documents. The permits will expire in October 2011 unless the Coastal Commission approves an extension, Cannon said.

Wellman didn't return calls last week seeking comment on his plans.

City officials said the property is a magnet for problems. They have tried to contact Wellman to get the demolition going without success, said Planning and Building Director Patrick Murphy.

Wellman's company, Alta Seashore LLC, bought the property in 2005 for \$4.95 million, property records show.

The apartment building has been vacant since February 2006. Wellman boarded it up after evicting the tenants, according to documents he filed with the city. He then applied for city permits to demolish it and build the two houses. The city's Planning Commission approved the coastal development permit, and the Coastal Commission decided to review the matter because of concerns about the bluff's stability.

The Coastal Commission is requiring that the new houses be built 47 feet back from the bluff, and the owner will be required to install a drilled pier foundation for stability. The new houses would be in a contemporary design and earth-tone colors, with wood siding and concrete roof tiles, according to the development permit application.

The building, constructed in 1965, has a gray stucco finish. Rusted metal reinforcements support the balconies facing the beach. A rickety beach stairway begins at the top of the 98-foot-tall bluff and stops partway down. Murphy said officials fear that it could collapse.

The permits require Wellman to remove the stairway.

The apartment building itself is considered stable. The city is unaware of any structural problems despite its location at the edge of the bluff, Murphy said.

Neighbors say they call the Sheriff's Department frequently to report problems. For example, a group of teenagers threw a party there on the Fourth of July in 2008, neighbors said. Vagrants moved in several times, and taggers have spray-painted it with graffiti.

The Fire Department issued a notice to clean the premises in November 2008 to address problems with litter. After that, the owner hired a property manager and security guards.

Neighbors are eager to see the building demolished. Ian Schoenberger lived on the same block as the apartment building until late last year. He said the blighted property brought down the value of his condominium and made it difficult to sell. "We just wanted him to knock it down," Schoenberger said. "It's an eyesore; it attracts the wrong element."

*Union-Tribune researcher Michelle Gilchrist contributed to this report. Tanya Mannes: (760) 476-8243; tanya.mannes@uniontrib.com*



*City of Encinitas*  
*Planning and Building Department*  
*Code Enforcement Division*  
505 S. Vulcan Avenue, Encinitas, California 92024-3633

May 13, 2010

Ira Zinman  
720 4<sup>th</sup> St. #2  
Encinitas, CA 92024  
via email zinlaw@aol.com

Re: Case #10-605; unsecured property @ 708 4<sup>th</sup> St.

Dear Mr. Zinman:

Thank you for bringing the above referenced matter(s) to our attention. This letter confirms that the City has received your complaint alleging the violation(s) described above. Your complaint has been referred to a Sr. Code Enforcement Officer for further investigation.

Please feel free to contact us at (760) 633-2685 should you have further information or questions regarding this matter.

We thank you for your concern regarding compliance with the City of Encinitas municipal codes.

Sincerely,

Leah Sorensen  
Code Enforcement Assistant

## DILAPIDATED APARTMENT BUILDING on Fourth Street

May 11, 2010

Hello Neighbors,

My husband, David owns the condo immediately to the south of the dilapidated apartment building that has been vacant since 2005.

Many of our neighbors on Fourth Street have experienced problems with transients, taggers and partiers that are drawn to the building. We personally experience frequent trespassing onto our back yard, despite fencing and a locked gate. And it does get worse as some of us have experienced. Vandalism, human feces deposited along our fence and loss of property values to name a few. Also, there are some real safety and hazard issues connected with the building that affect everyone, including the beachgoers below the bluff.

For a recent article in the Union Tribune about this building, please put this link into your browser: <http://www.signonsandiego.com/news/2010/may/09/beach-bluff-blight/>

The owner, Carlos Wellman has refused to return phone calls to apparently anyone trying to communicate with him. We just wanted to know when he was going to move on completing the demolition of the property. Although we find that both the property managers and the sheriff deputies to be very responsive to our calls we are not willing to wait indefinitely for some more lasting resolution.

I believe the time has come for the community to mobilize and work together to resolve this problem. If you are interested in telling your stories about this building and/or lending your support in any fashion, please email me at [sanctuarybysea@yahoo.com](mailto:sanctuarybysea@yahoo.com). When I get your email address please let me know if you want to be included in my mailing list for future updates.

Thank you.

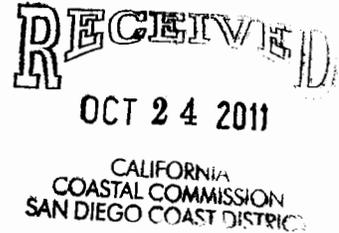
Karen

ES

JERRY PETERS  
270 LISZT AVENUE  
CARDIFF CA 92007-2310  
Tel: 760.632.9292 Fax: 760.753.2181  
Cell: 760.420.3600 email: [jerry@peters.us](mailto:jerry@peters.us)

October 20, 2011

ERIC STEVENS, Coastal Program Analyst  
CALIFORNIA COASTAL COMMISSION  
7575 METROPOLITAN DRIVE #103  
SAN DIEGO CA 92108-4421



Re: Extension of permit # A-6-ENC-09-002-E1

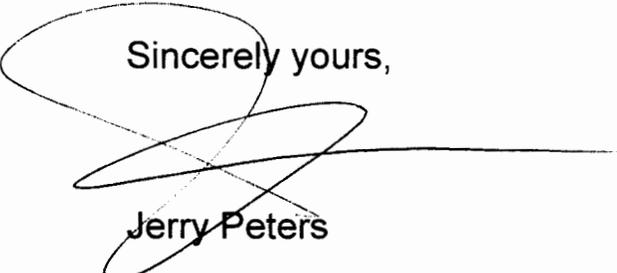
Mr. Stevens,

I own the property directly across the street from the subject property at 701 4th St. For almost 9 years this property has been a blight on the neighborhood. It is boarded up, but there are balconies which are used on a nightly basis by transients who sleep there and cause a hazard to the property, themselves and the neighborhood.

The City, Fire Department and all the neighborhood want to see this hazard of a building demolished. I do not believe that an extension will serve the Neighborhood, Community, City or State in a productive manner.

Please do not extend this permit and force the owners to demolish this dangerous structure.

Sincerely yours,



Jerry Peters

Addendum to complaint

We feel that this place of Carlos Wellman is a public and private nuisance, and as well has become an attractive nuisance location for kids, and vagrants who "hang out" there and sleep there.

Here is a sample of what has been written to us and neighboring owners:

*Yesterday morning, there was suspicious guy who was walking barefoot up and down your street for over two hours. Later that afternoon, there was a homeless guy who was drunk and yelling obscenities from the building next door, to your neighbors living across the street. He also noticed that someone had done a #2 along the stump of your palm tree that is located next to the entry your home and that someone had been using your garden hose (which has happened on several occassions)."*

Comments from a prospective tenant who would have loved to rent the Ciccone's place:

*"Yes, it really was the bldg. next door that freaked me out, esp. as a single woman who perhaps may come and go @odd hrs.*

From Karen Newell owner of condo at 720 4<sup>th</sup>, Unit 1.

Many of our neighbors on Fourth Street have experienced problems with transients, taggers and partiers that are drawn to the building. We personally experience frequent trespassing onto our back yard, despite fencing and a locked gate. And it does get worse as some of us have experienced. Vandalism, human feces deposited along our fence and loss of property values to name a few. Also, there are some real safety and hazard issues connected with the building that affect everyone, including the beachgoers below the bluff.

These are a sampling of comments and concerns. We have young kids in the neighborhood who enjoy playing outside, and now this vicinity has simply grown dangerous to all of us who live near the "apartment" building of Carlos Wellman.