



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: January 12, 2011 **REPORT NO. PC-11-008**

ATTENTION: Planning Commission, Agenda of January 20, 2011

SUBJECT: 5322 CALUMET AVENUE - PROJECT NO. 213382. PROCESS 3

REFERENCE: Hearing Officer Report No. 10-120

**OWNER/
APPLICANT:** Calumet Real Estate Holdings, LLC (Attachment 14) /
Tom Story, Sunroad Enterprises

SUMMARY

Issue(s): Should the Planning Commission uphold the Hearing Officer's approval for the stabilization of a coastal bluff including the construction of a shotcrete seawall for an existing single family dwelling within the La Jolla Community Plan area?

Staff Recommendation: DENY the appeal and APPROVE Coastal Development Permit No. 759403 and Site Development Permit No. 797314, amending Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 and Emergency Coastal Development Permit Nos. 723452 and 742235.

Community Planning Group Recommendation: On November 4, 2010, the La Jolla Community Planning Association voted 14-0-1 to recommend approval of the project with no conditions (Attachment 13).

Environmental Review: The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15269(c), specific actions necessary to prevent or mitigate an emergency. No additional CEQA review or determination is needed, as the work was previously exempted.

This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 13, 2010, and the opportunity to appeal that determination ended April 28, 2010.

Fiscal Impact Statement: All costs associated with the processing of this project are

paid for through a deposit account maintained by the applicant.

Code Enforcement Impact: None

Housing Impact Statement: The project site is located within a residentially designated neighborhood and contains one dwelling unit, consistent with its designation. If the proposed project is denied and further erosion of the bluff occurs, the existing dwelling may become uninhabitable.

BACKGROUND

The project site at 5322 Calumet Avenue is located between the Pacific Ocean and the first public roadway adjacent to the coastal bluff (Attachments 1 and 2). The site is located within the La Jolla Community Plan which identifies the site for low-density residential development (5-9 dwelling units/acre), and the project site is consistent with this designation. The unimproved public right-of-way which is the terminus of Bandera Street, is depicted by the La Jolla Community Plan and Local Coastal Program as an integral part a View Corridor with no physical access (Attachment 3).

On February 5, 2010, the City of San Diego received an application for an Emergency Coastal Development Permit (ECDP). The site was determined to contain a coastal emergency, as the northwest corner of the property experienced a recent bluff failure and accelerated recession of the bluff edge. The recession undermined a portion of the rear patio wall footing with the northwest corner of the residential structure approximately 8 feet horizontally from an approximately 30-foot high coastal bluff/ cliff. Additional recession appeared imminent in this area and immediate action was necessary to protect the primary structure. On February 9, 2010, the City approved ECDP No. 723452, for the application of a soil stabilizing polymer coating to the bluff face (Attachment 4).

Subsequent storm events in the last week of February resulted in additional bluff failures under the rear yard patio and a portion of the Bandera Street right-of-way, a 20' wide unimproved street. The property at 5322 Calumet was "yellow tagged" for designated limited entry and restricted use of a bedroom due to safety risk.

On April 13, 2010, a second application for an ECDP was received, and on April 23, 2010, ECDP No. 742235, was granted for the construction of a tied-back structural shotcrete seawall. The proposed seawall was determined to be the next minimally necessary to protect the primary structure. One of the conditions of receiving the ECDP was that within 60 days of April 23, 2010, the Owner/Permittee was required to apply for a follow-up Coastal Development and Site Development Permit to have the emergency work be considered permanent or for an alternative permanent solution (Attachment 5). The follow-up Coastal Development and Site Development Permit, amending Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 and Emergency Coastal Development Permit Nos. 723452 and 742235, is the subject of this report.

DISCUSSION

Project Description:

The project site at 5322 Calumet Avenue is located in the RS-1-7 zone, the Coastal Overlay Zone (appealable), Coastal Height Limit, Transit Area, Parking Impact (Beach), and the Residential Tandem Parking Overlay zones, between the sea and the first public roadway (Attachment 6). The site is subject to Coastal Development Permit No. 95-0438 and a subsequent Substantial Conformance Review (Attachment 7).

During the review of the approved temporary and proposed permanent improvements, the wall was scaled back to only be located on the subject site and out of the right-of-way. To accomplish this, the wall was designed as a tie-back retaining wall. The structural tied-back shotcrete wall will be textured and colored to blend into the natural coastal bluffs. The wall system will be designed to allow for additional tied-back shotcrete infills to be constructed as portions of the wall or adjacent areas become exposed over time (Attachment 8).

The Bandera Street unimproved right-of-way, which is identified by the La Jolla Community Plan and Local Coastal Land Use Plan as westward of a view corridor, will be revegetated after construction of the wall, and the safety fence will be reinstalled at a safe location from the bluff face (Attachments 9-10).

Environmental Analysis:

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15269(c) on April 13, 2010. No additional CEQA review or determination is needed, as the work was previously exempted. CEQA states that the following emergency projects are exempt from the requirement of CEQA "specific actions necessary to prevent or mitigate an emergency" (15269 (c) (Attachment 11).

Appeal of the Hearing Officer's Decision:

On December 1, 2010, the Hearing Officer of the City of San Diego approved Coastal Development Permit No. 759403 and Site Development Permit No. 797314 with no further conditions. On December 6, 2010, the project approval was appealed by the Briggs Law Corporation (Attachment 12). In the appeal, the appellant stated that "The hearing officer erred in approving the project without review under the California Environmental Quality Act. The project does not qualify for an exemption."

Staff has reviewed the appeal and determined that the categorical exemption performed at the initial review of the emergency project was appropriate.

Prior to the exemption being prepared, staff reviewed the project in accordance with State California Environmental Quality Act (CEQA) Guidelines Section 15061-15062. During that

review, it was determined that per State CEQA Guidelines Section 15269 (c), the project is exempt from the requirements of CEQA. Section 15269 (c) states, "Specific actions necessary to prevent or mitigate an emergency. This does not include longterm projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term."

The work that was exempted as addressing the emergency is the same as the permanent solution, except that the wall during construction engineering was designed to hold the bluff erosion without encroachment into adjacent public rights-of-way. No additional CEQA review or determination is needed, as the work was previously exempted.

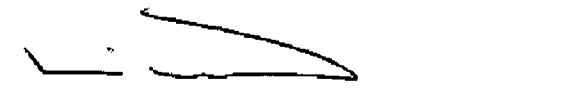
Conclusion:

The proposed seawall project is sited on a coastal bluff that could continue to erode if not properly addressed. The project would protect the bluff on private property and the public right-of-way from further erosion and would protect the residential neighborhood located at the top of the bluff from potential future sliding which could cause damage to those properties. Staff has reviewed the proposed Coastal and Site Development Permit and has found it to be in conformance with the requirements of the Municipal Code. Staff believes the required findings can be supported and recommends the Planning Commission deny the appeal and approve the project as proposed.

ALTERNATIVE

1. Grant the appeal and Deny Coastal Development Permit No. 759403 and Site Development Permit No. 797314, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Jeannette Temple
Project Manager
Development Services Department

WESTLAKE/JT

Attachments:

1. Aerial Photograph
2. Project Location Map

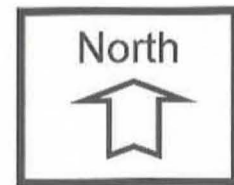
3. Community Plan Land Use Map
4. Emergency Coastal Development Permit dated February 9, 2010
5. Emergency Coastal Development Permit dated April 23, 2010
6. Project Data Sheet
7. Coastal Development Permit No. 95-0438 and SCR dated May 7, 1998
8. Project Plans and Photos
9. Draft Permit Resolution with Findings
10. Draft Permit with Conditions
11. Notice of Environmental Exemption
12. Appeal Received December 6, 2010
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Chronology

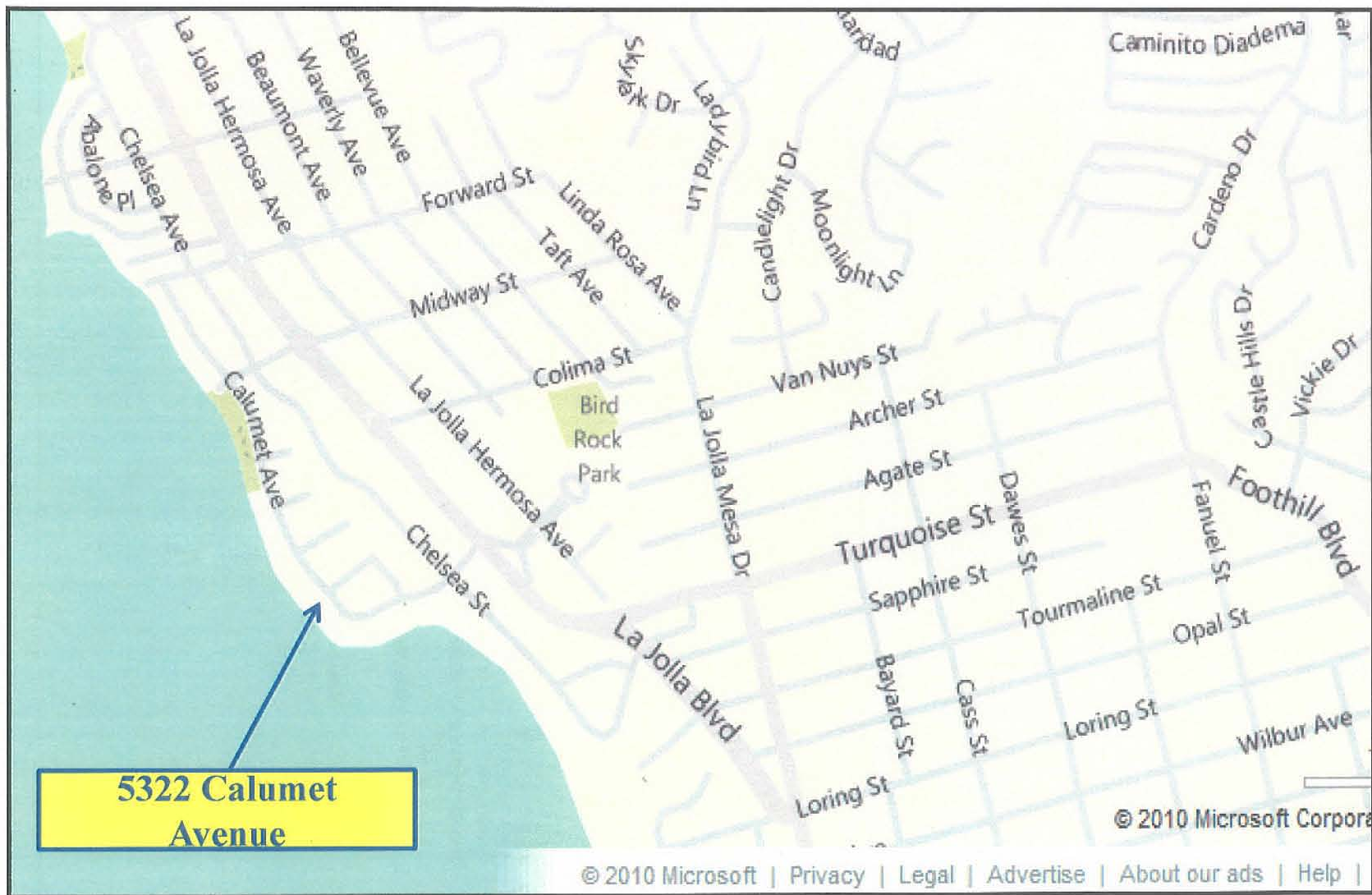


© 2010 Micros
Pictometry Bird's Eye ©



Aerial Photo
5322 CALUMET AVENUE – 5322 CALUMET AVENUE
PROJECT NO. 213382

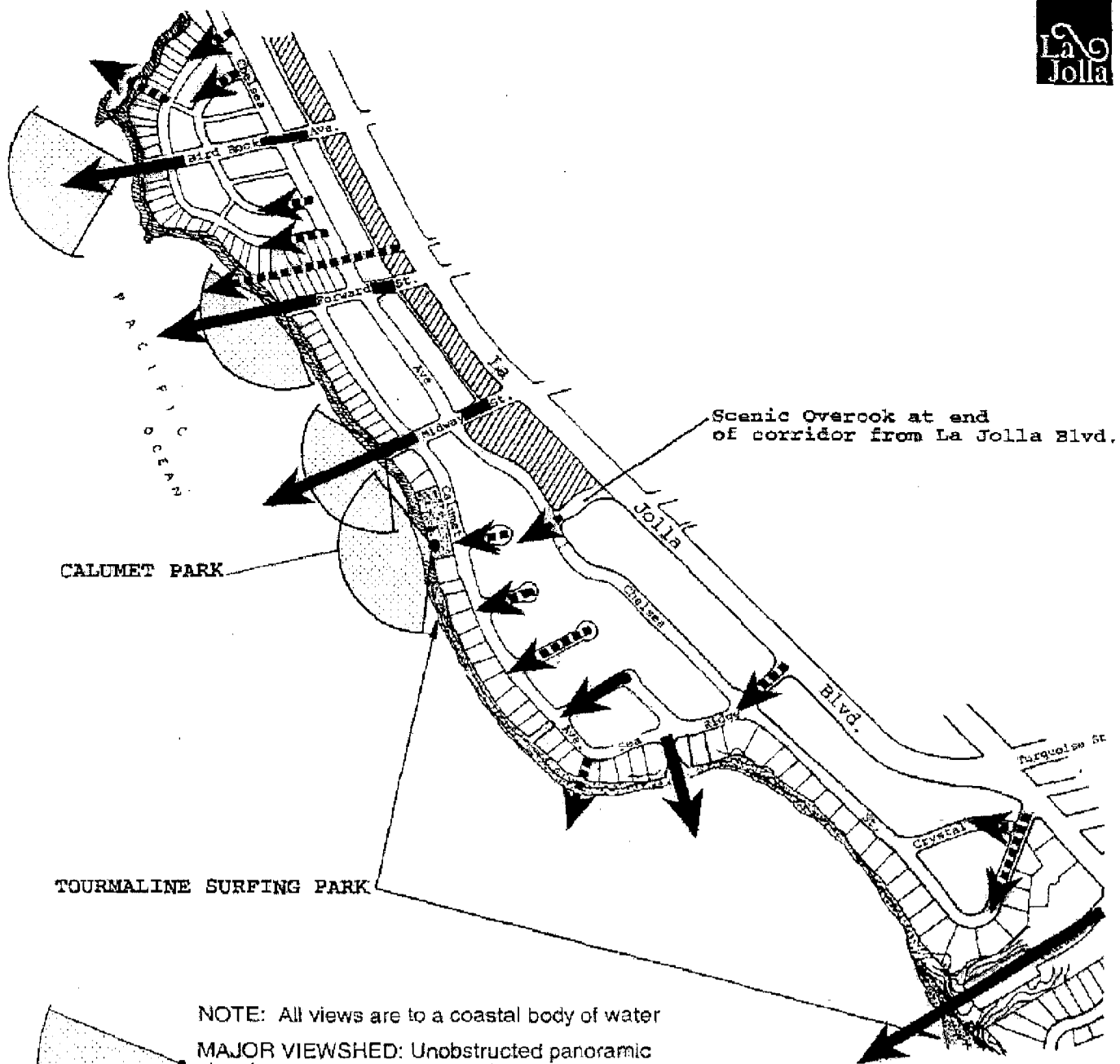


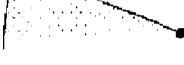






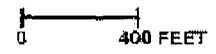
Project Location Map

5322 CALUMET AVENUE – 5322 CALUMET AVENUE
 PROJECT NO. 213382





- NOTE: All views are to a coastal body of water
-  MAJOR VIEWSHED: Unobstructed panoramic view from a public vantage point
 -  VIEW CORRIDOR: Unobstructed framed view down a public R.O.W.
 -  SCENIC OVERLOOK: View over private properties from a public R.O.W.
 -  SCENIC ROADWAY: Partially obstructed views over private property and down public R.O.W.s
 -  HIGH POTENTIAL for visual access in commercial development

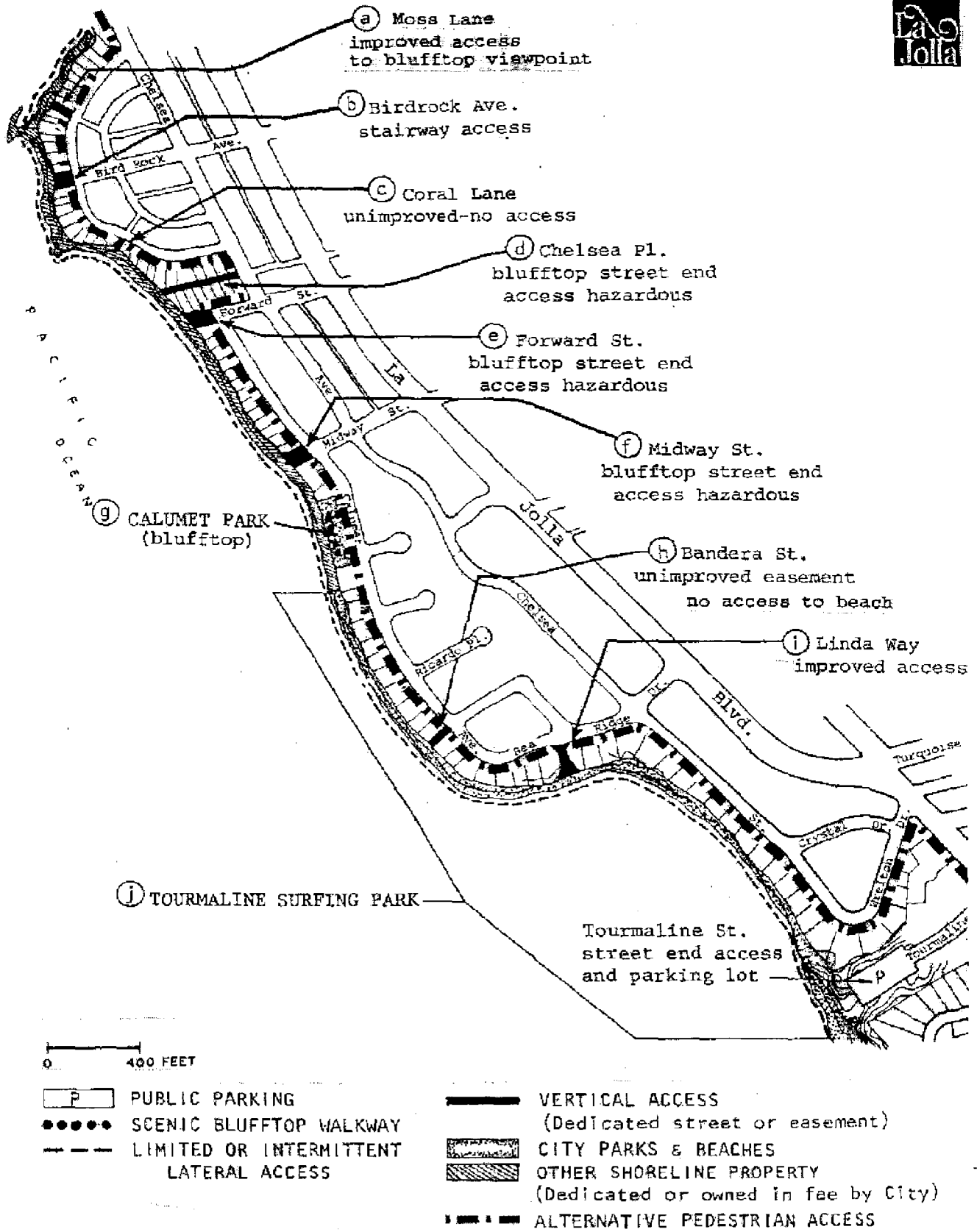


Subarea H: Bird Rock - Visual Access



La Jolla Community Plan
City of San Diego - Planning Department

Figure H



Subarea H: Bird Rock - Physical Access



Figure H



La Jolla Community Plan
City of San Diego • Planning Department

EMERGENCY COASTAL DEVELOPMENT PERMIT
5322 CALUMET AVE CDP
PTS No. 203944

1. Calumet Real Estate Holdings, LLC/Craig Bachman, Permittee February 9, 2010
(Name) (Date)

2. 4445 Eastgate Mall, Suite 400
(Street Name & No.)

3. San Diego, CA 92121
(City, State, Zip)

4. Emergency Coastal Development Permit No. 723452
(Emergency Permit Number)

5. The emergency work is located at 5322 Calumet Avenue and in the adjacent Public Right-of-Way on the coastal bluff area
Location of Emergency Work

6. The emergency work requested is to apply a soil stabilization polymer to the top and face of the coastal bluff at 5322 Calumet Avenue and in the adjacent public right-of-way overlook to prevent further bluff collapse and damage to the primary structure.
Emergency Work Requested

Dear Applicant:

This letter constitutes approval of the emergency work you or your representative have requested to be done at the location listed above. Based on the submitted information and staff's site inspection an unexpected geotechnical occurrence requiring immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

- a. An emergency exists which requires action more quickly than permitted by the procedures for acquiring a Coastal Development Permit.

The project site is located in the RS-1- zone, the Coastal Overlay Zone, the Sensitive Coastal Overlay Zone, the Transit Area Overlay Zone, the Residential Tandem Parking Overlay Zone, between the sea and the first public roadway, is designated for low density residential (0-5 DU/AC) by the La Jolla Community Plan and Local Coastal Program, and is subject to existing Coastal Development Permit No. 95-0438. The alley at the terminus of Bandera Street is depicted by the La Jolla Community Plan and Local Coastal Program as a view corridor and provides vertical access.

The Geology Section has determined that a coastal emergency exists in a localized area at 5322 Calumet Avenue as of February 8, 2010. The northwest

corner of the property has experienced a recent bluff failure and accelerated recession of the bluff edge. The recession has undermined a portion of the rear patio wall footing. The northwest corner of the residential structure is approximately 8 feet horizontally from an approximately 30-foot high coastal bluff cliff. Additional recession appears imminent in this area and immediate action is necessary to protect the primary structure. The applicant is proposing to apply a soil stabilizing polymer coating to the bluff face to reduce erosion and water penetration. This appears to be a minimal measure consistent with the procedures for emergency coastal development permits; however, it is unclear if this measure will stabilize the emergency.

- b. Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible.

A public notice was issued and published in the San Diego Daily Transcript on February 10, 2010. A copy of the notice was distributed to the California Coastal Commission, and the La Jolla Community Planning Association. In addition, the subject permit and project will be required to go through the standard permit application process for a Coastal Development Permit, which will include public noticing.

- c. The work proposed would be consistent with the certified Local Coastal Program.

The project applicant has been determined to be eligible for an Emergency Permit and will be processed under San Diego Municipal Code Section 126.0718. As previously stated, the emergency project will be required to go through the standard process for a Coastal Development Permit. The project was reviewed under all regulations of the Local Coastal Program and City of San Diego Municipal Code.

The project site is located in the RS-1- zone, the Coastal Overlay Zone, the Sensitive Coastal Overlay Zone, the Transit Area Overlay Zone, the Residential Tandem Parking Overlay Zone, between the sea and the first public roadway, is designated for low density residential (0-5 DU/AC) by the La Jolla Community Plan and Local Coastal Program, and is subject to existing Coastal Development Permit No. 95-0438. The alley at the terminus of Bandera Street is depicted by the La Jolla Community Plan and Local Coastal Program as a view corridor and provides vertical access.

The Geology Section has determined that a coastal emergency exists in a localized area at 5322 Calumet Avenue as of February 8, 2010.

The work is hereby approved, subject to the following conditions:

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. Only that work specifically requested as described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the City Manager.
3. Within 60 days of the above date, the Owner/Permittee shall apply for a regular coastal permit and site development permit to have the emergency work be considered permanent or for an alternative permanent solution. If a regular permit is not received, the emergency work shall be removed in its entirety within 150 days of the above date unless waived by the City Manager.
4. An encroachment maintenance and removal agreement (EMRA) and public right-of-way permit are required for the application of the polymer to the public right-of-way.
5. A grading permit will be required for the removal of the polymer.
6. In exercising this permit the applicant agrees to hold the City of San Diego harmless from any liabilities for damage to public or private properties or personal injury that result from the project.
7. This permit does not eliminate the need to obtain necessary authorizations and/or permits from other agencies.

If you have any questions about the provisions of this authorization, please call the City of San Diego, Development Services Department.



Calumet Real Estate Holdings, LLC/Craig Bachman, Permittee

EMERGENCY PERMIT APPROVED:



Jeannette Temple, Development Project Manager

Internal Order No. 24000656

EMERGENCY PERMIT

1. Calumet Real Estate Holdings, LLC/Craig Bachman, Permittee April 23, 2010
Name Date
2. 4445 Eastgate Mall, Suite 400
Street Name & No.
3. San Diego, CA 92121
City, State, Zip
4. Emergency Coastal Development Permit No. 742235
Emergency Permit Number
5. The emergency work is located at 5322 Calumet Avenue, adjacent to the Public Right-of-Way on the coastal bluff.
Location of Emergency Work
6. The emergency work requested is to construct a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs. The wall system will be designed to allow for additional tied-back shotcrete infills to be constructed as portions of the wall or adjacent areas become exposed over time. The emergency stabilization measure is designed to allow deconstruction in the future if required.
Emergency Work Requested

Dear Applicant:

This letter constitutes approval of the emergency work you or your representative have requested to be done at the location listed above. Based on the submitted information and staff's site inspection an unexpected geotechnical occurrence requiring immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

- a. An emergency exists which requires action more quickly than permitted by the procedures for acquiring a Coastal Development Permit

The project site is located in the RS-1- zone, the Coastal Overlay Zone, the Sensitive Coastal Overlay Zone, the Transit Area Overlay Zone, the Residential Tandem Parking Overlay Zone, between the sea and the first public roadway, is designated for low density residential (0-5 DU/AC) by the La Jolla Community Plan and Local Coastal Program, and is subject to existing Coastal Development Permit No. 95-0438. The alley at the terminus

of Bandera Street is depicted by the La Jolla Community Plan and Local Coastal Program as a view corridor and provides vertical access.

The Geology Section has determined that a coastal emergency exists in a localized area at 5322 Calumet Avenue as of February 8, 2010. The northwest corner of the property has experienced a recent bluff failure and accelerated recession of the bluff edge. The recession has undermined a portion of the rear patio wall footing. The northwest corner of the residential structure is approximately 8 feet horizontally from an approximately 30-foot high coastal bluff/ cliff.

On February 9, 2010, Emergency Coastal Development Permit No. 723452 was issued for Project No. 203944, to place a soil stabilizing polymer coating to the bluff face. Subsequent storm events in the last week of February resulted in additional bluff failures under the rear yard patio and a portion of the Bandera Street right-of-way. The property at 5322 Calumet was "yellow tagged" for designated limited entry and restricted use of a bedroom due to risk. The proposed sea wall has been determined to be the next minimally necessary to protect the primary structure.

- b. Public comment on the proposed emergency action has been solicited and reviewed to the extent feasible.

A public notice was issued and published in the San Diego Daily Transcript on April 27, 2010. A copy of the notice was distributed to the California Coastal Commission and the La Jolla Community Planning Association. In addition, the subject permit and project is required to go through the standard permit application process for a Coastal Development Permit, which will include public noticing.

- c. The work proposed would be consistent with the certified Local Coastal Program.

The project has been determined to be eligible for an Emergency Permit is processed under San Diego Municipal Code Section 126.0718. As previously stated, the emergency project is required to go through the standard permit application process for a Coastal Development Permit. The project was reviewed under all regulations of the Local Coastal Program and the City of San Diego Municipal Code.

The project site is located in the RS-1- zone, the Coastal Overlay Zone, the Sensitive Coastal Overlay Zone, the Transit Area Overlay Zone, the Residential Tandem Parking Overlay Zone, between the sea and the first public roadway, is designated for low density residential (0-5 DU/AC) by the La Jolla Community Plan and Local Coastal Program, and is subject to


existing Coastal Development Permit No. 95-0438. The alley at the terminus of Bandera Street is depicted by the La Jolla Community Plan and Local Coastal Program as a view corridor and provides vertical access.

The Geology Section has determined that coastal emergency exists in a localized area at 5322 Calumet Avenue as of February 8, 2010.

The work is hereby approved, subject to the following conditions:

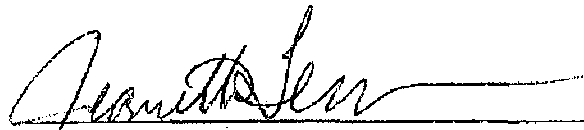
1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. Only that work specifically requested as described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the City Manager.
3. Within 60 days of the above date, the Owner/Permittee shall apply for a regular coastal permit and site development permit to have the emergency work be considered permanent or for an alternative permanent solution. If a regular permit is not received, the emergency work shall be removed in its entirety within 150 days of the above date unless waived by the City Manager.
4. In exercising this permit the applicant agrees to hold the City of San Diego harmless from any liabilities for damage to public or private properties or personal injury that result from the project.
5. The Owner/Permittee shall obtain a building permit prior to construction of the proposed temporary emergency seawall/ bluff repair tieback retaining wall. The proposed emergency seawall/ bluff repair tieback retaining wall is temporary until entitlements are permitted. Tieback anchors shall be designed to be removable. A geotechnical investigation report and building plans shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.
6. This permit does not eliminate the need to obtain necessary authorizations and/or permits from other agencies.

If you have any questions about the provisions of this authorization, please call the City of San Diego, Development Services Department.



Calumet Real Estate Holdings, LLC/Craig Bachman, Permittee

EMERGENCY PERMIT APPROVED:



Jeannette Temple, Development Project Manager
Internal Order No. 24000656

PROJECT DATA SHEET

PROJECT NAME:	5322 Calumet Avenue
PROJECT DESCRIPTION:	Stabilization the coastal bluff and construction of a reinforced shotcrete wall for an existing single family residence.
COMMUNITY PLAN AREA:	La Jolla
DISCRETIONARY ACTIONS:	Coastal Development Permit and Site Development Permit, amending Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 and Emergency Coastal Development Permit Nos. 723452 and 742235.
COMMUNITY PLAN LAND USE DESIGNATION:	Low-density residential development (5-9 dwelling units per acre)

ZONING INFORMATION:

ZONE: RS-1-7

HEIGHT LIMIT: 30-Foot maximum height limit.

LOT SIZE: 5,000 square-foot minimum lot size.

FLOOR AREA RATIO: NA/0.60 maximum allowed per 95-0438.

FRONT SETBACK: 15 feet existing

SIDE SETBACK: 7 feet existing

STREETSIDE SETBACK: 5 feet existing next to Bandera Street Easement (unimproved)

REAR SETBACK: 18 feet existing

PARKING: 2 spaces required.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Density Residential; RM-1-7.	Single Dwelling Unit/ Bandera Street Easement
SOUTH:	Low Density Residential; RM-1-7.	Single Dwelling Unit
EAST:	Low Density Residential; RM-1-7.	Single Dwelling Unit
WEST:	NA	Pacific Ocean
DEVIATIONS	None	
COMMUNITY PLANNING GROUP	On November 4, 2010, the La Jolla Community Planning Association voted 14-0-1 to recommend approval with no conditions.	

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON MAR 02, 1998
DOCUMENT NUMBER 1998-0108633
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 1:39 PM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT/SENSITIVE COASTAL RESOURCE PERMIT NO. 95-0438
VILLANI RESIDENCE
PLANNING COMMISSION

This Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 is granted by the PLANNING COMMISSION of the City of San Diego to KEVIN and JANE VILLANI, Owners/Permittees, pursuant to Section 105.0201 and 101.0480 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owners/Permittees to construct a first and second story addition to an existing single-family residence located at 5322 Calumet Avenue, also described as Lot 17, Sun Gold Point, Map 3216 in the City of San Diego, County of San Diego, State of California, in the R1-5000 Zone in the La Jolla Community; and
2. The facility shall consist of the following:
 - a. A 4,682-square-foot single-family residence (maximum FAR of .60); consisting of an existing 3,505-square-foot house, a first story addition of 30 square feet, and a second story addition of 1,177 square feet.
 - b. Breakup and redistribution of a concrete mass adjacent to the site at the base of bluff.
 - c. A 25-foot setback for the second story addition, including a roof deck not to extend beyond the existing legal non-conforming structure.
 - d. Incidental accessory uses as may be determined incidental and approved by the City Manager or designee.
3. The roof deck shall not be permitted to extend beyond the west wall of the existing non-conforming structure. Prior to obtaining building permits, Exhibit "A" shall be modified to reflect this change.

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4. Not fewer than two off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated July 25, 1996, on file in the office of the Development Services. Parking spaces shall comply with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use.
5. The maximum allowed height in the Coastal Zone is 30' -0". Plans shall be in substantial conformance to Exhibit "A," dated July 25, 1996, on file in the Office of Development Services. No change, modification or alteration shall be allowed until appropriate application or amendment of this permit have been made.
6. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns this permit to the Development Services LDR Division; and
 - b. The Coastal Development Permit is recorded in the Office of the County Recorder.
7. Before issuance of any building permits, complete working drawings shall be submitted to the Development Services Manager for approval. Plans shall be in substantial conformance to Exhibit "A," dated July 25, 1996, on file in the Office of the Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
8. The property described within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager or the permit has been revoked by the City of San Diego.
9. This Coastal Development/Sensitive Coastal Resource Permit may be canceled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittees.
10. This Coastal Development/Sensitive Coastal Resource Permit is a covenant running with the subject property and shall be binding upon the Permittees and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
11. The use of textured or enhanced paving shall be permitted only with the approval of the City Engineer and City Manager, and

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shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

12. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

11. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and visible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

12. No additional grading or construction will be allowed within five feet of the bluff. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

13. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

14. This development may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

15. Prior to the issuance of a building permit, a drainage plan shall be submitted to City Manager or designee that directs site drainage away from the Coastal Bluffs into the City storm drainage system.

16. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right of way, satisfactory to the permit-issuing authority.

17. This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by

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California Government Code Section 53080(b) (Statutes of 1986, Chapter 887), in accordance with procedures established by the Director of Building Inspection.

18. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
19. Unless appealed this Coastal Development/Sensitive Coastal Resource Permit shall become effective on the eleventh day following the decision of the Coastal Commission of the Notice of Final Action.
20. This Coastal Development/Sensitive Coastal Resource Permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Chapter 11, Section 105.0216 of the Municipal Code.
21. This Coastal Development/Sensitive Coastal Resource Permit is effective on the 11th day following the 10 day appeal period. In the event that 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.
22. The issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).
23. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this permit. It is the intent of the City that the owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the owner complies with all the conditions of this permit.
24. In the event that 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

ORIGINAL

or unreasonable, this permit shall be void. However, in such 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 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 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.

APPROVED by the Planning Commission of the City of San Diego on July 25, 1996.

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PLANNING COMMISSION

RESOLUTION NO. 2294-PC

COASTAL DEVELOPMENT/SENSITIVE COASTAL RESOURCE PERMIT NO. 95-0438

WHEREAS, KEVIN AND JANE VILLANI, Owners/Permittee, filed an application for a Coastal Development/Sensitive Coastal Resource Permit to develop subject property located at 5322 Calumet Avenue also described as Lot 17, Sun Gold Point, Map 3216 in the City of San Diego, County of San Diego, State of California, in the R1-5000 Zone in the La Jolla Community Plan; and

WHEREAS, on July 25, 1996, the Planning Commission of the City of San Diego considered Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 pursuant to Section 105.0201 and 103.0300 of the Municipal Code of the City of San Diego;
NOW, THEREFORE,

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

1. That the Planning Commission adopts the following written Findings, dated July 25, 1996.

COASTAL DEVELOPMENT PERMIT FINDINGS:

- A. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY IDENTIFIED IN AN ADOPTED LCP LAND USE PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.

The project is located adjacent to a 20-foot-wide public pedestrian access path on the northerly property line. The access is identified as a public view corridor in the La Jolla Community Plan. This project has been designed to be set back over 17' -0" feet from the side property line and would not encroach into the public view corridor.

- B. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT MARINE RESOURCES, ENVIRONMENTALLY SENSITIVE AREAS, OR ARCHAEOLOGICAL OR PALEONTOLOGICAL RESOURCES.

The project site is located adjacent to the beach. No sensitive resources have been identified on the site. However, the breakup and redistribution of the concrete mass are expected to improve the conditions of the beach and decrease the potential for future erosion to the bluff.

ORIGINAL

- C. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REQUIREMENTS RELATED TO BIOLOGICALLY SENSITIVE LANDS AND SIGNIFICANT PREHISTORIC AND HISTORIC RESOURCES AS SET FORTH IN THE RESOURCE PROTECTION ORDINANCE, CHAPTER X, SECTION 101.0452 OF THE SAN DIEGO MUNICIPAL CODE, UNLESS BY THE TERMS OF THE RESOURCE PROTECTION ORDINANCE, IT IS EXEMPTED THEREFROM.

This project has been designed to comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance. No additional mitigation has been required.

- D. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT RECREATIONAL OR VISITOR-SERVING FACILITIES OR COASTAL SCENIC RESOURCES.

The proposed development will not adversely affect recreational facilities or coastal scenic resources. The proposed redistribution of the concrete mass at the base of the bluff is expected to improve the conditions of the beach.

- E. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS TO ENVIRONMENTALLY SENSITIVE HABITATS AND SCENIC RESOURCES LOCATED IN ADJACENT PARKS AND RECREATION AREAS, AND WILL PROVIDE ADEQUATE BUFFER AREAS TO PROTECT SUCH RESOURCES.

The project has been sited and designed to prevent adverse impacts to environmentally sensitive habitats (bluff and beach). The second story has been set back 25' -0" from the bluff as required by the Sensitive Coastal Resource Ordinance which will provide an adequate buffer to protect the bluff from additional impacts.

- F. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATIONS OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISKS FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

The project does not propose any alterations to natural landforms. The proposed development is located on a previously graded lot in a residential neighborhood. No grading is required for the first and second story addition. As stated previously, the distribution of the concrete mass will minimize the erosion to the bluff.

- G. THE PROPOSED DEVELOPMENT WILL BE VISUALLY COMPATIBLE WITH THE CHARACTER OF SURROUNDING AREAS, AND WHERE FEASIBLE, WILL RESTORE AND ENHANCE VISUAL QUALITY IN VISUALLY DEGRADED AREAS.

The proposed development is compatible with the neighborhood character which consists of large homes on above-average sized lots. The La Jolla Community Plan has designated this site for single-family development. The project, as designed, is in conformance with the adopted community plan and the R1-5000 Zone.

- H. THE PROPOSED DEVELOPMENT WILL CONFORM WITH THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, AND ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.

The project as designed conforms with all applicable regulations and policy documents. A minimum 40-foot setback from the bluff top is required by the Sensitive Coastal Resource Ordinance, unless the geotechnical report concludes, as this one does, that the project site is geologically stable and the setback can be reduced to 25' -0" feet.

SENSITIVE COASTAL RESOURCE PERMIT FINDINGS:

- A. THE PROPOSED DEVELOPMENT WILL BE SITED, DESIGNED, AND CONSTRUCTED TO MINIMIZE, IF NOT PRECLUDE, ADVERSE IMPACTS UPON SENSITIVE COASTAL RESOURCES AND ENVIRONMENTALLY SENSITIVE AREAS.

The proposed development will be sited, designed, and constructed to minimize, adverse impacts to sensitive coastal resources. The second story addition will be located 25' -0" from the existing bluff edge as recommended by the geotechnical report and 17' -6" from the view corridor on the northerly property line.

- B. THE PROPOSED DEVELOPMENT WILL NOT ENCROACH UPON ANY EXISTING PHYSICAL ACCESSWAY LEGALLY UTILIZED BY THE PUBLIC OR ANY PROPOSED PUBLIC ACCESSWAY, IDENTIFIED IN AN ADOPTED COMMUNITY PLAN; NOR WILL IT OBSTRUCT VIEWS TO AND ALONG THE OCEAN AND OTHER SCENIC COASTAL AREAS FROM PUBLIC VANTAGE POINTS.

As stated above, the proposed development will not encroach upon any existing public accessway and the second story addition will be sited 17' -6" from the northerly property line which abuts the public view corridor identified in the La Jolla Community Plan.

ORIGINAL

- C. THE PROPOSED DEVELOPMENT WILL MINIMIZE THE ALTERATION OF NATURAL LANDFORMS AND WILL NOT RESULT IN UNDUE RISK FROM GEOLOGIC AND EROSIONAL FORCES AND/OR FLOOD AND FIRE HAZARDS.

See Finding "F" in Coastal Development findings above.

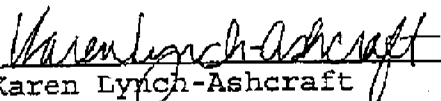
- D. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE SAND SUPPLY. SHORELINE PROTECTIVE WORKS WILL BE DESIGNED TO BE THE MINIMUM NECESSARY TO ADEQUATELY PROTECT EXISTING PRINCIPAL STRUCTURES, TO REDUCE BEACH CONSUMPTION AND MINIMIZE SHORELINE ENCROACHMENT.

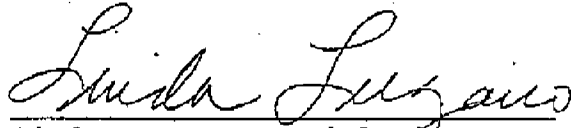
The proposed remodel construction of the single-family residence is located adjacent to a public beach. As stated previously, preventive measures will be taken to reduce erosion to the bluff. This proposal is expected to decrease the rate of erosion to the bluff and reduce beach consumption and shoreline encroachment.

- E. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE GENERAL PLAN, THE LOCAL COASTAL PROGRAM, OR ANY OTHER APPLICABLE ADOPTED PLANS AND PROGRAMS.

See Finding "H" in Coastal Development findings above.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 95-0438 is hereby GRANTED to KEVIN and JANE VILLANI, Owner/Permittee, in the form and with the terms and conditions as set forth in Coastal Development Permit No. 95-0438, a copy of which is attached hereto and made a part hereof.


Karen Lynch-Ashcraft
Senior Planner


Linda Lugano, Legislative Recorder
to the Planning Commission

ORIGINAL

Date of Approval July 25, 1996

Karen Lynch-Ashcraft
Karen Lynch-Ashcraft, Senior Planner

NIA

EGO

before me, BARBARA J. HUBBARD (Notary Public), personally appeared RAFT, Senior Planner of Development Services of the City of San Diego, to me to be the person(s) whose name(s) is/are subscribed to the within acknowledged to me that he/she/they executed the same in his/her/their and that by his/her/their signature(s) on the instrument the person(s), or the lf of which the person(s) acted, executed the instrument.

and official seal.

Barbara J. Hubbard
Barbara J. Hubbard



(Seal)

SIGNATURE/NOTARIZATION:

PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS SES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

E. Villani Signed Jane E. Villani
Typed Name

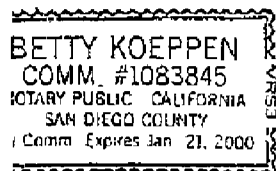
ORNIA

DIEGO

1998 before me, BETTY KOEPPEN (Name of Notary Public) personally E. VILLANI AND JANE E. VILLANI, personally known to me (or the basis of satisfactory evidence) to be the person(s) whose name(s) is/are ne within instrument and acknowledged to me that he/she/they executed the same r authorized capacity(ies), and that by his/her/their signature(s) on the person(s), or the entity upon behalf of which the person(s) acted, executed the

and official seal.

Betty Koeppe



ORIGINAL

Date of Approval July 25, 1996

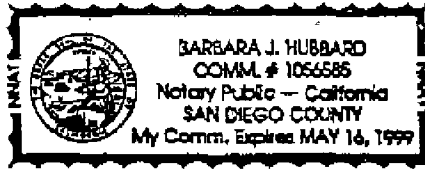
Karen Lynch-Ashcraft
Karen Lynch-Ashcraft, Senior Planner

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

2-13-98 before me, BARBARA J. HUBBARD (Notary Public), personally appeared KAREN LYNCH-ASHCRAFT, Senior Planner of Development Services of the City of San Diego, personally known to me 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 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.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard
Barbara J. Hubbard



(Seal)

PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed K. E. Villani
Typed Name

Signed Jane E. Villani
Typed Name

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On February 7, 1998 before me, BETTY KOEPPEN (Name of Notary Public) personally appeared KEVIN E. VILLANI AND JANE E. VILLANI, personally known to me (or 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.

WITNESS my hand and official seal.

Betty Koeppe



ORIGINAL



THE CITY OF SAN DIEGO

May 7, 1998

Colin Seid
ColRich Communities, Inc.
4141 Jutland Drive, Suite 200
San Diego, Ca 92117


Reference: 5322 Calumet Ave, La Jolla- CDP/SCR No. 95-0438

Dear Colin:

Development Services has reviewed your substantial conformance application and has determined that your project application is in conformance with CDP/SCR No. 95-0438 due to the reduction in height from two-story to one-story and reduction in the floor area ratio (FAR). However, the proposed two car garage is the preferred design option. The community group and the neighbors have reviewed this project and support the design changes as well.

Any changes or modifications will require a new substantial conformance review or possibly an amendment. If you have any questions, please contact me at 236-6624.

Sincerely,


Terri Bumgardner
Project Manager

cc: CDP/SCR Permit No. 95-0438

Development Services

Development Services Center • 1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 236-6440



STATEMENT OF SPECIAL INSPECTION

1. SPECIAL INSPECTION OF SPECIAL INSPECTION...
2. SPECIAL INSPECTION OF SPECIAL INSPECTION...
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10. SPECIAL INSPECTION OF SPECIAL INSPECTION...

REQUIRED VERIFICATION AND INSPECTION OF CONCRETE CONSTRUCTION

Table with 4 columns: ITEM NO., DESCRIPTION OF VERIFICATION AND INSPECTION, SPECIAL INSPECTION, and INTERMITTENTLY REQUIRED INSPECTION.

SPECIAL INSPECTION NOTES

- 1. SPECIAL INSPECTION OF SPECIAL INSPECTION...
2. SPECIAL INSPECTION OF SPECIAL INSPECTION...
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ADDITIONAL NOTES

1. SPECIAL INSPECTION OF SPECIAL INSPECTION...
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10. SPECIAL INSPECTION OF SPECIAL INSPECTION...

EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, INSTALLATION, MAINTENANCE AND REMOVAL OF ALL EROSION AND SEDIMENT CONTROL MEASURES...
2. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN FULL COMPLIANCE WITH THE PERMITS AND REGULATIONS...
3. THE CONTRACTOR SHALL REPORT ANY VIOLATIONS OR DEFICIENCIES TO THE CITY ENGINEER IMMEDIATELY...

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EROSION AND SEDIMENT CONTROL NOTES

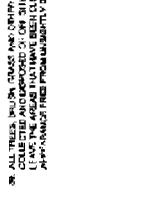
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN, INSTALLATION, MAINTENANCE AND REMOVAL OF ALL EROSION AND SEDIMENT CONTROL MEASURES...
2. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN FULL COMPLIANCE WITH THE PERMITS AND REGULATIONS...
3. THE CONTRACTOR SHALL REPORT ANY VIOLATIONS OR DEFICIENCIES TO THE CITY ENGINEER IMMEDIATELY...

ANNUAL POST-CONSTRUCTION MAINTENANCE PLAN

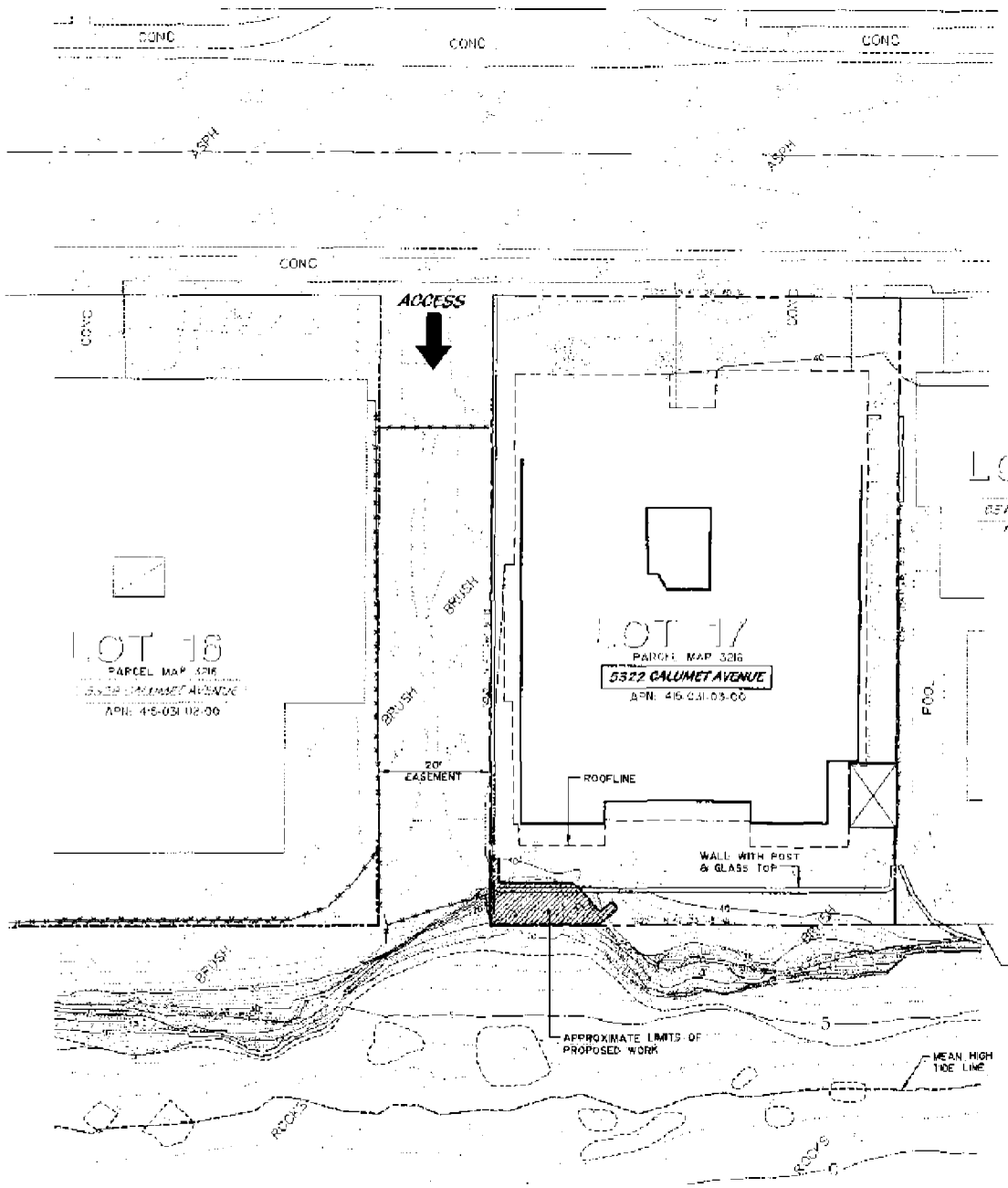
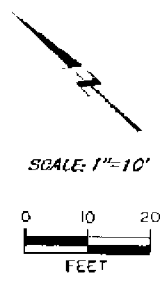
1. THE CONTRACTOR SHALL SUBMIT AN ANNUAL POST-CONSTRUCTION MAINTENANCE PLAN TO THE CITY ENGINEER FOR REVIEW AND APPROVAL...
2. THE MAINTENANCE PLAN SHALL DESCRIBE THE SCOPE, FREQUENCY, AND METHOD OF ALL MAINTENANCE ACTIVITIES REQUIRED TO PRESERVE THE INTEGRITY AND FUNCTION OF THE CONSTRUCTION...

PRIVATE CONTRACT

6322 CALUMET AVENUE
EMERGENCY BLUFF REPAIR
CITY OF SAN DIEGO, CALIFORNIA
12345 CALUMET AVENUE
SAN DIEGO, CALIFORNIA 92168



NOTE: IF DRAWING IS NOT FULL SIZE (24X36)
THEN RESIZE SCALE ACCORDINGLY
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



STAGING & PHASING NOTES

1. NO CONSTRUCTION EQUIPMENT SHALL BE ALLOWED OUTSIDE THE PRE-DEFINED AREA OF WORK UNLESS APPROVED BY THE OWNER.
2. CONSTRUCTION EQUIPMENT SHALL ONLY USE ACCESS POINTS AS INDICATED ON THIS DRAWING UNLESS OWNER APPROVES OTHERWISE. ANY ACCESS GATES SHALL BE KEPT CLOSED AND LOCKED DURING NON-WORK HOURS.
3. CONSTRUCTION TRAFFIC, INCLUDING ACCESS AND EGRESS WILL ONLY OCCUR OFF OF CALUMET AVENUE.
4. STORAGE AND OPERATION OF CONSTRUCTION EQUIPMENT AND MATERIALS ON THE SITE SHALL MAINTAIN A MINIMUM HORIZONTAL CLEARANCE OF 10 FEET FROM THE TOP OF THE EXISTING BLUFF.
5. CONTRACTOR SHALL EXAMINE THE CONDITIONS AND CONSTRAINTS OF THE SITE PRIOR TO BID.
6. CONTRACTOR MAY USE ON-STREET PARKING FOR PERSONAL VEHICLE ONLY. NO CONSTRUCTION EQUIPMENT PARKING SHALL OCCUR ON PUBLIC STREETS OR RIGHT-OF-WAY.
7. ALL WORK SHALL BE CONDUCTED IN ACCORDANCE WITH WATER QUALITY PROTECTION PLAN MAP.
8. DUMPING ON-SITE IS PROHIBITED. STOCKPILING OF MATERIAL SHALL ONLY OCCUR ON THE CITY APPROVED PLANS.
9. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT AND MAINTAIN ACCESS TO EXISTING UTILITIES.

ALL ON-SITE, PRIVATE IMPROVEMENTS SHOWN ON THIS DRAWING ARE FOR INFORMATION ONLY. THE CITY ENGINEER'S APPROVAL OF THIS DRAWING IN NO WAY CONSTITUTES AN APPROVAL OF SAID PRIVATE IMPROVEMENTS. A SEPARATE PERMIT FOR SUCH IMPROVEMENTS MAY BE REQUIRED.

PRIVATE CONTRACT

COASTAL DEVELOPMENT PLANS FOR:

5322 CALLUMET AVENUE
LOT 17, PARCEL MAP 3216
EMERGENCY BLUFF REPAIR

EXISTING SITE PLAN WITH STAGING/PHASING

CITY OF SAN DIEGO, CALIFORNIA
DEVELOPMENT SERVICES DEPARTMENT
SHEET 4 OF 6 SHEETS

DESCRIPTION	BY	APPROVAL	DATE	FILES

PROJECT NO. 1875-6249
DATE OF CONTRACT 233-1688
CONTRACT NUMBER SHT-04

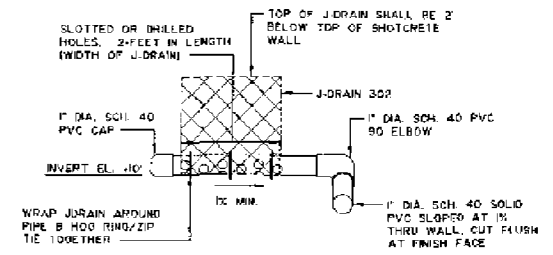
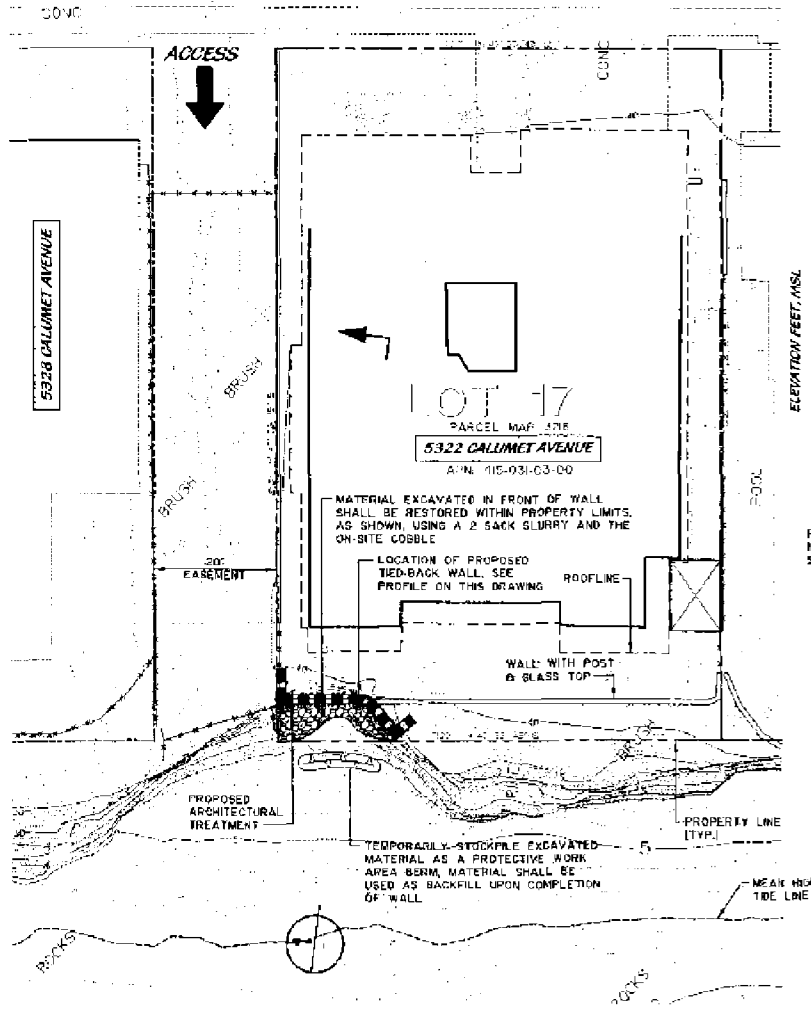
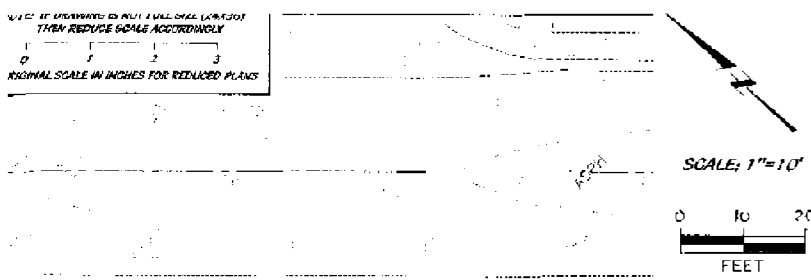


TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLGISTS
3800 MILPITAS CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92121
(619) 573-4000

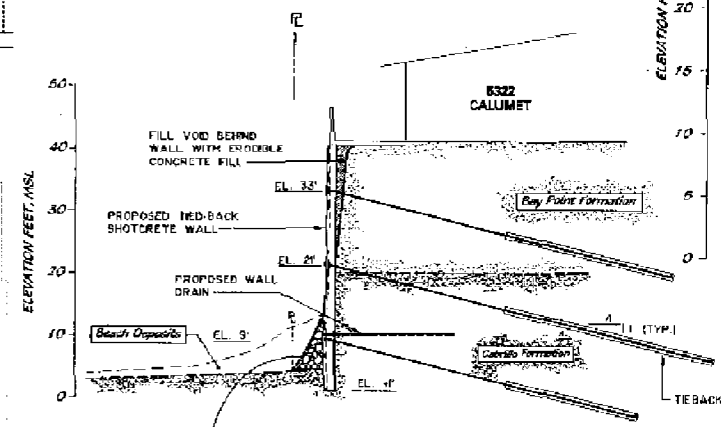


ATTACHMENT 08

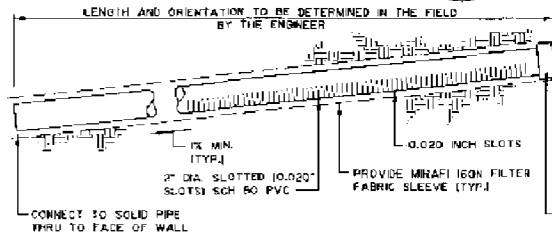
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 THEREIN. REDUCE SCALE ACCORDINGLY
 NORMAL SCALE IN INCHES FOR REDUCED PLANS



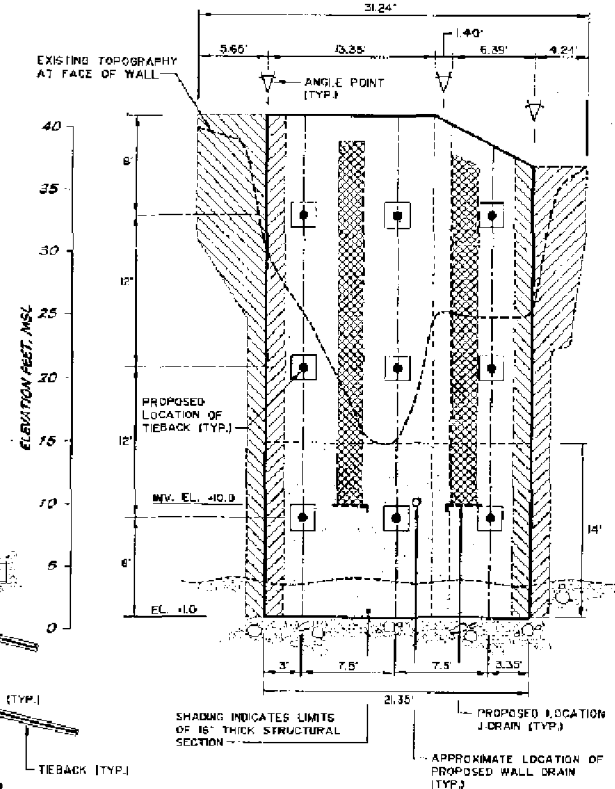
TYPICAL J- DRAIN DETAIL
 NO SCALE



SECTION-PROPOSED 1
 SCALE: 1"=10'



TYPICAL WALL DRAIN DETAIL
 NOT TO SCALE



PROFILE - PROPOSED
 SCALE: 1"=5'

WALL DRAIN NOTES

1. WALL DRAINS SHALL CONSIST OF A 2" DIAMETER SCHEDULE 80 PVC, SLOTTED, EXCEPT WITHIN PROXIMITY OF THE STRUCTURAL WALL.
2. SLOT DIMENSIONS SHALL BE 0.02 INCH SPACING COVERING A MINIMUM OF 120 DEGREES OF A 360 DEGREE OCCURRENCE.

NOTE:
 FORMATIONAL MATERIAL EXCAVATED IN FRONT OF THE PROPOSED WALL SHALL BE RESTORED WITHIN THE PROPERTY LIMITS USING A 2 SACK SLURRY AND MIXED WITH THE ON-SITE COBBLE GENERATED FROM THE EXCAVATION.

ALL ON-SITE, PRIVATE IMPROVEMENTS SHOWN ON THIS DRAWING ARE FOR INFORMATION ONLY. THE CITY ENGINEER'S APPROVAL OF THIS DRAWING IN NO WAY CONSTITUTES AN APPROVAL OF SAID PRIVATE IMPROVEMENTS. A SEPARATE PERMIT FOR SUCH IMPROVEMENTS MAY BE REQUIRED.



TERRACOSTA CONSULTING GROUP, INC.
 ENGINEERS & GEOSCIENTISTS
 3910 LUTHERY RD, SAN DIEGO, CA 92123
 (619) 516-0600



PRIVATE CONTRACT
 COASTAL DEVELOPMENT PLANS FOR

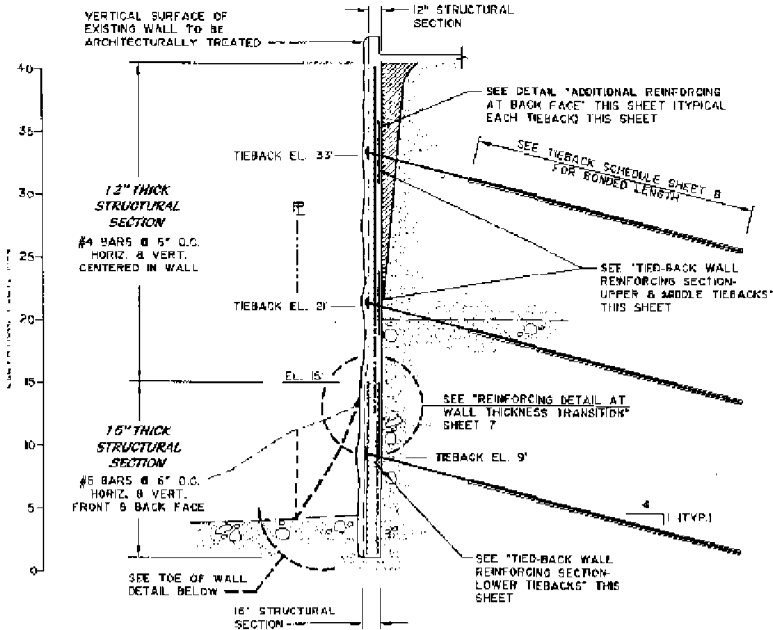
5322 CALUMET AVENUE
 LOT 17, PARCEL MAP 3218
EMERGENCY BLUFF REPAIR

PROPOSED: REPAIR - SITE PLAN, PROFILE & SECTION

CITY OF SAN DIEGO, CALIFORNIA
 DEVELOPMENT SERVICES DEPARTMENT
 SHEET 5 OF 10 SHEETS

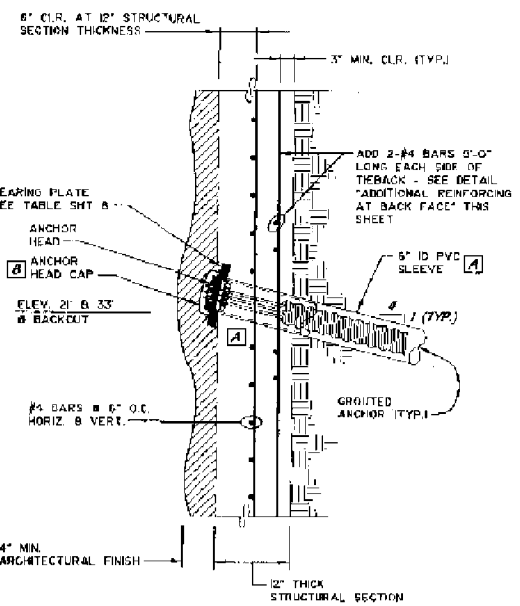
DESCRIPTION	BY	APPROVED BY	DATE	FILED

1675-6249
 235-1680
 SHEET 05



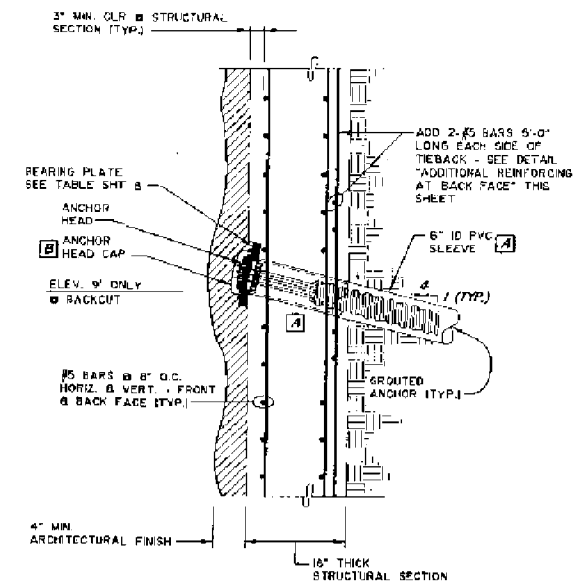
TIED-BACK SHOTCRETE WALL-SECTION

SCALE: 1"=5'



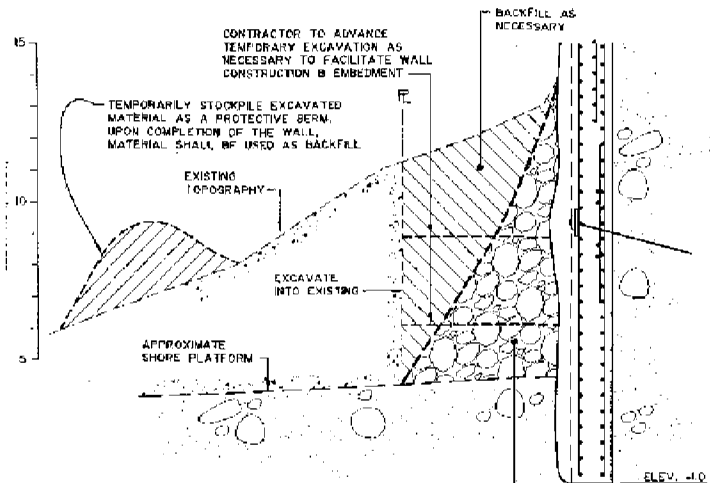
TIED-BACK WALL REINFORCING SECTION UPPER & MIDDLE TIEBACKS

NO SCALE



TIED-BACK WALL REINFORCING SECTION LOWER TIEBACKS

NO SCALE

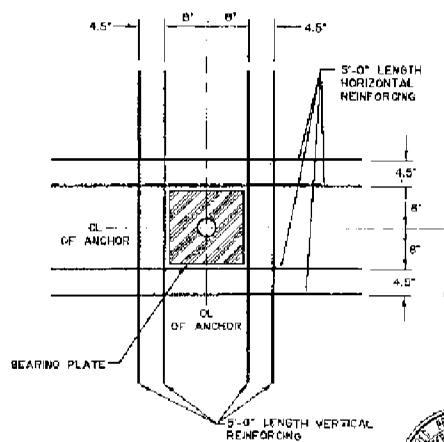


NOTE: IF DRAWING IS NOT FULL SIZE (24x36) THEN REDUCE SCALE ACCORDINGLY

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

TOE OF WALL DETAIL

SCALE 1"=2'



ADDITIONAL REINFORCING AT BACK FACE

NO SCALE

TIEBACK NOTES:

A ADJUST BAR SPACING IN VICINITY OF ANCHOR TO ACCOMMODATE 6" DIA. PVC SLEEVE. NO CUTTING OF BARS ALLOWED

B ANCHOR HEAD CAP SHALL HAVE A MIN. OF 3" SCULPTED COVER

- REINFORCING NOTES:**
1. ALL BAR LAP SPICES SHALL BE 2.5' MIN. IN LENGTH.
 2. SPLICE HORIZONTAL BARS @ MIDPOINT BETWEEN ANCHORS.
 3. ALL SPLICES SHALL BE NON-CONTACT WITH MINIMUM 4 BAR DIAMETERS, OR 2-1/2 INCHES (WHICHEVER IS GREATER) CLEARANCE BETWEEN ADJACENT BARS.
 4. ALL REINFORCING STEEL TO BE EPOXY COATED.

NOTES:

THIS DETAIL IS FOR ADDITIONAL REINFORCING LOCATED AT THE BACK FACE OF EACH TIEBACK (TYP.)

ANCHOR PLATE THICKNESS TO BE DETERMINED BY POST TENSION SUPPLIER.



TERRACOSTA CONSULTING GROUP INC.
ENGINEERS & ARCHITECTS
3080 MILPITAS CANYON ROAD, SUITE 200
SAN JOSE, CALIFORNIA 95128
(408) 878-8800



PRIVATE CONTRACT

CONTRAL DEVELOPMENT PLANS FOR

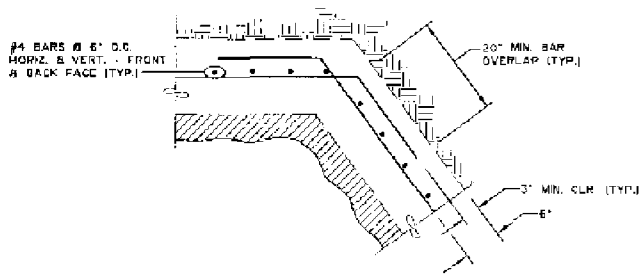
8322 CALLUMET AVENUE
LOT 17, PARCEL MAP 8210
EMERGENCY BLUFF REPAIR

STRUCTURAL DETAILS

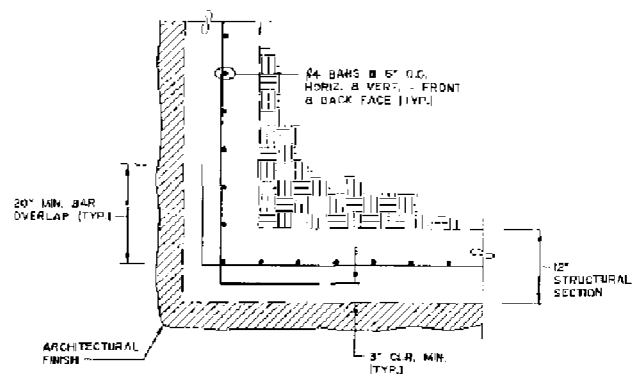
CITY OF SAN DIEGO, CALIFORNIA
SEVENTH STREET PUBLIC DEPARTMENT
SHEET B OF 10 SHEETS

DATE	BY	APPROVED	DATE	REVISION

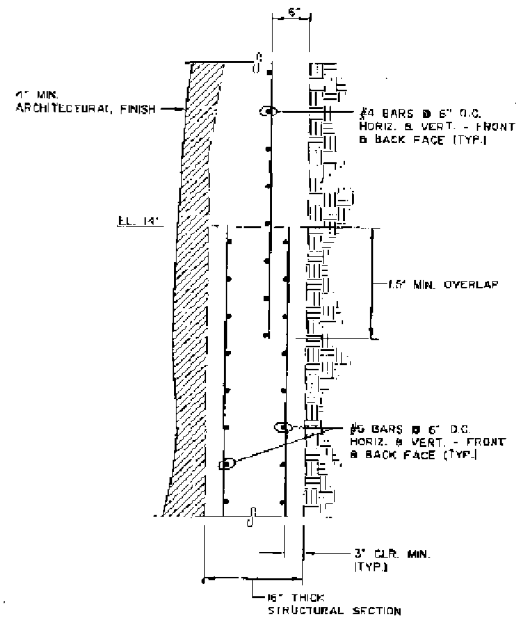
NO. 1575-6249
REG. AS ENGINEER
235-8586
LICENSEE CATEGORY
SHT-06



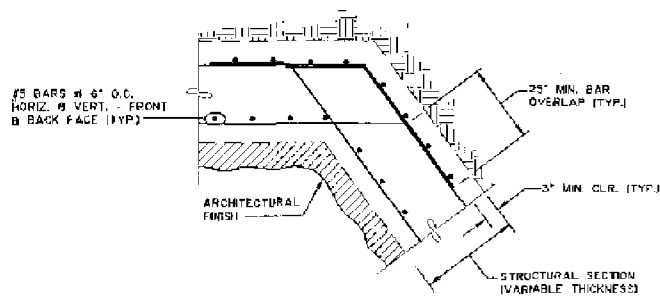
REINFORCING DETAIL-ACUTE ANGLE
12" STRUCTURAL SECTION
NOT TO SCALE



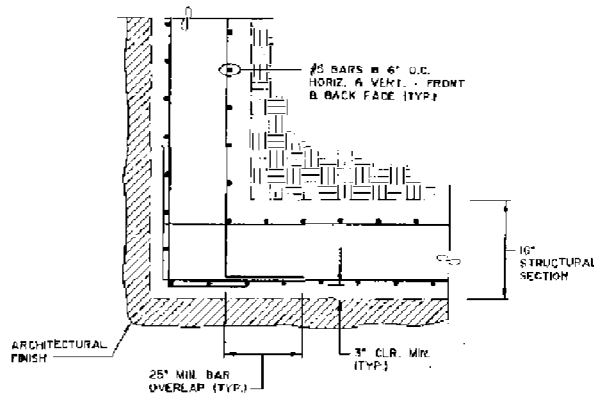
REINFORCING DETAIL-RIGHT ANGLE
12" STRUCTURAL SECTION
NOT TO SCALE



REINFORCING DETAIL AT WALL THICKNESS TRANSITION
NO SCALE



REINFORCING DETAIL-ACUTE ANGLE
16" STRUCTURAL SECTION
NOT TO SCALE



REINFORCING DETAIL-RIGHT ANGLE
16" STRUCTURAL SECTION
NOT TO SCALE

NOTE: IF DRAWING IS NOT FULL SIZE (24x36)
THEN REDUCE SCALE ACCORDINGLY.
0 1 2 3 4
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

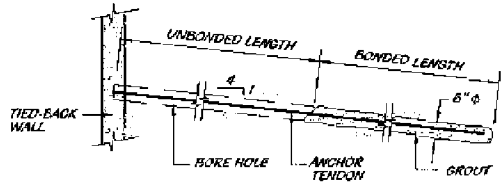


TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & SPECIALISTS
3876 WILSON DRIVE, SUITE 300
SAN DIEGO, CALIFORNIA 92111
(619) 575-6600

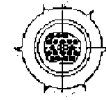


PRIVATE CONTRACT			
GRAPHIC DEVELOPMENT PLANS FOR			
6322 CALUMET AVENUE			
LOT 17, PARCEL MAP 8210			
EMERGENCY BLUFF REPAIR			
STRUCTURAL DETAILS			
CITY OF SAN DIEGO, CALIFORNIA		P.C. NO.	
BLUFF REPAIR SERVICE CONTRACT		PROP. NO.	
SHEET 1 OF 10 SHEETS			
DESCRIPTION	BY	APPROVED	DATE
			1875-6249
			235-1688
			2681-2117 (Toll-Free)
			SHT-07

NOTE: IF DRAWING IS NOT FULL SIZE (1/4"=1'-0") THEN REDUCE SCALE ACCORDINGLY
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

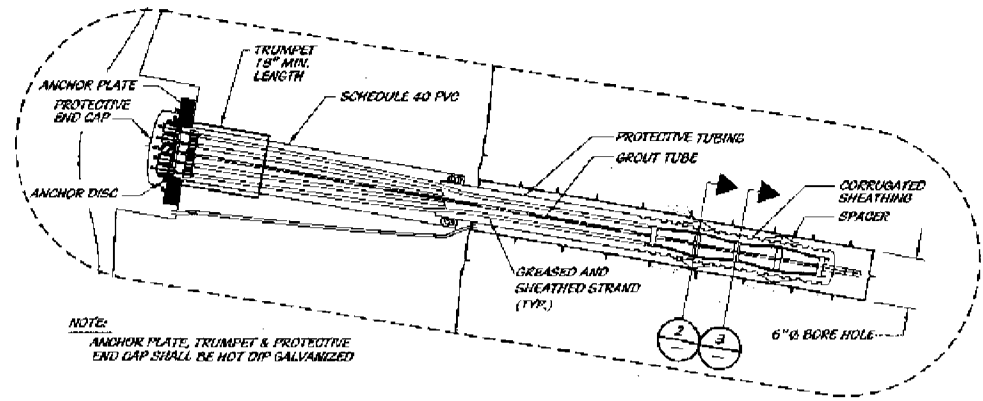


TYPICAL ANCHOR SCHEMATIC
NO SCALE



SECTION **2**
NO SCALE

SECTION **3**
NO SCALE



NOTE:
ANCHOR PLATE, TRUMPET & PROTECTIVE
END CAP SHALL BE HOT DIP GALVANIZED

MULTISTRAND ANCHOR DETAIL
WITH DOUBLE CORROSION PROTECTION
NO SCALE

TIEBACK ANCHOR SCHEDULE

ANCHOR ROW	ANCHOR ELEV.	BOND LENGTH (FT)	TOTAL LENGTH (FT)	DESIGN LOAD (KIPS)	NO. OF 0.6" DIA. STRANDS	PROOF LOAD (KIPS)	LOCK OFF LOAD (KIPS)	BEARINGS PLATE (IN.)
UPPER	33.0	40	70	40	2	54	40	12 x 12 MIN*
MIDDLE	21.6	40	60	40	2	54	40	12 x 12 MIN*
LOWER	9.0	40	50	105	3	140	05	12 x 12 MIN*

* PLATE THICKNESS TO BE DETERMINED BY POST TENSION SUPPLIER.



TERRACOSTA CONSULTING GROUP, INC.
8840 HERRIS & ORCHARD LANE
2ND FLOOR CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92121
(619) 675-9800



PRIVATE CONTRACT
CONTRACT DEVELOPMENT PLAN FOR

5322 CALUMET AVENUE
LOT 17, PARCEL MAP 3218
EMERGENCY BLUFF REPAIR

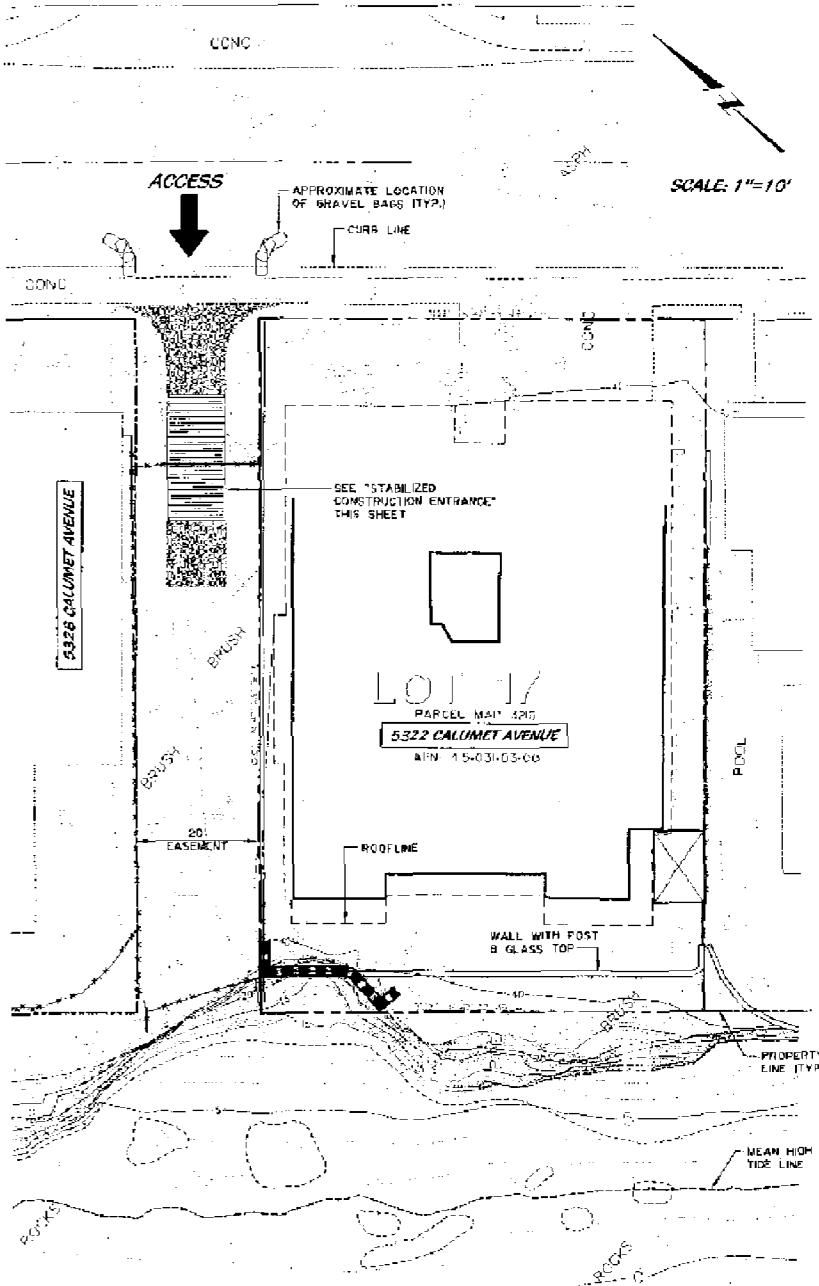
TIEBACK DETAILS

CITY OF SAN DIEGO, CALIFORNIA
DEVELOPMENT & CONSTRUCTION DEPARTMENT
SHEET 8 OF 10 SHEETS

REVISION	BY	DATE	APPROVED	DATE	PROJECT

1875-6249
REV. 03/08/04
235-1600
CALUMET CORRELATE

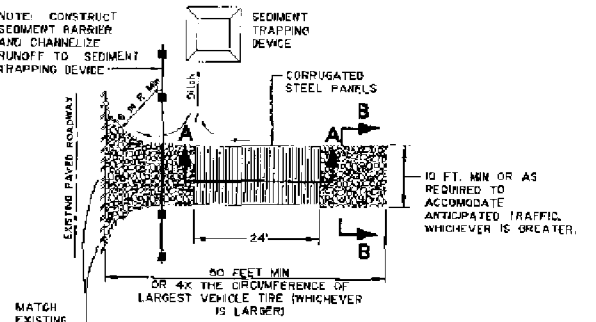
SHT-08



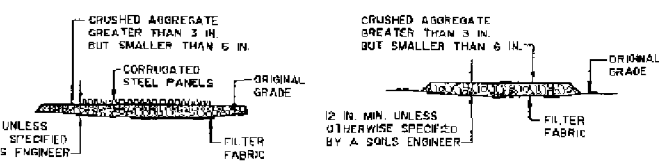
PLAN LEGEND

- +---+--- APPROXIMATE LOCATION OF FIBER ROLLS
- APPROXIMATE LOCATION OF SILT/BIO FENCE
- APPROXIMATE LOCATION OF TEMPORARY GRAVEL BAGS

NOTE: CONSTRUCT SEDIMENT BARRIER AND CHANNELIZE RUNOFF TO SEDIMENT TRAPPING DEVICE



STABILIZED CONST. ENTRANCE
NO SCALE



SECTION A-A
NO SCALE

SECTION B-B
NO SCALE

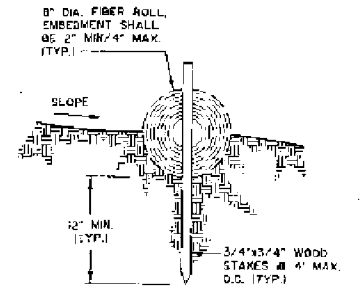
EROSION & SEDIMENT CONTROL/BMP NOTES:

1. THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL DEVICES IN WORKING ORDER TO THE SATISFACTION OF THE CITY ENGINEER THROUGHOUT THE CONSTRUCTION PHASE OF THE PROJECT.
2. THE CONTRACTOR SHALL INCORPORATE THE WATER QUALITY BMPs INCLUDED AS PART OF THIS PROJECT, AS WELL AS ANY ADDITIONAL REQUIREMENTS INCORPORATED HEREIN BY PRESENT CONDITIONS, IN ORDER TO AVOID DEGRADATION OF WATER QUALITY DURING AND FOLLOWING CONSTRUCTION ACTIVITIES.
3. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED BY THE CITY ENGINEER DUE TO OPERATIONS OR UNFORESEEN CIRCUMSTANCES WHICH MAY ARISE.
4. ALL GRAVEL BAGS SHALL HAVE 3/4" MINIMUM AGGREGATE.
5. THE EROSION CONTROL DEVICES SHOWN ON THIS DRAWING ARE TEMPORARY.

NOTE: IF DRAWING IS NOT FULL SIZE (A3626) THEN RESIZE SCALE ACCORDINGLY
ORIGINAL SCALE IN INCHES FOR RELATED PLANS



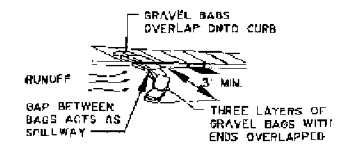
TERRACOSTA & CONSULTING GROUP, INC.
ENGINEERS & GEOLAGISTS
2880 MARLBOROUGH CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92108
(619) 573-9800



FIBER ROLL DETAIL
NO SCALE

1. SET POSTS AND ENDS OF A 4 BY 4 IN. TRENCH DEEP ENOUGH FROM END TO END OF THE LINE OF POSTS.
2. STAPLE CHAINS CONSTRUCTION FENCING TO THE POSTS.
3. ATTACH THE FILTER FABRIC TO THE WOOD FENCE AND EXTEND IT INTO THE TRENCH.
4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

SILT/BIO FENCE DETAIL
NO SCALE



GRAVEL BAGS
NO SCALE

PRIVATE CONTRACT					CITY OF SAN DIEGO, CALIFORNIA	
COASTAL DEVELOPMENT PLANS FOR					NO.	
5322 CALUMET AVENUE					NO.	
LOT 17, PARCEL MAP 3238					NO.	
EMERGENCY BLUFF REPAIR					NO.	
EROSION CONTROL PLAN						
DESIGNER'S PLAN						
DEVELOPMENT SERVICES DEPARTMENT						
SHEET # OF 11 SHEETS						
DESIGN NO.	BY	APPROVED	DATE	FILE #		
					1975-6249	
					940 48 (Contract 48)	
					233-1638	
					1994-1-12-09	
					ATT-09	

CONC

CONC

ACCESS

APPROXIMATE LOCATION OF GRAVEL BASS (TYP.)

EXISTING CITY CHAINLINK FENCE, HARDWARE AND GATE TO BE REMOVED AND REPLACED AND LOCKED UPON COMPLETION OF HYDROSEEDING OPERATION.

NON-IRRIGATED PROPOSED HYDROSEED MIX

LOT 17
PARCEL MAP 3216
5322 CALUMET AVENUE
APN: 415-031-03-00

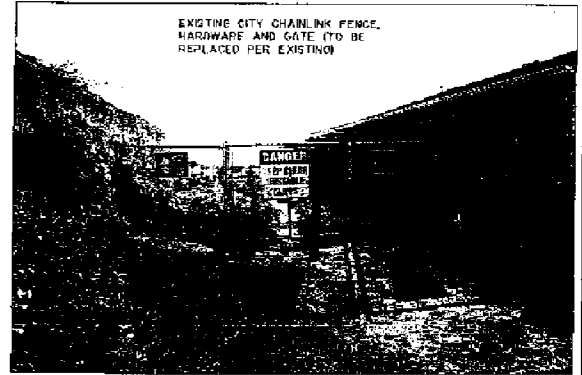
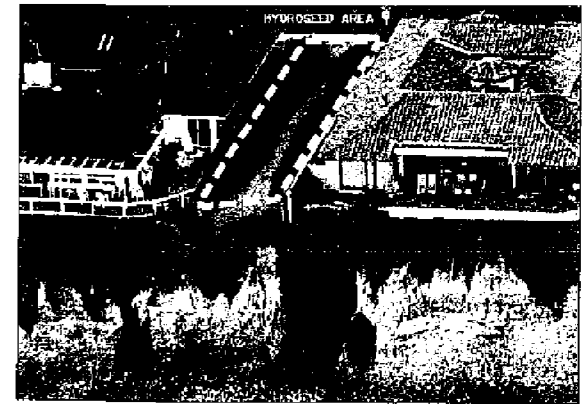
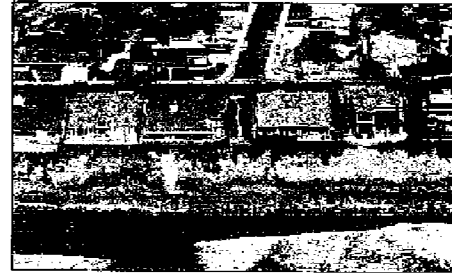
WALL WITH POST B & 355 10P

POOL

PROPERTY LINE (TYP.)

NEAR HIGH TIDE LINE

EXISTING CONDITIONS



EXISTING CITY CHAINLINK FENCE, HARDWARE AND GATE TO BE REPLACED PER EXISTING



EROSION & SEDIMENT CONTROL/BMP NOTES:

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2. THE CONTRACTOR SHALL INCORPORATE THE WATER QUALITY BMPs INCLUDED AS PART OF THIS PROJECT, AS WELL AS ANY ADDITIONAL REQUIREMENTS INCORPORATED HEREIN BY PRESENT CONDITIONS, IN ORDER TO AVOID DEGRADATION OF WATER QUALITY DURING AND FOLLOWING CONSTRUCTION ACTIVITIES.
3. THE CONTRACTOR SHALL INSTALL ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED BY THE CITY ENGINEER DUE TO OPERATIONS OR UNFORESEEN CIRCUMSTANCES WHICH MAY ARISE.
4. ALL GRAVEL BASS SHALL HAVE 3/4" INCH MINIMUM AGGREGATE.
5. THE EROSION CONTROL DEVICES SHOWN ON THIS DRAWING ARE TEMPORARY.

HYDROSEED MIX

COMPONENT/SPECIES	RATE/ACRE (P.L.S.)	SEEDS/LB.
MULCH	225 LBS.	
FERTILIZER	3000 LBS.	
MULCH	8000 LBS.	
ADONIS MARITIMA	3 LBS.	348 88,000
ANTHESIA PYGMAEOPALA	3 LBS.	78 25,000,000
CAMPANULA GIBBERNITIFOLIA SPP. SUBPULCHRA	1/2 LBS.	12 4,000,000
ENCHELIA CALIFORNICA	2 LBS.	248 175,000
ERODIOLA PARVIFOLIUM	20 LBS.	78 400,000
LADYBERRY CALIFORNICA	1/2 LBS.	12 4,000,000
LUPINUS BI-COLOR	5 LBS.	78 18,000
MELILIS FURCATA	1/2 LBS.	12 4,000,000
SARONIS	6-8 LBS.	
SUNFLOWER	20,000 GALS OF HYDROSEED SLURRY	
HYDROSEED MIX	40-02	

1. CONTRACTOR IS ADVISED THAT THE ACTUAL AREA (ON SLOPE) FOR THIS PROJECT IS LARGER THAN THE AREA SHOWN IN THE PLAN VIEW. MULCH AND BINDER AMOUNTS SHALL BE COMMENSURATE WITH THIS ACTUAL SLOPE AREA, (NOT THE PLANIMETRIC AREA.)
2. GRADED, DISTURBED, OR BRODED AREAS TO BE TREATED WITH A NON-IRRIGATED HYDROSEED MIX SHALL RECEIVE AN INTERIM BINDER/TACKIFIER AS NEEDED BETWEEN APRIL 2ND AND AUGUST 31ST FOR DUST-EROSION CONTROL WITH SUBSEQUENT APPLICATION OF HYDROSEED MIX DURING THE RAINY SEASON BETWEEN OCTOBER 1ST AND APRIL 15TH.
3. SEED MIXES SHALL BE SPECIFIED BY THE PURE LIVE SEED OF EACH SPECIES.
4. FIBER MULCH SHALL BE APPLIED AT A MINIMUM RATE OF 2,000 LBS PER ACRE EXCEPT WHEN USED IN CONJUNCTION WITH STRAW MULCH WHEN IT SHALL BE APPLIED AT A MINIMUM RATE OF 400 LBS PER ACRE.
5. A WETTING AGENT CONSISTING 85% ACRYL POLYETHYLENE GLYCOL ETHER SHALL BE APPLIED AS PER MANUFACTURERS' RECOMMENDATIONS.
6. EQUIPMENT USED FOR THE APPLICATION OF SLURRY SHALL HAVE A BUILT-IN AGITATION SYSTEM TO SUSPEND AND HOMOGENEOUSLY MIX THE SLURRY. THE SLURRY MIX SHALL BE DYED GREEN. THE EQUIPMENT MUST HAVE A PUMP CAPABLE OF APPLYING SLURRY UNIFORMLY.

ESTABLISHMENT/MAINTENANCE NOTE:
PROPERTY OWNER AT 5322 CALUMET AVENUE SHALL BE RESPONSIBLE FOR ESTABLISHMENT/MAINTENANCE OF THE HYDROSEED AREA DURING THE REQUIRED 24-MONTH PERIOD. ALL REQUIRED LANDSCAPE SHALL BE MAINTAINED IN A DISEASE, WEED AND LITTER FREE CONDITION AT ALL TIMES.

PRIVATE CONTRACT

LANDSCAPE PLAN FOR:
5322 CALUMET AVENUE
LOT 17, PARCEL MAP 3216
EMERGENCY BLUFF REPAIR

LANDSCAPE ILLUSTRATION PLAN

CITY OF SAN DIEGO, CALIFORNIA
SPRINGFIELD BRANCH (STATIONERY)
SHEET 0 OF 10 SHEETS

NO. _____
PROJ. NO. _____
DATE _____

DESCRIPTION	BY	APPROVED	DATE	REVISION

1975-6249
KTRUA
235-1688
LANDSCAPE ARCHITECTS
SHEET 0

KTRUA
4910
Professional Seal
for State of California
No. 2229
Date 2/20/84
KTRUA
Landscape Architect



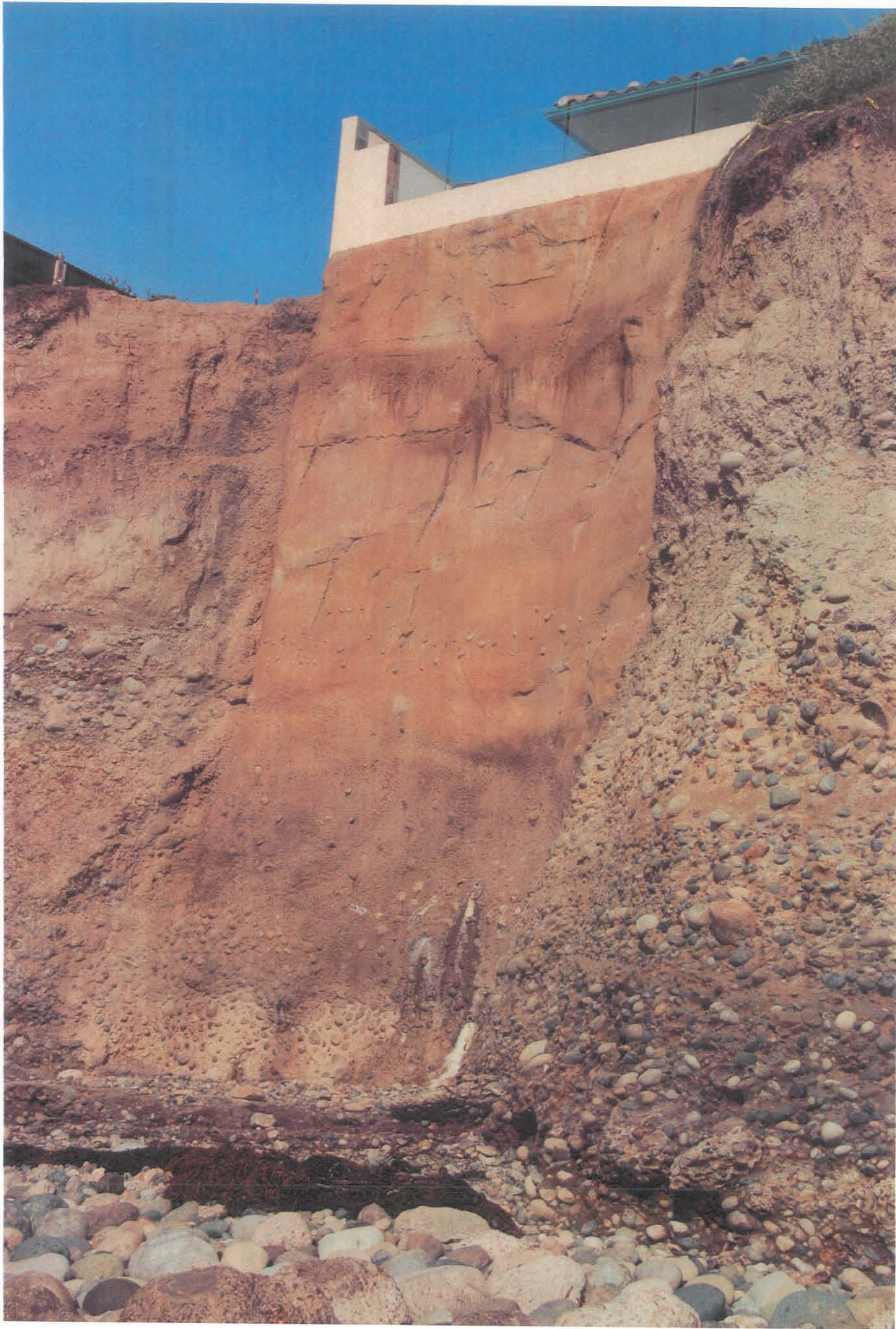
2108/2010
#2

03/01/2010 16:36

#3







PLANNING COMMISSION RESOLUTION NO. PC-XXXX
COASTAL DEVELOPMENT PERMIT NO. 759403
SITE DEVELOPMENT PERMIT NO. 797314
5322 CALUMET AVENUE - PROJECT NO. 213382

WHEREAS, CALUMET REAL ESTATE HOLDINGS, LLC, Owner/Permittee, filed an application with the City of San Diego, a required condition under Approved Emergency Coastal Development Permit Nos. 723452 and 742235, amending Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 and Emergency Coastal Development Permit Nos. 723452 and 742235, for a permit to stabilize the coastal bluff and construct a reinforced shotcrete wall for an existing single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 759403 and 797314), on portions of a 0.18 acre site;

WHEREAS, the project site is located 5322 Calumet Avenue in the RS-1-7 zone, Coastal Overlay (appealable), Coastal Height Limitation, Transit Area and Residential Tandem Parking Overlay zones between the sea and the first public roadway and within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 17, Sun Gold Point, Map No. 3216;

WHEREAS, on April 13, 2010, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15269(c). No additional CEQA review or determination is needed, as the work was previously exempted and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on December 1, 2010, the Hearing Officer of the City of San Diego considered and approved Coastal Development Permit No. 759403 and Site Development Permit No. 797314 pursuant to the Land Development Code of the City of San Diego and by Resolution No. HO-6381;

WHEREAS, on December 6, 2010, Briggs Law Corporation on behalf of CREED-21, filed an appeal of the Hearing Officer' approval;

WHEREAS, on January 20, 2011, the Planning Commission of the City of San Diego considered oastal Development Permit No. 759403 and Site Development Permit No. 797314 pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

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

That the Planning Commission adopts the following written Findings, dated January 20, 2011.

Coastal Development Permit - 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**

PLANNING COMMISSION RESOLUTION NO. PC-XXXX
COASTAL DEVELOPMENT PERMIT NO. 759403
SITE DEVELOPMENT PERMIT NO. 797314
5322 CALUMET AVENUE - PROJECT NO. 213382

WHEREAS, CALUMET REAL ESTATE HOLDINGS, LLC, Owner/Permittee, filed an application with the City of San Diego, a required condition under Approved Emergency Coastal Development Permit Nos. 723452 and 742235, amending Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 and Emergency Coastal Development Permit Nos. 723452 and 742235, for a permit to stabilize the coastal bluff and construct a reinforced shotcrete wall for an existing single family residence (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 759403 and 797314), on portions of a 0.18 acre site;

WHEREAS, the project site is located 5322 Calumet Avenue in the RS-1-7 zone, Coastal Overlay (appealable), Coastal Height Limitation, Transit Area and Residential Tandem Parking Overlay zones between the sea and the first public roadway and within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 17, Sun Gold Point, Map No. 3216;

WHEREAS, on April 13, 2010, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15269(c). No additional CEQA review or determination is needed, as the work was previously exempted and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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WHEREAS, on December 6, 2010, Briggs Law Corporation on behalf of CREED-21, filed an appeal of the Hearing Officer' approval;

WHEREAS, on January 20, 2011, the Planning Commission of the City of San Diego considered coastal Development Permit No. 759403 and Site Development Permit No. 797314 pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

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

That the Planning Commission adopts the following written Findings, dated January 20, 2011.

Coastal Development Permit - 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 is located at 5322 Calumet Avenue above the coastal bluff and adjacent to the Pacific Ocean. The coastal development permit application is for the construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs. The project is located entirely on private property with no encroachment into public lands located to the northeast, (Bandera St. right-of-way,) or onto public lands to the west (seaward) of the subject property.

Because the shotcrete wall is no higher than the pre-existing bluff face, it is essentially not visible from atop the bluff. The wall does not obstruct views from the Bandera Street ROW or from the sea.

The bluff failure of early 2010 occurred almost equally on both the private and public property. Stabilizing the coastal bluff within the private property may reduce the rate of bluff failure within the adjacent Bandera St. ROW such that public access and viewing, subject to the City of San Diego's approval, may again be allowed closer to the bluff edge.

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

The proposed project is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. No sensitive biological resources were present on the bluff edge when the failure occurred. Photographs of the site before 2010 indicate that the vegetation was ice plant and salt bush (*Atriplex semibaccata*). Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

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 project site is located in the RS-1-7 zone, the Coastal Overlay Zone, the Sensitive Coastal Overlay Zone, the Transit Area Overlay Zone, the Residential Tandem Parking Overlay Zone, between the sea and the first public roadway, is designated for low density residential (5-9 DU/AC) by the La Jolla Community Plan and Local Coastal Program, and is subject to existing Coastal Development Permit No. 95-0438, except where superseded by this permit. The alley at the terminus of Bandera Street is depicted by the La Jolla Community Plan and Local Coastal Program as westward from a view corridor with no vertical access.

The Geology Section (of the City of San Diego's Development Services Department) determined that a coastal emergency exists in a localized area at 5322 Calumet Avenue as of February 8, 2010. Consistent with the conditions of Coastal Emergency Development Permit No. 742235, the Owner applied for a regular coastal permit and site development permit to have the emergency work considered permanent within 60 days of emergency permit issuance.

The existing use (single family residence) and proposed development (shotcrete wall) to stabilize the bluff are in conformance with the certified LCP land use plan and 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 is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property.

The coastal development does not interfere with views or access within the Bandera St. ROW. Because the seawall is located entirely on private property, and there is no encroachment onto public lands to the west. Lateral public access along the beach, at the toe of the bluff, will not be limited or adversely impacted.

Adequate public beach access exists approximately 200 yards to the southeast off of Sea Ridge Drive. Beach access is not possible from either the project site or the adjacent Bandera St. view corridor because the bluff face in this location is near vertical and approximately 35 feet in height.

The proposed project does not increase the floor area, height, or bulk of the structure nor does it block or impede public access, and which do not result in a seaward encroachment by the structure.

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

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

The project site is located in the RS-1 zone, the Coastal Overlay Zone, the Sensitive Coastal Overlay Zone, the Transit Area Overlay Zone, the Residential Tandem Parking Overlay Zone, between the sea and the first public roadway, is designated for low density residential (5-9 DU/AC) by the La Jolla Community Plan and Local Coastal Program, and is subject to existing Coastal Development Permit No. 95-0438, except where superseded by this permit. The alley at the terminus of Bandera Street is depicted by the La Jolla Community Plan and Local Coastal Program as westward from a view corridor with no vertical access.

The proposed project is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view

corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property.

Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area. Because the proposed development is consistent with the General Plan and the La Jolla Community Plan, the proposed development will not adversely affect the applicable land use plan.

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

The proposed project is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

The permit prepared for this project includes various conditions and exhibits of approval relevant to achieving compliance with the regulations of the Land Development Code in effect for the project site. These conditions and exhibits have been determined by the decision-maker as necessary to avoid adverse impacts upon the health, safety, and general welfare of the persons residing, recreating, or working in the area.

The project will also provide for the health, safety, and welfare such persons by construction of a structural tied-back shotcrete wall in accordance with current construction standards and codes. Construction of the wall will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical, and fire codes to assure the wall will meet or exceed the current regulations. As such, the proposed development will 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 is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

The proposed development complies in all respects with the applicable regulations of the Land Development Code.

B. Supplemental Findings--Environmentally Sensitive Lands**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 development is the construction of a structural tied-back shotcrete wall at 5322 Calumet Avenue, textured and colored to blend into the natural coastal bluffs and as such the site is physically suitable for the design and siting of the proposed development.

The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

The proposed development has been designed to avoid all direct and indirect impacts to environmentally sensitive lands to the maximum extent possible.

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 is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

The proposed development does not propose any alterations to natural land forms. The proposed development is located on a previously developed lot in a residential neighborhood. No grading is required to construct the project. The construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs is intended to preserve and enhance the stability of land forms, geologic forces, and erosional forces. The proposed development is expected to decrease the rate of erosion of the bluffs.

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

The proposed project is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

The bluff failure of early 2010 occurred almost equally on both the private and public property. Stabilizing the coastal bluff within the private property may reduce the rate of bluff failure within the adjacent Bandera St. ROW and the rate of beach consumption and shoreline encroachment associated with a less stable bluff.

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

The proposed project is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

The property is not within or adjacent to the MHPA and thus would have no impact on the implementation or management of the MSCP.

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

The proposed project is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

The construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs is intended to preserve and enhance the stability of land forms, geologic forces, and erosional forces. The proposed development is expected to decrease the rate of erosion of the bluffs and reduce beach consumption and shoreline encroachment.

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 is the permanent construction of a structural tied-back shotcrete wall, textured and colored to blend into the natural coastal bluffs at 5322 Calumet Avenue. The project is located entirely on private property with no encroachment into either the existing public view corridor located to the northeast, (Bandera St. right-of-way) or public lands to the west (seaward) of the subject property. Stabilization of the bluff edge is expected to help reduce the rate of bluff erosion on the public property immediately to the north and maintain the existing views of the coastal bluffs in this area.

Conditions have been added to the permit to address drainage and the revegetation of the Bandera Street right-of-way. In addition, project conditions have been required to alleviate, negative impacts created by the proposed development.

The project was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15269(c) on April 13, 2010. No additional CEQA review or determination is needed, as the work was previously exempted. CEQA states that the following emergency projects are exempt from the requirement of CEQA "specific actions necessary to prevent or mitigate an emergency" (15269 (c)).

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 759403 and Site Development Permit No. 797314 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 759403 and 797314, a copy of which is attached hereto and made a part hereof.

Jeannette Temple
Development Project Manager
Development Services

Adopted on: January 20, 2011

Internal Order No. 2400967

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000967

COASTAL DEVELOPMENT PERMIT NO. 759403
SITE DEVELOPMENT PERMIT NO. 797314
AMENDMENT TO COASTAL DEVELOPMENT/SENSITIVE
COASTAL RESOURCE PERMIT NO. 95-0438 AND
EMERGENCY COASTAL DEVELOPMENT PERMIT NOS. 723452 AND 742235
5322 CALUMET AVENUE - PROJECT NO. 213382
PLANNING COMMISSION

This Coastal Development Permit No. 759403 and Site Development Permit No. 797314, a required condition under Approved Emergency Coastal Development Permit Nos. 723452 and 742235, amendment to Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 and Emergency Coastal Development Permit Nos. 723452 and 742235, is granted by the Planning Commission of the City of San Diego to Calumet Real Estate Holdings, LLC, Owner, and Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0504. The 0.18-acre site is located at 5322 Calumet Avenue in the RS-1-7 zone, Coastal Overlay (appealable), Coastal Height Limitation, Transit Area and Residential Tandem Parking Overlay zones between the sea and the first public roadway and within the La Jolla Community Plan area. The project site is legally described as Lot 17, Sun Gold Point, Map No. 3216.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to stabilize the coastal bluff and construct a reinforced shotcrete wall for an existing single family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 1, 2010, on file in the Development Services Department.

The project shall include:

- a. The stabilization of the coastal bluff and construction of a reinforced shotcrete wall for an existing single family residence approved in 1998;

- b. Landscaping (including the revegetation of the adjacent Bandera Street public right-of-way); and
- c. 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.
3. Coastal Development/Sensitive Coastal Resource Permit No. 95-0438 and Emergency Coastal Development Permit Nos. 723452 and 742235, remain in effect except where superseded by this permit.
4. 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.
5. 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.
6. 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.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

8. 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.).

9. 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.

10. 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.

11. 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.

12. 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.

ENGINEERING REQUIREMENTS:

13. The Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
14. Prior to the issuance of any construction permits, 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, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permits, 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, satisfactory to the City Engineer.
16. Any export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
17. A public right-of-way permit is required for the work in the Bandera Street right-of-way, including the stabilized construction entrance and revegetation through hydroseeding.
18. The existing city chain-link fence within the Bandera Street Right-of-Way shall be returned to its existing location upon completion of construction and hydroseeding.

LANDSCAPE REQUIREMENTS:

19. Prior to recordation of this permit, the Owner/Subdivider shall enter into a bonded Landscape Establishment/Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of all non-irrigated or temporarily irrigated revegetation areas. The LEMA shall be approved by the Landscape Section of Development Services Department and remain in effect until the 25-mo. success criteria have been met, consistent with the Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

20. The air-placed concrete, including gunite or shotcrete, retaining walls, fills or other similar erosion control measures shall incorporate existing and adjacent landform characteristics including color coating, texturing, landscape, and topographical features.
21. Prior to the recordation of this permit, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" to preserve the Sensitive Coastal Bluff, in accordance with SDMC section 143.0152. The Covenant of

Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A".

22. Prior to the recordation of this permit the Owner/Permittee shall pay a fee to the City of San Diego Beach Sand Mitigation Fund held at the San Diego Association of Governments to be used for beach replenishment and/or public access improvements within the City of San Diego. The amount of the fee shall be calculated in accordance with San Diego Municipal Code Section 126.0722 and the Beach and Bluff Guidelines of the Land Development Manual. The fee has been calculated to be \$4,720.50.

23. Prior to the recordation of this permit, the Owner/Permittee shall execute a Notice of Hazardous Condition Indemnification and Hold Harmless Agreement for Sensitive Coastal Bluffs in accordance with SDMC section 143.0143, in a form and content acceptable to the Director of the Development Services Department, or designated representative, which shall provide:

- a. That the Owner/Permittee understands that new accessory structures or landscape features customary and incidental to residential uses are prohibited within 5 feet of the Coastal Bluff Edge or on the face of the Bluff, as illustrated on approved plan Exhibit "A;"
- b. That the Owner/Permittee understands that the site may be subject to extraordinary hazard from coastal bluff erosion, and the Owner/Permittee assumes all liability from such hazards; and
- c. The Owner/Permittee unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify, and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any resulting damage to Owner/Permittee due to natural hazards occurring on the site. This Notice of Hazardous Conditions-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successors and assigns.

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 January 20, 2011, and Resolution No. PC-XXXX

Permit Type/PTS Approval No.: CDP759403/SDP 797314
Date of Approval: January 20, 2011

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeannette Temple
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.**

Calumet Real Estate Holdings, LLC
Owner/Permittee

By _____
Dan Feldman
Vice President

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

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT No.: 208734 PROJECT TITLE: 5322 Calumet Emergency CDP

PROJECT LOCATION-SPECIFIC: 5322 Calumet Avenue, La Jolla, CA 92037

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Emergency Coastal Development Permit Coastal /Site Development Permit for bluff repair for an existing single family residence in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (appealable), Coastal Height Limit, and First Public Roadway.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Dan Feldman
Sunroad Centrum Partners, LP
4445 Eastgate Mall #400
San Diego, CA 92121
858-362-8500

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
- () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269(c))
- () CATEGORICAL EXEMPTION;

REASONS WHY PROJECT IS EXEMPT: The proposed activity is exempt from CEQA pursuant to Section 15269(c) which allows for specific action necessary to prevent or mitigate an emergency. This project is an emergency CDP/SDP to stabilize a collapsing bluff that is undermining a residential structure (structure was 'yellow tagged' by the City of San Diego on March 3, 2010). Additionally, none of the exceptions described in CEQA Guidelines Section 15300.2 apply, and the project has no potential to result in significant effect on the environment.

LEAD AGENCY CONTACT PERSON: M. Blake

TELEPHONE: (619) 446-5375

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

M. Blake
SIGNATURE/TITLE

4/13/10
DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
- () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

 THE CITY OF SAN DIEGO	City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5210	<h2 style="margin:0;">Development Permit/ Environmental Determination Appeal Application</h2>	FORM DS-3031 MAY 2010
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

- 1. Type of Appeal:**
- | | |
|--|--|
| <input type="checkbox"/> Process Two Decision - Appeal to Planning Commission | <input type="checkbox"/> Environmental Determination - Appeal to City Council |
| <input checked="" type="checkbox"/> Process Three Decision - Appeal to Planning Commission | <input type="checkbox"/> Appeal of a Hearing Officer Decision to revoke a permit |
| <input type="checkbox"/> Process Four Decision - Appeal to City Council | |

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: Mekaeta@briggslawcorp.com	
Address: 99 East "C" Street, Suite 111	City: Upland	State: CA	Zip Code: 91786 Telephone: (909) 949-7115

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Tom Story

4. Project Information	Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
	213382 (5322 Calumet Avenue)	12/1/10	Jeanette Temple

Decision (describe the permit/approval decision):
 The hearing officer approved the Coastal Development Permit and Site Development Permit under a CEQA exemption.

- 5. Grounds for Appeal (Please check all that apply)**
- | | |
|---|---|
| <input checked="" type="checkbox"/> Factual Error (Process Three and Four decisions only) | <input checked="" type="checkbox"/> New Information (Process Three and Four decisions only) |
| <input checked="" type="checkbox"/> Conflict with other matters (Process Three and Four decisions only) | <input type="checkbox"/> City-wide Significance (Process Four decisions only) |
| <input checked="" type="checkbox"/> Findings Not Supported (Process Three and 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 hearing officer erred in approving the project without review under the California Environmental Quality Act. The project does not qualify for an exemption.

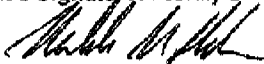
RECEIVED RECEIVED

DEC 06 2010

DEVELOPMENT SERVICES DEVELOPMENT SERVICES

*Appellant is an interested person as defined in San Diego Municipal Code Section 113.0103. Appellant faxed and e-mailed a written objection to the Hearing Officer prior to the hearing on the above-referenced item. A copy of the opposition letter is attached.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:  Date: 12/3/10

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

BRIGGS LAW CORPORATION

*San Diego Office:
814 Morena Blvd., 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): J593.04

30 November 2010

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 jtemple@sandiego.gov

Re: *Coastal Development Permit and Site Development Permit for Project Number
213382 (5322 Calumet Avenue)*

Dear Hearing Officer:

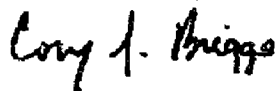
I am writing on behalf of CREED-21 to convey my client's opposition to the above-referenced matter because approval of the proposal would violate the California Environmental Quality Act ("CEQA"). The proposal violates CEQA because the proposal is a discretionary project under CEQA and no environmental review has been done. For this reason, and for any and all other reasons that may have been or may be offered in opposition to the project, I respectfully urge you to deny the project and all associated entitlements.

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



Cory J. Briggs



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 – 4 November 2010

Attention: Jeannette Temple, DSD, City of San Diego

Project: 5322 Calumet Avenue Residence
PN 213382

Action: To accept the recommendation of the Development Permit Review Committee to approve the project: Findings can be made to approve the application as presented. **Vote: 14-0-1**

Submitted by: *Joseph LaCava* **4 November 2010**
Joe LaCava, President **Date**
La Jolla CPA

DPR Committee, October 2010 Report

Project Name: 5322 CALUMET AVE. RESIDENCE
5322 Calumet Ave.
Permits: CDP SDP
Project #: 213382
DPM: Jeannette Temple 619-557-7908, jtemple@sandiego.gov
Zone: RS-1-7
Applicant: Tom Story 858-362-8500, tstory@sunroadenterprises.com

Scope of Work: (Process 3) Coastal Development Permit & Site Development Permit (a required follow up Permit to Emergency CDP, PTS#208734) to stabilize the coastal bluff for an existing single family residence in the RS-1-7 Zone of the La Jolla Community Plan, Coastal Overlay Zone (appealable), Coastal Height Limit Zone, First Public Roadway, Residential Tandem Parking, Transit Area. Council District 1.

Subcommittee Motion: Findings can be made for a Coastal Development Permit and a Site Development Permit to stabilize the coastal bluff. 7-0-0.


Project Title: 5322 Calumet Ave.	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
 Calumet Real Estate Holdings LLC
 Owner Tenant/Lessee
Street Address:
 4445 Eastgate Mall, Suite 400
City/State/Zip:
 San Diego, CA 92121
Phone No: (858 362-8500) **Fax No:** (858 362-8448)
Name of Corporate Officer/Partner (type or print):
 F.O. Tronboli
Title (type or print):
 Secretary
Signature:  **Date:** June 10, 2010

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : **Date:**

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
Street Address:

City/State/Zip:

Phone No: **Fax No:**

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : **Date:**

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Calumet Real Estate Holdings, LLC

Uri Feldman	President
Richard D. Vann	Executive Vice President
Wayne Meyer	Executive Vice President
William Hoffenberg	Executive Vice President and Chief Financial Officer
F.O. Tronboll	Senior Vice President and Secretary
Abraham Sherman	Vice President and Assistant Secretary
Dan Feldman	Vice President

DEVELOPMENT SERVICES DEPARTMENT
PROJECT CHRONOLOGY
 5322 CALUMET AVENUE - PROJECT NO. 213382

Date	Action	Description	City Review Time (Calendar Days)	Applicant Response
6/17/10	First Submittal	Project Deemed Complete	-	-
7/21/10	First Assessment Letter	Furlough and City Holidays	1 month, 4 days	
8/26/10	Second Submittal			1 month, 5 days
9/21/10	Second Assessment Letter		26 days	
10/26/10	Requested HO	Delay requested by LJCPA and agreed to by applicant		1 month, 5 days
12/1/10	Hearing Officer		1 month, 5 days	
TOTAL STAFF TIME		(Does not exclude City Holidays or weekends)	3 months, 4 days	
TOTAL APPLICANT TIME		(Does not exclude City Holidays or weekends)		2 months, 10 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing	Approximately 5 months, 14 days	