



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: August 19, 2026

TO: Hearing Officer

FROM: Mark Lopez, Development Project Manager, Development Services
Department

SUBJECT: August 19, 2026, Hearing Officer, Item #4: 5360 Calumet Avenue - Project No.
PRJ-1119583

The attached corrections are summarized below and submitted for the Hearing Officer meeting on August 19, 2026, Agenda item #4: **5360 Calumet Avenue - Project No. PRJ-1119583**.

Attachment 4 - Draft Permit with Conditions

1. Under Engineering Requirements, the following permit conditions have been added:

Condition #20

Prior to the issuance of a Building Permit, the Owner/Permittee shall prepare a maintenance agreement for the proposed seawall to the satisfaction of the City Engineer. The agreement shall outline the inspection and maintenance procedures needed to ensure the seawall's integrity and to manage sediment and vegetation over time. The agreement shall clearly state that the coastal bluff seawall is a private structure. and it will be maintained in perpetuity by the owner.

Condition #21

Prior to the issuance of a Building Permit, the Owner/Permittee shall submit FEMA Federal Form 5 for Coastal Structures for in-kind repair/replacement of coastal structures subject to wave action, to the satisfaction of the City Engineer.

Condition #22

Prior to the issuance of a Building Permit, the applicant must provide certified confirmation of the following, to the satisfaction of the City Engineer.

- a) Proposed erosion-prevention measures for work occurring in a coastal erosive flood zone;
 - b) Proposed measures that will be taken in the event of rain or a storm during construction;
 - c) Proposed measures that will be taken in the event of an unexpected collapse or failure into the flood zone;
 - d) Structural plans for the proposed stabilization and repair;
 - e) A memo from the structural engineer summarizing the wall's design for coastal conditions;
 - f) A signed letter acknowledging the property owner's responsibility for the wall's inspection, repair, and ongoing maintenance in perpetuity, as required for hydraulic structures within the floodplain.
2. Under Planning/Design Requirements, Condition #23 has been removed.
3. Under Geology Requirements, the following condition has been added:

Condition #14

Prior to the issuance of a construction permit (either grading or building), a "Notice of Geologic and Geotechnical Conditions" regarding the coastal bluff on the subject site shall be executed by the owner/permittee and recorded with the San Diego County Recorder per the San Diego Municipal Code 145.1803(a)(3).

Respectfully submitted,



Mark Lopez
Development Project Manager

Attachments:

1. Revised Draft Permit with Conditions

cc: Project File
Hearing Officer
City Attorney

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION DSD-1A

INTERNAL ORDER NUMBER: 24009981

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. PMT-3308576
5360 CALUMET AVE - PROJECT NO. PRJ-1119583
HEARING OFFICER

This Site Development Permit is granted by the Hearing Officer of the City of San Diego to the Fleming Family Trust, dated August 22, 2003, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Section 143.0110 and Table 143-01A, and SDMC Section 126.0505. The 0.16-acre site is located at 5360 Calumet Avenue in the Residential-Single Unit (RS-1-7) base zone, Coastal (Appealable) Overlay Zone, and Sensitive Coastal Overlay Zone – Coastal Bluff of the La Jolla Community Plan area. The project site is legally described as: Lot 11 of Sun Gold Point, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3216 filed in the Office of the County Recorder of San Diego County, April 14, 1955 [APN No. 415-021-0500].

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a coastal protection device within a developed parcel containing an existing single-dwelling unit as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 3, 2026, on file in the Development Services Department.

The project shall include:

- a. Construction of a lower coastal bluff seawall utilizing reinforced shotcrete and tieback anchors, spanning approximately seventy (70) linear feet.
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 3, 2029.
2. 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.
3. 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.
4. 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.
5. No work shall be performed until a Coastal Development Permit has been approved and issued by the California Coastal Commission.
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.

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

12. 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.

GEOLOGY REQUIREMENTS:

13. Prior to the issuance of any construction permits (either grading or building permit), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

14. Prior to the issuance of a construction permit (either grading or building), a "Notice of Geologic and Geotechnical Conditions" regarding the coastal bluff on the subject site shall be executed by the owner/permittee and recorded with the San Diego County Recorder per the San Diego Municipal Code 145.1803(a)(3).

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1

(Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be drafted in accordance with Part 2, Chapter 4.2 and Appendix 'D' of the City of San Diego Storm Water Standards Manual.

17. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

18. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement from the City Engineer for any landscaping in Calumet Avenue Right-of-Way.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer. All drainage from the improvements on the premises shall be directed away from any coastal bluff.

20. Prior to the issuance of a Building Permit, the Owner/Permittee shall prepare a maintenance agreement for the proposed seawall to the satisfaction of the City Engineer. The agreement shall outline the inspection and maintenance procedures needed to ensure the seawall's integrity and to manage sediment and vegetation over time. The agreement shall clearly state that the coastal bluff seawall is a private structure, and it will be maintained in perpetuity by the owner.

21. Prior to the issuance of a Building Permit, the Owner/Permittee shall submit FEMA Federal Form 5 for Coastal Structures for in-kind repair/replacement of coastal structures subject to wave action, to the satisfaction of the City Engineer.

22. Prior to the issuance of a Building Permit, the applicant must provide certified confirmation of the following, to the satisfaction of the City Engineer.

- a) Proposed erosion-prevention measures for work occurring in a coastal erosive flood zone;
- b) Proposed measures that will be taken in the event of rain or a storm during construction;
- c) Proposed measures that will be taken in the event of an unexpected collapse or failure into the flood zone;
- d) Structural plans for the proposed stabilization and repair;
- e) A memo from the structural engineer summarizing the wall's design for coastal conditions;

- f) A signed letter acknowledging the property owner's responsibility for the wall's inspection, repair, and ongoing maintenance in perpetuity, as required for hydraulic structures within the floodplain.

LANDSCAPING REQUIREMENTS:

23. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

24. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per SDMC Section 142.0403(b)(6).

25. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

26. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size, per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

27. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement, which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Coastal Bluffs, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area, and the Environmentally Sensitive Lands as shown on Exhibit "A".

28. The shotcrete solution will be integrally colored. The texture and color of the shotcrete wall shall be designed to resemble the surrounding bluffs to the satisfaction of the Development Services Department Director.

29. Prior to issuance of any construction permit, the Owner/Permittee shall provide receipt of payment to the San Diego Association of Government (SANDAG) into the City of San Diego Beach Sand Mitigation Fund. The amount of the payment shall be based on a calculation of the resulting fee in accordance with the methodology provided in the Report on In-Lieu Fee Beach Sand Mitigation Program - San Diego County dated January 1997. The methodology of calculation shall be submitted to the Development Services Department during construction permit application. The cost variable ("C") used to calculate the resulting fee shall be based on the average of three written estimates of the cost per cubic yard of sand at the time of construction permit application. The written estimates shall be from sand supply companies within the project vicinity that would be capable of transporting beach quality material to the subject beach, and placing it on the beach or in the near shore area. The Owner/Permittee shall provide the City with copies of the three written estimates during construction permit application.

30. 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.

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

APPROVED by the Hearing Officer of the City of San Diego on August 19, 2026 and Resolution No. HO-XXXX.

ATTACHMENT 4

Site Development Permit No. PMT-3308576
Date of Approval: August 19, 2026

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Mark Lopez
Development Project Manager

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

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

FLEMING FAMILY TRUST
Owner/Permittee

By _____
George E. Fleming
Co-Trustee

FLEMING FAMILY TRUST
Owner/Permittee

By _____
Terrilyn E. Fleming
Co-Trustee

**NOTE: Notary acknowledgments
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