

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Click here to go to
original staff report

F6a

Addendum

October 8, 2013

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item F6a**, Coastal Commission Permit Application
A-6-LJS-13-0226 (Romney), for the Commission Meeting of Friday,
October 11, 2013.

Staff recommends the following changes be made to the above-referenced staff report:

1. On Page 9 of the staff report, the following paragraph shall be added after the second complete paragraph:

“Section 113.0234(a)(2)(A) of the LDC covers the calculation of gross floor area for basements and states:

For lots that slope less than 5 percent along each edge of the building footprint, gross floor area includes the area of all portions of a basement where the vertical distance between existing grade or proposed grade, whichever is lower, and the finish-floor elevation above exceeds 3 feet, 6 inches as shown in Diagram 113-021.”(Exhibit 18)

2. On Page 9 of the staff report, the third complete paragraph shall be revised as follows:

“The subject property is listed at 17,844 square feet, and the proposed residence has a total square footage of 11,062 square feet, with 7,394 square feet (gross floor area) counting for the F.A.R. calculation and 3,688 square feet being exempt because this area does not meet the definition of gross floor area. The 11,062 sq. ft. proposed residence consists of a 1,790 sq. ft. second floor, a 4,681 sq. ft. main floor, and a 4,591 sq. ft. basement. In calculating the Gross Floor Area for F.A.R. purposes, the entire second floor counts towards the Gross Floor Area, 4,488 sq. ft. of the main floor counts towards Gross Floor Area (with the 193 sq. ft. non-roofed entry courtyard being exempt), and 1,116 sq. ft. of the basement counts towards Gross Floor Area (with the remaining 3,668 sq. ft. of the basement being exempt per section 113.0234(a)(2)(A)).

Dividing the 7,394 square foot gross floor area by the 17,844 square foot premises produces a F.A.R. of approximately 0.41.

3. On Pages 9-10 of the staff report, the last paragraph on page 9 and continuing onto page 10 shall be revised as follows:

“The Appellant contends that the Applicant wrongfully claims the sandy beach area west of the existing sea wall out to the MHTL (approximately 6,000 square feet) as part of their property for F.A.R. calculation purposes. Currently, the local CDP states that the subject property, including the approximately 6,000 sq. ft. sandy beach area, is 17,844 sq. ft. The LDC sets the maximum F.A.R. for lots measuring 17,001 sq. ft. to 18,000 sq. ft. at 0.47. For the subject property as listed in the CDP, the maximum allowable Gross Floor Area is thus 17,844 sq. ft. multiplied by 0.47, which equals 8,387 sq. ft. The approved Gross Floor Area of the proposed residence is 7,394 sq. ft., which is 993 sq. ft. under the maximum. If the entire sandy beach area of the property was not counted in the lot’s square footage, the new lot size would be approximately 11,844 sq. ft. The LDC sets the maximum F.A.R. for lots measuring 11,001 sq. ft. to 12,000 sq. ft. at 0.53. In such a case, the maximum allowable Gross Floor Area would be 11,844 sq. ft. multiplied by 0.53, which equals 6,277 sq. ft., meaning the proposed residence would be 1,117 sq. ft. over the maximum. The Appellant cites page 175 of the LJCP, which contains Figure F, a map of the Physical Access points for the Windansea section of La Jolla (Figure 8). The map shows the sandy beach portion of the subject property and the neighboring properties to the north as “Other Shoreline Property (Dedicated or owned in fee by the City).” In approving the local CDP, the City delineated the subject property as encompassing the sandy beach area out to the MHTL. When contacted about the discrepancy between the legal description and the LJCP map, the City planner checked with the City Park and Recreation Department, the Real Estate Asset Department, and the City’s Long Range Planner for La Jolla, who oversees the LJCP and LCP. All three entities responded that, based on their records, the LJCP map was in error regarding City ownership of that portion of the sandy beach area, and that the legal description of the subject property including the sandy beach area out to the MHTL was correct. To further demonstrate this, the City utilized SANGIS, a mapping utility that displays property information based on City property databases, and provided a map showing the legal property lines of the subject property, the surrounding properties, and City park space (Exhibit 6). As the subject property appears to encompass the sandy beach out to the MHTL, the certified LCP does not prohibit counting square footage of sandy beach towards the total premises for F.A.R. calculation, so long as the beach area is legally part of the premises, and doing so does not raise a substantial issue in this case.

4. On pages 10-11 of the staff report, the last paragraph on Page 10 and continuing onto Page 11, shall be revised as follows:

“In the alternative, the Appellant contends that even if the sandy beach area is part of the Applicant’s premises, the Applicant wrongfully relies on an outdated delineation of the MHTL from 1966, and that landward encroachment of the MHTL may have

reduced the square footage of the premises sufficiently to impact the size of the proposed residence. When contacted regarding the basis for their MHTL delineation, the Applicant provided additional information in the form of a Mean High Water Line Exhibit (Exhibit 7) utilizing topographic data from December 15, 2009, that depicts the Mean High Water Line (elevation 2.3 feet Mean Sea Level (“MSL”)), as transferred from a tidal benchmark that was referenced on the 1983-2001 Epoch. Exhibit 7 states that the lot’s square footage landward of this particular date’s Mean High Water Line is 17,390 sq. ft. Based on the aforementioned LDC section governing maximum F.A.R.s, the F.A.R. at that point in time would still be 0.47, and the maximum allowable Gross Floor Area in this case would be 17,390 sq. ft. multiplied by 0.47, which equals 8,173 sq. ft. The proposed residence’s 7,394 sq. ft. would be 779 sq. ft. under the maximum. As the MHTL is an ambulatory line due to the variable nature of the ocean, no claim is made that the MHTL is in that exact same location as depicted on December 15, 2009, and variations are to be expected. In any case, the Commission’s staff coastal engineer has reviewed this exhibit and concurred that the exhibit accurately depicts the location of the MHTL on the site for that particular date in time and that, based on the MHTL, the lot area is such that the F.A.R. achieved by the proposed residence is still within the maximum F.A.R. allowed by the certified LCP for this particular property, and it is unlikely that the MHTL has moved in such a substantial manner as to question whether the proposed residence’s F.A.R. calculation has been substantially affected. In any event, the subject lot area could be reduced by 3,000 sq. ft. – half the beach area – and still accommodate the proposed home at the allowable F.A.R. of 0.50, as listed in the LDC’s scale of residential maximum F.A.R. for lots of various sizes (Exhibit 19).

5. On pages 11 of the staff report, the first full paragraph shall be revised as follows:

“Outside of questions regarding exceeding or calculating F.A.R., the character of the community is a resource called out for protection both in the LJCP and in past Commission action in general. The Appellant alleges that the size and scale of the proposed home is not in conformity with the surrounding neighborhood. The proposed residence will be two-stories over basement and have a total square footage of 11,062 square feet, divided accordingly: the second floor will be 1,790 square feet, the main level will be 4,681 square feet, and the basement level will be 4,591 square feet. Due to the design of the proposed residence, the vast majority of the square footage will be contained in the basement and first floor. Due to the siting and orientation of the subject property with respect to Dunemere Drive and the beach, the home will not have adverse impacts on public views to and along the beach, as the existing ocean views are down the street and not over the subject property. Additionally, the home will be set back 40 feet from the seawall, thus not encroaching into public views along the beach. Both the Applicant and the Appellants supplied surveys of the square footages of the surrounding properties in an approximately 300 foot radius. While there are discrepancies between the exact size numbers for some of the surrounding properties provided by the two surveys, both demonstrate that the proposed residence – located on the second largest lot in the survey area at 17,844 square feet – will be approximately the third largest home in the area once constructed

(using the Gross Floor Area of 7,394 square feet). The survey area contains homes ranging in approximate size from 1,200 square feet to 9,100 square feet, with the median size around 2,500 square feet. Yet while the proposed residence will be situated towards the larger end of the spectrum of homes in the community, the orientation of the proposed residence is such that much of the bulk of the home will either be underground or hidden from public views from the street or beach. The subject lot only has street frontage on an approximately 60-foot long cul-de-sac that extends along the inland portion of the northern property line, thus very little of the proposed home will be visible from the street. The bulk of the large first story will be on the eastern, inland portion of the property, where it will be shielded from public view from the street or the beach, while the western, beach-facing portion will be set above and 40 feet back from the beach. Additionally, one of the primary tools of LCPs in reigning in oversize development has been restrictions of allowable F.A.R. for residential development. The “creep” of ever larger development and the transformative effect it can have on a community is an ever present concern in coastal development, but in regards to the proposed residence, it is unlikely to set a pattern for future development, as it happens to be one of the few beachfront homes in the immediate area with property lines running all the way out to the MHTL (and thus helping make the proposed size conform with F.A.R. regulations). The majority of lots in the survey area are substantially smaller than the subject property, and F.A.R. limits would prevent many of them from approaching the size of the proposed residence if and when they are developed. Thus, the size and scale of the proposed residence, in and of itself, does not raise substantial issue.”

6. On page 17 of the staff report, the following paragraph shall be added after the first complete paragraph at the top of the page:

“Section 143.0143(f) of the LDC regulates development atop coastal bluffs and states, in relevant part:

All development including buildings, accessory structures, and any additions to existing structures shall be setback at least 40 feet from the coastal bluff edge, except as follows:

1. *The City Manager may permit structures to be located between 25 feet and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the development at the proposed distance from the coastal bluff edge and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the primary structures, and no shoreline protection is required. Reductions from the 40-foot setback shall be approved only if the geology report concludes the structure will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the structure. In addition, the applicants shall accept*

a deed restriction to waive all rights to protective devices associated with the subject property...

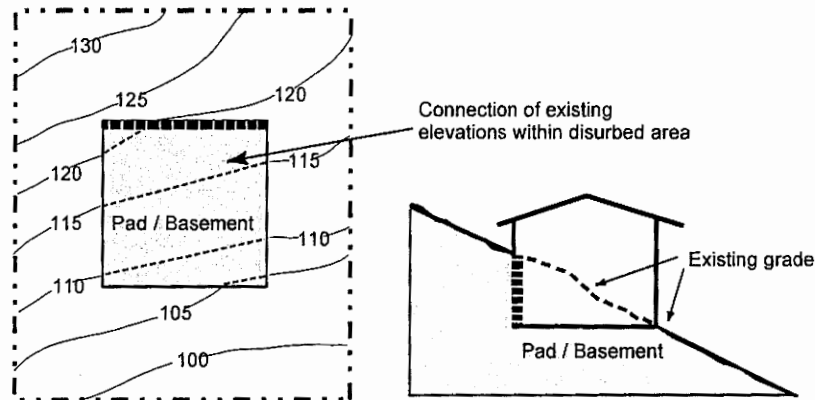
7. On Page 17 of the staff report, the fourth complete paragraph shall be revised as follows:

“The current residence was originally constructed in 1936. Prior to development, the subject lot, and much of the surrounding land, consisted of sand dunes running out to the ocean. The sand dunes, and the present configuration of the property, do not meet the definition of coastal bluffs. However, if the subject property did contain a coastal bluff, the LDC would require a 40-foot geologic setback from the bluff edge unless a site specific geological report determined that development could be safely sited closer – up to 25 feet from the bluff edge. If a less-than-40 ft. setback is approved, the LDC requires the applicant to record a waiver of all future shoreline protection. In any case, the residence is proposed 40 feet back from the seawall at the closest point. Thus, even if the site contained a coastal bluff, the proposed residence would met the required setback. The subject property currently contains a seawall in the western portion of the property that was constructed in 1953 and divides the sandy beach area on its west side from the developed portion on the east. The seawall is 13 to 14 feet tall, with its base founded underground in bedrock at elevation 4.8 to 5.8 above MSL. Approximately 7 feet of the seawall extends above ground from the sand.

8. Add Exhibit 18 – Section 113.0234(a)(2)(A) of the San Diego Land Development Code: Calculating Gross Floor Area
9. Add Exhibit 19 – Section 131.0446(a)(1) of the San Diego Land Development Code: Maximum Floor Area Ratio in Residential Zone

Diagram 113-02G

Connecting Elevations for Existing Grade



(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

★ §113.0234 Calculating Gross Floor Area

Gross floor area is calculated in relationship to the *structure* and *grade* adjacent to the exterior walls of a building. The elements included in the *gross floor area* calculation differ according to the type of development proposed and are listed in Section 113.0234(a)-(c). *Gross floor area* does not include the elements listed in Section 113.0234(d). The total *gross floor area* for a *premises* is regulated by the *floor area ratio* development standard.

(a) Elements Included in *Gross Floor Area* For Development in All Zones

- (1) *Gross floor area* includes all existing and proposed *floors* within the horizontal area delineated by the exterior surface of the surrounding exterior walls of the building.

★ (2) *Gross floor area* for *basements* is calculated as follows:

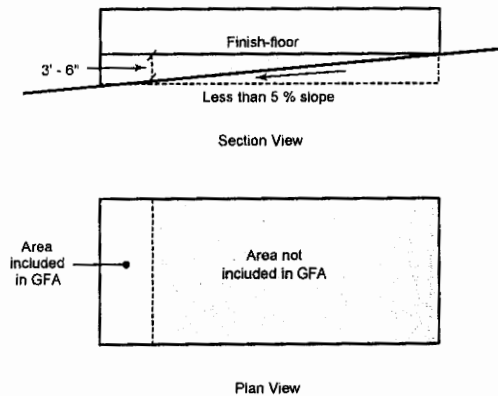
- ★ (A) For *lots* that slope less than 5 percent along each edge of the building footprint, *gross floor area* includes the area of all portions of a *basement* where the vertical distance between *existing grade* or *proposed grade*, whichever is lower, and the *finish-floor* elevation above exceeds 3 feet, 6 inches as shown in Diagram 113-02I.

Ch.
11

EXHIBIT NO. 18
APPLICATION NO.
A-6-LJS-13-226
Section
113.0234(a)(2)(A)

★ Diagram 113-02I

Basements with Less than 5 Percent Slope



- (B) For *lots* that slope 5 percent or more along any edge of the building footprint, *gross floor area* includes the area of all portions of a *basement* where the vertical distance between *existing grade* or *proposed grade*, whichever is lower, and the *finish-floor* elevation above exceeds 5 feet, as shown in Diagram 113-02J.

Diagram 113-02J

Basements with 5 Percent or More Slope

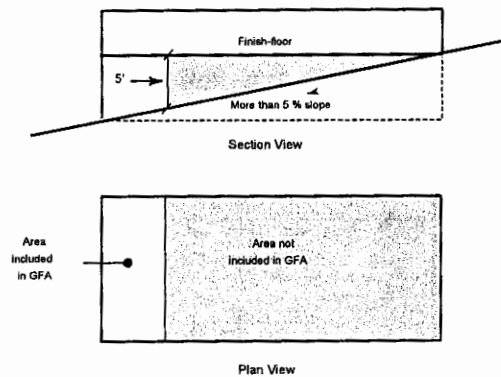


Table 131-04I
Lot Coverage in RM-5-12 Zone

<i>Stories or Structure Height</i>	<i>Maximum Lot Coverage</i>
1-4 stories or 48 feet	50/60%
5 stories or 60 feet	37%
6 stories or 72 feet	32%
7 stories or 84 feet	28%
8 stories or 96 feet	25%
9 stories or 108 feet	23%
More than 10 stories or 120 feet	21%

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

★ §131.0446 **Maximum Floor Area Ratio in Residential Zones**

★ (a) *Floor Area Ratio* for the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

★ (1) The maximum permitted *floor area ratio* is based on the lot area in accordance with Table 131-04J:

★ **Table 131-04J**
Maximum Floor Area Ratio in RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

<i>Lot Area (square feet)</i>	<i>Floor Area Ratio</i>
3,000 and less	0.70
3,001 - 4,000	0.65
4,001 - 5,000	0.60
5,001 - 6,000	0.59
6,001 - 7,000	0.58
7,001 - 8,000	0.57
8,001 - 9,000	0.56
9,001 - 10,000	0.55
10,001 - 11,000	0.54
11,001 - 12,000	0.53

Lot Area (square feet)	Floor Area Ratio
12,001 - 13,000	0.52
13,001 - 14,000	0.51
14,001 - 15,000	0.50
15,001 - 16,000	0.49
16,001 - 17,000	0.48
17,001 - 18,000	0.47
18,001 - 19,000	0.46
19,001 and greater	0.45

- (2) For *lots* that exceed the minimum *lot* area required by the applicable zone and where more than 50 percent of the *lot* area contains *steep hillsides*, the maximum permitted *floor area ratio* shall be based on the following:
- (A) The area of the site not containing *steep hillsides* or the minimum *lot* area required by the applicable zone, whichever is greater; plus
- (B) 25 percent of the remaining *lot* area not included in (A), above.
- (b) In the RS-1-8, RS-1-9, RS-1-10, RS-1-11, RS-1-12, RS-1-13, and RS-1-14 zones, up to 400 square feet of garage area shall be excluded from the calculation of *gross floor area*.
- (c) In the RX zone, the calculation of *floor area ratio* shall be based on the minimum *lot* area of the zone, or the area of the *lot* with a gradient less than 10 percent, whichever is greater.
- (d) In the RT zones, up to 525 square feet of garage area may be excluded from the calculation of *gross floor area*.
- (e) In the RM-1-2, RM-1-3, RM-2-4, RM-2-5, and RM-2-6 zones, a minimum of one-fourth of the permitted *floor area ratio* shall be reserved for required parking. If underground parking is provided, an area equal to the *gross floor area* of the underground parking may be added to the maximum *gross floor area* permitted for nonparking uses. The maximum *floor area ratio* for all structures on the premises, excluding *underground parking structures*, shall

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DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project: Appeal by the public from decision of City of San Diego granting permit with conditions to Willard and Ann Romney to demolish single-family home and construct new 11,062 sq. ft., 2-story home with 4-car garage.

Date and time of receipt of communication:
September 20, 2013 at 3:30pm

Location of communication:
San Diego

Type of communication:
In person briefing

Person(s) in attendance at time of communication:
Matt Peterson, representing the Romneys

Person(s) receiving communication:
Greg Cox and Greg Murphy (Cox staff)

Detailed substantive description of the content of communication:
(Attach a copy of the complete text of any written material received.)

Matt Peterson briefed me on the project and showed me maps, correspondence and a briefing book that was previously provided to staff. He indicated that he was hopeful at the time that the project would receive a favorable staff recommendation.

Date: 10/8/13

Signature of Commissioner: _____

Greg Cox

RECEIVED
OCT 08 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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ISLAND
ARCHITECTS

7626 Herschel Avenue, La Jolla, CA 92037

AGENDA # 6A
APPLICATION # A-6-LJS-13-0226

September 25, 2013

TO: Neighbors of 311 Dunemere Drive

Please review the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Dr.

Please check all true statements:

☒ I have no objections to the proposed development.

☒ I'm familiar with this neighborhood and believe this proposed home will enhance the existing character and ambiance, and that its bulk and scale will be compatible with the surrounding structures and this site.

I have the following comments regarding the proposed development.

I have ^{the} own the home NEXT DOOR to 311 DUNEMERE
located at 310 DUNEMERE. This NEW home
will enhance our neighborhood greatly in
character & value. All the rules have been
followed in full by the Romneys.

I have reviewed the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Drive.

Signed (Owner):

Jeff Lepore

Date:

10/2/2013

Print Name:

JEFF LEPORE

Property Address:

310 DUNEMERE DRIVE

Letters of Support

13



AGENDA #6A
APPLICATION #A-6-LJS-13-0226

September 25, 2013

TO: Neighbors of 311 Dunemere Drive

Please review the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Dr.

Please check all true statements:

☐ I have no objections to the proposed development.

☒ I'm familiar with this neighborhood and believe this proposed home will enhance the existing character and ambiance, and that its bulk and scale will be compatible with the surrounding structures and this site.

I have the following comments regarding the proposed development.

I have reviewed the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Drive.

Signed (Owner):

Date: 10.4.2013

Print Name:

John R. Miller

Property Address:

325 Dunemere
La Jolla CA 92037



AGENDA #6A
APPLICATION #A-6-LJS-13-0226

September 25, 2013

TO: Neighbors of 311 Dunemere Drive

Please review the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Dr.

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I have the following comments regarding the proposed development.

WHY DOES ANYONE WHO DOES NOT LIVE IN THE NEIGHBORHOOD,
ON THE COAST OR EVEN IN LA JOLLA HAVE ANY STANDING TO
COMPLAIN, IF THE STRUCTURE MEETS CODE AND MAJORITY OF

NEIGHBORS AGREE IT ENHANCES THE CHARACTER + AMBIANCE OF
THE NEIGHBORHOOD AND THE COASTLINE IT SHOULD BE APPROVED! HAVING BEEN
I have reviewed the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Drive.

Signed (Owner): Darwin Deason

THROUGH THIS I AM WILLING TO SPEAK TO
COASTAL COMMISSION OR TESTIFY IN AN
OPEN HEARING ABOUT NOW AND IN 2 YEARS
Date: 10-4-13

Print Name: Darwin Deason

Property Address: 1900 Spindrift LJ, CA 92037

WITH NO DIRECT CONCERN OR IMPACT ON
THEN CAN HOLD A PROJECT UP FOR YEARS
IT SHOULD NOT BE THIS WAY

DD



AGENDA #6A
APPLICATION # A-6-LB-13-0226

September 25, 2013

TO: Neighbors of 311 Dunemere Drive

Please review the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Dr.

Please check all true statements:

☒ I have no objections to the proposed development.

☒ I'm familiar with this neighborhood and believe this proposed home will enhance the existing character and ambiance, and that its bulk and scale will be compatible with the surrounding structures and this site.

I have the following comments regarding the proposed development.

I have reviewed the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Drive.

Signed (Owner): Jeff Smith Date: 10-8-13

Print Name: Jeff Smith Property Address: 144 22' St, Del Mar



AGENDA #6A
APPLICATION # A-6-LJS-13-0226

September 25, 2013

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Please check all true statements:

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I have the following comments regarding the proposed development.

Beautiful plan. Improves the neighborhood greatly.

I have reviewed the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Drive.

Signed (Owner):

Kemp Bidolph

Date:

10/2/13

Print Name:

KEMP BIDOLPH

Property Address:

7025 NEPTUNE PK.

*602 677-9722 LA JOLLA, CA -
CARMA XDELUXE @ AOL.COM*



AGENDA #6A
APPLICATION #A-6-LJS-13-0226

September 25, 2013

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I have the following comments regarding the proposed development.

I have reviewed the plans for the Coastal Development Permit Application for the Romney Residence located at 311 Dunemere Drive.

Signed (Owner): CK Smith Date: 10-8-13

Print Name: Cheryl Kellogg Smith Property Address: 144 22nd Street
Del Mar, CA 92014

Fla

California Coastal Commission

September 20, 2013

San Diego District

7575 Metropolitan Drive, suite 103

San Diego, CA 92108-4402

RE:Romney A-6LJS-13-0226

RECEIVED

SEP 24 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Commission,

We request that you hold a full public hearing of the appeal for the proposed 11,000 SF Romney Residence to be located on a small beach in La Jolla. We understand that this project threatens to limit the public's use of this beach to be a "passive" use. In addition the Romney's intend to use the sandy beach as 'private land' to enhance the size of their house, without accepting the responsibility and risk for building in a hazardous location. Should the citizens of California and the USA assume and subsidize their risk to build a new house in an area that experienced substantial damage during past winter storms?

Many of us grew up in this area and have surfed, sunned, and enjoyed this beach, as have our children. We would like to continue in this tradition.

It is important that this beach at Sea Lane, Dunemere, and Marine Street remain a public beach for the enjoyment of all, not just a privileged few.

Thank you for your consideration.

NAME	ADDRESS
Tracy Feldsott	15128 El Camino Real Del Mar
JACK O. EKSTROM	Jack O. Ekstrom 1736 Neptune Ave, Encinitas, Ca 92024
Rebecca Morales	7312 Draper Ave La Jolla, CA 92037
JANE Kuczwara	4509 PAUL AVENUE, San Diego, Ca. 92122
JOHN LINDEN	5430 LA JOLLA BLVD LA JOLLA 92037
JAMES TRIGADA	7328 PAVY LA JOLLA 92037
Bambi Mamyriath	6457 ELECTRIC AVE. LA JOLLA, 92037
TACIE CLANCY	7421 MONTE VISTA " 92037

Letters of Opposition 79

California Coastal Commission

September 21, 2013

San Diego District

7575 Metropolitan Drive, suite 103

San Diego, CA 92108-4402

RE:Romney A-6LJS-13-0226

RECEIVED

SEP 24 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Commission,

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Thank you for your consideration.

NAME

ADDRESS

Marg Flesner
Dais H. orange
Hugh Buchanan

378 Nautilus La Jolla
7502 High St - La Jolla
1850 Caminito MONROVIA La Jolla

California Coastal Commission

September 21, 2013

San Diego District

7575 Metropolitan Drive, suite 103

San Diego, CA 92108-4402

RE:Romney A-6LJS-13-0226

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SEP 24 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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Thank you for your consideration.

NAME	ADDRESS
WILLIAM HOWARD <i>Will Howard</i>	3507 WISTERIA DR SAN DIEGO, CA 92106
Ingrid Gucki	383 Westbourne
Tim Dordani	383 WESTBOURNE ST
Lisa Bock	437 Westbourne St
CHARLES BARRINGER	430 PALOMAR AVE. (PO BOX 3167)

California Coastal Commission

September 21, 2013

San Diego District

7575 Metropolitan Drive, suite 103

San Diego, CA 92108-4402

RE:Romney A-6LJS-13-0226

RECEIVED

SEP 24 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Commission,

We request that you hold a full public hearing of the appeal for the proposed 11,000 SF Romney Residence to be located on a small beach in La Jolla. We understand that this project threatens to limit the public's use of this beach to be a "passive" use. In addition, the Romney's intend to use the sandy beach as 'private land' to enhance the size of their house, without accepting the responsibility and risk for building in a hazardous location. Should the citizens of La Jolla, assume and subsidize their risk, to build a new house in an area that experienced substantial damage during past winter storms?

Many of us grew up in this area and have surfed, sunned, and enjoyed this beach, as have our children. We would like to continue this tradition.

It is important that this beach at Sea Lane, Dunemere, and Marine Street remain a public beach for the enjoyment of all, not just a privileged few.

Thank you for your consideration.

NAME	ADDRESS
JOHN PIRIE	3849 SHASTA ST. #6 SAN DIEGO CA 92109
Paula Witten	6515 Muirlands DR La Jolla, 92037
Lori Bock	437 Westbourne St. La Jolla, CA 92037
Lisa L Richards	356 Playa Del Norte #3 La Jolla CA 92037
J.C. HENDRICKS	403 WESTBOURNE ST LA JOLLA, CA 92037

11/10

22

California Coastal Commission

September 21, 2013

San Diego District

7575 Metropolitan Drive, suite 103

San Diego, CA 92108-4402

RE:Romney A-6LJS-13-0226

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It is important that this beach at Sea Lane, Dunemere, and Marine Street remain a public beach for the enjoyment of all, not just a privileged few.

Thank you for your consideration.

NAME	ADDRESS
Marsha Burns	420 Nautilus St. La Jolla 92037
Richard Burns	420 Nautilus St. La Jolla 92037
Robert Burns	P.O. Box 611 AVALON CA 90704

Gayle Tejada
7328 Fay Avenue
La Jolla, Ca. 92037
858 354 9654
Email: gayletejada@san.rr.com
MEMO
26 September 2013

TO: California Coastal Commission

RE: Romney A-6-LJS-13-0226

I am writing on behalf of the Romney Appeal to stop the degradation of our shoreline due to his requests for making exceptions.

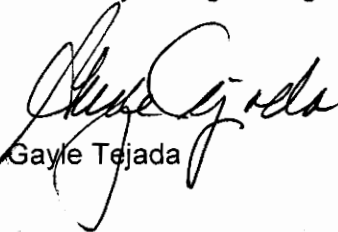
I am a native of La Jolla and have spent most of my life on the beaches of La Jolla, particularly the coastline beginning at Palomar St., where Wind'n'Sea begins, North to Marine Street, to the end of White Sands, including Whale View Point.

This is a precious part of the La Jolla Coastline, with its special beauty and access for both for locals and tourist.

As young lady, I spent many hours of my youth at Marine Street and Sea Lane, sunbathing, playing volley ball, horseshoes, diving, plus rollicking in and out of shoreline wave break. It's a blessing to still be able to enjoy these coastal resources, often now walking this coastline area, taking visitors and friends to view, experience and enjoy.

As a past participant in the La Jolla Town Council and former Chair of Parks and Beaches in the 80's, including serving briefly on City Coastal Area Committee, I have always had an interest in preservation, maintenance and protection of public right to the La Jolla Coastal area. I oppose any changes to this legacy and that public access rights be maintained in perpetuity.

This is a public beach and in no way should it be altered by a homeowner's desire to make any changes. It goes against all definitions of public access and MHTL legislation.


Gayle Tejada

RECEIVED
SEP 30 2013
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

24

October 2, 2013

RECEIVED

OCT 04 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**Gregory Cox
Calif. Coastal Commission
San Diego Coast Representative
County of San Diego
County Administration Center
1600 Pacific Highway, Room 335
San Diego, CA 92101**

**RE: Romney A-6-LJS-13-0226
Hearing Date: October 11, 2013**

Dear Mr. Cox,

**I have forwarded a copy of this letter, as required,
to Staff.**

**There is a critical issue that was not addressed
by Staff in reaching its recommendation in the above
matter.**

**When M/M Romney purchased the beach front
property, which is the subject of this hearing, they did
not purchase any of the beach that is immediately
adjacent to the property they purchased. I am enclosing
a copy of the Grant Deed, sent to me by Staff, with
attached Exhibit A showing the description of the
property that the Romneys bought in May 2008. That
description shows they did not buy any of the beach.
That description is what the sellers and Romney's
agreed was being sold. That description is what the
title insurance company agreed it would insure.**

**Because the Romneys do not own any of the
beach they can not legally claim the six thousand**

25

square feet of the beach as part of their Floor to Area Ratio (FAR) calculation, which they are doing. The FAR must be recalculated and the size of their proposed house must be reduced.

It is a basic premise of California law that real property can only be transferred through a written document. The written description in the Grant Deed, Exhibit A, cannot be altered by what someone thinks, believes, wishes or wants. Nor can this Commission alter the fact that the Romneys do not own any of the beach adjacent to the property that they bought.

I appreciate your having read and considered this information.

Very Truly Yours,


R Jay Engel

7270 Monte Vista, 92037

**cc: California Coastal Commission
San Diego District
7575 Metropolitan Drive, suite 103
San Diego, CA 92108-4402**

Doc # 2008-0291185



4277

RECEIVED

MAY 30, 2008 9:58 AM

RECORDING REQUESTED BY:
Chicago Title Co.

AND WHEN RECORDED MAIL TO:

Mr. and Mrs. Willard M. Romney
171 Marsh Street
Belmont, MA 02478

OCT 04 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 31.00
DC: DC TAX: N.D.

PAGES: 5

Title Order No.: 78022380-5

Escrow No.: 003-001578-05

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$

☒ computed on full value of property conveyed, or

☐ computed on full value less value of liens or encumbrances remaining at time of sale.

☐ Unincorporated area ☒ City of San Diego

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Ann Van Buskirk, Marc A. Van Buskirk, Amy Van Buskirk and Pandora Van Buskirk, Successor Trustees
of the Marc Van Buskirk Trust Agreement dated 09/15/1999

hereby GRANT(s) to:

Willard M. Romney and Ann D. Romney, Husband and Wife as Joint Tenants

the real property in the City of San Diego, County of San Diego, State of California, described as:

All that portion of Playa De Las Arenas, being in the first addition to south La Jolla, according to Map thereof No.
891 more fully described in the LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND MADE A
PART HEREOF

Also Known as: 311 Dunemere Drive, La Jolla, CA 92037

AP#: 351-090-24-00

* This deed has been signed in counterpart

DATED May 5, 2008

SIGNATURE ATTACHED HERETO AS EXHIBIT AND
MADE A PART HEREOF.

MAIL TAX STATEMENTS TO PARTY SHOWN BELOW; IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE:

27

SIGNATURE EXHIBIT

4278

Ann Van Buskirk, Marc A. Van Buskirk, Amy Van Buskirk and Pandora Van Buskirk, Successor Trustees of the
Marc Van Buskirk Trust Agreement dated 09/15/1999

BY: *Ann Van Buskirk*

Ann Van Buskirk, Successor Trustee

BY:

Marc A. Van Buskirk, Successor Trustee

BY: *Amy Van Buskirk*

Amy Van Buskirk, Successor Trustee

BY:

Pandora Van Buskirk, Successor Trustee

DATED May 5, 2008

STATE OF CALIFORNIA

COUNTY OF San DiegoOn 5/23/08

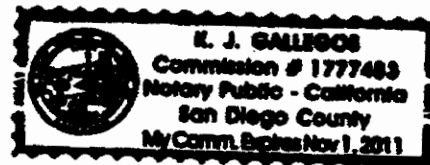
a Notary Public in and for said State personally appeared

Before me, K. J. GallegosAnn Van Buskirk and Amy Van Buskirk

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *K. J. Gallegos*

(This area for official notarial seal)

28

4279

SIGNATURE EXHIBIT

Ann Van Buskirk, Marc A. Van Buskirk, Amy Van Buskirk and Pandora Van Buskirk, Successor Trustees of the Marc Van Buskirk Trust Agreement dated 09/15/1999

BY: Ann Van Buskirk, Successor Trustee

BY: Marc A. Van Buskirk, Successor Trustee

BY: Amy Van Buskirk, Successor Trustee

BY: Pandora Van Buskirk, Successor Trustee

DATED May 5, 2008

STATE OF CALIFORNIA

COUNTY OF San Diego

On May 19, 2008
a Notary Public in and for said State personally appeared

Before me,

Wilma J. Crouse
Marc A. Van Buskirk

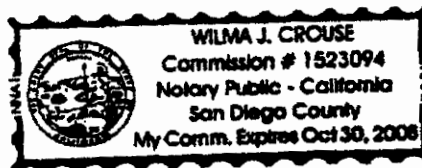
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Wilma J. Crouse

(This area for official notarial seal)



29

SIGNATURE EXHIBIT

4280

Ann Van Buskirk, Marc A. Van Buskirk, Amy Van Buskirk and Pandora Van Buskirk, Successor Trustees of the Marc Van Buskirk Trust Agreement dated 09/15/1999

BY: _____
Ann Van Buskirk, Successor Trustee

BY: _____
Marc A. Van Buskirk, Successor Trustee

BY: _____
Amy Van Buskirk, Successor Trustee

BY: Pandora Van Buskirk
Pandora Van Buskirk, Successor Trustee

DATED May 5, 2008

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On May 15, 2008

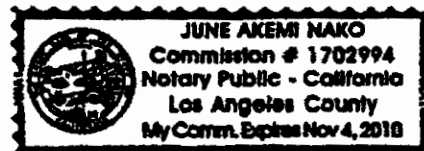
, Before me, Jane Akemi Nako
a Notary Public in and for said State personally appeared Pandora Van Buskirk

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jane Akemi Nako



(This area for official notarial seal)

DESCRIPTION

ALL THAT PORTION OF PLAYA DE LAS ARENAS, BEING IN THE FIRST ADDITION TO SOUTH LA JOLLA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 891, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 3, 1903, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF SEA LANE, DISTANT THEREON SOUTH 74° 17' WEST, 221.9 FEET FROM THE NORTHEASTERLY CORNER OF SAID PLAYA DE LAS ARENAS; THENCE SOUTH 15° 89' EAST 44.58 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 112 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH AN ANGLE OF 16° 56' FOR A DISTANCE OF 33.10 FEET; THENCE SOUTH 1° 17' WEST 95.65 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 13 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH AN ANGLE OF 70° 16' FOR A DISTANCE OF 15.94 FEET; THENCE SOUTH 21° 01' WEST ALONG THE SOUTHWESTERLY PROLONGATION OF THE RADIAL LINE OF AFORESAID CURVE 24 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTHWEST, THE CENTER OF SAID CURVE BEARING SOUTH 21° 01' WEST 817.44 FEET FROM SAID POINT; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH AN ANGLE OF 3° 35' FOR A DISTANCE OF 51.12 FEET; THENCE NORTH 72° 34' WEST 5.38 FEET; THENCE SOUTH 17° 26' WEST 65.11 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 17° 26' EAST 65.11 FEET; THENCE NORTH 72° 54' WEST 60 FEET; THENCE NORTH 17° 26' EAST 10 FEET; THENCE NORTH 72° 34' WEST 32.60 FEET; THENCE SOUTH 71° 26' WEST 40.05 FEET; THENCE SOUTH 82° 11' WEST TO A POINT ON THE WESTERLY LINE OF PLAYA DE LAS ARENAS; THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO ITS POINT OF INTERSECTION WITH A LINE BEARING NORTH 83° 02' 50" WEST FROM TRUE POINT OF BEGINNING; THENCE SOUTH 83° 02' 50" EAST TO SAID TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION IF ANY HERETOFORE OR NOW LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

CALIFORNIA COASTAL COMMISSION

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



F6a

Filed: 7/26/13
49th Day: Waived
Staff: A. Llerandi-SD
Staff Report: 9/18/13
Hearing Date: 10/9-11/13

STAFF REPORT: RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Local Government: City of San Diego

Decision: Approved with Conditions

Appeal Number: A-6-LJS-13-0226

Applicant: Willard & Ann Romney

Location: 311 Dunemere Drive, La Jolla, San Diego, San Diego County
(APN No. 351-090-24).

Project Description: Demolish an existing 3,009 square foot single family residence and construct a new 11,062 square foot, two-story over basement single family residence with attached 4-car garage, hardscape, and retaining walls, with existing pool, spa, and seawall to remain on a .41 acre beachfront lot.

Appellants: Anthony Ciani

Staff Recommendation: No Substantial Issue.

SUMMARY OF STAFF RECOMMENDATION

The Appellant contends that the proposed development does not conform to the City of San Diego's ("City") certified Local Coastal Program ("LCP"), including the La Jolla Community

Plan (“LJCP”) and Land Development Code (“LDC”). The Appellant contends that the project does not conform because the bulk and scale of the proposed residence is out of character with the surrounding community, the City’s CDP does not properly protect public use of the beach area, the proposed residence will be threatened by geologic risks during its estimated 75 years of economic life, the project blocks vertical public access through a set of existing concrete stairs, the project will have a negative impact on the water quality of the beach, and the project does not protect a historically significant structure. Staff recommends that the Commission, after public hearing, determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. Based on review of the City’s permit file and information provided by the applicant, staff has concluded that the development, as approved by the City, is consistent with the applicable certified LCP provisions.

While the Appellant makes the above assertions, staff has reviewed the City file and other relevant information and determined that the proposed home is in scale and character with the surrounding community, meets the City’s requirement for calculation of floor area ratio, will be safe from wave action, does not adversely impact public access or water quality, and is not currently a historical structure.

Commission staff recommends **no substantial issue** of Coastal Development Permit Appeal No. A-6-LJS-12-0226.

The standard of review is the City of San Diego’s certified LCP and the public access and recreation policies of the Coastal Act.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Aerial Photo
- Exhibit 3 – Site/Planting Plan
- Exhibit 4 – Elevation (1 of 2)
- Exhibit 5 – Elevation (2 of 2)
- Exhibit 6 – City SANGIS Property Map
- Exhibit 7 – Mean High Water Line Exhibit
- Exhibit 8 – Figure F: Map of Physical Access Points
- Exhibit 9 – FLAN
- Exhibit 10 – Local Coastal Development Permit
- Exhibit 11 – City Report to the Planning Commission
- Exhibit 12 – Appeal
- Exhibit 13 – Appellant Letter
- Exhibit 14 – Letter in Opposition
- Exhibit 15 – Letter in Opposition
- Exhibit 16 – Letter in Opposition
- Exhibit 17 – Letter in Opposition

I. MOTION AND RESOLUTION

Motion:

I move that the Commission determine that Appeal No. A-6-LJS-13-0226 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

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

Resolution:

The Commission finds that Appeal No. A-6-LJS-13-0226 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.

II. APPELLANT CONTENTS

The Appellant contends that the project does not conform to the certified LCP because the bulk and scale of the proposed residence is out of character with the surrounding community due to the F.A.R. calculation being affected by an inadequate MHTL determination, the City's CDP does not properly protect public use of the beach area, the proposed residence will be threatened by geologic risk during its 75 years of economic life, the project blocks vertical public access through a set of existing concrete stairs, runoff will adversely impact beach water quality, and the project does not protect a historically significant structure.

III. LOCAL GOVERNMENT ACTION

The Hearing Officer of the City of San Diego approved local Coastal Development Permit No. 737212 permitting the subject development on May 15, 2013. That decision was appealed to and heard by the Planning Commission of the City of San Diego on June 20, 2013, at which time the appeal was denied and the Hearing Officer's decision of approval was upheld. The conditions of approval address, in part, the following: runoff from the project site, off-street parking, landscaping, and recording a public access easement over the sandy beach.

IV. APPEAL PROCEDURES/SUBSTANTIAL ISSUE ANALYSIS

After certification of an LCP, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30603(a) of the Coastal Act identifies which types of development are appealable. Section 30603(a) states, in part:

- (a) *After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*
 - (1) *Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
 - (2) *Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Section 30603(b)(1) of the Coastal Act states:

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

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

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

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date, reviewing the project de novo in accordance with Sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified LCP.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Coastal Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3.

In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable Chapter 3 policies when reviewing a project at the de novo stage.

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

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question as to conformity with the certified local coastal program" or, if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

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

The City of San Diego has a certified Local Coastal Program (LCP) for the La Jolla community, and the subject site is located in an area where the Commission retains appeal jurisdiction because it is located between the first public road and the sea. Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources and, therefore, upon the Commission's finding of no substantial issue, the City's action on the proposed development becomes final.

V. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY

Proposed is the demolition of an existing 3,009 square foot, approximately 21-foot tall single family residence and construction of a two-story over basement, approximately 29-foot tall, 11,062 square foot single family residence with attached four-car garage, hardscape, and retaining wall, with existing pool, spa, and seawall to remain. Of the proposed 11,062 square feet, the second floor will be 1,790 square feet, the main level will be 4,681 square feet, and the basement level will be 4,591 square feet. The property slopes westward towards the seawall, seaward of which are a sandy beach and the ocean. A north-south City sewer easement with sewer line runs underground just east of the seawall. Along the northern property line between the end of Dunemere Drive and the sandy beach is a concrete walkway that is gated at both ends. The subject property is located at 311 Dunemere Drive in the La Jolla community of the City of San Diego (Exhibit 1).

The subject property is claimed to be a 17,844 square foot lot with the existing residence located upland of a seawall that separates the developed portion of the site from the sandy beach area (Exhibit 2). The surrounding community is a mostly developed residential area of single family residences. The median size of the lots within 300 feet of the subject property, inclusive of the project site, is approximately 5,200 square feet, and the median home size is approximately 2,500 square feet.

The original single family residence was built in 1936, with subsequent alterations conducted at various points over the years. In an exemption dated December 11, 1985, the Commission exempted remodel work to the existing residence that was subsequently conducted in 1986. The on-site seawall was constructed in 1953; no work is being proposed to this seawall.

B. COMMUNITY CHARACTER/VISUAL RESOURCES

The Appellant contends that: 1) the lack of a recent property-specific MHTL survey has resulted in an erroneous measurement of lot size; and 2) this miscalculation has led to an erroneous F.A.R. calculation that results in the residence having a bulk and scale out of character with the surrounding community. The Appellant further contends that regardless of F.A.R. calculations, the bulk and scale of the proposed residence is out of character with the surrounding community.

The City's certified LCP contains the La Jolla Community Plan ("LJCP"), which governs the subject site, and it recommends protecting community character. Specifically, on page 82, the LJCP states:

Community Character

One of the more critical issues associated with single dwelling unit development is the relationship between the bulk and scale of infill development to existing single dwelling units. New construction of single dwelling unit homes have tended to be larger in size than the traditional development in some neighborhoods.

[...]

In some areas of La Jolla, certain features that contribute to community character are quite evident. However, in many areas, residential diversity is emphasized more than a uniform theme or development pattern.

On page 84, The LJCP continues, in relevant part:

Community Character

In order to promote development compatible with the existing residential scale:

- a. The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order to avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.*

[...]

Page 90 of the LJCP states:

Community Character

- a. In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:*
 - 1) Bulk and scale – with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space;*

[...]

- b. In order to regulate the scale of new development, apply development regulations to all residential properties in La Jolla that proportionally relate the building envelope to the existing lot dimensions. Apply minimum side and rear yard setback requirements that separate structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Side yard setbacks should be incrementally increased for wider lots.*
- c. [...]*
- d. For large lots in single dwelling unit areas, apply development regulations that will limit perceived bulk and scale differences relative to surrounding lots. Apply a*

sliding scale for floor area ratios that will decrease building scale as the lot size increases.

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

Section 113.0103 of the LDC provides the following definitions:

Definitions

“Floor Area Ratio” (FAR) means the numerical value obtained by dividing the gross floor area of all buildings on a premises by the total area of the premises on which the buildings are located...

“Gross Floor Area” means the sum of the horizontal square footage of all existing, proposed, and phantom floors of a building which may or may not be completely enclosed within the exterior surface of the surrounding exterior walls...

“Premises” means an area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.

Section 131.0446(a) of the LDC contains Table 131-04J, which lists the range of maximum F.A.R. for residential development on premises of various sizes. For premises of 17,001 – 18,000 square feet, the maximum permissible F.A.R. is 0.47.

The subject property is listed at 17,844 square feet, and the proposed residence has a total square footage of 11,062 square feet, with 7,394 square feet (gross floor area) counting for the F.A.R. calculation and 3,668 square feet being exempt because this area does not meet the definition of gross floor area. Dividing the 7,394 square foot gross floor area by the 17,844 square foot premises produces a F.A.R. of approximately 0.41.

The Appellant contends that the Applicant wrongfully claims the sandy beach area west of the existing sea wall out to the MHTL (approximately 6,000 square feet) as part of their property for F.A.R. calculation purposes. The Appellant cites page 175 of the LJCP, which contains Figure F, a map of the Physical Access points for the Windansea section of La Jolla ([Figure 8](#)). The map shows the sandy beach portion of the subject property and the neighboring properties to the north as “Other Shoreline Property (Dedicated or owned in fee by the City).” In approving the local CDP, the City delineated the subject property as encompassing the sandy beach area out to the MHTL. When contacted about the discrepancy between the legal description and the LJCP map, the City planner checked with the City Park and Recreation Department, the Real Estate Asset Department, and the City’s Long Range Planner for La Jolla, who oversees the LJCP and LCP. All three entities responded that, based on their records, the LJCP map was in error

regarding City ownership of that portion of the sandy beach area, and that the legal description of the subject property including the sandy beach area out to the MHTL was correct. To further demonstrate this, the City utilized SANGIS, a mapping utility that displays property information based on City property databases, and provided a map showing the legal property lines of the subject property, the surrounding properties, and City park space (Exhibit 6). As the subject property appears to encompass the sandy beach out to the MHTL, the certified LCP does not prohibit counting square footage of sandy beach towards the total premises for F.A.R. calculation, so long as the beach area is legally part of the premises, and doing so does not raise a substantial issue in this case.

In many other LCPs within San Diego County, when calculating F.A.R., the non-buildable areas of a site (steep slopes, wetlands, beaches, etc.) are excluded from such a calculation. However, the City's certified LCP only excludes steep slope areas from the calculation of F.A.R. As such, because the issue of sandy beach area being used in the calculation of F.A.R. appears to be a legitimate concern that could in fact give rise to an inaccurate F.A.R. for proposed development, Commission staff researched the issue to determine how it has been treated in the past by the City and the Commission. In response to Commission staff requests, the City's planner consulted with other local planners and reported that, despite being a coastal city, the majority of coastal residences in San Diego either do not have property lines that go out to the MHTL line due to the intervening presence of boardwalks and parks, or are bluff top properties invoking the aforementioned prohibition of including steep slope areas from F.A.R. calculations. Thus, counting beach area for F.A.R. calculation is not a common issue. However, within both the City's and the Commission's records is Commission CDP No. A-6-LJS-96-162 ("Hicks"), a Commission appeal of a City CDP approving the demolition of a single family residence and construction of a new single family residence on a beachfront property in the La Jolla Shores area of La Jolla. In the Hicks case, the Commission appealed the proposed single family residence as being out of character with the surrounding single family residences. However, the Commission's appeal of the Hicks residence was based on the height and rear-yard setback of the proposed residence extending beyond the vertical and horizontal string lines formed by the neighboring properties, thus blocking a designated public view corridor. Just like the subject property in the current appeal, the Hicks property extended out to the MHTL and had a seawall separating the sandy beach area on the west from the developed portion of the property on the east, and just like with the subject property in this appeal, the sandy beach area was included in the F.A.R. calculation. No issue was taken with the inclusion of the sandy beach area for F.A.R. purposes, and the presence of a lateral access easement over the aforementioned sandy beach area assuaged Commission concerns over public access. Thus, while including beach area in F.A.R. calculations is not a common occurrence in San Diego and can lead to a F.A.R. that is not completely reflective of the surrounding communities, the City's certified LCP is silent on this issue and does not specifically exclude beach areas from F.A.R. calculations. While the inclusion of beach area for F.A.R. calculations in this particular case does not give rise to substantial issue, it could still be problematic in other parts of the City at some future time, and it therefore behooves the City to address this issue in a future revision to the certified LCP.

In the alternative, the Appellant contends that even if the sandy beach area is part of the Applicant's premises, the Applicant wrongfully relies on an outdated delineation of the MHTL from 1966, and that landward encroachment of the MHTL may have reduced the square footage

of the premises sufficiently to impact the size of the proposed residence. When contacted regarding the basis for their MHTL delineation, the Applicant provided additional information in the form of a Mean High Water Line Exhibit (Exhibit 7) utilizing topographic data from December 15, 2009, that depicts the Mean High Water Line (elevation 2.3 feet Mean Sea Level (“MSL”)), as transferred from a tidal benchmark that was referenced on the 1983-2001 Epoch. The Commission’s staff coastal engineer has reviewed this exhibit and concurred that the exhibit accurately depicts the location of the MHTL on the site for that particular date in time and that, based on that MHTL, the lot area is such that the F.A.R. achieved by the proposed residence is still within the maximum F.A.R. allowed by the certified LCP for this particular property.

Outside of questions regarding exceeding or calculating F.A.R., the character of the community is a resource called out for protection both in the LJCP and in past Commission action in general. The Appellant alleges that the size and scale of the proposed home is not in conformity with the surrounding neighborhood. The proposed residence will be two-stories over basement and have a total square footage of 11,062 square feet, divided accordingly: the second floor will be 1,790 square feet, the main level will be 4,681 square feet, and the basement level will be 4,591 square feet. Both the Applicant and the Appellants supplied surveys of the square footages of the surrounding properties in an approximately 300 foot radius. While there are discrepancies between the exact size numbers for some of the surrounding properties provided by the two surveys, both demonstrate that the proposed residence – located on the second largest lot in the survey area at 17,844 square feet – will be approximately the third largest home in the area once constructed (using the Gross Floor Area of 7,394 square feet). The survey area contains homes ranging in approximate size from 1,200 square feet to 9,100 square feet, with the median size around 2,500 square feet. Yet while the proposed residence will be situated towards the larger end of the spectrum of homes in the community, one of the primary tools of LCPs in reigning in oversize development has been restrictions of allowable F.A.R. for residential development. The “creep” of ever larger development and the transformative effect it can have on a community is an ever present concern in coastal development, but in regards to the proposed residence, it is unlikely to set a pattern for future development, as it happens to be one of the few beachfront homes in the immediate area with property lines running all the way out to the MHTL (and thus helping make the proposed size conform with F.A.R. regulations). The majority of lots in the survey area are substantially smaller than the subject property, and F.A.R. limits would prevent many of them from approaching the size of the proposed residence if and when they are developed. Thus, the size and scale of the proposed residence, in and of itself, does not raise substantial issue.

The proposed residence’s adherence to permissible F.A.R. limits, the absence of any prohibition on counting sandy beach area for calculating F.A.R., and the submission of recent MHTL delineation data confirm that the City’s CDP, as conditioned, implements the intent of the LJCP and the LDC regarding the impact of new coastal development on community character. Thus, the project does not raise a substantial issue with regards to the Appellant’s contentions concerning community character.

C. PUBLIC ACCESS

The City's certified LCP contains the La Jolla Community Plan ("LJCP"), which governs the subject site and recommends protecting public access to the coast. Specifically, on page 52, the LJCP states:

5. Public Access

- (a) The City should ensure that new development does not restrict or prevent lateral vertical or visual access...to the beach on property that lies between the shoreline and first public roadway, or to and from recreational areas and designated public open space easements. Further, in areas where physical vertical access to the shoreline does not exist within 500 feet of a private development project on the shoreline, consideration of a new accessway across the private property should be analyzed.*

Page 58 of the LJCP states:

3. Shoreline Areas

- q.) Where new development is proposed on property that lies between the shoreline and the first public roadway, offer for dedication as a public easement, lateral access along the shoreline.*

In addition, the certified Land Development Code contains similar provisions. Specifically, Section 126.0707 of the Land Development Code states the following:

- (c) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements...*

Section 126.0708 states, in relevant part:

(a) Findings for all Coastal Development Permits

- 1) The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan...*

[...]

- 4) For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in*

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

Section 142.0520 of the LDC contains Table 142-05B: Minimum Required Parking Spaces for Single Dwelling Units and Related Uses. For all single dwelling units except those with five or more bedrooms in campus impact areas, the required number of off-street parking spaces is two. However, footnote one of Table 142-05B states that where single dwelling units do not provide a driveway of at least twenty feet, two additional off-street parking spaces are required.

The following Coastal Act policies are most pertinent to public access, and state in relevant part:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states, in part:

- (a) *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

[...]

- (c) *Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.*

Section 30604 of the Coastal Act states, in part:

[...]

- (c) *Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).*

The Appellant contends that the City's CDP does not go far enough in ensuring that the public will have future use of the sandy beach area either during construction of the project or after completion. The Appellant further contends that the concrete stairs to the beach at the end of Dunemere Drive that are situated between the project site and the adjacent property to the north should be opened to provide public vertical access to the beach. Finally, the appellant contends that the short cul-de-sac on which the project site is located should be subject to a Transportation Demand Management Plan.

Regarding public use of the beach area, the City's CDP contains special conditions that address beach usage both during and after the project. Condition No. 34 states that prior to the issuance of any construction permit, an easement for public access and passive recreational uses for the beach area located between the existing seawall footings and MHTL shall be offered for dedication as a public easement. Condition No. 35 prohibits any construction activity within the beach area between Memorial Day and Labor Day of any year, and further prohibits construction equipment and staging areas from encroaching onto or obstructing beach areas adjacent to the property. Furthermore, the applicant is not proposing any work in the beach area or on the seawall, and thus construction activity is not foreseen in the beach area during the project.

In response, the Appellant argues that use of the descriptor "passive" in describing "recreational uses" in the required public access easement could potentially create grounds for the Applicant to exclude the public from anything more than mere passage through the sandy beach area or place undue limits on the public's manner of beach usage. These arguments do not raise an issue because neither the City nor the Commission, in their long history of requiring recordation of easements such as required by the CDP, have a policy of creating distinctions or categories of public usage of a beach based on the presence of the term "passive" in the easement. The kinds of public use expected and engendered when public access easements are recorded is the same type of usage that occurs on a public beach that has always been open to the public: running, sunbathing, swimming, recreational sports, etc. The Appellant places too much emphasis on the presence of the word "passive," as no unreasonable limits on public usage are foreseen, and indeed usage will be protected by the recordation of the easement.

Regarding the existing vertical access concrete stairway situated along the property line between the project site and the neighboring property to the north, Appendix G of the LJCP contains maps of the entire La Jolla coastline, denoting the various physical and visual public access points. Page 175 of the LJCP contains the map of the public physical access points for Subarea F: Windansea – the neighborhood containing the project site ([Figure 8](#)). The map identifies the public access points at the end of Sea Lane, located two lots (approximately 125 feet) to the north of the project site and at the end of Vista de la Playa, three lots (approximately 300 feet) to

the south. However, Dunemere Drive itself is only identified as “Alternative Pedestrian Access,” meaning it provides a way for the public to walk or drive parallel to the coast between access points without actually being on the beach. No physical access point is identified across the project site at the end of Dunemere Drive.

However, while the physical access maps contained in the LJCP are an important resource in identifying public access points, they are not completely dispositive regarding whether a public access point may or may not exist. The existence of open and continuous use of an accessway by the public over a certain period of time, which is adverse to the rights of the owner and hostile to the claim of another (in opposition) can potentially lead to a claim of prescriptive easement over that accessway. Regarding the access point in question – the concrete stairway at the end of Dunemere Drive extending across the subject property – parcel and property maps of the site do not show it as distinct lot or space between the subject property and the neighboring property to the north, but instead show their property lines meeting at the location of the concrete stairway, thus indicating that it is private property. During the local permit process, the Applicant provided the City with testimony from a Ms. Amy Van Buskirk, whose father owned the subject property for 20 years prior to the Applicant purchasing it, as well as several neighbors attesting that the concrete stairway was not open and that access was only granted to neighbors to whom the Van Buskirk estate had given keys for the gate. In response, the Appellant supplied to Commission staff a letter from a Mr. Steele Lipe, who lived in the subject property from 1957 until 1976, stating that during Mr. Lipe’s occupancy of the subject property the concrete stairway was kept open and used by the public. While the Commission may adopt findings after conducting an exhaustive prescriptive rights survey among members of the public, concluding that a prescriptive easement may exist over certain property, the proper venue for the final adjudication of the establishment of a prescriptive easement is through the filing of a quiet title, declaratory, or other appropriate action with a court of law. At this time, until a final judicial determination on the presence of a prescriptive easement is reached, the maintenance of the concrete stairway as gated does not contravene the certified LCP because the concrete stairway is not identified as a public access point in the LJCP, the issue of prescriptive rights has yet to be determined by a court of law, and alternative public access points exist in close proximity.

Regarding Appellant’s claim that the proposed residence requires Traffic Demand Management, the cul-de-sac on which the subject property is situated on is only approximately 85 feet long, and the subject property’s street frontage is only approximately 50 feet of that length. This stretch of Dunemere Drive is fairly narrow, with substantial red curbing and numerous driveways occupying the entirety of that length. Neither evidence nor studies have been presented to imply that the road is subject to substantial traffic loads, either public or private, or that the proposed residence will inordinately add to traffic demand so as to justify imposing a traffic demand management program as a condition of approval for the proposed residence. As proposed, the residence will have an attached four-car garage to meet the Land Development Code’s requirements for off-street parking for single dwelling units, limiting the chance that private parking spills over onto the street. Finally, the LCP does not require Traffic Demand Management Programs for private residential developments such as the proposed project.

The aforementioned CDP conditions, proximity of alternative coastal access points, and absence of substantial traffic impacts ensure that the City’s CDP, as conditioned, implements the intent of

the LJCP and the LDC regarding the impact of new coastal development on public access. Thus, the project does not raise a substantial issue with regards to the Appellant's contentions concerning public access.

D. GEOLOGIC HAZARDS

The City's certified LCP contains the La Jolla Community Plan ("LJCP"), which governs the subject site and recommends minimizing the use and impact of shoreline protective devices along the coast. Specifically, on page 50, the LJCP states, in relevant part:

Shoreline Areas and Coastal Bluffs

In addition, development should be avoided in areas that will eventually be damaged or require extensive seawalls for protection. Public coastal access should be considered when evaluating redevelopment along the coast. The Environmentally Sensitive Lands development regulations for Sensitive Coastal Bluffs and Coastal Beaches govern development, coastal bluff repair, shoreline protective work and erosion control. These regulations assure that development occurs in a manner that protects these resources, encourages sensitive development, and maximizes physical and visual public access to and along the shoreline.

Section 143.0144 of the LDC states, in relevant part:

- (a) No development is permitted on the portion of the site containing the coastal beach...*
- (b) All development occurring on a site containing coastal beaches must conform with the Coastal Beaches and Bluffs Guidelines in the Land Development Manual.*

[...]

Section 133.0103 of the LDC defines "coastal bluff" as:

Coastal bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.

The Coastal Beaches and Bluffs Guidelines is an ancillary publication that is part of the certified LCP and designed to condense, complement, and clarify that various sections of the LDC that deal with coastal beach and bluff development in one smaller, more manageable publication. Section I(A) of the Guidelines also contains the above definition of "coastal bluff" and further clarifies it by stating, in relevant part:

A coastal bluff is a naturally formed precipitous landform that generally has a gradient of at least 200 percent (1:2 slope) with a vertical elevation of at least 10 feet...The

gradient of a coastal bluff could be less than 200 percent but the vertical elevation must always be at least 10 feet...

The Appellant contends that the proposed residence will not be safe from geologic risk for its 75-year economic life, and therefore the Applicant is wrongfully relying on the existing seawall for future protection.

In its legal findings, the City states:

The geotechnical information prepared for the proposed project indicates the seawall is well-maintained and properly constructed, and contributes to protection from infrequent inundation. The location of the planned residential construction at an elevation of over 30 feet above sea level and over 40 feet inland of the seawall, which is located at the very back of the beach, are regarded as the primary factors that will protect the residence over its estimated 75-year lifetime, and that the new home is sited such that it will be safe from threat for its estimated life in the unlikely event that the existing seawall were to fail.

The Appellant contends that the City's finding of safety is flawed because it was based on analyzing the proposed residence's main floor elevation of 30 feet above Mean Sea Level ("MSL"), and not the 22 feet above MSL elevation of the basement, the western face of which, due to the westward sloping nature of the project site, opens out into the rear yard and thus could be exposed to wave action.

The current residence was originally constructed in 1936. Prior to development, the subject lot, and much of the surrounding land, consisted of sand dunes running out to the ocean. The sand dunes, and the present configuration of the property, do not meet the definition of coastal bluffs. The subject property currently contains a seawall in the western portion of the property that was constructed in 1953 and divides the sandy beach area on its west side from the developed portion on the east. The seawall is 13 to 14 feet tall, with its base founded underground in bedrock at elevation 4.8 to 5.8 feet above MSL. Approximately 7 feet of the seawall extends above ground from the sand.

According to the Applicant's consultant the seawall is currently in good condition, and no work is proposed on it, nor is any development proposed west of the seawall. When contacted about the safety of the proposed residence when taking the elevation of the basement level into account, the Applicant submitted a supplementary report to their earlier submittals analyzing the basement elevation and still finding that the proposed residence will be safe for its economic life even without the seawall.

The supplementary data was reviewed by the Commission's geologist, who stated that the information supports the finding that the proposed residence, as sited and designed, will minimize risks from flooding and geologic hazards without reliance upon the repair, maintenance, or expansion of the existing seawall for the estimated 75-year economic life of the proposed residence.

Because the proposed residence will be safe for its 75-year economic life without reliance on the existing seawall, the proposed project meets the LCP's intent regarding geologic hazard and thus does not raise substantial issue regarding the Appellant's contentions.

E. WATER QUALITY

The City's certified LCP contains the La Jolla Community Plan ("LJCP"), which governs the subject site. Specifically, on page 116, the LJCP states:

"The City of San Diego recognizes the impact of nonpoint source pollution runoff on coastal waters. Pollutants in urban runoff are a leading cause of water quality impairment in the San Diego region. As runoff flows over urban areas, it picks up harmful pollutants such as pathogens, sediment, fertilizers, pesticides, heavy metals, and petroleum products. These pollutants are conveyed through the City's storm water conveyance system into streams, lakes, bays, and the ocean without treatment. New development, if not adequately designed, creates new surfaces which potentially contribute pollutants to the storm water conveyance system and eventually to the beaches and bays..."

Section 142.0220 of the Land Development Code states:

- (a) All development shall comply with Municipal Code Chapter 4, Article 3, Division 3 (Stormwater Management and Discharge Control)*
- (b) All development shall be conducted to prevent erosion and stop sediment and pollutants from leaving the property to the maximum extent practicable. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of the approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include the following measures that address the development's potential erosion, sedimentation, and water pollution impacts.*

1) Erosion prevention

2) Sediment control

3) Phased grading

Regarding water quality, the Appellant contends that the proposed residence does not adequately treat runoff from the property and thus will impact the water quality of the adjacent beach area.

Currently, the end of Dunemere Drive, where the project site is located, does not contain an underground storm water conveyance system. Instead, the street dead-ends at the project site and the neighboring property to the north, with a concrete stairway to the beach located along the property line conveying the majority of the runoff down to the beach.

Because of the potential for a high volume of runoff to enter the project site from a public road, the City's CDP contains various conditions addressing the issue of runoff. Condition No. 19 requires that, prior to the issuance of any construction permits, the Applicant must record agreements to hold the City harmless with respect to surface drainage entering the property from the Dunemere Drive right-of-way. Condition No. 20 requires that, prior to the issuance of any construction permit, the Applicant shall enter in a Maintenance Agreement with the City for the ongoing permanent BMP maintenance, to the satisfaction of the City Engineer. Condition No. 21 requires that, prior to issuance of any construction permit, the Applicant shall incorporate any BMPs necessary to comply with the LDCs grading regulations into the construction plans. Condition No. 22 requires that, prior to the issuance of any construction permits, the Applicant shall submit a Water Pollution Control Plan ("WPCP"). Condition No. 23 requires that, prior to the issuance of any construction permits, the Applicant shall incorporate and show the type and location of all post-construction BMPs on the final construction drawings, consistent with the approved Water Quality Technical Report.

The proposed residence and its associated landscaping are designed so as to not substantially increase the amount of runoff that exits from the property during a storm event as compared to the volume that currently flows from the project site. The residence is designed so that runoff either originating on the property or passing through from Dunemere Drive is directed away from the area of the seawall and instead passes through a vegetated bioswale and energy dissipation device before entering the aforementioned concrete staircase and flowing onward to the beach.

Because the project is designed to capture and treat runoff in a manner that limits erosion and pollution, and the Applicant must submit and comply with legally required runoff treatment and pollution prevention plans, the proposed project meets the LCP's intent regarding water quality and thus does not raise a substantial issue with regards to the contentions of the Appellant regarding water quality.

F. HISTORICAL RESOURCES

The City's certified LCP contains the La Jolla Community Plan ("LJCP"), which governs the subject site and recommends protecting historically significant resources. Specifically, on page 8, the LJCP lists among its "Community Issues":

Heritage Resources

The need to preserve those historic structures and important community landmarks that convey a sense of history, identity, and place to the community.

Page 25 of the LJCP states:

Heritage Resources

La Jolla's historic structures and resources are important community landmarks that convey a sense of history, identity, and place to residents in the community...

Historically designated structures...contribute to the charm and character of the village area and have helped establish an overall architectural theme and a sense of neighborhood scale within this area.

[...]

The LJCP contains an entire chapter dedicated to “Heritage Resources” beginning on page 125. Among the relevant policies contained in the chapter, the LJCP states:

Policies

- 1) The City should protect sites of significant archaeological, architectural, and historical value within the residential and commercial areas of La Jolla for their scientific, education, and heritage values.*

Page 129 of the LJCP contains a map labeled as “Figure 21” listing all of the Registered Historic Sites located in the La Jolla Community at the time the LJCP was approved in 2004.

Section 159.0201 of the La Jolla Planned District ordinances within the Municipal Code states:

[...]

- (b) Any permit application which involves the demolition or removal of an existing building or structure shall be reviewed by the City Manager to determine whether the structure in question merits designation as a historical resource consistent with Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations)...*

[...]

The Appellant contends that the existing residence, constructed in 1936, is historically important due to its association with Master Architect Lillian Rice and subsequent ownership by Dr. J.T. Lipe and local artist Georgeanna Lipe, Jack in the Box restaurant chain founder Robert Peterson, and former San Diego Mayor Maureen O’Connor.

The map of Registered Historic Sites in the LJCP lists forty-two separate sites recorded as having historic significance. The project site at 311 Dunemere Drive is not listed on this map. However, this map is not completely dispositive or exhaustive with regards to the presence of historical resources within the La Jolla Community. The map contains a footnote stating that this list is only current up to the date of publication, and on several occasions the LJCP states as a policy that the list of historic resources should be periodically reviewed and updated to reflect the changing character of La Jolla.

Because of the fluid nature of history and in order to implement the intent of the LJCPs historic resource policies, a Historic Resource Technical Report (“HRTR”) prepared by Scott A. Moomijian dated December 2010, was prepared for this project to evaluate the integrity and significance of the existing residence consistent with the City’s adopted HRTR Guidelines and Designation Criteria Guidelines. The report determined that the existing residence is not historically significant. The report found that while the home was constructed in 1936 and was designed by Master Architect Lillian Rice, in the subsequent decades the home has been remodeled on multiple occasions, most significantly in 1986 under a Coastal Commission Exemption issued on December 11, 1985. Alterations included reconstruction of the roof with a steeper pitch and roof intersections that differed from the original; new roofing material; new, thicker rafter tails with different detailing; exterior additions; restuccoing; and modifications of every window ranging from replacement to elimination to additions. As a result of these alterations, the historic resource report found that the integrity of the original design had been lost and the residence no longer reflected the work of Master Architect Lillian Rice.

Besides the design of the home itself, a structure can gain historical importance due to past uses or occupants. As such, the HRTR also analyzed the occupant history of the current residence. The report noted that the residence has been owned or occupied over the years by Dr. J. T. Lipe and his wife, local artist Georgeanna Lipe, Robert Peterson, founder of Jack in the Box restaurant chain, and his wife, former San Diego mayor Maureen O’Connor, and is currently owned by former Massachusetts governor and presidential candidate Mitt Romney. The HRTR found that Dr. J. T. Lipe and his wife Georgeanna did not rise to the level of historically significant individuals, that Robert Peterson’s and Maureen O’Connor’s ownership of the residence was limited to a rental and vacation home and is not representative of their achievements, and that Mitt Romney’s current ownership has been too recent to be evaluated within a proper historical context.

After completion of the HRTR’s analysis, which also included analyzing the residence under additional designation criteria, including local Criterion A, State Criterion 1, and National Criterion A, the City’s Historic Sites Board accepted the report’s conclusion that the current residence is not eligible for historical designation as either the work of a Master Architect or for association with a significant person or event.

Because the current residence is not recognized as a historic resource in the certified LCP and was not found to be a historic resource after a thorough analysis required by the LCP, there is no substantial issue with regards to the Appellant’s contention that the existing residence is historic.

G. CONCLUSION

In summary, regarding the contentions raised regarding this project – community character, public access, geologic hazard, water quality, and historical resources - the Commission finds that they raise no substantial issue and the project as conditioned meets the requirements of the LCP. The proposed structure meets all of the height, setback, floor area ratio, and density requirements of the certified LCP. Given that multiple measures have been implemented to mitigate impacts to coastal resources, and that the City’s actions do not constitute a precedent that limits future Commission action, the subject development is found to be consistent with the

certified LCP. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding the proposed development's conformity with the visual resource policies of the certified LCP.

H. SUBSTANTIAL ISSUE FACTORS

As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue support a finding of no substantial issue. These factors are listed on pages 5-6 of this staff report. The proposed project is for demolition of an existing single family residence and construction of a two-story over basement, 11,062 square foot single family residence with attached four-car garage with hardscape and retaining walls; with existing swimming pool, spa, and seawall to remain on a 17,844 square foot lot. Regarding community character and visual resources, the proposed project's adherence to the certified LCP's limits on F.A.R ensure that the LCP's intent to manage development growth in communities is met. Regarding public access, the Commission finds that the proposed public lateral access easement over the sandy beach portion of the property, coupled with the current absence of designation within the LJCP of the concrete stairway as a public access point, leads to a finding of the rise substantial issue. Regarding geologic hazard, the proposed residence's siting and its non-reliance on the existing seawall for protection during its economic life meet the intent of the certified LCP regarding mitigating geological risk and avoiding the need for shoreline protection. Regarding water quality, the design of the property so as to not increase the flow of runoff from the property and the use of on-site BMPs to limit erosion meet the LCP's intent to protect water quality. Finally, regarding historical resources, the thorough historical study conducted on the property and its finding of no historical significance ensures that the LCP's intent to preserve and protect historical resources within the community is met. In this particular case, given that no significant impacts to coastal resources will result from this development, the Commission agrees with the City's assessment for permitting the development; the objections to the project suggested by the appellant do not raise any substantial issues of regional or statewide significance.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS: Appeal by Anthony Ciani dated 4/26/13; Certified La Jolla Community Plan (LUP); Certified City of San Diego LCP Implementation Plan; City of San Diego Report to the Planning Commission dated 6/20/13; Coastal Development Permit #237107; Notice of Final Action dated 7/15/13; Coastal Development Permit Appeal #A-6-LJS-13-0226

SAN DIEGO CO.

SEE MAP
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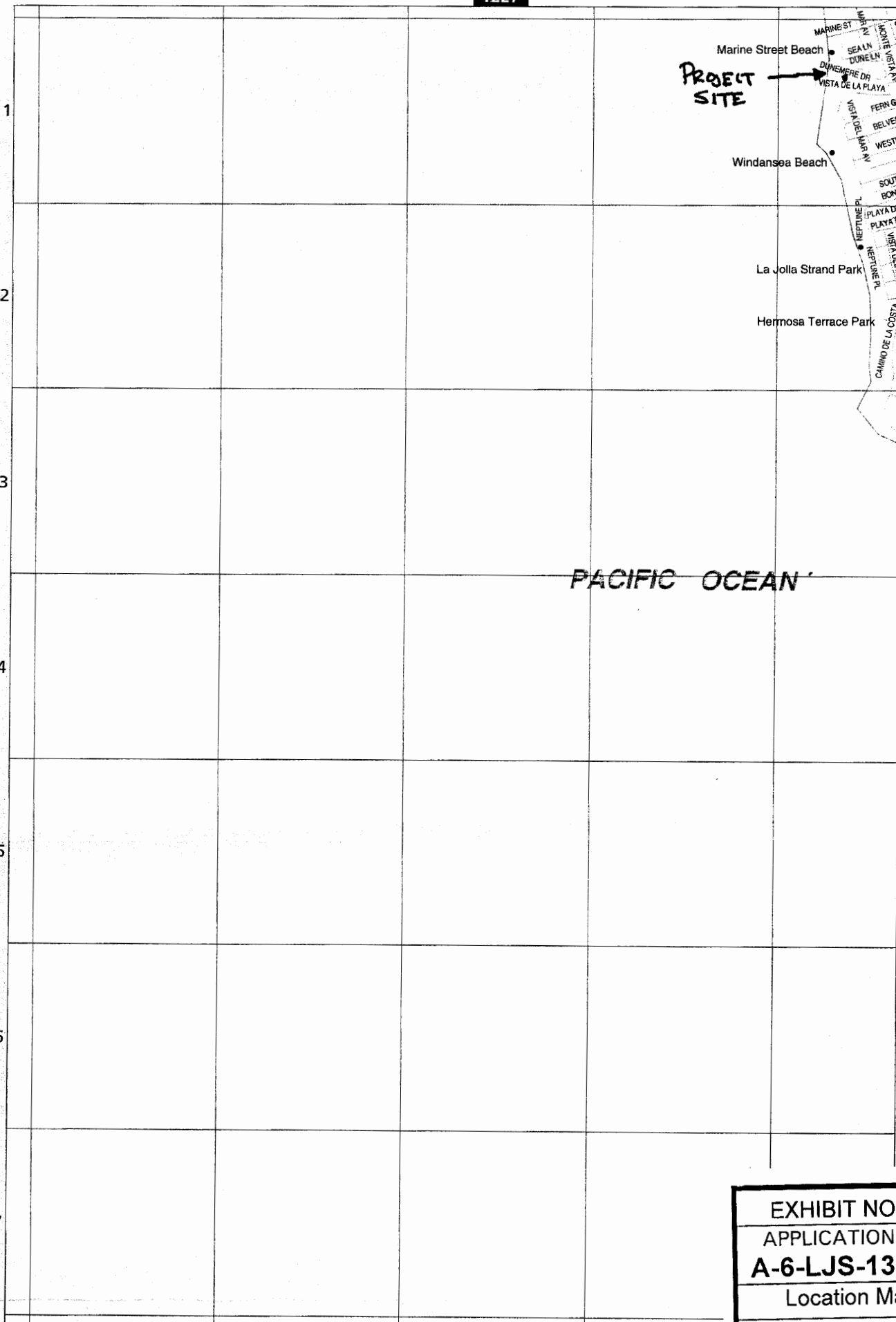
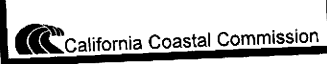


EXHIBIT NO. 1
APPLICATION NO.
A-6-LJS-13-226
Location Map
California Coastal Commission



EXHIBIT NO. 2
APPLICATION NO.
A-6-LJS-13-226
Aerial Photo
 California Coastal Commission

EXHIBIT NO. 3
APPLICATION NO.
A-6-LJS-13-226
Site/Planting Plan

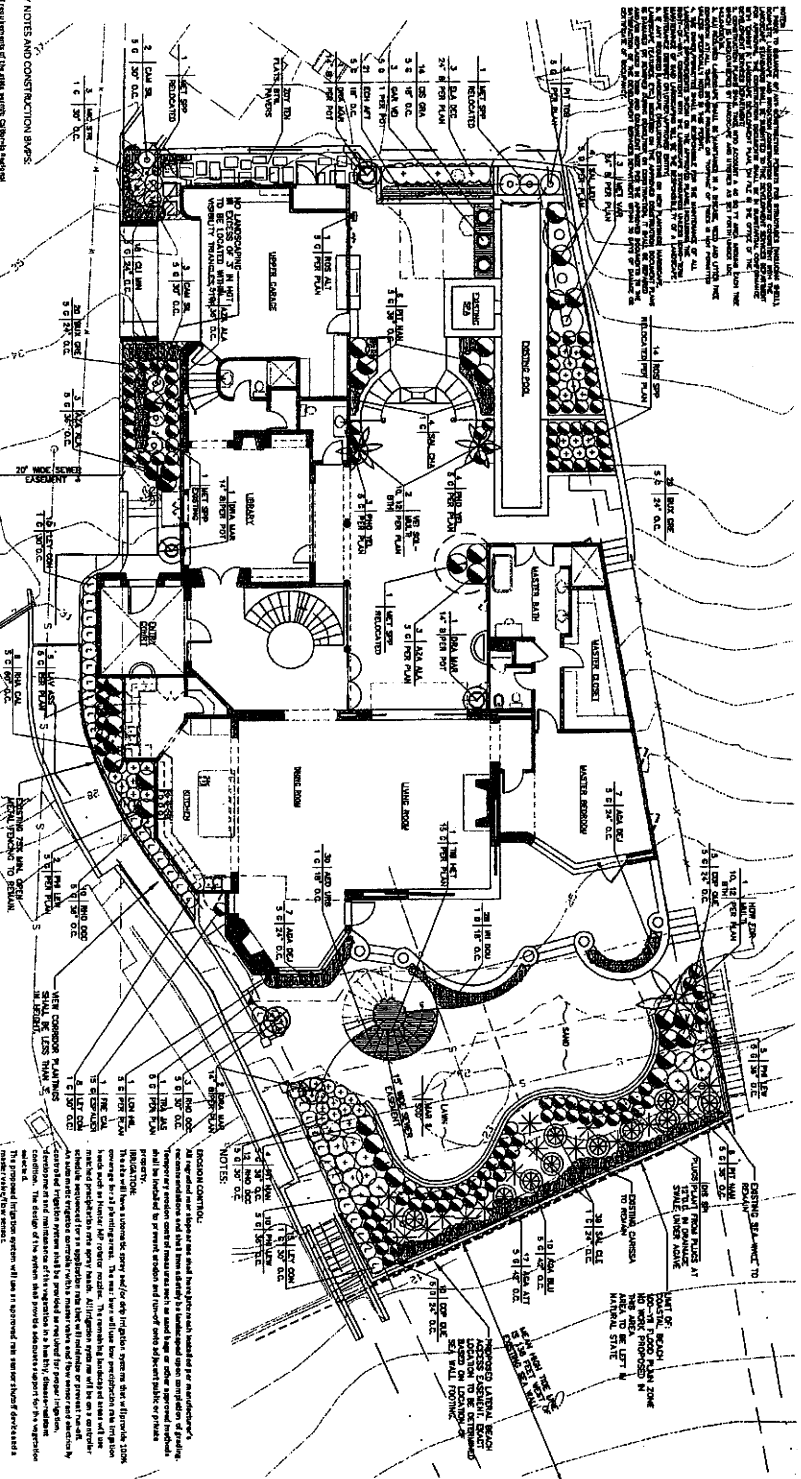


Private Residence
311 Dunmore
La Jolla, CA 92037

Date: 2.18.11
Revisions: _____
Date: _____



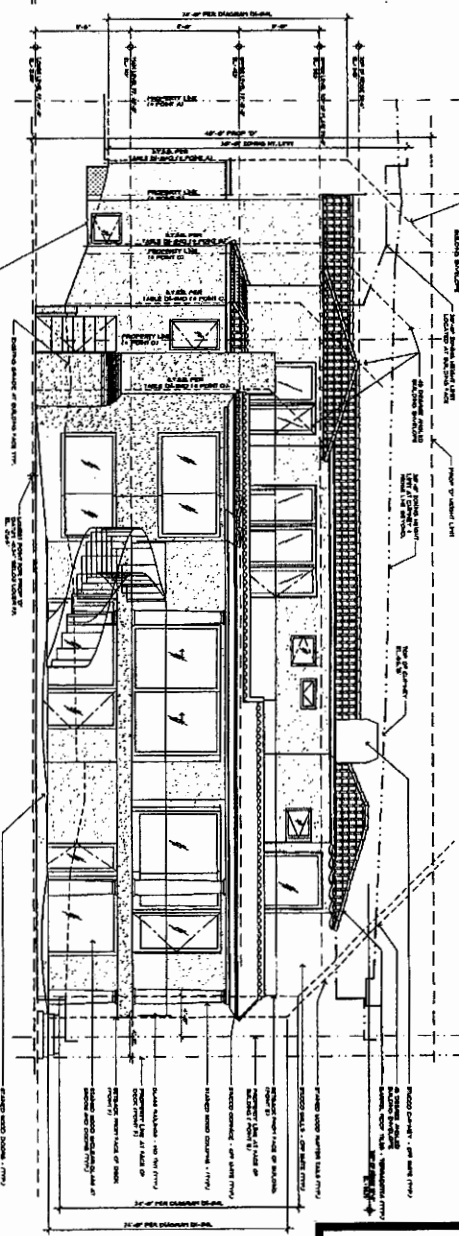
Job Number: 1008
Drawn By: JTC
Sheet Title: Planting Plan
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Sheet Number: 12.1



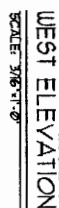
PLANTING LEGEND

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EVERGREEN CANOPY TREES	Established
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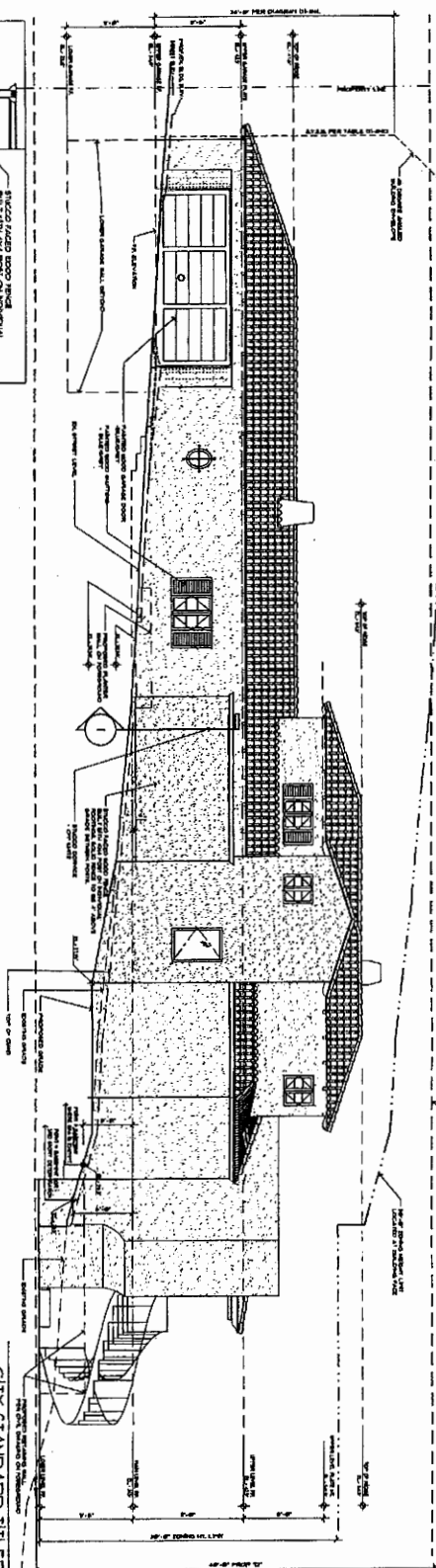
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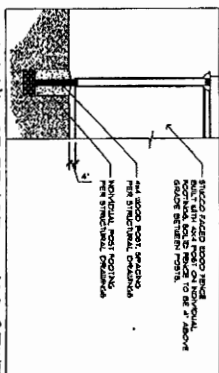
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SCALE: 3/16" = 1'-0"



SCALE: 3/16" = 1'-0"



DETAIL OF FENCE OVER SEWER EASEMENT

SCALE: 1"=1'-0"

CITY STANDARD TITLEBLOCK	
Prepared by: <u>XXXXXXXXXX</u>	Building 16
Approved by: <u>XXXXXXXXXX</u>	Building 17
Department: <u>XXXXXXXXXX</u>	Building 18
1. <u>XXXXXXXXXX</u>	Building 19
2. <u>XXXXXXXXXX</u>	Building 20
Phone: <u>XXXXXXXXXX</u>	Building 21
Project address:	Building 22
3. <u>XXXXXXXXXX</u>	Building 23
4. <u>XXXXXXXXXX</u>	Building 24
Project Name:	Building 25
5. <u>XXXXXXXXXX</u>	Building 26
6. <u>XXXXXXXXXX</u>	Building 27
7. <u>XXXXXXXXXX</u>	Building 28
8. <u>XXXXXXXXXX</u>	Building 29
9. <u>XXXXXXXXXX</u>	Building 30
Original Title: <u>XXXXXXXXXX</u>	Building 31
Sheet: <u>XXXX</u> of <u>XX</u>	Building 32
DATE: <u>XXXX/XX/XX</u>	Building 33

CITY STANDARD TITLEBLOCK

A4.1

ISLAND ARCHITECTS
DREX PATTERSON, AIA
7632 HERSCHEL AVENUE
TEL.: 858.459.9291

TONY CRISAFI, AIA
LA JOLLA, CA 92037
FAX: 858.456.0351

TONY CRISAPI, AIA
LA JOLLA, CA 92037
FAX: 858.456.0351



311 DUNEMERE

311 DUNEMERE

LA JOLLA, CA 92037

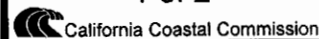
EXHIBIT NO. 4

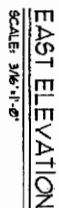
APPLICATION NO.

A-6-LJS-13-226

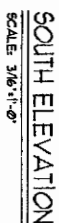
Elevations

1 of 2





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SCALE: 3/16" = 1'-0"

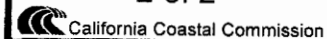
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DREX PATTERSON, AIA
7632 HERSCHEL AVENUE
TEL: 858.459.9291

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LA JOLLA, CA 92037

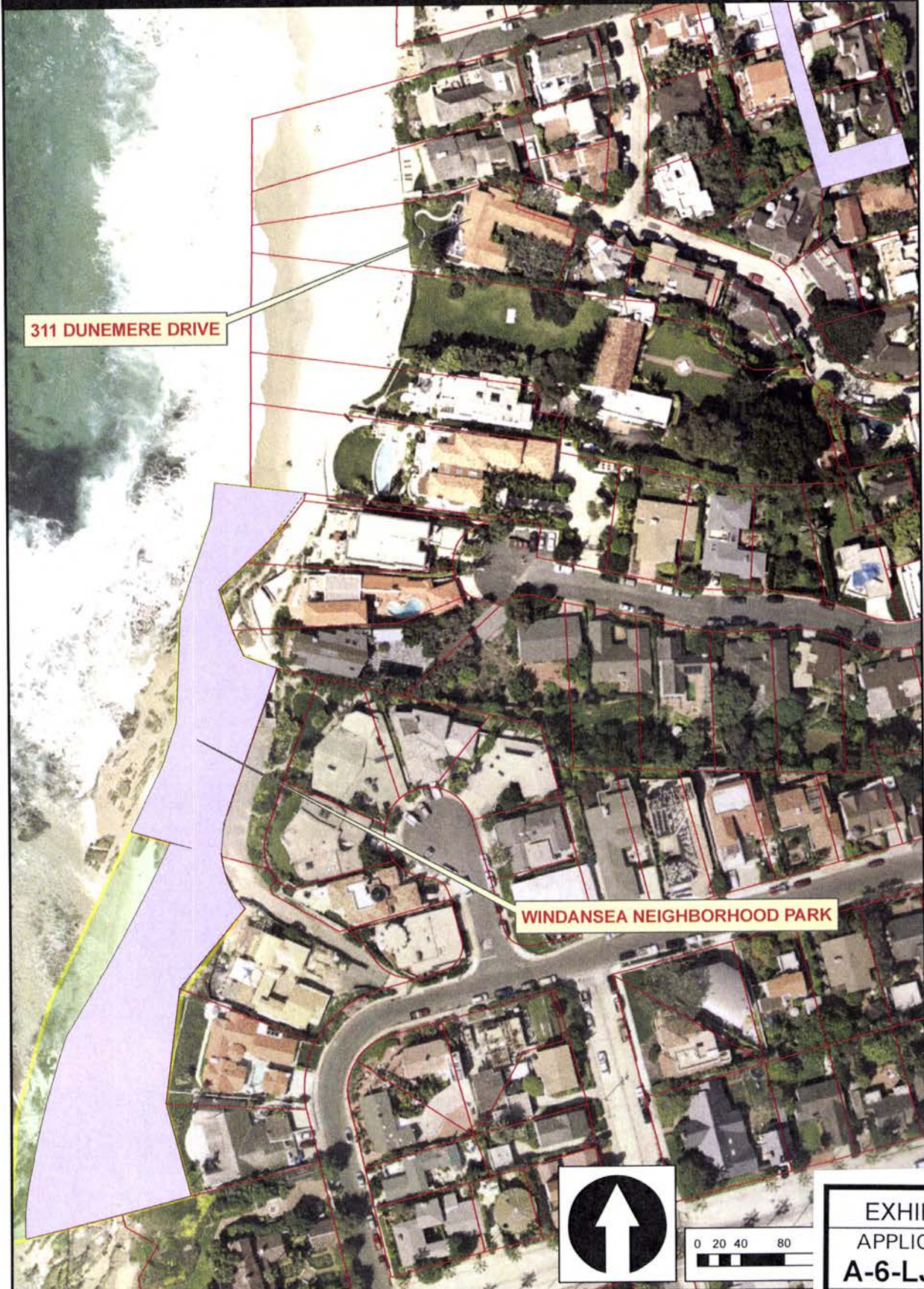
2 of 2



CITY OWNED PROPERTY

City Owned Property in the Vicinity Of 311 Dunemere Drive, San Diego

2013



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EXHIBIT NO. 6
APPLICATION NO.
A-6-LJS-13-226
City SANGIS Map



TIDAL ELEVATION & DATUM TABLE

	00-05	NAUD8	NAUD9
NAH	5.33	5.45	3.03
NAH	4.60	4.42	2.30
NAH	2.75	2.57	0.45
NAH	2.73	2.55	0.43
NAH	2.30	2.12	0.00
NAH	0.91	0.73	-1.39
NAH	0.18	0.00	-2.12
NAH	0.00	-0.18	-2.30

THE TIDAL ELEVATIONS UNDER THE CO-05 COLUMN (CENTER FOR OPERATIONAL AND OCEANOGRAPHIC PRODUCTS AND SERVICES) WERE PROVIDED BY THE NATIONAL GEODETIC SURVEY. TIDAL ELEVATION REPORT FOR TIDAL BENCHMARK 941 0230 N (P#D OC1313) REFERENCED ON THE 1983-2001 EPOCH.

NOTE: THE BEACMARK FOR THIS SURVEY IS THE BRASS PLUG AT NE CORNER OF INTERSECTION OF MONTE VISTA AVE AND AERINAS ST PER CITY OF SAN DIEGO VERTICAL CONTROL BOOK, ELEV = 52.254 MSL.

CITY MS. DATUM IS FOUND TO BE CONSISTENT WITH MONDRIAN DATUM BY COMPARISON WITH SEVERAL USCGS BENCHMARKS IN THE AREA INCLUDING H-895, L-895, R-895, S-895 & VIEW RM 2.

NEAR HIGH WATER (MHW) LINE AT ELEVATION OF 2.30 FEET, AS LOCATED ON THE DATE OF SURVEY (12-15-2009). THE MHW ELEVATION WAS TRANSFERRED FROM TIDAL BENCHMARK 941 0230 M (PID DC1313) REFERENCED ON THE 1983-2001 EPOCH, ADJUSTED TO THE NAD83 DATUM.

THE SITE AREA CALCULATED EAST OF THE MMW IS 17,390 SF.
THE BOUNDARY AS SHOWN HEREON IS PER ROD 21553.

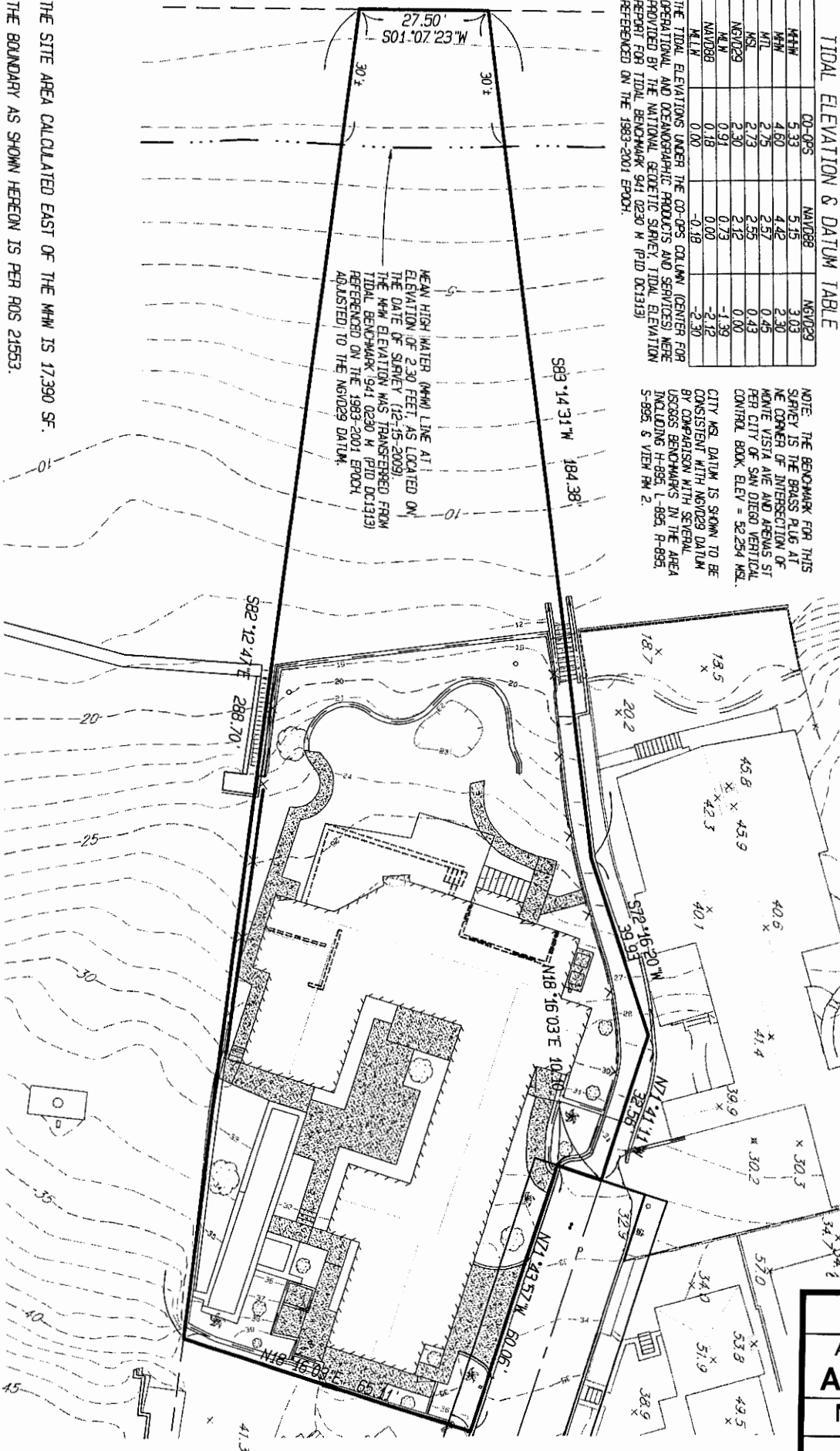
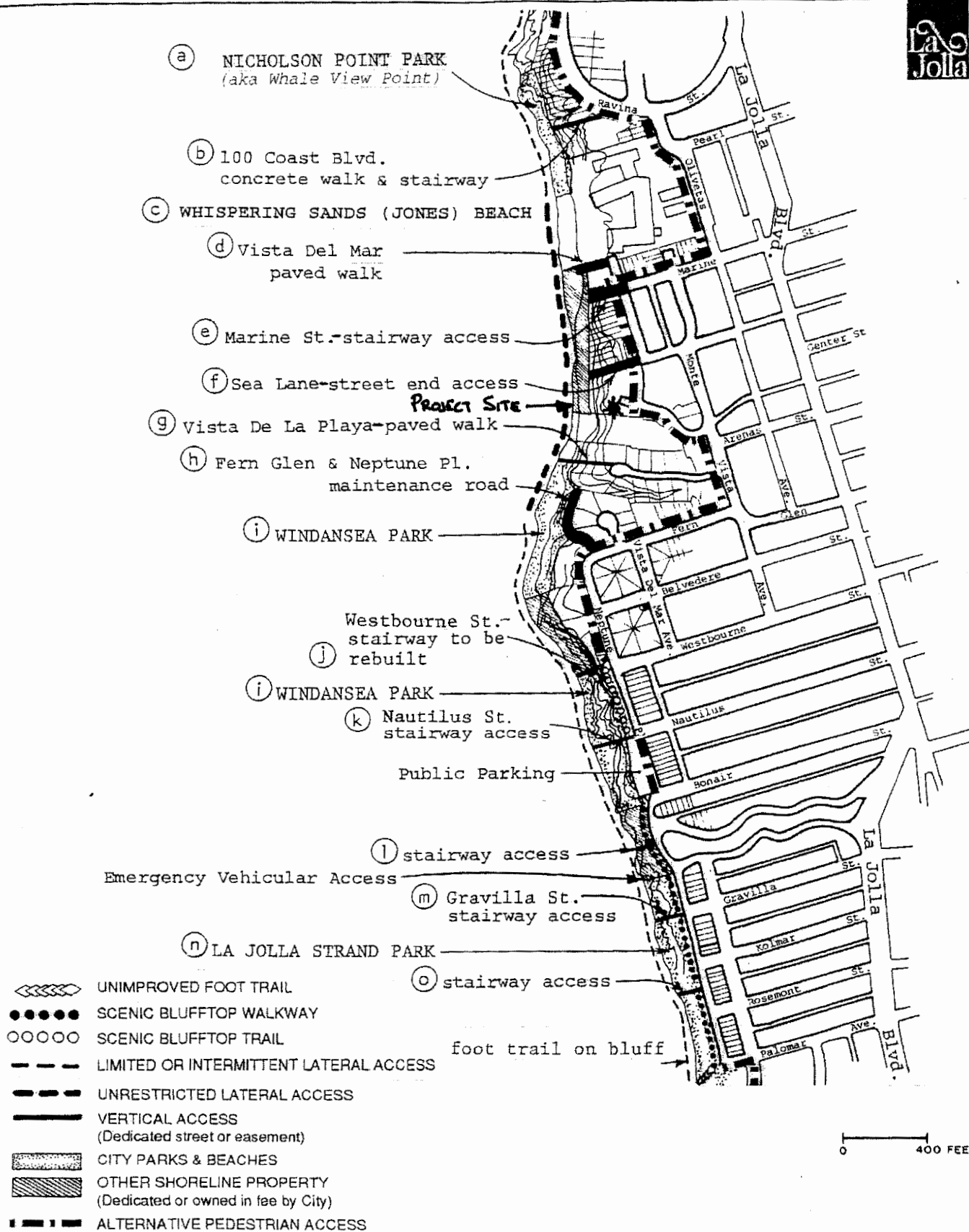


EXHIBIT NO. 7
APPLICATION NO.
A-6-LJS-13-226
Mean High Water



Subarea F: Windansea - Physical Access



La Jolla Community Plan
City of San Diego • Planning Department

EXHIBIT NO. 8
APPLICATION NO.
A-6-LJS-13-226
Physical Access



THE CITY OF SAN DIEGO

RECEIVED

JUL 18 2013

COASTAL DEVELOPMENT PERMIT
NOTICE OF FINAL ACTION

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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

DATE: July 15, 2013

6 - LJS - 13 - 0472

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

PROJECT NAME - NUMBER: 311 DUNEMERE DRIVE - PROJECT NO. 207724
MITIGATED NEGATIVE DECLARATION

PROJECT DESCRIPTION: Coastal Development Permit and Site Development Permit to allow the demolition of the existing single-family residence and construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story (above basement), single-family residence with attached garage, hardscape and retaining walls, with the existing pool, spa and other walls, including the existing seawall, to remain.

The subject 0.41-acre site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area.

LOCATION: 311 Dunemere Drive, La Jolla, CA 92037

APPLICANTS' NAME Matt Peterson, Peterson & Price
ADDRESS & PHONE NO. 530 B Street, Suite 1800
San Diego, CA 92101-4476
(619) 234-0361

Lisa Kriedeman, Island Architects
7632 Herschel Avenue
La Jolla, CA 92037
(858) 459-9291

PROPERTY OWNER'S NAME Willard & Ann Romney

FINAL ACTION: APPROVED WITH CONDITIONS

EXHIBIT NO. 9
APPLICATION NO.
A-6-LJS-13-226
FLAN
California Coastal Commission

ACTION BY: Planning Commission

ACTION DATE: June 27, 2013

CONDITIONS OF APPROVAL: See attached Permit.

FINDINGS: See attached Resolution.

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

CITY CONTACT: Michelle Sokolowski
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101-4153
Phone/e-mail: (619) 446-5278/msokolowski@sandiego.gov

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501


SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000791

**COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391
311 DUNEMERE DRIVE - PROJECT NO. 207724 - MMRP
PLANNING COMMISSION**

This Coastal Development Permit/Site Development Permit is granted by the Planning Commission of the City of San Diego to WILLARD M. AND ANN D. ROMNEY, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0502. The 0.41-acre (17,844 square feet) site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area and Council District 1. The project site is legally described as: all that portion of Playa de las Arenas, being in the First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 891, filed in the Office of the County Recorder of San Diego County, March 3, 1903, described as follows:

Commencing at a point on the southerly line of Sea Lane, distant thereon south 74° 17' west, 221.9 feet from the northeasterly corner of said Playa de las Arenas; thence south 15° 89' east 44.58 feet to the beginning of a tangent curve to the right having a radius of 112 feet; thence southerly along said curve through an angle of 16° 56' for a distance of 33.10 feet; thence south 1° 17' west 95.65 feet to the beginning of a tangent curve to the left having a radius of 13 feet; thence southeasterly along said curve, through an angle of 70° 16' for a distance of 15.94 feet; thence south 21° 01' west along the southwesterly prolongation of the radial line of aforesaid curve 24 feet to a point on a curve concave to the southwest, the center of said curve bearing south 21° 01' west 817.44 feet from said point; thence northwesterly along said curve through an angle of 3° 35' for a distance of 51.12 feet; thence north 72° 34' west 5.38 feet; thence south 17° 26' west 65.12 feet to the southeasterly corner of said Playa de las Arenas.

EXHIBIT NO. 10
APPLICATION NO.
A-6-LJS-13-226
Local CDP
 California Coastal Commission

the true point of beginning; thence north 17° 26' east 65.11 feet; thence north 72° 54' west 60 feet; thence north 17° 26' east 10 feet; thence north 72° 34' west 32.60 feet; thence south 71° 26' west 40.05 feet; thence south 82° 11' west to a point on the westerly line of Playa de las Arenas; thence southerly along said westerly line to its point of intersection with a line bearing north 83° 02' 50" west from true point of beginning; thence south 83° 02' 50" east to said true point of beginning. Excepting therefrom that portion if any heretofore or now lying below the mean high tide line of the Pacific Ocean.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing 3,009-square-foot, single-family residence and construct a new, approximately 11,062 square-foot, single-family residence with attached garage, including hardscape, retaining walls, landscaping, and relocation of the driveway, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 27, 2013, on file in the Development Services Department.

The project shall include:

- a. Demolition of the existing 3,009 square-foot, single-family residence;
- b. Construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), hardscape, retaining walls, and relocation of the driveway;
- c. Existing pool, spa and other walls, including the existing seawall, to remain;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking in new, attached garage; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals, whichever is later.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right,

by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 207724, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 207724 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

ENGINEERING REQUIREMENTS:

15. The project proposes to export approximately 1,500 cubic yards of material from the project site outside of the Coastal Overlay Zone. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
16. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
17. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A,' satisfactory to the City Engineer.
18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 12 feet wide SDG-162 Concrete Driveway for Confined Right-of-Way, adjacent to the site on Dunemere Drive.
19. Prior to the issuance of any building permits, the Owner/Permittee shall record agreements to hold the City Harmless with respect to surface drainage entering into the property from the Dunemere Drive right-of-way, to the satisfaction of the City Engineer.
20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement with the City of San Diego for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
21. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
23. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.

GEOLOGY REQUIREMENTS:

24. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or

update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to the issuance of any construction permit.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, including the native vegetation as preferred by the California Coastal Commission, on file in the Office of the Development Services Department. Construction plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees pursuant to San Diego Municipal Code section 142.0403.

26. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy, whichever occurs earlier.

29. All existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit, and any proposed fencing within the sideyards shall be a minimum of 75% open so as to not obstruct any public or pedestrian views.

PLANNING/DESIGN REQUIREMENTS:

30. Owner/Permittee shall maintain a minimum of four off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

31. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

32. All proposed fences and walls shall comply with the fence regulations in SDMC Chapter 14, Article 2, Division 3, in addition to complying with Condition 29, above.

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

34. Prior to issuance of any construction permit, an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, as identified on Exhibit "A," shall be offered for dedication as a public easement.

35. No construction for the project shall take place within the parameters of the beach area between Memorial Day weekend and Labor Day of any year. Construction equipment and staging areas should not encroach onto or obstruct public beach areas adjacent to the subject property.

WATER AND WASTEWATER REQUIREMENTS:

36. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

37. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s) (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not allow the required BFPDs to be located below grade or within the structure.

38. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

39. Prior to connecting to any existing sewer lateral, the Owner/Permittee shall have the connection closed circuit television inspected by a California Licensed Plumbing Contractor to verify lateral is in good working condition and free of all debris. Utilization of existing sewer lateral is at the sole risk and responsibility of the Owner/Permittee to ensure that the lateral is functional.

40. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an Encroachment Maintenance and Removal Agreement (EMRA) with the City for all proposed improvements of any kind, including utilities, landscaping, the existing Star Pine tree, enriched paving, and electrical conduits to be installed within the public right-of-way or public easement.

41. No trees may be located within ten feet of any sewer facilities or in any sewer access easement.

42. No shrubs exceeding three feet in height at maturity may be located within 10 feet of any sewer main or within access or sewer easements.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 27, 2013, by Resolution No. 4925-PC.

PLANNING COMMISSION
RESOLUTION NO. 4925-PC
COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391
311 DUNEMERE DRIVE - PROJECT NO. 207724 - MMRP

WHEREAS, WILLARD M. AND ANN D. ROMNEY, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing 3,009-square-foot, single-family residence and construct a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), including hardscape, retaining walls, and relocation of the driveway (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for Coastal Development Permit No. 737212 and Site Development Permit No. 737391) on portions of a 0.41-acre (17,844 square feet) site;

WHEREAS, the project site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area and Council District 1;

WHEREAS, the project site is legally described as all that portion of Playa de las Arenas, being in the First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 891, filed in the Office of the County Recorder of San Diego County, March 3, 1903, described as follows:

Commencing at a point on the southerly line of Sea Lane, distant thereon south 74° 17' west, 221.9 feet from the northeasterly corner of said Playa de las Arenas; thence south 15° 89' east 44.58 feet to the beginning of a tangent curve to the right having a radius of 112 feet; thence southerly along said curve through an angle of 16° 56' for a distance of 33.10 feet; thence south 1° 17' west 95.65 feet to the beginning of a tangent curve to the left having a radius of 13 feet; thence southeasterly along said curve, through an angle of 70° 16' for a distance of 15.94 feet; thence south 21° 01' west along the southwesterly prolongation of the radial line of aforesaid curve 24 feet to a point on a curve concave to the southwest, the center of said curve bearing south 21° 01' west 817.44 feet from said point; thence northwesterly along said curve through an angle of 3° 35' for a distance of 51.12 feet; thence north 72° 34' west 5.38 feet; thence south 17° 26' west 65.11 feet to the true point of beginning; thence north 17° 26' east 65.11 feet; thence north 72° 54' west 60 feet; thence north 17° 26' east 10 feet; thence north 72° 34' west 32.60 feet; thence south 71° 26' west 40.05 feet; thence south 82° 11' west to a point on the westerly line of Playa de las Arenas; thence southerly along said westerly line to its point of intersection with a line bearing north 83° 02' 50" west from true point of beginning; thence south 83° 02' 50" east to said true point of beginning. Excepting therefrom that

portion if any heretofore or now lying below the mean high tide line of the Pacific Ocean;
and

WHEREAS, on May 15, 2013, the Hearing Officer of the City of San Diego approved Coastal Development Permit No. 737212 and Site Development Permit No. 737391, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 29, 2013, an appeal of the Hearing Officer's decision was filed, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 27, 2013, on an appeal of the Hearing Officer's decision, the Planning Commission considered Coastal Development Permit No. 737212 and Site Development Permit No. 737391, pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings, dated June 27, 2013, which are supported by the minutes, maps and exhibits, studies, and public testimony, all of which are incorporated herein by this reference.

FINDINGS:

Coastal Development Permit Findings – SDMC Section 126.0708(a)

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

The proposed project includes the demolition of the existing 3,009-square-foot, single-family residence and construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), including hardscape, retaining walls, and relocation of the driveway; an existing pool, spa, other walls including a seawall will remain. The 0.41-acre project site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area

The subject property is not identified in the City's adopted Local Coastal Program Land Use Plan as an existing or proposed public accessway. There is no vertical physical

accessway legally used by the public on this property or any proposed vertical public accessway for this site.

There are three vertical public accessways and two view corridors in the vicinity: accessways and view corridors are located approximately 150 feet to the north at Sea Lane and approximately 300 feet to the north at Marine Street; a third accessway is located approximately 250 feet to the south at Vista de la Playa.

The proposed improvements will not encroach upon any existing physical accessway legally utilized by the general public. The property abuts the Pacific Ocean to the west, with the mean high tide line being the western property boundary. All proposed improvements will occur easterly of the existing seawall, which is also the boundary of the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval. Private vertical access to the beach is located along the northerly property boundary.

The proposed improvements will not obstruct coastal or scenic views from any public vantage point and no public views to and along the ocean will be adversely impacted. The proposed development complies with all development regulations and will observe height and setback requirements. The permit has been conditioned to specify that all existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit and any proposed fencing shall be a minimum of 75% open, which will enhance and protect public views.

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

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The subject property does not contain sensitive coastal bluffs, sensitive biological resources, and is not within or adjacent to the City's Multiple Species Conservation Program MHPA.

Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form

of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval.

Because all improvements will occur easterly of the environmentally sensitive lands, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is designated for low-density residential development (5-9 dwelling units per acre) in the La Jolla Community Plan. The proposed demolition and construction of a single-family residence conforms with this land use designation. No deviations from the development regulations are included with the project. In accordance with the goals of the certified Local Coastal Program Land Use Plan, the permit has been conditioned to require the applicant offer lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, and to require that all existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit and that any proposed fencing within these sideyards be a minimum of 75% open.

Therefore, the proposed coastal development is in conformity with the certified La Jolla Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The project site is located between the nearest public road (Dunemere Drive) and the sea. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall

footings and mean high tide line will be offered for dedication, as a condition of permit approval. As indicated in Finding 1, above, dedicated public access points to the Pacific Ocean and the beach are located north of the site at Sea Lane and Marine Street, and to the south at Vista de la Playa. The proposed residence will have four off-street parking spaces in the attached garage (two at the main level and two below grade via a car lift inside the garage); all existing on-street parking is to be maintained.

Therefore, the proposed coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit Findings – SDMC Section 126.0504(a)

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is designated for low-density residential development (5-9 dwelling units per acre) in the La Jolla Community Plan. The proposed demolition and construction of a single-family residence conforms with this land use designation. No deviations from the development regulations are included with this permit. In accordance with the goals of the certified Local Coastal Program Land Use Plan, the permit has been conditioned to require lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, and to require that all existing/proposed vegetation placed in the sideyards not exceed the requisite three foot height limit and any proposed fencing within these sideyards to be a minimum of 75% open.

Accordingly, the proposed development will not adversely affect the applicable La Jolla Community Plan and Local Coastal Program Land Use Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The proposed project would comply with the development regulations in effect for the subject property as described in Coastal Development Permit No. 737212 and Site Development Permit No. 737391, as well as other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code. No deviations are included

with the permit. The proposed development would comply with all applicable building and fire code requirements.

Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is located in the RS-1-7 Zone, and no deviations are included with the permit. Conditions are included with the permit that require conformance with all application regulations. The project includes a Coastal Development Permit, as required due to the site's location in the Coastal Overlay Zone. Conditions designed to protect the coastal resources are included with the permit, as specified in the Coastal Development Permit findings.

Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands - SDMC Section 126.0504(b)

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The subject property does not contain sensitive coastal bluffs, sensitive biological resources, and is not with or adjacent to the City's Multiple Habitat Planning Area.

Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval.

The site is therefore physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands, because all improvements will occur easterly of the location of the environmentally sensitive lands. Please also refer to Finding 2, below.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

A Report of Preliminary Geotechnical Investigation and Geologic Reconnaissance, with Addendums ("Geologic Studies"), have been prepared for the proposed project. These Geologic Studies indicate that there are no geologic hazards on or near the site that would prohibit the proposed construction. Further, a coastal bluff does not exist on this site; the area consisted of sand dunes behind and eastward of shoreline beach deposits, prior to the original development. An existing seawall, approximately six to seven feet high, is located to the west of the existing improvements, adjacent to the beach. No modifications are proposed to this existing seawall.

The site is located in two designated geologic hazard areas: Zones 44 (Coastal Bluff Zone, moderately stable) on the western 2/3 of the property and 53 (Level or sloping terrain, unfavorable geologic structure) on the eastern 1/3 of the property. However, the Geologic Studies prepared for the project indicate that "level terrain" is the only portion of the Zone 53 description that applies to the subject property. The project site has been graded as a result of prior construction of the existing residence and associated improvements on the property. Minor shoring will occur to implement the proposed project. The shoring will be located within the property line limits and not within the right-of-way. The shoring is anticipated to be cut off below the ground surface where improvements would be constructed on top or crossing the shoring, and then abandoned in place.

The Geologic Studies prepared for the project indicate the site is underlain by relatively stable formational soils and will be suited for the proposed structure and associated improvements. Incorporation of proper engineering design would ensure that the potential for geologic impacts from regional hazards would not be significant.

No further grading of the site is proposed to implement the project. No modifications are proposed for the existing seawall, and no mitigation measures are required to reduce potential impacts associated with geologic and erosional forces.

The project site is not located within the floodway or floodplain fringe overlay zones. The 100-year floodplain exist at this site, however all proposed improvements will occur

easterly of the existing seawall, which is also the boundary for the 100-year floodplain. The proposed drainage system designed for the project is consistent with relevant requirements of the City Engineer. The site is not located within a brush management zone; the proposed improvements will be required to comply with all required building code regulations, including those related to fire safety.

Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain. Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain.

Because all improvements will occur easterly of the location of the environmentally sensitive lands, the proposed development will be sited and designed to prevent adverse impacts on adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain. The project is not located in the City's Multiple Habitat Planning Area, and would not impact any sensitive biological resources. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

An existing seawall, approximately six to seven feet high, is located on the east side of the beach. All proposed improvements will occur easterly of the existing seawall, which

is also the boundary of the 100-year floodplain. The existing seawall was constructed prior the Coastal Act, as confirmed by the Coastal Commission. Historical aerials show the seawall has been in place since at least 1953. No modifications are proposed to this existing seawall. The geotechnical information prepared for the proposed project indicates this seawall is well-maintained and properly constructed, and contributes to protection of the site from infrequent inundation. The location of the planned residential construction at an elevation of over 30 feet above sea level and over 40 feet inland of the seawall, which is located at the very back of the beach, are regarded as the primary factors that will protect the residence over its estimated 75-year lifetime, and that the new home is sited such that it will be safe from threat for its estimated life in the unlikely event that the existing seawall were to fail.

The public storm water from the surrounding drainage sub-basin travels west in the Dunemere Drive right-of-way and then enters the private property of the subject project site. There is no public drainage easement on the subject project site. The permit is conditioned to record an agreement to hold the City harmless, with respect to surface drainage entering into the property from the Dunemere Drive right-of-way, to the satisfaction of the City Engineer. All storm water run-off from the Dunemere Drive right-of-way and from the subject project site discharges at the existing discharge location. The project has been designed so there is no additional storm water run-off at the existing discharge location. All storm water run-off from the Dunemere Drive right-of-way will be collected and discharged into the private drainage swale along the north property line. The proposed energy dissipater at the existing discharge location has been designed to discharge the storm water at non-erodible velocities as required by the City of San Diego Drainage Design Manual.

Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The project site is underlain by fill from unknown sources to an average depth of two feet, where it is underlain by Old Paralac Deposit and then Point Loma Formation across the site at depths of 10 feet and below. The two latter formations are considered highly sensitive with a monitoring threshold of 1,000 cubic yards to depths of 10 feet or greater. The project proposes grading of approximately 1,525 cubic yards to depths of approximately 12 feet. Therefore, paleontological monitoring is required as specified within the Mitigation, Monitoring and Reporting Program prepared for the project, and as

conditioned with the permit. The implementation of this Mitigation, Monitoring and Reporting Program will ensure negative impacts will be reduced to below a level of significance. The nature and extent of all mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 737212 and Site Development Permit No. 737391 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 737212 and Site Development Permit No. 737391, a copy of which is attached hereto and made a part hereof.

MICHELLE SOKOLOWSKI
Development Project Manager
Development Services

Adopted on: June 27, 2013

Internal Order No. 24000791

CDP No. 737212/SDP No. 737391
Date of Approval: June 27, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

MICHELLE SOKOLOWSKI
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

WILLARD M. ROMNEY
Owner/Permittee

By _____
Willard M. Romney

ANN D. ROMNEY
Owner/Permittee

By _____
Ann D. Romney

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 20, 2013 **REPORT NO. PC-13-082**

ATTENTION: Planning Commission, Agenda of June 27, 2013

SUBJECT: 311 DUNEMERE DRIVE APPEAL – PROJECT NO. 207724.
PROCESS THREE

REFERENCE: Hearing Officer Report No. HO-13-036:
(<http://www.sandiego.gov/development-services/pdf/hearingofficer/reports/2013/HO-13-036.pdf>)

San Diego Municipal Code Section 112.0520:
http://docs.sandiego.gov/municode_strikeout_ord/O-20081-SO.pdf

OWNERS: Willard M. and Ann D. Romney

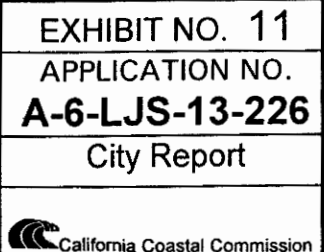
APPLICANTS: Matt Peterson, Peterson & Price
Lisa Kriedeman, Island Architects, Inc.

SUMMARY

Issue: Appeal of the Hearing Officer's decision to approve a Coastal Development Permit and Site Development Permit for the proposed demolition of an existing single-family residence and construction of a new single-family residence on a site located at 311 Dunemere Drive in the La Jolla Community Plan area.

Staff Recommendations:

1. DENY the appeal;
2. CERTIFY Mitigated Negative Declaration No. 207724 and ADOPT the Mitigation, Monitoring and Reporting Program; and
2. APPROVE Coastal Development Permit No. 737212 and Site Development Permit No. 737391.



Community Planning Group Recommendation: On January 6, 2011, the La Jolla Community Planning Association voted 13-0-1 to recommend approval of the proposed project with two recommended conditions, further discussed within this report.

Environmental Review: Mitigated Negative Declaration No. 207724 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified within the environmental review process.

Fiscal Impact Statement: None. The processing of this application is paid for through a deposit account established by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The subject property being developed is an existing legal building site zoned for single-family residential use. The project proposes to demolish an existing single-family residence and construct a new single-family residence. There will be no net gain or loss to the available housing stock within the La Jolla Community Planning Area.

BACKGROUND

The project site is located at 311 Dunemere Drive, in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area. The 0.41-acre site is improved with an existing, approximately 3,009-square-foot, single-family residence with a two-car garage, pool, spa, walls, landscaping and seawall.

The applicant proposes to demolish the existing 3,009-square-foot residence, but leave the pool, spa, some retaining walls and the existing seawall in place. A new, approximately 11,062-square-foot, two-story residence above a basement with a new four-car garage, hardscape, and landscape are proposed to be constructed.

The property abuts the Pacific Ocean to the west, with the mean high tide line being the western property boundary. The site is bordered by single-family residences on the north, south and east. The Casa de La Paz/The Dunes Estate (Historic Site No. 520) is located directly to the south of the site. This site is also known as the Cliff Robertson Estate.

The site is located within the La Jolla community, and is subject to the City's 2004 adopted La Jolla Community Plan and Local Coastal Program Land Use Plan. An existing seawall is located on the east side of the beach, and all proposed improvements will occur easterly of the existing seawall, which is also the boundary of the 100-year floodplain.

On May 15, 2013, the Hearing Officer approved the 311 Dunemere Drive project with a modification to draft Condition No. 40 to specify the "existing Star Pine" tree within the EMRA, per the La Jolla Community Planning Association's recommendation (Attachment 8).

On May 29, 2013, Mekaela Gladden, representing CREED-21 c/o Briggs Law Corporation, filed an appeal of the Hearing Officer decision. A copy of that Appeal is included as Attachment 3, and the issues raised in the Appeal are discussed at the end of this Staff Report.

DISCUSSION

Project Description:

In the interest of reducing impacts to resources required to produce this document, please reference the attached Report to the Hearing Officer No. 13-036 for the complete project description and relevant attachments as described within this Report (Attachment 1).

Appeal of the Hearing Officer's Approval:

On May 15, 2013, the Hearing Officer certified the Mitigated Negative Declaration, and approved the project and adopted the project resolutions after hearing public testimony. The Appeal of that decision was filed on May 29, 2013 (Attachment 3). The Appeal focuses primarily on the Mitigated Negative Declaration. The following is the description of the appeal issue followed by the City Staff response.

Issue cited by Appellant: *"The mitigated negative declaration has not been prepared in accordance with the California Environmental Quality Act ("CEQA") or the San Diego Municipal Code. All procedural and substantive requirements of CEQA and the municipal code have not been complied with. The Hearing Officer erred in approving the project."*

Staff Response:

- The project was deemed complete on April 9, 2010.
- A Mitigated Negative Declaration was prepared for this project in accordance with CEQA requirements. All required noticing and distribution procedures were followed.
- The draft Mitigated Negative Declaration was distributed on August 19, 2011 per applicable regulations.
- The final Mitigated Negative Declaration was distributed on April 2, 2013 per applicable regulations.
- At 3:59 pm on May 14, 2013, the day prior to the May 15, 2013, Hearing Officer hearing, staff received a letter from Briggs Law Corporation on behalf of CREED 21 addressed to the Hearing Officer. The letter indicated their opposition to the project "because approval would violate the California Environmental Quality Act ("CEQA")." The letter further indicated that the permit could not be approved without certification of an environmental document, and that neither the agenda nor the public notice included the environmental document. Attachment 4 contains the referenced letter.
- However, both the agenda and the Notice of Public Hearing did include the information

regarding the Mitigated Negative Declaration (MND) (Attachments 5 and 6).

- Although no one from Briggs Law Corporation filed a speaker slip at the Hearing Officer hearing or spoke to this issue at the hearing, the Hearing Officer specifically addressed this letter, and noted for the record that both the agenda (also known as the docket) and the Notice of Public Hearing described the Mitigated Negative Declaration as required.
- No other information has been provided by the appellant regarding alleged "errors." Without this information, staff is unable to provide additional responses.

The appellant has indicated his intention to file this appeal with the City Council. San Diego Municipal Code (SDMC) Section 112.0520 specifies the procedures for filing environmental determination appeals. It should be noted that SDMC Section 112.0520 was amended August 24, 2011, by O-20081 N.S. as part of Land Development Code Update #7; however, the amendment does not apply within the Coastal Overlay Zone because the California Coastal Commission has not yet approved it. The SDMC online provides a link to view the Strikeout Ordinance highlighting changes to prior language. This strikeout/underline version which highlights the prior language that is applicable to this project is referenced on Page 1 of this report. The appellant has been advised that because this is a Process 3 decision, the appellant must exhaust all administrative appeals prior to filing the City Council appeal. As a result, this appeal hearing is before the Planning Commission as required.

Conclusion:

The Hearing Officer certified the Mitigated Negative Declaration and made all required findings in the affirmative after receiving all public testimony, including the letters and emails received from Interested Persons prior to the May 15, 2013, hearing. Staff has determined the proposed project complies with the applicable sections of the San Diego Municipal Code as described in the draft permit and resolution, and recommends the Planning Commission deny the appeal and affirm the approval of the proposed project as conditioned.

ALTERNATIVES:

1. Deny the appeal and approve Coastal Development Permit No. 737212 and Site Development Permit No. 737391, with modifications.
2. Approve the appeal and deny Coastal Development Permit No. 737212 and Site Development Permit No. 737391, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department



Michelle Sokolowski, Project Manager
Development Services Department

WESTLAKE/MS

Attachments:

1. Report to the Hearing Officer No. 13-036, including attachments
2. Mitigated Negative Declaration No. 207724
3. Copy of Appeal filed May 29, 2013
4. Letter in Opposition dated May 14, 2013 from CREED-21 (c/o Briggs Law Corp.)
5. Hearing Officer Docket of May 15, 2013
6. Notice of Public Hearing for Hearing Officer Hearing of May 15, 2013
7. Draft Permit Resolution with Findings for Planning Commission
8. Draft Permit with Conditions for Planning Commission
9. Draft Environmental Resolution and MMRP for Planning Commission
10. Project Plans



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: May 15, 2013

REPORT NO. HO 13-036

ATTENTION: Hearing Officer

SUBJECT: 311 DUNEMERE DRIVE
PROJECT NUMBER: 207724

LOCATION: 311 Dunemere Drive

APPLICANT: Matt Peterson, Peterson & Price
Lisa Kriedeman, Island Architects, Inc.

OWNERS: Willard M. and Ann D. Romney (Attachment 10)

SUMMARY

Issue: Should the Hearing Officer approve the proposed demolition of an existing single-family residence and construction of a new single-family residence with attached garage, including hardscape and retaining walls on a site located at 311 Dunemere Drive in the La Jolla Community Plan area?

Staff Recommendations:

1. CERTIFY Mitigated Negative Declaration No. 207724 and ADOPT the Mitigation, Monitoring and Reporting Program; and
2. APPROVE Coastal Development Permit No. 737212 and Site Development Permit No. 737391.

Community Planning Group Recommendation - On January 6, 2011, the La Jolla Community Planning Association voted 13-0-1 to recommend approval of the proposed project with two recommended conditions (Attachment 9), further discussed within this report.

Environmental Review: Mitigated Negative Declaration No. 207724 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will

be implemented which will reduce, to below a level of significance, any potential impacts identified within the environmental review process.

BACKGROUND

The project site is located at 311 Dunemere Drive, in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area. The 0.41-acre site is improved with an existing, approximately 3,009-square-foot, single-family residence with a two-car garage, pool, spa, walls, landscaping and seawall.

The applicant proposes to demolish the existing 3,009-square-foot residence, but leave the pool, spa, some retaining walls and the existing seawall in place. A new, approximately 11,062-square-foot, two-story residence above a basement with a new four-car garage, hardscape, and landscape are proposed to be constructed.

The property abuts the Pacific Ocean to the west, with the mean high tide line being the western property boundary. The site is bordered by single-family residences on the north, south and east. The Casa de La Paz/The Dunes Estate (Historic Site No. 520) is located directly to the south of the site. This site is also known as the Cliff Robertson Estate.

The site is located within the La Jolla community, and is subject to the City's 2004 adopted La Jolla Community Plan and Local Coastal Program Land Use Plan. An existing seawall is located on the east side of the beach, and all proposed improvements will occur easterly of the existing seawall, which is also the boundary of the 100-year floodplain.

The site has an established setback of 0'-0" along the Dunemere Drive frontage, established by Ordinance No. 692 N.S.

DISCUSSION

Project Description:

The proposed project includes demolition of the exiting single-family residence, while leaving the existing pool, spa, some retaining walls and the existing seawall in place. A new, approximately 11,062-square-foot, two-story residence above a basement is proposed to be constructed. It should be noted that approximately 7,394 square feet would be included in gross floor area calculations, with approximately 3,668 square feet exempt since it meets the definition of "basement" or "non-roofed entry," which are not included with these calculations. In addition, the project includes a new, approximately 692-square-foot, four-car garage, hardscape, landscape and retaining walls.

The proposed garage will have the appearance of a two-car garage, but will include a lift inside that will rotate two cars below grade to the basement area. The garage will be attached to the proposed residence, and will be accessed from Dunemere Drive. The existing driveway will be shifted a few feet to the east to accommodate the new garage.

The site is designated for low-density residential development (5-9 dwelling units per acre) in the La Jolla Community Plan. The proposed demolition and construction of a single-family residence conforms with this land use designation.

Discussion of Issues:

- Physical and Visual Access:

The site is located within the La Jolla community, and is subject to the City's 2004 adopted La Jolla Community Plan and Local Coastal Program Land Use Plan. The subject property is not identified in this document as having an existing or proposed public accessway. There is no vertical physical accessway legally used by the public on this property or any proposed vertical public accessway for this site. There are three vertical public accessways and two view corridors in the vicinity: accessways and view corridors are located approximately 150 feet to the north at Sea Lane and approximately 500 feet to the north at Marine Street; a third accessway is located approximately 250 feet to the south at Vista de la Playa.

There is a private, gated vertical accessway from Dunemere Drive to the beach below between the subject property and the property to the north at 310 Dunemere Drive. As part of the project review, staff was provided grant deeds, title reports and maps for the subject property and the adjacent properties. The City Engineer reviewed these documents, and confirmed that they do not identify dedicated vertical public beach access easements adjacent to this property; and no other records of vertical public beach access have been found. The Coastal Commission has also confirmed there is not a vertical public beach access along the northern boundary of this property. This access is private only.

Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval.

The proposed improvements will not obstruct coastal or scenic views from any public vantage point and no public views to and along the ocean will be adversely impacted. The proposed development complies with all development regulations and will observe height and setback requirements. The permit has been conditioned to specify that all existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit and any proposed fencing shall be a minimum of 75% open.

- Drainage:

The western limit of Dunemere Drive terminates at the subject property line. The public storm water from the surrounding drainage sub-basin travels west in the Dunemere Drive right-of-way and then enters the private property of the subject project site.

During the review of this project it was determined that there is no public drainage easement on the subject project site and that it was not possible to condition the project to record a public drainage easement. However, the applicant has agreed to a condition to record an agreement to hold the City harmless with respect to storm water drainage being handled off-site on private property, to the satisfaction of the City Engineer.

All storm water run-off from the Dunemere Drive right-of-way and from the subject project site discharges at the existing discharge location. The project has been designed so there is no additional storm water run-off at the existing discharge location.

- Seawall:

An existing seawall, approximately six to seven feet high, is located on the east side of the beach. All proposed improvements will occur easterly of the existing seawall, which is also the boundary of the 100-year floodplain. The existing seawall was constructed prior the Coastal Act, as confirmed by the Coastal Commission. Historical arials show the seawall has been in place since at least 1953. No modifications are proposed to this existing seawall. The geotechnical information prepared for the proposed project indicates this seawall is well-maintained and properly constructed, and contributes to protection of the site from infrequent inundation. The location of the planned residential construction at an elevation of over 30 feet above sea level and over 40 feet inland of the seawall, which is located at the very back of the beach, will result in the protection of the residence over its estimated 75-year lifetime. The new home is sited such that it will be safe from threat for its estimated life in the unlikely event that the existing seawall fails.

The seawall is not the westernmost boundary line. The Mean High Tide Line (MHTL) is actually the most westerly boundary line and is depicted on the City of San Diego's Mean High Tide Drawings (4720-L and 4721-L) and is also on Record of Survey 15359. The City Land Surveyor has confirmed that determination as to how this MHTL was originally established was based on 18.6 years of scientific observations. The MHTL can be reestablished using existing drawings and field verifiable USC&G monuments (benchmarks), along with other evidence, to establish an approximate position of the MHTL, which will define an existing riparian boundary (one that borders the ocean).

- Coastal Beach vs. Coastal Bluff:

A Report of Preliminary Geotechnical Investigation and Geologic Reconnaissance, including Addendums ("Geologic Studies"), have been prepared for the proposed project.

These technical studies indicate a coastal bluff does not exist on this site. The area consisted of sand dunes behind and eastward of shoreline beach deposits, prior to the original development. The area is therefore a coastal beach, which has also been confirmed with the Coastal Commission.

- Historic Information:

A Historic Resource Technical Report (HRTR) prepared by Scott A. Moomjian dated December 2010, was prepared for this project. The report evaluated the integrity and significance of the house at 311 Dunemere Drive consistent with the City's adopted HRTR Guidelines and Designation Criteria Guidelines. The report concluded that the house is not significant under any designation criteria due to a lack of integrity. Staff concurs with this determination, as follows:

- The house was originally built in 1936 for Katherine Stearns and was designed by Master Architect Lillian Rice. The house has been substantially remodeled over the years, most significantly in 1986. Alterations include reconstruction of the roof with a steeper pitch and roof intersections that differed from the original; new roofing material; new, thicker rafter tails with very different detailing; exterior additions; modification of every window, which included replacement, alteration, elimination and additions; and restuccoing.
- As a result of these modifications, the integrity of the original building design has been completely lost. The house no longer reflects the original design or the work of Master Architect Lillian Rice and is therefore not eligible for designation for architecture or as the work of a Master Architect.
- Several notable individuals have been associated with the property since its construction, including Dr. JT Lipe, Robert Peterson and Maureen O'Connor, and Mitt Romney. However, staff concurs with the report's conclusions that Dr. Lipe does not appear to rise to the level of a historically significant individual; that Peterson and O'Connor's ownership of the house was limited to a rental and vacation home and is not the most representative of their achievements; and that the association with Romney is too recent to be evaluated within a proper historic context. Therefore, the property is not eligible for designation for association with a significant person or event.
- In addition, there is no evidence to suggest that the property is significant under any remaining designation Criteria, including local Criterion A, State Criterion 1 and National Criterion A.
- Based upon review of the HRTR, the house is not historically or architecturally significant under any Criteria.

Community Planning Group:

On January 6, 2011, the La Jolla Community Planning Association voted 13-0-1 to recommend approval of the proposed project with two recommended conditions: 1. *Retaining the Star Pine (in sewer easement)*, and 2. *Substituting required street light with low level (< 3 ft) pedestrian*

oriented lighting. The applicant has indicated their intention to voluntarily meet these recommendations. However, the Public Utilities Department has conditioned the project to specify no trees would be located within this sewer easement.

It is noted that the current President of the La Jolla Community Planning Association, Tony Crisafi, is the Vice President of Island Architects, which is the design firm for this project. However, at the time this project was before the La Jolla Community Planning Association, Joe LaCava was the President, while Mr. Crisafi was the Vice President. Due to his firm's role in this project, Mr. Crisafi recused himself from all discussion and voting on this project, and left the room during presentation and deliberation when it was before the La Jolla Community Planning Association.

Community Concerns:

Throughout the course of project review, several communications were received from neighbors and others regarding this project, some on a repeated basis. Some of these issues have been addressed above under "Discussion of Issues," while other concerns, including staff responses, are summarized below:

1. Property Lines:

- a. Western Property Line (Mean High Tide Line): The Mean High Tide Line (MHTL) is actually the most westerly boundary line and is depicted on the City of San Diego's Mean High Tide Drawings (4720-L and 4721-L) and is also on Record of Survey 15359.
- b. "Gap" along the eastern property line: Property lines dictate boundaries that are used for calculations and actual property boundaries. The grading plan prepared by a registered civil engineer provides topographic information, property line locations, and existing improvement location and information. There is no requirement that fences and walls be constructed exactly along actual property lines, only that the height and construction material of the wall/fence must conform with the location in relation to property lines and setbacks. Setbacks are measured from property lines. Also, see "*Method of FAR calculations*," below.

2. Public Noticing: Staff has clarified that the City provides at least two public notices: the first is the Notice of Application and the second is the Notice of Public Hearing. The Notice of Application provides contact information for the recognized community planning group, and advises those concerned to contact them directly to obtain information regarding their meetings. Community planning group meetings are not coordinated, noticed or scheduled by the City. People were advised that community planning group meetings are valuable locations to obtain early information about projects and provide input, and their participation is encouraged.

3. Method of FAR calculations: The FAR calculation includes all property within the boundaries of the property lines, without respect to the location of any structures such as walls, fences, buildings, stairs, etc. Accordingly, the FAR would include all property to the MHTL.

Conclusion:

Staff has determined the proposed project complies with the applicable sections of the San Diego Municipal Code as described in the draft permit and resolution, and recommends the Hearing Officer approved the project as conditioned.

ALTERNATIVES

1. Approve Coastal Development Permit No. 737212 and Site Development Permit No. 737391, with modifications.
2. Deny Coastal Development Permit No. 737212 and Site Development Permit No. 737391, if the findings required to approve the project cannot be affirmed.

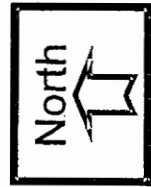
Respectfully submitted,



Michelle Sokolowski, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Environmental Resolution with MMRP
8. Project Plans
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement

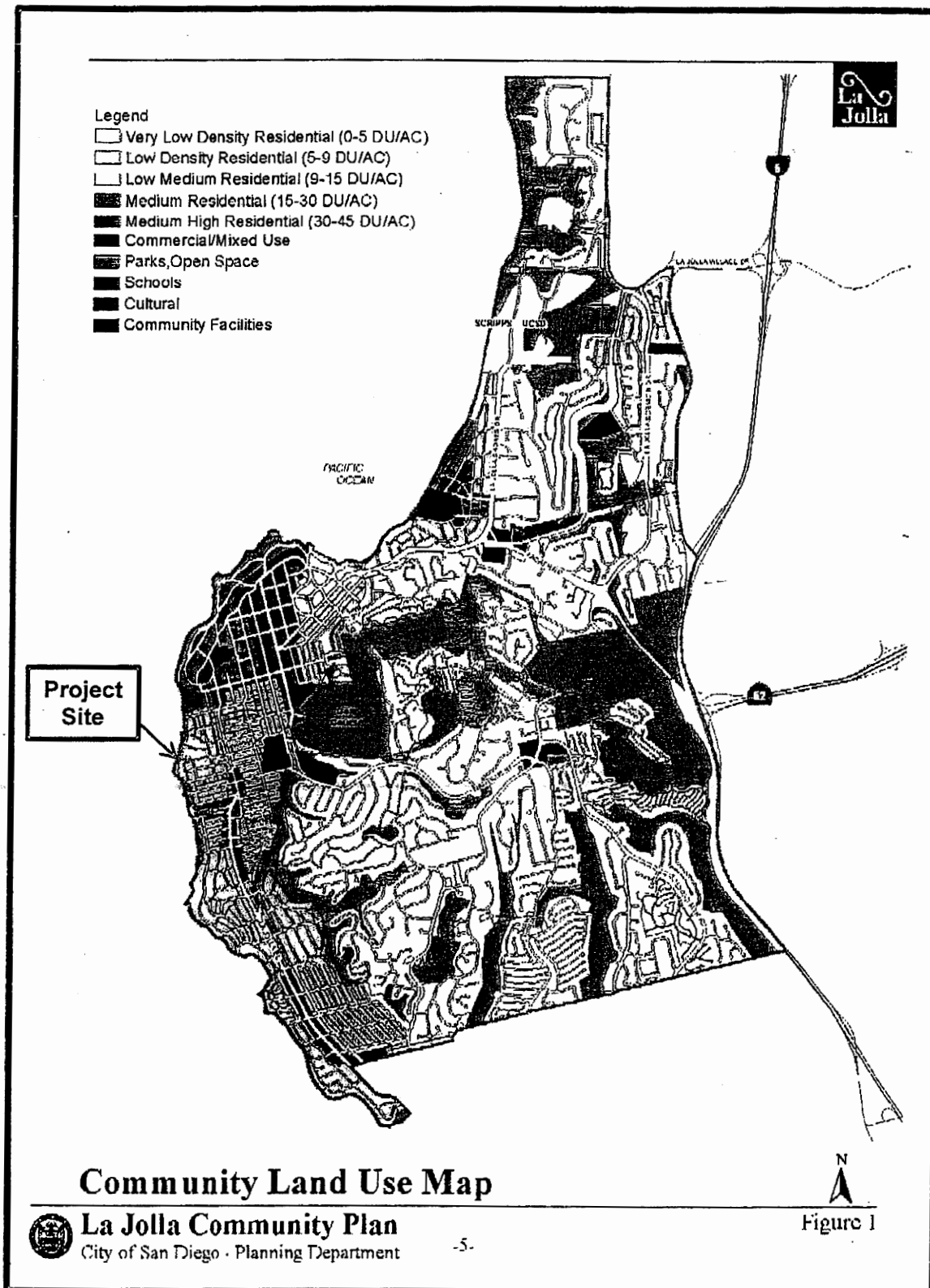


Aerial Photo

311 Dunemere Drive- PROJECT NO. 207724

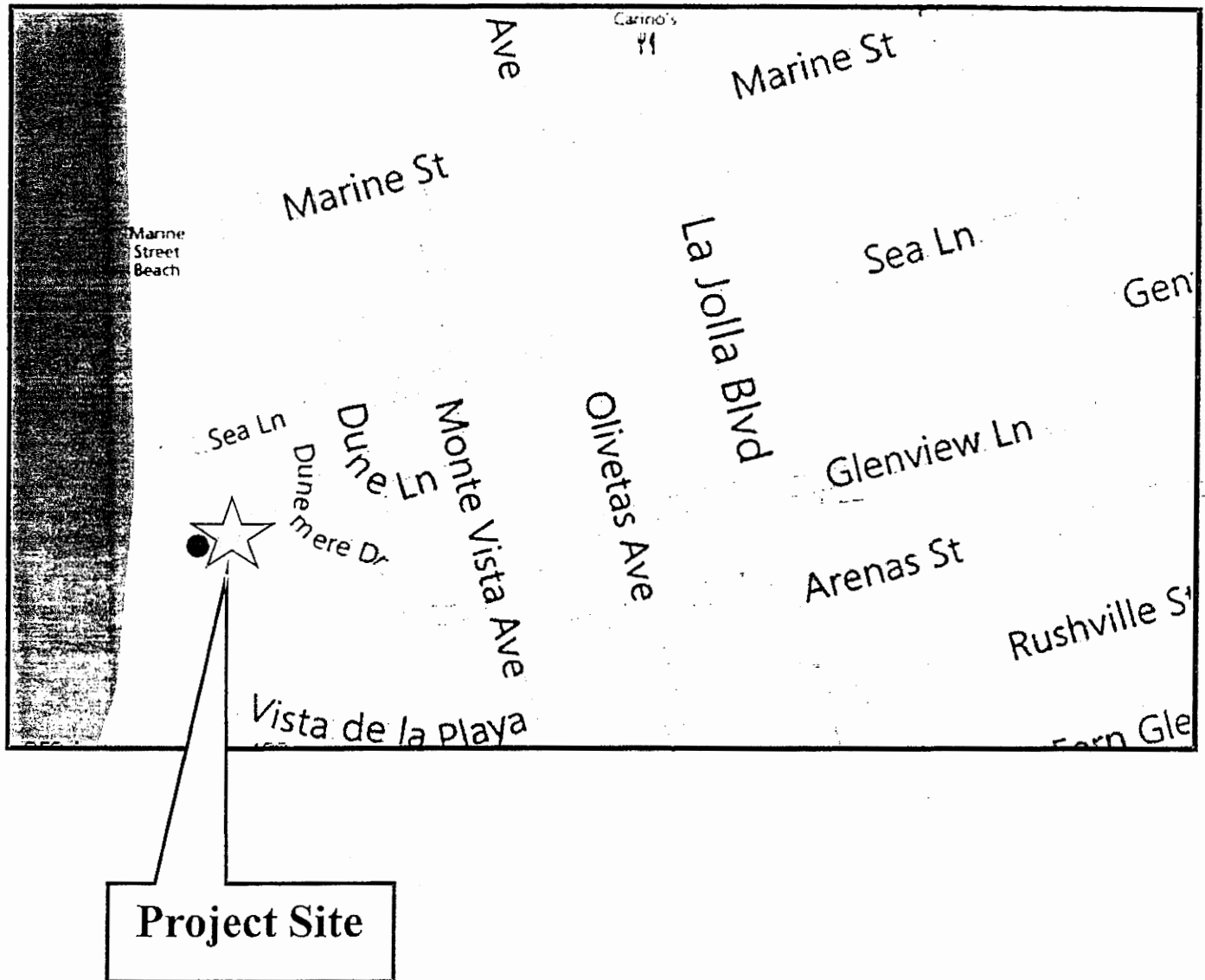
311 Dunemere Drive





311 Dunemere Drive - PROJECT NO. 207724

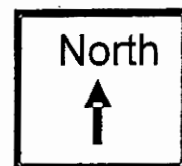
311 Dunemere Drive



Project Location Map

311 Dunemere Drive – PROJECT NO. 207724

311 Dunemere Drive



PROJECT DATA SHEET

PROJECT NAME:	311 Dunemere Drive – Project No. 207724	
PROJECT DESCRIPTION:	Demolition of the existing 3,009-sf, single-family residence and construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story (above basement), single-family residence with attached garage, hardscape and retaining walls, with the existing pool, spa and other walls, including the existing seawall, to remain.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Low Density Residential (5-9 dwelling units per acre) in eastern portion of lot, Park/Open Space in western edge	
<u>ZONING INFORMATION:</u>		
ZONE: RS-1-7 HEIGHT LIMIT: max 30 feet LOT SIZE: min 5,000 sf FLOOR AREA RATIO: max 0.47 FRONT SETBACK: no minimum required (SB Ord. 692 N.S.) SIDE SETBACK: 4 ft and 5.81 ft STREETSIDE SETBACK: n/a REAR SETBACK: min 13 feet PARKING: 4 required		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Density Residential and Park/Open Space in western edge of lot; (5-9 du/ac); RS-1-7	Single Family Residence
SOUTH:	Low Density Residential and Park/Open Space in western edge of lot; (5-9 du/ac); RS-1-7	Single Family Residence
EAST:	Low Density Residential (5-9 du/ac); RS-1-7	Single Family Residence
WEST:	n/a	Pacific Ocean
DEVIATIONS OR VARIANCES REQUESTED:	None requested or included.	
COMMUNITY PLANNING GROUP RECOMMENDATION	On January 6, 2011, the La Jolla Community Planning Association voted 13-0-1 to recommend approval of the proposed project with the following recommended conditions: 1. Retaining the Star Pine (in sewer easement), 2. Substituting required street light with low level (< 3 ft) pedestrian oriented lighting.	

HEARING OFFICER
RESOLUTION NO.
COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391
311 DUNEMERE DRIVE - PROJECT NO. 207724 - MMRP

DRAFT

WHEREAS, WILLARD M. AND ANN D. ROMNEY, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing 3,009-square-foot, single-family residence and construct a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), including hardscape, retaining walls, and relocation of the driveway (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for Coastal Development Permit No. 737212 and Site Development Permit No. 737391) on portions of a 0.41-acre (17,844 square feet) site;

WHEREAS, the project site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area and Council District 1;

WHEREAS, the project site is legally described as all that portion of Playa de las Arenas, being in the First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 891, filed in the Office of the County Recorder of San Diego County, March 3, 1903, described as follows:

Commencing at a point on the southerly line of Sea Lane, distant thereon south 74° 17' west, 221.9 feet from the northeasterly corner of said Playa de las Arenas; thence south 15° 89' east 44.58 feet to the beginning of a tangent curve to the right having a radius of 112 feet; thence southerly along said curve through an angle of 16° 56' for a distance of 33.10 feet; thence south 1° 17' west 95.65 feet to the beginning of a tangent curve to the left having a radius of 13 feet; thence southeasterly along said curve, through an angle of 70° 16' for a distance of 15.94 feet; thence south 21° 01' west along the southwesterly prolongation of the radial line of aforesaid curve 24 feet to a point on a curve concave to the southwest, the center of said curve bearing south 21° 01' west 817.44 feet from said point; thence northwesterly along said curve through an angle of 3° 35' for a distance of 51.12 feet; thence north 72° 34' west 5.38 feet; thence south 17° 26' west 65.11 feet to the true point of beginning; thence north 17° 26' east 65.11 feet; thence north 72° 54' west 60 feet; thence north 17° 26' east 10 feet; thence north 72° 34' west 32.60 feet; thence south 71° 26' west 40.05 feet; thence south 82° 11' west to a point on the westerly line of Playa de las Arenas; thence southerly along said westerly line to its point of intersection with a line bearing north 83° 02' 50" west from true point of beginning; thence south 83° 02' 50" east to said true point of beginning. Excepting therefrom that

portion if any heretofore or now lying below the mean high tide line of the Pacific Ocean;
and

WHEREAS, on May 15, 2013, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 737212 and Site Development Permit No. 737391 pursuant to the Land Development Code of the City of San Diego;

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

That the Hearing Officer adopts the following written Findings, dated May 15, 2013, which are supported by the minutes, maps and exhibits, studies, and public testimony, all of which are incorporated herein by this reference.

FINDINGS:

Coastal Development Permit Findings – SDMC Section 126.0708(a)

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

The proposed project includes the demolition of the existing 3,009-square-foot, single-family residence and construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), including hardscape, retaining walls, and relocation of the driveway; an existing pool, spa, other walls including a seawall will remain. The 0.41-acre project site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area

The subject property is not identified in the City's adopted Local Coastal Program Land Use Plan as an existing or proposed public accessway. There is no vertical physical accessway legally used by the public on this property or any proposed vertical public accessway for this site.

There are three vertical public accessways and two view corridors in the vicinity: accessways and view corridors are located approximately 150 feet to the north at Sea Lane and approximately 300 feet to the north at Marine Street; a third accessway is located approximately 250 feet to the south at Vista de la Playa.

The proposed improvements will not encroach upon any existing physical accessway legally utilized by the general public. The property abuts the Pacific Ocean to the west, with the mean high tide line being the western property boundary. All proposed improvements will occur easterly of the existing seawall, which is also the boundary of the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval. Private vertical access to the beach is located along the northerly property boundary.

The proposed improvements will not obstruct coastal or scenic views from any public vantage point and no public views to and along the ocean will be adversely impacted. The proposed development complies with all development regulations and will observe height and setback requirements. The permit has been conditioned to specify that all existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit and any proposed fencing shall be a minimum of 75% open, which will enhance and protect public views.

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

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The subject property does not contain sensitive coastal bluffs, sensitive biological resources, and is not within or adjacent to the City's Multiple Species Conservation Program MHPA.

Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval.

Because all improvements will occur easterly of the environmentally sensitive lands, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is designated for low-density residential development (5-9 dwelling units per acre) in the La Jolla Community Plan. The proposed demolition and construction of a single-family residence conforms with this land use designation. No deviations from the development regulations are included with the project. In accordance with the goals of the certified Local Coastal Program Land Use Plan, the permit has been conditioned to require the applicant offer lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, and to require that all existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit and that any proposed fencing within these sideyards be a minimum of 75% open.

Therefore, the proposed coastal development is in conformity with the certified La Jolla Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The project site is located between the nearest public road (Dunemere Drive) and the sea. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval. As indicated in Finding 1, above, dedicated public access points to the Pacific Ocean and the beach are located north of the site at Sea Lane and Marine Street, and to the south at Vista de la Playa. The proposed residence will have four off-street parking spaces in the attached garage (two at the main level and two below grade via a car lift inside the garage); all existing on-street parking is to be maintained.

Therefore, the proposed coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit Findings – SDMC Section 126.0504(a)

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is designated for low-density residential development (5-9 dwelling units per acre) in the La Jolla Community Plan. The proposed demolition and construction of a single-family residence conforms with this land use designation. No deviations from the development regulations are included with this permit. In accordance with the goals of the certified Local Coastal Program Land Use Plan, the permit has been conditioned to require lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, and to require that all existing/proposed vegetation placed in the sideyards not exceed the requisite three foot height limit and any proposed fencing within these sideyards to be a minimum of 75% open.

Accordingly, the proposed development will not adversely affect the applicable La Jolla Community Plan and Local Coastal Program Land Use Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The proposed project would comply with the development regulations in effect for the subject property as described in Coastal Development Permit No. 737212 and Site Development Permit No. 737391, as well as other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code. No deviations are included with the permit. The proposed development would comply with all applicable building and fire code requirements.

Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is located in the RS-1-7 Zone, and no deviations are included with the permit. Conditions are included with the permit that require conformance with all application regulations. The project includes a Coastal Development Permit, as required due to the site's location in the Coastal Overlay Zone. Conditions designed to protect the coastal resources are included with the permit, as specified in the Coastal Development Permit findings.

Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands - SDMC Section 126.0504(b)

- 1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The subject property does not contain sensitive coastal bluffs, sensitive biological resources, and is not within or adjacent to the City's Multiple Habitat Planning Area.

Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval.

The site is therefore physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands, because all improvements will occur easterly of the location of the environmentally sensitive lands. Please also refer to Finding 2, below.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

A Report of Preliminary Geotechnical Investigation and Geologic Reconnaissance, with Addendums ("Geologic Studies"), have been prepared for the proposed project. These Geologic Studies indicate that there are no geologic hazards on or near the site that would prohibit the proposed construction. Further, a coastal bluff does not exist on this site; the area consisted of sand dunes behind and eastward of shoreline beach deposits, prior to the original development. An existing seawall, approximately six to seven feet high, is located to the west of the existing improvements, adjacent to the beach. No modifications are proposed to this existing seawall.

The site is located in two designated geologic hazard areas: Zones 44 (Coastal Bluff Zone, moderately stable) on the western 2/3 of the property and 53 (Level or sloping terrain, unfavorable geologic structure) on the eastern 1/3 of the property. However, the Geologic Studies prepared for the project indicate that "level terrain" is the only portion of the Zone 53 description that applies to the subject property. The project site has been graded as a result of prior construction of the existing residence and associated improvements on the property. Minor shoring will occur to implement the proposed project. The shoring will be located within the property line limits and not within the right-of-way. The shoring is anticipated to be cut off below the ground surface where improvements would be constructed on top or crossing the shoring, and then abandoned in place.

The Geologic Studies prepared for the project indicate the site is underlain by relatively stable formational soils and will be suited for the proposed structure and associated improvements. Incorporation of proper engineering design would ensure that the potential for geologic impacts from regional hazards would not be significant.

No further grading of the site is proposed to implement the project. No modifications are proposed for the existing seawall, and no mitigation measures are required to reduce potential impacts associated with geologic and erosional forces.

The project site is not located within the floodway or floodplain fringe overlay zones. The 100-year floodplain exist at this site, however all proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. The proposed drainage system designed for the project is consistent with relevant requirements of the City Engineer. The site is not located within a brush management zone; the proposed improvements will be required to comply with all required building code regulations, including those related to fire safety.

Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.**

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain. Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain.

Because all improvements will occur easterly of the location of the environmentally sensitive lands, the proposed development will be sited and designed to prevent adverse impacts on adjacent environmentally sensitive lands.

4. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain. The project is not located in the City's Multiple Habitat Planning Area, and would not impact any sensitive biological resources. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

5. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

An existing seawall, approximately six to seven feet high, is located on the east side of the beach. All proposed improvements will occur easterly of the existing seawall, which is also the boundary of the 100-year floodplain. The existing seawall was constructed prior the Coastal Act, as confirmed by the Coastal Commission. Historical arials show the seawall has been in place since at least 1953. No modifications are proposed to this existing seawall. The geotechnical information prepared for the proposed project indicates this seawall is well-maintained and properly constructed, and contributes to protection of the site from infrequent inundation. The location of the planned residential construction at an elevation of over 30 feet above sea level and over 40 feet inland of the seawall, which is located at the very back of the beach, are regarded as the primary factors that will protect the residence over its estimated 75-year lifetime, and that the new

home is sited such that it will be safe from threat for its estimated life in the unlikely event that the existing seawall were to fail.

The public storm water from the surrounding drainage sub-basin travels west in the Dunemere Drive right-of-way and then enters the private property of the subject project site. There is no public drainage easement on the subject project site. The permit is conditioned to record an agreement to hold the City harmless, with respect to surface drainage entering into the property from the Dunemere Drive right-of-way, to the satisfaction of the City Engineer. All storm water run-off from the Dunemere Drive right-of-way and from the subject project site discharges at the existing discharge location. The project has been designed so there is no additional storm water run-off at the existing discharge location. All storm water run-off from the Dunemere Drive right-of-way will be collected and discharged into the private drainage swale along the north property line. The proposed energy dissipater at the existing discharge location has been designed to discharge the storm water at non-erodible velocities as required by the City of San Diego Drainage Design Manual.

Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The project site is underlain by fill from unknown sources to an average depth of two feet, where it is underlain by Old Paralac Deposit and then Point Loma Formation across the site at depths of 10 feet and below. The two latter formations are considered highly sensitive with a monitoring threshold of 1,000 cubic yards to depths of 10 feet or greater. The project proposes grading of approximately 1,525 cubic yards to depths of approximately 12 feet. Therefore, paleontological monitoring is required as specified within the Mitigation, Monitoring and Reporting Program prepared for the project, and as conditioned with the permit. The implementation of this Mitigation, Monitoring and Reporting Program will ensure negative impacts will be reduced to below a level of significance. The nature and extent of all mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

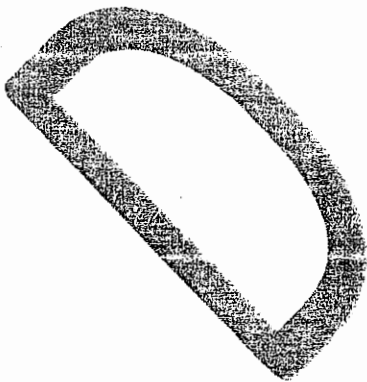
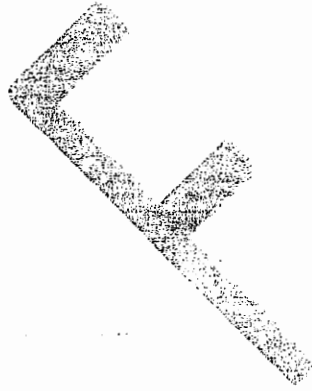
BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 737212 and Site Development Permit No. 737391 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form,

exhibits, terms and conditions as set forth in Coastal Development Permit No. 737212 and Site Development Permit No. 737391, a copy of which is attached hereto and made a part hereof.

MICHELLE SOKOLOWSKI
Development Project Manager
Development Services

Adopted on: May 15, 2013

Internal Order No. 24000791



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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000791

COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391
311 DUNEMERE DRIVE - PROJECT NO. 207724--MMRP
HEARING OFFICER

DRAFT

This Coastal Development Permit/Site Development Permit is granted by the Hearing Officer of the City of San Diego to WILLARD M. AND ANN D. ROMNEY, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0502. The 0.41-acre (17,844 square feet) site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area and Council District 1. The project site is legally described as: all that portion of Playa de las Arenas, being in the First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 891, filed in the Office of the County Recorder of San Diego County, March 3, 1903, described as follows:

Commencing at a point on the southerly line of Sea Lane, distant thereon south 74° 17' west, 221.9 feet from the northeasterly corner of said Playa de las Arenas; thence south 15° 89' east 44.58 feet to the beginning of a tangent curve to the right having a radius of 112 feet; thence southerly along said curve through an angle of 16° 56' for a distance of 33.10 feet; thence south 1° 17' west 95.65 feet to the beginning of a tangent curve to the left having a radius of 13 feet; thence southeasterly along said curve, through an angle of 70° 16' for a distance of 15.94 feet; thence south 21° 01' west along the southwesterly prolongation of the radial line of aforesaid curve 24 feet to a point on a curve concave to the southwest, the center of said curve bearing south 21° 01' west 817.44 feet from said point; thence northwesterly along said curve through an angle of 3° 35' for a distance of

51.12 feet; thence north $72^{\circ} 34'$ west 5.38 feet; thence south $17^{\circ} 26'$ west 65.11 feet to the true point of beginning; thence north $17^{\circ} 26'$ east 65.11 feet; thence north $72^{\circ} 54'$ west 60 feet; thence north $17^{\circ} 26'$ east 10 feet; thence north $72^{\circ} 34'$ west 32.60 feet; thence south $71^{\circ} 26'$ west 40.05 feet; thence south $82^{\circ} 11'$ west to a point on the westerly line of Playa de las Arenas; thence southerly along said westerly line to its point of intersection with a line bearing north $83^{\circ} 02' 50''$ west from true point of beginning; thence south $83^{\circ} 02' 50''$ east to said true point of beginning. Excepting therefrom that portion if any heretofore or now lying below the mean high tide line of the Pacific Ocean.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing 3,009-square-foot, single-family residence and construct a new, approximately 11,062 square-foot, single-family residence with attached garage, including hardscape, retaining walls, landscaping, and relocation of the driveway, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 15, 2013, on file in the Development Services Department.

The project shall include:

- a. Demolition of the existing 3,009 square-foot, single-family residence;
- b. Construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), hardscape, retaining walls, and relocation of the driveway;
- c. Existing pool, spa and other walls, including the existing seawall, to remain;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking in new, attached garage; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals, whichever is later.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable,

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 207724, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 207724 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

ENGINEERING REQUIREMENTS:

15. The project proposes to export approximately 1,500 cubic yards of material from the project site outside of the Coastal Overlay Zone. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
16. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
17. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A,' satisfactory to the City Engineer.
18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 12 feet wide SDG-162 Concrete Driveway for Confined Right-of-Way, adjacent to the site on Dunemere Drive.
19. Prior to the issuance of any building permits, the Owner/Permittee shall record agreements to hold the City Harmless with respect to surface drainage entering into the property from the Dunemere Drive right-of-way, to the satisfaction of the City Engineer.
20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement with the City of San Diego for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
21. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
23. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.

GEOLOGY REQUIREMENTS:

24. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or

update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to the issuance of any construction permit.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, including the native vegetation as preferred by the California Coastal Commission, on file in the Office of the Development Services Department. Construction plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees pursuant to San Diego Municipal Code section 142.0403.

26. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy, whichever occurs earlier.

29. All existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit, and any proposed fencing within the sideyards shall be a minimum of 75% open so as to not obstruct any public or pedestrian views.

PLANNING/DESIGN REQUIREMENTS:

30. Owner/Permittee shall maintain a minimum of four off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

31. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

32. All proposed fences and walls shall comply with the fence regulations in SDMC Chapter 14, Article 2, Division 3, in addition to complying with Condition 29, above.
33. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
34. Prior to issuance of any construction permit, an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, as identified on Exhibit "A," shall be offered for dedication as a public easement.
35. No construction for the project shall take place within the parameters of the beach area between Memorial Day weekend and Labor Day of any year. Construction equipment and staging areas should not encroach onto or obstruct public beach areas adjacent to the subject property.

WATER AND WASTEWATER REQUIREMENTS:

36. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
37. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s) (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not allow the required BFPDs to be located below grade or within the structure.
38. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
39. Prior to connecting to any existing sewer lateral, the Owner/Permittee shall have the connection closed circuit television inspected by a California Licensed Plumbing Contractor to verify lateral is in good working condition and free of all debris. Utilization of existing sewer lateral is at the sole risk and responsibility of the Owner/Permittee to ensure that the lateral is functional.
40. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an Encroachment Maintenance and Removal Agreement (EMRA) with the City for all proposed improvements of any kind, including utilities, landscaping, tree, enriched paving, and electrical conduits to be installed within the public right-of-way or public easement.

41. No trees may be located within ten feet of any sewer facilities or in any sewer access easement.

42. No shrubs exceeding three feet in height at maturity may be located within 10 feet of any sewer main or within access or sewer easements.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on May 15, 2013, by Resolution No. _____

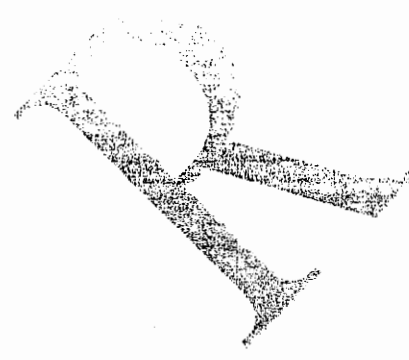
CDP No. 737212/SDP No. 737391
Date of Approval: May 15, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

MICHELLE SOKOLOWSKI
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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


WILLARD M. ROMNEY
Owner/Permittee

By _____
Willard M. Romney

ANN D. ROMNEY
Owner/Permittee

By _____
Ann D. Romney

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

RESOLUTION NUMBER R-_____

ADOPTED ON MAY 15, 2013

WHEREAS, on April 9, 2010, WILLARD M. AND ANN D. ROMNEY submitted an application to Development Services Department for a Coastal Development Permit and Site Development Permit for the 311 Dunemere Drive project; and

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

WHEREAS, the issue was heard by the Hearing Officer on May 15, 2013; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigation Negative Declaration No. 207724 prepared for this Project; NOW THEREFORE, --

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Department is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project No. 207724.

By: _____
Michelle Sokolowski, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391

PROJECT NO. 207724

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 207724 shall be made conditions of Coastal Development Permit No. 737212 and Site Development Permit No. 737391 as may be further described below.

A. GENERAL REQUIREMENTS – PART I**Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II**Post Plan Check (After permit issuance/Prior to start of construction)**

- 1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Paleontologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at 858-627-3360

- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 207724, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable for this project.

- 4. MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction

schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

- 5. OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<u>Issue Area</u>	<u>Document submittal</u>	<u>Assoc Inspection/Approvals/ Notes</u>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the-Pre-Construction Meeting
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

1. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation

and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

ATTACHMENT 7

- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Section 3 - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

5. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

COASTAL SUBMITTAL
APRIL 8, 2010.



ABBREVIATIONS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible]

<p>ELEVATION CHANGES</p> <p>1. UP <input checked="" type="checkbox"/> DOWN <input type="checkbox"/> NO CHANGE <input type="checkbox"/></p> <p>2. UP <input type="checkbox"/> DOWN <input checked="" type="checkbox"/> NO CHANGE <input type="checkbox"/></p> <p>3. UP <input type="checkbox"/> DOWN <input type="checkbox"/> NO CHANGE <input checked="" type="checkbox"/></p>	<p>SECTOR INDICATION</p> <p>1. SECTOR <input checked="" type="checkbox"/> NO SECTOR <input type="checkbox"/></p> <p>2. SECTOR <input type="checkbox"/> NO SECTOR <input checked="" type="checkbox"/></p> <p>3. SECTOR <input type="checkbox"/> NO SECTOR <input type="checkbox"/></p>	<p>WINDS</p> <p>1. WIND <input checked="" type="checkbox"/> NO WIND <input type="checkbox"/></p> <p>2. WIND <input type="checkbox"/> NO WIND <input checked="" type="checkbox"/></p> <p>3. WIND <input type="checkbox"/> NO WIND <input type="checkbox"/></p>	<p>GRASS</p> <p>1. GRASS <input checked="" type="checkbox"/> NO GRASS <input type="checkbox"/></p> <p>2. GRASS <input type="checkbox"/> NO GRASS <input checked="" type="checkbox"/></p> <p>3. GRASS <input type="checkbox"/> NO GRASS <input type="checkbox"/></p>	<p>NEGATIVE INDICATION</p> <p>1. NEGATIVE <input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/></p> <p>2. NEGATIVE <input type="checkbox"/> POSITIVE <input checked="" type="checkbox"/></p> <p>3. NEGATIVE <input type="checkbox"/> POSITIVE <input type="checkbox"/></p>	<p>SCORABLE INDICATION</p> <p>1. SCORABLE <input checked="" type="checkbox"/> NOT SCORABLE <input type="checkbox"/></p> <p>2. SCORABLE <input type="checkbox"/> NOT SCORABLE <input checked="" type="checkbox"/></p> <p>3. SCORABLE <input type="checkbox"/> NOT SCORABLE <input type="checkbox"/></p>	<p>CHALK LANDING POINT</p> <p>1. CHALK <input checked="" type="checkbox"/> NO CHALK <input type="checkbox"/></p> <p>2. CHALK <input type="checkbox"/> NO CHALK <input checked="" type="checkbox"/></p> <p>3. CHALK <input type="checkbox"/> NO CHALK <input type="checkbox"/></p>
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[illegible][illegible]

1. NAME(S) OF PERSON(S)
LEONARD PAUL FRIEDLBERGER, JR.
LYNDIA T. JR. MR. THOMAS T. SMITH JR.
2. ADDRESS
10000 WOODS GATE ALPINE PARKWAY
3. CITY
THE ALBANY POLYMERIZATION CO. 2000 WOODS GATE ALPINE
4. STATE
ALABAMA

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GROSS FLOOR AREA	7,394 SF	
TOTAL GROSS AREA	8,692 SF	
BASEMENT FLOOR AREA	6,179 SF	
GROUND WITH AREA	7,394 SF	
BASEMENT ROOM AREA	6,179 SF	
BASEMENT ROOMS	6	
FLOORS ABOVE GROUND	0	
FLOORS BELOW GROUND	0	
ALLOWED FLOOR	0	
TERMINAL	0	

[illegible][illegible]

☐ Isolated
☐ Mixed
☐ Other _____

Total number of species retained by name _____
 Total number of species provided by the _____ species
 (numbered 1 to _____)
 Date species put _____ No. 11, 1961, _____ species

SCORE OF WORK

PLAN ANALYSIS	DRAWING INDEX
<p>TEMPERATURE RECORDS. RECORDS OF TEMPERATURES OF AIR, SURFACE OF BUILDING, AND SURROUNDING AIR, IN CONNECTION WITH THE STUDY OF THE EFFECTS OF TEMPERATURE ON THE BUILDING. RECORDS OF TEMPERATURES OF AIR, SURFACE OF BUILDING, AND SURROUNDING AIR, IN CONNECTION WITH THE STUDY OF THE EFFECTS OF TEMPERATURE ON THE BUILDING. RECORDS OF TEMPERATURES OF AIR, SURFACE OF BUILDING, AND SURROUNDING AIR, IN CONNECTION WITH THE STUDY OF THE EFFECTS OF TEMPERATURE ON THE BUILDING.</p>	

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COVER, TITLE	TITLE SHEET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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COVER, TITLE	TITLE SHEET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
COVER, TITLE	TITLE SHEET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
COVER, TITLE	TITLE SHEET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
COVER, TITLE	TITLE SHEET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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COVER, TITLE	TITLE SHEET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
COVER, TITLE	TITLE SHEET	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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[illegible]

CITY STANDARD TITLE BLOCK	
PROPOSAL NO.	
Name	Johnston Architects
Address	30 N. Lincoln Avenue
City	Chicago, Ill.
Phone	4-4-3626, 4-4-3623
Project	10000 S. Dearborn
Project Address	10000 S. Dearborn
City	Chicago, Ill.
Project Name	10000 S. Dearborn
Sheet Title	10000 S. Dearborn
Scale	1" = 10'-0"
Drawn By	J. H. Johnston
Checked By	J. H. Johnston
Reviewed By	J. H. Johnston
Approved By	J. H. Johnston
Stamp Date	10/10/50
Stamp Time	10:10 AM
Stamp Location	10000 S. Dearborn
Stamp Name	10000 S. Dearborn
Stamp Address	10000 S. Dearborn
Stamp City	Chicago, Ill.
Stamp Phone	4-4-3626, 4-4-3623
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Stamp Stamp Stamp Stamp Stamp Stamp Stamp Sheet Title	10000 S. Dearborn
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ATTACHMENT 01
ATTACHMENT 08

311 DUNEMERE

311 DUNEMERE

ISLAND ARCHITECTS
DREX PATTERSON, AIA
TONY CRISAFI, AIA
LA JOLLA, CA 92037
TEL: 619/454-0001
FAX: 619/454-0001

05-05-20

TOPOGRAPHIC SURVEY FOR:
3111 DUNEMERE DRIVE LA JOLLA, CA 92037

EASEMENTS PER
 CHICAGO TITLE COMPANY
 ORDER NO. 030016291-000, DATED DECEMBER 14, 2009
 20' SEWER EASEMENT PER DEC.
 RECORDED MARCH 27, 1959 IN
 BOOK 3601 PAGE 171 OF 16705
 20' CITY OF SAN DIEGO ROADS, SEWER & WATER EASEMENT
 PER DEC. RECORDED JANUARY 1, 1990 IN

OWNER:
WILLIAM H. ROWEY & ANN D. ROWEY
ADDRESS:
311 DUNEENE DRIVE
LA JALTA CA 92037
APN:
351-090-24
BENCHMARK:

LEGAL DESCRIPTION:
PORTIONS OF PLATS DE AGREAS & PRODUCTIONS OF UNIMATED LOT
PER DEED RECORDED MAY 31, 2008 AS DOC. 2008-2811025

PREPARED BY:
PASCAL LAVET, SUITER & ASSOCIATES
2000 N. DUSTY WAY, SUITE A
SANTA ANA, CALIFORNIA 92705
TEL: 949-455-8212
FAX: 949-455-8212
DATE: DECEMBER 08, 2009

LEGEND

EX BUILDING MARKED

EX CITY MARK

EX RETAINING WALL

PAVE FREE

WASTEWATER

CON

POICE

CONCRETE LINE

PROPERTY BOUNDARY

EXISTING CEMENT

EXISTING SLOPE MARK

EXISTING WATER MARK

EXISTING WATER MARK

BOUNDARY DETAIL

N 72° 10' E at 05"

S 12° 12' E 114.00'

S 12° 30' E 35.00'

LOT AREA 17,644.50 SF.

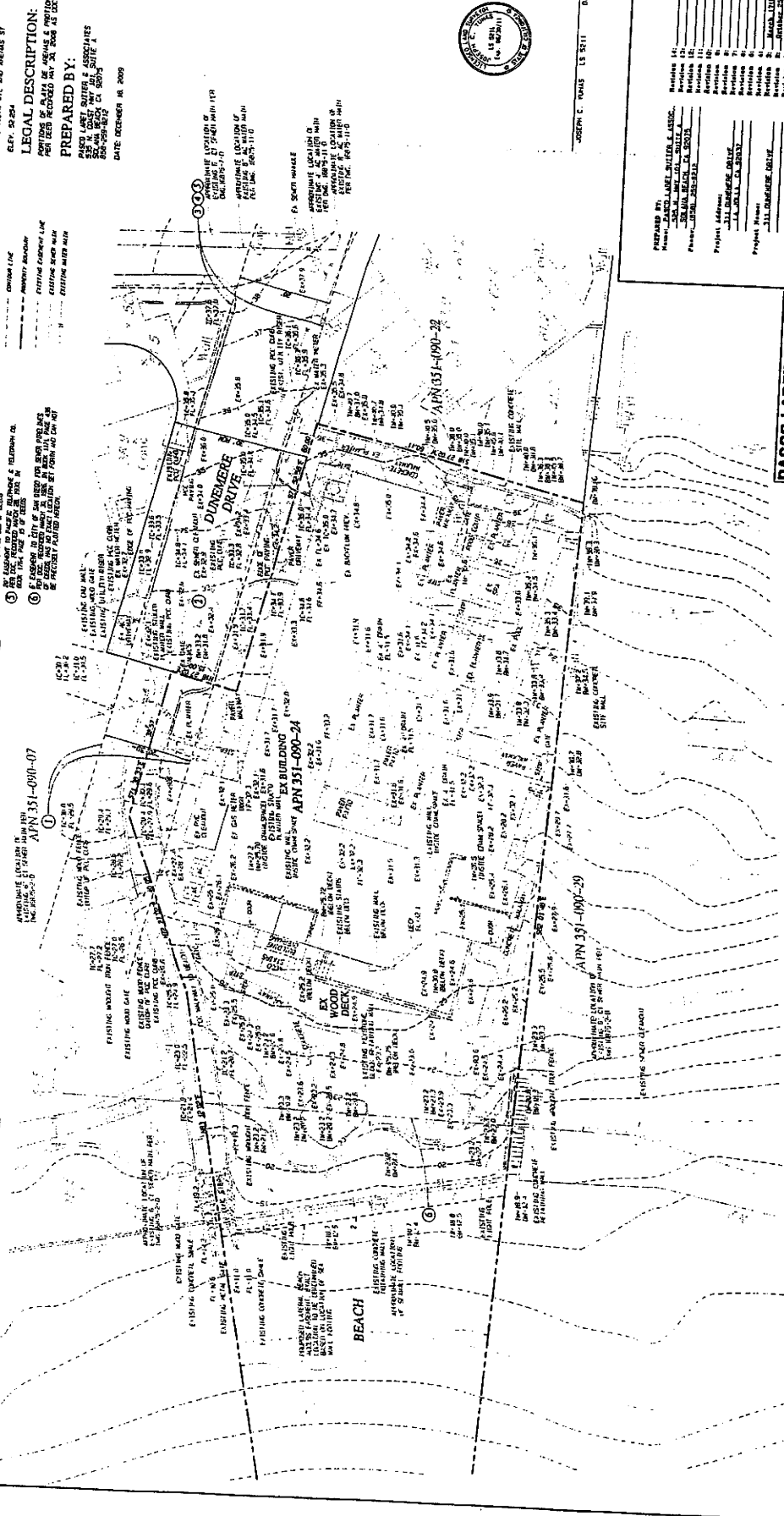
MEAN HIGH TIDE LINE PER NOS 15259 AND NM 261

N 62° 31' 48" E 209.51'

N
SCALE 1" = 50'

APPROXIMATE LOCAL TIME IN
1201146Z 21 FEB 67
INCL 351-030-07

VICINITY MAP
NOT TO SCALE



NAME	LS	DATE
JOSEPH C. RUMAS	LS 5211	

PREPARED BY: NAME: PASTOR LAGEL, JUNIOR & ASSOC.
SUN. M. 1047-101, SUITE A
SOLANO BEACH, CA 90074
Phone: (310) 243-8212

Project Address: 311 DANEBERG DRIVE
LA JOLLA, CA 92037

Project Name: 311 DANEBERG DRIVE

Sheet Title: ENVIRONMENTAL GRADING PLAN

PASCO LARET SUTER & ASSOCIATES
CIVIL ENGINEERING + LAND PLANNING + LAND SURVEYING
3535 N. Coast Highway 161 Ste. A Solana Beach, CA 92073
Tel. 858.259.0212 | Fax 858.259.0213 | plasc@pasco.com

12

ALL

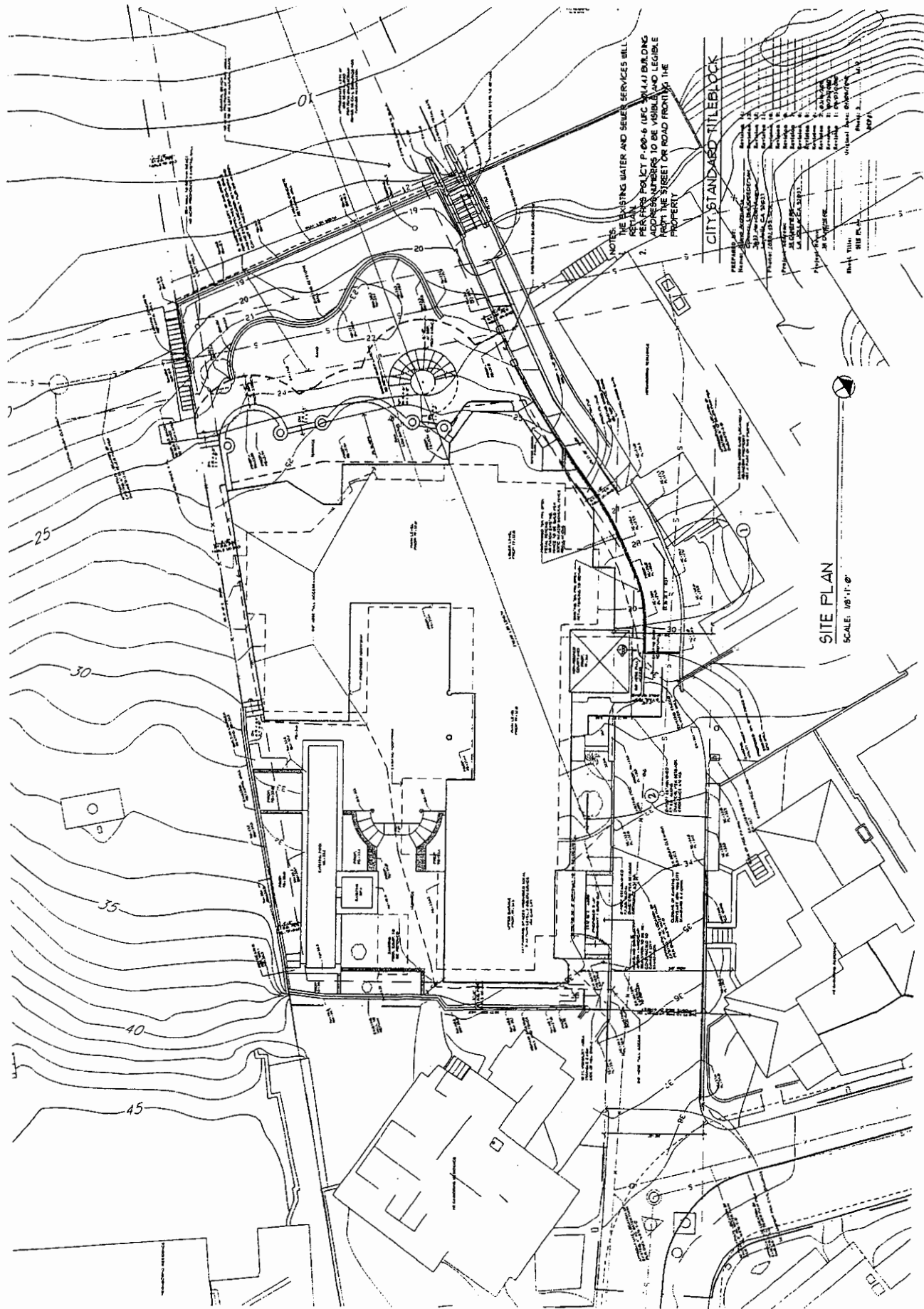
ISLAND ARCHITECTS
DEAN PATTERSON, AIA
1402 HENRIETTA AVENUE
LA JOLLA, CA 92037
TEL: 619.455.9291
FAX: 619.455.9291



311 DUNEMERE

311 DUNEMERE

LA JOLLA, CA 92037



NOTES:
1. SEE EXISTING WATER AND SEWER SERVICES WELL.
2. PREPARE POLY P-003-A (USE POLY P-003-A) BUILDING
ADDITIONS TO BE VISIBLE AND LEGIBLE
FROM THE STREET OR ROAD FRONT OF THE
PROPERTY.

CITY STANDARD HILBLOCK

SITE PLAN
SCALE: 1/8" = 1'-0"

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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LA JOLLA, CA 92037

311 DUNEMERE

311 DUNEMERE



ISLAND ARCHITECTS
TONY CHASAF, AIA
LA JOLLA, CA 92037
TEL: 858.456.8351
FAX: 858.456.8351

DREX PATTERSON, AIA
700 HERSCHEL AVENUE
TEL: 858.456.8351

A2.2

NOTED
UPPER LEVEL
FLOOR PLAN

CITY STANDARD TITLEBLOCK		
PROJECT NO.	15174	
DATE	10/1/03	
DESIGNED BY	TONY CHASAF, AIA	
CHECKED BY	DREX PATTERSON, AIA	
IN CHARGE	TONY CHASAF, AIA	
SCALE	1/8" = 1'-0"	
NOTES	SEE SHEET A2.1 FOR GENERAL NOTES	
REVISIONS		
NO.	DATE	DESCRIPTION
1	10/1/03	ISSUED FOR PERMIT

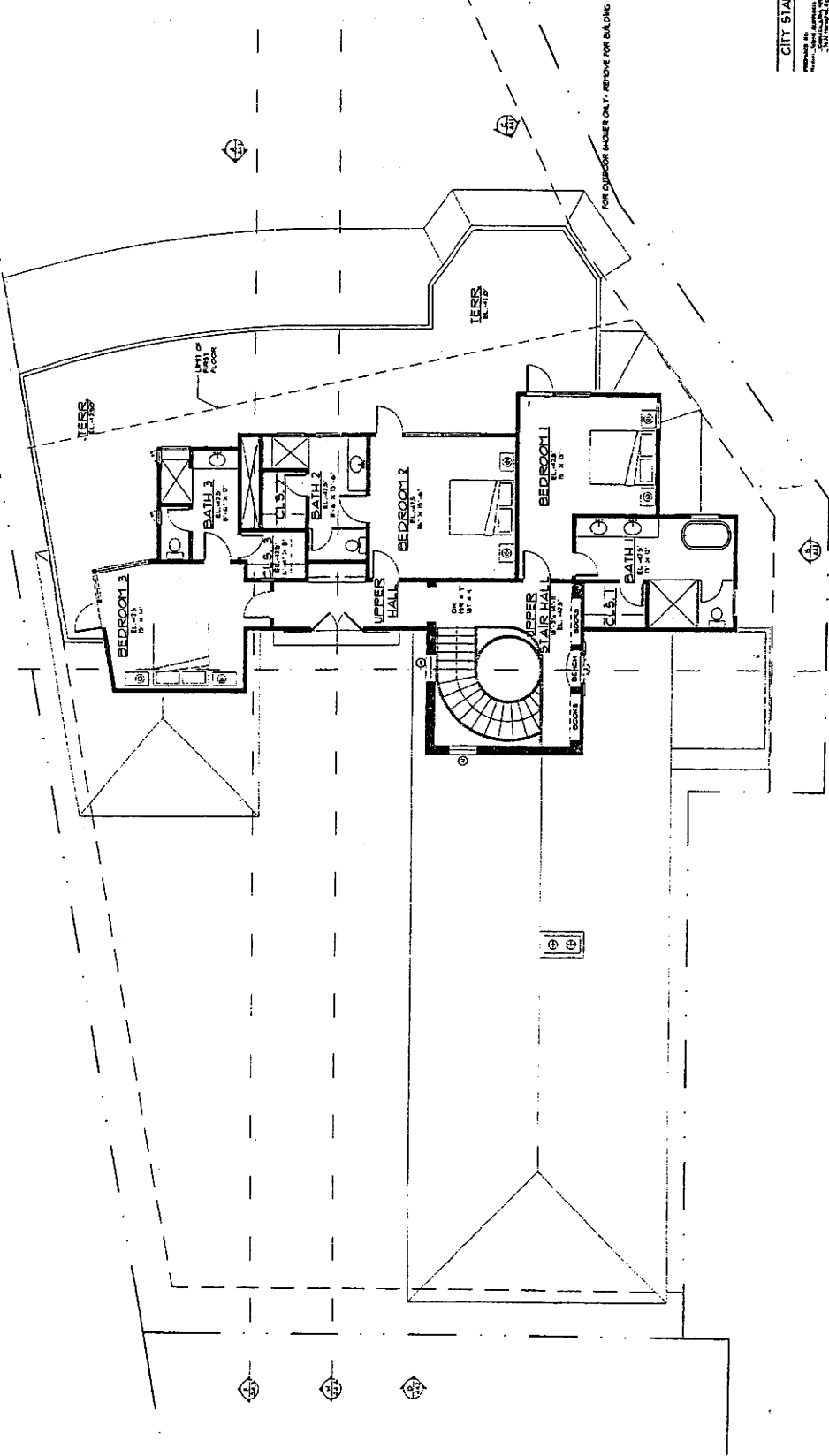
NOTED UPPER LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"

NOTES

UPPER LEVEL

15174



FOR OUTDOOR SHOWER ONLY. REMOVE FOR BALCONY

311 DUNEMERE



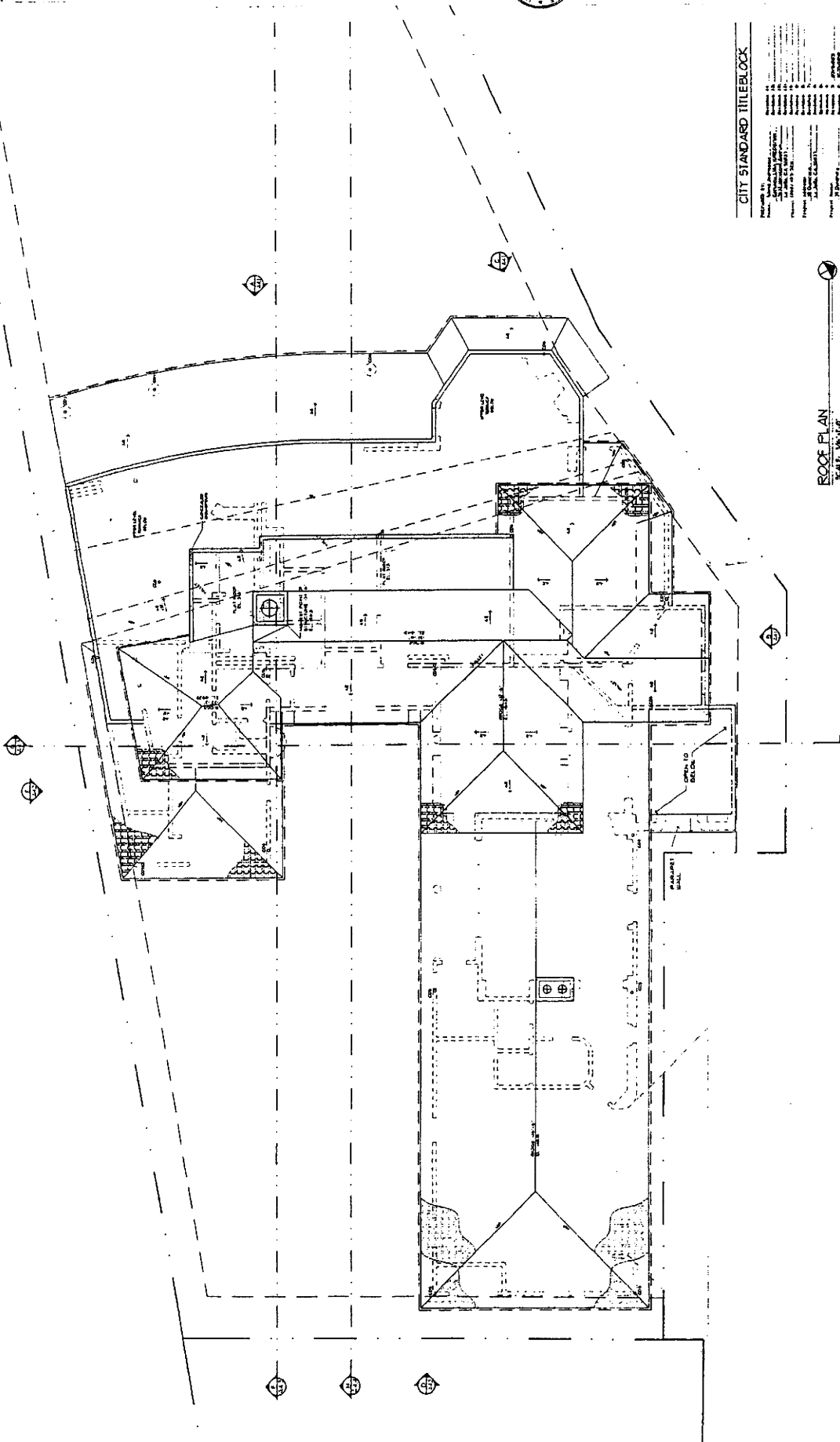
TONY CRUSAFI, AIA
LA JOLLA, CA 92037
FAX: 858/456-0351

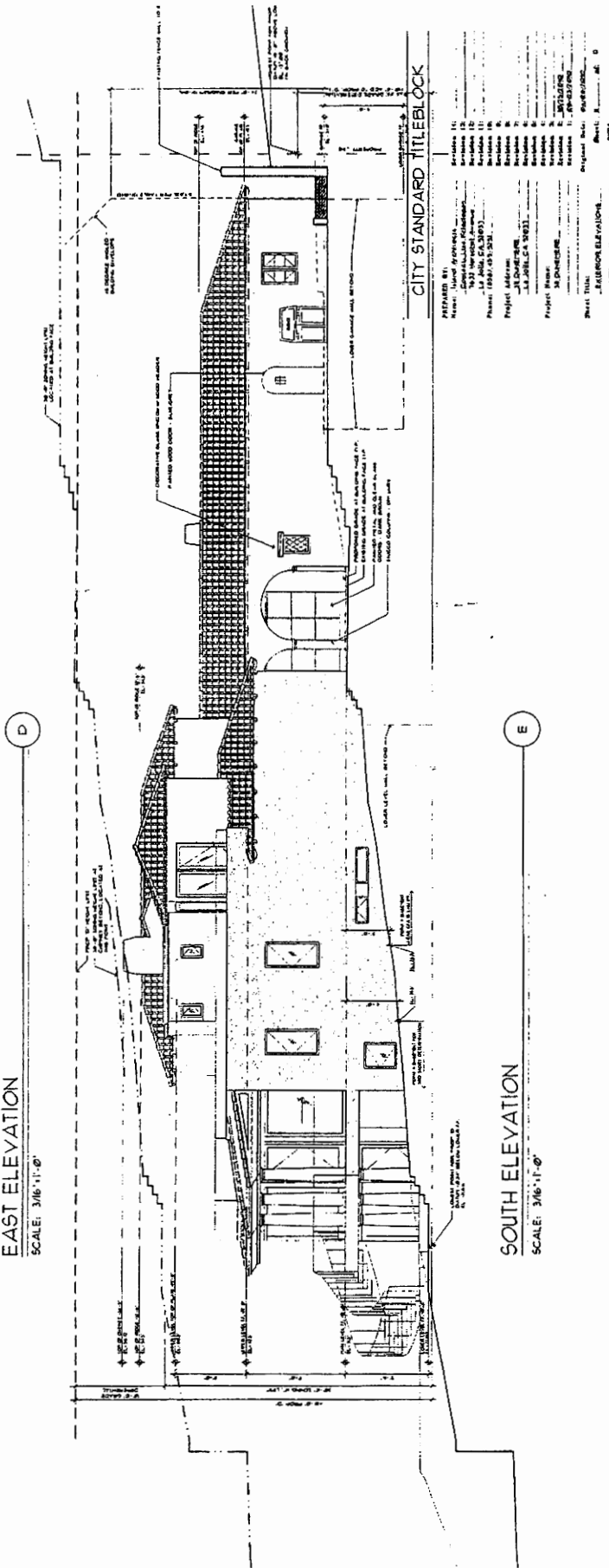
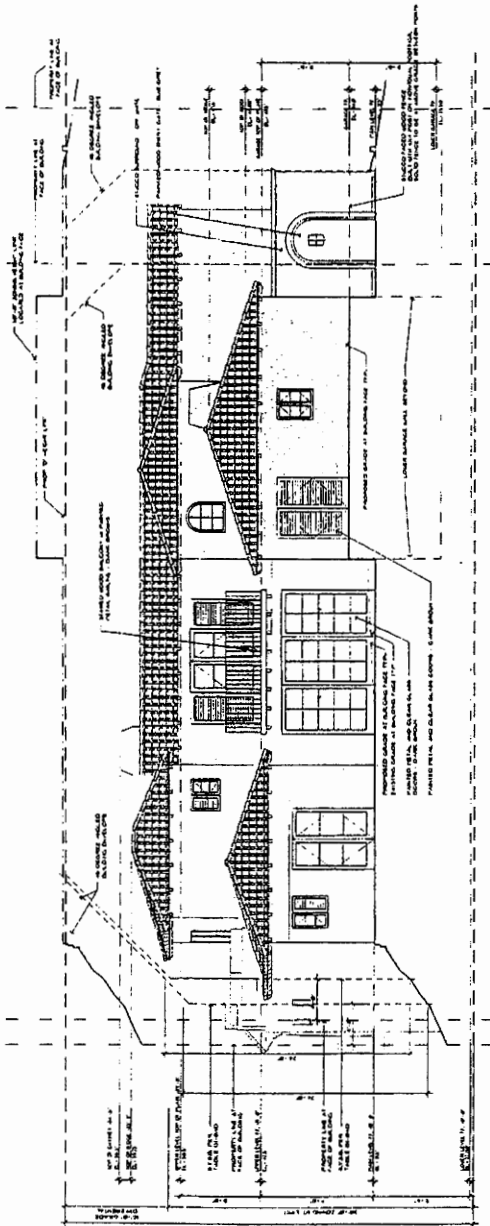
DREX PATTERSON, VIA
7602 HENSCHTEL AVENUE
TEL. 958.459.9281

A2.3

CITY STANDARD TITLEBLOCK	
1944-1945	1944-1945
1946-1947	1946-1947
1948-1949	1948-1949
1950-1951	1950-1951
1952-1953	1952-1953
1954-1955	1954-1955
1956-1957	1956-1957
1958-1959	1958-1959
1960-1961	1960-1961
1962-1963	1962-1963
1964-1965	1964-1965
1966-1967	1966-1967
1968-1969	1968-1969
1970-1971	1970-1971
1972-1973	1972-1973
1974-1975	1974-1975
1976-1977	1976-1977
1978-1979	1978-1979
1980-1981	1980-1981
1982-1983	1982-1983
1984-1985	1984-1985
1986-1987	1986-1987
1988-1989	1988-1989
1990-1991	1990-1991
1992-1993	1992-1993
1994-1995	1994-1995
1996-1997	1996-1997
1998-1999	1998-1999
2000-2001	2000-2001
2002-2003	2002-2003
2004-2005	2004-2005
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2008-2009	2008-2009
2010-2011	2010-2011
2012-2013	2012-2013
2014-2015	2014-2015
2016-2017	2016-2017
2018-2019	2018-2019
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2100-2101	2100-2101
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2106-2107	2106-2107
2108-2109	2108-2109
2110-2111	2110-2111
2112-2113	2112-2113
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2150-2151	2150-2151
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2154-2155	2154-2155
2156-2157	2156-2157
2158-2159	2158-2159
2160-2161	2160-2161
2162-2163	2162-2

ROOF PLAN







LA JOLLA COMMUNITY PLANNING ASSOCIATION

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900
<http://www.LaJollaCPA.org> Email: Info@LaJollaCPA.org

Regular Meeting – 6 January 2011

Attention: Michelle Sokolowski, PM, City of San Diego

Project: Dunemere Residence
311 Dunemere Drive
PN: 207724

Motion: To accept the recommendation of the DPR
Committee: to approve Dunemere Residence
and forward the recommendation to the City. Vote: 13-0-1

Submitted by:

Joseph LaCava

6 January 2011

Joe LaCava, President
La Jolla CPA

Date

DPR Committee report for December 2010

Project Name: 311 DUNEMERE RESIDENCE, 311 Dunemere Dr.

Permits: CDP SDP Project #: 207724 Zone: RS-1-7

DPM: Michelle Sokolowski 619-446-5278, MSokolowski@sanidiego.gov

Applicant: Lisa Kriedeman 858-459-9291, lkriedeman@islandarch.com

Scope of Work:

(Process 3) Coastal Development Permit & Site Development Permit to demolish an existing residence and construct a 8,105 square foot single family residence including hardscape, retaining wall, and relocation of driveway on a 0.41-acre site in the RS-1-7 Zone..

Subcommittee Motion: Findings can be made for Coastal Development Permit & Site Development Permit to demolish existing house, and construct a 8,105 sq ft SF residence. 7-0-0.

Subcommittee Motion: The DPR Chairman will send a letter to the Applicant and SD City Project Manager encouraging: 1. Retaining the Star Pine (in sewer easement), 2. Substituting required street light with low level (< 3 ft) pedestrian oriented lighting.

Project No. 207724

311 Dunemere Drive

Property Owner:

Willard M. and Ann D. Romney



Advanced Planning &
Engineering
(619) 446-5460

MITIGATED NEGATIVE DECLARATION

PTS No. 207724

SAP No. 24000791

SCH. N/A

SUBJECT: 311 DUNEMERE DRIVE: COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) to demolish an existing 3,009-square-foot, single-family residence and constructed a new 11,062-square-foot, two-story residence (includes a 3,668-square-foot basement level and a 692-square-foot main floor garage) on a 0.41 acre (17,844-square-foot) lot. The site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (OZ appealable area), the Coastal Height Limit OZ, the 1st Public Roadway Zone, the Parking Impact OZ, the Residential Tandem Parking Overlay OZ, and the Transit Area OZ, within the La Jolla Community Plan Area and Council District 1. **Applicant:** Lisa Kriedeman Island Architects

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION: The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental affect in the following area(s): **Paleontology.** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project, as revised, now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.
- IV. DOCUMENTATION: The attached Initial Study documents the reasons to support the above Determination.
- V. MITIGATION, MONITORING AND REPORTING PROGRAM: To ensure that site development would avoid significant environmental impacts, a Mitigation, Monitoring, and Reporting Program (MMRP) is required. Compliance with the mitigation measures shall be the responsibility of the applicant. The mitigation measures are described below.
 - A. GENERAL REQUIREMENTS – PART I
 - Plan Check Phase (prior to permit issuance)
 1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and

approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Paleontologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at **858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 207724, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how

compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable for this project.

- 4. MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

- 5. OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<u>Issue Area</u>	<u>Document submittal</u>	<u>Assoc Inspection/Approvals/ Notes</u>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction Meeting
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**PALEONTOLOGICAL RESOURCES****1. Prior to Permit Issuance****A. Entitlements Plan Check**

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction**A. Verification of Records Search**

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

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

grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
- b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Section 3 - During Construction.
 - c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

5. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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VI. PUBLIC REVIEW DISTRIBUTION:

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

City of San Diego
 Councilmember Lightner-District 1
 City Attorney's Office (MS 59)
 Development Services (501)
 EAS, Martha Blake
 Engineering, Jack Canning
 Permits, Raynard Abalos
 Geology, James Quinn
 EAS, Holly Smit Kicklighter
 EAS, Myra Herrmann
 EAS File (MS 501)
 Project Management (501) – Michelle Sokolowski
 San Diego Central Library (81)
 La Jolla – Riford Library (81L)

Others

La Jolla Community Planning Association (275)
La Jolla Town Council (273)
La Jolla Historical Society (274)
La Jolla Light (142)
La Jolla Village News (271)
San Diego Natural History Museum
San Diego Archaeological Center (212)

Owner

Willard Romney

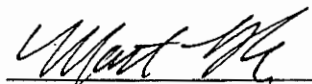
Applicant

Camila van Bommel, Island Architects

VII. RESULTS OF PUBLIC REVIEW:

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

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



Martha Blake, Senior Planner
Development Services Department

August 19, 2011
Date of Draft Report

April 2, 2013
Date of Final Report

Analyst: Smit Kicklighter

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

Smit-Kicklighter, Holly

From: aciani@ciarchitecture.com on behalf of Anthony Ciani [ciarchitecture@aol.com]
 Sent: Friday, September 09, 2011 8:58 AM
 To: Smit-Kicklighter, Holly
 Subject: 311 Dunemere Drive - PTS 207724

Dear Ms. Kicklighter,

I believe the Initial Checklist failed to identify the following key issues that may be associated with the redevelopment of this site and structure:

- 1) Aesthetics, including mass and scale using the sandy beach area to justify a higher FAR
- 2) Biological resources,
- 3) Geology and Soils, including shoreline processes
- 4) Hydrology and Water Quality, including potential impacts on adjacent biological resources
- 5) Land Use and Long Range Planning, including cumulative impacts
- 6) Recreation, including a sufficient study of the public's historical beach access on the improved walk and stairs before they were gated sometime in the mid-1960's
- 7) Mandatory Findings, according to the Coastal Act

As a result, these items were incorrectly studied and lead to the wrong conclusions.

) I also believe the conclusions regarding Checklist Item "Cultural Resources" were mistakenly based upon the belief that history at this site is static and stopped when it was renovated by former Mayor of San Diego Maureen O'Connor.

Sincerely,

Anthony A. Ciani

1. The project proposes the demolition of an existing two-story home and the construction of an approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story, single-family residence with attached garage, hardscape and retaining walls on a 0.41-acre site. The proposed architecture and design is compatible with the appearance of the surrounding structures and incorporates façade articulation and architectural details that are consistent with the neighborhood and applicable city policies. The scale, design and building materials incorporated into the proposed home are consistent with the varied design and character of the existing single-dwelling unit development within the area. The majority of the proposed home occurs within the existing structural footprint. The exterior finishes will incorporate materials and colors consistent with the recently remodeled and newly built homes within the vicinity and will be visually compatible with the architectural materials and varied design theme of the existing single-dwelling unit development along Dunemere Drive and the surrounding streets. Homes within the vicinity contain a variety of architectural styles and materials and varied design themes and include one, two and three-story residential developments. FAR is calculated using the total area of a premises. The definition of FAR and premises is found in San Diego Municipal Code Section 113.0103. The premises is delineated by the property lines as determined by the legal description of the subject site. The westernmost property line is the Mean High Tide Line. The allowed FAR per the R-1-7 Zone is 0.47 and the proposed home has a calculated FAR of 0.41. The applicants submitted to the City a comprehensive photo survey as well as an FAR comparison chart which also included the number of stories of the homes within a 300-foot radius. The FARs range from a low of 0.10 to a high of FAR 0.89. The average within the area is a 0.48 FAR. The proposed FAR of 0.41 is within the range of the surrounding neighborhood. Of the 21 homes within the 300-foot radius, 18 are two-story homes, 6 are three-story homes, and 2 are one-story homes. The proposed home is allowed by the R-1-7 zoning and is consistent with the La Jolla Community Plan and all the other applicable provisions of the Municipal Code. There are no deviations or variances requested or required to build the home.

City staff determined, based on the City's CEQA Significance Thresholds that the project would not result in a substantial obstruction of any vista or scenic view from a public viewing area as identified in the community plan; the project would not exceed the allowable height or bulk regulation and the height and bulk of the existing patterns of development by a substantial margin; nor would there be a substantial alteration to the existing or planned character of the area. Therefore, staff concluded in the Mitigated Negative Declaration, that there are no environmental impacts associated with aesthetics or neighborhood character, including mass, scale, and FAR.

2. A Biological Letter Report was prepared by REC dated June 29th, 2010 that concluded there are no recognized biological resources on site or biological resources that would be impacted by the project. No evidence of any such resources on site has been presented. Please see Section IV Biological Resources of the Initial Study.
3. No specific concerns are noted in this statement, and City staff has no response to this statement regarding Geology and Soils, including shoreline processes. Please see Section VI of the Initial Study for the discussion of this issue area.
4. No specific concerns are noted in this statement, with the exception of impacts to biological resources, which has been addressed in response No. 2, above. Please see Section IX of the Initial Study for the discussion of issues related to Hydrology and Water Quality.
5. No specific concerns are noted in this statement. Please see Sections X and XVIII of the Initial Study for the discussion issues related to Land Use and Cumulative Impacts.
6. Neither the subject property nor the adjacent property is identified in the City's adopted Local Coastal Program (LCP) and Land Use Plan as a

public access way. There is no physical access legally utilized by the public on or through the property and no proposed public access way as identified within the LCP Land Use Plan. City Staff reviewed the recorded deeds and maps on the referenced properties and have determined that there is no evidence provided within the record that the private path was or has been utilized as a public access way or that the property contains a public access easement. There are three identified vertical public access points down to the beach within 500 feet of the site. The first is located approximately 150 feet to the north at Sea Lane. The second public access is approximately 250 feet to the south at Vista De La Playa. The third is approximately 500 feet to the south at Marine Street. These public access ways are unobstructed and provide for access to the ocean and the shoreline. Evidence was provided to both the City of San Diego and California Coastal Commission which demonstrated the private walk way is not needed as a public access point.

There are three public access points provided within 500 feet of the subject property consistent with the recommendations of the La Jolla Community Plan. It should be noted that the owner as a condition of approval will be recording a lateral beach access easement for the property west of the seawall out to the main high tide for the public's use and enjoyment.

7. No specific concerns are noted in this statement, and City staff has no response to this statement regarding Mandatory Findings according to the Coastal Act.
8. The City's determination of Cultural Resources was not based upon any such conclusion. The building itself is over 45 years old and therefore a report addressing the potential historicity of the structure was required. The conclusion of that report, which qualified staff agreed with, was that the residence was not historic and is not eligible for designation based on a variety of factors that are summarized in Section V.a. of the Initial Study. Staff also determined that based on consultation with qualified City staff, the CHRIS database, and the evidence of disturbance on the project site

that it is unlikely that archaeological resources would be present on site. This information is detailed in Section V.b. of the Initial Study. Staff did determine that paleontological monitoring will be required during construction and excavation due to the amount of cut into formational soils that is proposed to construct the project. Please see Initial Study Section V.c. and MND Section V the Mitigation Monitoring and Reporting Program requirements.

Smit-Kicklighter, Holly

From: Tom and Randy [tsd@san.rr.com]
Sent: Sunday, September 25, 2011 1:27 AM
To: Smit-Kicklighter, Holly
Subject: Mitigated Negative Declaration Public Comment Period for Romney home on Dunemere Drive

Dear Holly,

We live at 7257 Dunemere Drive and wanted to pass along our concerns about the proposed demolition and building plans for the Romney home on Dunemere. We along with several of our neighbors on Dunemere have concern about the potential impact based on the size, scale and mass of the proposed project compared to the prevailing neighborhood development on Dunemere Drive itself. The street is very unique to the area and most of the homes are on a completely different size and scale. Our home along with the other homes on Dunemere that are in the immediate vicinity are much much smaller than the size of the proposed development. The neighborhood dates to the 1920-1940 time period and our home as well as others immediately next to or across from the Romney house are very small in size and are of a unique character. The lot sizes are relatively small, the street is one way with limited access. We would be pleased to provide our input in a more formal and detailed fashion if that is necessary or desirable for our concerns to be heard.

I understand from our neighbor that the comment period has been extended to September 27.

Please confirm receipt of our concerns if possible.

Sincerely,

Randy Clark and Tom Maddox

9. Please see response to comment No. 1.

10. See response to comment No. 1. In calculating floor area ratio (FAR) the property boundaries are utilized. This would include the western most property boundaries out to the mean high tide line and the northerly boundary between subject site and the property to the north. The premise is defined in San Diego Municipal Code Section 113.0103. For the subject property the entire legal lot is considered the premises because it is a single legal lot and therefore the smallest conveyable unit. The floor area ratio allowed for a 17,844 square-foot site is 0.47, and the proposed home has a calculated FAR 0.41 which complies with the allowed floor area ratio. Based upon a survey of FAR within the area the largest FAR is 0.89.

Anthony A. Cianl
340 Dunemere Drive
La Jolla, California 92037

September 25, 2011

Holly Smit Kicklighter
Environmental Planner
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
Via Email: hsmit@sandiego.gov

RE: 311 DUNEMERE - PTS NO. 207724

Dear Ms. Kicklighter,

I am writing to supplement the comments regarding this subject project contained in my email to you dated September 9, 2011. The following items are an outline of my concerns about the project and the impacts I believe it will have:

1) Project Size:

I understand that the bulk and mass of the proposed project was based on a floor area ratio using the sandy beach westerly of the existing sea wall measured to the MHTL serving as a migrating boundary line for the property. I believe this analysis is a flawed. I assume the MHTL was determined on a certain day that averaged the MHTL from some sort of data. However, the presence of the long standing sea wall together with the other sea walls and revetments located adjacent to the property have altered the natural shoreline processes, and has prevented the natural landward migration of the MHTL. Therefore, the contours of the sandy formations have been artificially altered with a fixed boundary between sea, beach and the subject property. (Also, see my comments in Item 2 below.) As a result I believe the "land area" used for the Floor Area Ratio (FAR) should only include the property lines between the adjacent properties, street and the sea wall.

Use of the larger land area including the sandy beach, resulted in a FAR that is disproportionate to the size of the lots in the neighborhood, which will result in a significant adverse impact to the overall visual character of the surrounding development. For example, many of the lots that form the streetscape of Dunemere Drive are small with small scale homes that contribute to its special character. The proposed project would be three times bigger than the largest house and nearly four to eight times bigger than the predominate size of the houses on Dunemere Drive.

September 25, 2011

Ms. Holly Smit Kicklighter

RE: 311 Dunemere - PTS No. 207724

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2) Geology and Shoreline Processes:

The subject property is part of an ancient sand dune formation that persisted into the 1930's. The original subdivision in 1903 preserved the dune formations which were identified on the subdivision map as "Playas de la Arenas". The rest of the land was subdivided into blocks, lots and streets, but the natural sand dunes located between Sea Lane to the north and Fern Glen to the south were left "open" (the only exception was the east to west road called Arenas which was shown (where the current Vista de la Playa road is located) extending from La Jolla Boulevard westerly to connect to Neptune Place, running parallel to the shoreline. Historical aerial photographs (San Diego Historical Society and Dr. Francis Sheppard, SIO Photographic Archives) are available that show the sand dunes undisturbed into the early 1920's, allowing the sea and beach to retain their natural dynamic processes. Over time, developments of the sea walls and revetments have attempted to fix the line between the ocean and beach, and the "private" property. At least in the storm periods of 1977-8 and 1982-3, the ocean waves significantly overran many of the man made devices (see local press and media from those periods. Also see past California Coastal Commission records regarding permit and unpermitted activities in this area - Robertson, Quin, Palmer, Revell, Savage, Newman, Watts and 220-240 Coast, etc.) Current scientific studies indicate there will be a substantial rise in the world's ocean sea levels which, in turn, will result in the landward migration of the MHTL. Therefore, within the lifetime of the proposed project, the land area of the sandy beach sued in this FAR analysis will decrease and should not be used. All of this information supports the point that the subject property's westerly boundary line used for the purpose of this proposed permit should be the existing sea wall. In this context, using the MHTL to define the property boundaries will result in significant direct and cumulative impacts for the California coastline and the community.

3) Hydrology/Water Quality/Biology:

I believe that the urban runoff from the subject site and surrounding development will have negative impacts on the ocean water quality and biological resources. Currently, urban runoff from the surrounding area drains down an improved concrete walk and stairs which lead from the west end of Dunemere Drive onto the beach and into the ocean. The concrete headwall that flanks the west end of the stairs has troughs formed into the top of the stringers on each side. Irrigation and storm water runoff are transported across the street surfaces and in the gutters to the walk/stairway terminus. Presumably the stairs serve to dissipate the flow onto the sandy beach. There is no improved debris and or non-point source pollution collection system. This site and similar sites and improved storm drain outfalls cumulatively contribute to the pollution of the beach and ocean biological resources which have significant impacts on California coastal resources. Therefore, to avoid contributing to significant cumulative impacts on adjacent biological systems, the subject project must be designed to eliminate those impacts at this

11. Comment noted. Staff considers the condition of the premises at the time the permit was applied for.

12. Comment noted. All storm water run-off from the Dunemere Drive Right-of-Way and from the subject project site discharges at the existing discharge location. The project has been designed so there is no additional storm water run-off at the existing discharge location. Energy dissipaters will be constructed at the structural treatment control facility discharge location to reduce the discharge to a non-erodible velocity. The project has been designed to include structural treatment control BMP facilities to remove pollutants contained in the storm water run-off. There are no anticipated impacts to biological resources. Also see Section IV and IX of the Initial Study.

The sandy beach will not be utilized for any ingress and egress for construction purposes. The project will be required to incorporate Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications which will include a Water Pollution Control Plan that identifies all construction BMP requirements required by the State.

The proposed project does not adversely affect or modify any existing urban runoff. As stated in the Initial Study the project could have indirect effect on nesting birds, however these impacts will be avoided by compliance with California State Fish and Game Code Section 3503. There will be no significant or cumulative impacts on shoreline birds as a result

of the proposed project. As previously indicated the project will be collecting any and all onsite storm water and drainage runoff and be directed that into the vegetative swell for bio filtering/ treatment of urban runoff. Based upon these measures Staff concludes that there would be no adverse impacts to hydrology, water quality, or biology. Also see Section IX of the Initial Study.

13. Please see response to comment No. 6. The owner will be recording a lateral beach access easement across the sandy beach area of the subject property which encompasses approximately 6,000 square-feet of private property for the public's use. This will protect the public's use and enjoyment of the beach and ocean and the public's historical use of the sandy beach portion of the property. Lighting is controlled per a permit condition and requires that the subject project direct all lighting only within the subject property. Lighting will not be allowed to illuminate the sandy beach or ocean.

14. There is public access approximately 150 feet to the north (Sea Lane), 500 feet to the north (Marine St) and 250 feet to the south (Vista De La Playa). Pursuant to the certified LCP there is more than adequate access within 500 feet of the property. See response to comment No. 8 and Section V a) - d) of the Initial Study.

15. Comment noted. Specific responses to these issues are addressed in comment Nos. 1 through 8 and 9 through 14.

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Ms. Holly Smith Kicklighter
RE: 311 Dunemere PTS No. 207724
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location. The project should be subject to strict mitigation measures and monitoring to avoid impacts due to runoff during construction. It must not be allowed to use the sandy beach for ingress and egress for construction purposes; and, a special condition must be required to clean any and all construction and other debris from the adjacent beach areas with a monitoring program.

Along with the sea life within the sandy soils and seaweed deposits on the beach including between the subject sea wall and MHTL (actually, between the seawall and the sea high and low water lines each day), are shoreline birds. Those birds depend upon the ability to use the entire extent of the beach for feeding and resting (See Pont Reyes Bird Observatory studies and findings performed during the 1970's and 80's.) There is already competition from human activities for the use of these resources. Further use of the shoreline, including urban runoff will have significant and cumulative impacts on the shoreline birds. This project has the opportunity to improve that condition by decreasing the runoff, including subsurface drainage, directly from the site; and, treating the urban runoff from the surrounding area. The project should incorporate design mechanisms to avoid impacts to the adjacent shoreline and ocean resources.

4) Public Access and Recreational Resources:

The public has used the adjacent beach and ocean since the time before the existing residence and sea wall were constructed. After they were constructed they have continuously used the shoreline to trek along and explore the La Jolla shoreline from Bird Rock to Torrey Pines Beach. This particular beach is well known for water-dependent activities such as, swimming, skin diving, surfing, fishing, and skim boarding. People also enjoy the beach for both passive sun bathing, communing with the natural surroundings, beach B-Q's, etc. The new development should be required to minimize impacts to the public's enjoyment of the beach and ocean and to protect the public's historical uses. No external lighting should be permitted to illuminate the sandy beach or ocean. Such lighting could have direct impacts on Grunion Runs and the overall less urban qualities of the beach.

Part of the original improvements to the property, a concrete walk and stairway were constructed leading directly from the end of Dunemere Drive to the beach. Historical aerial photographs indicate that the walk and stairs were no fenced off and or, gated. From 1956 until 1960, I was a resident in La Jolla and lived about a mile east of the subject site and familiar with it during that time as a newspaper boy. I delivered the morning paper to Dr. and Mrs. Lipe every day for about four years. I also enjoyed going to beach at this location after school and during school holidays. The walk and stairway were open with no signs declaring it as a private walk.

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 Ms. Holly Smit Kicklighter
 RE: 311 Dunemere PTS No. 207724
 Page 4

I believed it to be a public way similar to the public walk and steps that are located at the foot of Vista de la Playa to the south and north end of Vista Del Mar three blocks to the north.

From 1961 to the mid-late 1960's, I was a San Diego Lifeguard stationed in La Jolla. During that time, I frequently used the subject walk and stairs for ingress and egress the beach during my duties and private time. I observed many people freely using the access. I understand from the owner of the property immediately east of the subject site, that during the 1960's before she and her husband bought their house, he would jog along the shoreline and end his routine by walking up the steps and walk to Dunemere...It was during that time, they fell in love with Dunemere and vowed to by a home there. Another long term resident grew from his birth a hundred feet up the street and openly used the access as a child and young adult. When I bought my lot on Dunemere, the walk had a small gate, but I was told by Dr. Lipe he installed the gate and would give keys to the neighbors which he did. In the 1990/2000 period a neighbor who bought a house across the street, was told he would be given a key to the gate. The historical photographs and these examples of public's historical use both unrestricted and limited use, indicate a study of the public's historical use of the existing walk and stairs must be conducted to protect the public's potential prescriptive rights for vertical access.

5) Cultural Resources:

The subject house was the home of Dr. and Mrs. Lipe. Dr. Lipe was a locally important individual especially during World War II. Mrs. Lipe was and still is recognized as an accomplished water color artist of local importance. The house was reportedly designed by architect Lillian Rice; I don't know that for a fact, however, despite a remodel in the 1980's, it retains the original low-scale appearance from its early (Lipe) historical period. I understand that the remodel that was completed in the 1980's changed the historical fabric; primarily changing the roof from wood shingles to be Spanish tile. However, that work was accomplished by Maureen O'Connor San Diego Mayor, 1985 - 1992. Rather than diminish its importance, her association with the residence only strengthened its importance. She took a special interest in the design and work to protect the overall scale and character of the intimate Dunemere surroundings. Even though she sold the house, she was so fond of the special qualities of that specific area; she bought the house located immediately north and adjacent to the subject house. I understand first hand, that only within the last year, did she move away because of the pending impacts associated with the proposed redevelopment. In summary, redevelopment of this site has and will have cumulative impacts on the social and cultural amenities of the community.

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Ms. Holly Smit Kiehligher
311 Dunemere PTS No. 207724
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6) Conclusion:

I request that the environmental review address the items mentioned above. Without identifying the potential for historic public access, the mandatory findings appear to have been neglected. Without an unbiased analysis of the prevailing mass and scale of the surrounding development, the project seeks to build out to a maximum arbitrary ratio that does not conform to the neighborhood. Without evaluating the MHTL in the absence of the existing sea wall, and the potential inland extent of the beach, the size determined for the lot is not credible. One of the long standing goals of the community has been to protect the existing scale and character. I believe the Initial Study neglected to question important environmental issues including the associated impacts on local and state Long Range Planning policies.

Respectfully,

Anthony A. Cianl

16. Please see response to Comment No. 1.

Smit-Kicklighter, Holly

From: Gidon Cohen [Gidcohen@comcast.net]
Sent: Monday, September 26, 2011 3:56 PM
To: Smit-Kicklighter, Holly
Subject: 311 Dunemere-PTS No 207724

Holly, my name is Gidon Cohen and I reside at 352 Dunemere. I wanted to offer some of my concerns relating to the above referenced project. I'm concerned that an 11,000 square foot house with 8,000 square feet above ground is not consistent with the character of the street and the immediate Beach Barber Tract area. Most homes on the street, while varying significantly in style, are of modest size ranging from 1,500 to 4,000 square feet, which gives the street its unique character. While I favor a property owner's right to build the home of his/her choice, I would hope this can be done in a way that does not compromise the character of the street. I know there are other neighbors, who share my concerns, and hope you give voice to this point of view as you deliberate the merits of the project.

Sincerely
Gidon Cohen

Smit-Kicklighter, Holly

From: Runyan Steven [srnyan@sandi.net]
 Sent: Tuesday, September 27, 2011 2:00 PM
 To: Smit-Kicklighter, Holly
 Subject: MND - PYS 207724

rs. Smit-Kicklighter,

Yesterday our neighbor, Tony Clant, spoke to us and sent us an email regarding the litigated Negative Declaration (MND) Public Comment Period for the Romney proposed development. We have lived next door (323) to the Romney house since 1978. We are concerned about the potential negative impacts of the project upon the neighborhood.

Our primary concern is that the proposed development would be out of proportion for neighborhood. The size of the proposal would be disproportionately larger than any other house on Unemere Drive. The Romney house would be much larger than the mean/average size of the houses in the neighborhood. Therefore, statistically, it would have to be considered the outlier.

Our second objection is regarding the calculation of the Floor Area Ratio (FAR) of the proposed development. If it is not possible to measure the maximal high tide (storm surge, spring tides, seasonal sand transport and predicted sea level rise) due to the obstruction of the seawall, then it is impossible to accurately measure the Mean High Tide Line (MHTL). In addition, the seawall has become the de facto property line due to its protective nature and the use of the beach west of the seawall for public use. Therefore, the seawall should be used in the calculation of the FAR, not the MHTL. The inclusion of the MHTL in the calculation of the FAR would distort the true size of the lot, creating a situation where its maximal FAR would be disproportionately larger than the prevailing neighboring developments.

In conclusion, we would like the City of San Diego to carefully consider the Romney proposal. The use of the MHTL in the calculation of the FAR would allow for the construction of a house whose size and scale would be out of proportion compared to the average developments in the neighborhood. If approved, this could create a dangerous precedence whereby beachfront communities would effectively lose their prevailing architectural character if beachfront homes were allowed to develop disproportionately larger than the neighboring developments.

Thank you for your consideration,
 Steven and Carolyn Runyan

17. Please see response to Comment No. 1

18. Please see responses to Comment Nos. 1 and 10. The MHTL was depicted on the site survey.

19. The La Jolla Community Plan provides for guidance with proposed construction including transitions, architectural style, and neighborhood character. Staff's review of the proposed home determined that it is consistent with the design and aesthetic recommendations as contained within the community plan. In addition, the RS-1-7 Zone contains restrictions including floor area ratio, height limits, side yard setbacks, lot coverage and landscape ratios. It should be noted that the allowed FAR is 0.47 and the proposed home is 0.41 (less than allowed). The height of the structure is under the 30-foot height limit. There is no required front yard setback and the proposed project will be providing 3 to 4 feet. The required side yard setbacks are 4 feet at the south side property line and 6 feet on the northern side. The project will be providing 4- and 6-foot side yard setbacks respectively. The required rear yard setback is 13 feet and the project will be providing 125 feet to the westerly PL (and nearly 40 feet from the seawall). As such the home complies with all of the development regulations as contained within the Municipal Code and is consistent with compliant with goals and recommendations of the La Jolla Community Plan.

Smit-Kicklighter, Holly

From: Walter Turek [waller@blueie.com]
Sent: Wednesday, September 28, 2011 9:45 PM
To: Smit-Kicklighter, Holly
Subject: Romney project

Hello Holly,

My home is located at 318 Dunemere, directly across from the proposed Romney project. I am extremely concerned and opposed to the size and scope of the proposed project. I believe additional review is necessary to understand the impact of such a significant project on homeowners adjacent to the area. The narrow street construction logistics. The digging for underground garage and the geological impact, the overall size and scope of the project...please keep me advised on how I may be more involved..

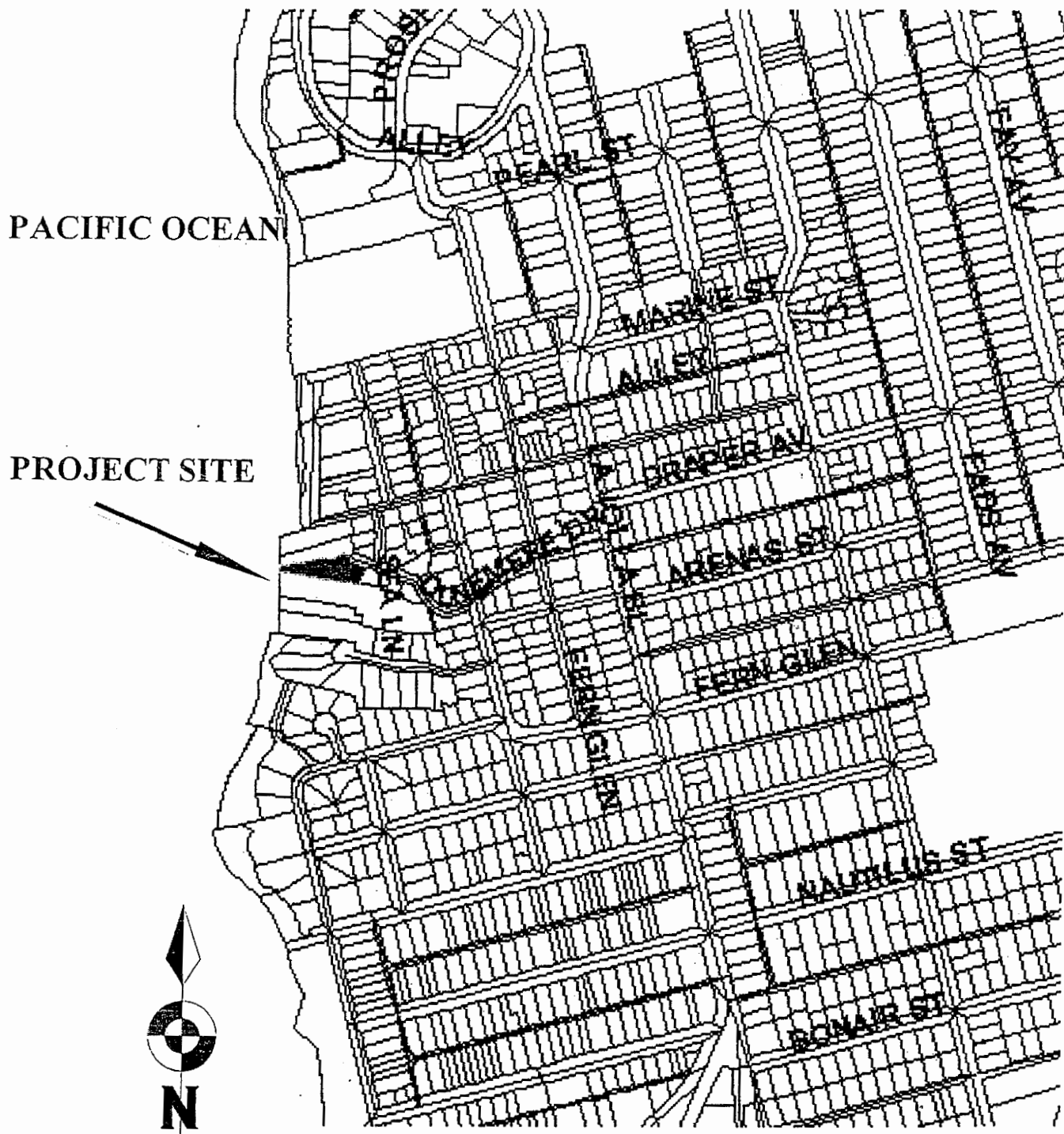
Thank you,

Walter Turek
318 Dunemere
LaJolla, Ca

Sent from my iPhone

20. Comment noted. Please see Response to Comment No. 1. Construction will be challenging on this site because of the narrow street. However, with proper street control and staging the proposed construction would not result in significant mitigated environmental impacts.

FIGURE 1 – LOCATION MAP

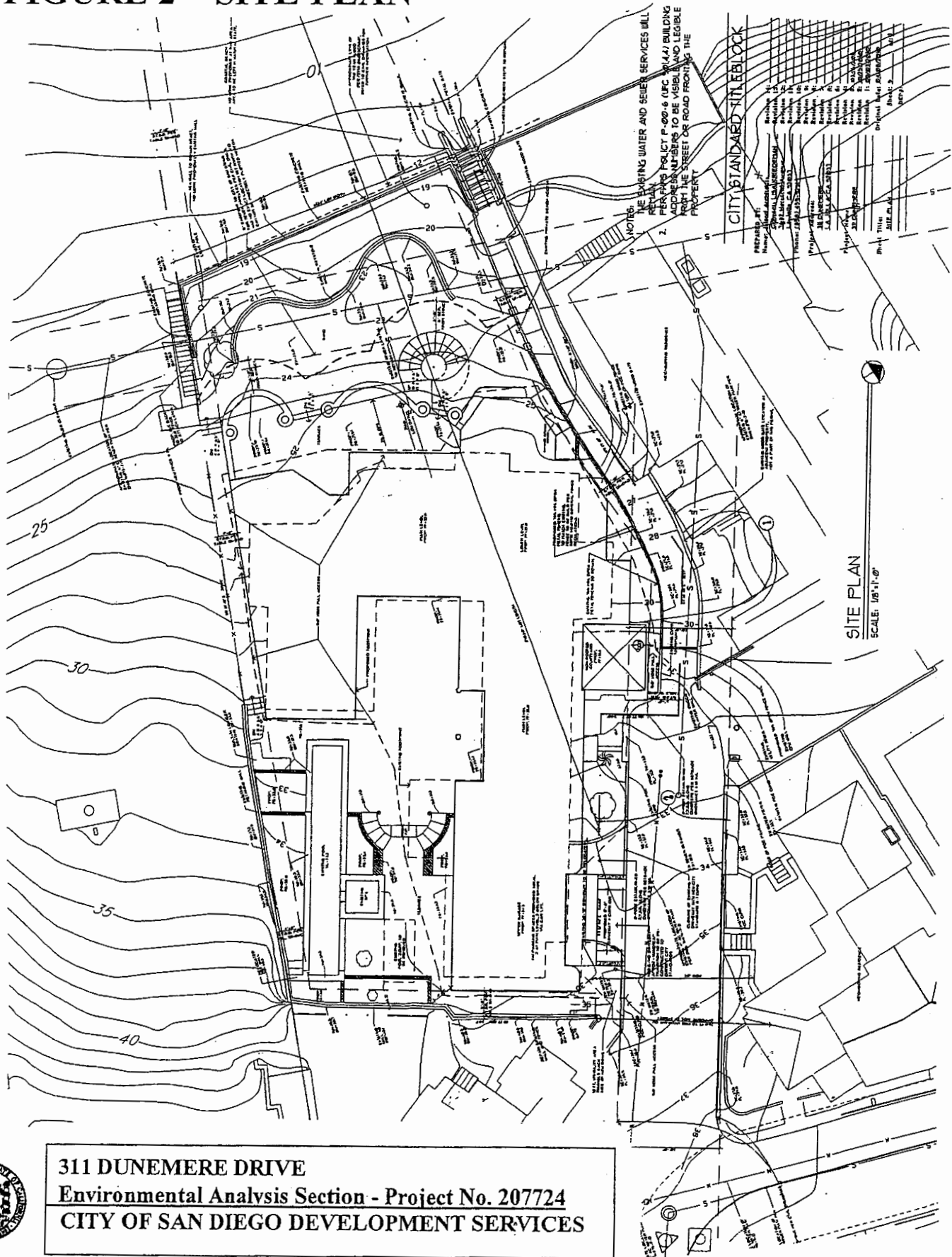


311 DUNEMERE DRIVE

Environmental Analysis Section - Project No. 207724

CITY OF SAN DIEGO · DEVELOPMENT SERVICES

FIGURE 2 – SITE PLAN



INITIAL STUDY CHECKLIST

1. Project Title/Project Number:

311 DUNEMERE DRIVE/207724

2. Lead agency name and address:

City of San Diego
1222 First Avenue, MS501
San Diego, CA 92101

3. Contact person and phone number:

Holly Smit Kicklighter/ (619) 446-5378

4. Project location:

311 Dunemere Drive, La Jolla, CA 92037, (APN No. 351-090-2400- Map 5840, Lot
1 of La Jolla Woods Subdivision), City and County of San Diego, Council District
1.

5. Project Applicant/Sponsor's name and address:

Camila van Bommel, Island Architects, 7632 Hershel Ave., La Jolla CA,
92037, 858-459-9291

6. General Plan designation:

Residential - Low (Density) (5-9 dwelling units per acre).

7. Zoning:

Residential RS-1-7 Zone of the La Jolla Community Plan, the Coastal
Overlay Zone (OZ appealable area), the Coastal Height Limit OZ, the 1st
Public Roadway Zone, the Parking Impact OZ, the Residential Tandem
Parking Overlay OZ, and the Transit Area OZ.

8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

The proposed Coastal Development Permit (CDP) and Site Development Permit (SDP)
would allow demolition of an existing 3,009-square-foot, single-family residence and

construction of a new 11,062-square-foot, two-story residence (includes a 3,668-square-foot basement area and a 692-square-foot main floor garage) on a 0.41 acre (17,844-square-foot) lot. The project would also include new hardscape, retaining walls, and relocation of the driveway. The existing pool, spa, and various walls would remain. Areas of new landscaping consistent with the City's Land Development Code, Landscape Regulations, would also be included in the project. Access to the site would remain off Dunemere Drive and the development would provide four off-street parking spaces where two parking spaces are required.

The property is located in the La Jolla Community Plan Area. The site is zoned for Residential (R-1-7) in the La Jolla Community Plan. The site is in the Appealable Coastal Zone, and Coastal Height Limit Zone where the allowed a maximum structure height is 30 feet. As such, the proposed building has been designed so as not to exceed 30 feet in height at the highest point. The project was designed in conformance with the underlying zones and is not requesting deviations or variances to the Land Development Code.

Proposed grading on the 17,844-square-foot lot would cover 6,000 square feet or 34% of the site. Excavations for the development on-site would total approximately 1,525 cubic yards with export to a City approved off-site area of 1,500 cubic yards. Grading depths would be a maximum of 12 feet to accommodate the basement area and geological remediation. New fill would be a maximum depth of 0.5 feet. Retaining walls would be a maximum height of 4 feet and extend for approximately 25 linear feet on the northern boundary to support a portion of the new basement level.

Surrounding land uses and setting: Briefly describe the project's surroundings:

The project site is located at 311 Dunemere Drive, La Jolla, CA 92037, (APN No. 351-090-2400- Map 5840, Lot 1 of La Jolla Woods Subdivision), City and County of San Diego within the La Jolla Community Plan Area, Council District 1. The site is in the Residential RS-1-7 Zone and designated for low density residential. The site is also within the Coastal Overlay Zone (appealable area), the Coastal Height Limit Overlay Zone, the 1st Public Roadway Zone, the Parking Impact Overlay Zone, the Residential Tandem Parking Overlay Overlay Zone, and the Transit Area Overlay Zone.

The site is located west of La Jolla Boulevard, in the RS-1-7 Residential Zone, which allows no more than one unit per lot (i.e. a single family residential zone) and requires a minimum lot size of 5,000 square feet. The project site is currently developed with a single-family dwelling unit. The land is urbanized and is supplied with all utilities.

The surrounding area is designated and developed with single-family residential to the north, south and east. Dunemere Drive is located parallel with the northeast third of the

site. Both sides of Dunemere Drive are zoned RS-1-7 and are fully developed. West of the project site is beach front and the Pacific Ocean. Topographically the site ranges from approximately 12 feet above mean sea level (AMSL) at the seaward portion (rear) of the lot at the base of the existing seawall at the western beach portion of the property. The site d gently slopes up to 41.7 AMSL at the northern eastern end of the property.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.):

Not applicable for this project.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service System |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings Significance |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.

- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses", as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.

- b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated", describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion. Please note, all reports and documents mentioned in this document are available for public review in the Entitlements Division on the Fifth Floor of 1222 First Avenue, San Diego.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
- a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I) AESTHETICS – Would the project:

- a) Have a substantial adverse effect on a scenic vista?

☐ ☐ ☐ ☒

No public views and/or scenic corridors designated per the La Jolla Community Plan exist on or across the site. Therefore, the project would not result in a substantial adverse effect on a scenic vista.

- b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

☐ ☐ ☐ ☒

No such scenic resources or state scenic highways are located on, near or adjacent to the project site. Therefore, the project would not result in a substantial adverse effect on a scenic resource.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

☐ ☐ ☐ ☒

The proposed demolition/new single family residence is not expected to generate a negative aesthetic as required heights, setbacks and articulations required per the City's Land Development Code would be adhered to. In addition, the project would be compatible with the surrounding residential development. No such impacts are anticipated.

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

☐ ☐ ☐ ☒

Development of the residential project would comply with all current lighting and material glare standards and regulations. In addition, no substantial sources of light would be generated during project construction, as construction activities would occur during daylight hours.

II) AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

- a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

☐ ☐ ☐ ☒

The La Jolla Community Plan designates the project site as Low Density Residential (5.9 dwelling units per acre). The project is consistent with the community plan and would not result in the conversion of prime farmland, unique farmland, or farmland of statewide importance (farmland). Agricultural land is not present on the site or in the general site vicinity.

- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

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Refer to IIa.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

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The La Jolla Community Plan designates the project site as Low-Density Residential Development (0-5 dwelling units per acre). The project is consistent with the community plan and would not result in the rezoning of forestland or timberland. Forestland is not present on the site or in the general vicinity.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- d) Result in the loss of forest land or conversion of forest land to non-forest use?

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Refer to IIc.

- e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

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The La Jolla Community Plan designates the project site as Low-Density Residential Development (5-9 dwelling units per acre). The project would not involve any changes that would affect or result in the conversion of Farmland or forestland to non-agricultural or non-forest uses. The project is consistent with the community plan.
Refer to IIa and IIc.

- III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations -
 Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

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The project would replace an existing single family residence with a new single family residence and the project site is located within a neighborhood of similar residential uses. Therefore the project would not negatively impact air quality. Standard Construction Site Best Management Practices include water sprinkling of excavated soils to reduce dust levels and other measures. Such measures are enforceable per the San Diego Municipal Code Section 142.0710 which deals with off-site development impacts; therefore, no impacts would result and no mitigation is required to reduce.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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The demolition and reconstruction of a single-dwelling unit is not expected to generate substantial emissions that would impact the region's air quality.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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thresholds for ozone precursors)?

The County is non-attainment under federal standards for ozone (8-hour standard). The project would include demolition and reconstruction of a single-dwelling unit; therefore no considerable ozone or PM₁₀ would be generated from construction and operation.

- d) Expose sensitive receptors to substantial pollutant concentrations? ☐ ☐ ☐ ☒

No sensitive receptors per the City's Significance Thresholds are located in the project vicinity.

- e) Create objectionable odors affecting a substantial number of people? ☐ ☐ ☐ ☒

The demolition and reconstruction of a single-dwelling unit would not be associated with the creation of such odors. Refer to IIIa.

IV. BIOLOGICAL RESOURCES – Would the project:

- a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ☐ ☐ ☒ ☐

The project site is not in or adjacent to any Multiple Species Conservation Program, Multi-Habitat Planning (MSCP/MHPA) areas. The site does abut a natural beach, but no sensitive plants or animals have been identified on or adjacent to the project site per the "Biological Letter Report for 311 Dunemere" (REC, June 29, 2010). The site is currently developed and surrounded by an urban neighborhood except to the west. As the development site is currently built-out, and the proposed project would lie within previous developed area, no direct habitat impacts were identified which would occur with project implementation.

The project could have an indirect effect on nesting birds on or adjacent to the site; however these impacts would be avoided through required compliance with the CA State Fish and Game Code, Section 3503.

- b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California ☐ ☐ ☐ ☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Department of Fish and Game or U.S. Fish and Wildlife Service?

The project site is urban developed and no such habitats exist on or near the site.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

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There are no wetlands or waters of the US on or near the site other than the beach area which the project would have no effect on.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

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The project is on an urbanized lot and not part of a regional wildlife corridor. In addition, there is no potential for meaningful local wildlife movement beyond typical urban wildlife movement consisting of animals such as skunk, opossum, and raccoon, which would not be affected by the project development.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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The site is not adjacent to the MHPA nor does it contain trees subject to a tree preservation policy. Therefore, the project would not conflict with any such local policies and/or ordinances such as the MHPA. In addition, no biological resources have been identified on-site and no mitigation would be required.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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The site is not adjacent to a MHPA. The project would not conflict with any local

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>conservation plans.</u>				

V. CULTURAL RESOURCES – Would the project:

- a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?

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The purpose and intent of the Historical Resources Regulations of the Land Development Code (LDC) (Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. CEQA requires that before approving discretionary projects, the Lead Agency must identify and examine the significant adverse environmental effects, which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (Sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (Sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

Historical resources include all properties (historic, archaeological, landscapes, traditional, etc.) eligible or potentially eligible for the National Register of Historic Places, as well as those that may be significant pursuant to state and local laws and registration programs such as the California Register of Historical Resources or the City of San Diego Historical Resources Register. Historical resources include buildings, structures, objects, archaeological sites, districts, landscaping, and traditional cultural properties possessing physical evidence of human activities that are typically over 45 years old, regardless of whether they have been altered or continue to be used. The California Environmental Quality Act (CEQA) requires that before approving discretionary projects the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. Pursuant to Section 21084.1 of the State CEQA Guidelines, a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.

The existing home on-site was subject to Plan-Historic review as the structure is more than 45 years old (the Threshold established in the City's Land Development Code (LDC)). Plan-Historic Staff further determined that the existing residence was designed by Master Architect Lillian Rice and was originally built in 1936. Subsequent building permit records indicate that the residence was added to and remodeled on several occasions including a full remodel in 1986. A Historic Resource Technical Report (HRTR) (Scott A. Moomjian, December 2010) was

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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submitted by the applicant wherein the integrity and significance of the house was evaluated consistent with the City's adopted HRTR Guidelines and Designation Criteria Guidelines. Alterations to the house included reconstruction of the roof with a steeper pitch and roof intersections that differed from the original; new roofing material; new, thicker rafter tails with very different detailing; exterior additions; and modification of every window (which included replacement, alteration, elimination, additions; and wall restuccoing). The report concludes that the house is not significant under any designation criteria due to a lack of integrity. City Plan-Historic Staff concurred that the site is not eligible for designation for architecture or as the work of a Master Architect as the sum of the modifications caused the integrity of the original building design to be completely lost and no longer reflective of the work of the master architect.

Several notable individuals have also been associated with the property since its construction, including Dr. JT Lipe, Robert Peterson and Maureen O'Connor, and Mitt Romney. Plan-Historic Staff concurred with the HRTR that the site is ineligible for designation due to an association with a significant person or event as: Dr. Lipe does not rise to the level of a historically significant individual; Peterson and O'Connor's ownership was limited to a rental/vacation home and the site not the most representative of their achievements; and the association with Romney is too recent to be evaluated within a proper historic context.

Finally, per Plan-Historic and the HRTR, no evidence suggests that the property is significant under any remaining designation Criteria; including local Criterion A, State Criterion 1 and National Criterion A. As the house is not historically or architecturally significant under any of the above criteria, and EAS has determined that no historic buildings, sites, or objects have been identified on-site per the City's CEQA Significance Thresholds; no mitigation for historic buildings/sites/objects is required.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

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Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The site is located within mapped boundaries of historic sensitivity but is not within a ¼ mile radius of any known archaeological sites. EAS Historic Staff reviewed the California Historic Resources Information System (CHRIS) database and determined no sites are on or near the site. Furthermore based on the geology report and as built plans, staff determined that the site has been subject to extensive cut and fill

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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operations from the previous development on-site. Undisturbed or any archaeological resources are therefore considered to be unlikely on-site and no mitigation is required to reduce potential impacts to any archaeological resources to below a level of significance.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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According to "Geology of San Diego Metropolitan Area, California, La Jolla, 71/2 Minute Quadrangle" (Kennedy and Peterson, 1975) and the Geotechnical Investigation (GEL, May 18, 2011), the project site is underlain by fill from unknown sources to an average depth of two feet where it is underlain by Old Paralic Deposit (formerly Bay Point Formation) and then Point Loma Formation across the site at depths of 10 feet and below. The two latter formations are considered highly sensitive with a monitoring threshold of 1,000 cubic yards to depths 10 feet or greater. The project proposes grading of 1,525 cubic yards to depths of 12 feet. Therefore paleontological monitoring is required, in accordance with the City's CEQA Significance Thresholds. Please see Section V of the MND for mitigation requirement details.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

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No cemeteries, formal or informal, have been identified on the project site according the staff CHRIS search and no such resources are expected on-site; however, in the event that such resources are inadvertently found, compliance with State Law (i.e. the California Public Resources Code 5097.98, as well as the Health and Safety Code and the California Native American Graves Protection and Repatriation Act (CALNAGPRA)) would be evoked to avoid any impacts.

VI. GEOLOGY AND SOILS - Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

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The project site is located within geologic Hazard Zones 44 (western half) and 53 (eastern half) as shown on the City's Seismic Safety Study Geologic Hazards Maps.

Issue	Potentially Significant Impact	Less Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Zone 44 is considered a mostly stable formation with locally high erosion potential. Hazard Zone 53 is characterized as level or sloping with unfavorable geologic structure, and low-to-moderate risk to development. A Report of Preliminary Geotechnical Investigation and Geologic Reconnaissance (GEI May 3, 2010) was provided along with three different "Response Addendum to Cycle Issues Review" reports (GEI, October 21, 2010; February 2, 2011; and May 18, 2011). The reports addressed general issues as well as refuting the presence of a coastal bluff on-site by stating that historical photographs prior to development showed sand dunes and no coastal bluff like landforms. The addendums also discuss shoring considerations for the coastal property to minimize/prevent the effects of erosion from/and to the project.

The geotechnical report concluded that there are no known faults on or near the project site however the site is approximately 1,550 feet southeast of the concealed Muirlands Fault (which is regarded as inactive). Other faults which could affect the site include the San Andreas Fault (70 miles to the north) and the San Clemente Fault (50 miles off-shore of San Diego). The project would be required to utilize proper engineering design and utilization of standard construction practices. These project requirements would be verified at the building permit stage and would ensure that the potential for impacts from regional geologic hazards would be less than significant.

- ii) Strong seismic ground shaking? ☐ ☐ ☒ ☐

See VIa above. No faulting was identified on-site. The project would be required to utilize proper engineering design and utilization of standard construction practices. These project requirements would be verified at the building permit stage and would ensure that the potential for impacts from regional geologic faults would be less than significant and no mitigation measures are required.

- iii) Seismic-related ground failure, including liquefaction? ☐ ☐ ☐ ☒

See VIa and b above. According to the Report of Preliminary Geotechnical Investigation and Geologic Reconnaissance (GEI May 3, 2010) there are no known faults or any Geologic Hazard Zones associated with liquefaction potential on or near the project site. The site is however, approximately 1,550 feet southeast of the concealed Muirlands Fault (which is regarded as inactive). Other faults which could affect the site include the San Andreas Fault (70 miles to the north) and the San Clemente Fault (50 miles off-shore of San Diego). The project would be required to utilize proper engineering design and utilization of standard construction practices. These project requirements would be verified at the building permit stage and would ensure that the potential for impacts from ground failure, including liquefaction would be less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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iv) Landslides?

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The site is not considered to be in a landslide prone geologic hazard category and no mitigation for this issue is required.

b) Result in substantial soil erosion or the loss of topsoil?

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Retaining walls and proper set backs from the beach edge are required and are incorporated in the current site plan. In addition, all current waste/storm runoff prevention requirements would be applied to the project through engineering review. No erosion impacts are therefore anticipated from the demolition and reconstruction of a single unit. The site would also be landscaped in accordance with the City requirements and all storm water requirements would be met. Refer to VIa.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

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Refer to VIa-iii.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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The site is underlain by soils categorized as Urban Land and expansive (i.e. clayey) soils have only been identified on the site in the top layer of undocumented fill which will be removed, recompacted, and subject to modification to meet engineering stability criteria and is therefore not expected to pose an engineering problem.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

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No septic or alternative wastewater systems are proposed. The project site is located within an area that is already developed with existing infrastructure (i.e., water and sewer lines).

VII. GREENHOUSE GAS EMISSIONS – Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The City is utilizing data from the California Air Pollution Control Officers Association (CAPCOA) report "CEQA & Climate Change" dated January 2008 as an interim threshold to determine whether a GHG analysis will be required. Based on the thresholds, which indicate that projects with 50 single dwelling units would generate 900 metric tons of GHG emissions, the demolition and reconstruction of a residence would not be expected to have a significant impact related to greenhouse gas emissions.

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

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The project as proposed would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emission in that it would be constructed in an established urban area with services and facilities available. In addition, the project is consistent with the underlying zone and land use designation.

VIII. HAZARDS AND HAZARDOUS MATERIALS –

Would the project:

- a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?

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The proposed single-dwelling unit would be located within a developed residential urban setting and would not transport, use or dispose of hazardous materials beyond those used for general household cleaning and landscape maintenance.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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See VIII a.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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See VIII a. The project site is approximately within a quarter mile of the Delphi Academy, The Bishops School, and La Jolla Elementary located to the northeast; and La Jolla Senior High located to the southeast. The single family residence would not be expected to emit hazardous materials or substances that would affect any existing or proposed schools in the area.

- d) Be located on a site which is included on a list of

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The project site is not included on a list of hazardous materials locations (i.e. County of San Diego Department of Environmental Health's Site Assessment and Mitigation Case Listing).

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

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The project site is not located within any ALUCP, Airport Environs Overlay Zone, Airport Approach Overlay Zone, or Airport Influence Zone.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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The project site is not within proximity of a private airstrip.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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The single residential unit is consistent with adopted land use plans and would not interfere with the implementation or physically interfere with an adopted emergency response plan or evacuation plan.

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

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The project is not adjacent to native and naturalized vegetation other than unvegetated beach and the site is substantially west of any Very High Fire Hazard Zone and 300-foot Brush Management Buffer Zones (approximately 2,100 feet to the east near La Jolla Senior High). As no native brush is within 100 feet of the existing and proposed residences, a Brush Management Program was not required and no such exposures are

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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anticipated with this project.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

- a) Violate any water quality standards or waste discharge requirements?

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In order to assess the potential impacts with respect to water quality, a Water Quality Technical Report (Pasco Laret Suiter, revised March 17, 2011) was completed for the project. The project has the potential to generate sediment, landscaping byproducts (pesticides and fertilizers), trash and debris, oil and grease, and bacteria and viruses. The subject site is located in the Los Penasquitos Watershed and Scripps Hydrological Unit. Runoff from the site would flow southeast at low velocity to existing City storm drains in El Camino Del Teatro, and ultimately into the Pacific Ocean in the Windansea area which is considered to be an impaired water body area for bacterial indicators according to the County Water Authority Section 303d list. Storm water flow from the project will be directed to the northwest portion of the site into a bioswale vegetated with salt grass and agave before discharge into energy dissipating rip-rap leading to the Pacific Ocean. No direct runoff will occur from the site. Any potential over-irrigation from the site will be controlled by having changing irrigation system specific to the needs of each landscape area and incorporating rain sensor shut off devices and manual shutoff. valves

Additional measures utilized on-site may include: pesticides and fertilizers used sparingly or avoided; efficient irrigation; and provision of covered trash areas. Compliance with all standard hydrology and RWCOB Storm Water measures (which are enforced with issuance of subsequent construction permits), would ensure the resultant discharge from the site would be substantially free of pollutants and sediments. As the project would not result in significant impacts to hydrology and water quality no mitigation would be required.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

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The project site does not require the construction of wells, the project is located in an urban area with existing public water supply infrastructure, and groundwater is not

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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utilized in this area.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?

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The project would not substantially increase flow rates or volumes from existing conditions and thus, would not adversely affect on- and off-site drainage patterns.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

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Existing drainage patterns would remain significantly the same on-site. The project does not require the alteration of a stream or river as none are located on-site or in the vicinity.

- e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

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The project would be required to comply with all storm water quality standards both during and after construction using approved Best Management Practices (BMPs) which would ensure that water quality is not degraded. Project runoff would be directed into existing City storm drains following flow through landscape filtration.

- f) Otherwise substantially degrade water quality?

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The project would be required to comply with all storm water quality standards both during and after construction, using appropriate Best Management Practices (BMPs) that would ensure that water quality is not degraded.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

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The project site is located within a Special Flood Hazard Area due to the Pacific Ocean to the west where the primary risk would be from a tsunami. The risk from tsunami is considered to be less than significant as further discussed in Section IX-j) below.

Issue	Potentially Significant Impact	Less Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

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The project site is located within a Special Flood Hazard Area due to the Pacific Ocean to the west however the project would not impede or redirect flood flows and no mitigation is required.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

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The project site is located within a Special Flood Hazard Area due to the Pacific Ocean to the west where the primary risk would be from a tsunami. The risk from tsunami is considered to be less than significant as discussed below.

- j) Inundation by seiche, tsunami, or mudflow?

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The lowest point of the site is on the western side of the beach at the bottom of the seawall which is located at 12 feet average mean sea level (AMSL). The top of the seawall is 19 feet AMSL and the project pad site would be set back from the seawall at approximately 31 feet AMSL. The highest recorded tsunami in San Diego was 4.6 feet high when an earthquake hit off Chile in 1960; therefore the project site is most likely too high in elevation to be inundated by tsunami. Other than the Pacific Ocean, there are no other waterbodies in the area to cause a seiche impact. Finally, the coastal area site is not adjacent to steep slopes or a flood channel area and mudflow would not affect habitable structures on-site.

X. LAND USE AND PLANNING – Would the project:

- a) Physically divide an established community?

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The project proposes demolition of and reconstruction of a single-dwelling unit which would be located in a developed urban community surrounded by similar residential development. The project would not physically divide an established community.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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An existing single-dwelling unit would be demolished and replaced on a site which is designated for residential development by the community plan, zoned for residential development, and in an area developed with similar residential structures.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ☐ ☐ ☐ ☒

The site is in a developed residential area within an urban setting, no MHPA is on-site, and there is no conflict with any conservation plan for the site.

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ☐ ☐ ☐ ☒

The project proposes demolition and reconstruction of a single-dwelling unit on a site which is designated for residential development by the community plan and zoned for residential development. The project site is located in a developed urban community and surrounded by similar residential development. There are no mineral resources located on the project site.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ☐ ☐ ☐ ☒

The project proposes demolition and reconstruction of a single-dwelling unit on a site which is designated for residential development by the community plan and zoned for residential development. The project site is located in a developed urban community and surrounded by similar residential development. There are no mineral resources located on the project site.

XII. NOISE – Would the project result in:

- a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ☐ ☐ ☐ ☒

Demolition and reconstruction of a single-dwelling unit would not create a permanent noise generating source, nor would the dwelling unit be subject to such noise from the adjacent uses or streets.

- b) Exposure of persons to or generation of, excessive ground borne vibration or ground borne noise levels? ☐ ☐ ☐ ☒

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The single-dwelling unit project would not expose people to generation of vibration and or ground borne noise levels. The project site is not in close proximity to any vibrating producing uses (i.e. freeway, airport, truck routes, and railways).

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

☐ ☐ ☐ ☒

The demolition and reconstruction of a single-dwelling unit would not create a permanent noise generating source.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?

☐ ☐ ☐ ☒

Demolition and reconstruction of a single-dwelling unit would not expose people to a substantial increase in temporary or periodic ambient noise levels. Construction noise would result, but would be temporary in nature; in addition, the project is required to comply with the San Diego Municipal Code, Chapter 5, Article 9.5, (§59.5.0404 Construction Noise). This section specifies that it is unlawful for any person, between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays (with exception of Columbus Day and Washington's Birthday), or on Sundays, to erect, construct, demolish, excavate for, alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise. In addition, the project would be required to conduct any construction activity so as to not cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m.

- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the area to excessive noise levels?

☐ ☐ ☐ ☒

The project site is not located within an airport land use plan.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

☐ ☐ ☐ ☒

The project site is not located within the vicinity of a private airstrip.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

☐ ☐ ☐ ☒

The project would include demolition and reconstruction of a single-dwelling unit. The project site is located in a developed urban community and surrounded by similar residential development. The development would not induce population growth nor require the construction of new infrastructure.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

No such displacement would result. Project proposes demolition and construction of a single-dwelling unit.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ ☒

No such displacement would result. Project proposes demolition and reconstruction of a single-dwelling unit.

XIV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- i) Fire Protection

☐ ☐ ☐ ☒

The project is adequately served by Fire Station 13 located at 809 Nautilus Street, would not affect existing levels of public services, and would not require the construction or expansion of a police facility.

- ii) Police Protection

☐ ☐ ☐ ☒

The project is adequately served by the Police Station located at 4275 Eastgate Mall, would not affect existing levels of public services, and would not require the construction or expansion of a governmental facility.

Issue	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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iii) Schools

☐ ☐ ☐ ☒

The project would not affect existing levels of public services and would not require the construction or expansion of a school facility.

v) Parks

☐ ☐ ☐ ☒

The project would not affect existing levels of public services and would not require the construction or expansion of a park facility.

vi) Other public facilities

☐ ☐ ☐ ☒

The demolition and reconstruction of a single-dwelling unit would not affect existing levels of public services; therefore no new or altered government facilities would be required.

XV. RECREATION -

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

☐ ☐ ☐ ☒

The project would not adversely affect the availability of and/or need for new or expanded recreational resources.

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

☐ ☐ ☐ ☒

Refer to XVa. The project does not propose recreation facilities nor require the construction or expansion of any such facilities.

XVI. TRANSPORTATION/TRAFFIC - Would the project?

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

☐ ☐ ☐ ☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The demolition and reconstruction plans for the single-dwelling unit is consistent with the community plan designation and underlying zone and would not result in any permanent increase in traffic generation or change in traffic circulation systems. Please note, EAS has determined that no public pedestrian access points are designated or available through the site from Dunemere Drive to the beach; however, public beach access is available parallel to the site along the west end which is accessible via existing pedestrian points to the north (from west terminus of Sea Lane) and south (from pedestrian path at the west terminus of Vista de la Playa).

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

☐ ☐ ☐ ☒

Demolition and reconstruction of a single-dwelling unit is consistent with the community plan designation and underlying zone and would not result in significant traffic generation, therefore not increasing level of service on the existing roadways.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

☐ ☐ ☐ ☒

Demolition and reconstruction of a single-dwelling unit is consistent with the community plan designation and underlying zone. In addition, the structure would not result in a change to air traffic patterns in that the structure would be a maximum of 30 feet in height and is not located in any airport zone area, and therefore would not create an air safety risk.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐ ☐ ☐ ☒

The single-dwelling unit would not create an increase in hazards resulting from design features. The project has been reviewed for compliance with applicable zones and land uses identified within the Community Plan.

- e) Result in inadequate emergency access?

☐ ☐ ☐ ☒

Demolition and reconstruction of a single-dwelling unit would be consistent with the community plan designation and underlying zone and would not result in inadequate emergency access.

Issue	Potentially Significant Impact	Less Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

☐☐☐☒

The existing and proposed residential structures are consistent with the community plan designation and underlying zone and would not result in any conflicts regarding policies, plans, or programs regarding public transit, bicycle or pedestrian facilities.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

☐☐☐☒

Demolition and reconstruction of a single-dwelling unit would result in standard residential consumption and is not anticipated to result in additional impacts. In addition, adequate services are available to serve the site.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐☐☐☒

Adequate services are available to serve the site and the project would not require the construction or expansion of existing facilities.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

☐☐☐☒

Adequate services are available to serve the site and the project would not require the construction or expansion of existing facilities.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

☐☐☐☒

Adequate services are available to serve the site and the project would not require new or expanded entitlements.

- e) Result in a determination by the wastewater

☐☐☐☒

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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treatment provided which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Adequate services are available to serve the site; the project would not increase provider's existing commitments.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ☐ ☐ ☐ ☒

Adequate services are available to serve the site, the project would not increase waste beyond existing conditions.

- g) Comply with federal, state, and local statutes and regulation related to solid waste? ☐ ☐ ☐ ☒

Demolition and reconstruction of a single-dwelling unit would result in standard residential consumption and is not anticipated to result in new/additional impacts. The project would be required to comply with all federal, state, and local statutes for solid waste disposal as they relate to the project. In addition, adequate services are available to serve the site.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE -

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ☐ ☒ ☐ ☐

There is potential for direct impact to paleontological resources to occur with the proposed project as the site maybe underlain with significant paleontological resources. Paleontological monitoring would be required on-site. Please see Section V of the MND for further details.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of
- ☐ ☐ ☐ ☒

Issue	Potentially Significant Impact	Less ⁱⁿ Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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other current projects, and the effects of probable futures projects)?

The project would not have a considerable incremental contribution to any cumulative impact.

- c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

☐
☐
☐
☒

The project would have no such impacts on human beings.

INITIAL STUDY CHECKLIST

REFERENCES

I. AESTHETICS / NEIGHBORHOOD CHARACTER

- ☒ City of San Diego General Plan; City of San Diego Land Development Municipal Code
- ☒ Community Plan.
- ☐ Local Coastal Plan.

II. AGRICULTURAL RESOURCES & FOREST RESOURCES

- ☐ City of San Diego General Plan.
- ☒ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.
- ☐ California Agricultural Land Evaluation and Site Assessment Model (1997)
- ☐ Site Specific Report:

III. AIR QUALITY

- ☐ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.
- ☒ Regional Air Quality Strategies (RAQS) - APCD.
- ☐ Site Specific Report:

IV. BIOLOGY

- ☒ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- ☒ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996.
- ☒ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- ☐ Community Plan - Resource Element.
- ☐ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

- ___ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- ___ City of San Diego Land Development Code Biology Guidelines.
- ___ Site Specific Report Biological Letter Report for 311 Dunemere, REC Consultants Inc, June 29, 2010.

V. CULTURAL RESOURCES (INCLUDES HISTORICAL RESOURCES)

- X City of San Diego Historical Resources Guidelines.
- X City of San Diego Archaeology Library.
- X Historical Resources Board List.
- ___ Community Historical Survey:
- X Site Specific Report: In-house CHRIS search performed by Jeff Syzmanski June 2011.

VI. GEOLOGY/SOILS

- X City of San Diego Seismic Safety Study.
- ___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- X Site Specific Report(s): Report of Preliminary Geotechnical Investigation and Geologic Reconnaissance, Romney Residential Project, Geotechnical Exploration, Inc (GEI), May 3, 2010; Response Addendum to Cycle Issues Review, Romney Residential Project, GEI, October 21, 2010; Response Addendum to Cycle Issues Review, Romney Residential Project, GEI, February 2, 2011; Response Addendum to Cycle Issues Review, Romney Residential Project, GEI, May 18, 2011.

VII. GREENHOUSE GAS EMISSIONS

- ___ Site Specific Report:

VIII. HAZARDS AND HAZARDOUS MATERIALS

- X San Diego County Hazardous Materials Environmental Assessment Listing,
- ___ San Diego County Hazardous Materials Management Division

___ FAA Determination

X State Assessment and Mitigation, Unauthorized Release Listing, Public Use
Authorized.

X Airport Land Use Compatibility Plan.

___ Site Specific Report:

IX. HYDROLOGY/WATER QUALITY

X Flood Insurance Rate Map (FIRM).

X Federal Emergency Management Agency (FEMA), National Flood Insurance Program -
Flood Boundary and Floodway Map.

___ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html.

X Site Specific Report: Preliminary Hydrology Study for Romney Residence, Pasco Laret
Suiter & Associates March 17, 2011, revised October 10, 2010 and June 30, 2010; Water
Quality Technical Report, Pasco Laret Suiter, March 17, 2011, revised October 10, 2010
and June 30, 2010.

X. LAND USE AND PLANNING

X City of San Diego General Plan.

X Community Plan.

___ Airport Land Use Compatibility Plan

___ City of San Diego Zoning Maps

___ FAA Determination

XI. MINERAL RESOURCES

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

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

___ Site Specific Report:

XII. NOISE

___ Community Plan

San Diego International Airport - Lindbergh Field CNEI Maps.

___ Brown Field Airport Master Plan CNEI Maps.

___ Montgomery Field CNEI Maps.

___ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ City of San Diego General Plan.

___ Site Specific Report:

XIII. PALEONTOLOGICAL RESOURCES

X City of San Diego Paleontological Guidelines.

___ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

X Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

___ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

___ Site Specific Report:

XIV. POPULATION / HOUSING

___ City of San Diego General Plan.

___ Community Plan.

___ Series 11 Population Forecasts, SANDAG.

___ Other:

XV. PUBLIC SERVICES

___ City of San Diego General Plan.

___ Community Plan.

XVI. RECREATIONAL RESOURCES

___ City of San Diego General Plan.

___ Community Plan.

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources:

XVII. TRANSPORTATION / CIRCULATION

___ City of San Diego General Plan.

___ Community Plan.

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ San Diego Region Weekday Traffic Volumes, SANDAG.

___ Site Specific Report:

XVIII. UTILITIES

___ _____

XIX. WATER CONSERVATION


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

Created March 18, 2010

RECEIVED

ATTACHMENT 03

MAY 29 2013

 <p>City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210</p>	<p>Development Permit</p>	<p>PERMIT SERVICE FORM</p>
	<p>Environmental Determination</p>	<p>DS-3031</p>
<p>Appeal Application</p>		<p>OCTOBER 2012</p>

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☒ Process Three Decision - Appeal to Planning Commission
☐ Process Four Decision - Appeal to City Council
- ☒ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☐ Applicant ☐ Officially recognized Planning Committee ☒ "Interested Person" (Per M.C. Sec. 113.0103)

Name: CREED-21 c/o Briggs Law Corporation E-mail Address: Mekaela@briggslawcorp.com
 Address: 814 Morena Blvd., Suite 107 City: San Diego State: CA Zip Code: 92110 Telephone: (619) 497-0021

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Willard M. and Ann D. Romney (Matt Peterson, Peterson & Price)

4. Project Information

Permit/Environmental Determination & Permit/Document No.: Project 207724 (311 Dunemere)	Date of Decision/Determination: May 15, 2013	City Project Manager: Michelle Sokolowski
---	--	---

Decision (describe the permit/approval decision):

Hearing Officer certified Mitigated Negative Declaration No. 207724, adopted the Mitigation, Monitoring and Reporting

Program and approved Coastal Development Permit No. 737212 and Site Development Permit No. 737391.

5. Grounds for Appeal (Please check all that apply)

- ☒ Factual Error
☒ Conflict with other matters
☒ Findings Not Supported
- ☒ New Information
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

The mitigated negative declaration has not been prepared in accordance with the California Environmental Quality Act ("CEQA") or

the San Diego Municipal Code. All procedural and substantive requirements of CEQA and the municipal code have not been

complied with. The Hearing Officer erred in approving the project.

*Appellant is an interested person as defined in San Diego Municipal Code Section 113.0103. Appellant objected prior to the Hearing Officer's approval.

** Appellant is submitting the \$100.00 fee under protest. The San Diego Municipal Code does not authorize an appeal fee for this appeal.

***This appeal is being filed out of an abundance of caution. The subject of the appeal relates to the environmental determination. Environmental determinations are appealable to the City Council. However, the notice for this project is unclear about the appeal process and the legal authority the process is derived from.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

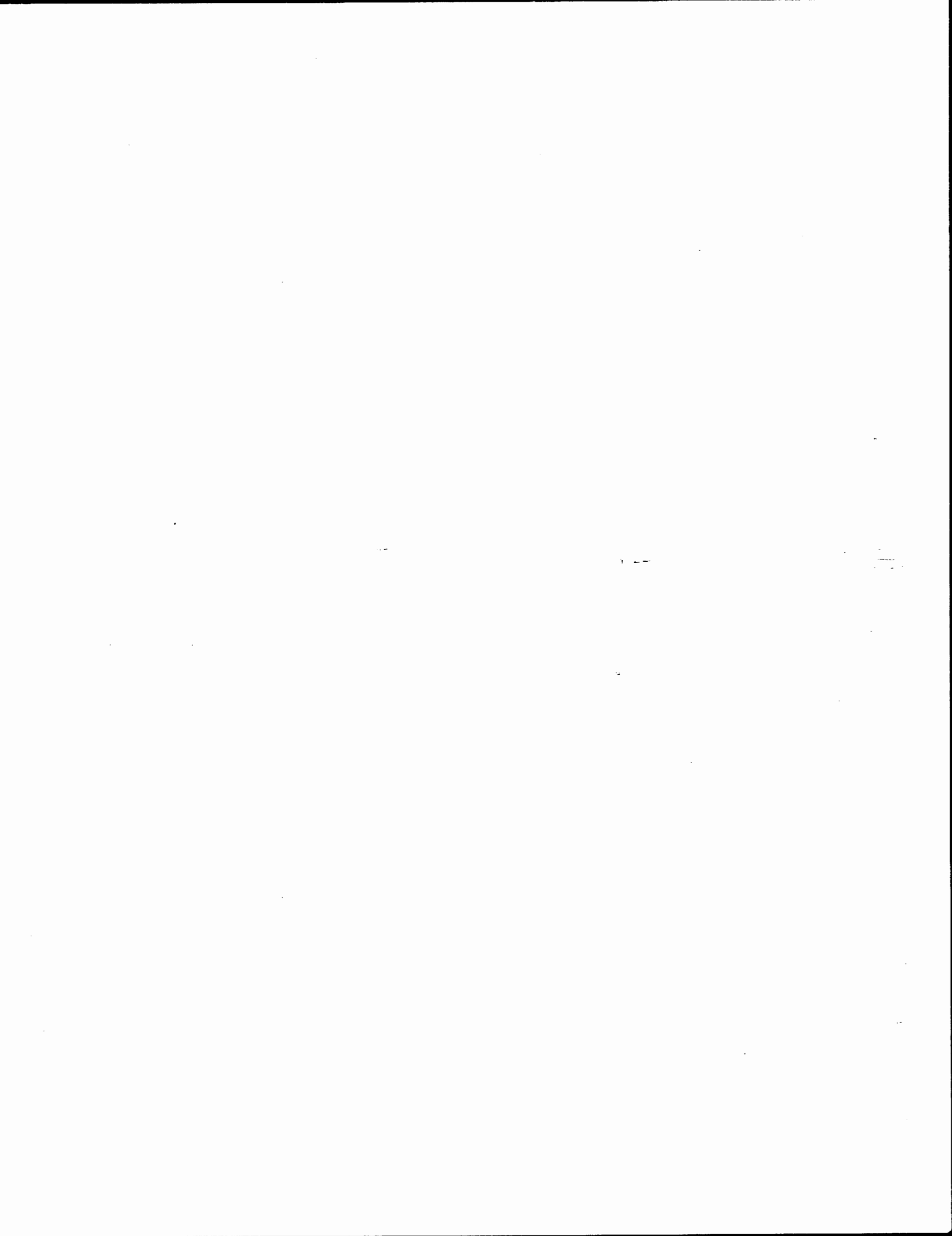
Signature:  Date: May 29, 2013

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 (10-12)

RECEIVED
MAY 29 2013
DEVELOPMENT SERVICES



BRIGGS LAW CORPORATION

San Diego Office:
814 Morena Boulevard, Suite 107
San Diego, CA 92110

Telephone: 619-497-0021
Facsimile: 619-515-6410

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1007.39

14 May 2013

Hearing Officer
Council Chambers
City Administration Building, 12th Floor
202 C Street
San Diego, CA 92101

Via Facsimile to (619) 321-3200
Via E-mail to hearingofficer@sandiego.gov
Via E-mail to msokolowski@sandiego.gov

Re: Agenda Item 5 (311 Dunemere Drive)

Dear Hearing Officer:

I am writing on behalf of CREED-21 to convey my client's opposition to the above-referenced matter because approval of the proposal would violate the California Environmental Quality Act ("CEQA").

The coastal development permit and site development permit cannot be approved without certification of an environmental document. The agenda does not include certification of an environmental document as an action being taken on this item. Furthermore, the notice indicates that this public hearing is to approve, conditionally approve, or deny an application for the permits. The notice does not say that certification of an environmental document will take place at this hearing. If you do intend certify an environmental document, the mitigated negative declaration has not been prepared in accordance with CEQA.

If for any reason your consideration of this item is not completed on the date and time noticed, please provide me with written notice of the new date and time for their consideration. I would like to receive a Notice of Final Action.

Thank you for our attention to this matter.

Sincerely,

BRIGGS LAW CORPORATION


Mekaela M. Gladden



**CITY OF SAN DIEGO HEARING OFFICER
DOCKET FOR HEARING OFFICER MEETING
MAY 15, 2013
COUNCIL CHAMBERS, 12TH FLOOR
CITY ADMINISTRATION BUILDING
8:30 A.M.**

NOTE: Land Use Hearings are held at 8:30 A.M. and are appealable to the Planning Commission. Appeal applications may be obtained on the 3rd floor of the Development Services Building, located at 1222 1st Avenue, San Diego, CA 92101.

If a Sign Language Interpreter, aids for the visually impaired, or Alternative Listening Devices (ALD's) are required, please contact the Disability Services Coordinator at 619-321-3208 at least five (5) working days prior to the meeting to ensure availability. Those items with an asterisk () will include consideration of the appropriate environmental document.*

Each item presented on this docket is a Process 3 under the Land Development Code Section 112.0501.

HEARING OFFICER ASSIGNED TO TODAY'S HEARING: Gary Geiler

- ITEM - 1: **PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE HEARING OFFICER NOT PREVIOUSLY HEARD. REQUESTS TO SPEAK SHOULD BE SUBMITTED TO THE HEARING OFFICER RECORDING SECRETARY AT THE TIME OF THE MEETING. NOTE: 3 MINUTE MAXIMUM PER SPEAKER.**
- ITEM - 2: **REQUESTS FOR CONTINUANCES OR WITHDRAWALS**
- ITEM - 3: **ITEMS TO BE PLACED ON CONSENT AGENDA.**
- ITEM - 4: **NELSON DUPLEX - PROJECT NO. 296192**
City Council District: 2; Plan Area: Mission Beach

STAFF: Jeffrey A. Peterson

Coastal Development Permit (CDP) to demolish an existing single-family dwelling unit and construction of a three story, 2,557 square-foot residential duplex, a 483 square-foot garage, and accessory improvements on a 0.055-acre site. As a component of the proposed project, the building will utilize renewable energy technology, self-generating at least 50-percent or more of the projected total energy consumption on site through photovoltaic technology (solar panels). The project is located at 729 Devon Court, west of Mission Boulevard and east of Ocean Front Walk. The site is in the R-S Zone in the Mission Beach Planned District within the Mission Beach Precise Plan and Local Coastal Program Area, Coastal Overlay Zone (Appealable Area), Coastal Height Limitation Overlay Zone, Airport Environs Overlay Zone (AEOZ), Airport Influence Area (AIA) for the San Diego International Airport (SDIA), the 60 decibel (dB) 1990 Community Noise Equivalent Level (CNEL) as depicted in the adopted 2004 Airport Land

HEARING OFFICER DOCKET OF MAY 15, 2013

Use Compatibility Plan (ALUCP) for SDIA, Federal Aviation Administration (FAA) Part 77 for SDIA, Parking Impact Overlay Zone (Beach Impact Area), and the Residential Tandem Parking Overlay Zone, and Council District 2. Exempt from Environmental. Report No. HO-13-041

RECOMMENDATION:

Approve

ITEM – 5: ***311 DUNEMERE DRIVE - PROJECT NO. 207724**
City Council District: 1; Plan Area: La Jolla

STAFF: **Michelle Sokolowski**

Coastal Development Permit and Site Development Permit to allow the demolition of the existing single-family residence and construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story (above basement), single-family residence with attached garage, hardscape and retaining walls, with the existing pool, spa and other walls, including the existing seawall, to remain. The subject 0.41-acre site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area. Mitigated Negative Declaration No. 207724. Report No. HO-13-036

RECOMMENDATION:

Approve

ITEM – 6: **T-MOBILE PAC BELL MIRA MESA - PROJECT NO. 290914**
City Council District: 6; Plan Area: Mira Mesa

STAFF: **Alex Hempton**

Conditional Use Permit (CUP) for a Wireless Communication Facility (WCF) consisting of six (6) panel antennas façade mounted to the side of an existing building, with equipment located in an enclosure on a side of the building. The project is located at 9059 Mira Mesa Boulevard within the Mira Mesa Community Plan area. Exempt from Environmental. Report No. HO-13-038

RECOMMENDATION:

Approve

HEARING OFFICER DOCKET OF MAY 15, 2013

ITEM – 7: LINTON TENTATIVE PARCEL MAP - PROJECT NO. 291712

City Council District: 2; Plan Area: Peninsula

STAFF: Will Zounes

Tentative Parcel Map to subdivide an existing developed single-family lot into two parcels. The 0.53-acre site is located at 3710 Alcott Street in the RS-1-4 Zone, within the Federal Aviation Administration (FAA) Part 77 area. Council District 2. Exempt from Environmental. Report No. HO-13-043

RECOMMENDATION:

Approve

ITEM – 8: MAYER DUPLEX - PROJECT NO. 295461

City Council District: 2; Plan Area: Mission Beach

STAFF: Glenn Gargas

Extension of Time to a previously approved Coastal Development Permit to demolish existing four units and construct a three-story, two residential dwelling units, totaling approximately 2,929 square feet for rent on a 2,766 square foot property. The project site is located at 3458 Bayside Walk in the R-S Zone of the Mission Beach Planned District, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Parking Impact, Residential Tandem Parking, Transit Area Overlay Zones and within the Mission Beach Community Plan area. Exempt from Environmental. Report No. HO-13-046

RECOMMENDATION:

Approve



THE CITY OF SAN DIEGO

ATTACHMENT 0 6

DATE OF NOTICE: May 1, 2013

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

DATE OF HEARING:	May 15, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	COASTAL DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT/MITIGATED NEGATIVE DECLARATION. PROCESS THREE
PROJECT NO:	<u>207724</u>
PROJECT NAME:	<u>311 DUNEMERE DRIVE</u>
APPLICANT:	Matt Peterson , Peterson & Price
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	District 1
CITY PROJECT MANAGER:	Michelle Sokolowski, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5278/ msokolowski@sandiego.gov

As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a Coastal Development Permit and Site Development Permit to allow the demolition of the existing single-family residence and construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story (above basement), single-family residence with attached garage, hardscape and retaining walls, with the existing pool, spa and other walls, including the existing seawall, to remain.

The subject 0.41-acre site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area.

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or

have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

The certification of an Environmental Impact Report, adoption of a Mitigated Negative Declaration or Negative Declaration may be appealed to the City Council **after an appeal of the Hearing Officer's decision is heard by the Planning Commission**. All such appeals must be filed by 5:00 PM within ten (10) business days from the date of the Planning Commission's certification/adoption of the environmental document. Please do not e-mail appeals as they will not be accepted. The proper forms are available from the City Clerk's Office, located on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101.

Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. (Phone: 619-767-2370) Appeals must be filed within 10 working days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department. Please do not e-mail appeals as they will not be accepted. If you want to receive a Notice of Final Action, you must submit a written request to the City Project Manager listed above.

Submitting Project Information for Hearing Officer Consideration: Project information addressed to the Hearing Officer can be submitted to the recording secretary *prior* to the public hearing in one of the following ways:

Mail: 1222 First Ave, Mail Station 501, San Diego, CA 92101

Email: hearing_officer@sandiego.gov

Fax: (619) 321-3200

You may also contact the recording secretary at (619) 321-3208

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALDs) are also available for the meeting upon request.

Internal Order Number: 24000791

PLANNING COMMISSION
RESOLUTION NO.
COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391
311 DUNEMERE DRIVE - PROJECT NO. 207724 - MMRP

DRAFT

WHEREAS, WILLARD M. AND ANN D. ROMNEY, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing 3,009-square-foot, single-family residence and construct a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), including hardscape, retaining walls, and relocation of the driveway (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for Coastal Development Permit No. 737212 and Site Development Permit No. 737391) on portions of a 0.41-acre (17,844 square feet) site;

WHEREAS, the project site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area and Council District 1;

WHEREAS, the project site is legally described as all that portion of Playa de las Arenas, being in the First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 891, filed in the Office of the County Recorder of San Diego County, March 3, 1903, described as follows:

Commencing at a point on the southerly line of Sea Lane, distant thereon south 74° 17' west, 221.9 feet from the northeasterly corner of said Playa de las Arenas; thence south 15° 89' east 44.58 feet to the beginning of a tangent curve to the right having a radius of 112 feet; thence southerly along said curve through an angle of 16° 56' for a distance of 33.10 feet; thence south 1° 17' west 95.65 feet to the beginning of a tangent curve to the left having a radius of 13 feet; thence southeasterly along said curve, through an angle of 70° 16' for a distance of 15.94 feet; thence south 21° 01' west along the southwesterly prolongation of the radial line of aforesaid curve 24 feet to a point on a curve concave to the southwest, the center of said curve bearing south 21° 01' west 817.44 feet from said point; thence northwesterly along said curve through an angle of 3° 35' for a distance of 51.12 feet; thence north 72° 34' west 5.38 feet; thence south 17° 26' west 65.11 feet to the true point of beginning; thence north 17° 26' east 65.11 feet; thence north 72° 54' west 60 feet; thence north 17° 26' east 10 feet; thence north 72° 34' west 32.60 feet; thence south 71° 26' west 40.05 feet; thence south 82° 11' west to a point on the westerly line of Playa de las Arenas; thence southerly along said westerly line to its point of intersection with a line bearing north 83° 02' 50" west from true point of beginning; thence south 83° 02' 50" east to said true point of beginning. Excepting therefrom that

portion if any heretofore or now lying below the mean high tide line of the Pacific Ocean;
and

WHEREAS, on May 15, 2013, the Hearing Officer of the City of San Diego approved Coastal Development Permit No. 737212 and Site Development Permit No. 737391, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on May 29, 2013, an appeal of the Hearing Officer's decision was filed, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on June 27, 2013, on an appeal of the Hearing Officer's decision, the Planning Commission considered Coastal Development Permit No. 737212 and Site Development Permit No. 737391, pursuant to the Land Development Code of the City of San Diego;

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

That the Planning Commission adopts the following written Findings, dated June 27, 2013, which are supported by the minutes, maps and exhibits, studies, and public testimony, all of which are incorporated herein by this reference.

FINDINGS:

Coastal Development Permit Findings – SDMC Section 126.0708(a)

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

The proposed project includes the demolition of the existing 3,009-square-foot, single-family residence and construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), including hardscape, retaining walls, and relocation of the driveway; an existing pool, spa, other walls including a seawall will remain. The 0.41-acre project site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program area

The subject property is not identified in the City's adopted Local Coastal Program Land Use Plan as an existing or proposed public accessway. There is no vertical physical

accessway legally used by the public on this property or any proposed vertical public accessway for this site.

There are three vertical public accessways and two view corridors in the vicinity: accessways and view corridors are located approximately 150 feet to the north at Sea Lane and approximately 300 feet to the north at Marine Street; a third accessway is located approximately 250 feet to the south at Vista de la Playa.

The proposed improvements will not encroach upon any existing physical accessway legally utilized by the general public. The property abuts the Pacific Ocean to the west, with the mean high tide line being the western property boundary. All proposed improvements will occur easterly of the existing seawall, which is also the boundary of the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval. Private vertical access to the beach is located along the northerly property boundary.

The proposed improvements will not obstruct coastal or scenic views from any public vantage point and no public views to and along the ocean will be adversely impacted. The proposed development complies with all development regulations and will observe height and setback requirements. The permit has been conditioned to specify that all existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit and any proposed fencing shall be a minimum of 75% open, which will enhance and protect public views.

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

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The subject property does not contain sensitive coastal bluffs, sensitive biological resources, and is not within or adjacent to the City's Multiple Species Conservation Program MHPA.

Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form

of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval.

Because all improvements will occur easterly of the environmentally sensitive lands, the proposed coastal development will not adversely affect environmentally sensitive lands.

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is designated for low-density residential development (5-9 dwelling units per acre) in the La Jolla Community Plan. The proposed demolition and construction of a single-family residence conforms with this land use designation. No deviations from the development regulations are included with the project. In accordance with the goals of the certified Local Coastal Program Land Use Plan, the permit has been conditioned to require the applicant offer lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, and to require that all existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit and that any proposed fencing within these sideyards be a minimum of 75% open.

Therefore, the proposed coastal development is in conformity with the certified La Jolla Local Coastal Program Land Use Plan and complies with all regulations of the certified Implementation Program.

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

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The project site is located between the nearest public road (Dunemere Drive) and the sea. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall

footings and mean high tide line will be offered for dedication, as a condition of permit approval. As indicated in Finding 1, above, dedicated public access points to the Pacific Ocean and the beach are located north of the site at Sea Lane and Marine Street, and to the south at Vista de la Playa. The proposed residence will have four off-street parking spaces in the attached garage (two at the main level and two below grade via a car lift inside the garage); all existing on-street parking is to be maintained.

Therefore, the proposed coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit Findings – SDMC Section 126.0504(a)

1. The proposed development will not adversely affect the applicable land use plan.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is designated for low-density residential development (5-9 dwelling units per acre) in the La Jolla Community Plan. The proposed demolition and construction of a single-family residence conforms with this land use designation. No deviations from the development regulations are included with this permit. In accordance with the goals of the certified Local Coastal Program Land Use Plan, the permit has been conditioned to require lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, and to require that all existing/proposed vegetation placed in the sideyards not exceed the requisite three foot height limit and any proposed fencing within these sideyards to be a minimum of 75% open.

Accordingly, the proposed development will not adversely affect the applicable La Jolla Community Plan and Local Coastal Program Land Use Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The proposed project would comply with the development regulations in effect for the subject property as described in Coastal Development Permit No. 737212 and Site Development Permit No. 737391, as well as other regulations and guidelines pertaining to the subject property per the San Diego Municipal Code. No deviations are included

with the permit. The proposed development would comply with all applicable building and fire code requirements.

Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The site is located in the RS-1-7 Zone, and no deviations are included with the permit. Conditions are included with the permit that require conformance with all application regulations. The project includes a Coastal Development Permit, as required due to the site's location in the Coastal Overlay Zone. Conditions designed to protect the coastal resources are included with the permit, as specified in the Coastal Development Permit findings.

Therefore, the proposed development will comply with the applicable regulations of the Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands - SDMC Section 126.0504(b)

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The subject property does not contain sensitive coastal bluffs, sensitive biological resources, and is not with or adjacent to the City's Multiple Habitat Planning Area.

Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain. Lateral beach access in the form of an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line will be offered for dedication, as a condition of permit approval.

The site is therefore physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands, because all improvements will occur easterly of the location of the environmentally sensitive lands. Please also refer to Finding 2, below.

2. **The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

A Report of Preliminary Geotechnical Investigation and Geologic Reconnaissance, with Addendums ("Geologic Studies"), have been prepared for the proposed project. These Geologic Studies indicate that there are no geologic hazards on or near the site that would prohibit the proposed construction. Further, a coastal bluff does not exist on this site; the area consisted of sand dunes behind and eastward of shoreline beach deposits, prior to the original development. An existing seawall, approximately six to seven feet high, is located to the west of the existing improvements, adjacent to the beach. No modifications are proposed to this existing seawall.

The site is located in two designated geologic hazard areas: Zones 44 (Coastal Bluff Zone, moderately stable) on the western 2/3 of the property and 53 (Level or sloping terrain, unfavorable geologic structure) on the eastern 1/3 of the property. However, the Geologic Studies prepared for the project indicate that "level terrain" is the only portion of the Zone 53 description that applies to the subject property. The project site has been graded as a result of prior construction of the existing residence and associated improvements on the property. Minor shoring will occur to implement the proposed project. The shoring will be located within the property line limits and not within the right-of-way. The shoring is anticipated to be cut off below the ground surface where improvements would be constructed on top or crossing the shoring, and then abandoned in place.

The Geologic Studies prepared for the project indicate the site is underlain by relatively stable formational soils and will be suited for the proposed structure and associated improvements. Incorporation of proper engineering design would ensure that the potential for geologic impacts from regional hazards would not be significant.

No further grading of the site is proposed to implement the project. No modifications are proposed for the existing seawall, and no mitigation measures are required to reduce potential impacts associated with geologic and erosional forces.

The project site is not located within the floodway or floodplain fringe overlay zones. The 100-year floodplain exist at this site, however all proposed improvements will occur

easterly of the existing seawall, which is also the boundary for the 100-year floodplain. The proposed drainage system designed for the project is consistent with relevant requirements of the City Engineer. The site is not located within a brush management zone; the proposed improvements will be required to comply with all required building code regulations, including those related to fire safety.

Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain. Environmentally sensitive lands in the form of a coastal beach and 100-year floodplain exist at this site. All proposed improvements will occur easterly of the existing seawall, which is also the boundary for the 100-year floodplain.

Because all improvements will occur easterly of the location of the environmentally sensitive lands, the proposed development will be sited and designed to prevent adverse impacts on adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain. The project is not located in the City's Multiple Habitat Planning Area, and would not impact any sensitive biological resources. Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

An existing seawall, approximately six to seven feet high, is located on the east side of the beach. All proposed improvements will occur easterly of the existing seawall, which

is also the boundary of the 100-year floodplain. The existing seawall was constructed prior the Coastal Act, as confirmed by the Coastal Commission. Historical aerials show the seawall has been in place since at least 1953. No modifications are proposed to this existing seawall. The geotechnical information prepared for the proposed project indicates this seawall is well-maintained and properly constructed, and contributes to protection of the site from infrequent inundation. The location of the planned residential construction at an elevation of over 30 feet above sea level and over 40 feet inland of the seawall, which is located at the very back of the beach, are regarded as the primary factors that will protect the residence over its estimated 75-year lifetime, and that the new home is sited such that it will be safe from threat for its estimated life in the unlikely event that the existing seawall were to fail.

The public storm water from the surrounding drainage sub-basin travels west in the Dunemere Drive right-of-way and then enters the private property of the subject project site. There is no public drainage easement on the subject project site. The permit is conditioned to record an agreement to hold the City harmless, with respect to surface drainage entering into the property from the Dunemere Drive right-of-way, to the satisfaction of the City Engineer. All storm water run-off from the Dunemere Drive right-of-way and from the subject project site discharges at the existing discharge location. The project has been designed so there is no additional storm water run-off at the existing discharge location. All storm water run-off from the Dunemere Drive right-of-way will be collected and discharged into the private drainage swale along the north property line. The proposed energy dissipater at the existing discharge location has been designed to discharge the storm water at non-erodible velocities as required by the City of San Diego Drainage Design Manual.

Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

The proposed project includes the demolition of an existing single-family residence and the construction of a new, two-story (above basement), single-family residence with attached garage, including landscape, hardscape and retaining walls; an existing pool, spa, other walls including a seawall will remain.

The project site is underlain by fill from unknown sources to an average depth of two feet, where it is underlain by Old Paralac Deposit and then Point Loma Formation across the site at depths of 10 feet and below. The two latter formations are considered highly sensitive with a monitoring threshold of 1,000 cubic yards to depths of 10 feet or greater. The project proposes grading of approximately 1,525 cubic yards to depths of approximately 12 feet. Therefore, paleontological monitoring is required as specified within the Mitigation, Monitoring and Reporting Program prepared for the project, and as

conditioned with the permit. The implementation of this Mitigation, Monitoring and Reporting Program will ensure negative impacts will be reduced to below a level of significance. The nature and extent of all mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 737212 and Site Development Permit No. 737391 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 737212 and Site Development Permit No. 737391, a copy of which is attached hereto and made a part hereof.

MICHELLE SOKOLOWSKI
Development Project Manager
Development Services

Adopted on: June 27, 2013

Internal Order No. 24000791

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

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000791

COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391
311 DUNEMERE DRIVE - PROJECT NO. 207724 - MMRP
PLANNING COMMISSION

DRAFT

This Coastal Development Permit/Site Development Permit is granted by the Planning Commission of the City of San Diego to WILLARD M. AND ANN D. ROMNEY, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702 and 126.0502. The 0.41-acre (17,844 square feet) site is located at 311 Dunemere Drive in the RS-1-7 Zone, the Coastal Overlay Zone (Appealable Area), the Sensitive Coastal Overlay Zone (Coastal Beach), the Coastal Height Limit Overlay Zone, the First Public Roadway, the Residential Tandem Parking Overlay Zone, the Beach Parking Impact Overlay Zone, and the Transit Area Overlay Zone, within the La Jolla Community Plan and Local Coastal Program Land Use Plan area and Council District 1. The project site is legally described as: all that portion of Playa de las Arenas, being in the First Addition to South La Jolla, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 891, filed in the Office of the County Recorder of San Diego County, March 3, 1903, described as follows:

Commencing at a point on the southerly line of Sea Lane, distant thereon south 74° 17' west, 221.9 feet from the northeasterly corner of said Playa de las Arenas; thence south 15° 89' east 44.58 feet to the beginning of a tangent curve to the right having a radius of 112 feet; thence southerly along said curve through an angle of 16° 56' for a distance of 33.10 feet; thence south 1° 17' west 95.65 feet to the beginning of a tangent curve to the left having a radius of 13 feet; thence southeasterly along said curve, through an angle of 70° 16' for a distance of 15.94 feet; thence south 21° 01' west along the southwesterly prolongation of the radial line of aforesaid curve 24 feet to a point on a curve concave to the southwest, the center of said curve bearing south 21° 01' west 817.44 feet from said point; thence northwesterly along said curve through an angle of 3° 35' for a distance of

51.12 feet; thence north $72^{\circ} 34'$ west 5.38 feet; thence south $17^{\circ} 26'$ west 65.11 feet to the true point of beginning; thence north $17^{\circ} 26'$ east 65.11 feet; thence north $72^{\circ} 54'$ west 60 feet; thence north $17^{\circ} 26'$ east 10 feet; thence north $72^{\circ} 34'$ west 32.60 feet; thence south $71^{\circ} 26'$ west 40.05 feet; thence south $82^{\circ} 11'$ west to a point on the westerly line of Playa de las Arenas; thence southerly along said westerly line to its point of intersection with a line bearing north $83^{\circ} 02' 50''$ west from true point of beginning; thence south $83^{\circ} 02' 50''$ east to said true point of beginning. Excepting therefrom that portion if any heretofore or now lying below the mean high tide line of the Pacific Ocean.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing 3,009-square-foot, single-family residence and construct a new, approximately 11,062 square-foot, single-family residence with attached garage, including hardscape, retaining walls, landscaping, and relocation of the driveway, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 27, 2013, on file in the Development Services Department.

The project shall include:

- a. Demolition of the existing 3,009 square-foot, single-family residence;
- b. Construction of a new, approximately 11,062-square-foot (approximately 7,394 square feet included in gross floor area, with approximately 3,668 square feet exempt), two-story above basement, single-family residence with attached garage (approximately 692 square feet), hardscape, retaining walls, and relocation of the driveway;
- c. Existing pool, spa and other walls, including the existing seawall, to remain;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking in new, attached garage; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals, whichever is later.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable,

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 207724, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 207724 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Paleontological Resources

ENGINEERING REQUIREMENTS:

15. The project proposes to export approximately 1,500 cubic yards of material from the project site outside of the Coastal Overlay Zone. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
16. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
17. Prior to foundation inspection, the Owner/Permittee shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is consistent with Exhibit 'A,' satisfactory to the City Engineer.
18. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 12 feet wide SDG-162 Concrete Driveway for Confined Right-of-Way, adjacent to the site on Dunemere Drive.
19. Prior to the issuance of any building permits, the Owner/Permittee shall record agreements to hold the City Harmless with respect to surface drainage entering into the property from the Dunemere Drive right-of-way, to the satisfaction of the City Engineer.
20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement with the City of San Diego for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
21. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
23. Prior to the issuance of any construction permit the Owner/Permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.

GEOLOGY REQUIREMENTS:

24. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or

update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to the issuance of any construction permit.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, including the native vegetation as preferred by the California Coastal Commission, on file in the Office of the Development Services Department. Construction plans shall provide a minimum root zone of 40 square feet in area unencumbered by utilities and hardscape for all trees pursuant to San Diego Municipal Code section 142.0403.

26. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

27. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy, whichever occurs earlier.

29. All existing/proposed vegetation placed in the sideyards shall not exceed the requisite three foot height limit, and any proposed fencing within the sideyards shall be a minimum of 75% open so as to not obstruct any public or pedestrian views.

PLANNING/DESIGN REQUIREMENTS:

30. Owner/Permittee shall maintain a minimum of four off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

31. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

32. All proposed fences and walls shall comply with the fence regulations in SDMC Chapter 14, Article 2, Division 3, in addition to complying with Condition 29, above.
33. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
34. Prior to issuance of any construction permit, an easement for public access and passive recreational uses located between the existing seawall footings and mean high tide line, as identified on Exhibit "A," shall be offered for dedication as a public easement.
35. No construction for the project shall take place within the parameters of the beach area between Memorial Day weekend and Labor Day of any year. Construction equipment and staging areas should not encroach onto or obstruct public beach areas adjacent to the subject property.

WATER AND WASTEWATER REQUIREMENTS:

36. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
37. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate above ground private back flow prevention device(s) (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs are typically located on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not allow the required BFPDs to be located below grade or within the structure.
38. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
39. Prior to connecting to any existing sewer lateral, the Owner/Permittee shall have the connection closed circuit television inspected by a California Licensed Plumbing Contractor to verify lateral is in good working condition and free of all debris. Utilization of existing sewer lateral is at the sole risk and responsibility of the Owner/Permittee to ensure that the lateral is functional.
40. Prior to the issuance of any building permits, the Owner/Permittee shall enter into an Encroachment Maintenance and Removal Agreement (EMRA) with the City for all proposed improvements of any kind, including utilities, landscaping, the existing Star Pine tree, enriched paving, and electrical conduits to be installed within the public right-of-way or public easement.

41. No trees may be located within ten feet of any sewer facilities or in any sewer access easement.
42. No shrubs exceeding three feet in height at maturity may be located within 10 feet of any sewer main or within access or sewer easements.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 27, 2013, by Resolution No. _____.

CDP No. 737212/SDP No. 737391

Date of Approval: June 27, 2013

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

MICHELLE SOKOLOWSKI
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

WILLARD M. ROMNEY
Owner/Permittee

By _____
Willard M. Romney

ANN D. ROMNEY
Owner/Permittee

By _____
Ann D. Romney

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

RESOLUTION NUMBER R-_____

ADOPTED ON JUNE 27, 2013

WHEREAS, on April 9, 2010, WILLARD M. AND ANN D. ROMNEY submitted an application to Development Services Department for a Coastal Development Permit and Site Development Permit for the 311 Dunemere Drive project; and

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

WHEREAS, the issue was heard by the Hearing Officer on May 15, 2013; and

WHEREAS, the Hearing Officer's decision was appealed, the matter was set for a Public Hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on June 27, 2013; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration No. 207724 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the

environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Planning Commission in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Department is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project No. 207724.

By: _____
Michelle Sokolowski, Development Project Manager

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

COASTAL DEVELOPMENT PERMIT NO. 737212/
SITE DEVELOPMENT PERMIT NO. 737391

PROJECT NO. 207724

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 207724 shall be made conditions of Coastal Development Permit No. 737212 and Site Development Permit No. 737391 as may be further described below.

A. GENERAL REQUIREMENTS – PART I**Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

- 1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Paleontologist

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call RE and MMC at **858-627-3360**

- 2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) 207724, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

Note: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

- 3. OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Not Applicable for this project.

- 4. MONITORING EXHIBITS:** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction

schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

- 5. OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/ Notes</i>
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction Meeting
Paleontology	Paleontology Reports	Paleontology Site Observation
Bond Release	Request for Bond Release letter	Final MMRP Inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

1. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

2. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation

and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

3. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

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

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

4. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Section 3 - During Construction.
 - c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section 3 - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section 3-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

5. Post Construction

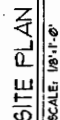
- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum

The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

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The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



LA JOLLA, CA 92037

311 DUNEMERE



DREX PATTERSON, AIA
7632 HERSCHEL AVENUE
TEL: 858.459.9291

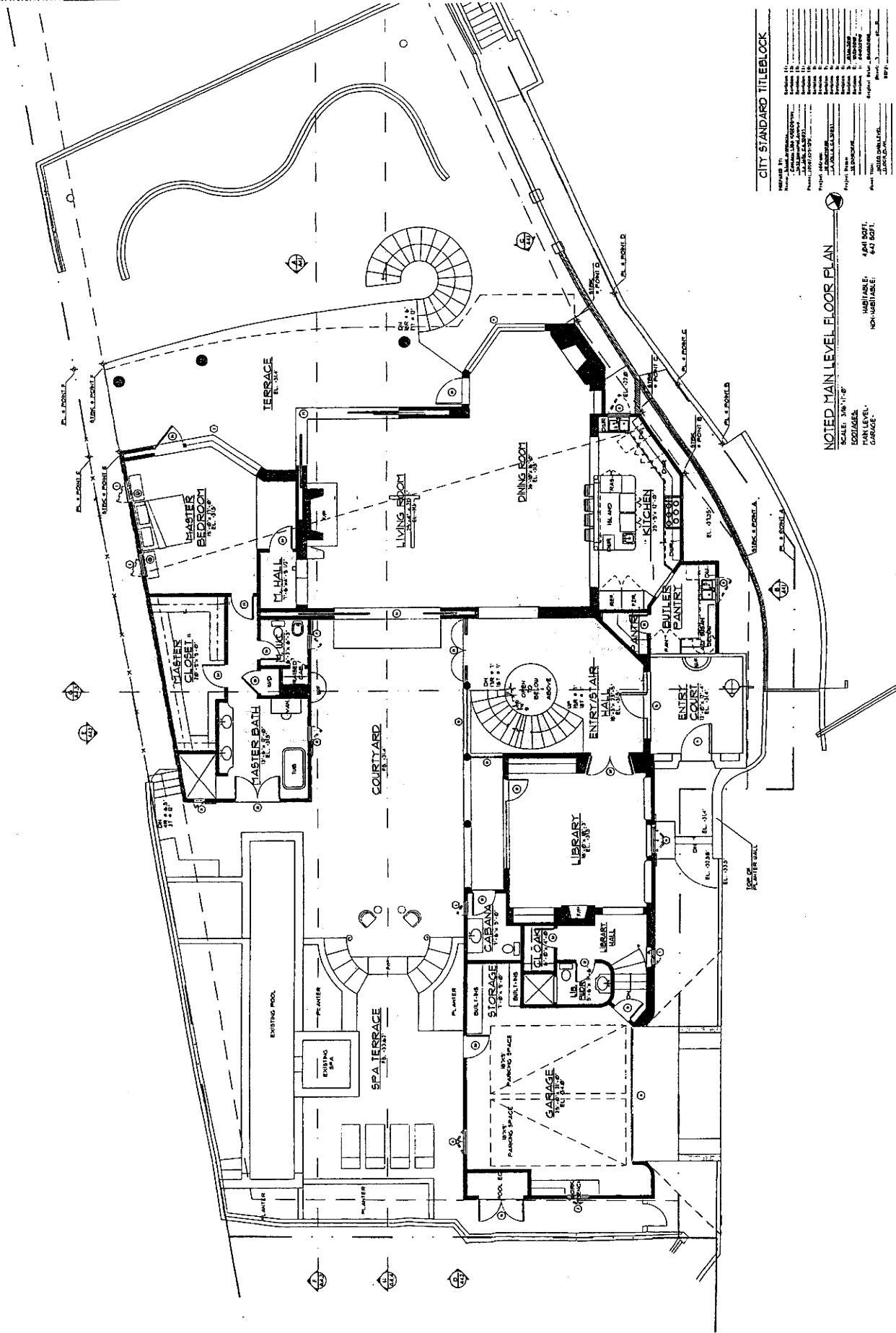
A2.0
NOTED
LOWER LEVEL
FLOOR PLAN
03-16-2011

SCALE: 3/16" = 1'-0"

FOOTABLE	HABITABLE	106 SOFT
LOWER LEVEL	HABITABLE NOT CONTROLLED	3795
SOFT	GARAGE/CHURCH	1573 SOFT
	TOTAL	4,575 SOFT

CITY STANDARD TILEBLOCK

[illegible]



NOTED MAIN LEVEL FLOOR PLAN

SCALE: 3/16"=1'-0"

FOOTAGES:	HABITABLE:	4241 SQ.FT.
FURN LEVEL:	NON-HABITABLE:	642 SQ.FT.
GARAGE:		

CITY STANDARD TITLE BLOCK

LA JOLLA, CA 92037

311 DUNFEMERE



ISLAND ARCHITECTS
DREX PATTERSON, AIA
7632 HERSCHEL AVENUE
TEL.: 858.459.9291

TONY CRISAFI, AIA
LA JOLLA, CA 92037
FAX: 358.456.0351

A2.2
NOTED
UPPER LEVEL
FLOOR PLAN
03-16-2011

NOTED UPPER LEVEL FLOOR PLAN

[illegible]

LA JOLLA, CA 92037

311 DUNEMERE



TONY CRISAFI, AIA
 LA JOLLA, CA 92037
 FAX: 858/456-0351

DREX PATTERSON, AIA
7632 HERSCHEL AVENUE
TEL: 858.459.9291

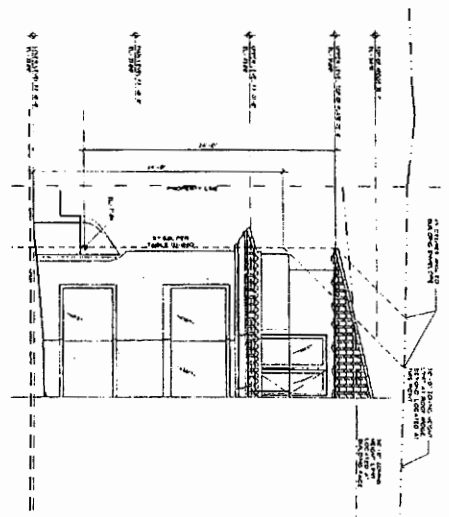
2.3

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FLAN
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ROOF PLAN

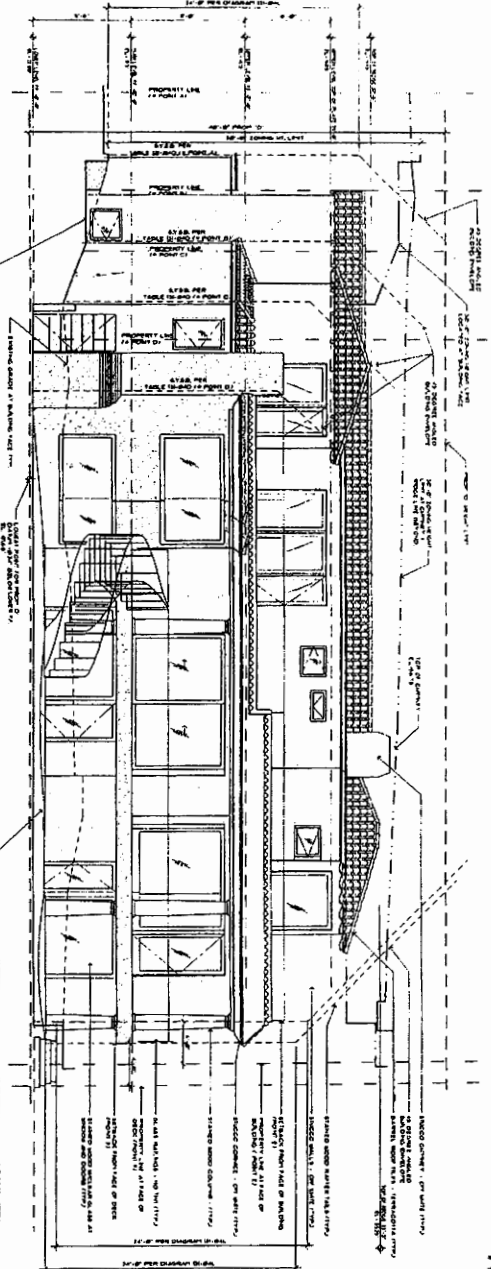
2007-07-17 14:45:17



WEST ELEVATION

SCALE: 3/16"=1'-0"

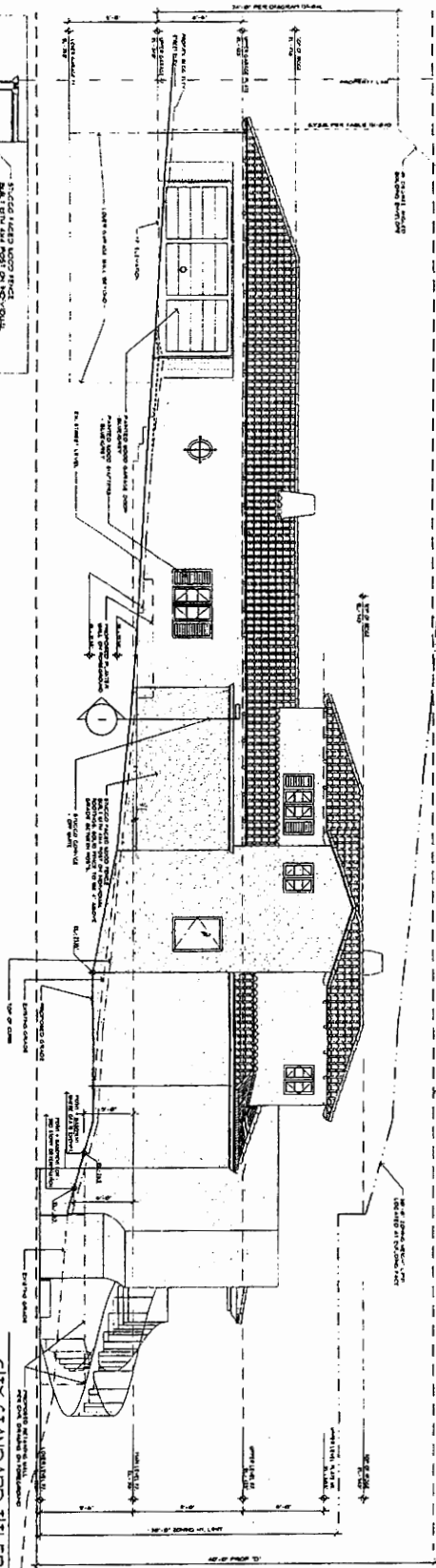
C



WEST ELEVATION

SCALE: 3/16"=1'-0"

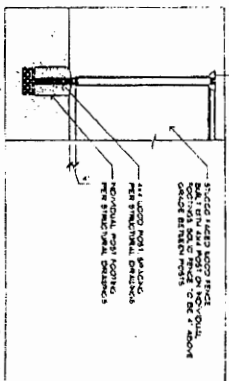
A



NORTH ELEVATION

SCALE: 3/16"=1'-0"

B



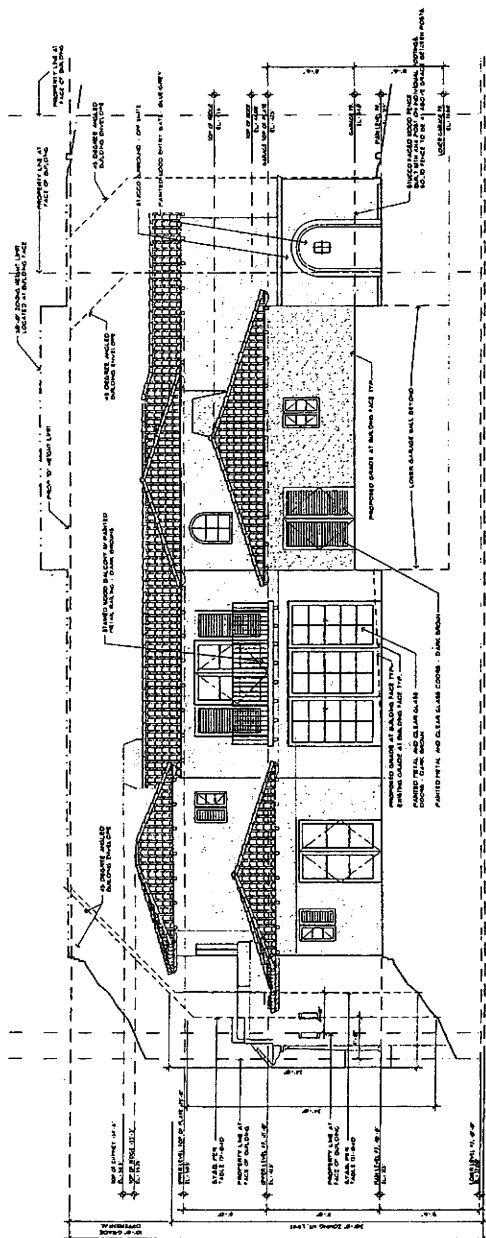
DETAIL OF FENCE OVER SEWER EASEMENT

SCALE: 1/4"=1'-0"

1

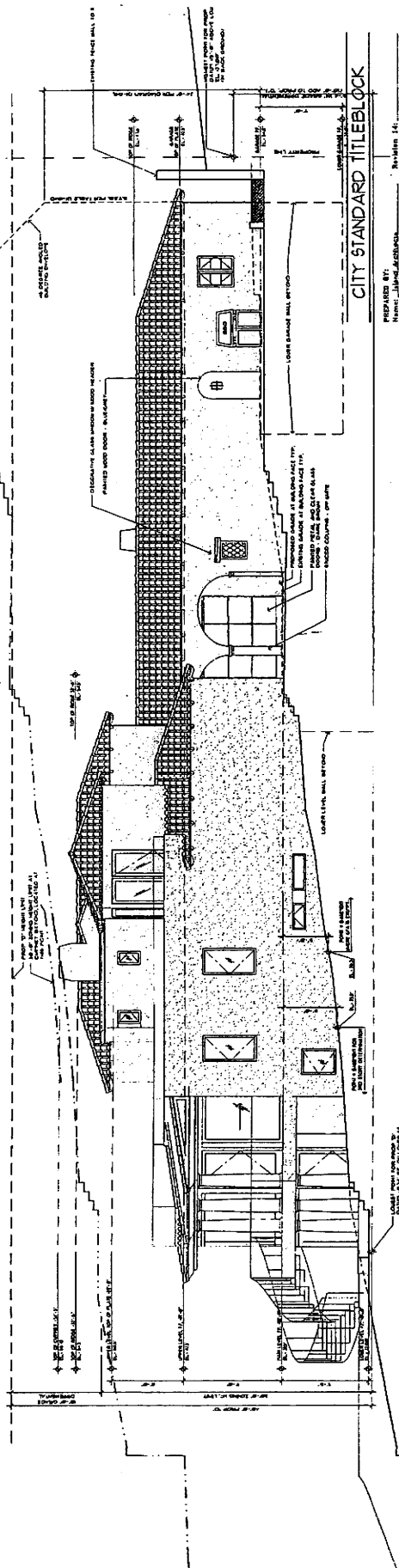
CITY STANDARD TITLEBLOCK

PREPARED BY:	ISLAND ARCHITECTS
DESIGNED BY:	TONY CRISAFI, AIA
DRAWN BY:	DREX PATTERSON, AIA
CHECKED BY:	TONY CRISAFI, AIA
DATE:	08/08/08
PROJECT NAME:	311 DUNEMERE
PROJECT ADDRESS:	7632 HIRSCHL AVENUE
CITY:	LA JOLLA, CA 92037
CLIENT:	311 DUNEMERE
DATE:	08/08/08
REVISIONS:	
REVISION 1:	08/08/08
REVISION 2:	08/08/08
REVISION 3:	08/08/08
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REVISION 99:	08/08/08
REVISION 100:	08/08/08



EAST ELEVATION

SCALE: 3/16" = 1'-0"



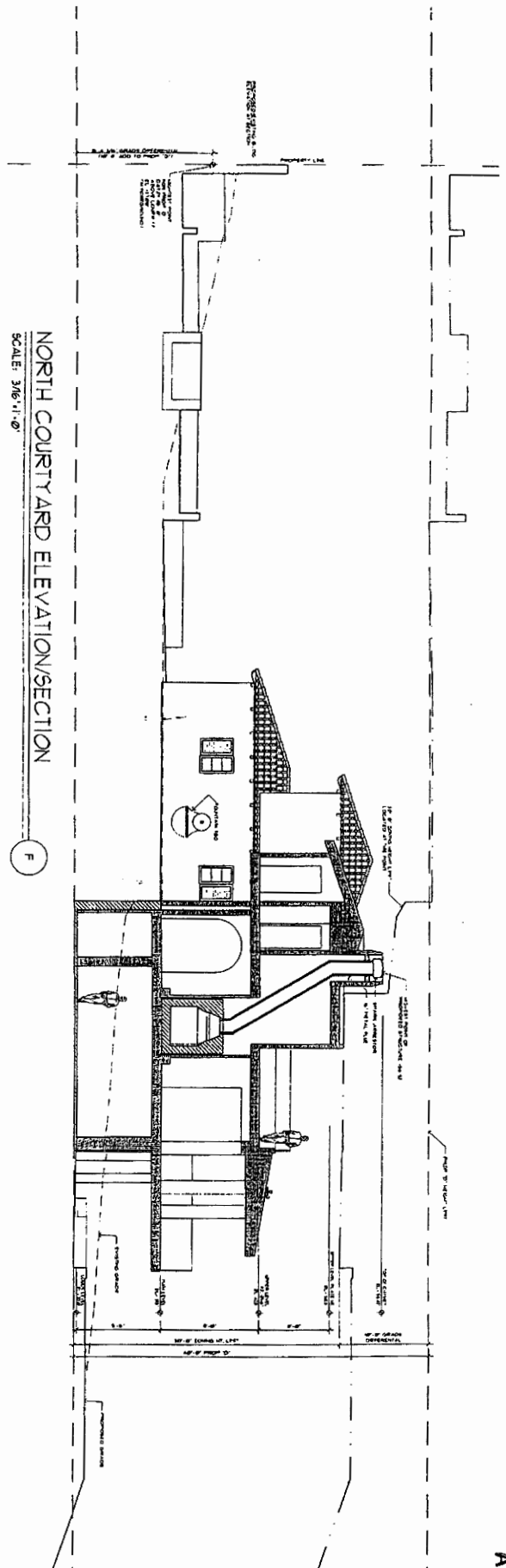
SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

Request By:	Resident 14:
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_____	Resident 16:
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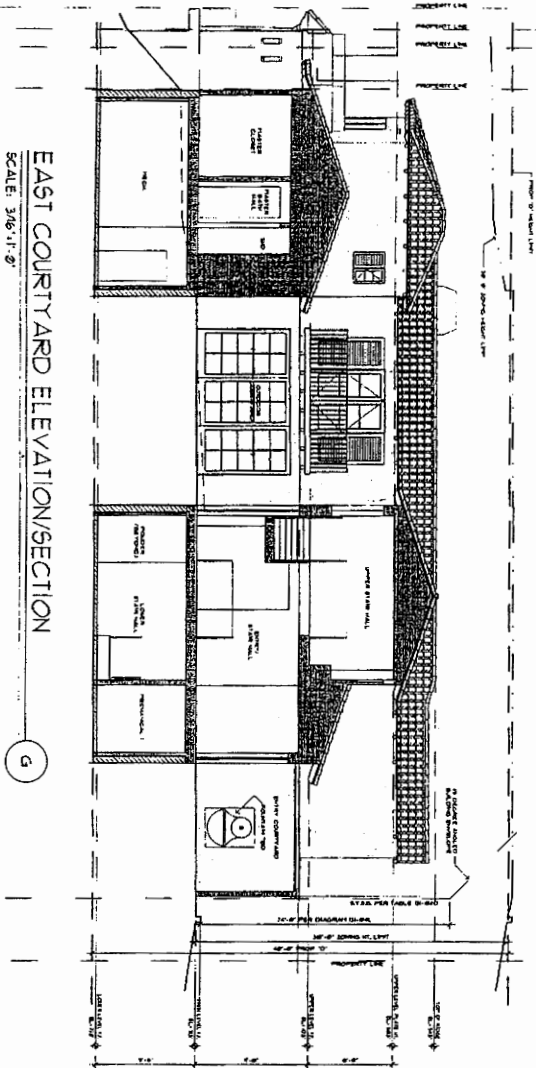
NORTH COURTYARD ELEVATION/SECTION
SCALE: 3/16" = 1'-0"

F



EAST COURTYARD ELEVATION/SECTION
SCALE: 3/16" = 1'-0"

G



CITY STANDARD TITLEBLOCK

PREPARED BY:	
Author:	JAMES W. CRISAFI
Designer:	TONY CRISAFI, AIA
Project Name:	311 DUNEMERE
Project Address:	311 DUNEMERE
Project City:	LA JOLLA, CA 92037
Project State:	CA
Project Zip:	92037
Project Title:	311 DUNEMERE
Project Date:	03-16-2001
Project Sheet:	03-16-2001
Project Title:	311 DUNEMERE
Project Date:	03-16-2001
Project Sheet:	03-16-2001

A5.1
S&O
SECTION

ISLAND ARCHITECTS
DREX PATTERSON, AIA
7632 HERSHEL AVENUE
TEL: 858.459.9291



311 DUNEMERE

311 DUNEMERE

LA JOLLA, CA 92037

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370 FAX (619) 767-2384

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Anthony A. Ciani

Mailing Address: 220 Walnut Street

City: Pacific Grove, CA

Zip Code: 93950

Phone: 858-454-7141

RECEIVED

NOV 26 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of San Diego

2. Brief description of development being appealed:

COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) to demolish an existing 3,009-square-foot, single-family residence and constructed a new 11,062-square-foot, two-story residence (includes excavation for a 3,668-square-foot basement level; and a basement garage below a 692-square-foot main floor garage) on a 0.41 acre (17,844-square-foot) lot extending beyond the existing sea wall for approximately 135 feet on sandy beach to the MHTL; retaining walls with an existing pool, spa, other walls, landscaping, and existing retaining wall to remain on the sandy beach.

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

311 Dunemere Drive, La Jolla, CA 92037, APN: 351-090-2400, between Monte Vista Avenue and Sea Lane

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

Approval; no special conditions

☒ Approval with special conditions:

Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-6-LJS-13-0226

DATE FILED:

7/26/13

DISTRICT:

EXHIBIT NO. 12

APPLICATION NO.

A-6-LJS-13-226

Appeal

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

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

- Planning Director/Zoning Administrator
City Council/Board of Supervisors
☒ Planning Commission
Other

6. Date of local government's decision: June 27, 2013

7. Local government's file number (if any): Project file No: 207724

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Matt Peterson, Peterson & Price
530 B Street, Ste. 1800
San Diego, CA 92101-4476; and,

Lisa Kriedeman, Island Architects
7632 Herschel Avenue, La Jolla, CA 92037

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

(1) Willard M. and Ann D. Romney, Owners
311 Dunemere Drive
La Jolla, CA 92037

(2) Michelle Sokolowski, Development Project Manager
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101-4153

(3) R. Jay Engel
7270 Monte Vista Avenue
La Jolla, CA 92037

SEE ATTACHED LIST OF INTERESTED PARTIES on Appeal Page 2, Continued

APPEAL TO CALIFORNIA COASTAL COMMISSION FROM CITY OF SAN DIEGO DECISION to Approve a Coastal Development Permit, Project No. 207724, on June 27, 2013

Page 2a, Continued From Page 2:

4. (Subject to finding mailing addresses):

1. Hearing Officer (May 15, 2013):

• Speaker Slips at the Hearing:

8 speaker slips submitted in favor – Matt Peterson, Joe LaCava, Michael Pallamary, Scott Moomjian, Lisa Kriedman, Drex Patterson, Les Reed & David Skelly

1 speaker slip submitted in opposition – Thomas Maddox

• Written Information directed to Hearing Officer:

Email to Hearing Officer in support: Jeff Lepore

Email to Hearing Officer in opposition: Mekaela Gladden for Cory Briggs, Briggs Law

Gursha-
badand Sarab Shakti Khalsa (*after hearing, another email received indicating withdrawal of opposition*).

2. Planning Commission (June 27, 2013):

• Speaker Slips at the Hearing:

7 Speaker slips in favor of the project, opposed to appeal submitted by Mekaela Gladden (for Cory Briggs, Briggs Law), Lisa Kriedman, Michael Pallamary, Matt Peterson, Joe La Cava, Amy Van Buskirk and Darcy Ashley.

No speaker slips in opposition to the project were submitted.

• Written Information directed to Planning Commission:

Letter to Planning Commission in support: Cory Briggs, Briggs Law - letter withdrawing appeal

Email to Planning Commission in opposition: Tony Ciani (letter via email)
R. Jay Engel (letter via email)

5. Walter Turik, or Occupant
318 Dunemere Drive
La Jolla, CA 92037

APPEAL TO CALIFORNIA COASTAL COMMISSION FROM CITY OF SAN DIEGO DECISION to
Approve a Coastal Development Permit, Project No. 207724, on June 27, 2013

Page 2b, Continued From Page 2 :

6. Steve Runyan and Carolyn Runyan
323 Dunemere Drive
La Jolla, CA 92037

7. Thomas Maddox and Randy Clark
7257 Dunemere Drive
La Jolla, CA 92037

8. Gidon Cohen
352 Dunemere Drive
La Jolla, CA 92037

9. Michael Duddy
360 Dunemere Drive
La Jolla, CA 92037

10. John Mowry
369 Dunemere Drive
La Jolla, CA 92037

10. Mark Quint
301 Sea Lane
La Jolla, CA

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

THE FOLLOWING ARE KEY LOCAL COASTAL PROGRAM AND CALIFORNIA ACT ISSUES ASSOCIATED WITH THE PROPOSED PROJECT:

- 1) DETERMINATION OF MEAN HIGH TIDE LINE & FAILURE TO NOTICE THE STATE LANDS COMMISSION: The proposed project is located adjacent to and on a beach that is part of the California State Lands jurisdiction. The State Lands Commission (SLC) was not noticed about the project during environmental/project review, thus it did not make a determination of the Mean High Tide Line (MHTL) or was given to opportunity to comment on the proposed Negative Declaration. The allowable building area is determined by the size of the lot (FAR), and in this case, a large portion of the lot is the beach which is subject to daily (tidal) fluctuations of the ocean level. The applicant's determination of the MHTL was flawed; therefore, it could substantially affect the allowable FAR. The SLC must determine the location of the MHTL in this case.
- 2) IMPACTS TO ENVIRONMENTALLY SENSITIVE LANDS (BEACH): The property consists of approximately 6,000 Sq. Ft. of sandy coastal beach known to receive frequent wave wash, shoreline birds feeding and persons visiting the beach for passive and active recreation (sun bathing, swimming, surfing skin diving etc.) The proposed CDP, Condition 35, does NOT adequately prohibit use of the public and/or "private" sandy beach areas located west of the sea wall to stage equipment to construct the proposed improvements east of the sea wall.
- 3) PROJECT SIZE/COMPATIBILITY WITH SURROUNDING DEVELOPMENT: The applicant's building area calculation relies on approximately 6,000 Sq. Ft. of the adjacent sandy coastal beach (which is subject to period inundation the Pacific Ocean) to determine its Floor Area Ratio (FAR). Therefore, the proposed house would be about 3 – 4 times larger than the prevailing small scale homes on Dunemere that do not use the beach as part of their land area. The LCP designates this residential zone assuming a typical lot size of 5,000 sq. ft., which is consistent with the existing pattern of development. Without using the sandy beach, the applicant's land area for purposes of building, would be approximately 11,844 sq. ft., which is almost twice the size of the areas of average lots of the neighborhood, and as provided by zoning regulations. Therefore, the applicants would have a reasonable use of the land to build a house compatible with the surrounding development.
- 4) HAZARDOUS LOCATION REQUIRES SEA WALL FOR NEW CONSTRUCTION: The project proposes construction of a new house in a hazardous location subject to ocean wave/surge/wash inundation and erosion; and, proposes to use a 50 -60 year old existing

APPEAL TO CALIFORNIA COASTAL COMMISSION FROM CITY OF SAN DIEGO
DECISION to Approve a Coastal Development Permit, Project No. 207724, on June 27, 2013

Page 3a, Continued From Page 3:

"Retaining wall" for protection from flooding and erosion for the lifetime of the new structure. The applicant's plans and application indicate the subject wall to be a sea wall, and the City's permit and findings call it a sea wall; however, the applicant's geologist most recent, June 26, 2013 letter claims it is a "retaining wall" and neglected to respond to potential erosion to the lower build level at elevation 20 ft. AMSL due to overtopping. Note: FEMA designates the site as a "High Risk Area." Adequate current studies of the shoreline processes and the existing retaining wall were not performed by the applicant, including: sand fluctuation, history of past storm patterns and impacts, existing wall thickness, width, and depth of footings, location of formational shelf below sandy deposits, and presence of fractures, faults and/or surge channels within the formations, and risks associated with sea level rise predicted over the next 75 years. The 1977 Coastal Commission Geology Report for this section of coast states that sand fluctuation at this beach is significant; severe storms during 1977 - 1983 resulted in substantial damage to properties north and south of the subject site, requiring the construction of revetments and replacement of old retaining wall with sea walls. The 1990's and 2000 have also experienced significant storms. In "normal" conditions, storm surge will flank the retaining wall and extend up the stairs. The applicant's consultant states the wave run-up and overtopping will not reach the upper floor level at elev. 32 ft., but neglects to address flooding at the lower level and foundations indicated to be at elev. 20 ft. He also states that the subject retaining wall built in 1953 is "very similar in location and geometry" to the adjacent sea wall built at 325 Dunemere. However, the sea wall at 325 Dunemere has a designed energy-dissipating, rough surface the includes a lower sloped plane, with a vertical plane above, and topped with a wave deflecting cap to divert wave run-up/overtopping away from the inland property; the 1953 retaining does not have that profile or a rough surface to dissipate the energy of wave run-up.

It is very clear from the applicant's consultant, that the existing retaining wall prevents the FEMA 100 year flood zone and High Risk Area from extending further landward which is underlain with ancient sand dunes. The existing retaining wall is therefore necessary to protect the proposed new residence, and without the wall, the new residence would be subject to erosion due to the sea. The consultant also states in his June 26, 2013 letter that "...the site is safe from sea level rise until about the year 2055." Yet, the 75 year life of the building will last until about 2088.

- 5) PUBLIC ACCESS: The concrete stairs at the end of the Dunemere that extend onto the sandy beach, were constructed by the City that as an integral part of the concrete street and curbs, which served both as public pedestrian access to the beach and the City's storm urban-runoff system, built over a City Main Sewer line easement. The access was open and used by the public at least into the 1960's until the owner, at that time, installed gates to prevent youths from drinking and smoking on the stairs next to the house. However, neighbors continued to use the stairs until the present time. City's street runoff and sewer easement will remain as part of the project; however, the applicant proposes to permanently block the access way to the beach contrary to Coastal Act Section 30211.

APPEAL TO CALIFORNIA COASTAL COMMISSION FROM CITY OF SAN DIEGO DECISION to Approve a Coastal Development Permit, Project No. 207724, on June 27, 2013

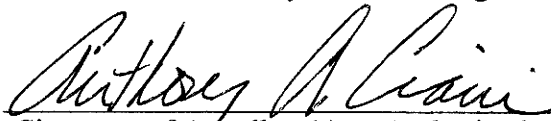
Page 3b, Continued From Page 3:

6) HISTORICAL RESOURCE – COMMUNITY CHARACTER: At the time of the application, the applicant telephoned three to four of the neighbors adjacent to the site to inform them they proposed to remodel the existing house with a 7.5 high second floor addition. The house (ca. 1936) is considered historically important due to its association with the original master architect, Lillian Rice and successive owners of local importance: Dr. J. T. Lipe and artist, Georgeanna Lipe; and San Diego Mayor Maureen O'Connor. However, the applicant prepared a report stating that a 1985 remodel by Mayor O'Connor diminished the building's significance, and is too young in historic terms to be important; That opinion, that history is static fails to acknowledge that history is an on-going process with contributions from recent events worthy of preserving. In this case, the O'Connor restoration was modest and retained the essential historical character of the exterior that extended the lifetime and beneficial use of the building. The addition as originally suggested by the applicant could have protected the historical character, but was not considered as a project "Alternative" that could provide a reasonable use of the property per the California Environmental Quality Act.

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

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent
Anthony A. Ciani, Appellant

Date: July 24, 2013

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

Section VI. Agent Authorization

I/We hereby
authorize _____

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

Signature of Appellant(s)

Date: _____

APPEAL - 311 DUNEMERE DRIVE – ROMNEY

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

Based upon the list sent by the City Project Manager; the following people attended or wrote letters as part of the City of San Diego Public hearings on this matter:

Matt Peterson
(address provided under Applicant)

Joe LaCava, 5724 La Jolla Blvd., La Jolla, CA 92037

Michael Pallamary, 7755 Fay Ave., Ste J, La Jolla, CA92037

Scott Moomjian, 5173 Waring Rd., San Diego, CA 92120

Lisa Kriedman
(address provided under Applicant)

Drex Patterson, 7626 Hershel Ave., La Jolla, CA 92037

Les Reed, 7420 Trade St., San Diego, CA 92121

David Skelly, 5741 Palmer Way, Carlsbad, CA 92010

Thomas Maddox, 7257 Dunemere Drive, La Jolla, CA92037

Jeff Lepore, 311 Dunemere Drive, La Jolla, CA 92037

MekaelaGladden for Cory Briggs, Briggs Law, 99 East "C" St. Ste. 111, Upland, CA 91786; and 814 Blvd., Ste 107, San Diego, CA 92110

Gurshabad and Sarab Shakti Khalsa, 329 Dunemere Drive, La Jolla, CA 92037

Amy Van Buskirk, ????? ??????????, La Jolla, CA 92037 (I can not find this address)

Darcy Ashley, ????? ??????????, La Jolla, CA 92037 (I can not find this address)

R. Jay Engel, 7270 Monte Vista Ave., La Jolla, CA92037

Anthony A. Ciani
220 Walnut Street
Pacific Grove, CA 93950

RECEIVED

AUG 01 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

JUL 27, 2013
Lee McEachren, Coastal Planner
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

RE: APPEAL OF CDP 311 DUNEMERE – CITY OF SAN DIEGO PROJECT NO. 207724

Dear Lee,

I am writing to supplement the appeal form that I mailed to your office, dated July 24, 2013. The following is an outline the additional issues I believe the City failed to adequately address and are important and may have significant impacts:

- 1) The Public's Prescriptive Rights and Access (PRC CA Section 30211): The City's findings and special condition number 34: regarding the public's use of the beach and the OTD, repeatedly refer to "...an easement for public access and passive recreational uses..." (Italics and underlining emphasis added.) The fact is that the public's historical use of the entire beach, including that portion between the MHTL and the subject sea wall has been both active and passive. Past Commission regulatory actions along this stretch of shoreline and the La Jolla LCP Land Use Plans have documented those uses. See California Coastal Commission (CCC) files for projects at 220-240 Coast Blvd. north of the site and 325 Coastal Blvd. adjacent and south of the site. Those and the files of other nearby projects contain both written and photographic evidence of both active and passive uses by the public at this beach including the subject site. Those recreational uses include: walking, jogging, swimming, surfing, fishing, skin diving, birding, sunbathing and communing with the natural setting (watching the sun sets.) Therefore, the CCC must correct the findings and special condition regarding the public's lateral access to conform to the LCP and Coastal Act.
- 2) Hazardous Location. I have not been able to find in the City's findings and special conditions, provisions that reflect the subject site's location in a hazardous area in a manner that requires the property owner's acknowledging those conditions, and a special condition requiring the owner's to execute a waiver and hold harmless document. Therefore, the CCC must correct the findings and conditions to reflect those facts.

July 27, 2013

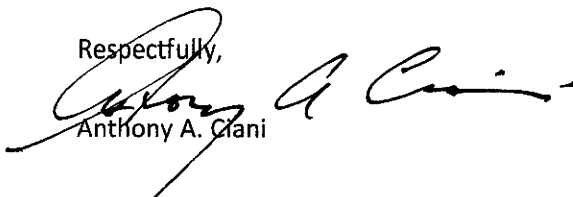
Page 2

California Coastal Commission

RE: Appeal – City of San Diego Project No. 207724

- 3) Urban Runoff and Water Quality. The City's engineering requirements (special conditions 16, 22 and 23) indicate that the urban runoff from the Dunemere Drive public street area will terminate on the subject property and "is private." The city requires that certain standards be met, however, the special conditions do not provide for a program for the public to monitor the effectiveness of the design and construction. It is a fact, the street was originally constructed with the curbing, gutters and stairs that serve as part of the city's storm drain system, and remaining today, at the west end of the street and extending beyond the west face of the retaining wall, out onto the sandy coastal beach. The City holds a sewer easement in the same area that serves upland and adjacent properties. I believe the CCC should require these conditions be modified to require more than an energy dissipation device, but to collect all debris and pollutants in order to prevent them from entering the beach at all; and, to provide for ongoing review and inspection of the system to insure that it is operating correctly for the life of the development.
- 4) The project is located at the end of the street which is narrow and serving one-way street vehicular traffic, pedestrians walking in the street - - there is no formal sidewalk. There is limited parking on one side only; the other side is a "No Parking" (red) zone to allow for the one lane of traffic. However, pedestrians and bicyclists travel both directions. The project presents two issues that I believe the City tried but failed to adequately address: Public safety and pollution from the activity of the construction. I believe the CCC should require the Traffic Control Plan to provide a clear and protected lane of travel for pedestrians; and, that dirt, soils, and debris residue from the excavation and construction that will likely be deposited on this and nearby streets, be cleaned daily to prevent it from entering beach and ocean at this and nearby access points.
- 5) Determination of the MHTL. I repeat my concern regarding the City's endorsement of the applicant's determination of the MHTL for this project. The best I can tell is that the applicant and their consultant used a 1931 Map indicating the MHTL and concluded that it was still a valid line during a review for adjacent properties in 1966 and 1996. I understand that the State Lands Commission (SLC) retains "oversight authority" in matters pertaining to the states sovereign lands in the Public Trust, including the public beach adjacent to the subject site. Therefore, in light of the known fluctuations of the sand and ocean inundation at this beach, and the public's prescriptive rights at the site and adjacent public beach; I request that the CCC seek the assistance of the SLC to update the location of the MHTL.

Respectfully,



Anthony A. Giani

Anthony A. Ciani
220 Walnut Street
Pacific Grove, CA 93950

August 20, 2013,

California Coastal Commission
Attention: Alexander Llerandi, Coastal Planner
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

RE: APPEAL OF CDP 311 DUNEMERE – CITY OF SAN DIEGO PROJECT NO. 207724

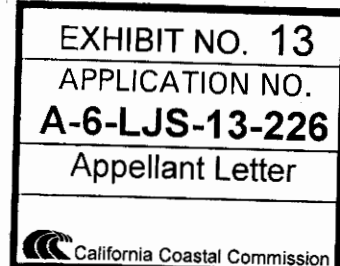
Dear Chairwoman Shallenberger and Members of the Coastal Commission,

On August 19, I submitted more information and photographic and additional documentation supporting the central issues. The following is a summary of that information and issues.

1) COASTAL BEACH AND BLUFF:

Based upon study of the historical aerial photos, beach-level photos, the 1902 Neptunia Subdivision Map, and 1926 Sanborn Fire Map that I submitted as evidence supporting my appeal; the existing development and proposed project is located on the seaward edge of ancient sand dunes, called "Playa de Las Arenas" on the original 1902 Neptunia Subdivision map, showing the dunes shown un-subdivided. The aerial historic photo, ca. 1920 and ca. 1930's, show the physical conditions on the sand dunes and bluffs, before and after development commencing in the 1920's. The historic (Barber Family) photos taken from the beach and the view toward the ocean show a sharp change in elevation (escarpment) from the sandy beach level and the upper levels of the dunes formations. At the approximate location of 311 Dunemere Drive, the 1926 Sanborn Fire Map states "STEEP BLUFF" along a line drawn parallel and slightly inland of the water line; that line represents the historic location of the bluff.

The City's Local Coastal Program Land Development Code (LCD) Chapter 14 and the Land Development Manual (LDM) Guidelines define and regulate "beaches" and "bluffs" and new development on them. Therefore, the existing house and retaining wall are located either on part of the original sandy beach or slightly inland of the eroded "escarpment" as that term is defined in Chapter 11, Art. 3, Division 1, Land Development Terms. In this case, the escarpment resulted from what appears to be eroded sandy soil. As such, (pertaining to development on a beach), the project must comply with LDC divisions Section 143.0142, 143.0143 and 143.0144 regarding Environmentally Sensitive Lands. Also, LDM Guidelines Section III, Bluff Measurement Guidelines, Section 3; and, Sensitive Coastal Bluff with A Seawall and Diagram III-3, all likely apply here; "If the coastal bluff face has been partially altered with the installation of retaining walls..." The subject retaining wall's height must be measured from its "toe" located at the embedment in the stone formational materials, to the top; and, the top "edge" of the bluff should be calculated using the diagrams in the guidelines depending upon the "general gradient," and measured to the toe of the wall at the stone embedment. The applicant's measurement of the retaining wall is measured from the level of the sand, which fluctuates greatly.



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Therefore, under these circumstances, the LCP LUP and Implementing Ordinances in the LDC, I believe the project is subject to a comprehensive review under Sections 143.0142, 143.0143 and 143.0144.

2) MEAN HIGH TIDE LINE (MHTL):

The site is part of a 0.25 mile long pocket beach as described in "La Jolla Pocket Beaches." GEOLOGY – Coastal Geology and Geological Hazards of the San Diego Coast, San Diego Regional Coastal Commission, 1974, on page 67 and 68:

"The other pocket beaches south of Scripps-La Jolla Shores consist of medium to coarse grained sand that is derived from the rock cliffs. These beaches are threatened by riprap or seawalls which cut off their only source of sand."

[The subject] "Marine Street Beach, approximately 0.25 miles in length, is characterized by striking different winter and summer profiles. The beach level elevation can drop 30 feet in the winter with all sand washed offshore."

The photographic evidence I submitted illustrates the sand level fluctuations and the landward extent of the ocean water level. The results of near shore wave actions can also be observed in the early aerial photos to have severely eroded the beach and bluffs along this entire stretch of shoreline. The location of the MHTL is essential to determine the public domain, as well as, the rights for development at the subject site. The applicant's consultant states his use for the MHTL for this project, is supported by the City's 1996 certification of the same line used for an adjacent property. However, that was 17 years ago and I believe the present circumstance requires a fresh evaluation. The importance in this specific case is the applicant's use of approximately 6,000 SF of the sandy beach, located between the existing retaining wall and the Applicant's MHTL, for the purpose of determining the (FAR) size of the proposed residence. I believe the applicant's calculations are based upon misleading information.

3) SCALE AND CHARACTER - COMPATIBILITY WITH SURROUNDING DEVELOPMENT:

The LCP and Coastal Act 30253 require that the project be compatible with the surrounding development. In this case, the neighborhood is characterized by mostly small scale, and a few larger homes; but the prevailing scale is much smaller than the proposed project. In fact, most of the houses on the Dunemere Drive and nearby surrounding streets were built on much smaller lots. The LCP LDC uses a Floor Area Ratio (FAR) factor to determine the maximum floor area of a house in relation to the area of the lot. Therefore, the prevailing character of the Dunemere streetscape is relatively small in its overall size compared to the proposed house. The applicant's use of the sandy beach as part of the their FAR inflates the allowable total square foot size to be approximately 3 – 4 times larger than the average sized homes in the surrounding area. In other words, most of the houses range between 2,000 to 4,000 gross square feet (GSF), compared to the Applicant's house proposed to be over 11,000 GSF.

I want to emphasize that the key to the size Applicant's proposed house is the use of the sandy beach based upon an out-of-date and questionable determination of the MHTL. If the MHTL is really at the face of the existing retaining wall, then the large size would not conform to the LCP LUP Policies and the

LDC August 20, 2013

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Implementing Ordinances. Further, the project site is part of sand dune land forms that had an observable escarpment. After the existing house was built in the 1930's, a retaining wall was built in the 1950's. Both the house and subsequent retaining wall were built in, and on the beach sand dune formations that extend several hundred feet further inland than the subject site. Due to its location on a "sensitive environmental" area, I believe that the beach seaward of the existing retaining wall, cannot be considered "developable land" to be used for the purposes of determining the allowable FAR.

4) PUBLIC LANDS:

Current City of San Diego Engineering Maps designate the sandy beach immediately west of the subject property as City-Owned land, called Neptune Place, not as private property claimed by the applicant. At 10 AM on August 19, 2013, I visited the City of San Diego Maps and Records Department and obtained copies of the City's current engineering maps showing streets and water, sewer utilities. At 11 AM, I supplied those maps to Coastal Staff members Mr. Llerandi and Mr. McEachern. The maps indicate that, the beach between the western boundary of a smaller parcel of land at the subject site and the mapped MHTL, to be a City-Owned ("paper street") called Neptune Place, not private property as shown in the application and on the various plans for the proposed project. The City's engineering plans are dated with revisions made after the 1972 Coastal Initiative and 1976 Coastal Act. Any change in the use would have required a permit, and I am not aware of any permits to change the use of the beach from publicly owned to private. If the land is beach is part of Neptune Place, then the applicant's use of that area in determining the FAR is invalid. Moreover, the public's historical recreational uses of that beach land establish the public's prescriptive rights. My Photographs illustrate past public use at this beach.

5) HAZARDOUS LOCATION – SEAWALL – NEW DEVELOPMENT:

As mentioned in item 2 above, the photographs I submitted to Staff illustrate the frequent fluctuation of sand and seawater levels at this beach; they also demonstrate the substantial, and significant adverse impacts to private properties that have resulted from storm and ocean waves on this pocket beach. Verification of the damage shown in my photos, is supported by newspaper articles and photos I submitted, reporting the damage the time of the erosion. The reports of the January/February 1983 storms that destroyed substantial portions of Revelle, Watts and Nueman properties and required evacuation of their homes, provide important background information about the intensity of the natural shoreline processes at this beach. The sudden erosion in 1983, resulted in the loss of considerable land reaching over 42 feet above sea level, that resulted in the bluff retreat of more than 40 feet horizontally. Years of erosion due to the ocean shoreline natural processes also resulted Emergency Coastal Permits and the construction of revetments and sea walls armoring most of the properties along this pocket beach and the rocky points at each end.

The existing retaining wall has limited the 100 year flood plain from extending further landward. Currently, wave rush up extends up the concrete stairs on both sides of the wall. Without the presence of the existing retaining wall, the MHTL and 100-Year floodplain could be landward of the retaining wall. I could not find in the record, a current engineering study of the shoreline processes for this project that instead relies on a superficial visual review of the "existing retaining wall." The applicant claims the

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existing retaining wall will protect the new structure from effects of the ocean, but even if the wall did not exist, that the ocean would not impact the main level of the proposed house to be located at elevation 30 feet ASL until 2055. If constructed this year, the 75-lifetime for the house would be until 2088, or 33 years past the applicant's suggested of potential impacts due to the ocean.

The applicant has failed to report when the effects of the ocean surge could reach the primary structures lower level and foundations proposed at elevation 20 ft. ASL. A Shoreline Processes and Engineering Study is necessary to determine if the new development can be developed without the need for a seawall to protect it in the future (at least next 75 years.) There is no such report. There is substantial evidence that the proposed new residence will require a sea wall or some other form of shoreline armoring to protect it from future impacts of erosion, contrary to CA section 30235. All of the information indicates this is a "hazardous" location as that term is used in the LCP/LDC and Coastal Act; and, the likely necessity for a new sea wall to protect the new residence. Additionally, the City failed to require the applicant and Owner to execute a standard document acknowledging the known geological and ocean related hazards, and taking full and sole responsibility for building in a hazardous zone; which is contrary to the LCP/LDC and CA 30235.

6) URBAN RUNOFF/STORM DRAIN PUBLIC RIGHTS

The concrete street, curbs and gutters were constructed over 70 years ago with an integral concrete walkway and stairs leading from the end of the street down onto the beach. They were, and have always served as the only surface system for urban runoff and storm drainage for the public road and surrounding homes that direct their roof and areas into. There are no storm water inlets in the street, subsurface drain pipes or outlet other than the surface flow into the walk and stairway at the end of the street and terminates on the sandy beach. For many years, the public and adjacent neighbors used the walk and stairs for access to the beach. There was no gate at the top or bottom to prevent such use. The substantial width of the street end walkway also provided a view of the beach and ocean from the public vantage point of the street end. That was closed off and recently the Owner of the subject project and property constructed a new fence to obstruct the walkway and views through it to the sea. The LCP did not identify the view in the LUP; however, the LDC 143.0144(c) and Coastal Act require that public views from public vantage points be protected. I believe that the public retains prescriptive rights for the storm water surface flow and drainage, access, and views at the street end walkway. I am concerned that while the City and applicant acknowledged the hydrology issues, they did nothing to address and protect related water flow, and quality issues (protection from future pollution, and debris etc.), regarding urban runoff onto the beach and into the sea.

I urge you to find substantial issues with this project and require a new hearing to address these coastal issues.

Sincerely,

Anthony A. Ciani

Anthony A. Ciani
220 Walnut Street
Pacific Grove, CA 93950

August 26 2013

California Coastal Commission
Attention: Alexander Llerandi, Coastal Planner
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103 San Diego, CA 92108-4402

**RE: SUPPLEMENT TO APPEAL OF CDP 311 DUNEMERE – ROMNEY RESIDENCE, CITY OF
SAN DIEGO PROJECT NO. 207724**

Dear Chairwoman Shallenberger and Members of the Coastal Commission,

I am writing to summarize the reasons for my appeal and provide you with further evidence supporting it. I am attaching excerpts from the adopted La Jolla Local Coastal Program Land Use Plan Goals, Recommendations and Policies, and Implementing Ordinances. *I strongly believe that the necessary findings CANNOT be made to approve the proposed project to be conforming to the following LCP and related Coastal Act Sections.*

1) Visual Resources and Public Access, Page 85 and 86:


- a. All development and redevelopment projects should be subject to the policies and recommendations outlined under the Visual Resources, Coastal Bluffs, and Public and Shoreline Access Sections of the Natural Resources and Open Space System Element.
- b. All unauthorized encroachments into the public right-of-way should be removed or an Encroachment Removal Agreement (ERA) should be obtained.

Shoreline Areas and Coastal Bluffs, CA 30253 (a) (b))

Page 50 and 51, Items a, c, d, e, and f. "The City should preserve and protect the coastal bluffs, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these resources, ..."

Public access, CA 30211 and CA 30212

Page 52 c and d "The City should ensure that new development does not restrict or prevent lateral vertical or visual access (as identified in Figure 9 and Appendix G) to the beach on property that lies be'

EXHIBIT NO. 14
APPLICATION NO.
A-6-LJS-13-226
Letter in Opposition
 California Coastal Commission

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the shoreline and first public roadway, or to and from recreational areas and designated public open space easements."

(NOTE: See attached Photo historical Vertical Access at Subject site, ca, 1950, Exhibit "A")

Prescriptive rights, CA 30210, CA 30211 and 30212

Page 53, "Where development is proposed on a site where it clearly appears that potential prescriptive rights could exist, the City should ensure that the siting of the development does not interfere with or prejudice those rights. Potential prescriptive rights should be determined in accordance with the California Coastal Act and state law as further defined by the State of California Office of the Attorney General."

Appendix G. Coastal Access Subarea Maps:

SUBAREA F: WINDANSEA PAGES PHYSICAL ACCESS MAP

page 175; **AND, VISUAL ACCESS MAP** page 176

(See LCP MAP Subarea F: Exhibit "B")

(NOTE: The beach in front (WEST) of Romney's property is clearly indicated on both maps with a graphic symbol of "cross-hatching" lines, that according to the Legend at the bottom of each page provides)

**[//////////] "Other Shoreline Property
(Dedicated or Ownership in fee by the City)"**

(NOTE: These LCP Maps are consistent with the City's Engineering Maps that call this area of the beach including the beach adjacent to and including that west of Romney, and extending North of Marine Street, "Neptune Place." See Commission File for maps previously submitted. Also See Public Use Photo Exhibit "C")

Visual Resources: CA 30251

Page 49: "The City shall ensure the preservation of portions of public and private property that is partially or wholly designated as open space to the maximum extent feasible."

Page 50, Item b "Public views to the ocean from the first public

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roadway adjacent to the ocean shall be preserved and enhanced, including visual access across private coastal properties at yards and setbacks."

Page 57 "Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance or restore existing or potential view corridors within the yards and setbacks by adhering to setback regulations that cumulatively, with the adjacent property, form functional view corridors and prevent an appearance of the public right-of-way being walled off from the ocean. recreation, scenic, habitat and/or open space values of these lands, and to protect public health and safety. Maximum developable area and encroachment limitations are established to concentrate development in existing developed areas and outside designated open space. (Emphasis added)

Community Character CA 30251 and 30253 (e)

Page 84: "In order to promote development compatible with the existing residential scale:

"The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.

Page 81 "Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures."

Page 82: "One of the more critical issues associated with single dwelling unit development is the relationship between the bulk and scale of infill development to existing single dwelling units. New construction of single minimize erosion of the bluff face, minimize impacts on local shoreline sand supply and maintain lateral public access along the coast, dwelling unit homes have tended to be larger in size than the traditional development in some neighborhoods.

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Page 82: **Common development patterns or streetscape themes that reoccur within the public domain or right-of-way of a particular block** or occur throughout the entire neighborhood can be identified. These features help to contribute to a neighborhood's sense of identity and place within the community. Neighborhoods do not have static or clearly defined boundaries. Elements of character blend from one area to another, and it is this association of varying elements, which create neighborhood character. Public amenities such as sidewalks, curbside vegetation, street furniture, fences or walls should be considered important elements to neighborhood character."

Page 57: "Where new development is proposed adjacent to a park or open space, reduce the perceived bulk and scale of the proposed structure through articulation of the facades facing the park or open space, and facade materials that blend with the landscape should be employed.

Page 90: a. **In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:**

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

(NOTE: See attached study based upon the prevailing size of the surrounding houses, Exhibit D.)

In order to regulate the scale of new development, apply development regulations to all residential properties in La Jolla that proportionally relate the building envelope to the existing lot dimensions. Apply minimum side

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and rear yard setback requirements that separate structures from adjacent properties in order to prevent a wall effect along the street face as viewed from the public right-of-way. Side yard setbacks should be incrementally increased for wider lots.

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

Development Near Coastal Bluffs CA 30253 (a) (b) and CA 30235

Page 83: **The shoreline bluffs are one of the community's most beautiful scenic resources and offer magnificent vistas of the ocean and the coastline of La Jolla. The views provided by these coastal bluffs continue to offer a tremendous incentive for residential development along the bluff top. Studies, however, have indicated that certain bluffs are susceptible to periodic erosion and are unstable. Seawalls, revetments and parapets, which have been constructed in some cases to protect private homes and property, may eventually become structurally unstable. Thus, the coastal bluff regulations that are contained in the Environmentally Sensitive Lands regulations of the Land Development Code are intended to guide the placement of these seawalls, revetments, parapets and residential structures in order to prevent structural damage to existing principal structures.**

Page 85: **The City should ensure that bluff stability is a foremost consideration in site design.** New development on or near the coastal bluff will be designed in a manner that will protect the bluff from erosion.

(NOTE: See Photo Exhibit "E")
"

(The Existing Retaining Wall may not have been engineered and/or permitted. It may be on Public Land. The lower level of the proposed house is less than (4 FT)) above top of the wall. Wave action from storms is known to deposit sand on top of and behind the wall.)

Page 51: Development on coastal bluffs should be set back sufficiently from the bluff edge to avoid the need for shoreline or bluff erosion control devices so as not to impact the geology and visual quality of the bluff and/or public access along the shoreline.

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Require removal or relocation of accessory structures located within the bluff edge setback if it is determined, in conjunction with proposed development on the site that such structures pose a threat to the bluff stability, or, such structures should be brought into conformance with current regulations.

Page 50 and 51: Coastal bluffs are formed by constant wave action eroding the base of the cliffs, and causing the shoreline to move landward. This coastline retreat is rapid in some areas, slower in others, and can be greatly accelerated by human activities. To protect the natural beauty of the coastline while allowing the natural shoreline retreat process to continue, the City and the state aggressively regulate coastal development to prevent activities such as misdirected drainage from increasing natural erosion. Only appropriate erosion control measures that maintain the natural environment, yet allow for the effective drainage of surface water shall be permitted. Surface water drainage shall not be allowed to drain over or near the bluff, but rather shall be directed towards the street or directed into subterranean drainage facilities with energy dissipating devices. Where street drainage systems erode bluffs, the drainage system should be redesigned to prevent bluff erosion. **Improve existing street drainage outlets with energy dissipating devices or other similar measures in order to minimize erosion caused by quantity, velocity, or content of runoff.**

Do not allow the placement of such protective structures to encroach on any public areas unless engineering studies indicate that minimal encroachment may be necessary to avoid significant erosion conditions and that no other viable alternative exists. Require replacement protection to be located as far landward as possible, and require infilling between protective devices to encroach no further seaward than the adjacent devices/structures. **Remove obsolete protective structures, when feasible, and restore beach area to public use.**

Water Quality and Development CA 30231

Page 116: The City of San Diego recognizes the impacts of nonpoint source pollution runoff on coastal waters. **Pollutants in urban runoff are a leading cause of water quality impairment in the San Diego region.** As runoff flows over urban areas, it picks up harmful pollutants such as pathogens, sediment, fertilizers, pesticides, heavy metals, and petroleum products. **These pollutants are conveyed through the City's storm water conveyance system into streams, lakes, bays and the ocean without treatment.** New development, if not adequately designed, creates new surfaces, which potentially contribute pollutants to the storm water conveyance system and

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eventually our beaches, and bays. To address nonpoint source pollution updating its Progress Guide and General Plan to include water quality and watershed protection policies and principles. To address current development and redevelopment projects, including all development projects in La Jolla, the City's development regulations have been revised to include a combination of site design, pollution prevention, source control, and treatment control Best Management Practices (BMPs). These BMPs are considered "permanent" BMPs because they function throughout the "use" of a developed project site, and are contained in the City's Storm Water Standards Manual (dated October 23, 2002) and effective December 2, 2002.

Page 117: The City should ensure that existing development adheres to the City Storm Water Management and Discharge Control ordinance in order to control non-storm water discharges, eliminate discharge from spills, dumping or disposal of materials other than storm water, and reduce pollution in urban storm water to the maximum extent practicable.

The City should ensure that proposed development and redevelopment projects adhere to the City's Storm Water Runoff and Drainage Regulations, and Storm Water Standards Manual in order to limit impacts to water resources (including coastal waters), minimize disruption of the area's natural hydrologic regime, minimize flooding hazards while minimizing the need for flood control facilities, reduce impacts to environmentally sensitive lands, and implement federal and state regulations. Storm Water Conveyance System-Nonpoint Source Pollution in Urban Runoff.

In conclusion, I ask the Commission to find that this project presents "Substantial Issues" and request a new hearing to address them.

Sincerely,

Anthony A. Ciani

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Exhibit "A"

Walk/Stairs/Drainage – End of street to Beach at Dunemere Drive (ca. 1950)



Walkway

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ENLARGED Exhibit "A"

Walk/Stairs/Drainage – End of street to Beach at Dunemere Drive (ca. 1950)



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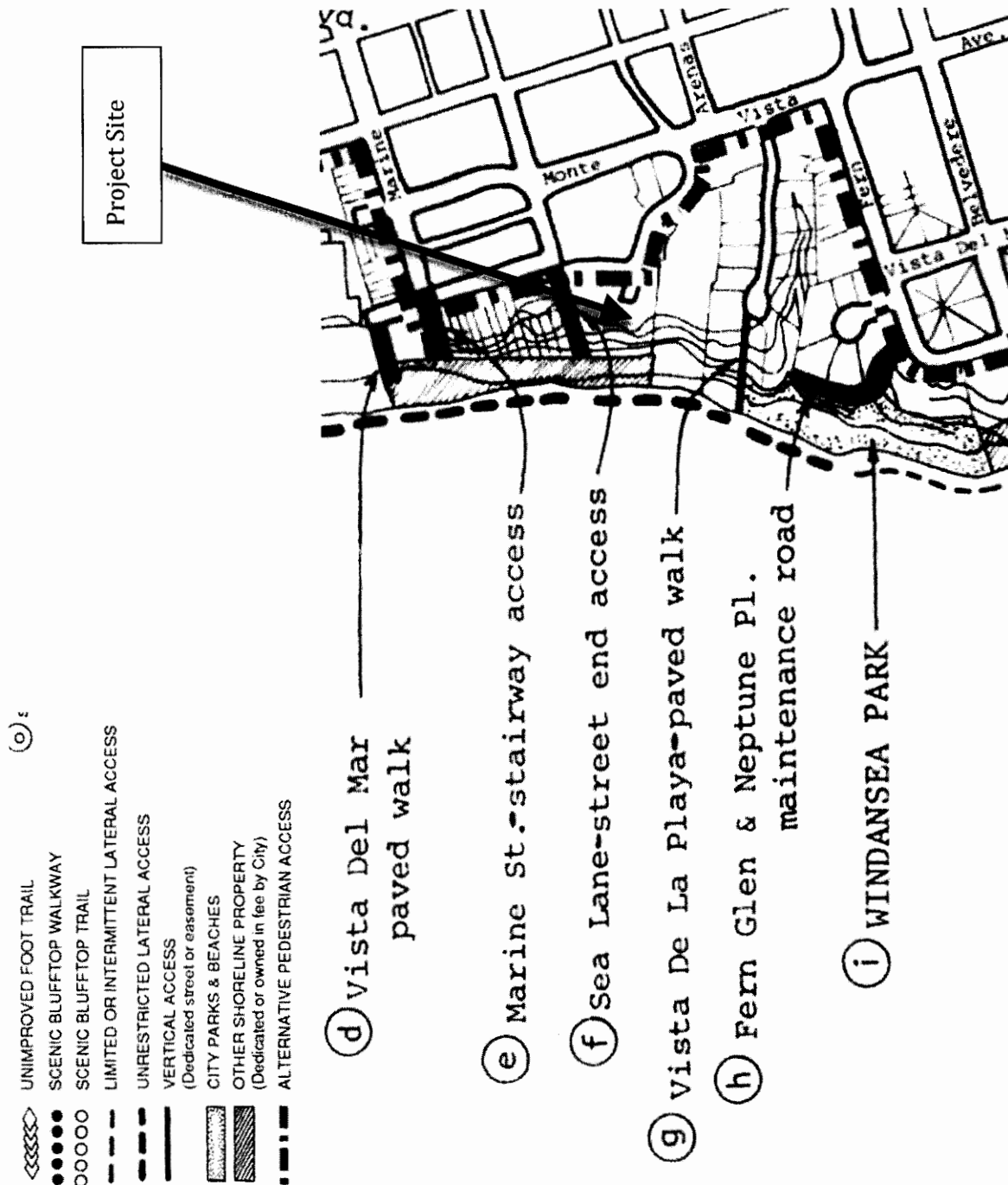
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Exhibit "B"

La Jolla Community Plan LCP Subarea F: Windansea – Physical Access (select
portion)



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Exhibit "C"

PUBLIC USE on BEACH ca. 1970's



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Exhibit "D"

Subject: Compatibility study based upon the prevailing size of homes in surrounding area within 300 feet of proposed new house.

Ca sections 30251 and 30253 (e) and LCP La Jolla community plan page 84 (2)
promote development compatible with existing community scale

The following is list of properties and the Square Footage size of each house within approximately a 300 foot residence of 311 Dunemere drive including all of the houses on the subject street:

Dunemere Drive

(average 2,657 sq ft)

House	Floor Area
310	1,985
*311	3,009
318	1,979
323	1,521
329	2,400
325	**6,129
331	5,125
335	1,287
340	4,141
346	2,538
347	2,373
352	2,475
360	2,573
369	1,020
7256	2,436
7257	1,519

* Subject house

**New addition under construction

Sea Lane

(average 2,753 sq ft)

House	Floor Area
300	3,774
302	1,810
303	3,355
305	3,858
306	3,002
307	3,098
349	1,235

Vista del Mar

(average 1,791 sq ft)

House	Floor Area
7300	1,791

Dune Lane

(average 2,500 sq ft)

House	Floor Area
7272	2,500

Monte Vista Ave

(average 2,102 sq ft)

House	Floor Area
7228	2,167
7252	1,884
7264	1,927
7270	2,430

Vista de La Playa (average 4,543 sq ft)

House	Floor Area
301	3,718
302	7,065
303	4,254
305	1,535
308	9,142
318	1,545

August 26, 2013

California Coastal Commission

RE: SUPPLEMENT TO APPEAL OF CDP 311 DUNEMERE – ROMNEY RESIDENCE, CITY OF SAN DIEGO PROJECT NO. 207724

Page 13

Summary:

1) As observed by a pedestrian standing in the street, the size of the closest houses are: immediately adjacent to the east are 1,521 SF; and, across the street is 3,009 SF and 1,927. Sf.

2) The largest house visible from the street and within 100 LF of the proposed project is: 4,141 SF, including a basement space.

3) The smallest house on Dunemere Drive is 1,020 SF, but it is out of a the public's view from the street.

4) The largest house in the field is: 9,142 SF, but it is located out of view on another unconnected street, not part of the Dunemere streetscape.

5) The prevailing (average) size of ALL of the houses in the area of study is: 2,903 square feet. If the smallest and largest houses are eliminated from the measurements, **the average size of the houses facing Dunemere is: 2,657 square feet.**

6) Using the "common" size of all of the houses, large and small within 300 lf of the proposed house, **the proposed house including the basement is approximately FOUR (4) times larger than the prevailing size of the surrounding development.** Excluding the project's proposed 3,668 SF basement, which would not be part of the observable surroundings from the streetscape, and assuming the existing retaining wall is on private property; **the proposed house would be close to THREE (2.75) times larger than the average house in the surrounding area.**

(Note: Basements of the all-existing surrounding homes have been included in the average size in this analysis.)

7) On this block facing Dunemere Drive, there are (5) existing one story houses; (3) split level (one story over garage on a slope); (2) two story over garage and or basement – both appear as three stories; and, (6) two story houses. The general appearance is **Two Stories** high.

There is a common small front yard setback from the street, and (8) Houses out of (16), have one or more off street parking spaces in front of the houses.

8) The architectural styles vary, with examples of traditional periods to contemporary. There is no common architectural theme on this block.

9) Landscaping varies. Most of the larger mature trees and plants are in rear yards.

10) Due to the original sand dune formations, the topography varies with a general east-to-west gradient.

11) This block of Dunemere Drive is a narrow curvilinear road that follows an old ravine within the original, front and back dune formations.

12) Excluding the two properties that count the sandy beach area as their land, **most of the lots are small, with an average square footage of 4,592SF.**

14) Overall, the small scale and character of Dunemere Drive is due to the predominance of small homes on small lots and unique street.

August 26, 2013

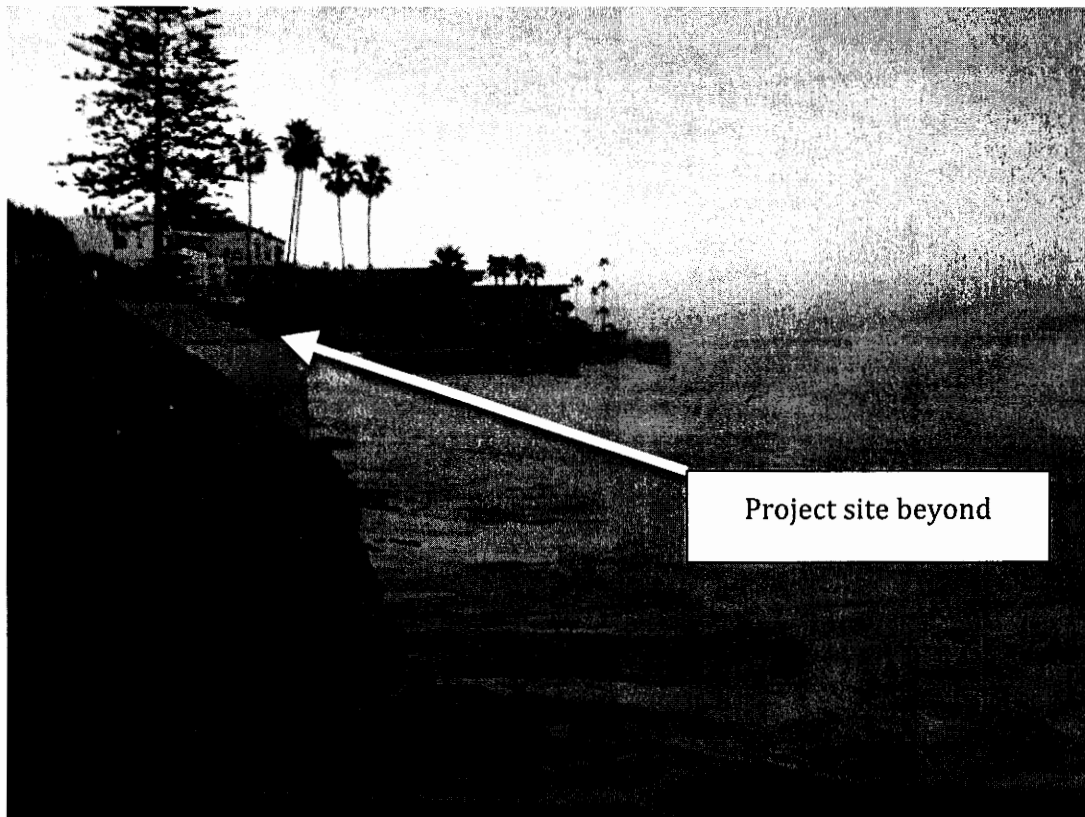
California Coastal Commission

RE: SUPPLEMENT TO APPEAL OF CDP 311 DUNEMERE – ROMNEY RESIDENCE, CITY OF
SAN DIEGO PROJECT NO. 207724

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Exhibit "E"

Public Domain/High Tide (ca. 2012)



Project site beyond

Lee McEachren, Coastal Planner
California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-440

RE: Appeal, 311 Dunemere, 92037, Project
#207724


#

Dear Mr. McEachren;

I would appreciate the Commission's consideration of the following regarding 311 Dunemere, a property within a couple hundred feet of my residence:

- 1) Because the house is being torn down there is no grandfathering of rights with regard to prior construction and permits that were applicable at that time. Consequently, the wall that was constructed over half a century ago between the then existing house and the beach/sea must meet today's code requirements. Coastal Act section 30235 allows for a sea wall if it is to protect an existing house. Once the house is torn down a sea wall is not permitted for a new structure.
- 2) The applicant is using sq. footage of the beach in calculating his floor to area ratio (FAR) despite the ocean at times during the year crashes against that wall and all the walls along that beach. The high tide mark is east of that wall and consequently the sand west of the wall cannot be used by the applicant.
- 3) There is a City identified easement (Neptune Place), established by Ordinance No. 5326, that runs along the western edge of the applicant's property. That easement area cannot be used by the applicant in calculating his FAR.
- 4) The applicant is using a four foot wide strip along the eastern edge of the property in calculating his FAR based on a surveyor's professional opinion, made after applicant purchased the property, that the strip of land belongs to the applicant. That conclusion is not based on a title search which would show whether the applicant actually bought that strip. In other words applicant asserts that he owns what the surveyor says he owns, not on what the Title Company says he actually bought. The Assessor maps say he does not own that four foot wide strip.

Very Truly Yours,
R. Jay Engel
7270 Monte Vista Ave

EXHIBIT NO. 15
APPLICATION NO.
A-6-LJS-13-226
Letter in Opposition
 California Coastal Commission

Steele Lipe 4354 High Ridge Rd. Haymarket, VA 20169

(703)753-8529 Tel

email: steele@lipe.name

14 September 2013

California Coastal Commission
San Diego District
7575 Metropolitan Drive, Ste 103
San Diego, CA 92108-4402

Re: Romney A-6-LJS-13-0226

Dear sirs:

Please let me begin by stating that my parents owned the house at 311 Dunemere Dr. La Jolla, CA 92067, the house that is now owned by Gov. Mitt Romney.

They had always liked the house and when it came on the market in 1957 they purchased it and moved around the corner from 305 Sea Lane (3 houses). I and my two sisters lived in the house until it was sold in 1976.

As far as my parents were concerned the beach has always been public property. Unlike the East Coast where beaches and their access are virtually all private property California beaches to my knowledge are public property and the State through its Coastal Commission has been vigilant in keeping it so.

Therefore, I am truly skeptical and dismayed that the beach beyond the seawall should be or could be considered private property. If that is the case, then the owner has the right to cordon off the beach and prevent its use.

During my parents period of ownership of 311 Dunemere Dr. it was not unusual for the high winter surf to break against the sea wall at the base of the property. On many occasions I can remember my father having to shovel the accumulated sand back over the wall on to the beach. My father had a photograph of the surf breaking over the sea wall of Mrs. Scripps Children's Pool hanging in his office and he used it to "impress" Dr. Sales when he was building his home at the foot of Sea Lane (north side) so much that Dr. Sales went to great lengths to build a very large sea wall prior to constructing his home. The sea wall he built was not just a straight wall but was constructed much like a dam but with a return on the ocean side to reflect the waves. (A copy of that image is for sale by La Jolla photo & Imaging, 7523 Fay Ave, Ste C has for sale an epic image of rough surf breaking over the Children's Pool. I have attached two personal images take of high surf at the Children's Pool.

At one time before my memory, (family movies), the property of 303 Sea front of the home my parents built in 1940 had a sea wall but during an early destroyed by the ocean. I do remember my mother and others from the immed neighborhood using portions of the wall to recline while sun bathing while we children played. There are sea walls on all properties from north Marine street

EXHIBIT NO. 16
APPLICATION NO.
A-6-LJS-13-226
Letter in Opposition

(White Sands) all the way down to the sewer pump station at the foot of Fern Glen. Even the Revelle's (foot of Marine Street) built a sea wall when during one early storm, before my memory, rough seas ate away a fair portion of the bluff upon which their house was built.

During that time and during all the years I had lived in the neighborhood (from 1940) the beach access walkway, at the foot of Dunemere Dr., was always kept open. It was not until sometime after it was sold by my parents that the beach access was closed to everyone including fellow Barbarians (those who live in the Barber Tract call themselves Barbarians) by a high locked gate. In the middle of the walk at the end of the street is/was a brass plaque stating that the access was private property and subject to closure at any time. It has been my impression that an access so marked would have to be closed periodically in order to be able to close it permanently. Therefore, it had never been closed during the almost 20 years I had lived in the neighborhood. Everyone used it!

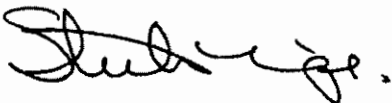
I am also aware that a public sewer line runs along the beach front and I would suspect not across private property.

In 1956 before the Coastal Commission was formed, my mother and Mrs. Roger (Ellen) Revelle, et al took a stand to save Marine Street (Whispering Sands) Beach. They successfully filed a law suit against Mr. Carpenter who in an attempt to develop his property at the north end of the beach had his workmen push dirt and rubble onto the rocks so that he could build an apartment house out to what he believed was his property boundary, the mean (high) tide line. During the case the attorney representing my mother and Mrs. Revelle and others offered into testimony the original surveyor who definitely and repeatedly stated that under oath "[T]he bluff line was the western boundary of all lots." Virtually all properties along the beaches in that area, Marine Street Beach included, have properties built to the east of the bluff line. In many cases as in 311 Dunemere Dr., the bluff line has been replaced by a concrete sea wall.

Therefore, it seems ludicrous that Gov. Romney should be able to claim that his property extends, as is the eastern thinking, to some semblance of the tide line. It is extremely obvious that his claim of such public property would enhance his ability to claim sufficient footage so as to allow a home to be built that is way out of proportion to the true property size.

I and my wife Patricia Daly-Lipe, another La Jolla native, implore the State of California through its protective body the California Coastal Commission to declare that the beach from the bluff line (sea wall) is public and not private property. I also implore the Commission to require that the original beach access be reopened on the basis that it until recently (1976) never had been closed to public use.

Sincerely,



Steele Lipe



Patricia Daly-Lipe

Citation: "La Jolla, A Celebration of its Past", written by Patricia Daly-Lipe and Barbara Dawson (first president of the La Jolla Historical Society), published by Sunbelt Publications, Inc. 2002, 2003. Chapter entitled: "From La Jolla's Sand Dunes Come the Barber Tract Tales", pages 31-35. An excerpt of that chapter is appended. the last paragraph of the appended story details the possible effect of the storms of 1982-1983 had the story not had a happy ending.

carried an account of the settlement agreement under the headline: "Never Underestimate the Power of Irate Women!"

During the huge storms of 1982-83, as the waves crashed against the windows of the Carpenter-built apartments, it was obvious that the battle to save the beach had also saved the adversary's investment. Had his buildings extended forty feet farther out from the bluff line, more rubble would have covered that section of the beach as well as the beach group's cherished little cove. The expense in this case would have been monetarily and emotionally prohibitive.

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La Jolla, A Celebration of its Past

Written by Patricia Daly-Lipe and Barbara Dawson, 2002.

Excerpted from "From La Jolla's Sand Dunes Come the Barber Tract Tales" pages 33-35

(THIS IS COPYWRITED MATERIAL BELONGING
TO THE AUTHOR AND HER HUSBAND.)

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In 1956, long before the formation of the Coastal Commission, Ellen Revelle and her neighbor and friend Georgeanna Lipe, took a stand that would literally save Whispering Sands Beach.

As was the custom after school vacations, the mothers in the Barber Tract met for a beach picnic at their favorite place, the north end of Whispering Sands Beach, to celebrate the great event called, "Back to School." This time, however, they noticed some unusual activity. The ladies were shocked. Large bulldozers were demolishing several small beach cottages, some of which had been above the beach, for as long as any of them could remember. The crushed cottages were being pushed down onto the rocks, the beach and into the lovely little cove between the rocks. The natural beauty of the coastline was being destroyed and their beloved beach was being desecrated.

Mr. Carpenter, a developer from Los Angeles, had purchased the property. His plan was to cover the debris with dirt and other material, and then gunite over it using this artificial foundation for the construction of large apartments on the site. Some of his project would extend forty feet out from the bluff line. He claimed ownership out to the mean high tide line.

The loss of the tiny cove was tragic enough, but then came the realization that once this project was completed as planned, all north-south access from Whispering Sands to the smaller beach to the north would disappear. This fact galvanized the formation of an informal "Save the Beach" committee consisting of J T and Georgeanna Lipe, Quintin and Betsy Stephen-Hassard, Polly Hudnall, Roger and Ellen Revelle and a sympathetic lawyer, longtime resident Sherwood Roberts.

Attorney Roberts obtained an "Order to Show Cause" causing all the work on the Carpenter project to be stopped until a court hearing could take place. During the intervening weeks, the "Save the Beach" committee had time to do research and prepare their case. The search of records on microfilm was tedious. Hours were spent at a machine at the San Diego Public Library scanning microfilm of old newspapers with the hope to locating and annotating every reference to public use of La Jolla beaches to combat Carpenter's claim of private ownership. Members of the group unearthed snapshots from family albums to show how widely used the beach was. Public interest in the case grew by word of mouth and the power of the local press. Petitions were also circulated to bring in support.

The committee's appeal for funds to pay the legal fees brought an unexpected response, including one from Miss Caroline Cummins, longtime Headmistress of The Bishop's School. Her only use of the beach was probably the new girls welcoming picnics traditionally held at the foot of Marine Street. When asked to join in the challenge, the City of San Diego said there were no funds for such a cause. However, the

City later realized that an important precedent was being set and did join with City attorneys.

When the day came for the court hearing, sometime before June 22, the Revelle's 25th wedding anniversary, there was some concern that if they lost the anniversary would be celebrated in jail.

Roger Revelle was allowed to be among the first to testify as he had to catch a plane to Washington, D.C. Mr. Carpenter's Los Angeles lawyer asked him to state his credentials, which were impressive enough to embarrass the lawyer. Roger was at that time the Director of the Scripps Institution of Oceanography, part of the University of California, and had a Ph.D. in geology. He soon made it clear that his familiarity with beaches in general and the beach in question went way back. He left for Washington feeling downhearted however, worried about some of the evidence the opponents might be able to produce, including a picture of a large PRIVATE BEACH sign posted right in front of the Revelle house at the foot of Marine Street. This had obviously not been placed by the owners but by their tenants during the war years when the Revelles were in Washington. Still, it could be damaging.

One of the best witnesses was Douglas Inman, a geologist at Scripps Institution of Oceanography. Carpenter's lawyer tried to get Dr. Inman to agree that the property would be perfectly safe to build on once it was gunited. Doug, in his quiet low-keyed manner, soon dispelled that naive notion, mentioning various locations where gunite had failed completely.

Ellen Revelle's mother, Grace Scripps Clark Johanson (age 78 at the time) was called upon. The opposing lawyer told Mrs. Johanson that the plan of the proposed building would allow for some sort of passage under or through it to reach the next beach area. In answer to his suave, "So wouldn't that be perfectly satisfactory, Mrs. Johanson?" He was appalled when this frail and meek-looking little lady replied: "No! Not at all! The beaches have always been freely open to the public and should stay that way!"

"I have no more questions, your Honor," the lawyer stammered.

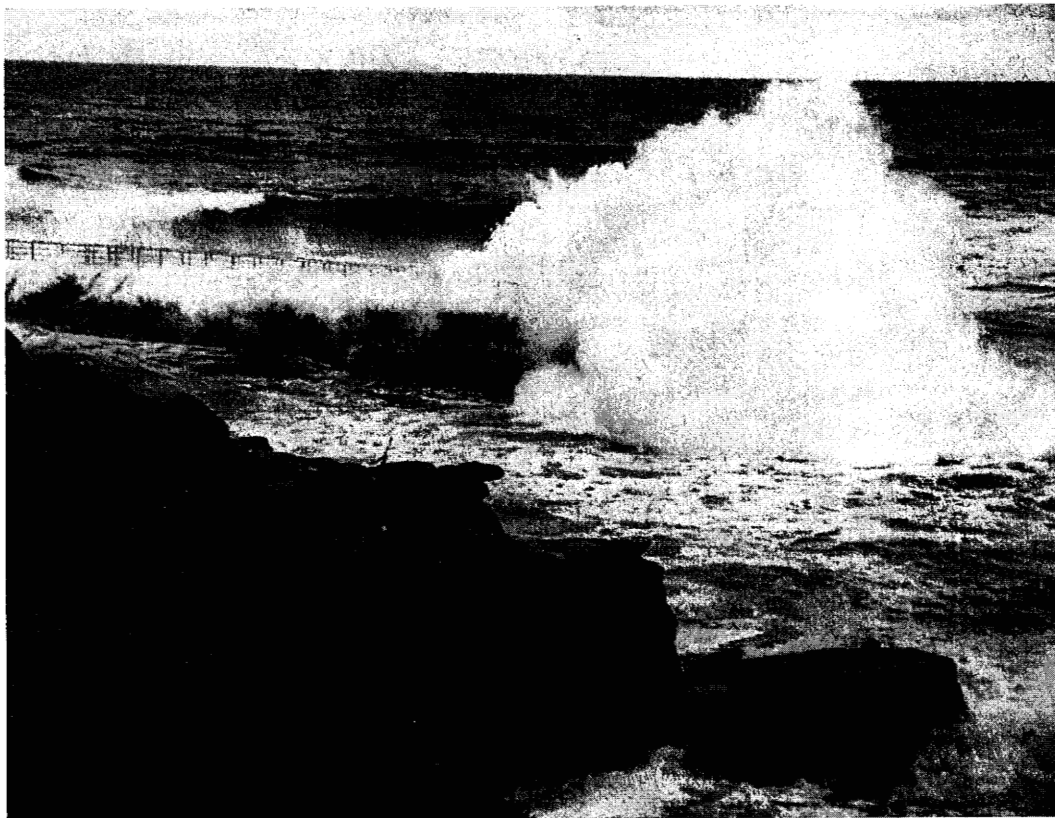
The original surveyor of the area who had been located by Sherwood Roberts was probably the most convincing. His recollection of surveying the coastal lots of La Jolla could not be shaken. No matter how he was questioned, he stayed firm. "The bluff line," he kept reiterating, "was the western boundary of all lots." His testimony may have been what led to a phone call to the Revelle house at around eleven the same evening. It was Sherwood Roberts reporting that Mr. Carpenter's lawyer had phoned him requesting a discussion that night with the principle members of the Beach group.

Carpenter claimed that he had had no idea of the strong feeling of the community regarding his project and would not like to come to town creating enemies and causing ill will. He proposed an out-of-court settlement agreement. This would include not only pulling his construction back to the bluff line, but also cleaning up the desecrated little cove in front of his property. The committee decided to settle.

On the big day of the beach cleanup, the Save Our Beach group felt like celebrating with Champagne as they stood, at the very low tide, out on the reef and watched the extremely expensive equipment laboriously hauling out all the rubble and debris that had been pushed into the cove. The day after the court proceedings, the *San Diego Union*



Children's Pool, Dec 2002



Children's Pool 2005

California Coastal Commission

September 19, 2013

San Diego District

7575 Metropolitan Drive, suite 103

San Diego, CA 92108-4402

RE:Romney A-6LJS-13-0226

Dear Commission,

I request that you hold a full public hearing of the appeal for the proposed 11,000 SF Romney Residence to be located on a small beach in La Jolla. I understand that this project threatens to limit the public's use of this beach to be a "passive" use. In addition the Romney's intend to use the sandy beach as 'private land' to enhance the size of their house, without accepting the responsibility and risk for building in a hazardous location. Should the citizens of California and the USA assume and subsidize their risk to build a new house in an area that experienced substantial damage during past winter storms?

I live in this neighborhood and walk on this beach daily, from Fern Glen to Marine St. and back. I used this beach as a teenager for school activities, swimming, sunbathing and beach parties.

It is important that this beach at Sea Lane, Dunemere, and Marine Street remain a public beach for the enjoyment of all, not just a privileged few.

Salli Sachse

346 Fern Glen

La Jolla, CA 92037

