



July 20, 2026

Hearing Officer
Development Services Department
City of San Diego
Sent Via Email: HearingOfficer@SanDiego.gov

Re: July 22 Hearing Officer Public Hearing
ITEM 3: 7354 ROMERO DRIVE - VARIANCE and COASTAL DEVELOPMENT PERMIT
PRJ-1101825

Dear Hearing Officer,

DSD Staff's July 15, 2026 Report to the Hearing Officer, says the only Variance being considered is '... allowing a 13.6 foot front-yard setback (where 20 feet is required) and a 3.1 foot west side-yard setback (where 4 feet is required) ...'

Unfortunately, the existing structure and proposed project at 7354 ROMERO DRIVE fails to comply with the Land Development Code in more ways than just the front and side yard setbacks. The existing structure and proposed project:

1. Exceeds the maximum allowed gross floor area and maximum allowed Floor Area Ratio;
2. Exceeds the maximum allowed Overall Structure Height;
3. The retaining walls supporting the swimming pool and spa exceed the 6 foot maximum height allowed in the rear yard setback.

In order for a Coastal Development Permit to be approved, the City would have to approve three additional Variances for the non-conforming issues listed above.

VARIANCE REQUEST

The NOTICE OF APPLICATION for the proposed project only describes a variance to reduce the setback at the western side yard setback (4'-0" is required):

THE CITY OF SAN DIEGO
DATE OF NOTICE: February 13, 2025

NOTICE OF APPLICATION

DEVELOPMENT SERVICES DEPARTMENT

As a property owner, tenant, or person who has requested notice, you should know that an application has been filed with the City of San Diego for a Coastal Development Permit and Variance to permit the construction of a remodel to an existing one-story, 3,435-square-foot single dwelling unit, and addition of 3,807 square feet within two additional levels (a total of three levels and 7,242 square feet) located at 7354 Romero Drive. **The variance is to request a reduced setback at the western side yard setback (4'-0" is the required setback).** The 0.322-acre lot is located in the RS-1-4 zone and the Coastal Overlay Zone (Non-appealable) within the La Jolla Community Plan. This development is within the Coastal Overlay zone (Non-Appealable) and the application was filed on August 25, 2023.

VARIANCE REQUEST continued

The NOTICE OF APPLICATION says nothing about a Variance for a reduced front-yard setback that might be requested by the applicant or under consideration by the Hearing Officer.

The NOTICE OF PUBLIC HEARING for the proposed project only mentions a Variance but fails to describe what the Variance is requesting. It seems the NOTICE OF PUBLIC HEARING was seriously flawed because it failed to alert the public of what will be considered by the Hearing Officer.

NOTICE OF PUBLIC HEARING

HEARING OFFICER

DATE OF HEARING:	JULY 22, 2026
TIME OF HEARING:	9:00 AM
LOCATION OF HEARING:	DEVELOPMENT SERVICES DEPARTMENT, 7650 MISSION VALLEY ROAD, SAN DIEGO, CA 92108
PROJECT NUMBER:	PRJ-1101825
PROJECT NAME:	<u>7354 ROMERO DRIVE VARIANCE AND COASTAL DEVELOPMENT PERMIT</u>
PROJECT TYPE:	COASTAL DEVELOPMENT PERMIT, VARIANCE, CEQA 15162 CONSISTENCY DETERMINATION, PROCESS THREE
APPLICANT:	Scott A. Spencer and Associates
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	1
CITY PROJECT MANAGER:	Francisco Mendoza, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5292 / FJMendoza@sandiego.gov

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Hearing Officer to consider an application for a Coastal Development Permit and Variance for the remodel and addition of an existing one-story, 3,435-square-foot single-family residence, adding 3,232 square feet in two additional floors (for a total of three stories and 6,667 square feet of construction) located at 7354 Romero Drive. Additionally, 495 square feet interior space will be converted into an Accessory Dwelling Unit. The 0.297-acre lot is in the RS-1-4 (Residential Single) zone, the Coastal Overlay (Non-Appealable), and the Coastal Height Limitation Overlay within the La Jolla Community Plan.

The HEARING OFFICER AGENDA only mentions a Variance, but fails to describe what the Variance is requesting. It seems the HEARING OFFICER AGENDA is flawed because it did does not describe what will be considered by the Hearing Officer

An application for a Coastal Development Permit and Variance for the remodel and addition of an existing one-story, 3,435-square-foot single-family residence, adding 3,232 square feet in two additional floors (for a total of three stories and 6,667 square feet of construction). Additionally, 495 square feet of interior space will be converted into an Accessory Dwelling Unit. The 0.297-acre site is located at 7354 Romero Drive in the RS-1-4 (Residential Single) zone, the Coastal Overlay zone (Non-Appealable), and the Coastal Height Limit Overlay Zone within the La Jolla Community Plan area.

VARIANCE REQUEST continued

Paragraph 2 of Attachment 4 of the Staff Report says: ‘...the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.’ This statement makes no sense because the reasonable use of the land or premises in the RS-1-4 Zone is a single family dwelling.

Staff’s statement ignores the obvious fact that the existing 3,435 sq. ft. single-family dwelling on the site is proof of the existing reasonable use of the premises.

Paragraph 3 of Attachment 4 to the Staff Report says that In order to add an enclosed garage to the existing dwelling a Variance was granted in 1974 for a reduced 13.6 foot front yard setback, and a 3.1 foot side-yard setback. The Staff Report Attachment 4 says a Variance is needed because the structure is being vertically expanded rather than further encroaching on the setback.

Contrary to Staff’s incorrect assumption, the 1974 Variance only granted a reduced front yard setback and reduced side-yard setback for the ground level one-story garage.

Staff Report Attachment 4 says a Variance is currently required for the structure to be expanded vertically. However, as depicted on Building Section A of Sheet A4.0, and the Rear Elevation on Sht. A3.0, the proposed Second Floor level does not stack vertically over the Garage exterior walls. A close inspection of the Second Floor Plan on Sht. A2.1 and Building Section A and the Rear Elevation show the second floor level cantilevering beyond the first floor exterior Garage wall and extending even further into the side yard building setback.

PROJECT’S GROSS FLOOR AREA EXCEEDS THE MAXIMUM ALLOWED

The architect’s floor area diagram and floor area calculations erroneously omit portions of the existing structure which are labeled ‘non-habitable areas’ and depicted as cross hatched floor area on the architect’s floor area diagram (Sht. A6.0).

SDMC Sec. 113.0234(a)(1)says:

- (a) Elements Included in *Gross Floor Area* for Development in All Zones
 - (1) *Gross floor area* includes all existing and proposed *floors* within the horizontal area delineated by the exterior surface of the surrounding exterior walls of the building.

The cross hatched areas on the architect’s floor area diagram on Sht. No. A6.0 are within the exterior surface of the surrounding exterior walls of the building, and therefore **must** be included in the *Gross Floor Area of the structure*. The architect’s floor area diagrams omit the *gross floor area* on the third floor level.

PROJECT'S GROSS FLOOR AREA EXCEEDS THE MAXIMUM ALLOWED continued

Using my Archicad software, the *gross floor area* of each of the three floor levels is depicted on the attached *Gross Floor Area Diagram*. The total *gross floor area* of the proposed structure is:

Third Floor	243.80 sq. ft.
Second Floor	3,229.09 sq. ft.
First Floor	3,319.18 sq. ft. (<u>excluding</u> the area of the ADU)
Total Gross Floor Area	6,792.07 sq. ft.

The *Gross Floor Area* of 6,792.07 sq. ft. divided by the Lot Area of 12,955 sq. ft. equates to a Floor Area Ratio (FAR) of 0.524, where a FAR of **0.52** (6,736.6 sq. ft.) is the maximum allowed in the RS-1-4 Zone.

The proposed project with a Total Gross Floor Area of 6,792.07 gross square feet exceeds the maximum allowed Gross Floor Area of 6,736.6 sq. ft. by **55.47 sq. ft.**

(Note: There are no horizontal dimensions on any of the proposed new Floor Plans. The only horizontal dimensions are on the Existing Floor Plan (Sht. No. A1.0)

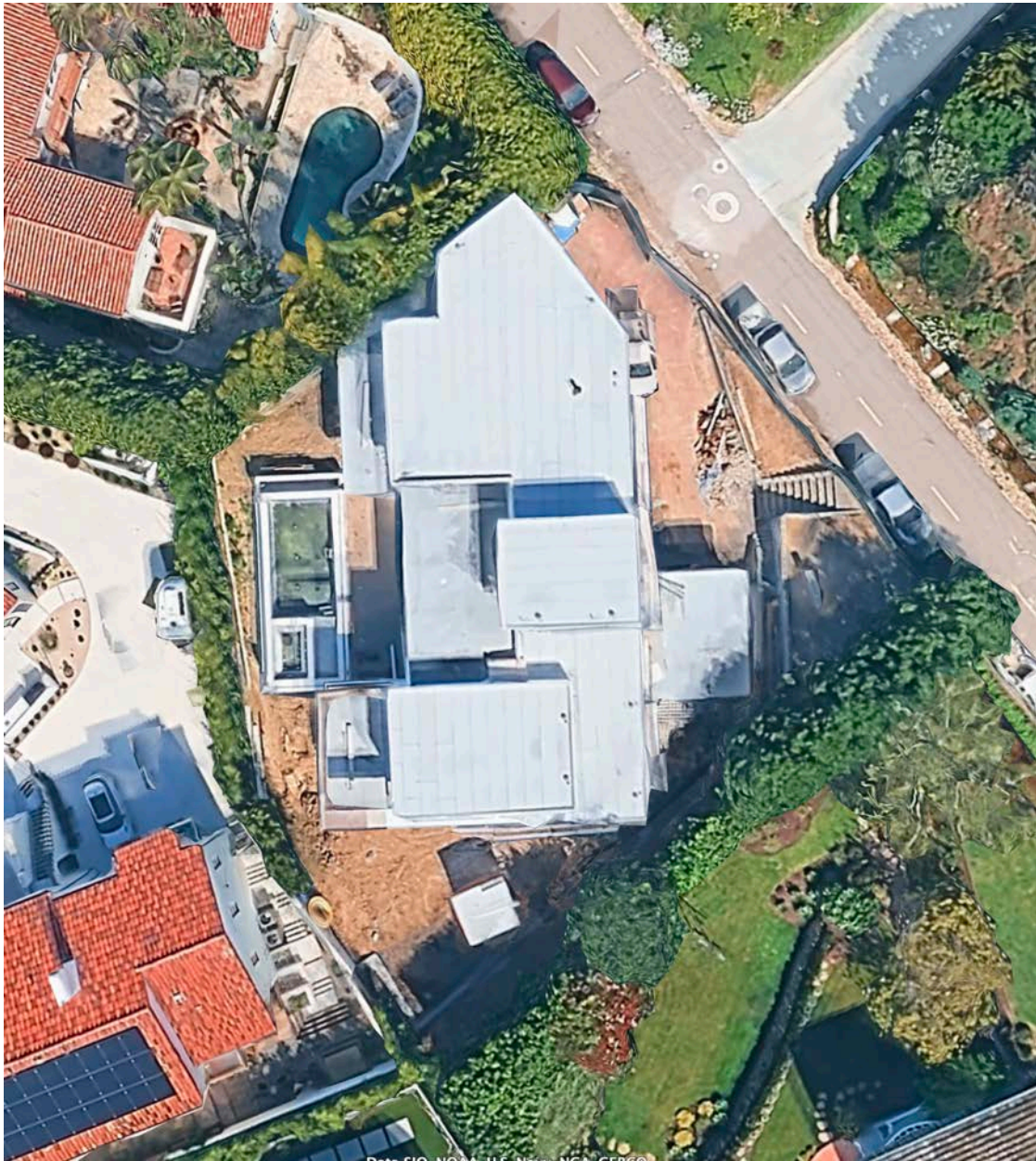
EXISTING BUILT STRUCTURE EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT

BUILDING SECTION F on Sht. A4.2 of the approved Building Permit Drawings shows the second floor Master Bedroom balcony and balcony roof covering extending over the existing swimming pool. BUILDING SECTION D on Sht.A4.1 of the Building Permit Drawings shows the second floor balcony at Bedroom #2 just 5 horizontal feet from the existing swimming pool structure.

Because the the swimming pool and spa structure are not separated by 6 horizontal feet from the dwelling, the Swimming pool and dwelling are considered to be one structure for purposes of Overall Structure Height measurement (SDMC Sec. 113.0270(a)(3)).

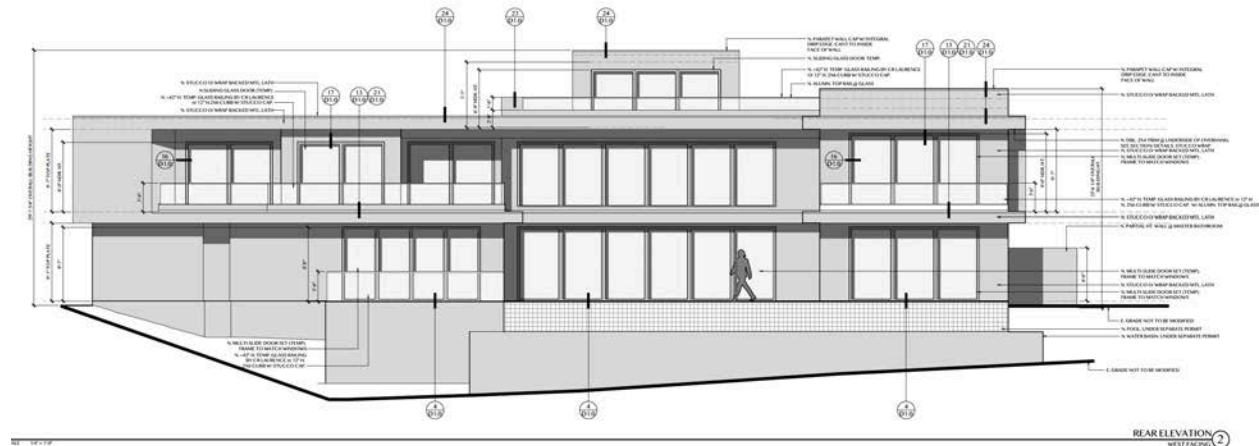
The horizontal proximity of the swimming pool and spa to the existing structures second floor balconies can be seen in the aerial image of the project site on the following page:

EXISTING BUILT STRUCTURE EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT (continued)



The Building Department approved construction drawings (Sht. No. A3.0) depicted on the following page shows the existing adjacent grade level at the swimming pool being slightly more than 10 feet below the existing main floor level and existing grade level at the front of the house. The maximum allowed Overall Structure Height for this project on the sloping lot is 30 feet plus a grade differential of 10 feet equals 40 feet. The lowest point of the dark grade line on the REAR ELEVATION (A3.0) is shown to be 40 feet below the high point of the roof.

EXISTING BUILT STRUCTURE EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT (continued)



But as clearly stated in Comment No. 88, of the DSD's Final Issues Report PRJ-1101825 Overall Structure Height is measured from the lowest point of grade within 5 feet of the structure. Because the existing grade slopes downhill and away from the swimming pool, the lowest point of grade within 5 feet of the structure is significantly lower than the dark grade line on the REAR ELEVATION drawing (A3.0). As such, the existing structure is more the 40 feet in Overall Structure Height and exceeds the maximum allowed Overall Structure Height.

The photographs on the following page clearly show the existing grade level at the near south end of the swimming pool is significantly different from and lower than that depicted in the REAR ELEVATION drawing (A3.0).

Note: Contrary to the existing dwelling and swimming pool structures, the architect's drawings show the swimming pool and spa being 6 horizontal feet from the balcony structures above. However the architect's drawings do not show how much of the existing balconies will have to be removed in order to provide 6 feet of horizontal clearance.

EXISTING BUILT STRUCTURE EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT (continued)



RETAINING WALL SUPPORTING THE SWIMMING POOL AND SPA EXCEEDS THE MAXIMUM HEIGHT ALLOWED WITHIN THE REAR YARD SETBACK

The constructed retaining wall supporting the swimming pool and spa within the rear yard setback, depicted on the preceding page, exceeds the 6 foot maximum height allowed within a required rear yard setback (SDMC Sec.142.0340(d)(1).

INSUFFICIENT DRIVEWAY LENGTH

SDMC Sec. 142.0521(f) and Diagram 142-05A states: The minimum driveway length (Required Minimum Distance between the street curb and the garage door) is 30 feet minimum.

- (f) The minimum distance between an *off-street parking space* and a sidewalk or curb opening shall comply with Diagram 142-05A.

But contrary to this SDMC requirement, the subject project proposes a driveway length of only 23'-6" (12' curb to property line plus 11'-6" front yard setback) forcing Guest automobiles to park in the street or front yard setback.

DISCREPENCY IN SUBMITTAL DRAWINGS

In order to not exceed the maximum amount of paving within a front yard setback, the paved driveway area leading to the enclosed garage and the main entry walk has been reduced in area. Contrary to the perspective image on Title Sheet TS the newly proposed paved driveway area leading to the enclosed garage does not actually connect to the garage as clearly shown on the Architect's Site Plan Drawing No. A0.0 (Staff Report, Page 28).

RECOMMENDATION / REQUEST

Because the proposed project is not in compliance with the San Diego Land Development Code, the Hearing Officer should DENY the project until such time as the project's design was been substantially revised to comply with the San Diego Land Development Code.

Thank you for your consideration of these unfortunate project deficiencies.

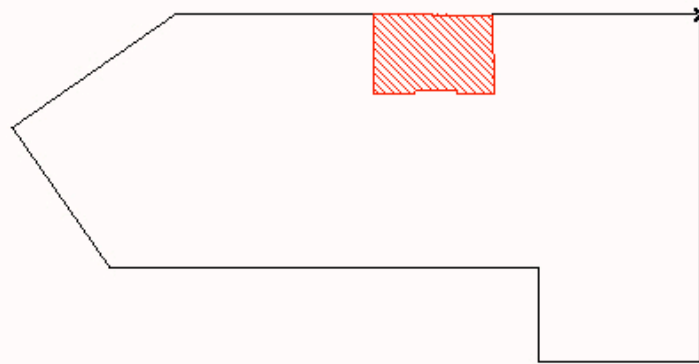
Respectfully,



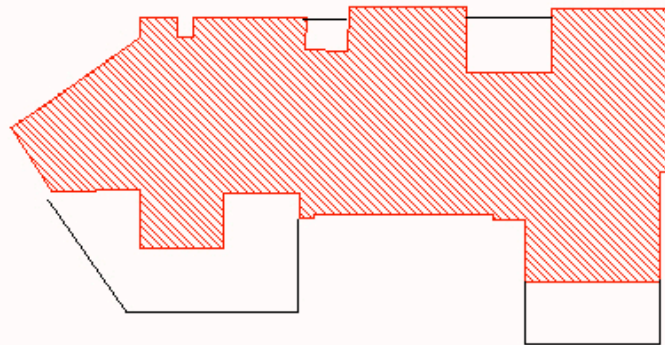
Philip A. Merten AIA Architect

California Architect License No: C-6437

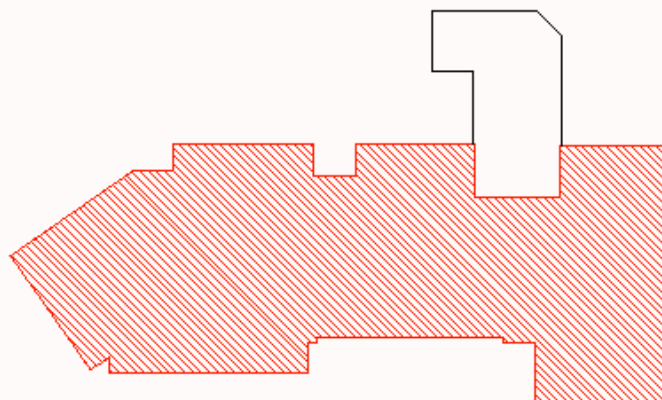
Gross Floor Area Diagrams in accordance with SDMC Sec. 113.0234(a)(1)



THIRD FLOOR LEVEL - GROSS FLOOR AREA 243.80 sq ft



SECOND FLOOR LEVEL - GROSS FLOOR AREA 3229.09 sq ft



FIRST FLOOR LEVEL - GROSS FLOOR AREA 3319.18 sq ft

To: Patricia Batista and Jeffery Szymanski

Re: 7354 Romero Drive Variance and Coastal Development Permit

Variance No. 12542 Project: PRI - 1101825

Dear Hearing Officers,

I am writing regarding the July 22nd Hearing on Coastal Development Permit for the partially built house at 7354 Romero Drive, La Jolla. My wife and I who bought our house in 1977 are neighbors adjacent to this partially constructed house and would like to express our concern. We do not think the variance should be approved and hope that you will agree with us and other neighbors in the community, many of whom will also express their feelings by individual communication.

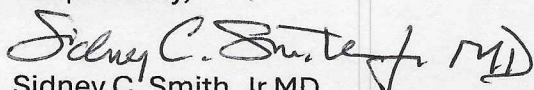
The house is simply too large, too tall and out of character with the existing neighborhood. We are concerned that, unlike other houses recently built in our neighborhood, The plans and details of construction for the 7354 were not made available to us by review at public meeting or discussion with the owner, builder, or architect.

Of the many City Land Development Code violations cited by architect Phil Merten, who has assisted with obtaining the plans and their review, and submitted multiple letters to the Development Services Department, there are 4 of which we are especially concerned: 1) the markedly increased floor area which exceeds the maximum area allowed in the RS-1-4 Zone (FAR = 0.524), 2) the overall height which exceeds that maximally allowed by the City Land Development Code, 3) the fire risk to adjacent housing associated with reduced lateral wall setback of 3.1 feet, and 4) violation of wall height associated with the swimming pool.

Despite a stop work order finally issued on 10/18/2024, work continued on 7354 Romero Drive until shortly after Jan 1, 2025. Their violation of the Land Development Code and failure to adhere to the stop work order reflects a disregard for regulations which is not in the best interest of our community.

Thank you for considering our concerns about what have been substantial violations of the Land Development Code. We do not think the proposed variance should be approved and that further revision to bring this project into compliance is needed,

Respectfully,


Sidney C. Smith, Jr MD

7330 Romero Drive, La Jolla, CA 92037