



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: March 18, 2011 **REPORT NO.** PC-11- 034

ATTENTION: Planning Commission, Agenda of March 24, 2011

SUBJECT: MEHL RESIDENCE - PROJECT NO. 214566. PROCESS 3.

OWNER/ Bonnie and David Mehl

APPLICANT: Mark D. Lyon, Inc.

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of the Hearing Officer's approval to demolish an existing one-story single family residence and construct a new two-story, 4,569 square-foot single family residence with a roof deck and attached two-car garage at 5380 Calumet Avenue within the La Jolla Community Plan Area?

Staff Recommendation: Deny the appeal and approve Coastal Development Permit No. 765973 and Site Development Permit No. 765974.

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 additional recommendations or conditions.

Environmental Review: Negative Declaration No. 101888 was prepared for the Mehl Residence project, which was before the City of San Diego Hearing Officer and adopted on October 10, 2007, by Resolution No. HO 5863. The current project under evaluation was reviewed in accordance with CEQA Section 15162 and was determined that no additional impacts and/or mitigation measures are required beyond those that were analyzed in the original environmental document.

Fiscal Impact Statement: None with this action. The costs associated with processing the project are paid by a deposit account maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The site is designated as Low-Density Residential. The project is consistent with the density identified in the La Jolla Community Plan. The proposed single family unit would replace the existing single family unit. Therefore, housing in the community would not be affected.

BACKGROUND

The project site is located at 5380 Calumet Avenue and is within the RS-1-7 Zone, the Coastal Overlay (appealable), Sensitive Coastal Overlay, First Public Roadway, Coastal Height Limit, Beach Impact, Transit Area and Residential Tandem Parking Overlay Zones, and within the La Jolla Community Plan Area. The proposed demolition and construction of a single family residence requires a Coastal Development Permit in accordance with the San Diego Municipal Code (SDMC) Section 126.0702. A Site Development Permit is also required by SDMC Section 126.0502 since the site contains environmentally sensitive lands in the form of sensitive coastal bluffs.

On October 10, 2007, the project was approved by the Hearing Officer, and on November 2, 2007, Mr. Tim Barnett appealed the Hearing Officer decision to the California Coastal Commission (CCC). The CCC approved the project, but that entitlement has since expired. Therefore, the applicant has again applied for the discretionary permits.

On February 9, 2011 the Hearing Officer approved Coastal Development Permit No. 765973 and Site Development Permit No. 765974. On February 22, 2011, Mr. Tim Barnett appealed the Hearing Officer's decision. The current appeal issues are discussed below.

DISCUSSION

Project Description:

The project proposes to demolish an existing residence and construct a two-story, 4,569 square-foot single family residence with a roof deck and attached two-car garage on a 8,282 square-foot lot in the La Jolla Community Plan Area. The project complies with all development Regulations.

The proposal is consistent with the land use designation and the zoning for the area and would not interfere with any public access.

Community Plan Analysis:

The site is located in an area identified as Low Density Residential (5-9 du/acre), in the La Jolla Community Plan. The proposed residence would be consistent with the land use and would conform to all the requirements of the RS-1-7 zone, the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed project would adhere to community goals as it has been designed in a manner so as not to intrude into any of the identified public view corridors. The home has also been designed to achieve a harmonious visual relationship between

the bulk and scale of the existing and the adjacent structures which consist of one and two story single family residences.

Project-Related Issues:

APPEAL ISSUES

Issue 1: Factual Error: Erosion Rate/Project Lifetime error due to consultant error in estimating future sea level rise.

Staff Response: The appellant has not provided an expert to refute a prior sea level analysis provided by the applicant (Attached).

Issue 2: Conflict: Propose to build pool in grant deed restricted, CCRs and La Jolla Community Plan.

Staff Response: The City of San Diego does not regulate Covenants, Conditions and Restrictions (CCRs). The proposed new home would observe a grant deed restriction on the southern portion of the site. While the appeal does not indicate why the La Jolla Community Plan is listed, the La Jolla Community Plan and Local Coastal Program have identified San Colla Street, directly east of the project site, as a Scenic Overlook. This Overlook extends from the San Colla right of way over the southern portion of the project site. The proposed residence has been designed and conditioned to maintain and comply with an existing deed restriction on the south side of the property prohibiting the construction or maintenance of any structures or landscaping material exceeding three feet in height within the existing deed restricted area. In addition, permit conditions require that a view easement equal to the width of the north side yard be provided along the full depth of the site to preserve and enhance a designated public view. No landscaping, solid walls or fences in excess of three feet in height would be allowed.

Issue 3: Finding not supported: Numerous building codes ignored.

Staff Response: The appeal listed no building code violations. Staff has reviewed the project and found no code violations.

Issue 4: Design destroys (white?) water views and cost residents several million dollars.

Staff Response: The Land Development Code does not protect private views.

Conclusion:


The project would meet or exceed all City land development code requirements and is requesting no deviations. The project would meet the 30-foot height limit and would not block any public views. The project would be similar in bulk and scale to other projects built in the area, and within the same block, and would meet the density requirements of the La Jolla Community

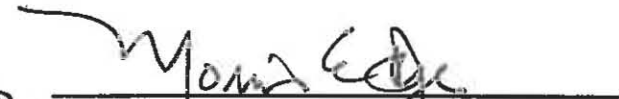
Plan. Therefore, staff is recommending the Planning Commission deny the appeal and approve the project.

ALTERNATIVES

1. **Deny the appeal, with modifications.**
2. **Uphold the appeal and deny Coastal Development Permit No. 765973 and Site Development Permit No. 765974, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,


Mike Westlake
Program Manager
Development Services Department

for 
Morris E. Dye
Development Project Manager
Development Services Department

BROUGHTON/MED

Attachments:

1. Hearing Officer Report with attachments
2. Copy of Appeal
3. Consultant Responses

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 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 checked="" 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: Tim Barnett E-mail Address: tbarnett@ucsd.edu
 Address: 333 San Colla City: LASOBA State: CA Zip Code: 92037 Telephone: 352 482048 if

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

4. Project Information Permit/Environmental Determination & Permit Document No.: <u>COP 765973 / SOP 265274 / PT 214566</u>	Date of Decision/Determination: <u>9 Feb, 2011</u>	City Project Manager: <u>M. DYE</u>
Decision (describe the permit/approval decision): <u>Approval of new house + pool</u>		

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.)

Factual Error: erosion rate/project lifetime error due to consultant error in estimating future sea level rise
Conflict: propose to build pool in grant deed restricted, CCRs & lot community plan
Findings not supported: numerous bldg code ignored
Conflict - decision destroys white water views of cost residents several million dollars
For preventing ~ 12 home owners

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DEVELOPMENT SERVICES

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

Signature: Tim Barnett Date: 2/21/2011

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

CHRISTIAN WHEELER
ENGINEERING

February 7, 2011

David Mehl
3567 East Sunrise Drive, Suite 219
Tucson, Arizona 85718

CWE 2050787.11

**SUBJECT: RESPONSE TO COMMENTS, PROPOSED SINGLE-FAMILY
RESIDENCE, 5380 CALUMET AVENUE, LA JOLLA, CALIFORNIA**

- REFERENCES: 1) Report of Geologic Geotechnical Investigation, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.2, dated April 21, 2006.
- 2) Comments on Application for Coastal Development Permit and Site Development Permit No. 101888, Mehl Residence, 5380 Calumet *by* Dr. Tim Barnett, dated August 1, 2006.
- 3) Response to Comments, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.6, dated August 21, 2006.
- 4) Response to 1st Cycle Review of Documents, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.3R, dated August 28, 2006.
- 5) Response to 2nd Review/Cycle 5 and 3rd Review/Cycle 9 Cycle Review of Documents, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.4, dated February 22, 2007.
- 6) Response to Christian Wheeler Comments on Barnett 8/1/2006 memo Re- 5380 Calumet *by* Dr. Tim Barnett, dated June 9, 2007.
- 7) Response to Comments, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.7, dated July 11, 2007.
- 8) Response to California Coastal Commission Comments, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.8, dated February 20, 2008.
- 9) Response to California Coastal Commission Comments, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.9, dated April 7, 2008.

10) Update Letter for Report of Preliminary Geotechnical Investigation, Proposed Single-Family Residence Remodel, 5380 Calumet Avenue, La Jolla, California *by* Christian Wheeler Engineering, Report No. 2050787.10, dated June 17, 2010.

11) Objections to Proposed Development at 5380 Calumet *by* Dr. Tim Barnett, dated January 6, 2011

12) Additional Problems and Questions on 5380 Calumet *by* Dr. Tim Barnett, dated January 8, 2011

Dear Mr. Mehl:

In accordance with the request of the project architect, we have prepared this letter to respond to the comments regarding the project from Dr. Tim Barnett, a property owner of a nearby lot (Reference 11, dated January 6, 2011 and Reference 12, dated January 8, 2011). We have only addressed the geologic and geotechnical related comments.

Dr. Barnett Point 1 of January 6, 2011 Memo – Prior Restrictions Ignored

<p>Dr. Barnett states:</p> <p>This is the second go around on this project. It neglects most if not all of the conditions and restrictions imposed during prior reviews by the City and CCC.</p> <p>The earlier approval for this project came with serious conditions and restrictions from both the City and, especially, the California Coast Commission (CCC). The current plan appears to completely ignore those earlier conditions and restrictions. Since it likely the project will again go to the CCC it would seem prudent to include the earlier review issues into the new plan.</p>	<p>CWE Response:</p> <p>This issue will be addressed by the project architect. We believe that all CCC conditions and restrictions have been complied with.</p>
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Dr. Barnett Point 2 of January 6, 2011 memo – Geological Overview

<p>Dr. Barnett states:</p> <p>The proposed project site sits in an active erosion zone. Ten of 13 bluff side, west facing properties surrounding the proposed site have and are experiencing damage due to bluff erosion. It is illogical to grant a setback exception to the normal setback values in such an unstable area.</p> <p>The project is sited in a region of coastal bluff</p>	<p>CWE Response:</p> <p>The amount of possible bluff recession at the subject site proper has been addressed in our previous reports. The City of San Diego Seismic Safety Study classifies the western portion of the site as being located in Geologic Hazard Category 47, which is assigned to coastal areas that are considered to be generally stable with favorable geologic structure, minor to no erosion, and no landslides,</p>
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<p>that is undergoing significant and active erosion; witness the recent erosion caused collapse of the famous Bird Rock arch. In the Sun Gold development of which the proposed development is part, there are 13 homes on the west facing cliffs along the coastal bluff. Photographic and visual evidence shows that 10 of the 13 homes have some form of erosional damage and/or have implemented some form of shore line protection (gunite, tarps, concrete brick walls, etc), c.f. Figure 1. Yet the proposed project demands a special allowance to build only 25' from the bluff edge. How such a minimal setback be granted in view of the serious erosion currently taking place at the site? It makes no sense and is, frankly, irresponsible to grant the 25' setback.</p>	<p>and where the potential risks are classified as low.</p> <p>Considering the conditions at the site (a 30-foot-high bluff underlain predominantly by competent material with a relatively thin layer of terrace deposits, neutral or favorable geologic structure, and the presence of the gently sloping bedrock shelf that tends to reduce wave energy and protect the cliff), bluff top recession is not expected to be significant enough to imperil structures located landward of the 25-foot setback line.</p> <p>Our reports clearly indicate that there could possibly be up to approximately 25 feet of bluff top recession during the projected 75-year economic life of the proposed structure. The applicant is aware of this possibility and has accepted the risk associated with bluff top development.</p> <p>It can be noted that when the residences in the Sun Gold development were constructed in the late 1950s and early 1960s, most were constructed at a distance from the edge of the bluff that would not be allowed under current guidelines of the City of San Diego. A review of the 1963 topographic map indicates that of the 11 houses present at that time, ten of them appeared to be sited at a distance of only approximately 10 feet, or less, from the edge of the bluff. Given that there has been 40 years since the construction of these houses, it is not unexpected that many of them would have experienced an amount of erosion that would have caused the loss of much of the yard and other improvements that might have been sited near the edge of the bluff.</p>
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Dr. Barnett Point 3 of January 6, 2011 memo – Erosion Control vs. Setback

<p>Dr. Barnett states:</p> <p>Existing code does not allow the granting of a 25' setback when subject property has been protected by some stabilization or erosion control. The coastal bluff that is part of Lot 8 has been generously coated with gunite, an erosion controlling substance, that has been very effective in stopping cliff erosion (Figure 2). Therefore, according to statutes noted below, the 25' exception cannot be granted.</p> <p>Section 143.0143(f)2 of the Land Development Code, Coastal Bluffs and Beaches Guidelines states explicitly " If a seawall (or other</p>	<p>CWE Response:</p> <p>This issue was addressed in our previous reports (see References 3, 4, 6, 7 and 8). Our previous reports indicated that we had been unable to find permits from either the California Coastal Commission or the City of San Diego for the placement of the gunite on the face of the bluff to the west and north of the subject property (premises) and that we had been unable to determine who (if anyone) authorized the placement of the gunite.</p> <p>As noted in our previous reports, it is the opinion of</p>
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stabilization/erosion control measure) has been installed due to excessive erosion on a premises, that premises shall not qualify for a reduction of the required 40' distance to the coastal bluff edge". The San Diego Municipal Code specifically says that all development occurring on sensitive coastal bluffs (which this is) shall be in conformance with the above mentioned Coastal Bluffs and Beaches guidelines (sec. 143.0143(i)).

Photos of the proposed building site show the extensive application of gunite to over 1/2 the entire bluff face on the western edge of the property (Figure 2). Gunite is specifically called out as an erosion control (sec 143.0143(g)4. Applying the above statutes means the City violated its own codes, as well as sec 30253 of the California coastal act in approving the 25' setback. ***The 40' setback must be required if the various code sections are to be obeyed.***

The gunite was applied in the early 1970s by Charles Shaw (owner of 5380 at that time) following a disastrous bluff collapse in the area between his property and the lot immediately to the north. The neighbors to the northern lot also joined in the guniting. Neither action was permitted. It has been argued that the gunite is largely on City property. But erosion of the northern half of the bluff on Lot 8 has moved the bluff line into the subject property, i.e. the northern boundary of Lot 8 is now about 8 feet shorter than shown on the original plat maps. As a result most of the gunite is on Mehl land.

The gunite has been an effective erosion control. Note in Figure 2 the protected part of the bluff has experienced no erosion while the southern half with no protection has experienced serious undercutting by the ocean waves.

Finally, one only needs to stand at the bluff edge of 5380 during a high tide to witness the assault on the cliffs by the breaking waves... they actually break on the cliff itself... to realize that without some form of protection the bluff retreat is a certainty. Factoring in the how rising sea level will magnify the problem makes for a grim picture. ***Yet the project proposed, in the first go around, to completely remove the gunite from their section of cliff. This is the height of folly and irresponsibility.***

Christian Wheeler Engineering that the existing gunite does not qualify as shoreline protection under the customary interpretation of the definition used by City of San Diego staff in implementing the provisions and policies of the certified LCP. The City of San Diego's certified Local Coastal Program (LCP) includes Chapters 11 through 14 (referred to as the Land Development Code) of the municipal code and the City of San Diego Coastal Bluffs and Beaches Guidelines, which is considered to be part of the City Municipal Code. The Coastal Bluffs and Beaches Guidelines discusses sites (or "premises") with existing coastal protection devices. Section 143.0143(f) states "If a seawall (or other stabilization/erosion control measure) has been installed due to excessive erosion on a premises, that premises shall not qualify for a reduction in the required 40-foot distance to the coastal bluff edge." The City of San Diego staff has typically interpreted this section to mean both that the coastal protection was installed due to excessive erosion (and not merely as a precautionary or pre-emptive measure) and that the proper permits (or authorization) had been obtained to install the coastal protection device on the property owned by the permittee. In this case, where the owner of the adjacent property to the north apparently installed the coastal protection device without a permit (as a precautionary or pre-emptive measure and not to protect the principal residential structure against imminent foundation failure), and where the gunite was installed almost entirely off the subject property, the gunite should not be considered to be a coastal protection device for the purposes of bluff edge setback requirements.

An examination of the gunite on the face of the bluff indicates that the gunite does not extend into the bedrock material and portions of the gunite have separated from the face of the bluff, suggesting that the gunite might not have been properly designed or installed under the supervision of a qualified engineer. The placement of the gunite on City-owned property would have customarily required approval from the City of San Diego and the issuance of a permit from the City.

Dr. Barnett had previously disputed our contention that the portion of the bluff face on which the gunite was placed is owned by the City of San Diego. A review of documents at the County Assessor's Office indicates that there is a legal lot between the western property lines of the lots on Calumet Avenue and the Pacific Ocean. This legal lot is a long, narrow strip of land that has been

	<p>designated as Sea Rose Place (a “paper” street), and is identified as Assessor’s Parcel Number 415-220-14. Records at the County Assessor indicate that this parcel is 8.7 acres in size and is owned by the City of San Diego.</p> <p>Dr. Barnett also states that the apparent intent of the gunite placement was to protect the subject lot from erosion that had occurred at the northwest corner of the lot. A review of available aerial photographs indicates that some limited historic erosion had occurred on a portion of the lot and on adjacent property. However, it should be noted that portions of the existing residential structure were (and are) apparently located less than 10 feet from the edge of the bluff. A review of the 1963 City of San Diego topographic map indicates that a portion of the principal residential structure, which was constructed in approximately 1961, was located as close as approximately 8 to 10 feet from the edge of the bluff in 1963. The previous owner of the subject site and/or the owner of the adjacent property to the north may have felt the need (whether real or perceived) to attempt to minimize future erosion and the possible loss of additional yard area. It should be noted that the existing, non-conforming structure will be removed and the proposed structure will be located entirely landward (east) of the 25-foot bluff edge setback line, at a location where geotechnical analyses indicate that the foundations of the structure will not be imperiled by coastal erosion for a period of at least 75 years. Further, pursuant to the conditions of approval, the gunite within the site will be removed.</p>
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Dr. Barnett Point 4 of January 6, 2011 memo – 75-Year Design Lifetime

<p>Dr. Barnett states:</p> <p>The most recent, official USGS values of bluff retreat for the site show a retreat rate 3-5 times larger than being used by the project consultants. This means the 75 yr. project lifetime, required by code, will not be realized, and it is not even close. Therefore, approval of the requested 25’ variance is not supported by the best science we have today. The City/State cannot ignore the code requirements and science and approve the variance.</p> <p>The engineering firm who did the geotechnical on the property (CWE) stated the cliff</p>	<p>CWE Response:</p> <p>It should be noted that the USGS publication cited by Dr. Barnett, while a very informative and useful document, was prepared to provide general information on a <u>regional</u> basis. It appears that Dr. Barnett has attempted to apply the overall retreat rate for the region to the specific project site. As professionals dealing with the codes and requirements of the City of San Diego, we are required to perform a site-specific study, and analyze the conditions unique and particular to a specific site in order to evaluate possible hazards and provide an appropriate setback for development purposes. The</p>
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erosion rate is 1/3 foot/year. The proposed house is to be located 25 feet from bluff edge. In 75 years, the required structure design life, erosion at a constant 1/3 ft/yr would place the bluff edge coincident with the western edge of the house. Of course, the house/bluff would likely have collapsed before that time. The 25' setback is clearly a design condition to be avoided. As serious, is the fact that the FOS line will also migrate eastward as the bluff erodes resulting in an increasing threat as time goes on.

There are two key issues regarding bluff life time. The first has to do with the rising sea level (SLR) due to global warming. **This is entirely neglected in evaluating the project!** State of California Interim guide lines for expected SLR by 2070 range from 23-27 inches (roughly 2 feet) and by 2100 to 40-55 inches (roughly 4 feet); source: State of California Sea-Level Rise interim Guidance Document, from Governor's Executive Order S-13-08, October, 2010. **This is essentially the 'semi-official' SLR to be used by the various State agencies, including CCC.** SLRs of these magnitudes will place the mean sea level at essentially the base of the bluffs or above and dramatically change the erosion rates to much higher values than they have been....or are estimated above. Remember that even with constant sea level...no anthropogenic rise....the house will be at the bluff's edge in 75 years according to the project's consultants. **Clearly, SLR will accelerate the occurrence of this design condition and a project life of 75 years will NOT be realized.**

One must account also for the facts that el Ninos and storm surge will ride on top of the anthropogenic increase in sea level. This means larger waves can attack the bluff since the water at its base is deeper. Finally, calculations show the higher water levels will allow more 'face time' for the ocean to attack the bluff directly, as the ocean and bluff will be in direct contact nearly 10 times longer in the future than they are today (the comments of Consultant Seymour are irrelevant to this conclusion, cf. Flick, 2001)). *Accounting for all these factors suggests the house would be gone decades before the 75 year design time if placed just 25' from the bluff edge.* Clearly, if approved this would be a violation of the land Development Code (sec 143.0143(f) and Coastal Act (30253) requiring a 75 year design lifetime. **The 40' setback must be required if the various code sections are to be obeyed.**

setback for bluff top properties is commonly determined by three methods. These methods include a determination of the 1.5-factor of safety line by a slope stability analysis, an assessment of possible bluff retreat in a 75-year period, and the code-mandated minimum 25-foot setback. Whichever method results in the greatest setback is the one used for development purposes. In this particular case, both the 1.5-factor of safety line and the projected 75-year bluff recession line were determined to be seaward of the 25-foot bluff setback; therefore the 25-foot setback applies to this project.

We have not said that coastal bluff retreat **will** be 0.33 foot per year, or 25 feet in 75 years. What we have said is that a rate of 0.33 foot per year can be used as the "design" rate of retreat, and that bluff top recession is not expected to be more than 25 feet in 75 years, thus providing a safe condition for the foundation of the principal residential structure for its projected economic life of 75 years.

The issues of rising sea levels and El Ninos were addressed in our previous reports (see Reference 3, 4, and 5), and was addressed by Dr. Richard Seymour (see attached). Our previous analyses had indicated that even considering the rise in sea level and the effect of El Ninos, bluff top recession was not expected to be more than 25 feet in 75 years.

<p>The second factor is the actual observed and projected rate of bluff retreat. CWE, the project consultants, estimated a 0.33 ft/yr retreat rate from observations without considering SLR. This estimate, while fatal to the project, is a guess since CWE specifically state they have no experience in this area.</p> <p>The most authoritative study to date, by the US Geological Survey, suggests extreme erosion rates in San Diego of 5.2 feet/yr (Hapke and Reid, 2007, National Assessment of Shoreline Change, Part 4, USGS Open file 2007-1133). Inspection of Hapke and Reid (2007) figure 39 show the actual retreat rates are highly variable from location to location. Regional values, at the proposed site, range from 0.75 to 1.5 feet/yr. These numbers are in agreement with earlier estimates by Flick (2005), Young and Ashford (2006), Jaffee (2003) and Benumof and Griggs (1999). But they are 3-5 times bigger than the estimates of CWE. Taking the lower rate, 0.75 ft/yr, suggest project life times of order only 20 years. Code requires the design life time be 75 years. The strongest and most recent estimates from USGS and others shows allowing the 25' setback is irresponsible and is not justified by the science.</p>	
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Dr. Barnett Point 5 of January 6, 2011 memo– Setback Calculation a la CCC

<p><i>The 40' setback (or more) must be required if CCC follows its own guidelines for setback calculations.</i></p> <p>Using the CCC suggested method of computing setbacks for new construction (Johnsson, 2003), together with the numbers for USGS bluff erosion rate (75'/100 years) and 1.5FOS line (25' from bluff edge) supplied by the engineering firm hired by Mehl, demands a setback of between 50-60 feet. How can the CCC ignore its own mandated methods and approve the 25' setback?</p>	<p>CWE Response:</p> <p>This issue was addressed in our previous reports (see References 8 and 9).</p> <p>In the 2003 memorandum from Dr. Mark Johnsson, the staff geologist for the Coastal Commission, to the commissioners of the Coastal Commission, Dr. Johnsson suggested that the slope stability analysis of coastal sites be performed assuming that the 75-year period of projected bluff top recession had already occurred. This approach is quite conservative and would amount to a “double setback” for most bluff top properties. We understand that this “double setback” has been enforced in some locations in California. However, most geotechnical consultants and most municipalities in southern California (including the City of San Diego) think that this approach is overly</p>
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conservative and should not be used for most single-family residential projects. The City of San Diego has typically required that the computed factor of safety for slopes that might affect improvements be at least 1.5 for new improvements; however, as the improvements age and approach the estimated economic "end of use", the factor of safety is also allowed to decrease, provided that the factor of safety still meets some reasonable standard (such as 1.1 or 1.2). The City of San Diego typically requires that both a 75-year bluff recession analysis and a slope stability analysis of the existing conditions be performed. Whichever method results in a greater setback is used for the recommended structural setback.

However, in order to determine the approximate location of the 75-year factor of safety line, we have analyzed the slope stability conditions, assuming that the configuration of the bluff will be affected by erosion for the next 75 years, resulting in a slope with a steep lower bluff and a flatter upper bluff. As discussed in our previous reports, the bluff at the site is relatively low (approximately 25 to 30 feet) and the bluff is characterized largely by competent bedrock with a relatively thin (less than 10 feet) cap of Quaternary-age sediments. These topographic and geologic conditions result in a relatively small setback from the top of the bluff when the slope stability analysis is performed. The results of our preliminary slope stability analysis indicate that the projected 75-year factor of safety line is still within the previously recommended 25-foot setback from the edge of the bluff.

We have received additional information from the Coastal Commission, indicating that the recommended setback for new improvements at the subject site was determined by the Coastal Commission staff geologist by combining the present 1.5 factor of safety line with an additional 25 feet of setback. The information was transmitted in a transcribed voice mail message and included a drawing that shows the approximate location of the setback recommended by the Coastal Commission. The setback was apparently based on the assumption that the average bluff recession at the site would average approximately 0.33 foot per year (resulting in approximately 25 feet in 75 years).

While we do not necessarily agree with the CCC recommended setbacks the applicant/owner decided to accept the CCC recommended setback and designed the project accordingly.

As discussed in our previous reports, the bluff at the site is relatively low (approximately 25 to 30 feet) and the bluff is characterized largely by competent bedrock with a relatively thin (less than 10 feet) cap of Quaternary-age sediments. The 0.33-foot average annual bluff recession rate presented in our previous reports would be for overall *bluff top* recession and would include both approximately 10 to 15 feet of basal recession combined with an additional ten feet of recession in the terrace deposits (only on the southern portion of the lot). The upper portion of the bluff is currently "oversteepened" on the southern portion of the lot. If approximately 10 feet of basal recession, combined with a flattening of the Quaternary-age sediments to a more stable angle of approximately 40 degrees, were to occur on this portion of the lot, the configuration of the bluff would be such that all portions of the lot landward of the top of the bluff would have a factor of safety of at least 1.5, (and the top of the bluff would be located seaward of the current 1.5 factor of safety on the southern portion of the lot). If deemed necessary to add the 10-foot buffer, the setback line would be ten feet landward of either the anticipated top of the bluff at the end of the 75-year period or ten feet landward on the anticipated location 1.5 factor of safety line at the end of the 75-year period. By adding the 10-foot buffer to whichever line is farther landward, the bluff setback line is seaward of the 25-foot setback from the edge of the current top of bluff on the northern and central portions of the site, and at approximately the same location (or only a few feet landward) as the 25-foot setback from the current top of bluff on the southern portion of the lot.

It is our opinion, based on the current and anticipated conditions at the site, that a 25-foot setback from the current edge of the bluff (not a 25-foot setback from the current 1.5 factor of safety line) is adequately conservative and appropriate for this project.

In addition, we have analyzed the effects of postulated sea level rise on the slope stability analysis. Our analysis indicates that a postulated rise in sea level of approximately 0.6 meter would have only a minor effect on the slope stability analysis. This is due to the geometric and geologic conditions at the site (a low coastal bluff underlain predominantly by competent bedrock material).

Dr. Barnett Point 6 of January 6, 2011 memo– Swimming Pool

<p>Dr. Barnett states:</p> <p>The applicant proposes to build a swimming pool at the edge of a coastal bluff undergoing active erosion, in the middle of a protected coastal view corridor, ignoring setbacks mandated by the California Coastal Commission. Failure of the pool, due to nearby seismic faults or other mechanisms, would wash out a substantial area of the lot on which it was placed, likely impacting the neighboring lots as well. Further, construction of such a pool breaches Grant Deed and C&R restrictions on the subject property and would require violating existing City Code. Permission to build the proposed pool must be denied.</p> <p>The view easements for this property (Lot 8 of Sun Gold Point) were defined in the original grant deed (April 14,1955). Those easements and restrictions were carried over in a set of C&Rs and subsequently into the LJ Community Plan and the area is now listed as the San Colla Overview. The proposed new pool is to be built within the view easement. Were this to happen it would be a breach of contract and a code violation and said “premises would revert to the grantor or its successors or assigns”:</p> <p>The original Corporation Grant Deed for the property states “That no house, building or other structure shall be erected or maintained on that portion of said Lot 8” (the easement section described in the Deed). A swimming pool is clearly ‘a structure’, so its placement in the easement would constitute a breach. As I understand it, these Deed restrictions ‘run with the land’ and have no expiration date. These Deed Restrictions do not allow a pool to be built in the easement as currently proposed.</p> <p>The Conditions and Restrictions (CRs) for Sun Gold, established 15 April, 1955 by the original owner of the Sun Gold Point Subdivision, state in Item 12 that “.. on Lot 8..no fence , rail, wall or hedge shall exceed 42 inches in height.” This height restriction is in direct conflict with the code requirements for a higher fence surrounding a swimming pool. These original CC&Rs run with the land and ‘continue automatically’ in ten year sequences unless revoked or amended by 50% of the home owners in Sun Gold Point within six months of the end of each decadal slice. Said</p>	<p>CWE Response:</p> <p>Most of the issues relating to the swimming pool will be addressed by the project architect. However, we will readdress the issue of groundshaking at the site due to fault movement along faults in the area. Seismic design parameters for the proposed project were provided in our previous reports (Reference 1 and reference 10). These reports indicate that moderate to strong groundshaking might be expected at the site. The structural engineer has used the appropriate seismic values in the design of the proposed structures.</p> <p>Please note that the relocated swimming pool is landward of, and respects the CCC recommended setback from the coastal bluff.</p>
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<p>changes have to be made a part of the public record via San Diego County Recorder. A series of title searches through the material in the Recorder's office failed to find any evidence that the original C&Rs were ever revoked and so are still in force today, even with no sitting Architectural Jury. The fence height incompatibility issue dictates no swimming pool can be built on the sight.</p> <p>The proposed location of the swimming pool places its western third seaward of the set back line specified by the CCC for construction on this property. So the proposed pool site is not in conformation with the pronouncements of the CCC. The CCC set back has been ignored and so the pool is non conforming and cannot be allowed.</p> <p>Finally, we note that fault lines exist both northward and southward from the proposed pool (ref SDSSS maps). In the former case the fault is approximately 0.3 miles from the proposed pool site. The pool site is approximately 0.5 miles from the larger Tourmaline fault. The large Rose Canyon, Pt. Loma and La Jolla faults are on the order of 1-3 miles from the proposed pool site. In short, the risk of seismic damage to said pool is real. Failure of the pool would result in a wash out of the western portion of Lot 8, as well as cause similar problem for neighbor side of the site. Something along these lines happened this Spring when a section of the lot at 5322 Calumet gave away. Although due to natural seepage, this type of failure is common along Calumet Ave. Attempts to 'double line' or otherwise make the pool earthquake safe are going to be useless if even a moderate quake strikes any of the faults noted above. The expected erosion alone would render the life time of the pool at around 20 years.</p>	
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Dr. Barnett Points 7 through 10 of January 8, 2011 memo

<p>Dr. Barnett states:</p> <ol style="list-style-type: none"> 7. The consultants have provided NO analysis of the impacts of el Nino or sea level rise on the bluffs and their retreat rate. This information is specifically required by Code. 8. The consultants need to provide an explicit opinion as to whether the erosion rate at the site will remain the same 	<p>CWE Response:</p> <p>These items were addressed in our previous reports (see References 3, 4, 5, 6, and 8) The effects on El Nino events and rising sea level were addressed by Dr. Richard Seymour.</p>
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<p>without the gunite protection currently in place.</p> <p>9. The consultants need to provide an explicit opinion as to whether the erosion rate they use to calculate bluff retreat rate will stay the same as sea level rises over the coming years.</p> <p>10. The consultants state they do not practice coastal engineering with respect to 9. and 10. above. Instead they refer to work done at a different site, assuming it will apply to this project. If that information was prepared by another consultant, the current geotechnicals must state that they agree with the data and conclusions of those consultants and that they are applicable to the present site.</p>	
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If Dr. Barnett has a geotechnical report from a licensed geotechnical consultant, we would be happy to review the report and address the issues therein. If no such report is available, it is our opinion that the setbacks previously recommended by our firm remain valid and appropriate for the subject project.

If you have any questions regarding this letter, please do not hesitate to contact this office. Christian Wheeler Engineering appreciates this opportunity of providing professional services for you for the subject project.

Respectfully submitted,
CHRISTIAN WHEELER ENGINEERING




Curtis R. Burdett, CEG 1090

CRB:crb

cc: (1) Submitted

(5) Architect Mark D. Lyon & Associates, 410 Bird Rock Avenue, La Jolla, CA 92037

RJS
Meh

RICHARD J SEYMOUR, PH.D.
CONSULTANT IN COASTAL OCEANOGRAPHY
6530 MANANA PLACE, LA JOLLA, CA 92037
858-459-0097

Matthew A. Peterson
Peterson & Price
655 West Broadway, Suite 1600
San Diego, CA 92101-3301

Subject: Analysis of Effects of Sea Level Changes at 5380 Calumet Ave., La Jolla, CA

Dear Mr. Peterson:

As you requested, I have made an investigation of the subject property and have prepared a report on the impact of changes to sea level. In part, my analysis addresses concerns contained in a document identified as "A-6-LJS-07-114, Page 7", which I understand is from a Coastal Commission staff report.

As you may or may not be aware, I earned a Ph.D. in Oceanography in 1974 from the Scripps Institution of Oceanography (SIO) of the University of California, San Diego.

From 1974 until 1984, I was Staff Oceanographer for the California Department of Boating and Waterways, resident at SIO and directed research programs in coastal sediment transport as well as providing scientific support on questions of beach nourishment, coastal erosion and harbor design to the department. I served as the Program Director for the Nearshore Sediment Transport Study, which involved nine investigators from six institutions, from 1977 to 1983. I was editor of the monograph, "Nearshore Sediment Transport", which served as the final report for this project.

In 1984, I was appointed as head of the Ocean Engineering Research Group at Scripps and have continued until the present time in that position and as the principal investigator on a wave measurement project that I initiated in 1976. This wave network, the Coastal Data Information Program (CDIP), includes stations along the California, Oregon and Washington coastlines and in several eastern states and Hawaii.

I have been retained as a consultant in coastal processes by the Corps of Engineers, by the State of California for coastal erosion and boundary determination questions, by the Coast Guard investigating a tanker grounding, as well as a number of municipalities and engineering firms. I chaired a panel of the National Academy of Engineering's Marine Board that investigated the state of the technology in beach protection and nourishment. The report of that panel, "Beach Nourishment and Protection" became the best-selling volume ever produced by the National Academy Press. I have also served as Vice-Chair and Chair of the Marine Board.

I recently completed a three year membership on the Ocean Research and Resource Advisory Panel created by Congress to advise federal agencies at the cabinet secretary level on Ocean Policy. I am presently a member of the Coastal Engineering Research Board, which provides advice on coastal research directly to the Chief of the

Corps of Engineers. I am the recipient of the Johnson Medal of the California Shore and Beach Preservation Association and the Moffatt & Nichol Harbor and Coastal Engineering Medal from the American Society of Civil Engineering..

I am a Fellow of the American Society of Civil Engineers, the American Society of Mechanical Engineers and the Marine Technology Society. I have published over 150 books, journal articles and reports on ocean engineering.

If you require any further information please advise me.

Sincerely yours,

Richard J. Seymour

Attachment:

Analysis of Effects of Sea Level Changes at 5380 Calumet Ave., La Jolla, CA

**Analysis of Effects of Sea Level Changes at 5380 Calumet Ave.,
La Jolla, CA**

December 1, 2007

Prepared for

**Matthew A. Peterson
Peterson & Price
655 West Broadway, Suite 1600
San Diego, CA 92101-3301**

**Richard J. Seymour, Ph.D.
Consultant in Coastal Oceanography
6530 Manana Place
La Jolla, CA 92037**

Analysis of Effects of Sea Level Changes at 5380 Calumet Ave., La Jolla, CA

Reference: Document identified as "A-6-LJS-07-114, Page 7", understood to be from a Coastal Commission staff report, referred herein as "Page 7."

Assumptions:

1. The Christian Wheeler Engineering (CWE) estimate of a third of a foot per year erosion at this site is based on a long term view and most certainly would not be meant to imply a uniform rate, as opposed to the view indicated in Page 7.
2. Based upon my observations and the tide tables, the appellants' assertion that the foot of the bluff is "about mean high water" appears to be essentially correct. On 1 December, 2007, at 9AM the tide tables show a level of almost exactly mean sea level. At that time the foot of the bluff was observed to be about a meter above sea level.
3. Erosion of the cliff has been, and will continue to be, highly episodic and will be dominated by a very small number of exceptional storms or series of storms.

Analysis:

We have been measuring sea level for more than 100 years. Until about 1990 the rate of rise, averaged over the span of years, was about 15 cm (6 inches) per century. Therefore, any erosion rate observations (such as CWE) based upon historical data include effects, if any, of rising sea level.

Using the very current analysis of Stefan Rahmstorf (2007) there has been a rate change to 35 cm (14 inches) per century, which is consistent with the highest of the three scenarios in the IPCC report of 1991. Attributing all of the increase in rate to climate change, this means that, over the projected 75 year lifetime span of the project, sea level could be expected to rise 15 cm (6 inches) due to the assumed effects of climate change and 26 cm (10 inches) including all causes.

This change can be compared with other causes of sea level rise. During the El Nino events of 1982-83 and 1997-98 sea level was elevated above mean sea level by more than 27 cm (10 inches) and remained elevated for a period approaching a year in each instance. Therefore, in these two modern events, a rise in sea level equal to that projected from all causes over the 75 year project lifetime occurred within a few months. Although it is well documented that the 1982-83 winter produced significant coastal erosion in many locations, it also produced a large number of the most energetic wave events in the recorded history of this coast. The differences between maximum annual tide ranges varies by about 15 cm (6 inches) over a 17 year period, and this will occur at least 4 times during the 75 year project lifetime (Flick et al, 2003.) Shoaling waves produce a combination of set-up and run-up that increase sea level at the beach episodically to a level about 30% of the wave height outside the surf zone. Thus an increase of wave

height by 50 cm (20 inches) results in higher water elevation on the shoreline of about 15 cm (6 inches.) It is obvious from these comparisons that any potential effects on the shoreline by a gradual increase over 75 years of 15 cm (6 inches) caused by climate change must be a trivial factor relative to other level change causes.

Page 7 asserts that “the attack time will lengthen” and “the higher sea level will allow large waves to attack the bluff before they break.” Both of these assumptions are incorrect. They both are based on the erroneous assumption that the beach will remain where it is when sea level increases. The beach at the site in question, and extending for considerable distances in either direction, is well armored with large cobbles and very large slabs of rock washed ashore from wave attack on the offshore reefs. These reefs are important to the erosion resistance of the cliffs both because of removing energy from the waves and as a source of rock to form the beach. [The author is intimately acquainted with these reefs at this very location, having more than 100 hours of bottom time with scuba in the Calumet Park area.] Rather than being inundated by sea level rise, the beach and the nearshore will readjust to the new level over time such that waves and tides will see the same profile that exists today. This is the principle of beach equilibrium and is the reason why we have beaches today even though sea level has risen over 200 feet in the last 10,000 years. Note that this process takes time. It does not occur during the relatively brief periods when El Ninos or extreme tides exist, but the adjustment will have no problems with staying in step with changes of less than an inch in a year.

The net effect is that **the erosion rate on the cliff toe will be the same as it would have been with no increase in sea level due to climate change**, although it will occur several inches higher.

References:

Rahmstorf, S. , 2007, A Semi-Empirical Approach to Projecting Future Sea-Level Rise. *Science* Vol. 315. no. 5810, pp. 368 – 370

Intergovernmental Panel on Climate Change, 2001. *Climate Change 2001: Synthesis Report* IPCC, Geneva, Switzerland. pp.184.

Flick,R., Murray, J. and Ewing, L., 2003, "Trends in United States Tidal Datum Statistics and Tide Range," *Jour. Waterway, Port, Coastal and Ocean Eng.*, 129(4), 155-164)



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: February 9, 2011 REPORT NO. HO 11-017

ATTENTION: Hearing Officer

SUBJECT: MEHL RESIDENCE
PTS PROJECT NUMBER: 214566

LOCATION: 5380 Calumet Avenue

APPLICANT: Mark D. Lyon, Inc.

SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit No. 765973 and Site Development Permit No. 765974 to demolish an existing one-story single family residence and construct a two-story, 4,569 square-foot single family residence with a roof deck and attached two-car garage on a 8,282 square-foot lot?

Staff Recommendation -

APPROVE an application for Coastal Development Permit No. 765973 and Site Development Permit No. 765974.

Community Planning Group Recommendation – On November 4, 2010, the La Jolla Community Planning Association voted 14-0-1 to recommend approve the project with no additional recommendations or conditions.

Environmental Review – Previously Certified Negative Declaration No. 101888 was relied upon for this project.

BACKGROUND

The project site is located at 5380 Calumet Avenue and is within the RS-1-7 Zone, the Coastal Overlay (appealable), Sensitive Coastal Overlay, First Public Roadway, Coastal Height Limit, Beach Impact, Transit Area and Residential Tandem Parking Overlay Zones, and within the La Jolla Community Plan Area. The proposed demolition and construction of a single family residence requires a Coastal Development Permit in accordance with the San Diego Municipal Code (SDMC) Section 126.0702. A Site Development Permit is also required by SDMC Section

126.0502 since the site contains environmentally sensitive lands in the form of sensitive coastal bluffs.

On October 10, 2007, the project was approved by Hearing Officer, and on November 2, 2007 Mr. Tim Barnett appealed the Hearing Officer decision to the California Coastal Commission (CCC). The CCC approved the project, but that entitlement has since expired. Therefore, the applicant has again applied for the discretionary permits.

The project relies upon Negative Declaration No. 101888 prepared for the project in the prior approval process and finalized on September 10, 2007.

DISCUSSION

The subject property is an interior lot located on the bluff top above the Pacific Ocean between Colima Court and San Colla Street. The site has a grade differential of approximately 25 feet at the western cliff edge and the beach below. The existing residence is currently 10 feet from the coastal bluff edge. The proposed residence has been designed to have a 25 foot setback from the bluff edge. This is predicated on a geologic investigation report conclusion that the new construction will not be affected by bluff instability for at least 75 years. It is anticipated that the structure should have a similar economic life span.

Dedicated public access points to the Pacific Ocean are located north of the site via a stairway from Bird Rock and south via a pathway and stairs from Linda Way. The public can access the base of the bluff in front of the project site (Attachment 1).

The La Jolla Community Plan and Local Coastal Program have identified San Colla Street, directly east of the project site, as a Scenic Overlook. This Overlook extends from the San Colla right of way over a portion of the project site. The proposed residence has been designed and would be conditioned to maintain and comply with an existing deed restriction on the south side of the property prohibiting the construction or maintenance of any structures or landscaping material exceeding three feet in height within the existing deed restricted area. In addition, the project has also been designed and would be conditioned to provide a view easement the width of the north side yard along the full depth of the site to preserve and enhance a designated public view. No landscaping, solid walls or fences in excess of three feet in height would be allowed.

Due to permit conditions and deed restrictions, the proposed residence would not obstruct coastal or scenic views from any public vantage point. The proposed project would not increase the existing building footprint and no public views to and along the ocean would be blocked. In addition, the proposed home would be consistent with the height of any existing structures within this particular neighborhood and would not obstruct public views to, or along the ocean.

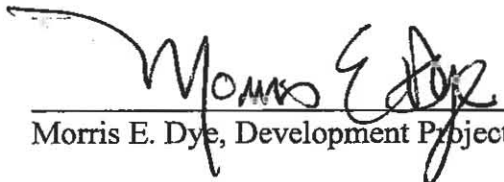
Currently, a portion of the base of the bluff contains air-placed concrete (gunite). Most of the gunite is on City Property. A small portion of the gunite is located within the subject property. The specific date of construction of the gunite is not known, however, aerial photographs document the placement of the gunite sometime in the 1960s to early 1970s. This was prior to

City of San Diego and the State of California permit requirements for such devices. Project design and permit conditions would maintain all areas west from the coastal bluff edge in a building restricted easement to preserve the coastal bluff. Proposed permit conditions would require all existing improvements west of the coastal bluff edge that can be removed without damage to the coastal bluff be removed prior to the final inspection by the City. Improvements west of the five-foot coastal bluff edge setback that cannot be removed as a part of this project due to the potential for bluff damage must be allowed to naturally erode. The property owners must remove and properly dispense of any and all debris resulting from the natural erosion of such improvements. No future bluff stabilization measures are allowed. In addition, the owners must waive all rights to new protective devices associated with the subject property.

ALTERNATIVES

1. Approve Coastal Development Permit No. 765973 and Site Development Permit No. 765974, with modifications.
2. Deny Coastal Development Permit No. 765973 and Site Development Permit No. 765974, if the findings required to approve the project cannot be affirmed.

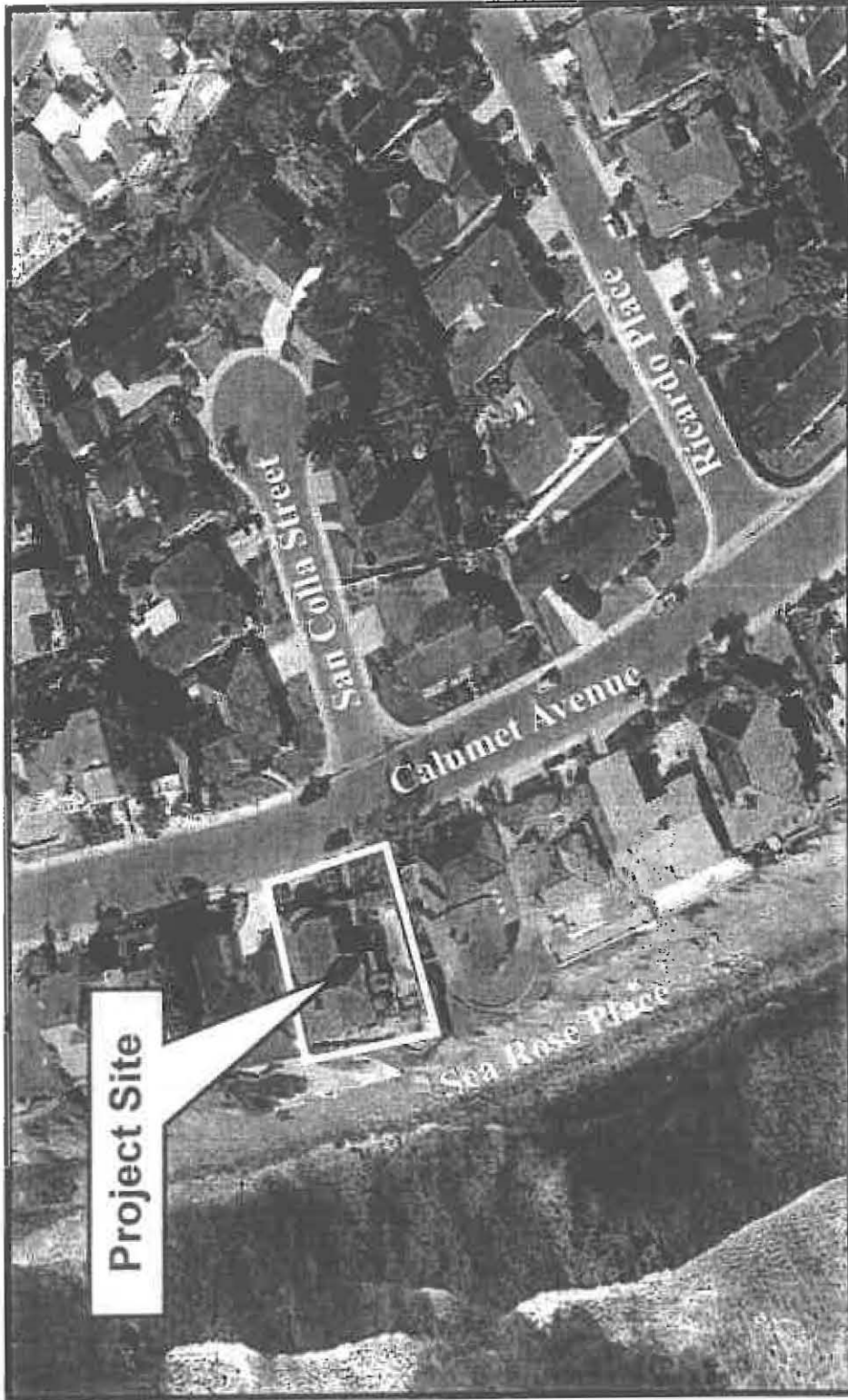
Respectfully submitted,



Morris E. Dye, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Negative Declaration No. 101888
8. Project Plans
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement

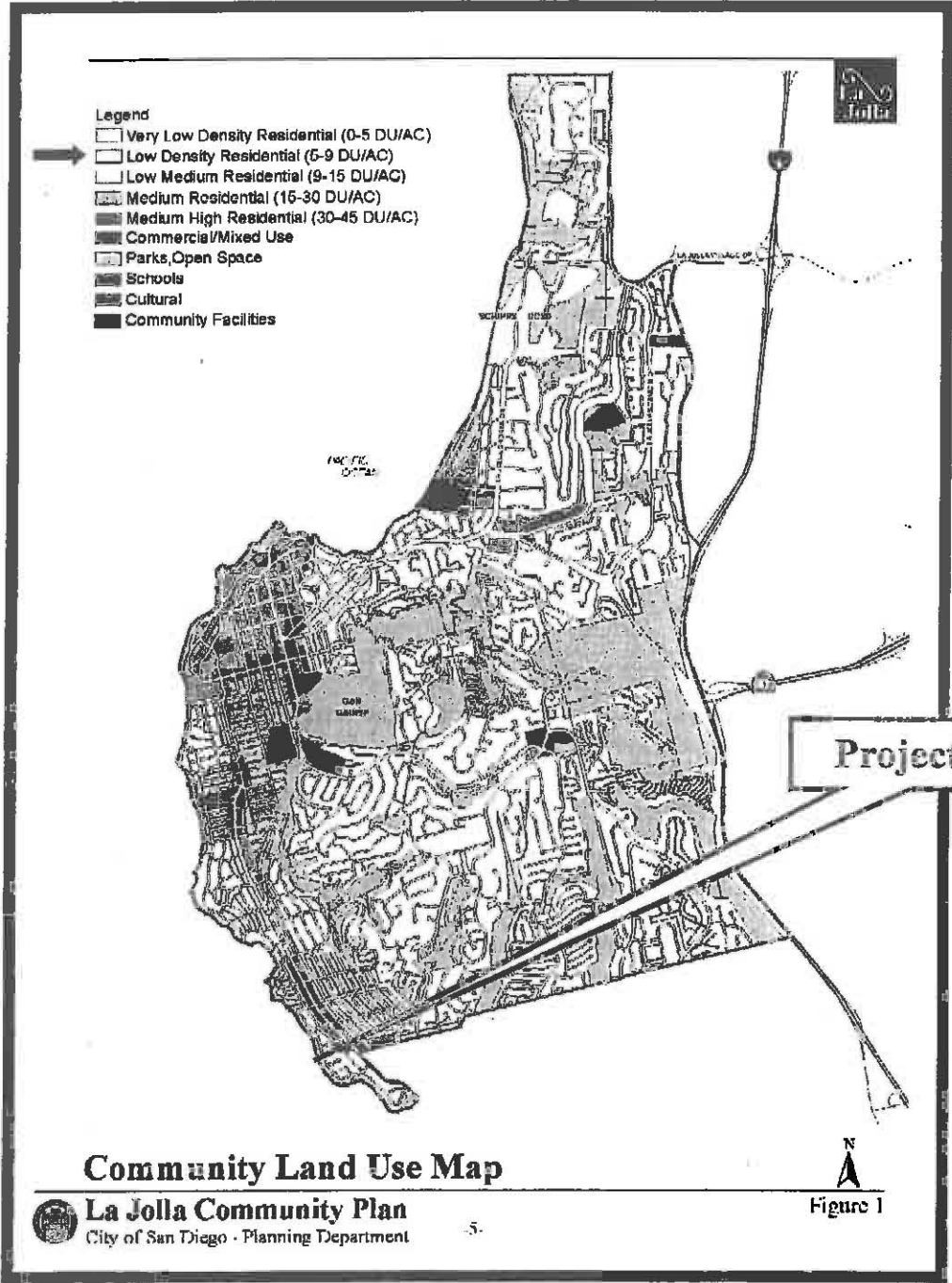


Aerial Photo

MELL RESIDENCE - 5380 CALUMET AVENUE

PROJECT NO. 101888



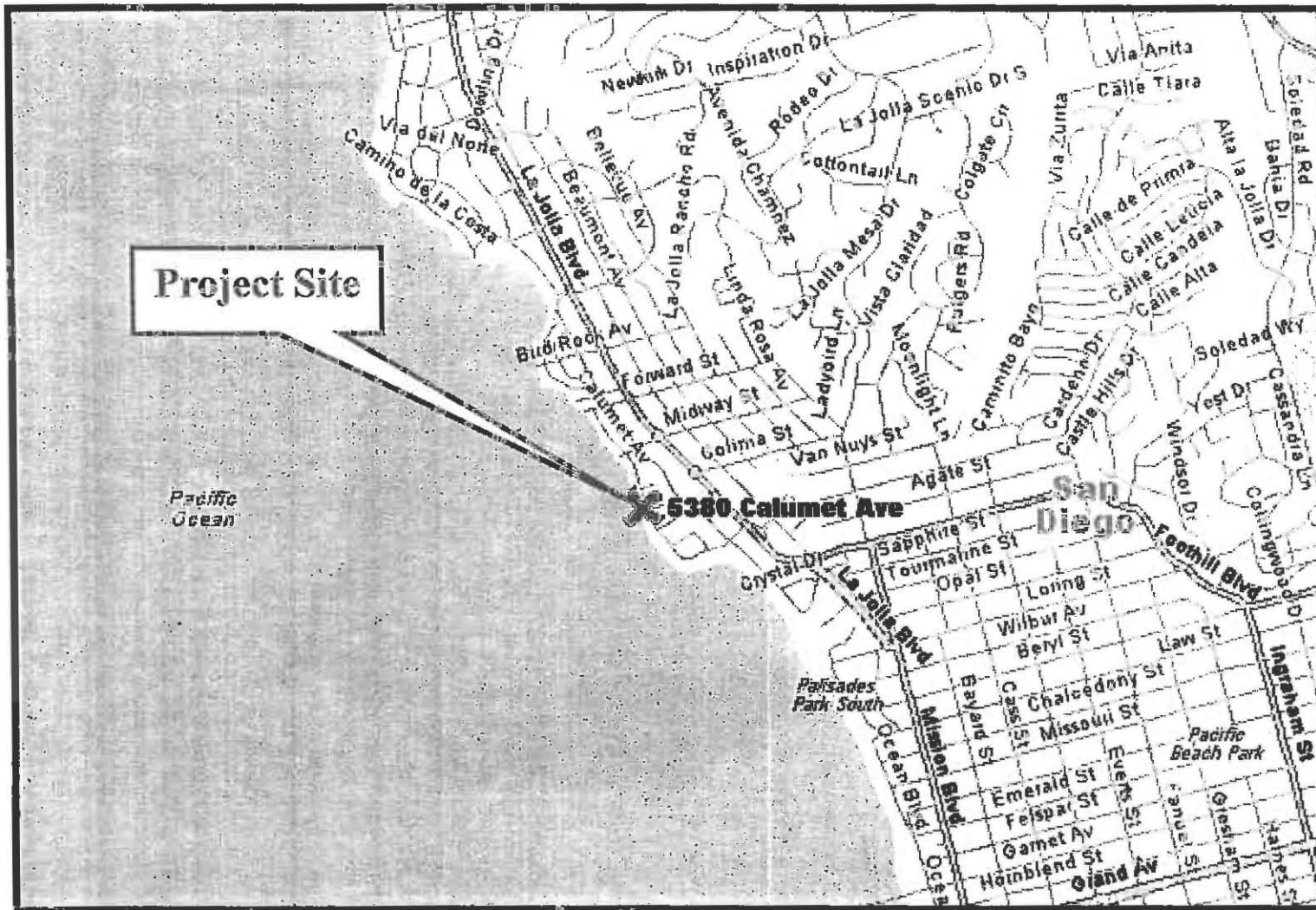


Community Plan Land Use Map

MEHL RESIDENCE - 5380 CALUMET RESIDENCE

PROJECT NO. 101882 - LA JOLLA





Project Site

Pacific Ocean

5380 Calumet Ave

San Diego



Project Location Map

MEHL RESIDENCE – 5380 CALUMET AVENUE
PROJECT NO. 101888



PROJECT DATA SHEET

PROJECT NAME:	5380 Calumet Avenue	
PROJECT DESCRIPTION:	Demolition of an existing single family residence and construction of a 4,569 square foot, two-story single family residence.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Low Density Residential (5-9 du/acre)	
<u>ZONING INFORMATION:</u>		
ZONE: RS-1-7		
HEIGHT LIMIT: 30-foot maximum height limit/ Proposed 29 feet 4 inches		
LOT SIZE: 5,000 square-foot minimum lot size/ Existing 8,282 square feet		
FLOOR AREA RATIO: Maximum .56 / Proposed .55		
FRONT SETBACK: 15 feet minimum / Proposed 15 feet		
SIDE SETBACK: Minimum 4 feet 4 inches ~ 12 feet 6 inches / Proposed 4 feet 4 inches ~ 20 feet		
STREETSIDE SETBACK: N/A		
REAR SETBACK: Minimum 25 feet / Proposed 25 feet		
PARKING: 2 spaces required/ Proposed 2 spaces		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	RS-1-7	Residential
SOUTH:	RS-1-7	Residential
EAST:	RS-1-7	Residential
WEST:	Pacific Ocean	Pacific Ocean
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On November 4, 2010, the La Jolla Community Planning Association voted unanimously (14-0-1) to approve this project, with no conditions.	

HEARING OFFICER
RESOLUTION NO. HO-
COASTAL DEVELOPMENT PERMIT NO. 765973
SITE DEVELOPMENT PERMIT NO. 765974
MEHL RESIDENCE

WHEREAS, David and Bonnie Mehl, Owners/Permittees, filed an application with the City of San Diego for a Coastal Development Permit and Site Development Permit to demolish an existing one-story single family residence, relocate a swimming pool landward and construct a 4,569 square-foot, two-story, single family residence with a roof deck and attached, two-car garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 765973 and Site Development Permit No. 765974), on portions of a 0.19-acre site;

WHEREAS, the project site is located at 5380 Calumet Avenue, in the RS-1-7 Zone in the Coastal Overlay Zone (appealable), the Sensitive Coastal Overlay Zone, the First Public Roadway, the Coastal Height Limitation Overlay Zone, the Beach Impact Overlay Zone, the Transit Area Overlay Zone, and the Residential Tandem Parking Overlay Zone, in the La Jolla Community Plan Area and Local Coastal Program Area;

WHEREAS, the project site is legally described as Lot 8, Sun Gold Point, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3216, filed in the Office of the County Recorder of San Diego County, April 14, 1955;

WHEREAS, on February 9, 2011, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 765973, Site Development Permit No. 765974 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

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

That the Hearing Officer adopts the following written Findings, dated February 9, 2011.

FINDINGS:

A. COASTAL DEVELOPMENT PERMIT FINDINGS

- 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; AND**

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal

Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The nearby Calumet Avenue neighborhood, adjacent to, and across from, the proposed project, is fully developed. The subject property is not identified in the City's adopted Local Coastal Program ("LCP") Land Use Plan as a public access way. There is no physical access way legally used by the public on this property or any proposed public access way as identified in the LCP Land Use Plan. There are two vertical public access ways down to the rocky shoreline within the immediate area. The first is located north of the site at Bird Rock Avenue. The second public access way is south of the subject site at Linda Way. There is also a public park (overlook) about 150 feet to the north, called Calumet. From this park there are unobstructed expansive views to, and along, the shoreline. The site is privately owned and improved with a single family residence, and therefore would not encroach upon any existing physical access way legally utilized by the general public. The proposed development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the La Jolla Local Coastal Program land use plan. The proposed development conforms to all the requirements of the RS-1-7 Zone and the Environmentally Sensitive Coastal Bluff Regulations. The La Jolla Community Plan has identified San Collas Street, the cul-de-sac directly in front of this residence, as a Scenic Overlook where a view down a public right of way through a portion of private property can be seen. The residence was designed and conditioned to comply with an existing deed restriction on the south side yard which contains language prohibiting any structures and maintenance of landscape material to a maximum height of three feet, zero inches within this visual corridor (10 feet on the south and four feet, four inches on the north). The development as proposed with the conditions of the permit will enhance and protect this identified public view.

The proposed home will not obstruct coastal or scenic views from any public vantage point. There will not be any increase in building footprint of the existing structure that would, from a public vantage point, result in public views blockage to, and along the ocean. The proposed home would be consistent with the height of many existing structures within this particular neighborhood. It has been concluded that implementation of the various improvement features will not adversely obstruct public views to, or along the ocean or other scenic resources.

The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way 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 (also see Findings 2-4 below).

As there is no physical access way near the project and the project would not obstruct any public views, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

2. THE PROPOSED COASTAL DEVELOPMENT WILL NOT ADVERSELY AFFECT ENVIRONMENTALLY SENSITIVE LANDS; AND

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The project site, located within an urbanized area of La Jolla, contains environmentally sensitive lands in the form of sensitive coastal bluffs. Currently, the base of the bluff contains air-placed concrete (gunite). Most of the gunite is on City property. A small portion of the gunite is located within the subject property. The specific date of construction of the gunite is not know, however, aerial photographs document the placement in the 1960s and early 1970s. This was prior to permit requirements for such devices by both the City of San Diego and the State of California. However a project Permit Condition No. 40 requires that the owners/permittees remove the non-conforming gunite located within the subject property on the bluff.

The entire project site is graded and padded as a result of construction of the existing home and associated improvements on the property. No further grading of the site would be required to implement the various improvement features proposed on the subject property. No natural slopes, sensitive coastal or marine resources or other environmentally sensitive areas would be adversely affected.

The proposed home and pool are not located on the portion of the property containing the coastal beach or special flood hazard areas. The project site is located in an urbanized area of the La Jolla Community Plan. The developed site does not contain sensitive biological resources. The site is not within or adjacent to the City's Multiple Species Conservation Program (MSCP). A Negative Declaration was prepared for the project examining Geologic Conditions and Visual Quality. It was determined that the project would not have a significant effect on the environment. Therefore, the proposed development will not adversely affect environmentally sensitive lands.

The existing residence (to be demolished) is approximately 10 feet from the bluff edge and, as such, does not conform with the requirements of the Certified LCP. The proposed residence has been designed to have a 25-foot setback from the bluff edge. This is predicated on a geologic investigation report conclusion that the new construction will not be affected by bluff instability for at least 75 years. It is anticipated that the structure should have a similar economic life span. Pursuant to the previously issued City CDP NO. 335185 and the California Coastal Commission Permit A-6-LJS-07-114, a small portion of the home was authorized to be cantilevered into the CCC recommended Geologic Setback. Further, no grading is proposed for the residence. The project as designed and conditioned will ensure the sensitive coastal bluff will not be adversely impacted by the proposed development. The new residence will conform with all applicable provisions of the Municipal Code and Certified LCP. No deviations or variances are requested. The proposed development will not adversely affect environmentally sensitive lands (also see Finding 1 above and Findings 3 and 4 below).

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; AND

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The project would be located in an area identified as Low Density Residential (5-9 du/acre), in the La Jolla Community Plan. The proposed residence would be consistent with the land use and would conform to all the requirements of the RS-1-7 zone, the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed project would adhere to community goals as it has been designed in a manner so as not to intrude into any of the identified public view corridor. The home has also been designed to achieve a harmonious visual relationship between the bulk and scale of the existing and the adjacent structures.

The proposed project would be consistent with the recommended land use, design guidelines, and development standards in effect for the subject property per the adopted La Jolla Community Plan, the Environmentally Sensitive Lands ("ESL") Ordinance, the City's Certified LCP, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-7 zone. The proposed project will comply with all applicable provisions of the Municipal Code and Certified LCP. No deviations or variances are requested.

Therefore, the proposed development is in conformity with the Certified LCP Land Use Plan and any other applicable adopted plans and programs in effect for this site (also see Findings 1 and 2 above and Finding 4 below).

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 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The project site would be located between the First Public Roadway and the Pacific Ocean. The subject property is an interior bluff front lot located west of San Colla Street on Calumet Avenue. Dedicated public access points to the Pacific Ocean are located north of the site via a stairway from Bird Rock and south via a pathway and stairs from Linda Way. There would be no impact to public beach parking since the proposed residence would have two off-street parking spaces and all existing street parking would be maintained. The proposed site improvement would not encroach beyond the legal area of the subject property and would not encroach on any of the adjacent residential lots. The project would conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (also see Findings 1 – 3 above).

B. SITE DEVELOPMENT PERMIT FINDINGS

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN;

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The La Jolla Community Plan designates this lot for single family residential development. The City of San Diego Progress Guide and General Plan, La Jolla Community Plan and LCP all apply to the land use designation for this site as low density residential with regulations for minimum lot size and dimensional criteria. The project entails the construction of a new single-family residence on a previously developed ocean front lot. The design of the home will be compatible with the appearance of the existing neighborhood and incorporate façade, articulation, and architectural details that will improve the aesthetic appeal when viewed from the street and along the coast. The proposed home will not adversely affect any visitor-serving or recreational facility. No coastal scenic resources, recreational or visitor-serving facilities were identified on the project site. Therefore, no adverse impacts to such resources would occur as a result of project implementation. The project has been evaluated for compliance with the adopted and applicable land use plans and has been recommended for approval by the officially recognized community planning group for the community. The proposed development plans will not conflict with these land use plans. Through the review of the proposed project, it was determined to be consistent with the plan's land use designation and the development regulations of the RS-1-7 Zone. Therefore, the proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources and will not adversely affect the applicable Land Use Plan. (Also see CDP Findings, SDP Findings b & c below and Supplemental Findings 1-6.)

The La Jolla Community Plan recommends the area be developed at a density of 5-9 dwelling units per acre. The project would result in one unit on the 0.12-acre site and would, therefore, develop at 8.3 units per acre. The La Jolla Shores Coastal Program requires offsetting planes and structures must step back up to the 30-foot height limit and the project would provide this stepping back. The La Jolla Shores Planned District Ordinance does not contain quantifiable development standards for building setbacks, lot size, and floor area ratio. However, it contains language in the General Design regulations which references the "character of the area and design principles." The project's setbacks, Floor Area Ratio, and design are consistent with the surrounding structures and are compatible with the development character of the neighborhood. Therefore, 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; AND

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

This project has been designed to comply with all of the applicable development regulations. The subject site is developed and zoned for, and surrounded by, single family residential use. The permit controlling the development and continued use of the development proposed for this site contains conditions addressing project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety, and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity. All aspects of the development comply with the land use regulations so that the proposed development with the conditions of the permit which include compliance with all applicable building codes, regulations, and standards, 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 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

This project complies with the development regulations of the RS-1-7 Zone, Environmentally Sensitive Lands Regulations, and the Local Coastal Program in the La Jolla. The scale, design and character incorporated into the proposed home are consistent with the scale, design and character of the existing single-family development in the surrounding area. The proposed home will incorporate building materials and colors consistent with existing homes in the vicinity. The proposed project will be visually compatible with the architectural materials and varied design themes of existing one- and two-story residential developments along this coastal zone. The proposed home will enhance the visual quality of the site and surrounding area. With the adoption of the permit conditions, the proposed single family residence will be in conformance with all relevant regulations including floor area ratio, setbacks, height, parking and all other relevant regulations. Therefore, the proposed development will comply with the applicable regulations of the Land Development Code. The development of the project has been designed to comply with the land use regulations of the City of San Diego and the adopted LCP and La Jolla Community Plan.

Therefore, the proposed development complies with the applicable regulations of the San Diego Municipal Code/Land Development Code. (Also see CDP Findings, SDP Findings a & b above and Supplemental Findings 1-6.)

C. 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 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The project site contains environmentally sensitive lands in the form of sensitive coastal bluffs. Currently, the base of the bluff contains air-placed concrete (gunite). Most of the gunite is on City property. A small portion of the gunite is located within the subject property. The specific date of construction of the gunite is not known, however, aerial photographs document their existence between the 1960s and early 1970s which is prior to permit requirements for such devices by both the City of San Diego and the State of California. Project Permit Condition No. 40 requires removal of the non-conforming gunite located within the subject site. The subject property is not identified in the City's adopted Local Coastal Program ("LCP") Land Use Plan as a public access way. There is no physical access way legally used by the public on this property or any proposed public access way as identified in the LCP Land Use Plan. There are two vertical public access ways down to the rocky shoreline within the immediate area. The first is located north of the site at Bird Rock Avenue. The second public access way is south of the subject property at Linda Way. There is also a public park (scenic overlook) about 150 feet to the north called Calumet. From this park there are unobstructed expansive views to, and along the shoreline. The subject property is privately owned and improved with a single family residence,

and therefore would not encroach upon any existing physical access way legally utilized by the general public.

The existing residence (to be demolished) is nonconforming as it is approximately 10 feet from the bluff edge. The proposed residence has been designed to observe the required 25-foot bluff edge setback, as recommended by the Certified LCP and the geologic investigation report, based on the conclusion that the new construction will not be affected by bluff instability for at least 75 years, taken to be the life of the residence. The entire project site is graded and padded as a result of construction of the existing home and associated improvements on the subject property. The proposed development is designed to observe all required setbacks of the zone.

No grading of the site is required to accommodate the proposed development. No sensitive coastal resources or environmentally sensitive areas will be affected by the proposed project.

No adjacent public parks or public recreational areas adjacent to and immediately surrounding the subject site would be adversely affected. No impacts to these resources would occur as a result of the development.

Therefore, the site is physically suitable for the design and siting of this proposed residence and the development proposal. The project as designed and conditioned will ensure the sensitive coastal bluff will not be adversely impacted by the demolition of the existing residence nor the proposed home.

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 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The site is located on a relatively flat building pad with a steep bluff on the western part of the property that leads to the beach below. The majority of the coastal bluff is outside of the subject premises on City of San Diego land. The site is located partially in Geologic Hazard Category 53 (level or sloping terrain with unfavorable geologic structure, low to moderate risk) and partially in Geologic Hazard Category 47 (coastal bluffs, generally stable with favorable geologic structure with minor or no erosion) according to the City of San Diego Seismic.

The project site contains environmentally sensitive lands in the form of sensitive coastal bluffs. Currently, the base of the bluff contains air-placed concrete (gunite). Most of the gunite is on City property. A small portion of the gunite is located within the subject property. The specific date of construction of the gunite is not known, however, aerial photographs document its existence between the 1960s and early 1970s. This is prior to permits being required for such devices by both the City of San Diego and the State of California. Project Permit Condition No. 40 requires the removal of the non-conforming gunite. The subject property is not identified in

the City's adopted Local Coastal Program ("LCP") Land Use Plan as a public access way. There is no physical access way legally used by the public on this property or any proposed public access way as identified in the LCP Land Use Plan. There are two vertical public access ways down to the rocky shoreline within the immediate area. The first is located north of the site at Bird Rock Avenue. The second public access way is south of the subject site at Linda Way. There is also a public park (scenic overlook) about 150 feet to the north called Calumet. From this park there are unobstructed expansive views to, and along the shoreline. The subject property is privately owned and improved with a single family residence, and therefore would not encroach upon any existing physical access way legally utilized by the general public.

The existing residence (to be demolished) is approximately 10 feet from the bluff edge. The proposed residence has been designed to observe a 25-foot bluff edge setback, as recommended by the Certified LCP and the geologic investigation report, based on the conclusion that the new construction will not be affected by bluff instability for at least 75 years, taken to be the life of the residence. Further, no grading is proposed for the residence. The project as designed and conditioned will ensure the sensitive coastal bluff will not be adversely impacted by the demolition of the existing residence nor the proposed development. In addition, a permit condition requires that all drainage be directed away from the coastal bluff in order to reduce, control or mitigate erosion of the coastal bluff.

Based on the geologic investigation report prepared by a certified engineering geologist and the above information, the City's Geology staff has concluded that the bluff is stable enough to support the 25-foot coastal bluff edge setback for the proposed residence and that the proper engineering design for the new structure would ensure that the potential for geologic and erosional hazards would not be significant. The proposed development would not result in undue risk to floor and fire hazards.

The project site has been graded and padded as a result of construction of the existing structure and associated improvements on the property. No further grading of the site is necessary to implement the proposed remodel. Therefore, no mitigation measures would be necessary to reduce impacts associated with geologic and erosional forces.

With the exception of possible seismic shaking and a risk of hazards due to tsunamis, significant geologic hazards were not observed and are not known to exist on the site that would adversely affect the proposed project. The site is not adjacent to any highly flammable area of native or naturalized vegetation and does not require brush management.

The project site is not located within the FW (Floodway) or FPF (Floodplain Fringe) zones. The existing drainage system designed for the project is consistent with relevant requirements of the City Engineer and would minimize risks associated with runoff and erosion.

Therefore, the proposed development will minimize the alterations of natural land forms and will not result in undue risks from geologic, erosional forces and/or flood and fire hazards. (Also see CDP Findings, SDP Findings a, b, & c above, and Supplemental Findings 1-6.)

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

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The project site contains environmentally sensitive lands in the form of sensitive coastal bluffs. Currently, the base of the bluff contains air-placed concrete (gunite). The specific date of construction of the gunite is not known, however, aerial photographs document its existence between the 1960s and early 1970s. This is prior to permits being required for such devices by both the City of San Diego and the State of California. Project Permit Condition No. 40 requires removal of the non-conforming gunite.

The existing residence (to be demolished) is approximately 10 feet from the bluff edge setback. The proposed residence has been designed to observe a 25-foot bluff edge setback, as recommended by the geologic investigation report, based on the conclusion that the new construction will not be affected by bluff instability for at least 75 years, taken to be the life of the residence. Further, no grading is proposed for the residence. The project as designed and conditioned will ensure the sensitive coastal bluff will not be adversely impacted by the demolition of the existing residence nor the proposed development.

The existing and proposed home is sited and designed to prevent adverse impacts on any adjacent environmentally lands. (Also see CDP Findings, SDP Findings a, b, & c, and Supplemental Findings 1-6.)

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

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The proposed residence is not located within or adjacent to the City's Multiple Species Conservation Program (MSCP) area and therefore, not subject to those regulations. The site is not identified as being within the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan and the proposed development of a single family residence is not subject with requirements of the MSCP Plan. The environmental review for the project determined the proposed project would not have a significant effect on the environment or Environmentally Sensitive Lands and a Negative Declaration Project No. 101888 was prepared.

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

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

The project site is approximately 30 feet above the beach below. The proposed development was designed and conditioned to include drainage control measures to direct drainage to the public street to ensure that the proposed structure would not contribute to the erosion of coastal bluffs or public beaches and will not adversely impact local shoreline sand supply. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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

The 8,282 square foot site located at 5380 Calumet Avenue is on the west side of Calumet Avenue and east of the Pacific Ocean. The project site is located within the RS-1-7 zone of the La Jolla Community Plan Area within the Coastal Overlay Zone (appealable area), the Coastal Height Limit and First Public Roadway Overlay Zones, and is within the boundaries of the La Jolla Community Plan Area. The project proposes to demolish an existing, one-story, single-family residence and construct a 4,569 square-foot, two-story single-family residence and relocate a swimming pool on a 0.19-acre lot.

This property is located at the top of a sensitive coastal bluff facing the Pacific Ocean. This project has been designed and conditioned to meet all ESL regulations and the Coastal Bluffs and Beaches Guidelines. A Negative Declaration has been prepared which determined that the proposed project will not have a significant effect on the environment and no mitigation measures are required or necessary. Therefore, the nature and extent of the mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 765973, Site Development Permit No. 765974 is hereby GRANTED by the Hearing Officer to the referenced Owners/Permittees, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 765973 and Site Development Permit No. 765974, a copy of which is attached hereto and made a part hereof.

Morris E. Dye
Development Project Manager
Development Services

Adopted on: February 9, 2011

Internal Order No. 24000999

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: 24000999

COASTAL DEVELOPMENT PERMIT NO. 765973
SITE DEVELOPMENT PERMIT NO. 765974
MEHL RESIDENCE - PTS 214566
HEARING OFFICER

This Coastal Development Permit No. 765973 and Site Development Permit No. 765974 are granted by the Hearing Officer of the City of San Diego to DAVID AND BONNIE MEHL, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0701 and 126.0501. The 0.190 acre site is located at 5380 Calumet Avenue in the RS-1-7 Zone, the Coastal Overlay (appealable), the Sensitive Coastal Overlay, the First Public Roadway, the Coastal Height Limit Overlay, the Beach Impact Overlay, the Transit Area Overlay and the Residential Tandem Parking Overlay Zones, in the La Jolla Community Plan Area and Local Coastal Program Area. The project site is legally described as Lot 8, Sun Gold Point, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3216, filed in the Office of the County Recorder of San Diego County, April 14, 1955.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to demolish an existing one-story residence and construct a two-story single family residence, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated February 9, 2011 on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing one-story single family residence and removal of a swimming pool;
- b. Construction of a 4,569 square foot, two-story single family residence with a roof deck and attached two-car garage on a 8,282 square foot lot;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. Off-street parking;
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the San Diego Municipal Code (SDMC) in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect 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. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference 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 Development Services Department.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owners/Permittees shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this 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 the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

11. The Owners/Permittees 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, including, but not limited to, any 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 Owners/Permittees of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittees 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, Owners/Permittees 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 Owners/Permittees 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 Owners/Permittees shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittees.

ENGINEERING REQUIREMENTS:

12. The project proposes to export 82 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

13. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
14. Prior to the issuance of any building permits, the Owners/Permittees shall obtain a bonded grading permit for the grading proposed for this project.
15. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
16. Prior to the issuance of any building permits, the Owners/Permittees shall assure, by permit and bond, the construction of a current City Standards G-14 D 12-foot wide driveway, adjacent to the site on Calumet Avenue.
17. Prior to the issuance of any building permits, the Owners/Permittees shall dedicate a 3-foot General Utility Easement, adjacent to the site on Calumet Avenue, satisfactory to the City Engineer.
18. Whenever easements are required to be dedicated, it is the responsibility of the Owners/Permittees to provide the easement area free and clear of all encumbrances and prior easements.
19. The Owners/Permittees must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
20. Prior to the issuance of any construction permit, the Owners/Permittees shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
21. Prior to the issuance of any construction permit, the Owners/Permittees shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
22. Prior to the issuance of any construction permit the Owners/Permittees shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
23. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.

PLANNING/DESIGN REQUIREMENTS:

24. No fewer than two off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

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

26. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

27. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

28. The height(s) of the buildings(s) or structures shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

29. All fences and retaining walls shall comply with the San Diego Municipal Code Section 142.0301.

30. Accessory structures and landscape features customary and incidental to residential uses shall not be closer than five feet to the coastal bluff edge provided, however, that these shall be located at grade. Accessory structures and features may be landscaping, walkways unenclosed patios, open shade structures, decks that are less than three feet above grade, lighting standards, fences and walls, seating benches, signs, or similar structures and features, excluding garages, carports, buildings, pools spas, and upper floor deck with load bearing support structures.

31. Prior to the commencement of any work or activity authorized by this permit, the Owners/Permittees shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement, in a form and content acceptable to the Development Services Department Director, or designated representative which shall provide:

a) that the Owners/Permittees understands that no new accessory structures and landscape features customary and incidental to residential uses shall be developed within five feet of the Bluff Top (as illustrated on approved plan Exhibit "A," dated February 9, 2011, on file in the Office of the Development Services Department or on the face of the Bluff; and

b) that the Owners/Permittees understand that the site may be subject to extraordinary hazard from coastal bluff erosion and the Owners/Permittees assumes the liability from such hazards; and

- c) the Owners/Permittees unconditionally waive 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 damage due to natural hazards. 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 successor and assigns.
32. No development shall be permitted on the coastal bluff face.
33. All development, including buildings and accessory structures, shall be set back at least 25 feet from the coastal bluff edge.
34. At grade accessory structures and landscape features customary and incidental to residential uses shall not be closer than five feet to the coastal bluff edge, in accordance with the requirements of the Land Development Code.
35. Prior to the issuance of construction permits, the Owners/Permittees shall record a Deed Restriction preserving a visual corridor 10-foot wide (South side) and 4-ft-4-in (North side) running full length of property in accordance with the requirements of the San Diego Municipal Code section 132.0403(b) and as described in exhibit "A" dated February 9, 2011.
36. All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off. All drainage from unimproved areas shall be appropriately collected and discharge in order to reduce, control, or mitigate erosion of the coastal bluff.
37. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
38. Open fencing and landscaping may be permitted within this visual corridor, provided such improvements do not significantly obstruct public views of the ocean. Landscape within this visual corridor shall be planted and maintained not exceed 3 feet, zero inches in height in order to preserve public views.
39. Prior to the issuance of any Building or Grading Permits, the Owners/Permittees shall record a Covenant of Easement for the Protection of Environmentally Sensitive Lands, as shown on Sheet A1.1 of the approved Exhibit "A" drawings dated February 9, 2011 on file in the office of the Development Services Department. The easement shall be drafted in accordance with SDMC Sections. 143.0140(a) and 143.0152.
40. The Owners/Permittees acknowledge that the existing bluff top improvements, including the gunite wall, are not permitted as part of this project. All portions of these improvements which can be removed without damage to the coastal bluff shall be removed prior to final inspection by the City. Any existing unpermitted bluff top improvements which cannot be removed due to the potential for bluff damage shall not be maintained by the Owners/Permittees and shall be allowed to deteriorate in

order for the bluff area to be naturally restored over a period of time. It shall be the responsibility of the Owners/Permittees to properly remove and dispose of any and all debris resulting from the natural erosion of any existing bluff top improvements that cannot be removed as a part of this project.

41. The improvements, including the brick pavers that extend to the west and south of the site towards the bluff edge that can be removed without damage to the bluff, shall be removed.

GEOLOGY REQUIREMENTS:

42. The Owners/Permittees shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

43. The Owners/Permittees shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

LANDSCAPE REQUIREMENTS:

44. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

45. Prior to issuance of Grading Permits; the Owners/Permittees shall ensure that all existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the top of the Coastal Bluff and the five-foot bluff edge setback when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises [LDC 142.0403(b)(2)].

46. Prior to issuance of any construction permits for structures, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

47. The Owners/Permittees or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping on and within the five-foot setback of the Sensitive Coastal Bluff, shall not include non-native, exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the City of San Diego's Land Development Manual, Landscape Standards are prohibited.

48. All landscape proposed within the Public View Corridors shall be maintained by pruning and thinning to a maximum height of three feet. Any trees proposed within these view corridors shall be maintained by pruning and thinning of the tree canopy to a height of eight feet or greater.

49. The Owners/Permittees or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards. Plans shall take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

50. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Final Inspection.

51. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owners/Permittees or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

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

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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 §66020.

APPROVED by the Hearing Officer of the City of San Diego on February 9, 2011, HO-017.

Coastal Development Permit No. 765973 and
Site Development Permit No. 765974
Date of Approval: February 9, 2011

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Morris E. Dye
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 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.**

DAVID MEHL
Owner/Permittee

By _____
DAVID MEHL

BONNIE MEHL
Owner/Permittee

By _____
BONNIE MEHL

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**



Land Development
Review Division
(619) 446-5460

Negative Declaration

Project No. 101888
SCH No. N/A

SUBJECT: MEHL RESIDENCE: COASTAL DEVELOPMENT PERMIT and SITE DEVELOPMENT PERMIT to demolish an existing single-story, single-family residence, removal of a swimming pool and construct an approximately 3,935-square-foot, two-story, single-family residence, with roof deck and an attached 634-square-foot, two-car garage. The 8,282-square-foot lot at is located at 5380 Calumet Avenue site and is in the RS-1-7 zone within the La Jolla Community Plan area. (Legal Description: Lot 8 of Sun Gold Point, Map No. 3216). Applicant: Mark D. Lyon, Architect.

I. PROJECT DESCRIPTION:

See attached Initial Study

II. ENVIRONMENTAL SETTING:

See attached Initial Study

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project will not have a significant environmental effect and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

None required.

VI. PUBLIC REVIEW DISTRIBUTION

Draft copies or notice of the **Negative Declaration** were distributed to:

City of San Diego

Councilmember Peters, District 1

Development Services Department

Environmental Analysis Section

LDR Permit Planning Section

Landscape Section

Geology Section

Development Project Management Division

Planning Department

Long-Range

Library Department (81)

City Attorney Office, Civil Division

Other Organizations and Interested Individuals

La Jolla Shores Association (272)

La Jolla Town Council (273)

La Jolla Historic Association (274)

La Jolla Community Planning Association (275)

UCSD (277)

La Jolla Light (280)

La Jollans Responsible for Planning (282)

Patricia K. Miller (283)

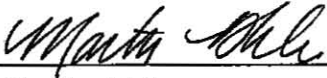
Mark D. Lyon and Associates, Applicant

David Mehl, Owner

VII. RESULTS OF PUBLIC REVIEW

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

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



Martha Blake
Senior Planner

May 23, 2007
Date of Draft Report

September 10, 2007
Date of Final Report

Analyst: SHEARER – NGUYEN

RECEIVED

Objection to and Possible Environmental Impacts at 5380 Calumet (pg. 101888)
Emailed to Edith Gutierrez 6/8/2007

City staff response(s) to Tim Barnett comment letter dated June 8, 2007 for
Mehl Residence, Project No. 101888

Tim Barnett (858-4888584) 6/7/2007

I would like to bring several issues to light that seem to me must be settled/answered prior to final decision on development at above subject project. In short, I am raising *environmental objections to said project.*

1. You indicated to me Wednesday that the City apparently required no demolition plan for removal of the existing house and foundations from the subject property. *Yet the existing house and foundation, which are to be removed, come within only few feet of the coastal bluff edge.....they are in the sensitive coastal bluff zone (see Figure 9 of my 1 August memo to you on problems with this property).*

It seems highly likely that removal of the existing house and foundations could cause collapse or damage of the coast bluff. This possibility and other implications are apparently NOT discussed in the materials related to the project, at least that have been made available to me. I read the engineer's report (WCE) last summer and do not remember any mention and/or analysis to this issue.

In short, the City is allowing unrestricted, undefined land modification of the coastal bluff system with absolutely no oversight, no control and no guarantee the proposed house/foundation removal will not harm the coastal bluff. I do not understand how the project can go ahead with this level of potential problem.

2. The grading plan you showed me indicates dirt removal of 81.7 yds and no subsequent import to make up for this loss. The City cycle report indicates no supervision of the excavation is necessary. The grading plan gave no indication, I could find, as to where the excavation would occur, nor how deep it might go. There was no indication that the excavation would be safely away from the coastal bluff, that the excavation would not imperil property to the north or that the excavation would not harm the coastal bluff. Since the NW corner of the property is where the most erosion has occurred, the neighbors ought to have a legitimate concern over what might happen to their property with unsupervised heavy equipment digging so near their property line.

In short, we have a case where excavation with heavy equipment will make major deletions to the soils in an environmentally sensitive area. This is to be done without plan and without City supervision. It seems to me the project cannot proceed with this degree of uncertainty and potential for destruction of environmentally sensitive coast bluffs.

The engineering report I saw in July, 2006 indicated that the removed soils should be replaced with 'good' fill and then compacted. They indicated they would not endorse project development if this was not done. The plan I saw last Wednesday made no mention of putting fill back onto the property. Maybe it was omitted by accident?

The above represent environmentally sensitive issues and potential problems that, in my view, need to be addressed before further City approvals can be granted.

1. A demolition plan is not required as part of a discretionary permit application. A demolition plan and permit will be required as part of the ministerial application prior to the issuance of building permits. At that time, the applicant is required to submit a demolition plan and a current Geotechnical Investigation. Engineering-Geology would review the demolition, including: the removal of the existing slab foundation, the addition of fill on site, and the proposed construction, and make appropriate comments on the submittal at such time.

Building Inspection will monitor the demolition and proposed construction. If there are changes to the bluff, including the location of the bluff edge, the Coastal Development Permit and Site Development Permit would be required to be amended.

2. According to the grading plan, implementation of the project requires approximately 81.7 cubic yards of grading which equates to approximately six inches of depth over half of the site or a four thousand square foot area. Minor grading is required in order to establish the elevations for the footings and finish floor in order to maintain a 30-foot height limit. Heavy equipment would not be required in order to complete this work.

CC
Setback

Hi Edith...in doing some new reading i find new evidence that seems to invalidate the request for 'variance' in setback for this property(5380 Calumet). You will remember that the requested exception is to allow a 25' setback instead of the standard 40'. Previously, I offered still unrefuted reasons why the 25' exception should not be allowed. Now a new issue has cropped up that adds weight to NOT allowing the 25' setback.

The staff geologist for the California Coastal Commission(CCC) has offered guide lines for determining setbacks for new development in the coast bluff regions(M. Johnson, Proc., California and the World Ocean, '02. in press, Establishing ...Coastal Bluffs'). Since the current residence is proposed to be removed, whatever replaces it will be defined as 'new' and subject to the guideline laid down by the CCC.

The engineering firm (CWE) working for the owner of above property states the erosion will cause a bluff retreat of 25' over 75 years: I will show in another mail that this estimate is low, but let's use it here for sake of argument. The same firm shows that after taking slope stability into account, the 1.5 FOS contours just happens to follow the 25' setback line requested for this property over the northern section of the property.

Now the CCC guidelines for determining the allowable setback indicate the total allowable setback should be the SUM of these two numbers...stability setback and erosion setback... or 50' (see Johnson, in press, Figure 6). Allowing the 25' setback, therefore violates the CCC guidelines for new construction within the sensitive coastal bluff area and, therefore, section 30253 of the Coast Act. Specifically, the above additive approach to setback estimation is "the current analytical analysis process carried out by the Coast Commission staff in evaluating proposals for new development on the California coast, and in recommending action upon those proposals to the Commission"(Johnson, 2003, Memo to Commissioners and Interested parties).

The above makes lots of sense. As now planned, at least part of the house will be built on or very near the 1.5 FOS line, i.e. 25' from the existing

3. Comment noted.

4. The City of San Diego typically requires that both a 75-year bluff recession analysis and a slope stability analysis of the existing conditions. Whichever method results in a greater setback is then utilized for as the recommended structural setback.

5. Comment noted.

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bluff. If a 25' setback is allowed, as now suggested, even a small amount of cliff erosion will push the 1.5 FOS line eastward and within the perimeter of the proposed new building. As time progresses, more and more of the house will be located in the danger zone seaward of the 1.5 FOS line (which will not be static but move eastward as the bluff erodes). That constitutes a hazard to not only the bluff, but also the house and its inhabitants.

It may be that the City currently has its own guidelines for determining bluff setbacks, justified in this case solely by CWE analysis. However, it is my understanding that CCC regulations on coastal bluff issues have priority over those of the City. So why make a decision now (25' setback) that is in conflict with guidelines established by a higher authority and when it will be overturned on appeal later?

Based on the above consideration alone, the 25' setback can not be justified and so should not be granted. Note the analysis and erosion/FOS numbers come from the proposer's own hired team. The other reasons for not allowing the 25' setback, that I have submitted to you earlier, only strengthen this argument. Please ask the Staff geologist to reconsider geological approvals in view of the CCC guidelines. If the City still insists on granting the 25' setback than I would like to have the reasons for that decision made a part of the public record and a copy of said argument sent to me and above addressees.

as always, thanks for your help and consideration. best regards, tim

City staff response(s) to Tim Barnett comment letter dated June 10, 2007 for
Mehl Residence, Project No. 101888

5.
cont.

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TO: Edith Gutierrez, City Dev Dept
FROM: Dr. T. Barnett
SUBJ: Response to Christian Wheeler Eng comments on Barnett 8/1/2006 memo
Re- 5380 Calumet development

9 June, 2007

In a memo dated 21 August, 2006, transmitted to me 2 May, 2007, the Christian Wheeler Engineering (CWE) company attempted to refute points of objection I raised to development at 5380 Calumet St, La Jolla. Their comments are largely without merit, flat wrong and/or misleading, as I will show below.

In short, the proposed project violates conditions and safeguards to the sensitive coastal bluff areas of Sun Gold Point, awarding an unjustified setback on the subject property. The proposed setback violates the setback guides of the California Coastal Commission. City approval of this project, in the face of its many flaws and breaches of law/guidelines seems indefensible to me and could embarrass/leave liable the City.

Prior to getting into details it should be noted that in the above referenced CWE letter they state (pg 4) "*It should be noted that Christian Wheeler Engineering does not practice coast engineering and that we rely on the opinions of other consultants.*" This makes one wonder what they are doing advising anyone on construction at 5380 Calumet which is located on the edge of a coastal bluff in an environmentally sensitive area. I will send you my vita in another mail, but for now it suffices to say I am an internationally recognized scientist with specialties including sea level change, ENSO, climate change and ocean wave dynamics. I am author of over 200 peer reviewed articles on the above subjects, elected Fellow of two different scientific societies and have received the Sverdrup Gold medal award.

Lot Size/building size error (points 1 and 2)

CWE cites no reference to support their contentions in response to Points 1 and 2. They simply make assertions which are subject to interpretation. It apparently has been the custom in San Diego to take the original lot size, before erosion, as the standard for estimating the FAR. However, the matter is apparently not codified. The City code (Chap 11, article 3, div 1) defines FAR" as the numerical value obtained by dividing the gross floor area of all buildings on the 'premises' by the total area of the 'premises' on which the buildings are located". The code says " 'Premises' means an area of land with its structures that, because of its unity of use, is regarded as the lowest conveyable unit".

'Premises' is vague and definitely does not say 'use the entire lot as originally platted'. Indeed, the 'unity of use' phrase seems to rule out using the original parcel size in this case because nearly 1000 sq ft (my rough estimate) of the lot is thin air due to coastal erosion. This section of the 'phantom land' obviously does not allow unity of use with the remainder of the parcel.

6. Comment noted.

7. Although Christian Wheeler Engineering previously stated that they are not coastal consultants, it meant that Christian Wheeler Engineering does not usually deal with specific items such as wave height, run-up studies, the effects of El Nino on climate conditions, etc. Specific information regarding those items is usually provided to Christian Wheeler Engineering by other consultants for their use in geologic and geotechnical investigations. Geotechnical professionals are licensed by the State of CA and are legally qualified (i.e. registered professional engineers and geologist) and experienced with geotechnical conditions (including bluff setback requirements and anticipated erosion rates) that might affect development on coastal bluffs.

8. Comment noted.

9. The boundary line between tidelands and uplands property, as defined by California Law and used by California Coastal Agencies, is the Mean High Water Line. This location is fixed by an elevation and not a horizontal location. It is also important to note that the westerly boundary of Sun Gold Point, Map No. 3216, did not extend to the Mean High Tide Line at the time the subdivision was created.

As the bluff eroded into the originally platted area, the HW mark moved with it. Thus, the land that eroded may now be at or below HW and so its ownership has reverted to the State. Thus, the proposed project cannot claim it in their estimate of the FAR. The owner does not own that phantom land, the State does...or may. A good survey of the bluff and lands immediately above and below it is needed. Was that done for this project?

Development Div needs to get a legal opinion on these issues, perhaps from the City Attorney's Office. I contend the proper definition of FAR would not include the phantom land and the FAR values estimated by their project are incorrect.

Community Standards (point 3)

The size and bulk of the proposed structure is out of character with the surrounding homes, something the La Jolla Community Plan wants to avoid... the proposed house is essentially a 30 foot high 'box'. There has been no rebuttal on this point by the project architect as promised by CWE in their response of 21 August, 2006.

Bluff set back (point 4)

The impact of the demolition debris as they call it, no matter how it got there is an effective wave dampening system. This fact is in contradiction to the CWE assertion to the contrary. Waves passing over the debris will have their orbital motions disrupted, dissipating wave energy to turbulence before they hit the cliffs. The fact that it was not placed under permit, even if such permits were available in the later 1940s/early 1950s, is immaterial to the impact it has on the cliff structure. The permitting issue used here, and below, is a red herring.

CWE assert that the gunite was placed on the bluffs which belong to the City. Opinions from City employees and legal experts, dispute this claim. In fact, since the bluff now sits well inside the property line of the parcel of land, many argue the bluff belongs to and is the responsibility of the current land owner. Again, whether the guniting was permitted or not is immaterial to the fact that it is an erosion control device as explicitly described in the Land Development Code. Their claims that the guniting was done and City property and not relevant to the subject property is incorrect.

In any event, what matters here is that the intent of the guniting/shore protection was to protect the subject lot from erosion. Why else would anyone apply an expensive procedure to the cliff area? They would not do it to be trendy and/or as an insurance policy. It clearly was done after severe erosion had started at the NW corner of the lot. That may be why they only gunited half of their cliff. Note aerial photos show fully one half of the bluff faced was gunited at one time; this is not the 'very minor portion' discussed in CWE. If it were placed as an 'insurance policy' against erosion they would have treated the entire cliff.

The application of an erosion control to the bluff, apparently owned by the proposer, requires a setback of 40' no matter who placed the erosion control device. There are no exceptions stated to this rule in the above referenced section of code. Ignorance of this rule is no excuse, especially since the current owner is a developer himself. Further, the prior owners' actions indicate a clear problem, so the intent of that action is obvious.

City staff response(s) to Tim Barnett facsimile comment letter dated 6/9/07 for
Mehl Residence, Project No. 101888

10. Per the City of San Diego's Significance Determination Thresholds, a project that exceeds the allowed height and/or bulk regulations and severely contrasts with the surrounding neighborhood character and/or have development features that would contrast could potentially cause a neighborhood character impact. The project was reviewed by both Long-Range Planning and LDR Planning Review staff, and it was determined that the project is in conformance with height limits, setbacks and Floor Area Ratio. As such it is considered compatible with the existing development pattern in the neighborhood. In addition, the applicant would be locating the new structure on the north side of the property in order to preserve an identified view corridor, per the community plan, along the southern side of the lot. Therefore, a neighborhood character/development features impact was not identified.
11. Christian Wheeler Engineering has not claimed that that the existing pieces of concrete debris (as well as the natural cobbles and boulders) do not have the potential effect of dissipating wave energy. Christian Wheeler Engineering has previously stated that the concrete debris was probably placed at the base of the bluff in front of the Sungold Point development by the U.S. Government when the military improvements that occupied the area during World War II were demolished and that the demolition of the previous improvements and placement of the concrete slabs apparently occurred in the 1950s or the early 1960s. In addition, the placement of the concrete slabs apparently occurred in the 1950s or early 1960s.

The demolition debris is off-site, is not engineered, and is not considered to be a coastal protective device (as defined by the Coastal Commission and the City of San Diego). The amount of debris is a relatively minor portion of the littoral material (less than ten percent) on the beach and is generally similar in size to some of the natural cobbles and boulders on the beach.

Christian Wheeler Engineering opined that when compared to other factors that effect geologic stability (such as height and angle of slope presence of the offshore abrasion platform, the presence of natural cobbles and boulders, the strength parameters of the native materials in the slope), the concrete debris does not have a significant effect on geologic stability. The off-site debris may have a small positive effect on bluff stability; however, the effect is minor when compared to other factors. If the concrete debris were not present, the overall effect on bluff stability would be minimal; therefore Christian Wheeler Engineering's analysis and recommendations would remain the same.

With respect to the ownership of that portion of the bluff face on which gunite was placed, a review of documents at the County Assessor's office indicates that there is a legal lot between the western property boundaries of the lots on Calumet and the Pacific Ocean. This legal lot is a long, narrow strip of land that has been designated as Sea Rose Place (A "paper street"), and is identified as Assessor's Parcel Number 415-220-14. Records at the County Assessors

11. Indicate that this parcel is 8.7 acres in size and is owned by the City of San Diego. Christian Wheeler Engineering has been unable to determine who (if anyone) authorized the placement of the gunite. However, Christian Wheeler Engineering believes the majority of the gunite was placed in an area that is not part and was not part of the subject site. Christian Wheeler Engineering's previous reports stated that a "minor portion of gunite is on the subject site", the intent was to clarify that even though a portion of the gunite was present at the subject site proper, most of the gunite was placed on the adjacent lot to the north and the parcel to the west, which as stated earlier, is owned by the City of San Diego.

Regarding the gunite placement in relation to protection of the subject lot from erosion, Christian Wheeler Engineering reviewed available aerial photographs, which indicated that some erosion had indeed occurred near the southwestern portion of the lot. However it should be noted that portions of the existing residential structure are apparently located less than ten feet from the edge bluff. The existing non-conforming single-family residence would be removed and the proposed structure would be located entirely landward (east) of the 25-foot bluff setback line, at a location where geotechnical analyses indicate that the foundations of the structure would not be imperiled by coastal erosion for a period of 75 years.

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Erosion Rate (5)

The face of the bluff cliffs at the site is very nearly vertical, indicating an active erosion situation. There is also a wave undercut section of bluff, which WCE assert does not exist. I have pictures of it and would advise they have a walk on the beach to verify this themselves. By the way, they need to take account of the undercut in their estimates of bluff edge location, a fact they do not mention. Their estimate of bluff edge position near the southern edge of the lot is most likely incorrect, unless they have done this.

Using GEI data, WCE suggest an erosion rate of 0.33 foot/yr. This apparently comes from averaging the retreat rates quoted on pages 3 and 4 of their 21 August letter. This gives a total erosion of about 25 feet in 75 years, IF the erosion is constant and sea level does not change. They say "it is our opinion that the actual recession rate of the top of the bluff will probably be much less". But as noted earlier, they acknowledge not practicing coast engineering, so what weight can we attach to their assertion?

In fact, the issue of bluff erosion rate is complex, not constant in time and a strong function of sea level change. Under current conditions the foot of the bluff is at about mean high water. In high tide situations the bluff experiences direct wave attack, as water levels then are 2-3 feet above the bluff base. This only happens for limited periods of time. As sea level rises (see below) the attack time will lengthen. More importantly, higher sea level will allow large waves to attack the bluff before or as they break. One can use a mathematical model for the rate of erosion (US Army Corps of Engineers, 'Encinitas and... Feasibility Study, Appendix D, Jan 2003; Marine Board, 1987) and gravity wave dynamics to roughly estimate these impacts. The increase in erosion rate of 200-260% can be expected with a sea level rise of 2-4 feet over the next 75 years (see below) and there is no change in wave climate. The home and property under discussion would, under these conditions, be long gone before 75 years, if not protected.

The erosion rate associated with this section of cliff, indeed, the entire coastal region, will accelerate due to a variety of reason discussed below. This fact makes the CWE calculation that the amount of erosion to expect in the next 75 years is about 25 feet clearly in error and seriously underestimated. Note that by year 75, even if we used their estimate of 0.33 feet/yr, the west edge of the proposed home is located coincident with the bluff top, clearly a design condition to be avoided.

In summary, the current and expected erosion rates on the subject property do not justify the 25 setback requested of the City. Indeed, the CWE analysis itself shows the 25' setback to be unacceptable.

Sea Level and el Nino (point 6)

CWE discussion in these areas was either naive (sea level) or hopelessly confused and irrelevant (ENSO). It provides no useful information, but then they are not coastal engineers. Dr. Seymour's quotes, taken not from him but apparently from some report he wrote, have nothing to do with the problem/project at hand. The 4 inch rise noted over the last 50 years, has little to do with sea level changes we can expect in the future.

As noted above, sea level is rising. The rate of increase is accelerating and will continue to do so, as the great ice sheets on Greenland (especially) and Antarctica continue to accelerate their melting rates (due to anthropogenic climate change). These are observed facts, not conjectures. No good mathematical models of ice sheet break up currently exist and that is why the IPCC left that factor out of their projected sea level

City staff response(s) to Tim Barnett facsimile comment letter dated 6/9/07 for
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- 12.
- Previous Christian Wheeler Engineering reports did discuss the wave undercut portion of the bluff ("overhang") and did not state there were no overhangs. The reports indicated that "[t]here are no significant overhanging (undercut) portions of the bluff at the subject site", which meant that the undercut portion of the bluff did not have a significant adverse effect on the slope stability analysis. It should be noted that the undercut portion of the bluff extends only a few feet into the bluff and is only approximately ten feet in length. The presence of this undercut portion near the base of the bluff does not affect the location of the "edge of the bluff" at the top of the slope. As noted in previous reports by Christian Wheeler Engineering, where overhanging sections of the slopes are present in slope stability analyses, the portion of the slope above the overhang is considered to have been removed, thus resulting in less resisting force and a lower calculated factor-of-safety.

Based on projected erosion rates discussed in previous Christian Wheeler Engineering reports, there could possibly be as much as 25 feet of erosion at the site (assuming the gunite is removed) during the next 75 years. As pointed out by Dr. Barnett, this amount of erosion could possibly be sufficient to reach the edge of the proposed structure in 75 years, resulting in very little and/or no rear yard area. The applicant is aware of this condition and the potential for the loss of part of the rear yard. The geotechnical consultants' responsibility is not to dictate to the homeowner what should be an acceptable level of risk, but rather to present the information accurately to the City of San Diego, the property owner in order to assist in determining an appropriate bluff edge setback. The property owner would need to determine whether the level of risk associated with the approved setback is acceptable.

- 13.
- With respect to concerns raised regarding sea level, Dr Barnett's comments and predictions regarding potential sea level rise over the next century are flawed and do not apply to this particular site. Dr. Barnett states that short term sea level increase above normal tides "under the right conditions" can total 3 to 4 feet. This would be in addition to a "suggested rise" of between 1.3 to 3.7 feet in the next 75 years due to anthropogenic sea level rise. So at a minimum Dr. Barnett is suggesting that sea level will to 4.3 feet higher in 75 years and as much as 7.7 feet higher in the next 75 years. As pointed out by Jim Titus, the Environmental Protection Agency's project manager on sea level rise, this type of calculation (summation) makes no sense because it amounts to adding an estimate of future rise to a range of historic rise, adding in an additional rise due to a severe el Nino, wave and wind set up, and storm surge. Titus states that predictions are "even less certain" than historic data.

A closer look at Dr. Barnett's predictions does give cause for serious concern. When Dr. Barnett's predicted extremes are added to the annual highest tide at elevation approximately +5 feet MSL this would put sea level anywhere from elevation +9.3 feet MSL to + 121 feet MSL.

13. This elevation of the ocean, not including the increased elevation of water due to wave runup, would flood much of Ocean Beach, all of Mission Beach, Mission Bay fringes, some of Pacific Beach, and turn Point Loma into an island. It would flood every lagoon in southern California and severely impact every Port. If large waves occur then any coastal property or structure lower than about elevation +15 MSL would be subject to flooding under this scenario. The subject property at about elevation +25 feet MSL and would be safe from flooding. A recent San Diego Union-Tribune article, in the June 24, 2006 Home section (not the news section), illustrates the coastal San Diego areas in potential jeopardy of this extreme estimate of sea level rise. It is clear that this site is not in jeopardy due to its height above sea level.

The current standard of practice, with regards to sea level rise for coastal engineers is the US Army Corps of Engineers Coastal Engineering Manual (CEM). Chapter 5 of the CEM provides an extensive discussion of water levels used for design. A summary of the CEM conclusions with regards to sea level rise and climate change are reproduced below.

"the primary conclusion is that, with some regional exceptions, sea level is not rising at a rate to cause undue concern. Results of the report indicate an average sea level rise over the past century of approximately 30 cm/century on the east coast, and 11 cm/century on the west coast, and a range along the Gulf of Mexico coast of less than 20 cm/century along the west coast of Florida to more than 100 cm/century in parts of the Mississippi delta plain. The above summary remarks lead to the conclusion that normal design criteria should be followed in which the design life of a project should consider the possible local relative sea level rise rates shown above."

For the subject site, a sea level rise of 11 cm over the next century on the west coast of the US is the current standard of coastal engineering practice. The 2001 International Panel on Climate Change (IPCC) mid range estimate is 49 cm, about 19 inches. This is a global number and not necessarily specific to the west coast of the US. It should be noted that future sea level rise will have the most effect on low lying shorelines with small tidal ranges. That is, shorelines near mean sea level (MSL) with a tide range of 1 to 2 feet. The subject site is at about elevation +25 feet MSL and the maximum tidal range is about 10 feet. A sea level rise of 49 cm over the next century, based upon the rise relative to the tidal range and the site elevation, should not significantly impact the proposed development over the next 75 years. During the Sea Level Rise and Coastal Disaster Forum on October 25, 2001 Dr. Reinhard Flick of Scripps Institution remarked that "sea level rise cannot move one grain of sand." The important characteristic of this site is that the shoreline is relatively erosion resistant because it is made up of cobbles which are not easily eroded.

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increases over the next 75-100 years. But the melting of those ice sheets will dominate thermal expansion of the ocean and melting of land bound glaciers in the sea level budget. Recent work (Rahmstorf, Science, vol 19, Jan 2007) has found a good empirical way to predict future sea level based on the close relation between temperature and sea level. His estimates suggest a rise of between 1.3-3.7 feet in the next 75 years; the large uncertainty coming from the assumption on the amount of additional CO2 Man will put in the atmosphere over the next 75 years.

Sea level at the bluff at Cahumet will also have increases associated with ENSO (1 foot), storm surges (1-2 feet) and everyday radiation stress related wave setup over the reef in front of the property (perhaps 1 foot). Under the right conditions, these total perhaps 3-4 feet of sea level rise, *in addition to that associated with anthropogenic sea level rise*. The coastal erosion under these episodic conditions will be huge 'events', far larger than discussed above. While we cannot predict the exact time these events will occur, we can say with near 100% certainty that they will occur within the life time of the proposed structure.

ENSO events will contribute to sea level rise as noted above. The quotes CWE lifted from Seymour's report discuss el Nino prediction. They are incorrect, but have nothing to do with the problem at hand. In fact, during large el Ninos, sea level along the coast are about a foot above normal and stay that way for some months; a fact documented at west coast tide gages (the highest sea levels ever measured at La Jolla 7.71 and 7.81 MLLW occurred in 1983 during a large ENSO event. During warm events, the storm track shifts further south so we see also larger waves at the coast. These, in association with increased sea level, raise havoc with the coastal bluffs (and beaches).

In the future, climate models suggest there will be little change in the nature of ENSO events. So we can expect the type of numbers given above to maintain. The climate models also suggest the frequency of ENSO will stay about the same.

Along related lines, as the oceans warm we can expect tropical depressions and hurricanes to penetrate further northward than they do today. At this time we cannot reliably address this issue, but one direct hit on San Diego would result in huge rain/wave driven damage to the bluffs (and a lot of other things also).

FOS (point 7)

I will leave this to a further, independent engineering analysis, but will point out there is an overhang in sections of the cliff, which CWE deny exist. Their stability model does not operate correctly under those circumstances, a point they ignore.

There is a serious seepage of water out of the bluff face of the subject property. CWE ignore this factor. In response to a City reviewer, CWE say that adding in the impact of water flow between the two sediment layers they modeled had little impact on the results. What was the numerical change in position of the 1.5 FOS line? It is this 'erosion from within' that is an important part of the bluff erosion problem, yet largely ignored here.

I seriously question how the FOS line can be closest to the bluff in just the area the bluff has shown maximum erosion (NW corner). It is also interesting that the FOS line in this region just happens to coincide with the 25 foot setback line the developer is requesting. An explanation of this fortuitous event would be helpful.

13.
Cont.

14.

14. Please refer to Comment Number 7 above with respect to the effect of undercut on the subject property.

Previous Christian Wheeler Engineering reports discussed the effect of water on the slope stability. As stated, no groundwater or seepage conditions exists beneath the subject site to depths controlling the stability of the existing bluff edge face along the western portion of the site, no piezometric surfaces were included within Christian Wheeler Engineering's gross stability analyses. It is Christian Wheeler Engineering's opinion, that it is not necessary to use a piezometric surface in global stability analysis; however, in order to evaluate the effect on global stability of the site, Christian Wheeler Engineering have added a piezometric surface near the contact between the unconsolidated Quaternary-age sediments and the underlying Cretaceous-age sediments on selected cross sections. The piezometric surface has a minor effect on the analysis on the northern and central portions of the site. The piezometric surface increases the location of the 1.5-FOS on the southern portion of the site by several feet, but only a few feet beyond the 25-foot bluff top setback line. The slope stability analyses presented in Christian Wheeler Engineering's report, dated April 21, 2006, adequately evaluated the stability of the site.

The FOS line is closer to the edge of the bluff where previous erosion has occurred because the effect of the slope stability features is to flatten the slope to a more-stable angle than was present before the slope failure occurred. The flatter angle results in a location of the FOS line that is near the top of the slope than on cross-section with a steeper angle. In general, the steeper the angle of the slope of a given height, the greater the distance of the 1.5 FOS line from the top of the slope.

Set back considerations (new issue)

An issue not addressed by either CWE or me in earlier documentation is summarized here since it is pertinent to many issues raised above. This material was transmitted to E. Gutierrez on 6/10/2007.

New evidence seems to invalidate the request for 'variance' in setback for this property (5380 Calumet). You will remember that the requested exception is to allow a 25' bluff setback instead of the standard 40'. *Previously, I offered still unrefuted reasons why the 25' exception should not be allowed.* Now a new issue has cropped up that adds weight to NOT allowing the 25' setback.

The staff geologist for the California Coastal Commission (CCC) has offered guide lines for determining setbacks for new development in the coast bluff regions (M. Johnsson, Proc., California and the World Ocean, '02. in press, Establishing ...Coastal Bluffs'). Since the current residence is proposed to be removed, whatever replaces it will be defined as 'new' and subject to the guideline laid down by the CCC.

The engineering firm (CWE) working for the owner of above property states the erosion will cause a bluff retreat of 25' over 75 years. I showed (above) that this estimate is low, but let's use it here for sake of argument. The same firm shows that after taking slope stability into account, the 1.5 FOS contour just happens to follow the 25' setback line requested for this property over the northern section of the property.

Now the CCC guidelines for determining the allowable setback indicate the total allowable setback should be the SUM of these two numbers....stability setback and erosion setback... or 50' (see Johnsson, in press, Figure 6). Allowing the 25' setback, therefore violates the CCC guidelines for new construction within the sensitive coastal bluff area and, therefore, section 30253 of the Coast Act. Specifically, the above additive approach to setback estimation is "the current analytical analysis process carried out by the Coast Commission staff in evaluating proposals for new development on the California coast, and in recommending action upon those proposals to the Commission"(Johnsson, 2003, Memo to Commissioners and interested parties).

The above makes lots of sense. As now planned, at least part of the house will be built on or very near the 1.5 FOS line, i.e. 25' from the existing bluff. If a 25' setback is allowed, as now suggested, even a small amount of cliff erosion will push the 1.5 FOS line eastward and within the perimeter of the proposed new building. As time progresses, more and more of the house will be located in the danger zone seaward of the 1.5 FOS line (which will not be static but move eastward as the bluff erodes). That constitutes a hazard to not only the bluff, but also the house and its inhabitants.

15.

- 15. The City of San Diego typically requires that both a 75-year bluff recession analysis and a slope stability analysis of existing conditions be performed. Whichever method results in a greater setback is then utilized for the recommended structural setback.

16.

- 16. Comment noted.

It may be that the City currently has its own guidelines for determining bluff setbacks, justified in this case solely by CWE analysis. However, it is my understanding that CCC regulations on coastal bluff issues have priority over those of the City. So why make a decision now (25' setback) that is in conflict with guidelines established by a higher authority and subject overturned on appeal later?

Based on the above consideration alone, the 25' setback cannot be justified and so should not be granted. Note the analysis and erosion/FOS numbers come from the proposer's own hired team. The other reasons for not allowing the 25' setback, that I have submitted to you earlier (and above), only strengthen this argument.

Please ask the Staff geologist to reconsider geological approvals in view of the CCC guidelines. If the City still insists on granting the 25' setback than I would like to have the reasons for that decision made a part of the public record and a copy of said argument sent to me.

SUMMARY

In summary, consideration of erosion rates and erosion protection activity at the 5380 location do not justify the granting of a 25 foot setback to the proposed project. Erosion rates estimates, even the constant ones, do not support a 75 year life time for the proposed structure. The application of serious erosion controls to the subject property limit, by code, demands a setback to 40 feet. Finally, the method of estimating setbacks for new structure, promulgated by the CCC is at serious odds with the granting of a 25' setback. Ignoring all of these factors would seem to put the City in violation of the Coastal Act and subject them to needless litigation by private individuals and/or the City Attorney's Office.

16.
cont.

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City of San Diego
Development Services Department
Land Development Review Division
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-6460

INITIAL STUDY
Project No. 101888
SCH No. N/A

SUBJECT: MEHL RESIDENCE: COASTAL DEVELOPMENT PERMIT and SITE DEVELOPMENT PERMIT to demolish an existing single-story, single-family residence, removal of a swimming pool and construct an approximately 3,935-square-foot, two-story, single-family residence, with roof deck and an attached 634-square-foot, two-car garage. The 8,282-square-foot lot at is located at 5380 Calumet Avenue site and is in the RS-1-7 zone within the La Jolla Community Plan area. (Legal Description: Lot 8 of Sun Gold Point, Map No. 3216). Applicant: Mark D. Lyon, Architect.

I. PURPOSE AND MAIN FEATURES:

The proposal is a Coastal Development Permit and Site Development Permit to demolish an existing single-story, single-family residence, removal of a swimming pool and construct an approximately 3,935-square-foot, two-story, single-family residence, with roof deck and an attached two-car garage. The first floor would be approximately 1,688 square-feet and would comprise of an entry, two powder rooms, kitchen with pantry, dining room, living room, family room, exercise room, and a 634-square-foot, two-car garage. The second floor would consist of a master bedroom and bath, office with half-bath, two additional bedrooms with full baths, and a laundry room. In addition an approximately 379-square-foot roof deck with 132 square-feet of balcony is also being proposed. The elevation plans indicate the use of a natural brick veneer, white wood siding, painted white wood cornice molding, and gray roof tiles. Approximately 81.7 cubic yards of grading is being proposed. The structure would not exceed the 30-foot height limit. The project's landscaping has been reviewed by City Landscape staff and would comply with all applicable City of San Diego landscape ordinances and standards. No on-site storm

water or irrigation runoff would be directed toward the bluff slope. Drainage would be directed into a gutter system or public-right-of-way designated to carry surface runoff which has been reviewed and accepted by City staff.

II. ENVIRONMENTAL SETTING:

The proposed development is located within the La Jolla Community Plan Area which designates the project site as Low Density Residential (5-9 dwelling units per acre). The project site is located on the west side of Calumet Avenue, at 5380 Calumet Avenue, between Colima Court and San Colla Street. The project site is located along the bluff edge overlooking the Pacific Ocean. The site is currently a developed lot, with a single-story, single-family residence with pool, and situated between two developed lots. The lot has approximately 82 feet of frontage along Calumet Avenue and the lot depth is approximately 97 to 101 feet. The majority of the terrain is relatively flat, with to a nearly vertical bluff to the ocean below at the west of the property. Elevations on site range from approximately 25 feet at the western cliff edge to 30 feet along the front of the property. The property is zoned RS-1-7 and is situated in a neighborhood setting of residential uses. (See Figures 1 & 2).

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study Checklist.

IV. DISCUSSION:

The project files and reports referred to below are available for public review on the Fifth Floor of the Development Services Department, Land Development Review Division, 1222 First Avenue, San Diego, 92101.

GEOLOGIC CONDITIONS

According to the City of San Diego Seismic Safety Study, the site is mapped within Geologic Hazard Categories 47 and 53. Hazard Category 47 is characterized by coastal bluffs, generally stable, favorable geologic structure, minor or no erosion, no landslides. Hazard Category 53 represents level or sloping terrain with an unfavorable geologic structure with a low to moderate risk potential. In order to assess potential geologic hazards affecting the site, the following reports and addenda were reviewed by City staff, and they were prepared by Christian Wheeler Engineering: *Report of Geologic Reconnaissance, Existing Single-Family Residence, 5380 Calumet Avenue, La Jolla, California* (October 11, 2005); *Report of Preliminary Geotechnical Investigation, proposed Single-Family Residence, 5380 Calumet Avenue, La Jolla California* (April 21, 2006); *Response to Comments, Proposed Single-Family*

Residence, 5380 Calumet Avenue, La Jolla, California, (August 21, 2006); Response to First Geotechnical Review of Documents, Proposed Single-Family Residence, 5380 Calumet Avenue, La Jolla, California (August 28, 2006); Response to Second Review/Cycle 5 and third Review/Cycle 9 of Document, Proposed Single-Family Residence, 5380 Calumet Avenue, La Jolla California (February 22, 2007); and Response to Second Review/Cycle 5 and third Review/Cycle 9 of Documents, Proposed Single-Family Residence 5389 Calumet Avenue, La Jolla California (April 19, 2007).

The project site, a nearly rectangular-shaped parcel, is located on the west side of Calumet Avenue, at 5380 Calumet Avenue, between Colima Court and San Colla Street. The project site is also located along the bluff edge overlooking the Pacific Ocean. The site is currently a developed lot, with a single-story, single-family residence, and situated between two developed lots. The lot has approximately 82 feet of frontage along Calumet Avenue and with a lot depth of approximately 97 to 101 feet. The morphology of the site is characterized by a relatively flat building pad; a steep to very steep bluff at the rear of the site. Elevations on site range from approximately 25 feet at the western cliff edge to 30 feet along the front of the property.

The City of San Diego's Land Development Code requires that development adjacent to a bluff edge observe a 40-foot setback. This requirement may be waived to allow a 25-foot setback when the site is stable enough to support the development with the proposed bluff edge setback and the project is designed so that it will neither be subject to nor contribute to significant geologic instability through the anticipated life span of the principal structures, usually 75 years. In the opinion of the geologic consultant, encroachment into the 40-foot setback to allow a 25-foot setback was determined to be feasible.

Based on the results of the studies conducted, the geotechnical consultant concluded that there is no geotechnical related condition at the project site that would preclude redevelopment as presently proposed, provided that the recommendations within the reports are implemented. The City's Geology Section staff have reviewed the referenced reports and concluded that the preliminary geotechnical reports adequately addressed the geologic conditions potentially affecting the project site. Therefore, proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would be less than significant, and no mitigation measures are deemed necessary.

VISUAL QUALITY

The La Jolla Community Plan identifies San Collas Street as a "Scenic Overlook", defined as a view over private property and down a public right-of-way. Consequently, the project site has been identified as being located directly adjacent to an existing visual access corridor in the 2004 Community Plan and Local Coastal Program Land Use Plan. Therefore, the project would be subject to policies in the La Jolla Community Plan related to Visual Resources. In conformance with the community plan, views of the ocean would be preserved by the observation of a minimum 4.4-foot side yard setback along the north and south property lines. In addition, all fences within the side yard setback areas would be a minimum of 75 percent open fencing and landscape materials would be limited to three feet in height within the setback areas and all trees within the corridor would be required to maintain canopies above ten feet. No significant impacts to visual quality have been identified and no mitigation is required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

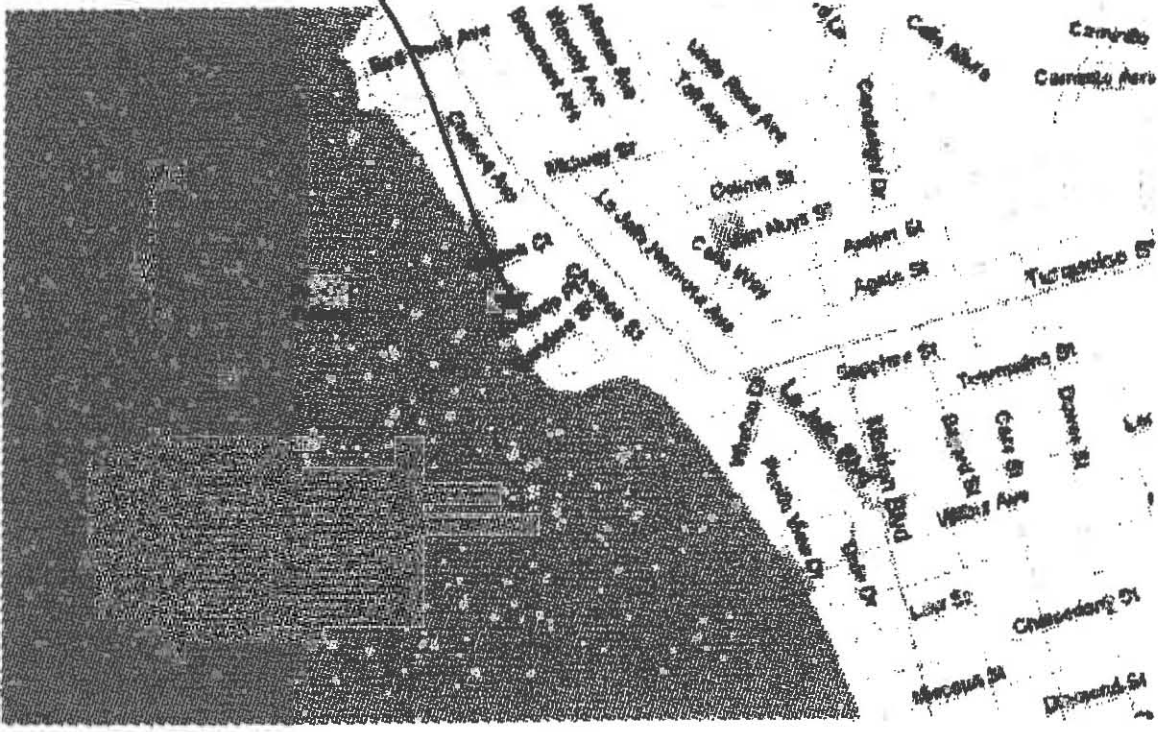
- The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION SHOULD BE PREPARED.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

Project Analyst: SHEARER - NGUYEN

- Attachments: Figure 1: Location Map
Figure 2: Site Plan
Figures 3 and 4: Elevations
Initial Study Checklist

VICINITY MAP

SITE

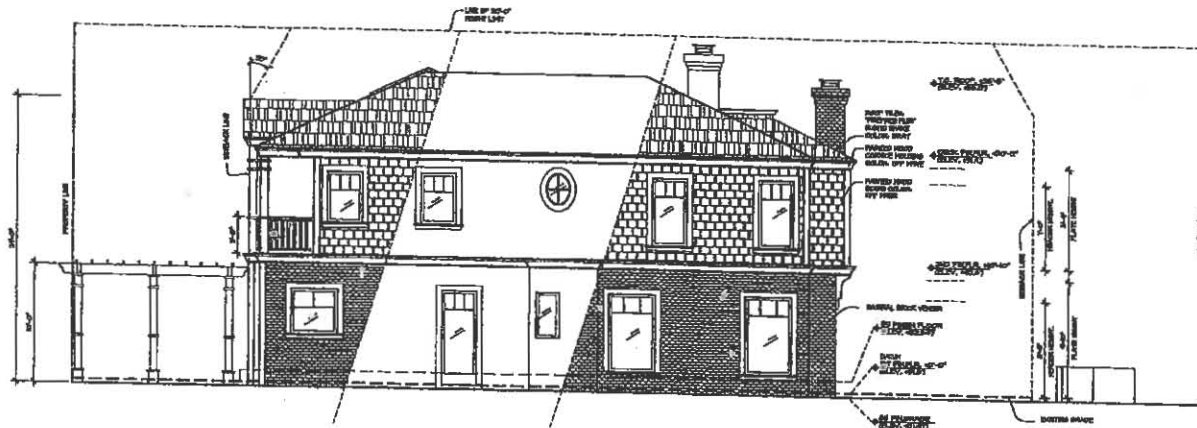


Location Map

Environmental Analysis Section Project No. 10188
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES

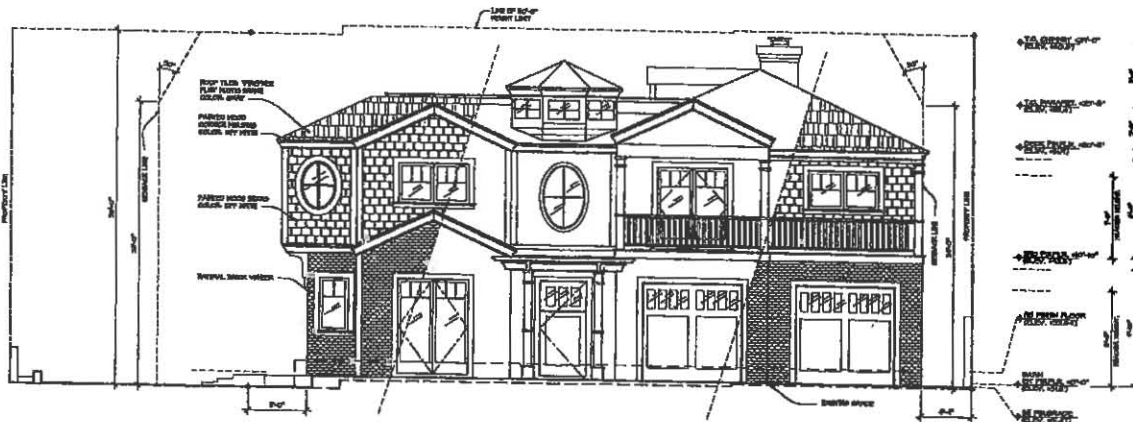
Figure

1



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



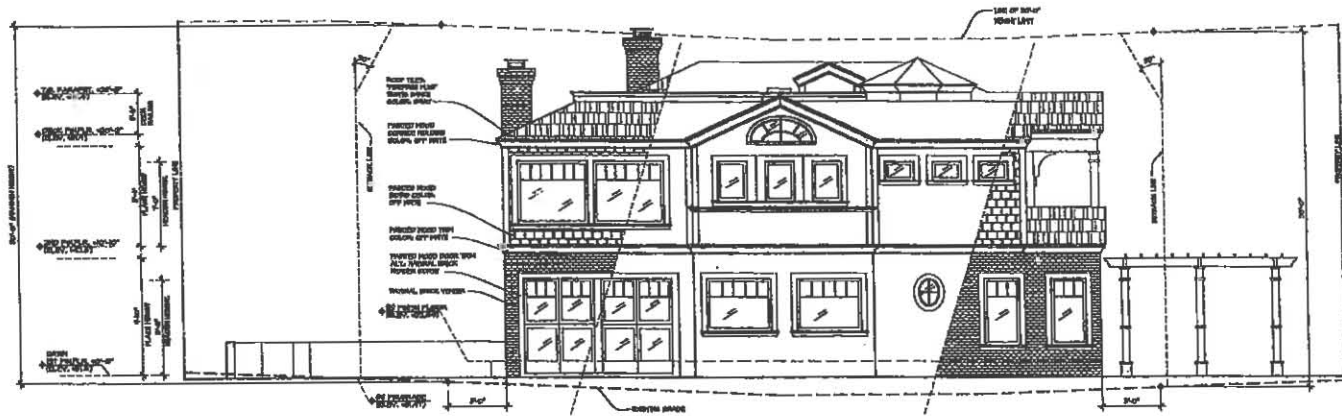
EAST ELEVATION

SCALE: 1/4" = 1'-0"



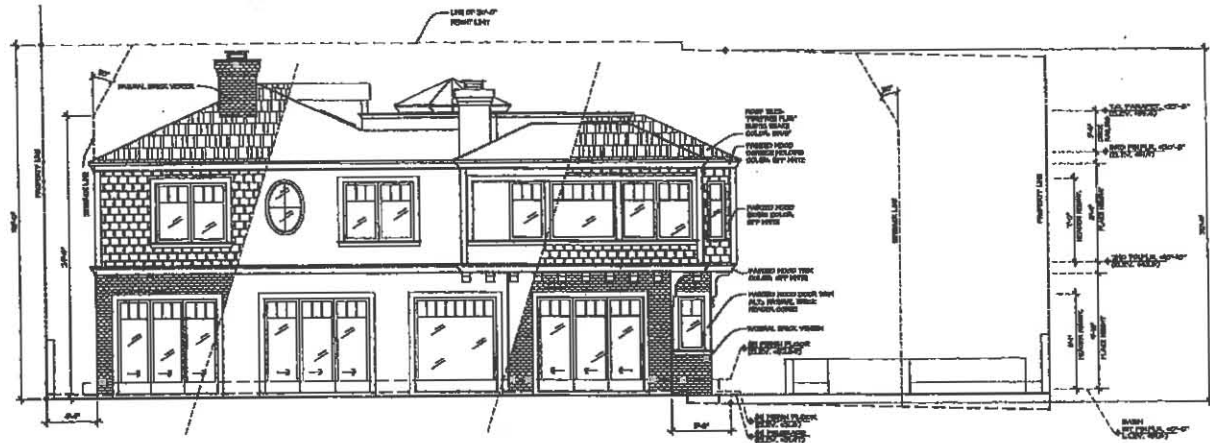
Elevations

Environmental Analysis Section - Project No. 101888
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SOUTH ELEVATION

SCALE: 1/4"=1'-0"



WEST ELEVATION

SCALE: 1/4"=1'-0"

Elevations

Environmental Analysis Section - Project No. 101888
 CITY OF SAN DIEGO · DEVELOPMENT SERVICES



Figure
4

Initial Study Checklist

Date: June 06, 2006
Project No.: 101888
Name of Project: MEHL RESIDENCE

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- A. The obstruction of any vista or scenic view from a public viewing area?

— — X

The La Jolla Community Plan and Local Coastal Program Land Use Plan designates the project site as residential. In addition, the community plan identifies San Collas Street as a "Scenic Overlook." Consequently, the project site has been identified as being located directly adjacent to an existing visual access corridor within the 2004 Community plan and Local Coastal Program Land use Plan. The project would be required to maintain specific side-yard setbacks and height limits. Therefore, the project would not result in the obstruction of any designated vista or scenic view. Refer to Initial Study discussion.

- | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|-----------------|
| <p>B. The creation of a negative aesthetic site or project?
 <u>The proposed construction of the single-family residence would be compatible with the surrounding single-family development and is allowed by the community plan and zoning designation. No such impacts are anticipated. See I-A and I-C.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>C. Project bulk, scale, materials, or style which would be incompatible with surrounding development?
 <u>The design of the single-family residence would be compatible with the architectural style of the local setting. The project would not exceed any City height, setback, size or grading standards. Building materials proposed are compatible with surrounding development.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>D. Substantial alteration to the existing character of the area?
 <u>The single-family residence would be located adjacent to similar single-family development and would not substantially alter the existing character of the area (refer to I-C above).</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>E. The loss of any distinctive or landmark tree(s), or a stand of mature trees?
 <u>No distinctive or landmark trees would be removed.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>F. Substantial change in topography or ground surface relief features?
 <u>No substantial changes in topography or ground relief features are proposed.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent?
 <u>The project site does not contain any unique geologic or physical features. The majority of the terrain is relatively flat, with to a nearly vertical bluff to the ocean below at the west of the property</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
H. Substantial light or glare? <u>The single-family residence would not be expected to cause substantial light or glare.</u>	—	—	<u>X</u>
I. Substantial shading of other properties? <u>The single-family residence would not be expected to cause substantial light or glare. No substantial sources of light would be generated during project construction, as construction activities would occur during daylight hours.</u>	—	—	<u>X</u>
II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:			
A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state? <u>There are no such resources located on the project site and the project site.</u>	—	—	<u>X</u>
B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land? <u>Agricultural land is not present on site or in the general site vicinity. Refer to II-A.</u>	—	—	<u>X</u>
III. AIR QUALITY – Would the proposal:			
A. Conflict with or obstruct implementation of the applicable air quality plan? <u>The single-family residence is compatible with underlying zoning and community plan designation and would not negatively impact air quality.</u>	—	—	<u>X</u>
B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <u>Refer to III-A.</u>	—	—	<u>X</u>
C. Expose sensitive receptors to substantial pollutant concentrations? <u>Refer to III-A.</u>	—	—	<u>X</u>
D. Create objectionable odors affecting a substantial number of people?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<p><u>The existing single-family residence would not be associated with the creation of such odors. Refer to III-A.</u></p>			
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)? <u>Minimal grading is proposed, approximately 81.7 cubic yards.</u>	—	—	<u>X</u>
F. Alter air movement in the area of the project? <u>The existing single-family residence would not have the bulk and scale required to cause such impacts.</u>	—	—	<u>X</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>Refer to III-F.</u>	—	—	<u>X</u>
<p>IV. BIOLOGY – Would the proposal result in:</p>			
A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>No such impact would result to sensitive biological resources. No such resources are on the site.</u>	—	—	<u>X</u>
B. A substantial change in the diversity of any species of animals or plants? <u>No such change in the diversity of any species of animals or plants would occur. Refer to IV-A.</u>	—	—	<u>X</u>
C. Introduction of invasive species of plants into the area? <u>Refer to IV-A and -B.</u>	—	—	<u>X</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>Refer to IV-A and -B. No wildlife corridors are on or near the site.</u>	—	—	<u>X</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral?	—	—	<u>X</u>

Yes Maybe No

Refer to IV-A and -B. Site runoff would be directed into a gutter system or public-right-of-way designated to carry surface runoff which has been reviewed and accepted by City staff.

- F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means?

— — X

No such resources exists on site. Refer to IV-A and -B.

- G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan?

— — X

The project site is designated for single-family development and is not located within or adjacent to the Multi-Habitat Planning Area (MHPA). Therefore, the proposed project would not conflict with the Multiple Species Conservation Program (MSCP). Please see IV-A.

V. ENERGY -- Would the proposal:

- A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)?

— — X

Excessive amounts of fuel would not be required during construction of the project. The project would not result in the use of excessive amounts of fuel, energy, or power. Standard residential consumption is expected.

- B. Result in the use of excessive amounts of power?

— — X

Refer to V-A.

VI. GEOLOGY/SOILS -- Would the proposal:

- A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

— — X

The project site is assigned a geologic risk category of 47 and 53 according to the City of San Diego Safety Seismic Study Maps. Refer to Initial Study Discussion.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? <u>No such impacts would be anticipated with the proposed residential development. The site would be landscaped in accordance with City requirements and all storm water requirements would be met. Please see VI-A.</u>	—	—	<u>X</u>
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>Project would not be located on such a geologic unit or soil type. Please see VI-A.</u>	—	—	<u>X</u>
VII. HISTORICAL RESOURCES – Would the proposal result in:			
A. Alteration of or the destruction of a prehistoric or historic archaeological site? <u>No such resources are known to be on the site. According to the City of San Diego reference materials, the project site is not located within an area having a high sensitivity level for archaeological resources.</u>	—	—	<u>X</u>
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>No historic buildings or structures exist onsite. The project site is a developed parcel which has been previously graded and developed with an existing single family residence. Refer to VII-A.</u>	—	—	<u>X</u>
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>Refer to VII-A and -B.</u>	—	—	<u>X</u>
D. Any impact to existing religious or sacred uses within the potential impact area? <u>No such uses exists on site.</u>	—	—	<u>X</u>

Yes Maybe No

E. The disturbance of any human remains, including those interred outside of formal cemeteries?
Refer to VII-A and -B.

— — **X**

VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:

A. Create any known health hazard (excluding mental health)?
The proposed single-family residence in a single-family neighborhood would not be associated with such impacts.

— — **X**

B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials?
Refer to VIII-A.

— — **X**

C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)?
Refer to VIII-A.

— — **X**

D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?
The proposed project is consistent with adopted land use plans and would not interfere with emergency response and/or evacuation plans.
Please see VIII-A.

— — **X**

E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment?
Proposed project site is not located on a site which is included on a list of hazardous materials sites.

— — **X**

F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
Refer to VIII-A.

— — **X**

IX. HYDROLOGY/WATER QUALITY -- Would the proposal result in:

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<p>A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. <u>The project would be required to comply with all storm water quality standards during and after construction and appropriate Best Management Practices (BMPs) must be utilized.</u></p>	—	—	X
<p>B. An increase in impervious surfaces and associated increased runoff? <u>No significant increase in impervious surfaces would occur. However, BMPs would be utilized to treat all site runoff. Please see IX-A.</u></p>	—	—	X
<p>C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? <u>The project would not substantially increase flow rates or volumes and thus, would not adversely affect on- and off-site drainage patterns. Please see IX-A.</u></p>	—	—	X
<p>D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)? <u>The project site is not tributary to any body of water listed on the State Water Resources Board 303(d) impaired water body list.</u></p>	—	—	X
<p>E. A potentially significant adverse impact on ground water quality? <u>No such impact would occur. No areas of ponded water would be created. Please see IX-A.</u></p>	—	—	X
<p>F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? <u>Refer to IX-A. The project would not make a considerable contribution to water quality degradation.</u></p>	—	—	X
<p>X. LAND USE – Would the proposal result in:</p>			

Yes Maybe No

A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project?
The existing single-family residence would be built on a site which is designated for single-family development by the community plan and zone designation in an area developed with single-family residences

— — **X**

B. A conflict with the goals, objectives and recommendations of the community plan in which it is located?
Please see X-A.

— — **X**

C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area?
Please see X-A. The project would not conflict with City's Multiple Species Conservation Plan (MSCP) and is not located within or adjacent to the Multi-habitat Planning Area (MHPA).

— — **X**

D. Physically divide an established community?
The project site is located in a developed urban community and surrounded by residential development. The project would not physically divide an established community.

— — **X**

E. Land uses which are not compatible with aircraft accident potential as defined by an adopted Airport Land Use Compatibility Plan (ALCUP)?
The project site is not located within the Airport Environs Overlay Zone or the Airport Approach Overlay Zone.

— — **X**

XI. NOISE – Would the proposal result in:

A. A significant increase in the existing ambient noise levels?
The project consists of the construction of a single-family residence.

— — **X**

		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B.	Exposure of people to noise levels which exceed the City's adopted noise ordinance? <u>The project would not expose people to noise levels which exceed the City's adopted noise standards. The project site is not in close proximity to any loud noise producing uses.</u>	—	—	<u>X</u>
C.	Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted Airport Comprehensive Land Use Plan? <u>Please see XI-B.</u>	—	—	<u>X</u>
XII.	PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>Approximately 80 cubic yards of grading is proposed. No impact would result.</u>	—	—	<u>X</u>
XIII.	POPULATION AND HOUSING – Would the proposal:			
A.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <u>The project is the replacement of an existing single-family structure.</u>	—	—	<u>X</u>
B.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>No such displacement would occur. See XIII-A.</u>	—	—	<u>X</u>
C.	Alter the planned location, distribution, density or growth rate of the population of an area? <u>The project would be consistent with applicable land use plans, as well as land use and zoning designations. See XIII-A.</u>	—	—	<u>X</u>
XIV.	PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant			

Yes Maybe No

environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | |
|--------------------------------------------------------------------------------------------------------|----------|----------|-----------------|
| <p>A. Fire protection?
<u>The project would not affect existing levels of public services.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>B. Police protection?
<u>Refer to XIV-A.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>C. Schools?
<u>Refer to XIV-A.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>D. Parks or other recreational facilities?
<u>Refer to XIV-A.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>E. Maintenance of public facilities, including roads?
<u>Refer to XIV-A.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |

XV. RECREATIONAL RESOURCES -- Would the proposal result in:

- | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|-----------------|
| <p>A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
<u>The project would not adversely affect the availability of and/or need for new or expanded recreational resources. See XIII-A.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
| <p>B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
<u>The project would not require recreational facilities to be constructed, See XV-A above.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |

XVI. TRANSPORTATION/CIRCULATION -- Would the proposal result in:

- | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|-----------------|
| <p>A. Traffic generation in excess of specific/ community plan allocation?
<u>The single family residence is consistent with the community plan designation and would not result in significant traffic generation. See XIII-A.</u></p> | <p>—</p> | <p>—</p> | <p>X</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|-----------------|

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>Please see XVI-A.</u>	—	—	<u>X</u>
C. An increased demand for off-site parking? <u>All required parking would be provided on site.</u>	—	—	<u>X</u>
D. Effects on existing parking? <u>No such effects would occur. See XVI-C.</u>	—	—	<u>X</u>
E. Substantial impact upon existing or planned transportation systems? <u>Project implementation would not affect existing transit service in the project vicinity.</u>	—	—	<u>X</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>Project implementation would not affect existing circulation in the project vicinity.</u>	—	—	<u>X</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>Implementation of the proposed project would not increase traffic hazards. The project would comply with all applicable engineering standards for driveway and street design.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>Please see XVI-A.</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>Adequate services are available to serve site.</u>	—	—	<u>X</u>
B. Communications systems? <u>Refer to XVII-A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Water? <u>Refer to XVII A.</u>	—	—	<u>X</u>
D. Sewer? <u>Refer to XVII-A.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>Refer to XVII-A.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>Refer to XVII-A.</u>	—	—	<u>X</u>

XVIII. WATER CONSERVATION – Would the proposal result in:

A. Use of excessive amounts of water? <u>The proposed project would not result in the use of excessive amounts of water. No such impact would occur.</u>	—	—	<u>X</u>
B. Landscaping which is predominantly non-drought resistant vegetation? <u>Landscaping and irrigation would be in compliance with the City's Land Development Code.</u>	—	—	<u>X</u>

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? <u>No such impacts would be caused by the proposed project.</u>	—	—	<u>X</u>
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.)	—	—	<u>X</u>

Yes Maybe No

The project would not result in an impact to long term environmental goals.

- C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)
The project would not have a considerable incremental contribution to any cumulative impacts.

— — X

- D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?
The proposed project would not be associated with such impacts.

— — X

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

City of San Diego Progress Guide and General Plan.

Community Plan.

Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

City of San Diego Progress Guide and General Plan.

U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

Site Specific Report:

III. Air

California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

Regional Air Quality Strategies (RAQS) - APCD.

Site Specific Report:

IV. Biology

City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

X Community Plan - Resource Element.

— California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

— California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

— City of San Diego Land Development Code Biology Guidelines.

— Site Specific Report:

V. **Energy**

VI. **Geology/Soils**

X City of San Diego Seismic Safety Study.

— U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

X Site Specific Report:

Report of Geologic Reconnaissance, Existing Single-Family Residence, 5380 Calumet Avenue, La Jolla, California, prepared by Christian Wheeler Engineering, (October 11, 2005).

Report of Preliminary Geotechnical Investigation, proposed Single-Family Residence, 5380 Calumet Avenue, La Jolla California, prepared by Christian Wheeler Engineering, (April 21, 2006).

Response to Comments, Proposed Single-Family Residence, 5380 Calumet Avenue, La Jolla, California, prepared by Christian Wheeler Engineering, (August 21, 2006).

Response to First Geotechnical Review of Documents, Proposed Single-Family Residence, 5380 Calumet Avenue, La Jolla , California, prepared by Christian Wheeler Engineering, (August 28, 2006).

Response to Second Review/Cycle 5 and third Review/Cycle 9 of Document, Proposed Single-Family Residence, 5380 Calumet Avenue, La Jolla California, prepared by Christian Wheeler Engineering (February 22, 2007).

Response to Second Review/Cycle 5 and third Review/Cycle 9 of Documents, Proposed Single-Family Residence 5389 Calumet Avenue, La Jolla California, prepared by Christian Wheeler Engineering, (April 19, 2007).

VII. Historical Resources

City of San Diego Historical Resources Guidelines.

City of San Diego Archaeology Library.

Historical Resources Board List.

Community Historical Survey:

Site Specific Report:

VIII. Human Health / Public Safety / Hazardous Materials

San Diego County Hazardous Materials Environmental Assessment Listing, 2007.

San Diego County Hazardous Materials Management Division

FAA Determination

State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.

Airport Comprehensive Land Use Plan.

Site Specific Report:

IX. Hydrology/Water Quality

Flood Insurance Rate Map (FIRM).

Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.

Clean Water Act Section 303(b) list, dated July 2002, http://www.swrcb.ca.gov/tmdl/303d_lists.html.

- Site Specific Report:
- X. Land Use**
- X City of San Diego Progress Guide and General Plan.
- X Community Plan.
- X Airport Comprehensive Land Use Plan
- X City of San Diego Zoning Maps
- FAA Determination
- XI. Noise**
- X Community Plan
- X San Diego International Airport - Lindbergh Field CNEL Maps.
- Brown Field Airport Master Plan CNEL Maps.
- Montgomery Field CNEL Maps.
- X San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.
- X San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.
- City of San Diego Progress Guide and General Plan.
- Site Specific Report:
- XII. Paleontological Resources**
- X City of San Diego Paleontological Guidelines.
- X Demere, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.
- X Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4

Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

— Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

— Site Specific Report:

XIII. Population / Housing

— City of San Diego Progress Guide and General Plan.

X Community Plan.

— Series 8 Population Forecasts, SANDAG.

— Other:

XIV. Public Services

X City of San Diego Progress Guide and General Plan.

X Community Plan.

XV. Recreational Resources

— City of San Diego Progress Guide and General Plan.

X Community Plan.

— Department of Park and Recreation

— City of San Diego - San Diego Regional Bicycling Map

— Additional Resources:

XVI. Transportation / Circulation

— City of San Diego Progress Guide and General Plan.

X Community Plan.

X San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

X San Diego Region Weekday Traffic Volumes, SANDAG.

— Site Specific Report:

XVII. Utilities

— _____

XVIII. Water Conservation

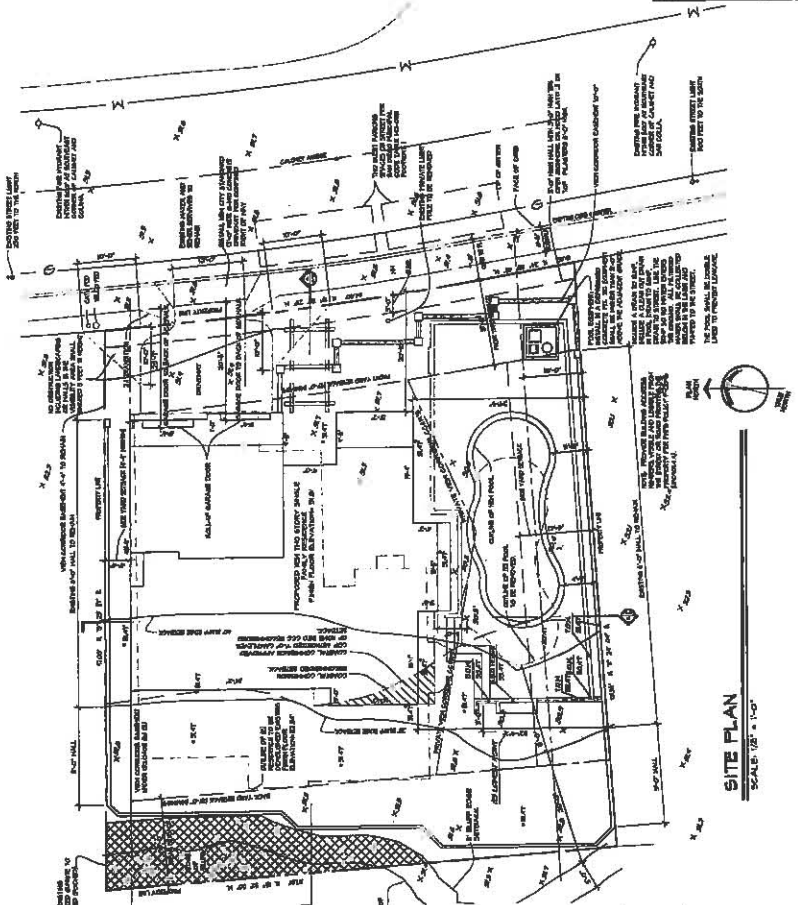
— Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

Architect Mark D. Lyon, Inc. 410 18th Street, La Jolla, CA 92037 619-497-1071

MEEHL RESIDENCE 5246 CALLEJUE AVENUE LA JOLLA, CA 92037

Project information table including title (MEEHL RESIDENCE), address (5246 CALLEJUE AVENUE), and sheet number (A1.1).

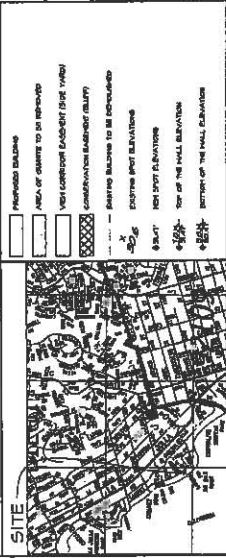
Table containing building code data, floor area analysis, and detailed scope of work.



Project Data table listing project name, address, and contact information.

Additional Information table with sections for Project Team, Additional Information, and Site Legend.

Site Legend table defining symbols used in the site plan for various features.



NOTE:

- 1. IN ACCORDANCE WITH THE REQUIREMENTS OF SAN DIEGO MUNICIPAL CODE SECTION 161.0412 THE OVERSEER/PERMITTEE SHALL SUBMIT A COVERED AND...

PREPARED BY: Architect Mark D. Lyon, Inc. 410 18th Street, La Jolla, CA 92037 619-497-1071

ARCHITECT MARK D. LYON INC.
410 BIRD ROCK AVE., LA JOLLA, CA 92037 (619) 454-1171

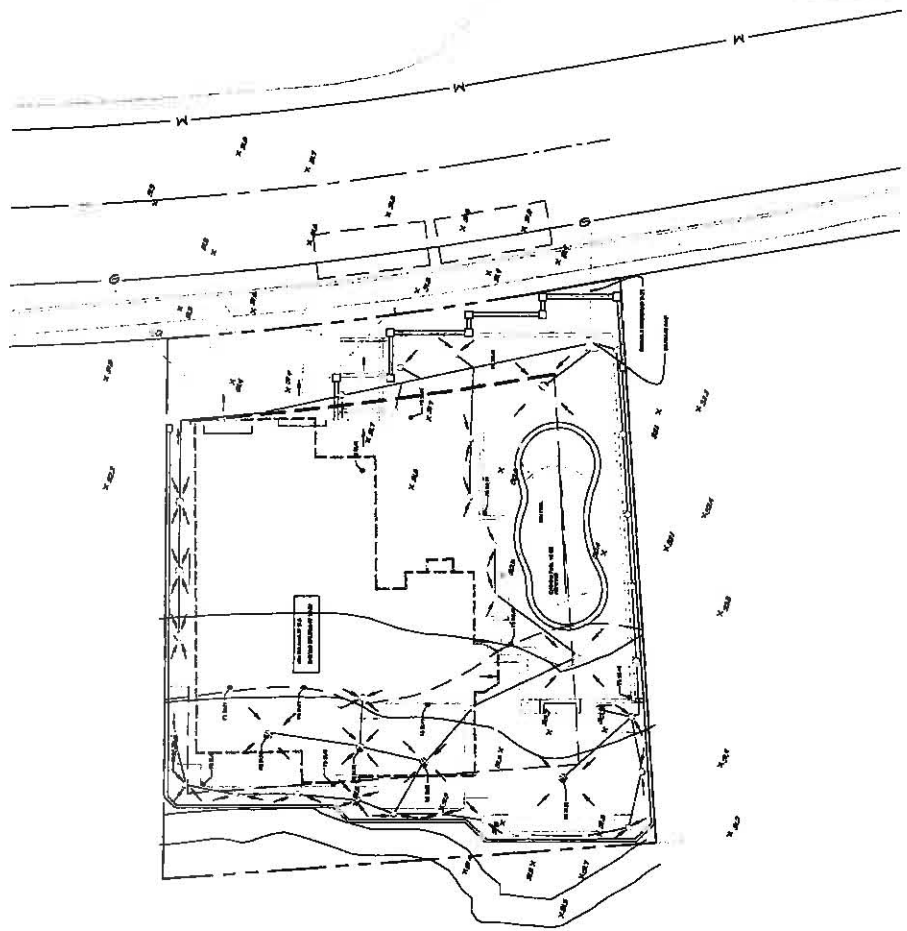
MEHL
RESIDENCE
599 CALDWELL AVENUE
LA JOLLA, CA 92037

PROJECT NO. 2142000
DATE 11/14/2000
SHEET NO. 011
SHEET TITLE DRAINAGE & GRADING PLAN
SCALE 1/4" = 1'-0"

STORM WATER QUALITY
NON-POINT SOURCE CONSTRUCTION BMP'S
1. EROSION CONTROL: ALL EXPOSED SOIL SURFACES SHALL BE PROTECTED WITH EROSION CONTROL MATS OR MULCH. MATS SHALL BE INSTALLED IMMEDIATELY UPON EXCAVATION AND MAINTAINED THROUGHOUT CONSTRUCTION. MULCH SHALL BE APPLIED TO EXPOSED SOIL SURFACES IMMEDIATELY UPON COMPLETION OF EACH PHASE OF CONSTRUCTION.
2. SEDIMENTATION: ALL EXCAVATIONS SHALL BE PROTECTED WITH SLOTTED SCREENS OR SOD STRIPS TO PREVENT SEDIMENT FROM ENTERING ADJACENT AREAS. SEDIMENT TRAPS SHALL BE INSTALLED AT ALL EXITS FROM EXCAVATIONS.
3. STORM WATER MANAGEMENT: ALL STORM WATER SHALL BE COLLECTED AND STORED IN A DEDICATED STORM WATER STORAGE TANK. THE TANK SHALL BE CAPABLE OF HOLDING ALL STORM WATER FROM A 24-HOUR RAINFALL EVENT. THE TANK SHALL BE INSTALLED UPSTREAM OF ANY EXISTING OR PROPOSED STORM WATER INFILTRATION SYSTEMS.
4. BEST MANAGEMENT PRACTICES (BMP'S): ALL CONSTRUCTION ACTIVITIES SHALL BE CONDUCTED IN ACCORDANCE WITH THE BEST MANAGEMENT PRACTICES (BMP'S) FOR NON-POINT SOURCE POLLUTION CONTROL AS SET FORTH IN THE CALIFORNIA RAINFALL ACT (CRA) AND THE CALIFORNIA NON-POINT POLLUTION CONTROL ACT (CNPPCA).
5. POST CONSTRUCTION BMP'S: ALL POST CONSTRUCTION BMP'S SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CALIFORNIA RAINFALL ACT (CRA) AND THE CALIFORNIA NON-POINT POLLUTION CONTROL ACT (CNPPCA).
6. MONITORING AND REPORTING: THE CONTRACTOR SHALL MONITOR AND REPORT ON THE EFFECTIVENESS OF ALL BMP'S TO THE LOCAL AGENCIES CHARGED WITH ENFORCEMENT OF THE CRA AND CNPPCA.

POST CONSTRUCTION BMP'S
1. VEGETATION: ALL EXPOSED SOIL SURFACES SHALL BE REVEGETATED WITH NATIVE PLANTS AND SPECIES. THE REVEGETATION SHALL BE INSTALLED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION AND MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
2. EROSION CONTROL: ALL EXPOSED SOIL SURFACES SHALL BE PROTECTED WITH EROSION CONTROL MATS OR MULCH. MATS SHALL BE INSTALLED IMMEDIATELY UPON EXCAVATION AND MAINTAINED THROUGHOUT CONSTRUCTION. MULCH SHALL BE APPLIED TO EXPOSED SOIL SURFACES IMMEDIATELY UPON COMPLETION OF EACH PHASE OF CONSTRUCTION.
3. SEDIMENTATION: ALL EXCAVATIONS SHALL BE PROTECTED WITH SLOTTED SCREENS OR SOD STRIPS TO PREVENT SEDIMENT FROM ENTERING ADJACENT AREAS. SEDIMENT TRAPS SHALL BE INSTALLED AT ALL EXITS FROM EXCAVATIONS.
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6. MONITORING AND REPORTING: THE CONTRACTOR SHALL MONITOR AND REPORT ON THE EFFECTIVENESS OF ALL BMP'S TO THE LOCAL AGENCIES CHARGED WITH ENFORCEMENT OF THE CRA AND CNPPCA.

PROJECT NO.	2142000
DATE	11/14/2000
SHEET NO.	011
SHEET TITLE	DRAINAGE & GRADING PLAN
SCALE	1/4" = 1'-0"
PROJECT NAME	MEHL RESIDENCE
PROJECT ADDRESS	599 CALDWELL AVENUE, LA JOLLA, CA 92037
CLIENT	MARK D. LYON ARCHITECTS
DESIGNED BY	MARK D. LYON
CHECKED BY	MARK D. LYON
APPROVED BY	MARK D. LYON
DATE	11/14/2000
PROJECT NO.	2142000
DATE	11/14/2000
SHEET NO.	011
SHEET TITLE	DRAINAGE & GRADING PLAN
SCALE	1/4" = 1'-0"
PROJECT NAME	MEHL RESIDENCE
PROJECT ADDRESS	599 CALDWELL AVENUE, LA JOLLA, CA 92037
CLIENT	MARK D. LYON ARCHITECTS
DESIGNED BY	MARK D. LYON
CHECKED BY	MARK D. LYON
APPROVED BY	MARK D. LYON
DATE	11/14/2000



DRAINAGE & GRADING PLAN
SCALE: 1/4" = 1'-0"

NOTE:
THIS PLAN IS A PRELIMINARY DESIGN. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AGENCIES CHARGED WITH ENFORCEMENT OF THE CRA AND CNPPCA. THE CONTRACTOR SHALL MONITOR AND REPORT ON THE EFFECTIVENESS OF ALL BMP'S TO THE LOCAL AGENCIES CHARGED WITH ENFORCEMENT OF THE CRA AND CNPPCA.

EASTWORKS CALCULATIONS
SUPPORT: 811 CF
TOTAL: 811 CF
POST-HILL: 811 CF

LEGEND

[Symbol]	PROPOSED GRADE
[Symbol]	EXISTING GRADE TO BE DEMOLISHED
[Symbol]	EXISTING SPOT ELEVATIONS
[Symbol]	NEW SPOT ELEVATIONS
[Symbol]	PAVED AREA
[Symbol]	SWAMP ZONES
[Symbol]	STORMWATER
[Symbol]	NO-BID FEATURES

BMP PLAN

MEHL RESIDENCE

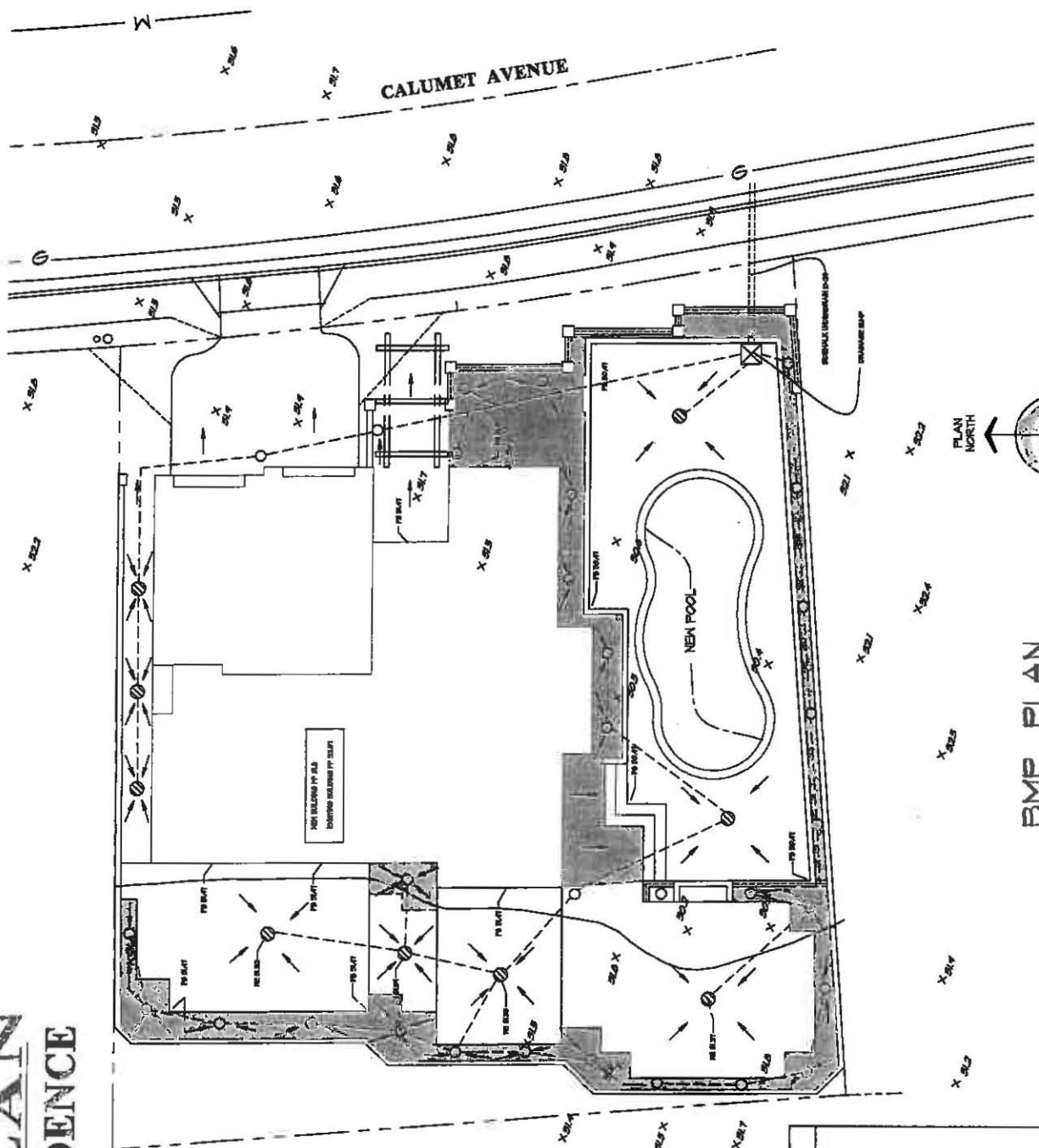
LA JOLLA, CALIFORNIA

ARCHITECT MARK D. LYON, INC.
410 BIRD ROCK AVE., LA JOLLA, CA 92037 (602) 459-1111

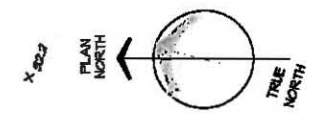


MEHL RESIDENCE
3588 CALUMET AVENUE
LA JOLLA, CA 92037

DATE: 12/12/2010
PROJECT: MEHL RESIDENCE
SHEET TITLE: BMP PLAN
SHEET NO.: 1 OF 1



NOT BELONGING TO THIS LOT
SHOWING BELONGING TO ADJACENT



BMP PLAN

NTS

NOTES:
ALL BEST MANAGEMENT PRACTICES (BMP) SHALL BE INSTALLED AND MAINTAINED AS SHOWN ON THIS PLAN.
BMP SHALL BE MAINTAINED AND MONITORED AS REQUIRED BY THE LOCAL GOVERNMENT.

LEGEND

- IMPROVED AREAS (TO REDUCE PENETRATION OF RUNOFF)
- PROPOSED BUILDING
- EXISTING SPOT ELEVATIONS
- NEW SPOT ELEVATIONS
- PAVED AREAS
- SEWER AREAS
- SHALLOWS
- NOT SITE DRAINAGE

DATE	12/12/2010
PROJECT	MEHL RESIDENCE
SHEET TITLE	BMP PLAN
SHEET NO.	1 OF 1
DESIGNED BY	MARK D. LYON
CHECKED BY	MARK D. LYON
APPROVED BY	MARK D. LYON
DATE	12/12/2010

ARCHITECT MARK D. LYON, INC.
410 BIRD ROCK AVE., LA JOLLA, CA 92037 (858) 454-7111



MEHL
RESIDENCE
5388 CALUMET AVENUE
LA JOLLA, CA 92037

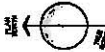
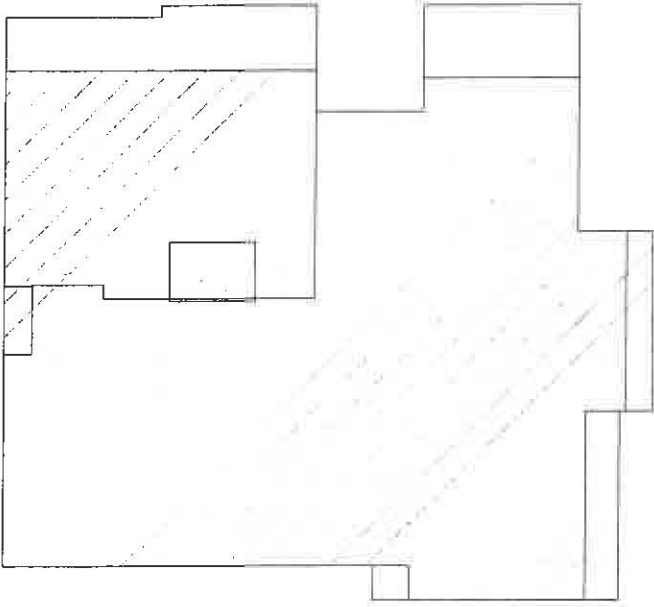
DATE	7/17/2010
PROJECT	COASTAL SUBMITTAL
PROJECT NO.	121
CLIENT	FULLER
DESIGNER	BY/ASLEJ
SCALE	1/4"=1'-0"
SHEET TITLE	F.A.R. PLAN
SHEET NO.	A13

PREPARED BY:
Name: Archival Plans & Legal, Inc.
Address: 10000 Wilshire Blvd., Suite 1000
Los Angeles, CA 90024
Phone: (310) 204-1111

PROJECT NAME:
5388 CALUMET AVENUE
LA JOLLA, CA 92037

SHEET TITLE:
F.A.R. PLAN

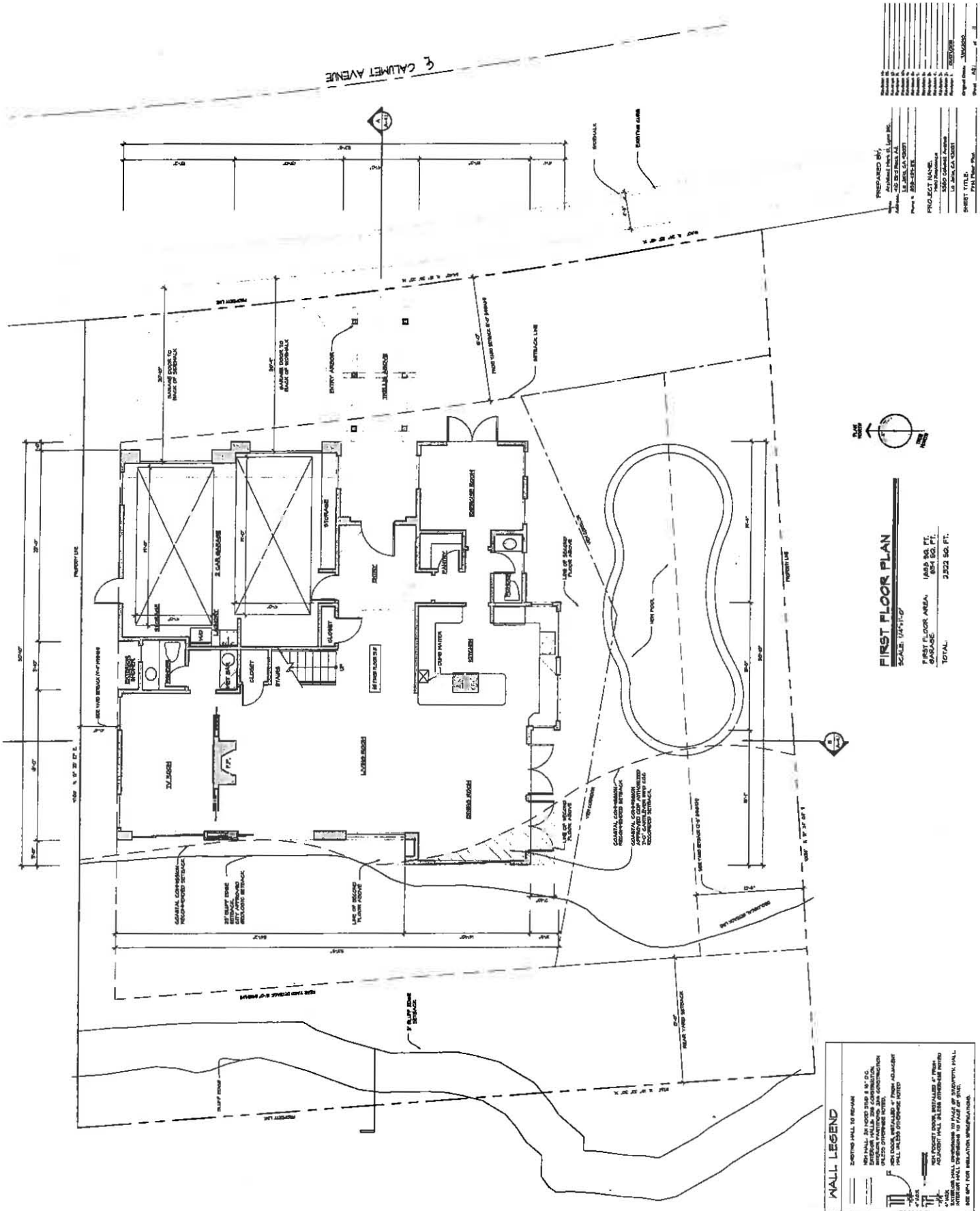
DATE:
7/17/2010



GROSS F.A.R. PLAN
SCALE: 1/4"=1'-0"

SITE LEGEND

	FIRST FLOOR CHANGE INCLUDED IN F.A.R. 1224 B.P.
	SECOND FLOOR INCLUDED IN F.A.R. 1224 B.P.
	EXISTING PORTION OR RECYCLED PLAN INCLUDED IN F.A.R. 1224 B.P.



PREPARED BY:
ARCHITECT: MARK D. LYON, INC.
PROJECT NO.: 1702000
PROJECT NAME:
SHEET TITLE:
DATE: 10/20/00

SCALE: 1/8" = 1'-0"
FIRST FLOOR AREA: 1689 SQ. FT.
GARAGE: 824 SQ. FT.
TOTAL: 2513 SQ. FT.

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

WALL LEGEND

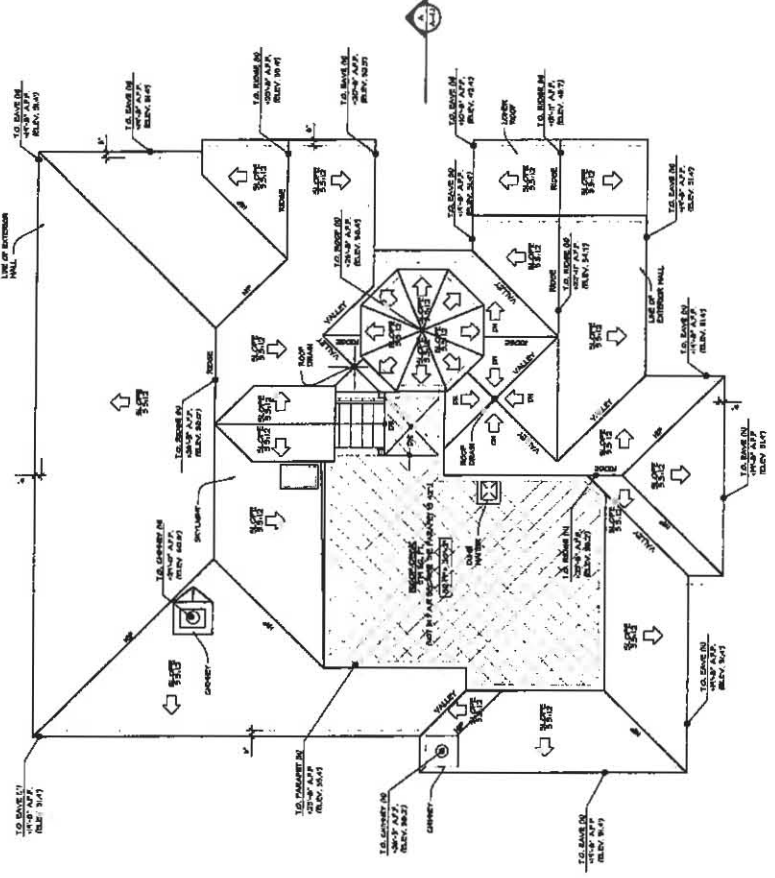
- EXTERIOR WALL TO REMAIN
- INTERIOR WALL TO REMAIN
- NEW WALL TO BE CONSTRUCTED
- EXISTING CONCRETE WALL
- EXISTING BRICK WALL
- EXISTING STUCCO WALL
- EXISTING GYP. BOARD WALL
- EXISTING PLASTER WALL
- EXISTING CMU WALL
- EXISTING CMU WALL TO BE REMOVED
- EXISTING CMU WALL TO BE RECONSTRUCTED
- EXISTING CMU WALL TO BE RECONSTRUCTED WITH INSULATION
- EXISTING CMU WALL TO BE RECONSTRUCTED WITH INSULATION AND FINISH
- EXISTING CMU WALL TO BE RECONSTRUCTED WITH INSULATION AND FINISH AND EXTERIOR WALL TO REMAIN TO FACE OF FINISH
- SEE SHEET FOR INSULATION SPECIFICATIONS

ARCHITECT MARK D. LYON, INC.
410 BIRD ROCK AVE., LA JOLLA, CA 92037 (619) 494-1171

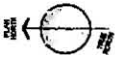
MEHLL
RESIDENCE
5380 CALBERT AVENUE
LA JOLLA, CA 92037

DATE: 7/16/2010
PROJECT: COASTAL SERRANAL
SHEET: 1011
DRAWN BY: M. HUGH
CHECKED BY: M. HUGH
SCALE: AS SHOWN

PREPARED BY:	Architect: Mark D. Lyon, Inc.
DATE:	7/16/2010
PROJECT:	MEHLL RESIDENCE
ADDRESS:	5380 CALBERT AVENUE, LA JOLLA, CA 92037
OWNER:	MEHLL RESIDENCE
PROJECT NAME:	MEHLL RESIDENCE
DATE:	7/16/2010
SCALE:	AS SHOWN

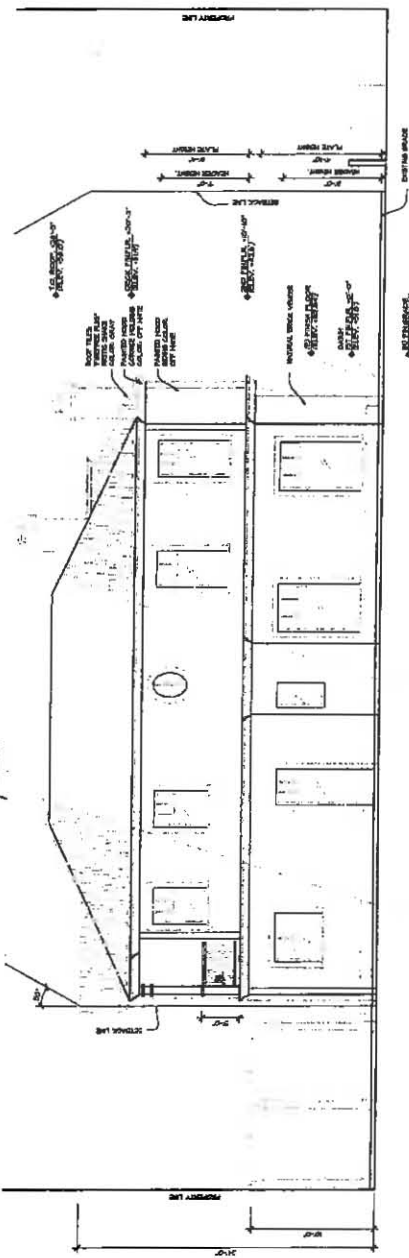


NOTE: ALL SLOPES ARE 8:12 (20%)

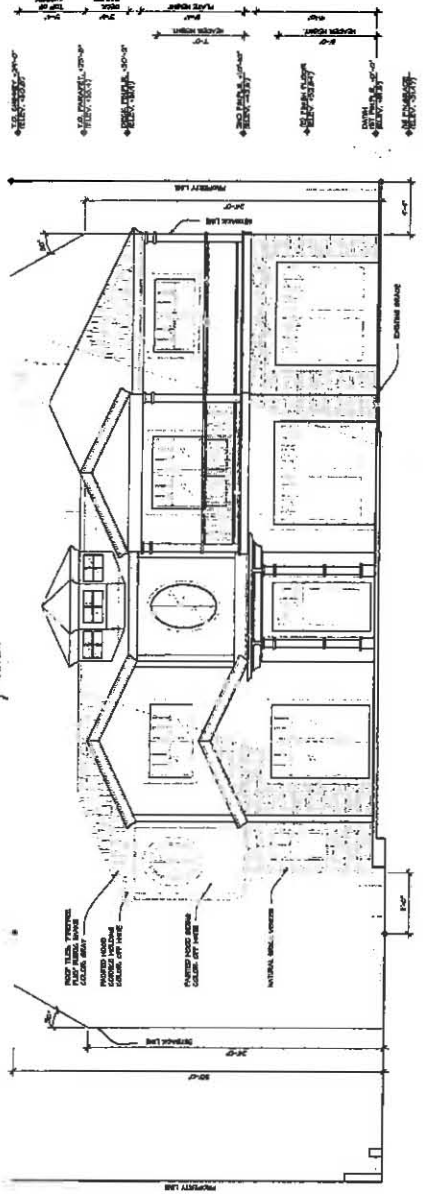


ROOF PLAN
SCALE: 1/8"=1'-0"

PREPARED BY:	ARCHITECT
DATE:	03/20/07
PROJECT NAME:	MEHL RESIDENCE
PROJECT ADDRESS:	5380 CALHOUN AVENUE
CITY AND STATE:	LA JOLLA, CA 92037
SHEET TITLE:	EXTERIOR ELEVATIONS
SHEET NO.:	A3.1



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

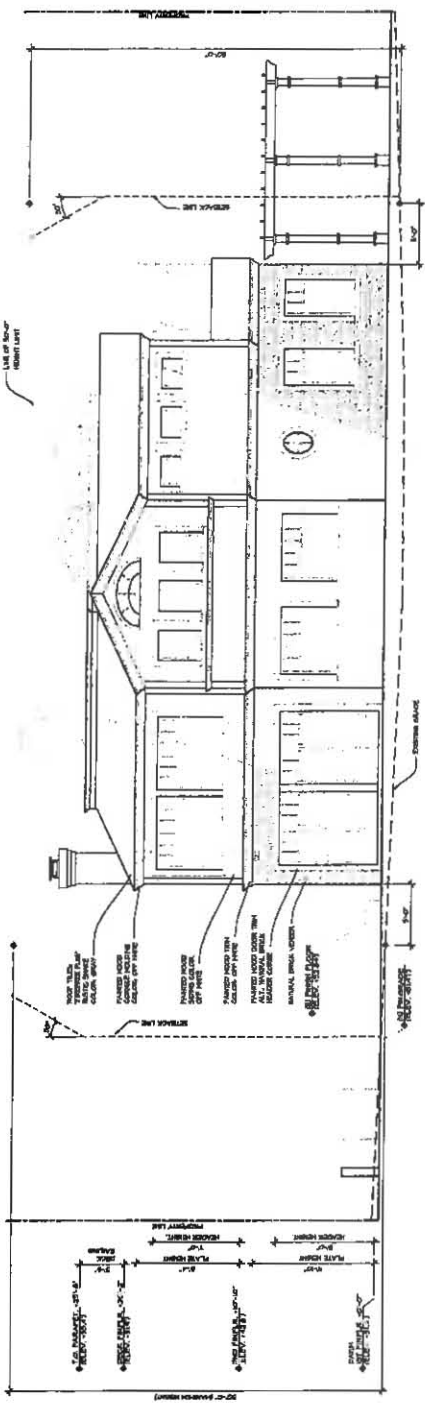


EAST ELEVATION
 SCALE: 1/8"=1'-0"

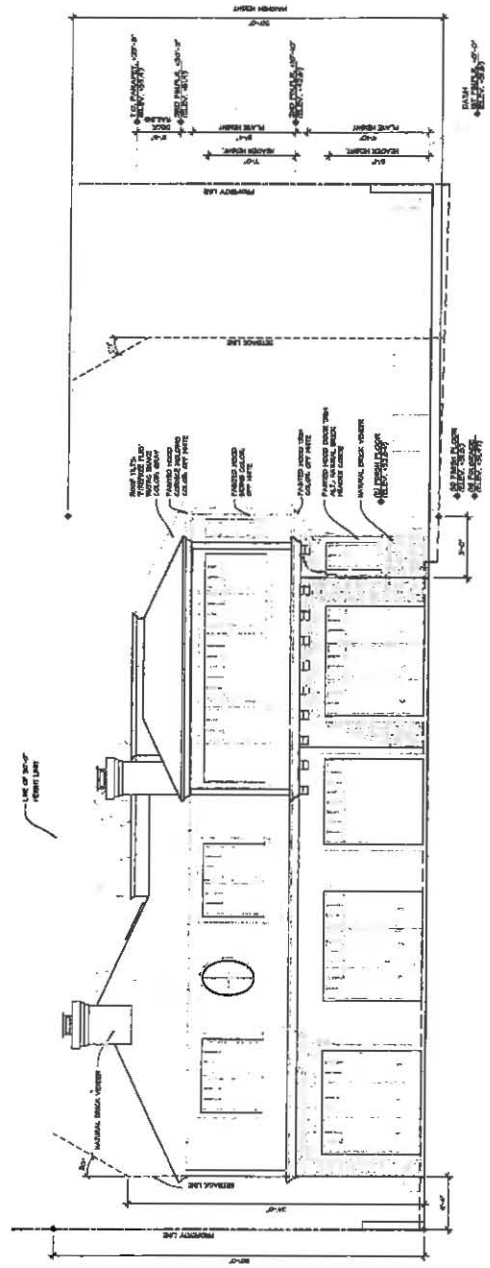
NOTE:
 THE HATCHED PORTION OF THE ROOF,
 EXISTING OR NOT, IS NOT TO BE
 REPLICATED IN THIS DRAWING.
 IT SHALL NOT BE BUILT OUT ABOVE GRADE.

Prepared by:	ARCHITECT MARK D. LYON, INC.
Address:	410 BIRD ROCK AVE.
City:	LA JOLLA, CA 92037
Phone:	(619) 454-1111
Project Name:	MEHL RESIDENCE
Location:	5300 CALVERT AVENUE LA JOLLA, CA 92037
Sheet Title:	EXTERIOR ELEVATIONS

NOTE:
THE HIGHEST POINT ON THE ROOF,
CORNER OR ANY VERTICAL SURFACE,
SHALL BE INDICATED BY A DIMENSION
LINE WITH FACED UP ARROW POINTING
TO THE HIGHEST POINT.



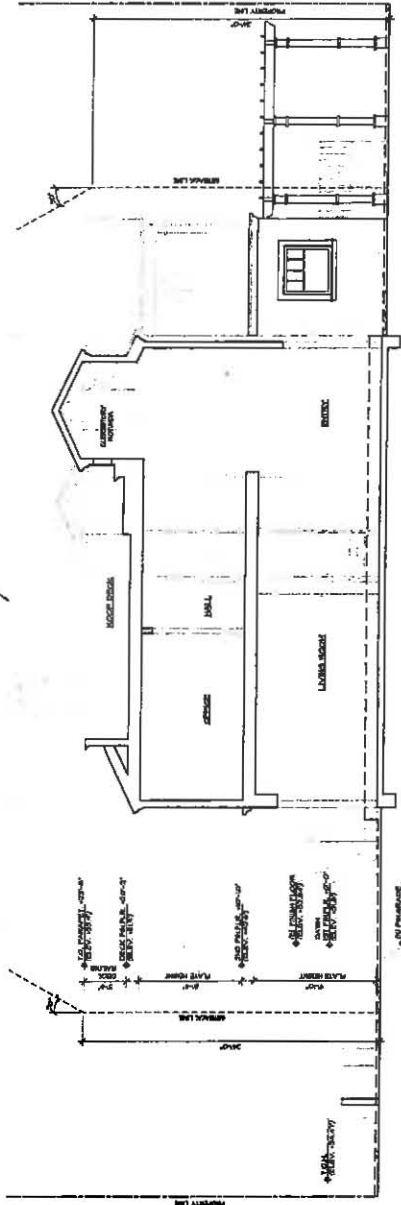
SOUTH ELEVATION
SCALE: 1/4"=1'-0"



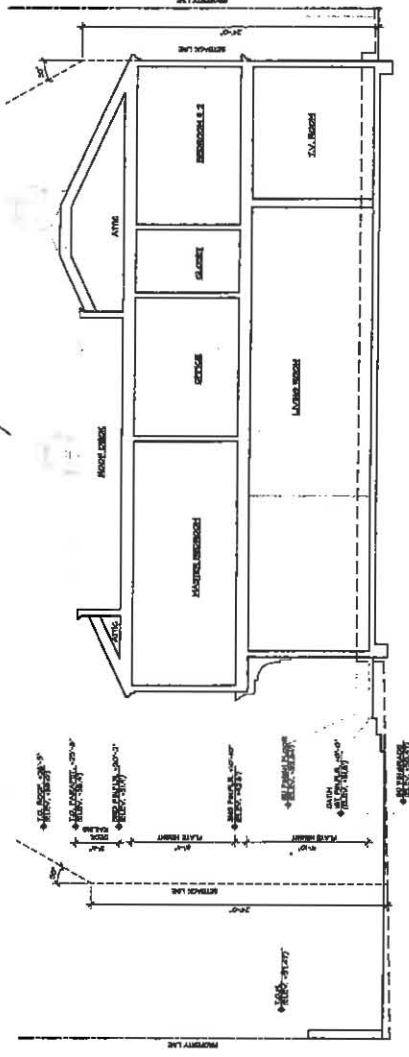
WEST ELEVATION
SCALE: 1/4"=1'-0"

PREPARED BY:	ARCHITECT	MARK D. LYON, INC.
DATE:	10/11/09	
PROJECT NO.:	09-0010	
SHEET NO.:	001	
SHEET TITLE:	BUILDING SECTIONS	
SCALE:	1/8" = 1'-0"	
PROJECT:	MEHL RESIDENCE	
ADDRESS:	3380 CALUMET AVENUE	
CITY:	LA JOLLA, CA 92037	
OWNER:	UNKN	
DATE:	10/11/09	
PROJECT NO.:	09-0010	
SHEET NO.:	001	
SHEET TITLE:	BUILDING SECTIONS	
SCALE:	1/8" = 1'-0"	

NOTE:
THE DIMENSIONS SHOWN ON THIS SHEET ARE FOR INFORMATION ONLY. THE DIMENSIONS OF THE BUILDING SHALL NOT BE USED FOR ANY OTHER PURPOSES.
ALL DIMENSIONS SHALL BE TO UNLESS OTHERWISE NOTED.



SITE SECTION A
SCALE: 1/8" = 1'-0"



SITE SECTION B
SCALE: 1/8" = 1'-0"



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: Morris Dye, DSD, City of San Diego

Project: Mehl Residence
 5380 Calumet Avenue
 PN 214566

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: MEHL RESIDENCE

5380 Calumet Ave.

Permits: CDP SDP Project #: 214566

DPM: Morris Dye 619-446-5278, mdye@sandiego.gov

Zone: RS-1-7

Applicant: Mark Lyon 858-459-1171, info@mdla.com

Scope of Work: (Process 3) Coastal Development Permit & Site Development Permit to demolish an existing residence and construct a 4,369 square foot single family on a 0.19-acre site in the RS-1-7 Zone of the La Jolla Community Plan, Coastal Overlay Zone (appealable), Coastal Height Limit Overlay Zone, Sensitive Coastal Overlay, First Public Roadway, Parking Impact, Residential Tandem Parking, Transit Area. Council District 1.

Approved in 2006. Did not proceed with construction within time constraint (2 yr), so a new permit is needed. Applicant wants to add pool.

Mehl Presenters: Matt Peterson, Mark Lyon

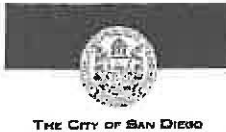
Peterson: New house and new pool will be placed way back from Bluff.

Thorsen: What is requirement from CCC about liability. Peterson: "Hold harmless"

Costello: Even with the precautions a pool should not be allowed as a leak will accelerate bluff erosion. Water would percolate to the relatively impermeable Cretaceous Layer, follow the slope to the ocean and erode the bluff as at 5322 Calumet.

Other DPR Members: Not a problem. Risk is no greater or maybe less than leaks from plumbing, irrigation, sewer. There are likely leaks uphill of site.

Subcommittee Motion: To Approve the CDP and SDP as presented. 5-1-1.



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title **Project No. For City Use Only**
 MEHL RESIDENCE 214560

Project Address:
 5380 CALUMET AVE. LA JOLLA, CA 92037

Part I - To be completed when property is held by Individual(s)

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 owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names 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 individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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

Name of Individual (type or print): David Mehl

Owner Tenant/Lessee Redevelopment Agency

Street Address: 3567 E Loring Dr #219

City/State/Zip: Tucson, AZ 85718

Phone No: 520-299-8424 Fax No: 520-577-3391

Signature: [Signature] Date: 6/14/10

Name of Individual (type or print): Bonnie Mehl

Owner Tenant/Lessee Redevelopment Agency

Street Address: 3567 E Loring Dr #219

City/State/Zip: Tucson, AZ 85718

Phone No: 520-299-8424 Fax No: 520-577-2391

Signature: [Signature] Date: 6/14/10

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature: _____ Date: _____