



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 7, 2013 **REPORT NO. PC-13-119**

ATTENTION: Planning Commission, Agenda of November 14, 2013

SUBJECT: HENELY RESIDENCE APPEAL - PROJECT NO. 279093.
PROCESS 3

REFERENCE: Report to Hearing Officer - Report No. HO-13-077

**OWNER/
APPLICANT:** Donald and Celia Henely, Trustees of Henely Trust, Owner
Mr. Claude-Anthony Marengo, Architect/Consultant

SUMMARY

Issue: Should the Planning Commission uphold or deny an appeal of the Hearing Officer's decision to approve demolition of an existing residence and construction of a new, two-story, single-family residence within the La Jolla Community Plan area?

Staff Recommendation: DENY the appeal and APPROVE Coastal Development Permit No. 980406.

Community Planning Group Recommendation: The La Jolla Community Planning Association voted 7-5-3 to recommend denial of the project at their meeting on August 1, 2013. Their denial did not include any comments or findings (Attachment 13).

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15303, that allows for new construction. This project is not pending an appeal of the environmental determination. The exemption determination for this project was made on July 19, 2013; and the opportunity to appeal that determination ended on August 27, 2013.

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

Code Enforcement Impact: Neighborhood Code Compliance has an open case regarding grading and a related keystone block retaining wall located near the rear property line constructed without permits. This unpermitted grading and construction of a

retaining wall is required to be corrected through a permit condition to obtain a grading permit which will resolve this code violation.

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

BACKGROUND

The 14,300 square foot project site is currently developed with an approximate 2,110 square foot single family residence built in 1950. The surrounding properties are fairly well developed and form an established single-family residential neighborhood just east of a low coastal bluff region and directly north of the Tourmaline Surfing Park. The project site is located at 615 Wrelton Drive, in the RS-1-7 Zone, Coastal Overlay Zone (appealable), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone and the Residential Tandem Parking Overlay Zone within the La Jolla Community Plan area (Attachments 1 – 3).

A Coastal Development Permit is required by the Land Development Code (Section 126.0702) for the proposed development on property within the Coastal Overlay Zone. During the processing of this Coastal Development Permit, Neighborhood Code Compliance opened up a code violation case regarding an existing unpermitted retaining wall located along the southern portion of the project site. Condition No. 18 (Page 4 of Attachment 6) has been added to the draft permit which will require the applicant to obtain a grading permit. The implementation of this required grading permit will correct the violation.

DISCUSSION

Project Description:

The project proposes to demolish the existing residence and construct an approximately 6,353 square-foot, two-story, single-family residence with attached garage and an in-ground spa on the previously disturbed 14,300 square-foot property. The project conforms to all of the development regulations of the RS-1-7 Zone and the applicable Coastal Development Regulations.

Visual Resources Analysis:

The project site is identified as being within or adjacent to a Scenic Overlook as identified by the La Jolla Community Plan and Local Coastal Land Use Plan (Attachment 10). The plan also indentifies the site being within the Scenic Roadway designations. City Staff reviewed a submitted visual analysis and conducted a site visit to analyze the public views and the project's potential impact to them. Staff determined that the project conforms to the policies and public vantage point figures in the La Jolla Community Plan and Local Coastal Program by: conforming to the applicable side yard setbacks and height limitations; preserving the required 7' 4" wide view corridor within the western and eastern side yards of the subject property; and preserving a horizon line view of the ocean across the subject property from the portion of Wrelton Drive designated as a Scenic Overlook.

The Project site is located between the ocean and the first public roadway in a southern area of La Jolla near Tourmaline Surfing Park which is identified on Exhibit "A" of Appendix "G", Figure H of the La Jolla Community Plan as the Wrelton Drive Scenic Overlook as well as the La Jolla Boulevard Scenic Roadway. A Scenic Overlook is defined in the La Jolla Community Plan as, "a view over private property from a public right-of-way." The Scenic Overlook designation is different from the Major Viewshed designation which is defined as an, "unobstructed panoramic view from a public vantage point" in Exhibit "A" of Appendix G of the Community Plan. The primary differences between these view designations are that the Scenic Overlook is defined as "over private property," while a Major Viewshed designation requires an unobstructed view from a public vantage point. The Scenic Roadways is defined as "Partially obstructed views over private properties and down public right of ways." This view designation generally provides public views between homes along the side yard setbacks. The proposed project design has located all of the structural massing within the allowable building envelope. There are no encroachments into the required yard setbacks nor any variances requested with this proposal. Currently there are virtually no views down either side setback area because they are blocked by either thick vegetation or solid site fencing. Implementation of this Coastal Development Permit will open, restore and enhance these public views.

Staff reviewed the analysis of the visual impacts, photo simulations, visited the site, and worked with the applicant to document the above mentioned view protections on the site plan and within the permit conditions. Staff concluded that the Project provides both the Scenic Overlook and Scenic Roadway views, with the required public view corridor easements to be recorded, and determined that the proposed project is consistent with the La Jolla Community Plan and Local Coastal Program.

La Jolla Community Planning Association Recommendation – On August 1, 2013, The Association voted 7-5-3 to recommend denial of this project. Issues brought up at the meeting involved building height, public views, potential flooding, current condition of the property, party noise and use of the property as a vacation rental. As detailed in a City Attorney Office Memorandum of Law (Attachment 13) the City does not regulate vacation or short term rentals of Single Family or RS Zoned properties.

APPEAL OF THE HEARING OFFICER APPROVAL

On September 11, 2013, the Hearing Officer approved the project and adopted the project resolutions after hearing public testimony. The Appeals of that decision were filed on September 20, 2013 by Tony Crisafi, Chairmen of the La Jolla Community Planning Association and on September 24, 2013 by a neighbor Charles H. Redfern (Attachment 12). The Appeals focus primarily on public views, bulk and scale and impacts, the use of the property as a vacation rental, drainage and the past unpermitted grading at the back of the property. The following is a list of the Appeal issues followed by the City staff response.

Appeal Issues

1. Visual Resources – Identified Public Vantage Points – the subject development may impact scenic view from Tourmaline Surfing Park Identified view No. 98, La Jolla Community Plan (LCP) p 47 (Attachment 11).

STAFF RESPONSE:

Tourmaline Surfing Park Identified View No. 98 is a “View Cone” defined by 90 degree angle radiating lines from a public vantage point (the centerline of street) to the corners of the buildable envelope as defined by the setbacks of each corner property closet to the ocean or shoreline. The subject property is not the corner property closet to the ocean. The subject property is located to the north and east of this defined “View Cone” by approximately one lot within the existing subdivision. The proposed development does not encroach upon nor negatively impact this identified public view.

2. Visual Resources – Subarea H; Birdrock Visual Access – the subject development will impact the identified scenic overlook on Wrelton Drive, La Jolla Community Plan (LCP) p. 185 (Attachment 10).

STAFF RESPONSE:

The project site is located between the ocean and the first public roadway in a southern area of La Jolla near Tourmaline Surfing Park which is identified on Exhibit “A” of Appendix “G”, Figure H of the La Jolla Community Plan as the Wrelton Drive Scenic Overlook as well as the La Jolla Boulevard Scenic Roadway. A Scenic Overlook is defined in the La Jolla Community Plan as, “a view over private property from a public right-of-way.” The Scenic Overlook designation anticipates that the property can be developed within the allowable building envelope of the underlying zone. The Scenic Roadways is defined as “Partially obstructed views over private properties and down public Right of Ways.” This view designation generally provides public views between homes along the side yard setbacks. Both of the applicable public views were evaluated for compliance with Exhibit “A” of Appendix G and Figure H of the La Jolla Community Plan and the Project was found to be consistent and will have no adverse impacts to the identified public views.

3. Existing and proposed structures may not conform with La Jolla Community Plan open space policy as this development includes coastal bluff along North boundary of Tourmaline Park. Refer to: La Jolla Community Plan p. 41 – open space visual resources and La Jolla Community Plan p. 51, Item (3) Shoreline and Coastal Bluffs, (d) Accessory Structures.

STAFF RESPONSE:

Based on the City’s resource maps the subject property does not contain Sensitive Coastal Resources or Coastal Bluffs. Sensitive Coastal Resources and Coastal Bluffs are mapped on the property directly to the west of this subject site. The subject property is also located within Geologic Hazard Category 53, which is characterized as level or sloping terrain, unfavorable geologic structure, low to moderate risk. This hazard category does not require

the submittal of a geology report with the Coastal Development Permit application. The appeal does not provide any evidence that Coastal Bluffs are located on this property. Since the property does not contain Coastal Bluffs, the referred Community Plan sections are not applicable to this site.

4. Recognizing use of intensity of this property, parking and noise impact mitigations are inadequate.

STAFF RESPONSE:

The proposed project is the redevelopment of the property as one residential single family home. A minimum of two off-street parking spaces are required and the proposed project complies with that requirement.

At the Hearing Officer hearing, during public testimony, claims were made that this property is and will become a "Vacation Rental" property or a small hotel use. The Hearing Officer pointed out that the City does not prohibit the rental of a single family residence and reference the City Attorney Office's Memorandum of Law (Attachment 14) regarding that issue. The Hearing Officer asked if any parking or noise issues were reported to the Police. There was no public testimony or submitted evidence that the parking or noise issues were reported to the Police.

5. Geology – proposed development failed to identify risk and proposed mitigation measures with respect to site grading and augmenting existing pool and site wall structures. Refer to La Jolla Community Plan p. 81 – Residential Land Use.

STAFF RESPONSE:

The project site is located in Geologic Hazard Category No. 53. Based on the City's submittal requirements a geology report is not required. The draft Coastal Development Permit includes a condition requiring the submittal, review and issuance of a grading permit, with a geotechnical report for the rear yard retaining walls and related earthwork, which will correct the identified Neighborhood Code violation case.

6. The report to the Hearing Officer for the HO Hearing indicated that the CEQA exemption determination was made on July 19, 2013, and the opportunity to appeal that determination ended on August 22. However, the notices for the determination were produced on August 5 and August 13. California Public Resources Code section 21152(a) requires the local agency to file the notice within 5 working days after the approval or determination becomes final. Therefore, by the time the notice of public hearing was published on August 26, we were misled into believing that our CEQA appeal period had already expired when in fact it had not.

STAFF RESPONSE:

Both the Public Notice for the Hearing Officer Hearing and the Report to the Hearing

Officer incorrectly stated the CEQA appeal period ended on August 22, 2013, which was an error. However, the revised Notice Of Right To Appeal Environmental Determination (NORA) did contain the correct date to the end of the appeal period of August 27, 2013, which is the official document for this date and was posted on the City's Web Site for approximately two months (Attachment 15).

The appellant believes that the appeal period for the CEQA determination did not end on August 27, 2013 as noted in the revised Notice of Right to Appeal the Environmental Determination (August 13, 2013), a process codified in the City of San Diego Municipal Code (SDMC) Section 112.0520, Environmental Determination Appeals [*note: a notice was posted on August 5, 2013 with an appeal period ending on August 19, 2013; a revised notice with an appeal period ending on August 27, 2013 was posted on August 13, 2013*]. The appellant cites California Public Resources Code (PRC) section 21152(a) as the reason that the appeal period did not end per the NORA. This PRC section is separate and distinct from the established appeal process per the Municipal Code.

PRC Section 21152(a) states that "Whenever a local agency approves or determines to carry out a *project* [emphasis added] that is subject to this division, the local agency shall file notice of the approval or the determination within five working days after the approval or determination becomes final, with the county clerk of each county in which the project will be located." This directs a local agency to file the Notice of Determination (NOD) after a project decision has been made final, not after an environmental determination appeal period has ended. It would not be appropriate to file an NOD prior to a public hearing on a project nor would such a filing be valid. Provided the NOD is filed within five working days after the approval of a project, the statute of limitations to challenge the project approval is 30 days (CEQA Section 15075(g)).

Pursuant to PRC 21151(c), "If a nonelected decision-making body of a local lead agency...determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any". In order to comply with that section, the Notice of Right to Appeal (NORA) process was established by the City and codified in the SDMC. The NORA for this project was posted as required per the SDMC, and no appeals of that determination were filed. Therefore, the determination is final. Again, the NORA process and the NOD process are separate, and the appellant appears to have confused the two processes.

The appellant also stated that CEQA Section 15304(a) does not apply to this project due to grading. City Staff did not use 15304(a) for this project as it does not apply. The project was determined to be exempt from CEQA pursuant to CEQA Section 15303, New Construction. Staff also considered the exceptions in section 15300.2, and none of those exceptions applied, therefore the New Construction exemption is appropriate for this project.

7. The project will not 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, which is a required finding. The unpermitted retaining walls (which the applicant proposes to remain), and the proposed Jacuzzi, sit at the top of the slope that is part of a view corridor (Item 98) in the La Jolla Community Plan and Local Coastal Program

Land Use Plan, page 47.

STAFF RESPONSE:

Tourmaline Surfing Park Identified View No. 98 is a "View Cone" defined by 90 degree angle radiating lines from public vantage point (the centerline of street) to the corners of the buildable envelope as defined by the setbacks of each corner property closet to the ocean or shoreline. The subject property is not the corner property closet to the ocean. The subject property is located to the north and east of this defined "View Cone" by approximately one residential lot within the existing subdivision and the proposed development, specifically the proposed retaining wall replacement and proposed Jacuzzi are not located within the "View Cone" and do not impact this identified public view.

8. The project is not in conformity with the certified Local Coastal Program Land Use Plan, which is a required finding. Bulk and Scale with regard to surrounding structures as viewed from the public right-of-way must be considered per a.1) of page 90. This project is not compatible with bulk and scale on nearby sites with sensitivity to ocean views.

STAFF RESPONSE:

The proposed development has a calculated Floor Area Ratio of 0.44 (6,353 square feet of floor area on a 14,300 square foot lot), which complies with the maximum Floor Area Ratio of 0.50 of the underlying RS-1-7 Zone, which is the implementing or controlling tool of bulk and scale measurement as adopted under the Local Coastal Program Land Use Plan. The surrounding properties are also Zoned RS-1-7 with the same Floor Area Ratio allowance. The proposed development is designed to comply with the allowable building envelope of the RS-1-7 Zone and the identified public views are to be preserved through the recording of a view easement down each side yard setback area as a condition of the Coastal Development Permit. The Local Coastal Program Land Use Plan contains other design recommendations to promote transitions in scale between new and older structures, such as off-setting planes, building articulation, roofline treatment and variations within the front yard setback, all of which have implemented in the design of this project.

9. The project proposed 5 bedrooms, and will likely have a localized transportation impact due to lack of on-site parking. There is a high possibility of continued use as a short-term rental, due to current use as a short term rental. The local planning group considers 1:1 bedrooms to parking spaces to be adequate ratio.

STAFF RESPONSE:

The proposed project is the redevelopment of the property as one residential single family home. A minimum of two off-street parking spaces are required and the proposed project complies with that requirement.

At the Hearing Officer Hearing, during public testimony, claims were made that this property is and will become a "Vacation Rental" property or a small hotel use. The Hearing Officer pointed out that the City does not prohibit the rental of a single family residence

and reference the City Attorney Office's Memorandum of Law regarding that issue. The Hearing Officer asked if any parking or noise issues were reported to the Police. There was no public testimony or submitted evidence that the parking or noise issues were reported to the Police.

10. A Water Quality Technical Report is required per the Storm Water Requirements Applicability Checklist (part of the Land Development Manual, enforced by the Municipal Code), which includes "Development directly adjacent to a Water Quality Sensitive Area and increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition." "Directly Adjacent" is defined as being situated within 200 feet of the Water Quality Sensitive Area". This project is clearly less than 200 feet from WQSA. The rear portions of the property will produce runoff that leads directly down the hill and to the nearby beach.

STAFF RESPONSE:

The appellant is incorrect in stating that the rear portions of the property will produce runoff that leads directly down the hill and to the nearby beach. The Engineering Section reviewed the drainage plan for conformance with the Storm Water Regulations. The proposed drainage design directs all runoff of the proposed development area back to the City's storm drain system within the public right of way. No additional drainage is being directed to the reference Water Quality Sensitive Area. If the drainage of the entire site would have drained onto the slope at the back of the lot, a Water Quality Technical Report would have been required. However, since the applicant's design directed the runoff towards the street, a Water Quality Study was required, submitted, reviewed and accepted.

11. A separate grading and drainage plan must be prepared as part of the CDP package per the City Submittal Requirements Matrix section 10.7 (enforced and referenced by the Municipal Code), where "any portion of the property has slopes over 25%", or "there is more than a 4 foot height differential between the highest and lowest points of the property." Both of these are true, but this separate document was not prepared.

STAFF RESPONSE:

A separate grading permit is required as a condition of the Coastal Development Permit to correct the Neighborhood Code Violation Case, Condition No. 18 (Page 4 of Attachment 6). This violation was turned in and reviewed during the processing of the Coastal Development Permit Application. During the project's review the Permit Planning Section reviewed as built grading plans, old aerial photos and submitted excerpts from a Geotechnical Report. Based on this information, they determined that the rear slope area, currently and prior to the Code Violation was a disturbed area, is not natural, does not meet the definition of Steep Hillside, therefore, a separate grading plan was not required during the Coastal Development Permit review process.

12. Our own geotechnical evaluation of the 50 foot high slope descending down to Tourmaline Park results in a factor of safety for global stability to be less than 1.5:1

(inadequate), in conflict with the applicant's geotechnical calculations considered by staff during the project review.

STAFF RESPONSE:

The appellant is incorrect in stating that the geotechnical calculations were considered by staff during the project review. The geotechnical report was not required at the time of project submittal for the Coastal Development Permit. The City's Geology Section has not reviewed or accepted the applicant's report, nor has any factor of safety been reviewed or considered by the City's Geologist. A geology report is required in conjunction with the required grading permit, a condition of the Coastal Development permit. The factor of safety of the slope will be evaluated at that time. The applicant has had a geology report prepared, discussed it at the Community Planning Group meetings. The applicant submitted this report to the City's Planning Staff with specific excerpts referenced strictly for the focused review by Planning Staff of the past disturbance of the property to evaluate whether the property was subject to Environmentally Sensitive Lands Regulations.

13. Our own geotechnical evaluation of the unpermitted retaining walls indicates that the embedment depth (foundation) is not deep enough to meet minimum standards, and that internal stability conditions have not yet been demonstrated. The applicant indicated during his presentation to the La Jolla CPA that they would "leave the walls in place and get them certified by a structural engineer". It is very likely instead that these walls will need to be removed and replaced with significant grading operations.

STAFF RESPONSE:

A grading permit with the submittal of a geotechnical report is required through a permit condition, Condition No. 18 (Page 4 of Attachment 6). The proper foundation and stability of the retaining wall will be reviewed by the City's Engineering – Drainage and Grades Section during the ministerial review of this required grading permit.

Community Plan Analysis:

The proposed project is located within the La Jolla Community Plan (LJCP) area and the subject site is designated for low density residential development at 5-9 du/acre. The proposed project conforms to the LJCP designated land use. The LJCP recommends maintaining the character of residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

The property fronts along Wrelton Drive, which does not contain nor is it in the vicinity of any public view as identified by the LJCP. The proposed project does not impact any public view. The proposed height for the residence is less than thirty feet which is consistent with the community plan and the thirty foot height limit.

The community plan also recommends maintaining the existing residential character of La Jolla's neighborhoods by encouraging build out of residential areas at the plan density. The

neighborhood is one which is mainly made up of moderate to large size homes which are mainly older with a few newer residences typically built to the city's standards. The proposed new addition/remodel to this existing residence is consistent with other newer residences in the neighborhood. However, this project site is one of the larger lots in the neighborhood. The proposed new addition to the residence also is consistent with the plan for landscaping and streetscape recommendations. Staff recommends approval of the proposed residential redevelopment as it is consistent with the community plan's policies for residential development.

Conclusion:

The Hearing Officer reviewed the proposed Coastal Development Permit and determined the project is consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan and the applicable Land Development Code regulations. Staff has provided draft findings supporting the Coastal Development Permit approval (Attachment No. 5). Staff recommends that the Planning Commission uphold the Hearing Officer's approval of the proposed Coastal Development Permit as proposed (Attachment No. 6).

ALTERNATIVES

1. Uphold Coastal Development Permit No. 980406, with modifications.
2. Deny Coastal Development Permit No. 980406, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Acting Deputy Director
Development Services Department



Glenn Gargas, Project Manager
Development Services Department

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. Project Site Plan
8. Project Plans – Building Elevations
9. Project Plans – Building Cross Sections

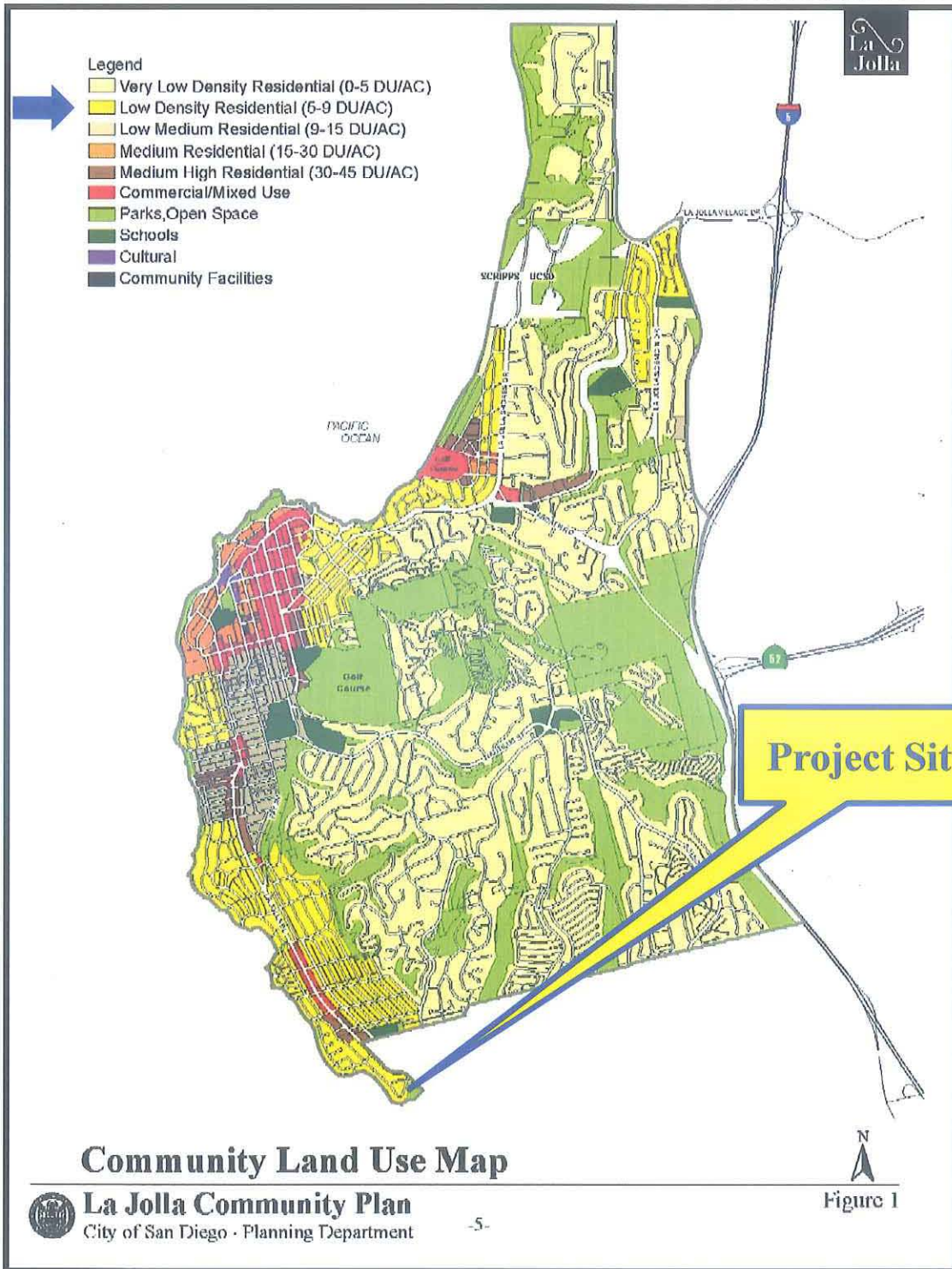
10. La Jolla Community Plan – Visual Access – Figure H – Page 185
11. La Jolla Community Plan – Visual Resources Pages 46 & 47
12. Copy of Appeals
13. Community Planning Group Recommendation
14. City Attorney’s Memorandum of Law Regarding Vacation Rentals
15. Revised Notice of Right to Appeal Environmental Determination
16. Ownership Disclosure Statement
17. Project Chronology



Aerial Photo

HENELY RESIDENCE - 615 WRELTON DRIVE
PROJECT NO. 279093





Land Use Map

HENELY RESIDENCE – 615 WRELTON DRIVE
PROJECT NO. 279093 La Jolla





Project Location Map

HENELY RESIDENCE – 615 WRELTON DRIVE
PROJECT NO. 279093



PROJECT DATA SHEET

PROJECT NAME:	Henely Residence – Project No. 279093	
PROJECT DESCRIPTION:	CDP to demolish an existing residence and construct a new approximately 6,353 square foot single-family residence with a two car garage and swimming pool on a 14,300 square foot property.	
COMMUNITY PLAN AREA:	La Jolla	
DISCRETIONARY ACTIONS:	Coastal Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Low Density Residential (5-9 DUs per acre)	
<u>ZONING INFORMATION:</u>		
ZONE: RS-1-7 Zone		
HEIGHT LIMIT: 30/24-Foot maximum height limit.		
LOT SIZE: 5,000 square-foot minimum lot size – existing lot 14,300 sq. ft.		
FLOOR AREA RATIO: 0.50 max. allowed – 0.44 proposed		
FRONT SETBACK: 15 feet required – 15 feet proposed		
SIDE SETBACK: 7 feet 4 1/8 inches required – 7 feet, 4 1/8 inches proposed		
STREETSIDE SETBACK: NA		
REAR SETBACK: 13 feet required – 42 feet proposed		
PARKING: 2 parking spaces required – 2 proposed.		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Density Residential; RS-1-7 Zone	Single Family Residence
SOUTH:	Parks & Open Space; RS-1-7 Zone	City Park
EAST:	Low Density Residential; RS-1-7 Zone	Single Family Residence
WEST:	Low Density Residential; RS-1-7 Zone	Single Family Residence
DEVIATIONS OR	None.	

ATTACHMENT 4

VARIANCES REQUESTED:	
COMMUNITY PLANNING GROUP RECOMMENDATION:	The La Jolla Community Planning Association voted 7-5-3 to recommend denial of the proposed project at their meeting on August 1, 2013.

PLANNING COMMISSION RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 980406
HENELY RESIDENCE - PROJECT NO. 279093

WHEREAS, Donald Henely and Celia Henely, Trustees of the Donald and Celia Henely 2000 Trust dated June 27, 2000, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish the existing residence and construct a new, two-story, single family residence on the property (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 980406), on portions of a 0.32-acre property;

WHEREAS, the project site is located at 615 Wrelton Drive, in the RS-1-7 Zone, Coastal (appealable) Zone, Coastal Height Limitation, Residential Tandem Parking and Transit Overlay Zones and within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 19, Block 4, Pacific Riviera Villas Unit No. 1, Map No. 2531;

WHEREAS, on September 11, 2013, the Hearing Officer of the City of San Diego considered and approved Coastal Development Permit No. 980406, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 20, 2013, that decision was appealed by Tony Crisafi, Chair of the La Jolla Community Planning Association and Charles H. Redfern;

WHEREAS, on July 19, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303 that allows for new construction and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

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

That the Planning Commission adopts the following written Findings, dated November 14, 2013.

FINDINGS:

Coastal Development Permit - Section 126.0708

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

The 14,300 square-foot project site is located within a developed area of moderate scale single-family residences on approximately 10,000 to 15,000 square foot sized lots. The development proposes to demolish the existing residence and construct a new, two-story, single family residence on the previously disturbed project site. The proposed development is located between the ocean and the first public roadway and the southern/western edge of the project site is approximately 80 feet from the mapped mean high tide line. The project site is not located adjacent to and does not contain an identified public access path identified in the La Jolla Community Plan and Local Coastal Program [LCP] Land Use Plan. Therefore, the proposed project 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.

The Local Coastal Program land use plan identifies two public views that relate to the proposed development of the project site: Wrelton Drive Scenic Overlook and La Jolla Boulevard Scenic Roadway. The proposed development preserves, enhances or restores these designated public views. The Wrelton Drive Scenic Overlook is defined as a view over private property from a public right of way. Consistent with the Local Coastal Program land use plan, the project preserves the public view from the Wrelton Drive Scenic Overlook as illustrated by the view analysis prepared by the applicant and reviewed by City Staff.

The Scenic Roadway designation, which is defined as partially obstructed views over private property and down public rights of way, commences at the eastern beginning of the Wrelton Drive Scenic Overlook and continues south past the project site along Wrelton Drive. Currently there are virtually no views down either side setback area because they are blocked by either thick vegetation or solid site fencing. Implementation of this Coastal Development Permit will open, restore and enhance these public views. The project provides enhanced view corridor protections for the Wrelton Drive Scenic Roadway designation by establishing an eastern and western building setback of 7' to 4 1/8' on both side setbacks which complies with the required setback under applicable regulations. As a condition of approval, the public views down each side yard setback area will be protected by the recording of a view easement that places limits on encroachments by buildings, landscaping and fencing.

In addition, the Local Coastal Program land use plan, La Jolla Community Plan, and the Land Development Code include numerous other goals, policies or regulations regarding public views, including protections that apply to properties, such as the project site, that are located between the sea and the first public roadway. The project has been analyzed for consistency with all of those applicable public view protection provisions. Consistent with the City Council adopted Resolution No. R-298578, the proposed residence meets all of the RS-1-7 zone development regulations and enhances view corridor protections by establishing building setbacks required under applicable regulations, policies and goals. The applicant also prepared a project specific visual and community plan consistency analysis that helps illustrate that the proposed structure does not encroach into the designated public views. The visual and community plan analysis submitted to the City was reviewed and it has been determined that the proposed project's design and public view protections are consistent with the Local Coastal Program land use plan, La Jolla Community Plan and the Land Development Code. As such, the proposed development would enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

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

The 14,300 square-foot project site is currently developed with an existing single family residence and the lot is previously disturbed within an area of developed residential homes. The project site is located within a well established residential neighborhood and it is surrounded by large to moderate sized single family homes to the north, east and west. The proposed demolition of the existing residence and construction of a new, two-story, single-family residence would be developed within the previously disturbed portion of the property. During the project's review the Permit Planning Section of the Development Services Department reviewed as built grading plans, old aerial photos and submitted excerpts from a Geotechnical Report. Based on this information, they determined that the rear slope area, currently and prior to the Code Violation was a disturbed area, is not natural, does not meet the definition of Steep Hillside, nor is it subject to the Environmentally Sensitive Lands Regulations. The proposed residence will not encroach on the Environmentally Sensitive Lands. Furthermore, the project site is not located within the Multiple Habitat Planning Area [MHPA].

The environmental review, determined that the project would not have a significant environmental effect on environmentally sensitive lands and was found to be categorically exempt from environmental review under CEQA. The project proposes only a minimal amount of grading, for the foundation and reconstruction of existing retaining walls only and will not result or propose any encroachment into Environmentally Sensitive Lands. Thus this proposed redevelopment of the property will not adversely affect environmentally sensitive lands.

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

The project proposes construction of a new, two-story, single-family residence. The project site has a Residential – Low Density (5-9 DU/AC) land use designation as identified by the La Jolla Community Plan, which allows for low density residential development. The surrounding neighborhood is entirely built out with an eclectic mix of architectural styles and sizes of residences. As described previously in these findings, the proposed residence will not encroach upon, negatively alter or reduce the existing publicly designated physical access or visual access to and along the coast nor will it adversely affect Environmentally Sensitive Lands. The project also complies with all applicable requirements of the Land Development Code, which is part of the certified Local Coastal Plan Implementation Program. The project proposes to set the first story of the residence approximately 20 feet, and the closest second story element approximately 25 feet, from the curb of Wrelton Drive when only a 15 foot setback from the property line is required. In addition, only a small portion of the residence is proposed to be at the project's maximum height of 30 feet, the proposed floor area ratio is 0.42 when 0.45 is allowed and the amount of livable area above grade is limited to approximately 4,600 square feet. The increased setbacks and other off-setting elements of the project depicted on Exhibit "A" minimize the bulk and scale of the project, help to preserve protected public views and ensure overall conformity with the adopted La Jolla Community Plan, the Land Development Code and the certified Local Coastal Program land use plan and Implementation Program.

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

The Local Coastal Program land use plan and the Land Development Code identify the permitted use of the project site as single family residential. The 14,300 square-foot project site is currently fully developed with a single family residence. The project site is located within an existing residential neighborhood of larger to moderate size single family homes. The project site is located between the first public road and the sea or shoreline, but the development will be fully within the private property. The western edge of the project site is approximately 80 feet east of the mapped mean high tide line. The proposed development does not encroach onto or adversely affect any public access way. The project does not impact public, pedestrian/recreation access as depicted in Exhibit "A." Therefore, the project is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act.

Although the issue is not addressed in the public access and public recreation policies of Chapter 3 of the California Coastal Act, the project is consistent with City's policies, goals and regulations regarding public view protections. The Natural Resources and Open Space Element of the La Jolla Community Plan designates a Scenic Overlook and a Scenic Roadway public view corridor within the vicinity of the project site and adjacent properties. As described previously in these findings, and based on factors including the location of the proposed home relative to the designated view corridors, compliance with applicable Land Development Code requirements, the requirement of setback based view corridor protections and the preservation of a horizon line view of the ocean above the proposed home from the designated Wrelton Drive Scenic Overlook, the project will preserve, enhance or restore the public view corridors. The applicant prepared a visual and community plan analysis that helps illustrate that the proposed structure does not encroach into the designated public views. City Staff reviewed the applicant's visual analysis and determined that the proposed project's design and public view protections comply with the Local Coastal Program land use plan, the Coastal Act, the La Jolla Community Plan and the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 980406, is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 980406, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: November 14, 2013

Job Order No. 24002631

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: 24002631

COASTAL DEVELOPMENT PERMIT NO. 980406
HENELY RESIDENCE - PROJECT NO. 279093
PLANNING COMMISSION

This Coastal Development Permit No. 980406 is granted by the Planning Commission of the City of San Diego to Donald Henely and Celia Henely, Trustees of the Donald and Celia Henely 2000 Trust dated June 27, 2000, Owner / Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 0.32-acre site is located at 615 Wrelton Drive, in the RS-1-7 Zone, Coastal (appealable) Zone, Coastal Height Limitation, First Public Roadway, Residential Tandem Parking and Transit Overlay Zones within the La Jolla Community Plan area. The project site is legally described as: Lot 19, Block 4, Pacific Riviera Villas Unit No. 1, Map No. 2531.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner /Permittee to demolish an existing residence and construct a new, two-story, single family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 14, 2013, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing residence and construction of a new, two-story, 6,353 square foot single family residence with an attached two car garage on a 14,300 square foot property;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Site walls, reconstructed rear yard retaining walls, swimming pool and spa; and

- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by November __, 2016. (Pending State Coastal Commission Appeal Period)
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing driveway with a 12-foot wide City standard driveway, on Wrelton Drive, satisfactory to the City Engineer.
13. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the curb outlet locate in Wrelton Drive right-of-way, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
15. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.
16. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.
17. The drainage system proposed for this development is private and subject to approval by the City Engineer.
18. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the revised grading and revised retaining wall proposed for this project. This grading permit shall include the submittal/review of a Geotechnical Investigation Report and this permit shall also be reviewed for the proper scope by Neighborhood Code Compliance to assure that the code violation will be corrected. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

19. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
20. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

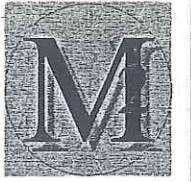
21. Prior to the issuance of any construction permits, the Owner/Permittee shall record a seven foot, four and 1/8 inch (7'4 1/8")-wide View Corridor Easement within both side yard setback areas as shown on Exhibit "A," in accordance with SDMC section 132.0403.

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

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on November 14, 2013, by Resolution No. _____.



Marengo Morton Architects

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Claude Anthony Marengo DESA



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615 WRELTON DR.
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REVISIONS
05-08-13 1ST COASTAL SUBMITTAL
06-28-13 ENG. CYCLE ISSUES



PHASE COASTAL PHASE

PROJECT NO. 2013-04

REVIEWED BY CAM

DRAWN BY JS

DATE 09-11-13

Marengo Morton Architects, Inc. is providing, by agreement with the project, a professional service. The project is subject to the terms, conditions, specifications, requirements, documents, and other information provided to the Architect by the client. The Architect is not responsible for any errors or omissions in the project documents, or for any damage or loss of any kind, including but not limited to, consequential, special, or punitive damages, or for any delay or interruption of any kind, or for any other loss or damage, or for any other liability, arising out of or in connection with the project. The Architect's liability is limited to the amount of the fee for the project. The Architect's liability is not limited to the amount of the fee for the project. The Architect's liability is not limited to the amount of the fee for the project. The Architect's liability is not limited to the amount of the fee for the project.

SHEET TITLE
PROPOSED SITE PLAN
A-1.2
SHEET 3 OF 9

KEYNOTES

- 11 - EXISTING CONCRETE SIDEWALK TO BE REPAIRED WHERE DAMAGED
- 2 - EXISTING BRICK STRIP TO BE REMOVED & REPLACED W/ NEW CONCRETE TO MATCH SIDEWALK W/ STONE ACCENTS- PER A SEPARATE EMRA
- 3 - EXISTING WATER METER
- 4 - PROPOSED DRIVEWAY DOWN TO STREET, 12'-0" CURB CUT W/ 3'-0" APRONS- PER SAN DIEGO STANDARD SDG-159 & NEW SEPARATE EMRA
- 5 - EXISTING TREE TO BE RELOCATED TO THE WEST OF DRIVEWAY.
- 6 - PROPOSED ROOF EAVE OVERHANG ABOVE.
- 7 - DRAINAGE DISCHARGE CURB OUTLET & SIDEWALK UNDER-DRAIN. ALL SITE DRAINAGE DISCHARGES TO WRELTON DRIVE.
- 8 - NDS™ 18" SQUARE CATCH BASIN W/ KRISTAR FLOGARD™ PLUS BMP FILTER INSERT
- 9 - EXISTING POWER POLE TO REMAIN.
- 10 - EXISTING GAS METER TO REMAIN IN SAME LOCATION. EVALUATED & REPLACED IF NECESSARY
- 11 - SIDEWALK UNDERDRAIN & CURB OUTLET PER SAN DIEGO REGIONAL STANDARD DRAWING D-37, PER SEPARATE EMRA
- 12 - "DEED RESTRICTION" - REQUIRED DEED RESTRICTED SIDE YARD VIEW CORRIDOR ALONG THE SIDE YARDS (SDMC 132.0403(b)). ONLY 75% OPEN FENCING AND LANDSCAPING, MAINTAINED NOT TO EXCEED 3 FEET IN HEIGHT, MAY BE PERMITTED IN THIS VIEW CORRIDOR.
- 13 - "BMP FILTER - BIO SWALE.
- 14 - NEW CONSTRUCTION OF CITY STANDARD DRIVEWAY WITH TRANSITIONS TO THE EXISTING ROLLED CURB PER CITY STANDARD DRIVEWAY SDG-159-1.
- 15 - EXISTING BUILDING OUTLINE.
- 16 - VISIBILITY TRIANGLE. NO FENCES, SHRUBS, OR WALLS HIGHER THAN 36" WILL BE PROPOSED IN THE VISIBILITY AREA PER SDMC 113.0273
- 17 - VIEW CORRIDOR PER COMMUNITY PLAN FROM RIGHT OF WAY TO RIGHT OF WAY
- 18 - EXISTING UNPERMITTED SITE/RETAINING WALL
- 19 - PROPOSED SITE/RETAINING WALL
- 20 - 9'-0" X 18'-0" STREET PARKING SPACE
- 21 - EXISTING CURB AND GUTTER

GENERAL SITE NOTES

- A. The site plan is for general site reference only. Refer to other construction documents for complete scope of work.
- B. This is an Interior Tenant Improvement plan only, only new or relocation of non-bearing walls are involved. Minor alterations to existing electrical, water, phone and other existing utilities to the tenant space are proposed.
- C. Before commencing any site foundation or slab cutting or excavation the contractor shall verify locations of all site utilities, dimensions and conditions. These include but are not limited to property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other new or existing site items which could affect in any way the construction of the building. Flag or otherwise mark all locations of site property lines, easements (if any) underground utilities, and indicate utility type.
- D. All conditions or dimensions on these plans shall be verified in the field by the General Contractor with actual site conditions. Written dimensions shall take precedence over scaled dimensions and shall be verified on the job site. On-site verification of all dimensions and conditions shall be the sole responsibility of the General Contractor and Subcontractors.
- E. The Contractor or sub-contractor shall notify the Architect if any conflicts or discrepancy occurs between this information on this plan and actual field conditions. Do not proceed with work in conflict with these drawing until written or verbal instructions are issued by the Architect office.
- F. Protect and mark all existing building structure including walls, beams, columns, area separation walls, and other items that are part of the existing structure and not part of the scope of the tenant improvement, and mark perimeter of construction zone.
- G. Coordinate with other tenants the temporary shut-off of any site utilities, including but not limited to electrical service, gas service, water service, sewer service, telephone service, cable or other data links with are connected to the building.
- H. Locate refuse bin at approved on-site location. Contractor shall dispose of all site refuse at city-approved locations.
- I. Provide building address numbers, visible and legible from street or road fronting the property.
- J. Verify the level and plumb of existing floors, walls, ceilings and other items, which will not be changed, so that any attached structure, walls, ceiling and other components can be installed level and plumb.
- K. The structure surrounding the Tenant Improvement are existing as are the exterior, windows, doors, HVAC system, site utilities, walkways and sidewalk conditions. The Architect has not taken any research into the condition of the existing structure as to its condition, construction or suitability.

**STORM WATER QUALITY NOTES
CONSTRUCTION BMP'S**

1. Prior to the issuance of any construction permit, the owner/permittee shall incorporate any construction Best Management Practices necessary to comply with chapter 14, article 2, division 1 (Grading Regulations) of the municipal code, into the construction plans or specifications.
2. Prior to issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in appendix E of the City's Storm Water Standards.

SITE PLAN NOTES

1. No Grading is proposed.
2. The entire project site was previously disturbed with manufactured fill per the current geotechnical report.
3. Existing low-keystone site walls are within the properties disturbed area as noted on Geotechnical Report.
4. Topographic Information Source & Date: DGB Survey & Mapping, April 1, 2000; Benchmark: Wrelton Drive & Crystal Drive, SBP, Elevation: 82.802 M.S.L.

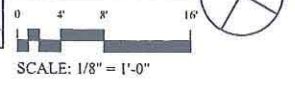
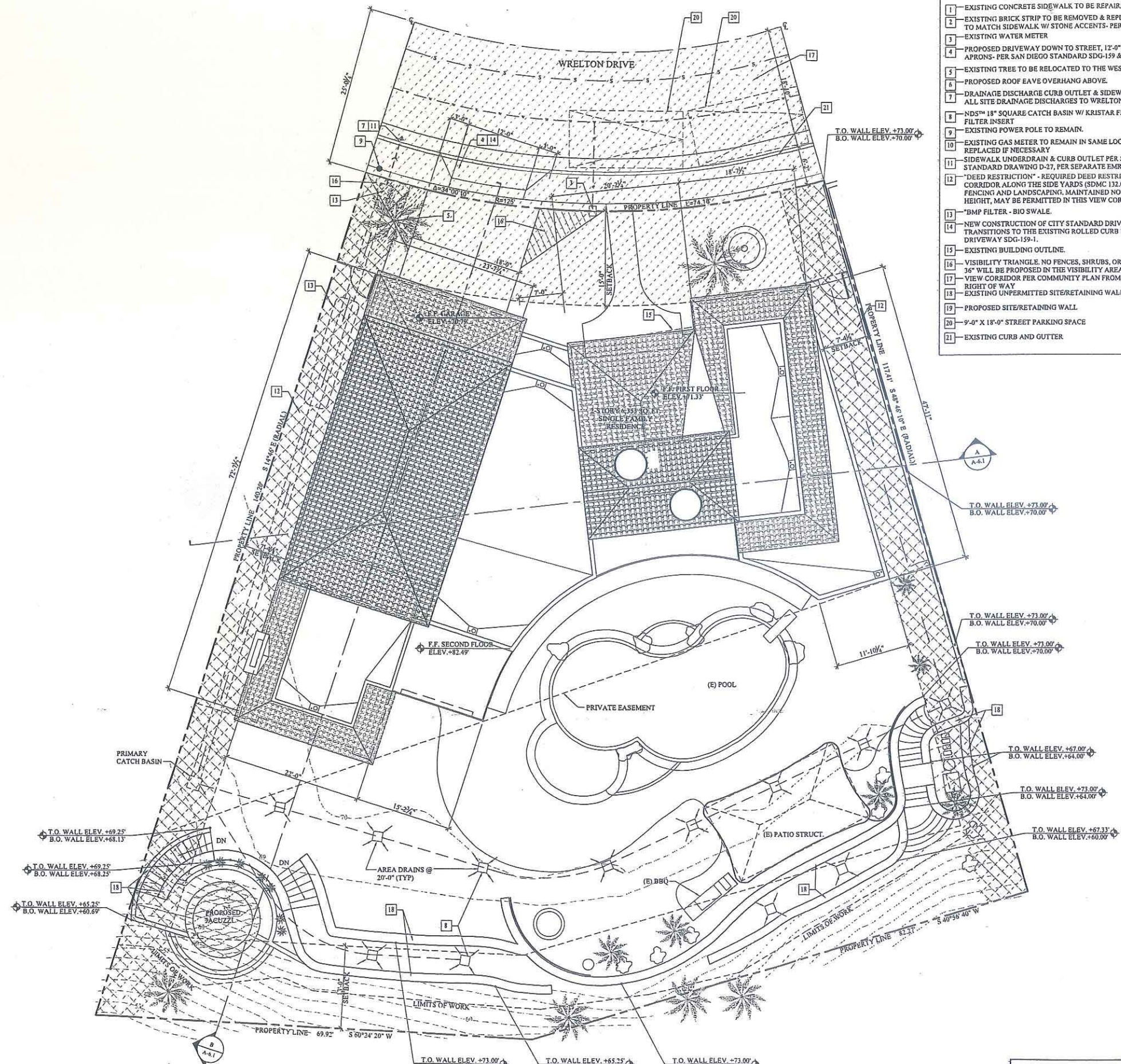
**STORM WATER QUALITY NOTES
CONSTRUCTION BMP'S**

This project shall comply with all requirements of the Municipal Permit issued by San Diego Regional Water Quality Control Board (SDRWQCB) and Municipal Storm Water National Pollution Discharge Elimination System (NPDES) Permit on January 24, 2007 (http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml) and the City of San Diego Land Development Code (<http://lodes.sandiego.gov/municipalcodeMuniCodeChapter14/Ch14Ar02Division02.pdf>) and Storm Water Manual (<http://www.sandiego.gov/development/services/industry/stormwater.shtml>)

- Notes 1-6 below represent key minimum requirements for construction BMP's.
1. The contractor shall be responsible for cleanup of all silt and mud on adjacent street(s), due to construction vehicles or any other construction activity, at the end of each work day, or after a storm event that causes a breach in silted construction BMP's which may compromise Storm Water Quality within any street(s). A stabilized construction exit may be required to prevent construction vehicles or equipment from tracking mud or silt onto the street.
 2. All stock piles of soil and/or building materials that are intended to be left for a period greater than seven calendar days are to be provided covered. All removable BMP devices shall be in place at the end of each working day when five day rain probability forecast exceeds 40%.
 3. A concrete washout shall be provided on all projects which propose the construction of any concrete improvements that are to be poured in place on the site.
 4. The contractor shall restore all erosion/sediment control devices to working order after each run-off producing rainfall or after any material breach ineffectiveness.
 5. All slopes that are created or disturbed by construction activity must be protected against erosion and sediment transport at all times.
 6. The storage of all construction materials and equipment must be protected against any potential release of pollutants into the environment.

SITE PLAN LEGEND

- OUTLINE OF EXISTING RESIDENCE
- VIEW CORRIDOR PER COMMUNITY PLAN FROM RIGHT OF WAY TO RIGHT OF WAY
- 10'-0" X 10'-0" VISIBILITY TRIANGLE, NOTHING OVER 3'-0" H PROPOSED IN THIS AREA
- 3" PVC SUBTERRANEAN DRAIN PIPE, SIDEWALK UNDERDRAIN & CURB OUTLET, & DIRECTION OF FLOW
- SURFACE DRAINAGE PATTERN
- DRAINAGE CATCH BASIN WITH BMP FILTER
- LINEAR TRENCH DRAIN BY QUICK DRAIN™ USA
- LANDSCAPE AREA DRAIN
- WATER LATERAL
- SEWER LATERAL



1 PROPOSED SITE PLAN

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REVISIONS
05-08-13 1ST COASTAL SUBMITTAL
06-28-13 ENG. CYCLE ISSUES



PHASE COASTAL PHASE

PROJECT NO. 2013-04

REVIEWED BY CAM

DRAWN BY JS

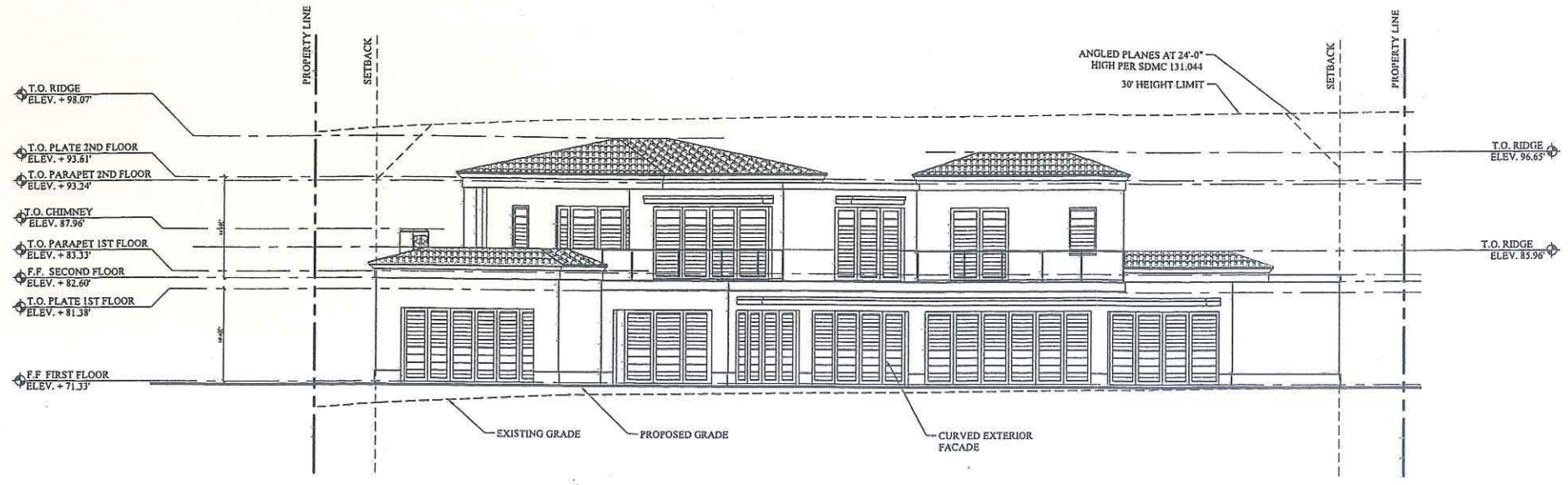
DATE 09-11-13

Marengo Morton Architects, Inc. is providing, by agreement with certain parties, electronic copies of drawings, reports, documents, or other information recorded on or transmitted as electronic media (including but not necessarily limited to "CAD documents") for use solely in electronic form. These documents are provided for informational purposes only and are not to be used as a final product. Any use of these documents for any other purpose is prohibited. Marengo Morton Architects, Inc. shall not be held responsible for any errors or omissions in these documents. The signed and stamped drawings with the seal of the Architect of Record are the authoritative instruments of service and are the only true copies of the drawings of record.

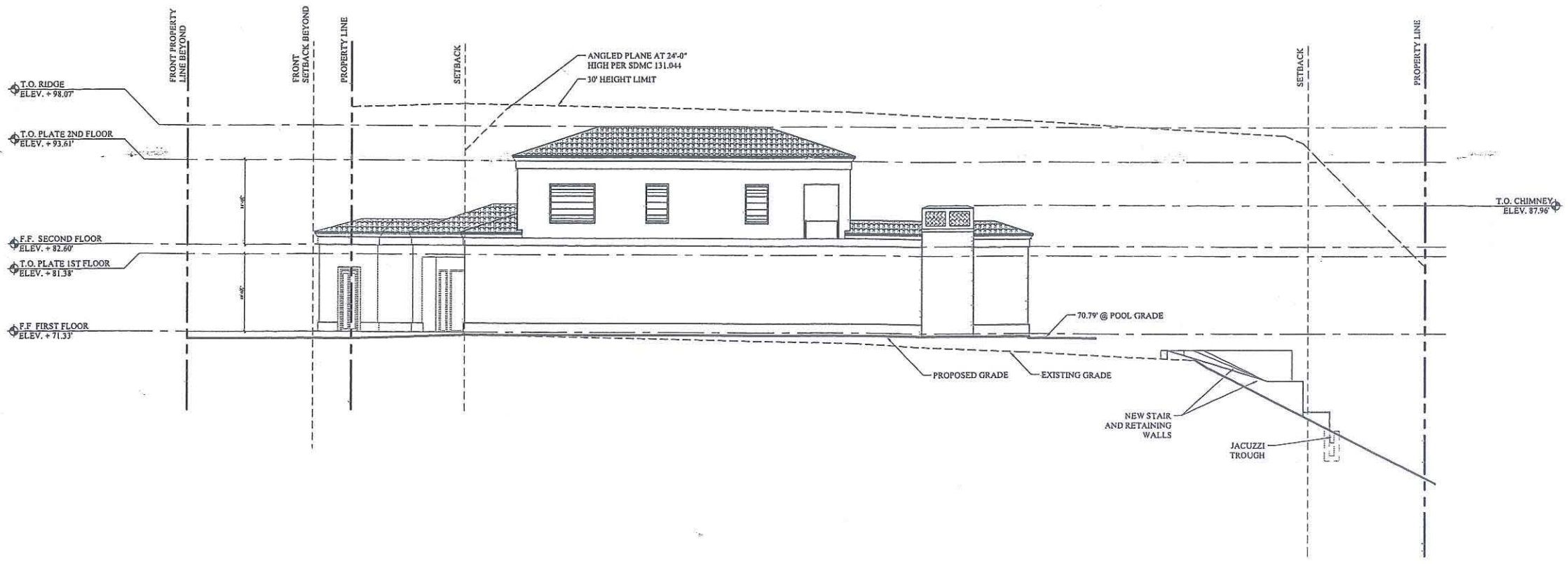
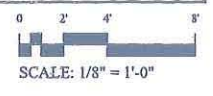
SHEET TITLE
PROPOSED
SOUTH & WEST
ELEVATIONS

A-5.2

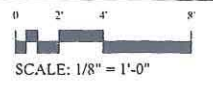
SHEET 15 OF



1 PROPOSED SOUTH ELEVATION



2 PROPOSED WEST ELEVATION



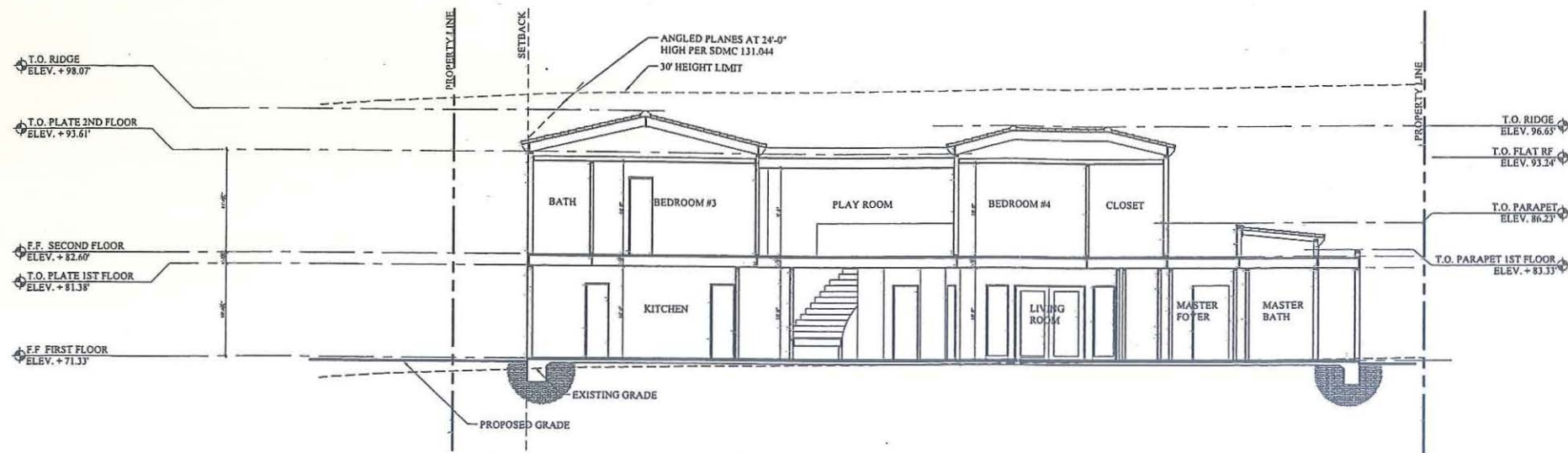


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Architects**

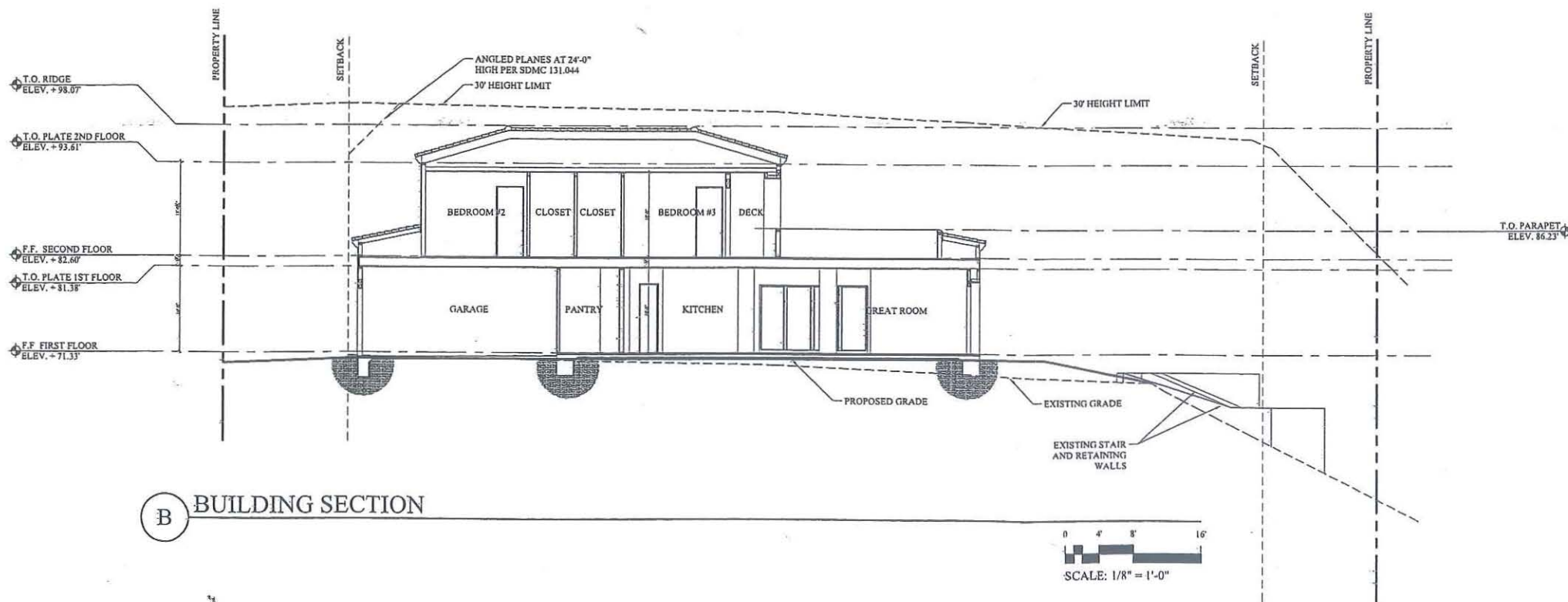
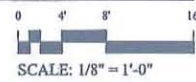
7724 Girard Ave.
Second Floor
La Jolla, CA 92037
Tel. (858) 459-3769
Fax. (858) 459-3768
Michael Morton AIA
Claude Anthony Marengo Desa



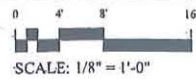
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A BUILDING SECTION



B BUILDING SECTION



615 WRELTON DR.
615 WRELTON DRIVE
LA JOLLA, CA 92037

REVISIONS
05-08-13 1ST COASTAL SUBMITTAL
06-28-13 ENG. CYCLE ISSUES



PHASE COASTAL PHASE

PROJECT NO. 2013-04

REVIEWED BY CAM

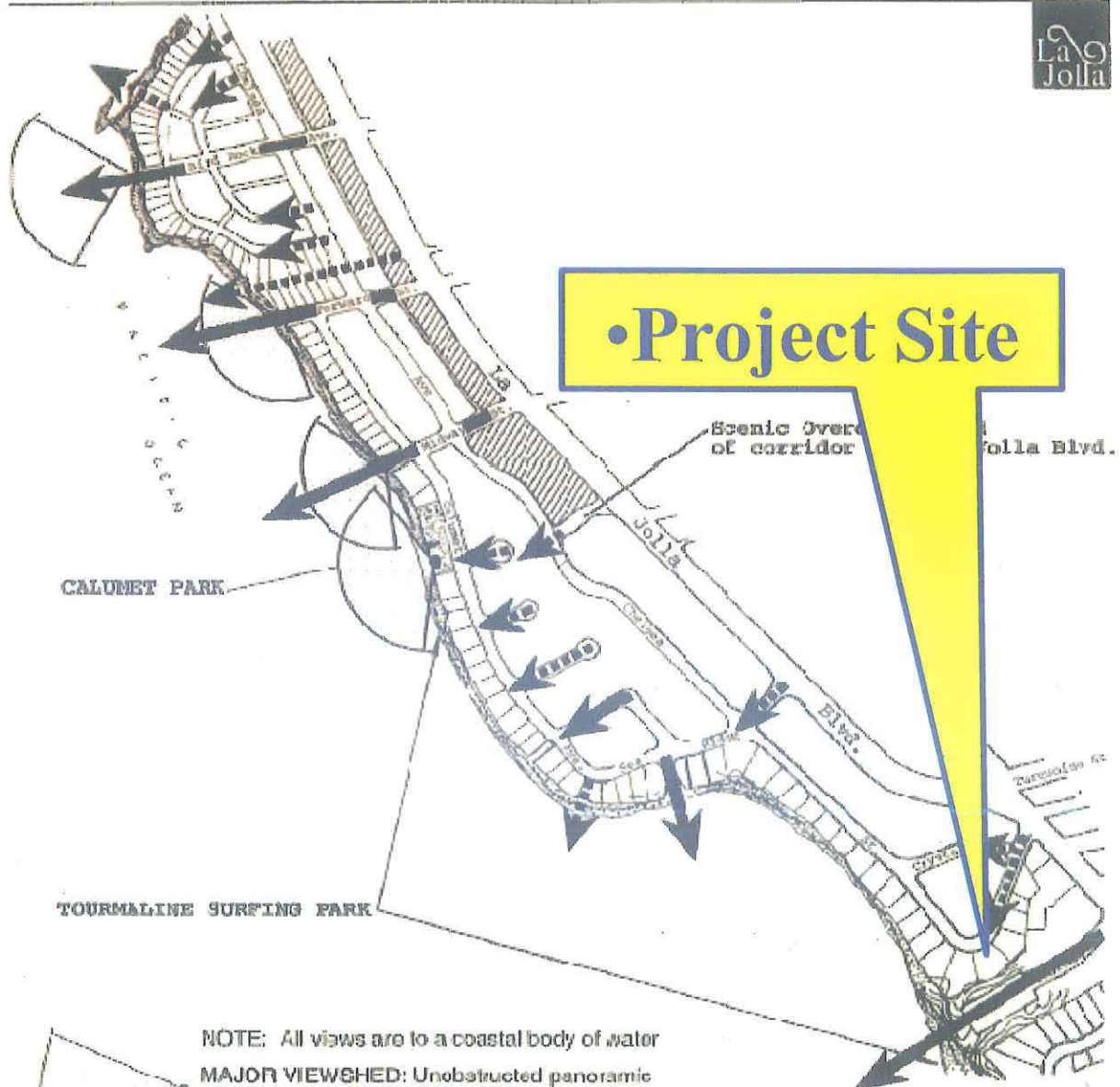
DRAWN BY JS

DATE 09-11-13

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SHEET TITLE PROPOSED SECTIONS

A-6.1
SHEET 9 OF 9



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

0 400 FEET

Subarea H: Bird Rock - Visual Access



La Jolla Community Plan
City of San Diego - Planning Department



Figure H

1. Torrey Pines City Park
2. La Jolla Farms Road
3. Scripps Natural Reserve
4. E bluff - top easement at La Jolla Shores Lane
5. Elentown Road
6. La Jolla Shores Drive from Torrey Pines Rd.
7. La Jolla Shores Dr.

(Looking south from the vicinity of Scripps Institution of Oceanography)

8. Allen Field
9. Bordeaux Ave., western half
10. El Paseo Grande after it turns east
11. Camino del Oro after it turns east
12. Whale Watch Way
13. Cliffridge Park
14. Kellogg Park
15. Calle Frescal a
16. Prestwick Drive
17. Valle Citos
18. Avenida de la Playa
19. Calle del Ojaló
20. Portery Canyon Park
21. Costabella Drive
22. Spindrift Drive, South of the Marine Room Restaurant
23. Charlotte Park at the foot of Charlotte Street
24. Coast Blvd., Children's Pool, Shell Beach, Eilers at Scripps Park & La Jolla Cove
25. Prospect St. and Cave Street
26. Coast Walk
27. North end of Park Row
28. View of La Jolla Shores from Torrey Pines Road
29. Public open space on Torrey Pines Road between St. Louis Terrace and Calle de la Plaza
30. Azure Coast Drive
31. Hidders Valley Road
32. Ardath Road
33. Girard Avenue
34. Jenner Street
35. View corridor easement through 7963 Prospect Place to ocean
36. Easement across from John Coal Book Store from Prospect Street and Recreation Center
37. Hillside Drive (portions)
38. Caminito Awila/Via Awila
39. Via Siena at Hillside Drive
40. Rue Denise
41. Portions of La Jolla Escribo Drive South
42. Mt. Soledad, north of Ardath Road
43. Rue Adriane
44. Rue Michael
45. Cenn Way
46. Rue de Frank
47. Coast Blvd. Park and South Coast Blvd.
48. View corridor at southwest side of Scripps Hotel site, from Prospect Street
49. La Jolla Community Center Park, Cuvier Street
50. From top of Cuvier Street at Prospect
51. Via Capri (portions)

View Cone
 Defined by 90° angle radiating lines from public vantage point (the centerline of the street) to the corners of the buildable envelope as defined by the setbacks of each corner property closest to the ocean or shoreline.

note: All views are to a coastal body of water

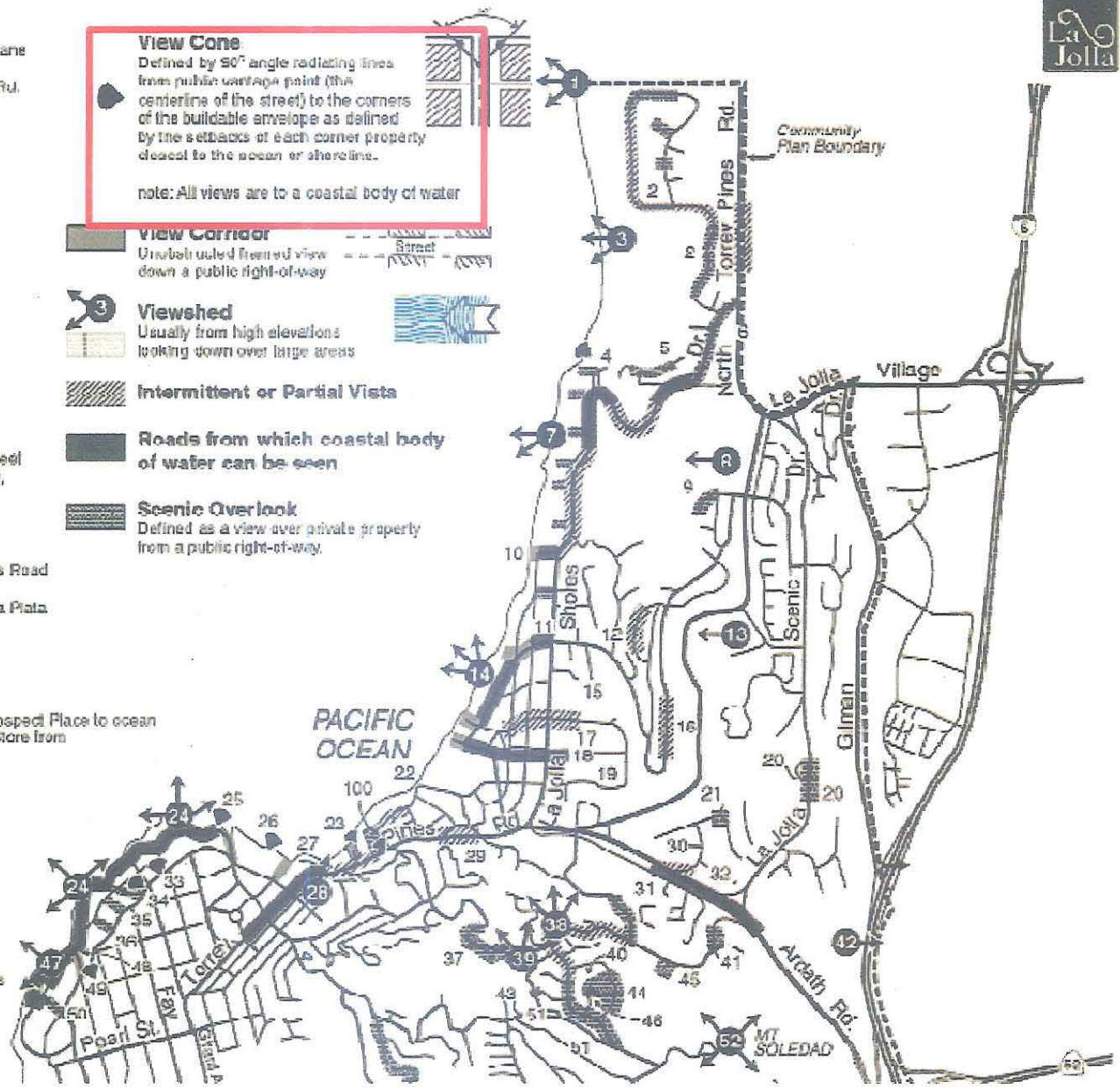
View Corridor
 Unobstructed line of view down a public right-of-way

Viewshed
 Usually from high elevations looking down over large areas

Intermittent or Partial Vista

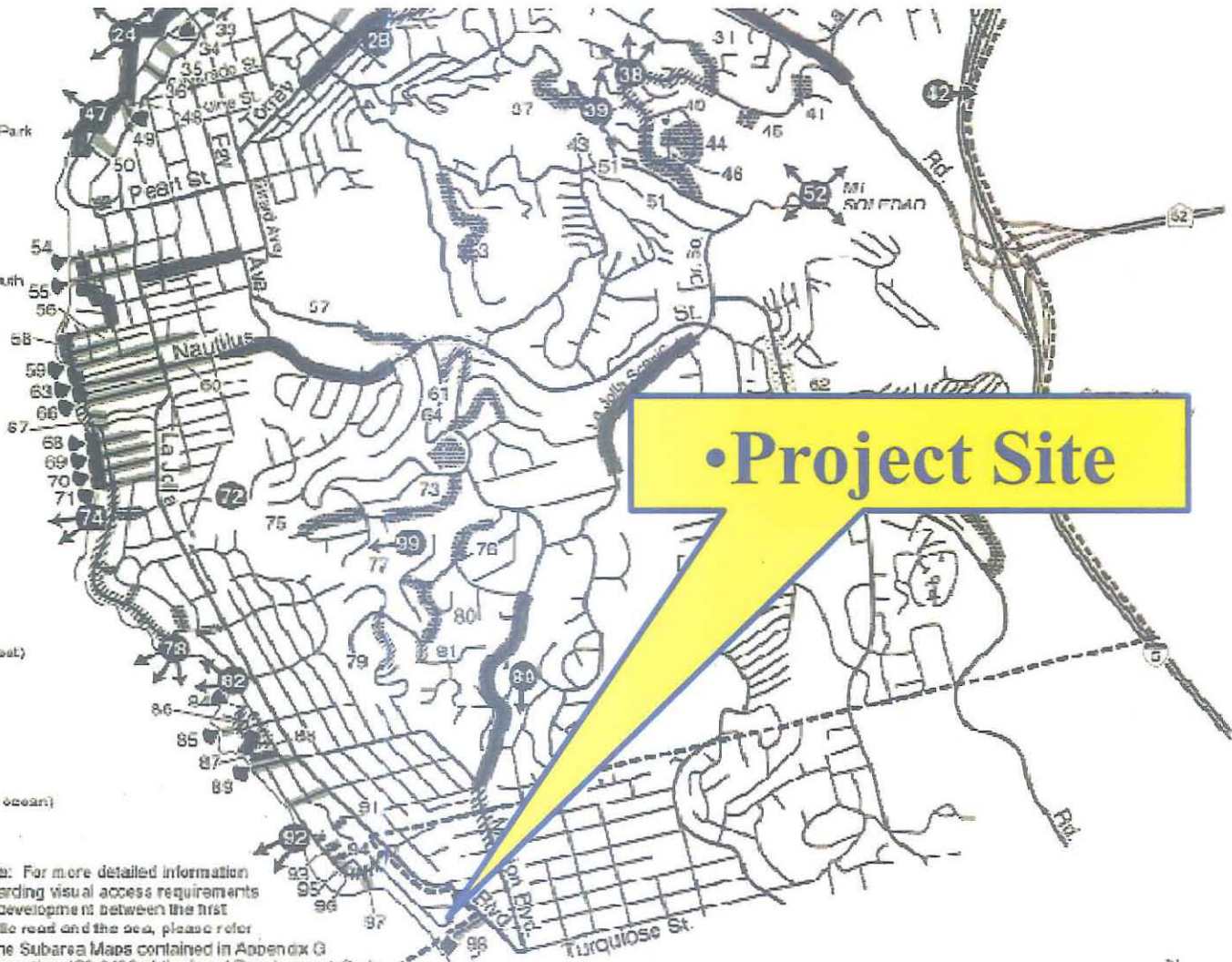
Roads from which coastal body of water can be seen

Scenic Overlook
 Defined as a view over private property from a public right-of-way.



- 52. Mount Soledad
- 53. Country Club Drive
- 54. Marine Ct. (Jones Beach)
- 55. Sea Lane
- 56. Belvedere Street
- 57. West Murrain Drive
- 58. Neptune Place and La Jolla Strand Park
- 59. Westbourne Street
- 60. Nautilus Street
- 61. Murrain Drive between Nautilus and La Jolla Mesa Drive
- 62. Soledad Mountain Road
- 63. Windansea Park
- 64. El Camino del teatro
- 65. Portiere of La Jolla Scenic Drive South
- 66. Bonair Street
- 67. Plaza del Norte and Playa del Sur
- 68. Gravela Street
- 69. Kelmor Street
- 70. Rosemont Street
- 71. Palomar Street
- 72. Fay Avenue Bike Path
- 73. Inspiration Drive
- 74. Hermosa Terrace Park
- 75. Newkirk Drive
- 76. Rodeo Drive
- 77. Via España
- 78. Camino de la Costa includes Cortez Place, Costa Place
- 79. Desert View Drive
- 80. La Jolla Rancho Road
- 81. Ravenswood Road
- 82. La Jolla Hermosa Park
- 83. La Jolla Mesa Drive (from Cottontail Lane to Skylark Street)
- 84. Moss Lane, off Dolphin Place
- 85. Bird Rock Avenue
- 86. Dolphin Place
- 87. Coral Lane
- 88. Chelsea Place
- 89. Forward Street
- 90. Midway Street
- 91. End of Celima Street (closest to the ocean)
- 92. Columet Park
- 93. San Golia Street
- 94. Ricardo Place
- 95. Randera Street
- 96. Sea Ridge Drive
- 97. Linda Way
- 98. Tuamotuine Sailing Park
- 99. La Cañada Canyon
- 100. Princess Street

Note: For more detailed information regarding visual access requirements for development between the first public road and the sea, please refer to the Subarea Maps contained in Appendix G and section 132.0403 of the Land Development Code



Identified Public Vantage Points



La Jolla Community Plan
City of San Diego - Planning Department

Figure 9



City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
OCTOBER 2012

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
 Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: La Jolla Community Planning Group / Tony Crisafi, Chair E-mail Address: info@lajollacpa.org
 Address: P.O. Box 889 City: La Jolla State: CA Zip Code: 92037 Telephone: (858) 459-9291

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

Henely Residence / Claude Anthony Marengo, Marengo Morton Architects

4. Project Information	Date of Decision/Determination:	City Project Manager:
Permit/Environmental Determination & Permit/Document No.: Project No. 279093	September 11, 2013	Glenn Gargas

Decision (describe the permit/approval decision):
Hearing Officer approved the project, modifying Condition No. 18 of the draft permit, Attachment 6 of Attached HO Report,
(condition requiring a Grading Permit) to include the submittal and review of a Geotechnical Investigation Report and review/
approval of the grading permit by Neighborhood Code Compliance.

5. Grounds for Appeal (Please check all that apply)

- Factual Error
 Conflict with other matters
 Findings Not Supported
 New Information
 City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. Visual Resources - Identified Public Vantage Points - the subject development may impact scenic view from Tourmaline Surfing Park identified view No. 98, La Jolla Community Plan (LCP) p 47.

2. Visual Resources - Subarea H: Birdrock Visual Access - the subject development will impact the identified scenic overlook on Wrelton Dr., La Jolla Community Plan (LCP) p.185.

3. Existing & proposed structures may not conform with La Jolla Community Plan open space policy as this development includes coastal bluff along North boundary of Tourmaline Park. Refer to: La Jolla Community Plan p. 41 -open space visual resources & La Jolla Community Plan p. 51, item (3) Shoreline & Coastal Bluffs, (d) Accessory Structures

4. Recognizing use of intensity of this property, parking and noise impact mitigations are in adequate.

5. Geology - proposed development failed to identify risk & proposed mitigation measures with respect to site grading and augmenting existing pool & site wall structures. refer to La Jolla Community Plan p. 81 - Residential Land Use.

6.

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

Signature: 

Date: 9/20/2013

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

Description for Grounds for Appeal – Henely Residence PTS 279093 / CDP 980406 – September 24, 2013New Information

1. The report to the hearing officer for the HO Hearing indicated that the CEQA exemption determination was made on July 19, 2013, and the opportunity to appeal that determination ended on August 22. However, the notices for the determination were produced on August 5 and August 13. California Public Resources Code section 21152(a) requires the local agency to file the notice within 5 working days after the approval or determination becomes final. Therefore, by the time the notice of public hearing was published on August 26, we were misled into believing that our CEQA appeal period had already expired when in fact it had not. The CEQA exemption was based on the single family residence status, but California Code of Regulations Section 15304(a) states that grading is exempt only if done on a slope less than 10 percent. This project has unpermitted retaining walls constructed well into the +10% slopes, and a Jacuzzi is proposed in a steep section of slope. We had good reason to appeal and request a Mitigated Negative Declaration.

Findings for a CDP are Not Supported

2. The project will not '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', which is a required finding. The unpermitted retaining walls (which the applicant proposes to remain), and the proposed Jacuzzi, sit at the top of the slope that is part of a view corridor (item 98) in the La Jolla Community Plan and Local Coastal Program Land Use Plan, page 47.
3. The project is not in conformity with the certified Local Coastal Program Land Use Plan, which is a required finding. Bulk and Scale with regard to surrounding structures as viewed from the public right-of-way must be considered per a.1) of page 90. This project is not compatible with bulk and scale on nearby sites with sensitivity to ocean views.
4. The project proposed 5 bedrooms, and will likely have a localized transportation impact due to lack of on-site parking. There is a high possibility of continued use as a short-term rental, due to current use as a short term rental. The local planning group considers 1:1 bedrooms to parking spaces to be an adequate ratio.

Decisions in Conflict with the Land Use Plan or Municipal Code

5. A Water Quality Technical Report is required per the Storm Water Requirements Applicability Checklist (part of the Land Development Manual, enforced by the Municipal Code) , which includes "Development directly adjacent to a Water Quality Sensitive Area and increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. 'Directly Adjacent' is defined as being situated within 200 feet of the Water Quality Sensitive Area". This project is clearly less than 200 feet from the WQSA. The rear portions of the property will produce runoff that leads directly down the hill and to the nearby beach.
6. A separate grading and drainage plan must be prepared as part of the CDP package per the City Submittal Requirements Matrix section 10.7 (enforced and referenced by the Municipal Code),

where "any portion of the property has slopes over 25%", or "there is more than a 4 foot height differential between the highest and lowest points of the property." Both of these are true, but this separate document was not prepared.

Factual Errors

7. Our own geotechnical evaluation of the 50 foot high slope descending down to Tourmaline Park , results in a factor of safety for global stability to be less than 1.5:1 (inadequate), in conflict with the applicant's geotechnical calculations considered by staff during the project review.
8. Our own geotechnical evaluation of the unpermitted retaining walls indicates that the embedment depth (foundation) is not deep enough to meet minimum standards, and that internal stability conditions have not yet been demonstrated. The applicant indicated during his presentation to the La Jolla CPA that they would 'leave the walls in place and get them certified by a structural engineer'. It is very likely instead that these walls will need to be removed and replaced with significant grading operations.

We are in the process of reviewing the project and may have other concerns not yet identified. Thank you.



P.O. BOX 889
LA JOLLA
CALIFORNIA 92038

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 – 1 August 2013

Attention: Glenn Gargas, PM
City of San Diego

Project: Henely Residence
615 Wrelton Dr.
PN: 279093

Motion: That the findings are not sufficient for a Coastal Development.

Vote: 7-5-3

A handwritten signature in black ink, appearing to read "Tony Crisafi".

01 August 2013

Submitted by: Tony Crisafi, President
La Jolla CPA

Date

Gargas, Glenn

From: Michelle Meade [mmeade@islandarch.com]
Sent: Tuesday, August 06, 2013 11:53 AM
To: Gargas, Glenn
Subject: FW: La Jolla Community Group Vote/Recommendation - Henley Res. - Project No. 279093 - 615 Wrelton Drive

See Helen's notes below on Henley.

From: Helen Boyden [mailto:hboyden@san.rr.com]
Sent: Tuesday, August 06, 2013 11:15 AM
To: Michelle Meade
Subject: Re: FW: La Jolla Community Group Vote/Recommendation - Henley Res. - Project No. 279093 - 615 Wrelton Drive

Here is the motion and vote: Please note that the vote was 7-5-3. Only 15 people voted. The six came from when I asked for the nos to raise their hands again and one person has difficulty understanding how she should raise her hand when the motion is a negative one. This motion is not very helpful as to why.

I will quote the minutes below, but they don't give the acrimonious nature of the hearing. If you want you can quote the trustee comments if you wish in sending it down.

Approved Motion: That the findings are not sufficient for a Coastal Development Permit (Little, Collins: 7-5-3)

In favor: Bond, Brady, Collins, Emerson, Little, Steck, Zimmerman

Opposed: Ahern, Boyden, Fitzgerald, LaCava, Weiss

Abstain: Courtney, Crisafi, Manno

Recused: Merten

REst of discussion

Presented by **Claude-Anthony Marengo**. This is a five bedroom house intended for owner occupancy. He stated the slope is already disturbed and the majority of the new structure is in the same place. The soil will be recompacted, to a depth of 15 feet. Drainage will be collected and pumped to the street. The second story covers about 35% of the street frontage of the first story. Geological investigation will continue, particularly with respect to the existing retaining walls, making adjustment during the construction process. Due to the short driveway, guest parking will be provided abutting the property in the street. He responded to queries by **Trustees Manno, Fitzgerald and Zimmerman**: the compaction resulting in no need for caissons; the FAR being .44 where .50 is allowed; the pool was staying; no deviations were being requested; and the total square footage for house and garage would be 6297.

Civil Engineer Daniel Valdez, representing neighbors, made several criticisms of the as yet incomplete geological studies, but said issues could probably be ironed out.

Neighbors testifying against the project citing current use and condition of the property, party noise, potential for flooding, view considerations, size of the usable footprint included: **Mr. Gafford, Dr. Nathaniel Rose, Charles Redfern, Alex Jvirblis, Mary Kenyon, Evelyn Hill, Brandon Wander, Elisha Shaprut, and Mike Costello.**

Additional comments and queries were made by **Trustees LaCava, Boyden, Little, Collins, Emerson, Manno, Crisafi, Weiss and Fitzgerald:** establishing side yard setbacks, driveway width and length, jacuzzi being built in the ground, building height, party noise from rentals, sympathizing with the noise problem, but also stating that it was a separate issue not under LCPA jurisdiction, the fact that NCCD requirements with respect to unpermitted retaining walls would be fulfilled during the permitting process.

Helen

On 8/6/2013 9:19 AM, Michelle Meade wrote:

Hi Helen, do you know the vote / motion on Henley Residence we could send to Glenn. I found Tony's voting record (attached here) & it shows 7-6-3 vote. He abstained for all else.

Also attaching a scan of a membership application receive in July.

AND...I have the public copy of the agenda pkg here at my desk whenever you are ready for pick up.

Michelle

Michelle (Meagher) Meade



mmeagher@islandarch.com | www.islandarch.com

Email MAIL CONFIDENTIALITY NOTICE: This electronic transmission contains confidential and privileged information from Island Architects, Inc. If you receive this message or any of its attachments in error, please return this transmission to the sender immediately and delete this message from your mailbox. Thank you.

From: Michelle Meade
Sent: Tuesday, August 06, 2013 7:53 AM
To: 'Gargas, Glenn'; 'Info'
Subject: RE: La Jolla Community Group Vote/Recommendation - Henley Res. - Project No. 279093 - 615 Wrelton Drive

Hi Glenn, Henley Residence did not get approved by the trustees (it was a full hearing at request of the applicant).

I will get you the details / vote today.

Michelle

SHANNON THOMAS
DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 236-6220
FAX (619) 236-7215

Michael J. Aguirre
CITY ATTORNEY

MEMORANDUM OF LAW

DATE: September 12, 2007

TO: Honorable Mayor and City Councilmembers

FROM: City Attorney

SUBJECT: Regulation of Short-Term Vacation Rentals in Residential--Single Unit (RS) Zones

INTRODUCTION

Councilmember Faulconer, in response to inquiries from members of the public, recently asked our office to conduct research and provide advice on issues relating to the regulation of short-term vacation rentals in the single-family residential zone. In addition, the Pacific Beach Community Planning Committee recently requested that the City review and take action on this issue. While there is no definition of "short-term vacation rentals," the term is used throughout this memorandum to mean the rental of a single-family dwelling for any time period less than 30 consecutive calendar days.

Communication from members of the public indicates that short-term vacation rentals in the single-family residential zone cause disturbances relating primarily to noise and overcrowding. Other jurisdictions have addressed similar problems by regulating the use through a permit and/or prohibiting short-term rentals; the permissible rental period varies. The City of San Diego could consider adopting similar municipal code sections. Any prohibition in the Coastal Zone would be subject to approval by the California Coastal Commission prior to being effective.

QUESTIONS PRESENTED

1. Are short-term vacation rentals currently regulated or prohibited in single-family residential zones?
2. Can the Land Development Code be amended to regulate or prohibit short-term vacation rentals in single-family residential zones?

Honorable Mayor and City
Councilmembers

-2-

September 12, 2007

SHORT ANSWERS

1. No. There are currently neither regulations nor prohibitions on short-term vacation rentals in single-family residential zones.
2. Yes. The Land Development Code may be amended to regulate the use of single-family dwellings in single-family residential zones and/or amended to prohibit the use of single-family dwellings in single-family residential zones. However, the California Coastal Commission must certify any amendments to the Land Development Code before they can be effective in the Coastal Overlay Zone.

BACKGROUND

An inquiry was made as to whether prior to the Land Development Code [LDC] update (adopted in 1997, effective in 2000), short-term vacation rentals had been prohibited in the single-family residential zone. The single-family residential zone permitted uses, former §101.0407.B, permitted “[o]ne-family dwellings, provided that if the dwelling or any portion thereof is rented, leased or sublet, and the property is located within the area designated on Map C-841 on file in the office of the City Clerk, it must also be maintained and used in accordance with the One-Family Dwelling Rental Regulations of Section 101.0463.”

Then, as is true now, the LDC contained defined terms. A “dwelling, one-family” meant “a detached building, containing only one kitchen, designed or used to house not more than one family, including all necessary employees of such family. Unless otherwise defined or provided for, the term ‘one-family dwelling’ is synonymous with the terms ‘single family dwelling’ or ‘single family residence,’ as they may appear elsewhere in the Municipal Code.” San Diego Muni. Code §101.0101.17 (repealed, 2000). A “family” was defined as “two or more persons who are related by blood, marriage, or legal adoption, or joined through a judicial order of placement of guardianship. When used as an adjective to describe the occupants of a residential dwelling, or as an adjective to describe a type of residential dwelling, the term ‘family’ is synonymous with the term ‘single housekeeping unit’.” San Diego Muni. Code §101.0101.20 (repealed, 2000).

A “single housekeeping unit” was added to the Municipal Code on June 22, 1992, by ordinance O-17785.¹ New §101.0101.76.1 stated, “The term ‘single housekeeping unit’ refers to the status of the occupants of a residential dwelling unit and means one person, or, two persons who reside together, jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit for a period of occupancy which exceeds one month.” When the LDC was updated in 1997, this definition was deleted and the definition of “family” was amended and no longer included a reference to a “single housekeeping unit.” See, San Diego Muni. Code §113.0103.

¹ This ordinance was enacted on the same day as ordinance O-17786, which made minor amendments to the One-Family Dwelling Rental Regulations, yet neither municipal code section references the other.

Honorable Mayor and City
Councilmembers

-3-

September 12, 2007

The One-Family Dwelling Rental Regulations, former §101.0463, were added in 1991 by ordinance O-17652. The regulations made it unlawful for any "owner of a one-family dwelling within an R-1-5000 zone located within the area designated on Map C-841 on file in the office of the City Clerk to rent, lease, or allow to be occupied or subleased, for any form of consideration, any one-family dwelling unit which is not occupied by that owner, in violation of any of the following regulations...." San Diego Muni. Code §101.0463.C (repealed, 2000). The regulations required, among other things, that there be at least 80 square feet of bedroom area for each person over 18 years old. In 1993, this section was amended by ordinance O-17893, in light of the ruling in the case of *Briseno v. City of Santa Ana*, 6 Cal.App.4th 1378 (1992). The court held that state law preempted local regulations related to minimum room dimensions. Therefore, the regulations in § 101.0463 were amended to delete the City's more restrictive bedroom size requirements, and to reflect state law instead. Non-substantive changes were made in 1992 by ordinance O-177786. Later amendments to this section related to non-substantive changes in department names and renumbering. (See O-17956; O-18088.) In 1997, effective 2000, this section was repealed as part of the LDC update.

ANALYSIS

1. Former Regulations

The former LDC regulated rentals through the One-Family Dwelling Unit Regulations by requiring that the rooms be of a certain size in rental units. Once the regulations were amended to conform to the ruling in *Briseno*, the only remaining requirement was compliance with the State Housing Code; compliance with which is already mandated. There was no restriction in the One-Family Dwelling Unit Regulations on the length of time a unit could be rented.

The former "single housekeeping unit" definition did contain a reference to a period of occupancy. The definition referred to residents who "reside together, jointly occupy and have equal access to all areas of a dwelling unit and who function together as an integrated economic unit for a period of occupancy which exceeds one month." San Diego Muni. Code §101.0101.76.1 (repealed, 2000). However, the section is awkwardly worded at best and seems to be an attempt to define the type of relationships appropriate for the "single-family" zone in that it "refers to the status of the occupants." San Diego Muni. Code §101.0101.76.1 (repealed, 2000). It does not seem to refer to the length of time that residents- regardless of their relationship- must occupy the dwelling. In addition, the application of the ordinance is not limited to non-owner occupants. To interpret this section to have required occupants to reside for a minimum of a "month," which is undefined, would have put every category of occupant in an illegal status until the expiration of that first "month," at which time legitimacy would be granted retroactively. To have attempted to apply these code sections in this manner would have resulted in uncertainty for the occupants, landlords, and law enforcement, and there has simply been no evidence to support that this definition of "single housekeeping unit" was applied to create a required period of occupancy.

Honorable Mayor and City
Councilmembers

-4-

September 12, 2007

By way of contrast, the former regulations for the Multiple Family Residential Zones allowed apartment houses, "excluding premises designed or used for the temporary residence of persons for less than one week." San Diego Muni. Code §101.0410.B.3 (repealed, 2000). Therefore, the use of apartment houses for residence of less than a week was prohibited. Similar language appears in the current Municipal Code pertaining to multiple-dwelling unit uses, § 131.0422. Table 131-04B reflects that in the RM zone (Residential--Multiple Unit), "Non-owner occupants must reside on the *premises* for at least 7 consecutive calendar days" (except for the RM-5 zone, which does not contain this restriction). This clear language regarding the required length of occupancy is missing from both the former and the current Municipal Code sections on uses in the single-family residential zone. Finally, the One-Family Dwelling Rental Regulations also did not contain any restriction on the length of occupancy.

2. Current Regulations

The City of San Diego zones are set forth in Chapter 13. The general rules for the base zones are set forth in Article 1, Division 1. The base zones are Open Space; Agriculture; Residential; Institutional; Retail Sales; Commercial Services; Office Use; Vehicle and Vehicular Equipment Sales and Services; Wholesale, Distribution, Storage Use; Industrial Use; and Signs Use. *Id.*

The Residential Use category "includes uses that provide living accommodations for one or more persons." San Diego Muni. Code §131.0112(a)(3). The single dwelling unit subcategory is "[d]welling units where no more than one dwelling unit is located on a *lot*, usually detached, and occupied by a single household unit." San Diego Muni. Code §131.0112(a)(3)(D).

Permitted uses in the RS (Residential--Single Unit) zone are set forth in section 131.0422, Table 131-04B. It is unlawful to use or maintain any *premises* for any purpose not listed in §131.0422. San Diego Muni. Code §131.0420(a). Residential uses allowed in the RS zone are mobile home parks, single dwelling units, boarder and lodger, companion, employee housing of less than 6 employees, garage, yard and estate sales, home occupations, housing for senior citizens, and residential and transitional care facilities. Some of these uses, such as employee housing for 6 or fewer employees and boarder or lodger accommodations, are permitted uses, provided that certain set standards are adhered to. Other uses, such as residential or transitional care for more than 6 people, require a conditional use permit.

The Commercial Services category "includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment." San Diego Muni. Code §131.0112(a)(6). The subcategories are building services; business support; eating and drinking establishments; financial institutions; funeral and mortuary services; off-site services; personal services; assembly and entertainment; radio and television studios; and visitor accommodations. *Id.* Commercial Services in the RS zone are generally not an allowed use. Bed and Breakfast Establishments and Child Care facilities are exceptions. San Diego Muni. Code §131.0422, Table 131-04B.

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Visitor accommodations are uses “that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists. (Outside of the Coastal Overlay Zone, includes single room occupancy hotels.)” San Diego Muni. Code §131.0112(a)(6)(K). There are no examples given in the current code of these uses.² However, because there is no definition of “visitor” or “resident” in the Land Development Code, the “visitor accommodation” regulations do not prohibit the short-term rental of a single-family dwelling.³ Furthermore, the Visitor Accommodations section does not even pertain exclusively to visitors, only referring to “primarily to visitors and tourists.” *Id.*, emphasis added.

A dwelling that is rented out in its entirety as a short-term rental is not a hotel or motel. Hotel/motel is defined as “a building containing six or more *guest rooms* that are rented for less than 30 days and used or designed to be used for sleeping purposes. *Hotel* or *motel* does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.” San Diego Mun. Code §113.0103. A guest room is then defined as “any rented or leased room that is used or designed to provide sleeping accommodations for one or more guests in *hotels, motels*, bed and breakfast facilities, private clubs, lodges, and fraternity or sorority houses.” *Id.* The rental of an entire dwelling does not constitute the rental of guest rooms, and thus, the dwelling does not become a hotel or motel.

Additionally, to interpret the rental of an entire dwelling as creating a hotel or motel creates a conflict in the LDC sections. Hotels and motels, which fit the description of a type of visitor accommodation, are not a permitted use in the RE (Residential--Estate), RS, RX (Residential--Small Lots), or RT (Residential--Townhouse) zones, nor are they a permitted use in any of the RM zones, except for the RM-4 and RM-5. Multiple-family dwellings are also allowed in the RM-4 zone, however, non-owner occupants must reside on the premises for at least 7 consecutive calendar days. Therefore, in the RM-4 zone only, interpreting the rental of an entire dwelling as creating a hotel/motel directly conflicts with the restrictions placed on multiple-family dwellings: a non-owner occupant in the RM-4 zone must reside in the hotel/motel for at least 7 consecutive calendar days. There is no rational basis for such a distinction.

²The former code, §101.0426.1, Commercial Visitor- Service, was “intended to provide for establishments catering to the lodging, dining, and shopping needs of visitors....” Section 1010.0426.1.B listed numerous uses: hotels and motels; retailing of goods and services from the following establishments: agencies for tickets, travel, and car rental; antique shops; apparel shops; art stores and art galleries; bakeries; barber shops and beauty shops; bicycle shops, including rental and repair; book stores; cocktail lounges; confectionaries; delicatessens; drug stores; florists; food stores; gift shops; greeting card shops; hobby shops; jewelry shops; laundromats; liquor stores; music stores; photographic equipment stores and outlets; restaurants, including outdoor dining; shoe stores and shoe repair shops; sporting good stores, including rental and repair; and stationers. In addition, the following uses were allowed on floors other than the ground floor: business and professional offices (excluding employment agencies and hiring halls); private clubs, lodges, and fraternal organizations; studios for teaching art and music; and apartments. *Id.*

³Transient Occupancy Taxes (TOT) must be paid for occupancy of less than 30 days. San Diego Muni. Code, Chapter 3, Article 5, Division 1. While compliance with all laws is required, this section regarding payment of transient occupancy taxes is not a definition of visitor for land uses purposes. See, §§ 111.0101, defining the Land Development Code; and 113.0101, containing definitions specific to the Land Development Code.

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Finally, the issue whether to create a minimum stay for single dwelling units was presented in 1997 to the Land Use & Housing Committee, which recommended against regulating the minimum stay in single dwelling units. On November 18, 1997, the City Council introduced the LDC amendments without a minimum stay requirement. *See*, City Manager's Report P97-153, September 29, 1997, attach. 1, pg. 11; attach. 8, pg. 6.

If the prohibition of short-term rentals is desired, amendments to the Land Development Code should define what length of stay is prohibited, similar to the regulations for the apartment houses in the Residential--Multiple Unit zone.

3. Future Regulations

Many jurisdictions have struggled with issues relating to vacation rentals. Some jurisdictions have addressed the problem by regulating short term vacation rentals in single-family residentially zoned areas. Some common requirements:

- obtain a permit, although some jurisdictions just use the business license as a permit
- length of rental required varies from 7 days to 1 month
- a contact person must be designated that can respond 24 hours a day, 7 days a week; this contact information must be publicly posted and/or on file
- no on-site advertising allowed
- parking restrictions
- occupancy restrictions
- trash collection
- penalties vary- increasing levels of fines, revocation of the business license, misdemeanor prosecution

Other jurisdictions have attempted to ban short-term rentals. Anecdotal evidence supports the belief that most short-term vacation rentals are in the coastal area; any amendments to the City's local coastal program must be certified by the California Coastal Commission [CCC]. However, because of the reduced access to the coast the CCC has rarely approved an actual prohibition on short-term rentals in residential areas. The City of Imperial Beach did succeed in prohibiting the use in residential areas, but they allowed it as a new use in commercial areas, also on the coast. In addition, there were only nine residences affected, and the use was to be phased out at those locations. The City of Coronado also prohibits "transient occupancy" of less than 25 days in any residential area, with a few exceptions. The following is a summary of regulations in various coastal cities and counties:

Encinitas:

Over the last couple of years, the City of Encinitas proposed two changes to their municipal code that are relevant to this issue. One change was that short-term vacation rentals, defined as a rental of 30 days or less, would be completely prohibited in all residential areas. At

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the CCC meeting of November 14, 2006, the Coastal Commission approved this proposed amendment to Encinitas' Local Coastal Program [LCP], with modifications. However, the modifications were that short-term vacation rentals would in fact be *allowed* in residential areas west of Highway 101, where 90% or more of the city's vacation rentals were located, essentially gutting the very regulation that Encinitas was attempting to have the CCC approve.

The second amendment to the Encinitas' municipal code was a regulation of the short-term vacation rentals. Chapter 9.38 was amended to require that short term rentals obtain a permit prior to operation, the operators use their "best efforts" to control various nuisances such as noise, and respond within 2 hours of a report of the nuisance and use their best efforts to resolve the complaint within 24 hours. Any operator that fails to timely respond to two or more complaints is subject to specified fines that range from \$250-\$1000. The occupancy of the short-term rental unit is limited and cannot exceed two persons per bedroom unit, plus one additional person per dwelling.⁴ The number of vehicles is limited to the number of on-site parking spaces. Trash may not be in public view, except for from sunset on of the day prior to trash pick up, and must be in approved receptacles. The information regarding the permissible number of occupants and vehicles, and trash disposal requirements must be included in each rental agreement. The operator must display the permit, which includes the maximum number of applicants and vehicles and the 24 hour, 7 day phone number of the responsible operator, on the inside of the main entry door. This same information must also be displayed on the outside of the unit, in plain view of the general public.

In commenting on the proposed permit system, the Coastal Commission found that the nuisances associated with short-term rentals "can be substantially regulated to assure the compatibility of vacation rentals in the residential neighborhoods." (CCC staff report, Tue 9c, October 26, 2006, pg. 2.) Therefore, the CCC found a complete prohibition on short-term rentals unnecessary.

Imperial Beach:

In 2002, the City of Imperial Beach also sought to amend their LCP to prohibit short-term rentals (defined as rental of a dwelling for less than 30 consecutive calendar days) in all residential zones. The CCC rejected this proposed amendment as unnecessarily restrictive. However, in 2004, the CCC did approve an LCP amendment to add the short-term rentals as a permitted use in the Commercial and Mixed-Use zones near the shoreline, and to phase out the existing uses in the residential area (9 affected residences).

⁴ This occupancy restriction would seem to be preempted by the ruling in *Briseno v. City of Santa Ana*, 6 Cal.App.4th 1378 (1992), in which the court held that local standards on occupancy were preempted by the State Housing Code. An occupancy standard based on state law standards would be permissible. The City of Solana Beach has a handout for landlords of short term vacation rentals, which reminds the landlords of the state occupancy requirements and their duty to comply with the law.

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City of Solana Beach:

In 2003 and 2004, the City of Solana Beach enacted an ordinance requiring a permit for short-term vacation rentals. A short-term vacation rental is defined as the rental of any structure or portion thereof for "occupancy for dwelling, lodging or sleeping purposes for more than seven, but no more than 30, consecutive calendar days in duration in a residential zoning district, including detached single-family residences, condominiums, duplexes, twinplexes, townhomes and multiple-family dwellings." Solana Beach Muni. Code §4.47.030. Rental for less than seven consecutive calendar days is prohibited; rental for more than 30 consecutive calendar days is not regulated. Solana Beach Muni. Code §§4.47.040; 4.47.050.

The operator of a vacation rental is responsible for the nuisance behaviors of the occupants; failure to control the occupants is considered failure to respond. Solana Beach Muni. Code §4.47.060. The permit must be displayed on the inside of the main entry door and posted in public view. Solana Beach Muni. Code §§4.47.080; 4.47.090. Failure to comply results in a \$500 fine for the first violation in any 12 month period, \$1000 fine for the second violation in any 12 month period, and revocation of the permit for the third violation in any 12 month period. Solana Beach Muni. Code §4.47.070.

The City of Solana Beach has not yet submitted their ordinances for CCC certification.

Humboldt County:

The county ordinances had previously prohibited short term vacation rentals, although it seemed the use continued. In 2005, the CCC approved an LCP amendment to allow the use in the single family residential and mixed residential areas in a newly created zone, with a permit. A vacation home rental is defined as the "transient use of single and two family (duplex) dwelling units." Humboldt Co. Code §314-157. A dwelling unit is defined as a "room or combination of rooms including one and only one kitchen (unless otherwise specified in these regulations), and designed or occupied as living or sleeping purposes for a person or family." Humboldt Co. Code §313-139. Transient habitation "includes motels, hotels, resorts and other facilities other than for recreational vehicle parks providing lodging services to guests on a less-than-weekly basis." Humboldt Co. Code §172.17.

The permit requires compliance with residential parking standards⁵, limits the occupancy to 10 persons,⁶ prohibits on-site advertising, and requires that a contact name and number be mailed to all occupied residences within a 300 foot radius. Humboldt Co. Code §314-37.1. The contact person must reside within a 5 mile radius, and must be available 24 hours a day to respond to tenant and neighborhood questions and concerns and to ensure compliance with the

⁵ There are no parking requirements specific to Vacation Rentals.

⁶ See fnnt. 1.

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code. Id. The operator must obtain a business license, collect the appropriate transient occupancy tax, and ensure that trash is disposed of on a weekly basis. Id.

San Luis Obispo County:

In 2003, the CCC approved an amendment to the San Luis Obispo County's LCP to allow short term vacation rentals in some areas, with regulations.⁷ Vacation rentals are limited to one individual tenancy within seven consecutive days (excluding the property owner). San Luis Obispo Co. Code §23.08.165. Vacation rentals may not be located within 200 linear feet of another residential vacation rental or "other type of visitor- serving accommodation that is outside of the Commercial land use category." Id. The code limits the maximum number of occupants to the amount of on-site parking available, not to exceed two persons per bedroom, plus two additional persons.⁸ Id. Advertising on-site is prohibited, all parking is required to be on-site, noise is regulated, and the use of large electrical equipment is prohibited. Id. All vacation rentals must designate a local property manager who is available 24 hours a day to respond to tenant and neighborhood questions or concerns. Id. This contact information must be on file with the county sheriff, provided to property owners within a 300 foot radius, and posted in the rental unit. Id. Failure of the responsible person to respond more than three times in any consecutive six month period may be grounds for revocation of the business license. Id.

City of Coronado:

The City of Coronado generally prohibits "transient occupancy," which is defined as a stay of 25 consecutive calendar days or less, in any residential area. Coronado Muni. Code §§ 86.78.020; 86.78.060; 86.78.070.⁹ However, the Coronado Local Coastal Program was approved by the CCC in 1983, and based on recent CCC actions; it is unlikely that the Commission would support such a restriction today.

Possible future City of San Diego actions regarding short-terms rentals could include a permit system and/or a ban on rentals of a certain length of time. However, should a ban be sought, it is not possible to predict what length of stay the CCC is likely to approve.¹⁰ The CCC staff report for the City of Encinitas' application summarized some of their recent short-term rental decisions, and stated: "In each case, the Commission must evaluate the availability of existing hotel/motel accommodations in the near shore area, the historic pattern of short-term vacation rentals in the area, the specific visitor serving uses available, the services available to

⁷ In comparison to the County of San Luis Obispo, the City of San Luis Obispo prohibits vacation rentals in any zone. San Luis Obispo Muni. Code §17.22.010.G. A vacation rental is a "dwelling or part of a dwelling where lodging is furnished for compensation for fewer than thirty consecutive days." San Luis Obispo Muni. Code §17.100.220.

⁸ See fn. 1.

⁹ Dwelling units within R-4 zone motels, or lodging houses with in the "P" Overlay Zone may be used as transient rentals. Coronado Muni. Code §§ 86.78.060.B.

¹⁰ The May 23, 2007 letter from the Pacific Beach Community Planning Committee requested a minimum rental period of one month.

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serve the proposed vacation rental use, and the impacts of such vacation rental use in the residential community.” CCC Staff Report, Tue 9C, October 26, 2006, pg. 12.¹¹

Any proposed amendment to the City’s local coastal program that proposes to ban short-term rentals should include at a minimum information regarding the size of the area affected, the approximate number of short-term rentals currently available, whether the short-term nature is seasonal or not, where other short-term lodging is located in relation to the coastal area and how much lodging is available, and the historical availability of short-term rentals.

CONCLUSION

There is no evidence that the past zoning codes prohibited short-term vacation rentals in the single-family zone, nor do the current regulations prohibit such a use. Should the City decide that there is sufficient rationale, it may consider requiring a permit, similar to that used by other cities, and/or a prohibition on short-term rentals. A change in the zoning laws of the Coastal Zone will require CCC approval prior to becoming effective.

MICHAEL J. AGUIRRE, City Attorney

By

Shannon Thomas
Deputy City Attorney

ST:sc
ML-2007-14

¹¹ The report is available at <http://documents.coastal.ca.gov/reports/2006/11/T9c-11-2006.pdf>.



THE CITY OF SAN DIEGO

Date of Revised Notice: August 13, 2013

REVISED NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION

DEVELOPMENT SERVICES DEPARTMENT

Internal Order No. 24002631

PROJECT NAME/NUMBER: Henely Residence/Project No. 279093

COMMUNITY PLAN AREA: La Jolla Community Plan Area

COUNCIL DISTRICT: 1

LOCATION: 615 Wrelton Drive, La Jolla, CA 92037

PROJECT DESCRIPTION: COASTAL DEVELOPMENT PERMIT to construct a new single two-story, 6, 353-square-foot single-dwelling unit with a 562-square-foot garage. The project would also include exterior landscaping and hardscaping work, including landscaping, retaining walls, and a hot tub. The site is located at 615 Wrelton Drive in the RS-1-7 Zone (Single Family, minimum lot size of 5,000 square feet) of the La Jolla Community Plan area, and within the Coastal Overlay (appealable) Zone, Coastal Height Limit, Residential Tandem Parking, and Transit overlay zones.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego Hearing Officer (Process 3).

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction or Conversion of Small Structures).

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego

STATEMENT SUPPORTING REASON FOR ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an environmental review that determined the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15303 that allows for new construction. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effect on the environmental were identified; the project is not adjacent to a scenic highway; the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

CITY CONTACT: Glenn Gargas, Development Project Manager
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153
PHONE NUMBER: (619) 446-5142

On July 19, 2013 the City of San Diego made the above-referenced environmental determination pursuant to the California Environmental Quality Act (CEQA). This determination is appealable to the City Council. If you have any questions about this determination, contact the City Development Project Manager listed above.

Applications to appeal CEQA determination made by staff (including the City Manager) to the City Council must be filed in the office of the City Clerk within 10 business days from the date of the posting of this Notice (August 27, 2013). The appeal application can be obtained from the City Clerk, 202 'C' Street, Second Floor, San Diego, CA 92101.

This information will be made available in alternative formats upon request.



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 615 Wreilton Drive **Project No. For City Use Only** _____

Project Address: 615 Wreilton Drive, La Jolla

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): Donald Henely
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 615 Wreilton Drive
 City/State/Zip: La Jolla, CA. 92037
 Phone No: 858 336-7030 Fax No: _____
 Signature: [Signature] Date: 4-18-12

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: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

HENELY RESIDENCE
Project No. 279093
Project Chronology

Date	Action	Description	City Review Time	Applicant Response
5/08/12	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
7/09/12	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	2 Months 1 Day	
11/06/12	Resubmitted revised plans	Distributed plans for staff review.		3 Month 27 Days
2/08/13	Second Assessment Letter	Letter identifying remaining issues.	3 Months 2 Days	
5/30/13	Resubmitted revised plans	Distributed plans for staff review.		3 Months 22 Days
7/29/13	All issues resolved.	Look to schedule for hearing.	1 Month 29 Days	
09/11/13	Hearing Officer	Public Hearing		1 Month 12 Days
11/14/13	Planning Commission	Appeal Hearing.	2 Months 3 Days	
TOTAL STAFF TIME		Averaged at 30 days per month	9 Months 6 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		9Months 1 Day
TOTAL PROJECT RUNNING TIME			18 Months, 7 Days	