

September 7, 2026

VIA ELECTRONIC SUBMITTAL

Hearing Officer
City of San Diego
Development Services Department
7650 Mission Valley Road
San Diego, CA 92108

Re: Item 2 — Opposition to 2734 Bordeaux Avenue ADU, Project No. PRJ-1087614

Hearing Date: September 9, 2026, 9:00 a.m.; Staff Report No. HO-26-047

Dear Hearing Officer:

I live directly across the street from 2734 Bordeaux Avenue. I already have a difficult time getting in and out of my driveway, with cars and trucks parked along the street opposite. Because 2734 Bordeaux has a shallow garage, which doesn't accommodate the large vehicles that renters and workers use, they instead park on the street. Additionally, the parking area for contractors is so limited that I have frequently experienced contractors blocking or even using my driveway without permission. That is Bordeaux Avenue before this project has commenced.

Nobody has explained how this "ADU" gets built.

The applicant's geotechnical report calls for stripping up to five feet of fill and topsoil from the building site, and, where required, at least five feet beyond the perimeter of the footprint. It then sets caissons of at least two feet in diameter, embedded at least eighteen feet from the downhill side of the excavation, with the building's loads "carried to both sides of the canyon." It contemplates ordinary light to heavyweight earthmoving equipment on site. The permit authorizes exporting 270 cubic yards of material.

There is no route to that site except Bordeaux Avenue. The gap between the existing house and the side property lines is a few feet, and the canyon below runs into the UC San Diego Ecological Reserve. I have wondered how they expect to get the building materials down there at all. Haul it over the house with a crane? Whatever the answer, every truck and whatever rig drills those caissons works from Bordeaux Avenue. The sidewalk in front of the house will necessarily be blocked causing pedestrians to move into the street to get around the construction. This is a safety concern. My ability to back my car out of the driveway onto the street will be rendered even more difficult than it is already.

There is no construction access plan in this record, no staging plan, no analysis of what any of it does to this street. SDMC section 126.0505(a)(2) requires a finding that the proposed development will not be detrimental to the public health, safety, and welfare. The first finding required for every Coastal Development Permit, under SDMC section 126.0708(a)(1), is that the development will not encroach upon any existing physical access way that is legally used by the public. Bordeaux Avenue is that access way. Given the high fire risk in this area, easy access is an even more pressing issue. The environmental document states that the project “would not result in alterations to present circulation movements or an increase in traffic hazards.” That rests on a Vehicle Miles Traveled screening, asking only whether the finished unit generates fewer than 300 daily trips. It considers no construction traffic.

This cul-de-sac is also the only way out of a neighborhood the City designates a Very High Fire Hazard Severity Zone. CEQA Guidelines Appendix G asks, for sites classified that way, whether a project would substantially impair an adopted emergency response or evacuation plan. The environmental document here has no wildfire section, and the words evacuation and emergency access appear nowhere in it.

I grew up in this neighborhood and played in this canyon as a child. Before approving this, I ask that the applicant be required to show how the work will be done, and from where.

Please deny these permits.

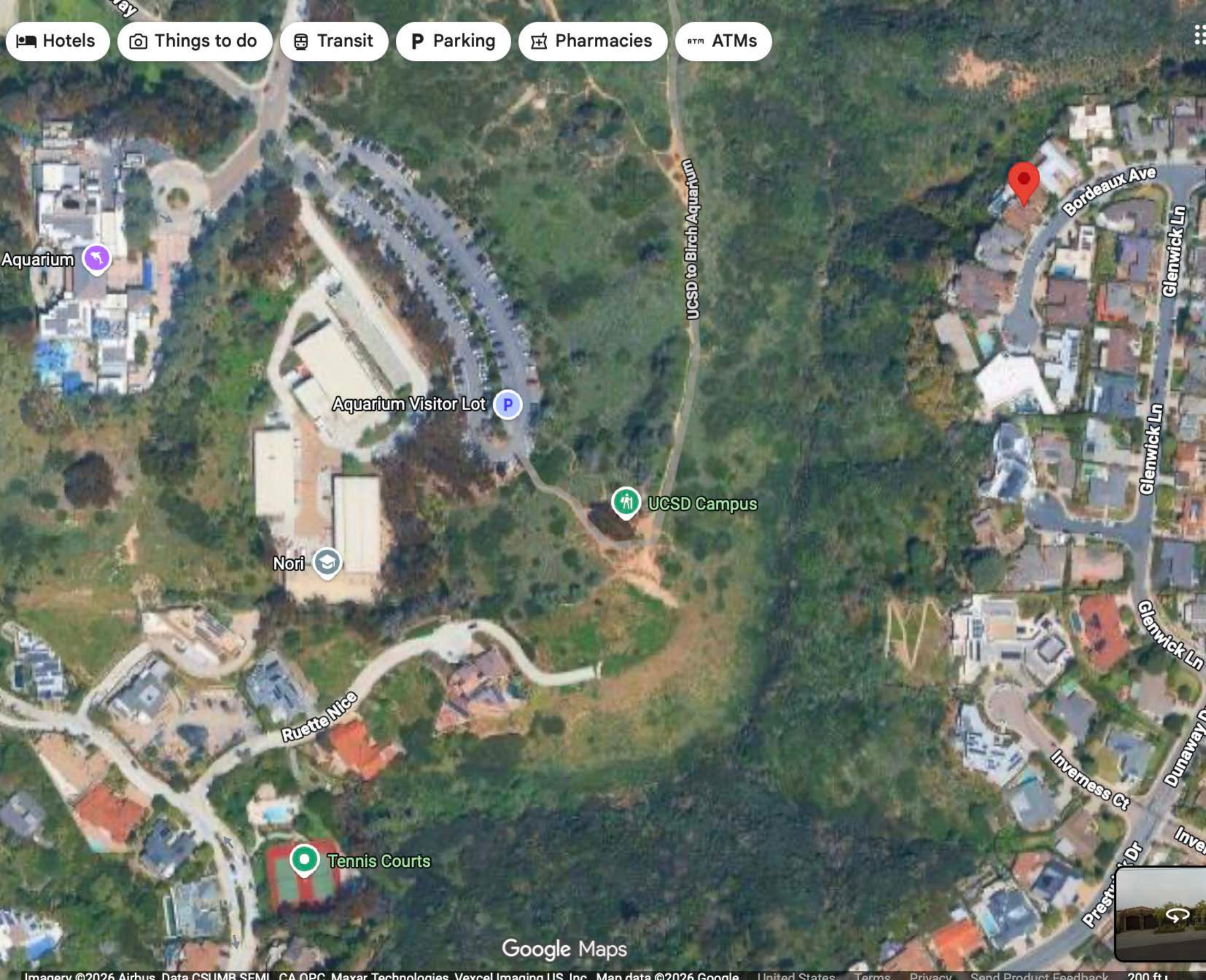
Respectfully,

Gillian Scharff
2727 Bordeaux Avenue
La Jolla, CA 92037

P.S. Please see attached photos below for some examples of the current situation.







- Hotels
- Things to do
- Transit
- Parking
- Pharmacies
- ATMs

Aquarium

Aquarium Visitor Lot

Nori

UCSD Campus

Ruelle Nice

Tennis Courts

UCSD to Birch Aquarium

Bordeaux Ave

Glenwick Ln

Glenwick Ln

Glenwick Ln

Inverness Ct

Dunaway Dr

Inverness Dr

Google Maps

September 7, 2026

Hearing Officer@sandiego.gov
City of San Diego
Development Services Department
7650 Mission Valley Road
San Diego, CA 92108

Re: Item 2 — Opposition to 2734 Bordeaux Avenue ADU, Project No. PRJ-1087614

Hearing Date: September 9, 2026, 9:00 a.m.; Staff Report No. HO-26-047

Dear Hearing Officer:

My husband and I are opposed to the planned ADU proposed for 2734 Bordeaux Ave. The house itself is already much larger than others in this family neighborhood, and now the owners want to build a large ADU down in the canyon.

We are alarmed by this proposal because of the fire risk to the whole neighborhood.

We witnessed in LA how a neighborhood can go up in flames in minutes when we experience warm temperatures and strong Santa Ana winds. This canyon sits in a Very High Fire Hazard Severity Zone, in the path of those same winds. The proposed structure is large and being placed down in the canyon area, not up with the house.

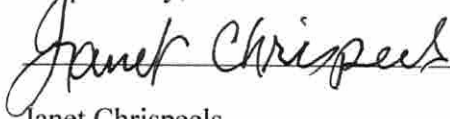
The staff report discusses brush clearance, window glazing and wall ratings, and concludes the project would not expose people or structures to significant risk from wildland fire. We can find nothing in the report about how fire crews would reach a building below the canyon rim, or how occupants of the ADU would not be asphyxiated or be unable to leave with brush burning all around them. In additions embers drifted into houses in many different ways in the Los Angeles fires. Window glazing will not mitigate these issues. The mitigation efforts could help if the ADU was being built near the main house and above the rim where firemen would quickly have access, but they are insufficient for a house built in a steep canyon.

SDMC section 126.0505(a)(2) requires a finding that the development will not be detrimental to public health and safety. We do not see how that finding can be made without answering these issues.

No one living on this canyon has put a dwelling below the rim. Every owner of a canyon lot has accepted that limit because of the fire danger. As a result, we still have this canyon with its wonderful vegetative diversity. This would be the first ADU to cross the rim and build down in a canyon, setting an alarming precedent.

Please reject this proposed ADU.

Respectfully,



Janet Chrispeels
8703 Glenwick LN
La Jolla, CA 92037



Maarten Chrispeels

September __, 2026

VIA ELECTRONIC SUBMITTAL

Hearing Officer
City of San Diego
Development Services Department
7650 Mission Valley Road
San Diego, CA 92108

Re: Item 2 — Opposition to 2734 Bordeaux Avenue ADU, Project No. PRJ-1087614

Hearing Date: September 9, 2026, 9:00 a.m.; Staff Report No. HO-26-047

Dear Hearing Officer:

My husband and I live at 2722 Glenwick Place, a cul-de-sac on the same canyon as the proposed ADU.

I cannot see this project from my house. I have no view at stake and no property line touching it. I am writing because of the rule this decision makes, which applies to my street as much as to Bordeaux Avenue.

The canyon behind Glenwick Place is the same as behind Bordeaux. The lots along it share one shape: a house near the street, then ground that falls away. Not one of them has a dwelling below the rim. That is not coincidence or courtesy. It is what everyone understood the rules to require.

If this project is approved, that understanding ends, and the reasoning that permits it is available to every canyon lot in this neighborhood, including mine. The record already says so. The La Jolla Community Planning Association recommended denial on the ground that the project is "out of character and setting precedent for development into ESL." The minutes of the Planned District Advisory Board record testimony that extending twenty to thirty feet further into the canyon "could set a precedent for other homes to do the same."

So the City has been told twice, in its own record, that this is a precedent-setting project. What I cannot find in the staff report or the environmental addendum is any analysis of that. I have looked for a discussion of cumulative impacts and do not find one.

CEQA Guidelines section 15355 defines a cumulative impact as the incremental effect of a project taken together with other closely related past, present and reasonably foreseeable future projects. Section 15130 requires those impacts be discussed where the incremental effect is cumulatively considerable. A project the City's own advisory bodies have twice called precedent-setting for canyon development is precisely one whose incremental effect deserves that discussion.

I expect the response will be that this was covered in the environmental document for the 2001 house. It was not. That document analyzed a residence on the existing building pad. It did not

contemplate anyone building down the canyon slope, so there is no canyon analysis in it to carry forward.

Please deny these permits, or at minimum require the cumulative effect on this canyon to be analyzed first.

Respectfully,

Martha Hillyard
2722 Glenwick Place
La Jolla, CA 92037

September 7, 2026

VIA ELECTRONIC SUBMITTAL

Hearing Officer

City of San Diego

Development Services Department

7650 Mission Valley Road

San Diego, CA 92108

Re: Item 2 — Opposition to 2734 Bordeaux Avenue ADU, Project No. PRJ-1087614

Hearing Date: September 9, 2026, 9:00 a.m.; Staff Report No. HO-26-047

Dear Hearing Officer:

My husband Jason and I own 2711 Glenwick Place, on the cul-de-sac adjacent to this project and overlooking the same canyon. I oppose the permits for two reasons.

First, the record understates geologic risk. The Staff Report relies on the project geotechnical study's statement that there are "no known recent, active landslide deposits underlying the site." But that conclusion concerns the proposed building area. Nearby history is different. The City's 2015 report for 2712 Glenwick Place (PC-15-007) documents a rear-slope landslide during the 2010 rainy season requiring extensive stabilization. The 2021 geotechnical report for our property, 2711 Glenwick, records slope failures on properties immediately north and south of us and identifies heavy rainfall, irrigation, drainage, and site-specific subsurface conditions as contributing factors.

Under SDMC §126.0505(b)(2), the City must find that the project will not create undue risk from geologic and erosional forces; §126.0505(b)(3) requires protection of adjacent environmentally sensitive lands. The project geotechnical report analyzes slope stability, but the record does not show that it considered these documented nearby failures or whether they change its conclusions. Before approval, supplemental geotechnical review should address those failures together with drainage, perched-water, and rainfall conditions.

Second, the City's review record raises an unresolved question about the legal development footprint. On April 2, 2025, Planning Comment 00092 stated: "Portions of the proposed ADU encroach beyond the legal development footprint" established by the 2002 permit and required the project to be revised and reduced. Comments 00089 and 00096 likewise treated the 2002 limit of work as the baseline.

The applicant later reduced the footprint by about 269 square feet and shifted it northeast. Yet the final 2026 Staff Report does not clearly demonstrate, by reference to the 2002 approved plan boundary, that the final footprint now lies within that legal development area. Instead, it relies substantially on artificial fill and prior disturbance to characterize the slope as manufactured and legally graded. Earlier Planning review specifically stated that undocumented fill had not been shown to result from legal development and that erosion-control grading did not expand the legal footprint. That matters because SDMC §143.0142(a)(4) limits development area on steep hillsides, and §126.0708(a)(2) requires a finding that coastal development will not adversely affect environmentally sensitive lands.

These findings should not be made until both issues are resolved on the record. Please deny the permits or continue the hearing for additional analysis.

Respectfully,

Michele Lang-Hillyard

2711 Glenwick Place

La Jolla, CA 92037

September 5, 2026

VIA ELECTRONIC SUBMITTAL

Hearing Officer
City of San Diego
Development Services Department
7650 Mission Valley Road
San Diego, CA 92108

Re: Item 2 — Opposition to 2734 Bordeaux Avenue ADU, Project No. PRJ-1087614

Hearing Date: September 9, 2026, 9:00 a.m.; Staff Report No. HO-26-047

Dear Hearing Officer:

I co-own 2710 Bordeaux Avenue, three homes from the project, on a canyon-facing lot at the end of the cul-de-sac. Neighbors walk this canyon's trails daily, and every house along it stops at the rim.

On paper, this canyon is protected. The La Jolla Community Plan designates the western portion of this site Open Space and Park. The site holds 0.55 acres of Diegan coastal sage scrub, which the City classifies as Tier II sensitive habitat. And when the existing house was approved in 2001, that approval was granted on the condition that 0.62 acres be placed under a recorded conservation easement to protect that habitat permanently.

None of that protection was ever delivered. Twenty-five years later the easement has still not been recorded. The habitat it was meant to safeguard has had no legal protection at all in that time, and the applicant's own biological report now shows part of that area as disturbed.

What concerns me most is what the City proposes to do about it.

The environmental addendum concludes that this project's impacts on sensitive species are less than significant, and the reason it gives is that suitable habitat will be conserved in a Covenant of Easement on this site. In other words, the promise that was never kept in 2001 is now the basis for approving more development in 2026.

Even taken at face value, that reasoning does not hold. The project places a 65-foot Zone Two brush-thinning area inside the very easement it relies on. SDMC section 142.0412(c)(3) bars Zone Two in an area designated for habitat mitigation. The City cannot rely on an easement to find no impact while authorizing the removal of the vegetation that makes it habitat. And Condition 11 provides that if Crotch's bumble bee ceases to be a listing candidate before the pre-construction meeting, the avoidance measures disappear altogether.

So every layer of protection here is either unperformed, contradicted, or conditional. The easement does not exist. The habitat it covers is to be thinned. The species measures can lapse.

The coastal sage scrub runs right up to the proposed development area. There is no buffer between the building pad and the habitat, which is why none of this can be treated as a paper exercise.

I would ask that the easement be recorded and any disturbance inside it restored before the City considers approving anything further on this property. Once a structure goes below the rim, with

cleared ground around it, that is permanent and the damage to our beloved canyon can not be rectified.

Please deny these permits.

Respectfully,

Paola Feher
2710 Bordeaux Avenue
La Jolla, CA 92037

September 7, 2026

VIA ELECTRONIC SUBMITTAL

Hearing Officer
City of San Diego
Development Services Department
7650 Mission Valley Road
San Diego, CA 92108

Re: Item 2 — Opposition to 2734 Bordeaux Avenue ADU, Project No. PRJ-1087614

Hearing Date: September 9, 2026, 9:00 a.m.; Staff Report No. HO-26-047

Dear Hearing Officer:

I live at 2750 Bordeaux Avenue, two doors up from the proposed project. I have written twice before opposing it. I write now about one narrow point, because the property I live in is being used to support it.

The application includes a matrix of rear setbacks for properties within 300 feet, offered to show that the ADU's setback is in general conformity. My property falls inside that radius. I do not believe it belongs there.

Though it is on the same street, my house is around the bend from 2734 Bordeaux and does not back onto the canyon rim. The property is flat. My rear setback reflects a back yard on level ground, and says nothing about how close a structure should sit to a canyon rim.

A rear setback on a flat lot measures a back yard. On a canyon lot it measures the edge of a landform. They are not the same measurement, and averaging them produces a number describing no actual condition on this street.

That matters, because the number is being used to move a line. Setbacks along this stretch have long been understood by connecting adjacent structures. The line those structures describe follows the canyon rim. If a flat-lot setback can be averaged in to justify a structure below that rim, the comparison has not measured conformity; it has manufactured permission.

The code asks something narrower than what the matrix answers. SDMC section 1510.0304(b)(4) requires only that "building and structure setbacks shall be in general conformity with those in the vicinity." The Municipal Code does not define vicinity, and certainly not as a 300-foot radius. Black's Law Dictionary gives the ordinary meaning: near, or not remote; nearness; proximity; a region about, near or adjacent.

Nothing in the code required a 300-foot radius. The applicant chose it, and it produced the answer the applicant needed. A standard picked by the party it benefits deserves scrutiny. Neither the La Jolla Shores Planned District Ordinance nor the Municipal Code makes 300 feet the measure of anything.

The vicinity that matters is the adjoining canyon-rim properties. Against those, the ADU is not in general conformity, and in fact would be the first dwelling permitted below that line on any lot in this canyon.

This is not a technicality. The Coastal Development Permit finding under SDMC section 126.0708(a)(3) requires the project to comply with all regulations of the certified Implementation Program, and the Site Development Permit finding under section 126.0505(a)(3) requires compliance with the Land Development Code. Section 1510.0304(b)(4) is one of those regulations. Measured against the properties the code actually names, neither finding can be made.

I am not asking the City to protect my view. I am asking that my flat lot not be used to justify building into a canyon it does not sit above.

I also respectfully ask that these permits be denied, as they have been by three local advisory boards. To do otherwise would set a dreadful precedent for the neighborhood and the city as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara', with a long, sweeping horizontal line extending to the right.

Sara Clemence
2750 Bordeaux Avenue
La Jolla, CA 92037

From: [Susan Pettigrew](#)
To: [DSD HearingOfficer](#)
Subject: [EXTERNAL] 9/9/2026 hearing - item 2 - 2734 Bordeaux Ave PRJ-1087614
Date: Monday, September 7, 2026 7:39:54 PM

****This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.****

To the Hearing Officer,

I have lived next door to the south of 2734 Bordeaux at 2726 for 26 years and before that, for 22 years, about a quarter of a mile away at 8630 Nottingham Place. It is not only those of us fortunate enough to live on or near the rim who benefit from this canyon but the wider San Diego community. I have hiked its rim countless times, as have so many others. It is a unique and defining feature of our community, and I write once again to register my vehement objection to this project.

I read, in disbelief, that despite every advisory board and committee that considered this project recommending denial, City staff is recommending approval. Quoting from the Notice of Public Hearing dated August 25, 2026, the project admittedly "contains environmentally sensitive lands in the form of sensitive biological resources and steep hillsides." An Environmental Addendum was nonetheless issued because, in the City's view, only "minor technical changes and additions" were necessary. Neither those changes nor the mitigation efforts are defined. The Addendum states that "Public review of this Addendum is not required per CEQA." So the environmental document on which this approval rests has had no public review and no comment period. Why? Given the scale of this project — it seems puzzling that this can proceed as an addendum at all. An addendum is permitted only where none of the conditions in CEQA Guidelines section 15162 apply — no substantial change in circumstances, and no new information of substantial importance. Since 2001 Crotch's bumble bee has become a candidate for listing and CEQA has added a wildfire checklist that no document here answers.

Because of San Diego's certified Local Coastal Program, the Coastal Commission has delegated authority over local Coastal Development Permits to the City, and this site is in the non-appealable area of the Coastal Overlay Zone, so there is no Coastal Commission review. A decision here is a green light for similar projects, and bigger houses, on canyon lots across San Diego.

In the late 1980's or early 1990's fire ravaged the downslope behind the soccer field located just north of Bordeaux. Left behind were only ashes and charred stumps. Through the years that followed I watched that slope renew itself completely. That is what this canyon does. It burns, and it comes back. What it cannot come back from is concrete. Fire here is survivable. A structure set below the rim is not: it is permanent, and it ends that ground for good.

This decision will be your legacy. Who benefits? Certainly not this canyon, the dog walkers, hikers and children who play in it.

Please deny these permits.

Respectfully,

Susan Pettigrew

September 8, 2026

VIA ELECTRONIC SUBMITTAL

Hearing Officer
City of San Diego
Development Services Department
7650 Mission Valley Road
San Diego, CA 92108

Re: Hearing Date September 9, 2026 – Agenda Comment, Agenda Item 2 - Opposition

PLEASE NOTE: I submitted this comment via the web form on September 6, but notice that, less than 24 hours before the hearing, it has not appeared in the comments spreadsheet

Dear Hearing Officer:

I write to point out that serious concerns have been glossed over, ignored, or misrepresented in the Report to the Hearing Officer (HO-26-047), and that there are numerous erroneous statements in the proposed Recital language (Attachment 6 to the report).

My main point concerns the impact of construction required to stabilize the project in a steep hillside setting. As a retired geophysicist who has overseen construction of borehole monitoring stations around the world, I read the geotechnical report prepared for the applicant by Geotechnical Exploration, Inc (GEI, November 2024) with great interest. This report is referred to many times in the staff report but some important points are not highlighted. GEI correctly asserts that the site cannot support the proposed construction without significant modification of the hillside. Unsuitable fill and topsoils must be completely removed to **a depth of 2.5-5 feet** to reach underlying bedrock to a lateral extent **at least 5 feet beyond** the perimeter footprint of the ADU (p 21), and multiple caissons (cement piers) with **a minimum diameter of 24 inches** (p 30) must then be installed to **a depth of 16 feet** into the bedrock (p 29). Yet, Table 1 of Attachment 7 of the staff report claims that the proposed ADU will have a “less than significant impact” in the geology / soils dimension to MND No.41-0314, adopted 25 years ago for construction of the main residence on the relatively flat bluff top. It is nearly impossible to understand how that MND and “project-specific environmental analysis pursuant to CEQA” (Attachment 7, p 3) could have been extended to cover the significant impact of proposed construction into sensitive areas of the adjacent hillside. Clever wordsmithing about artificial fill, previously disturbed, manufactured slope (etc) does not change the fact that the site is at the top edge of a **large natural erosional canyon that is a defining feature of the region**, and the engineering needed to build there would significantly impact this natural formation.

The applicant has also never adequately addressed how the necessary earthmoving equipment (GEI, p20) and micropile / track-mounted drill rig would get to the site, which has no road access and can only be reached through fixed stairways a few feet wide on either side of the residence, or possibly via an overhead crane installed in the middle of our cul-de-sac.

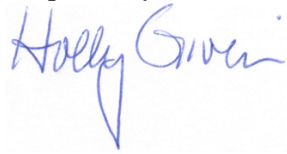
Despite the planning department’s inexplicable decision to ignore their findings, every community advisory body tasked by the City to consider the project voted against its approval. These bodies

rightly understood that those west-facing properties along Bordeaux Ave, Glenwick Place, and Inverness Court that include land beyond the canyon rim define a unique and specific neighborhood character. In seventy years, no canyon-adjacent property owner has built or attempted to build a separate dwelling structure beyond the flat bluff top. Indeed, the proposed project will **not** “maintain the existing residential character,” but rather would introduce an “extreme and intrusive change” (LJPC, p70).

Quoting a Board member from the March 2026 LJPDAB meeting, “the City needs a Department of Common Sense.”

Please deny these permits.

Respectfully submitted,



Holly Given, Ph.D.
2782 Bordeaux Avenue
La Jolla, CA 92037



Re: Item 2 – Opposition to 2734 Bordeaux Avenue ADU, Project No. PRJ-1087614

Hearing Date: 09/09/2026

Staff Report No. HO-26-047

I have lived at 8765 Glenwick Lane for forty two years. As I have previously stated in the review process for the above-referenced project, I object to the construction of this or any structures in the historically protected canyons of San Diego. I understand the need for additional housing, but this project is exploiting the ADU laws to expand a single family home onto previously unbuildable canyon space.

Somewhere around 1999 – 2001, a previous owner demolished the existing home and sought multiple variances in the set-back regulations to build a larger home that was legal on this lot. They wanted to build further up to the sidewalk, and back further onto the slope behind the house. The City denied these requests, followed the setback rules and enforced the unbuildable canyon zone.

The owners maxed out the square footage of the home covering every inch of buildable lot. After spending months and over \$800,000 on grading, earthwork, reinforced concrete footings etc., the project was abandoned. This what the construction foreman told me. There was extensive dirt moving and digging activity and concrete work with a lot of heavy equipment, much to the delight of my young sons. We watched the work often. When the owners quit paying the bills, the grading contractor withdrew from the site, removing all the equipment rather hastily, and leaving behind incomplete earth work and partially completed footings and substructure.

The Parduns bought the project, redesigned it thoughtfully and within the CC&R and City regulations. Much of the substructure was not usable as the footings did not necessarily align with the newly redesigned home. I suspect the slope was disturbed when the home was demolished, the equipment was hastily removed, or when the concrete and other improvements had to be cleared to accommodate construction of the existing home.

This disturbance should not be used as the rationale to enlarge the buildable foot print. Previous reports show this to be an “undisturbed/altered” canyon slope. If this project is approved, it would be precedent for homes to be built in any and every canyon of San Diego. Is this to be new policy city-wide or just in our canyon? This type of drastic policy change should not be done through this back-door. Canyons are the defining geographical feature of San Diego.

And this brings us to the fire hazard aspect of building in canyons which can't be easily reached by fire fighters. In October of 1989, we had a fire in this canyon which came close to the backyards of these canyon facing homes. I could see the orange flames above their rooftops. This proposed structure creates a real hazard for the entire neighborhood, including the Birch Aquarium and UCSD.

I honestly cannot understand why the powers that be would even consider allowing the expansion of a single-family home into this canyon when it has always been off-limits. Expansion requests FOR THIS VERY LOT have always been denied.

Gabrielle Goodman

September 8, 2026

VIA ELECTRONIC SUBMITTAL AND EMAIL

Hearing Officer
City of San Diego
Development Services Department
7650 Mission Valley Road
San Diego, CA 92108

**Re: Opposition to 2734 Bordeaux Avenue ADU — Proposed Amendment to Coastal Development Permit / Site Development Permit No. 41-0314
Project No. PRJ-1087614; APN 344-100-0300**

Hearing Date: September 9, 2026; Staff Report No. HO-26-047

Dear Hearing Officer:

On behalf of our respective clients, Emma Farley and Irwin Jacobs, neighboring property owners, we submit this letter in opposition to the above-referenced application. The application seeks to amend Coastal Development Permit/Site Development Permit No. 41-0314 (CDP/SDP) to authorize construction of a detached accessory dwelling unit (ADU), along with associated grading, drainage improvements, and brush management activities.

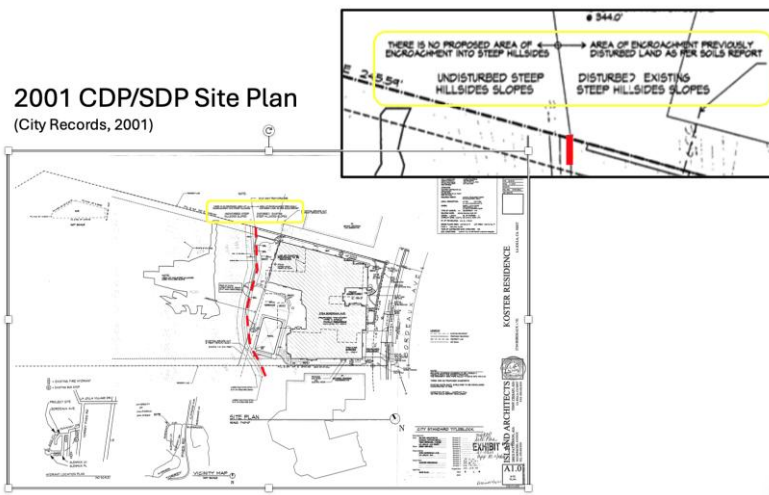
The proposed project cannot be approved because, among other reasons, it contemplates new construction on a steep slope that contains sensitive habitat. Such development would be unprecedented in the neighborhood, which to date is located exclusively on the mesa at the top of the slope without extending into the pristine canyon. The Staff report and proposed findings dismiss these concerns by asserting without substantial evidence that the hillside has been previously disturbed. But that assertion is contradicted by prior determinations by the City, which in 2001 approved the construction of the single family residence at the top of the slope on the basis that it would not disturb the previously undisturbed hillside. The approval of the proposed project cannot simply ignore the prior CDP/SDP issued by the City and the findings that support that permit.

The proposed project would violate many components of the City's development regulations and would open the door to similar development along the canyon edge, leading to further substantial and irreparable harm to the steep slopes, sensitive habitat and natural beauty of the existing canyon. The project cannot be approved on this record.

I. SUMMARY OF OPPOSITION

Reduced to its essentials, the City cannot approve this application for eight independent reasons, each of which is sufficient standing alone:

1. **The CDP and SDP findings cannot be made.** The staff report recommends approval, but the record does not support the required findings.
2. **Project Either Relies on Inaccurate Information or Unpermitted Development.** Staff's central premise is that the proposed ADU is located within previously disturbed or legally graded manufactured slopes land and therefore would not encroach into steep hillsides or sensitive biological resources. The record does not support that conclusion. The Record establishes that, in 2001, the area now proposed for the ADU was designated as "undisturbed steep hillsides" and "that there is no proposed area of encroachment into steep slopes." The 2001 Site Plan prepared by Island Architect, the CDP/SDP Findings, and Staff report all uniformly reflected this designation and the 2001 approval specifically relied upon that project not encroaching into the steep hillsides.¹ See Attachment A, 2001 Site Plan; 2001 CDP/SDP Staff Report and CDP/SDP Findings.

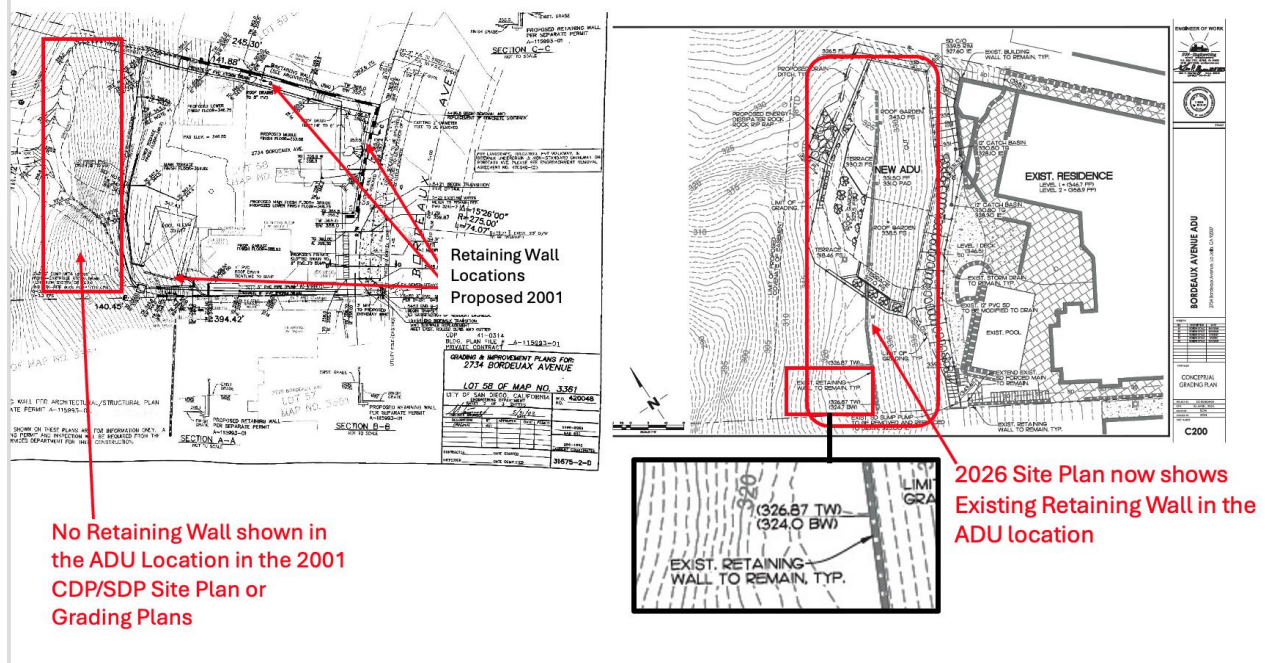


Pursuant to Condition 7 of the 2001 CDP/SDP, any changes to the grading would have required an amendment to the CDP/SDP. But staff has not identified any grading permit, approved grading plans, or other evidence showing that the ADU

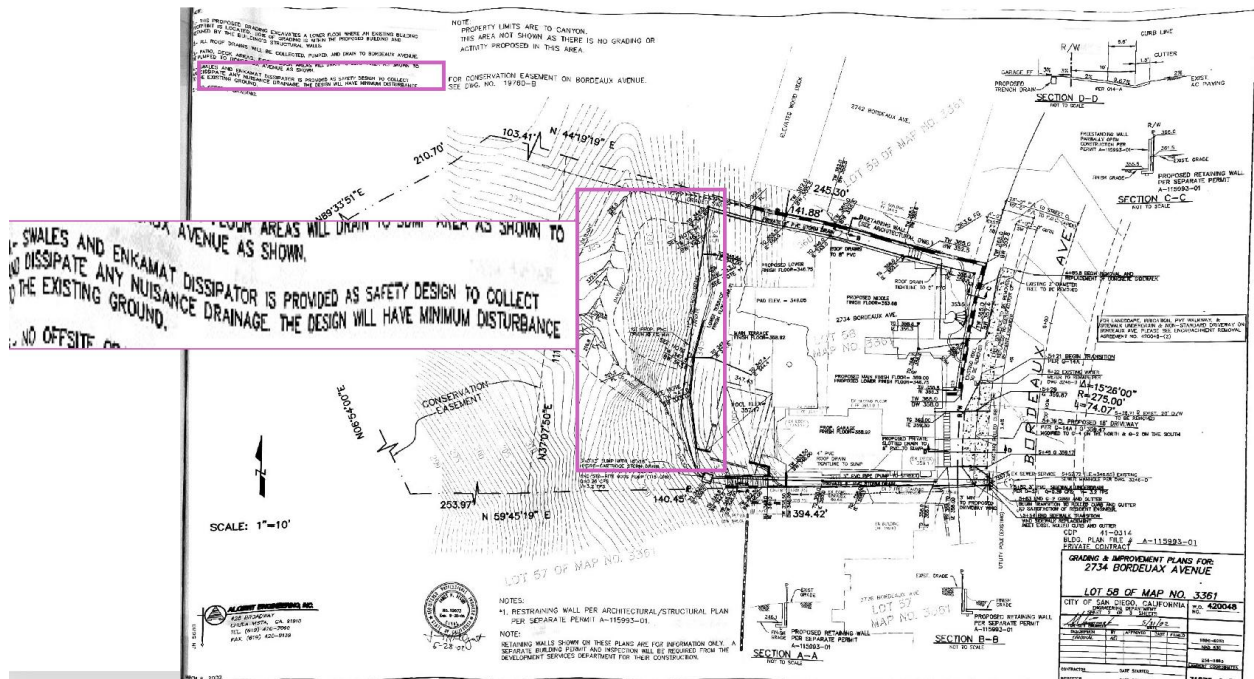
¹ The Planning Commission found that "The portion of that site that will be utilized for the new construction (the easterly area fronting on Bordeaux Avenue) has been graded and improved in accordance with development of the existing single-family home on the site. The remaining westerly portion of the site, which comprises a west-facing slope, would not be disturbed to accommodate the new construction improvements and therefore, potential impacts to such environmentally sensitive areas/resources would not occur as a result of project implementation." Planning Commission Resolution SDP/CDP No. 41-0314.

footprint was legally graded in a way that removed it from the steep hillside area identified in the City's 2001 CDP/SDP approval and/or that the CDP/SDP has since been amended. Without that evidence, the City cannot rely on the alleged existing disturbed condition as a lawful baseline or use it to justify new development in ESL/Steep Slopes.

3. **Encroachment Into Steep Hillsides Could Be Avoided.** SDMC section 143.0142(a)(4) requires that encroachment into steep hillsides be avoided where feasible. An accessory dwelling unit could be accommodated in numerous different locations within the existing 5,617 sq. ft. residence with attached garage and 1,647 sq. ft. basement which was permitted under the 2001 CDP/SDP. Locating the ADU within the existing structure would avoid encroachment into steep hillsides.
4. **Existing violations of the 2001 CDP/SDP bar approval of the amendment.** The staff report states that there is no active code enforcement case, but the record shows existing unreported violations of CDP/SDP No. 41-0314. Prior to processing this application, the City must resolve these apparent code violations, required the applicant restore the site to prior conditions. Only once the violations are resolved can the City process the project. SDMC § 143.0112
 - a. Retaining Wall Violation: The 2026 project plans and staff report acknowledge an existing retaining wall running through the same steep-slope area where the ADU is now proposed, yet the City has not produced any permit or CDP/SDP amendment authorizing that retaining wall or related grading in this location. None of the plans submitted with the 2001 CDP/SDP reflected a retaining wall in this location. See Exhibit B, 2002 Grading Plan; Exhibit C, 2026 Site Plan. Accordingly, the post 2001 CDP/SDP installation of the retaining wall appears to be unpermitted and must be restored prior to processing this application.



- b. Conservation Easement: The 2001 CDP/SDP required a 0.62 Acre Conservation Easement where 0.62 acres of coastal sage was located as identified on Merkel's 1999 Biological Map. Exhibit D, 1999 Biological Map Referenced in the 2001 CDP/SDP Condition 10. In violation of the 2001 CDP/SDP, this was never executed or recorded. Because this area was never protected, unpermitted development and other factors has reduced coastal sage from 0.62 to 0.55 acres on the Property. This area remains unprotected in violation of 2001 CDP/SDP Conditions and must be restored and protected prior to proceeding with this application. See Exhibit E, Excerpts from Athena Biological Report.
- c. Grading or Manufactured Slopes: The Graded Swale authorized in the 2001 CDP/SDP did not authorize a manufactured slope or extensive grading at all. In fact the grading plan we obtained from the City Public records specifically noted that the graded swale design would have "minimum disturbance to the existing ground." See Exhibit B, Grading Plan. Therefore, the City cannot rely on grading done in connection with the graded swale to support that the ADU is being proposed on a disturbed, manufactured slope. This is not consistent with the record. The Project must analyze the impacts to the existing steep slope as identified in the 2001 CDP/SDP Site Plan and associated findings and require restoration of any manufactured slopes constructed with a valid permit.



- The ADU structure is not in General Conformity with the other buildings and structures in the vicinity. The ADU will be the first to extend into steep slopes and spill down the canyon which is not conformance. SDMC §1510.0304(b)(4). This photo was taken from the public trail across the canyon. The ADU location is shown generally in the white. As you can see, this does not conform with the other buildings along this canyon vicinity which have been located to avoid the steep slopes or extension into the canyon.



- The findings must be made for the project as amended, not just the ADU. This is an amendment to CDP/SDP No. 41-0314. Therefore, the CDP/SDP Findings must

identify and authorize the development as it will exist after approval, not just the new ADU.

7. **The matter is noticed at the wrong decision level.** The application is noticed for a Process Three Hearing Officer decision. If the City's approval depends on treating the project as deviating from the ESL Regulations, including the steep hillside avoidance requirement, the Site Development Permit must be decided by the Planning Commission under Process Four, not by the Hearing Officer under Process Three.
8. **The CEQA addendum is legally inadequate.** The CEQA Addendum is inadequate because it treats a new detached ADU, basement, grading, drainage improvements, and brush management in an area previously identified as steep hillside as if it were only a minor technical change to the 2001 approval. These changes are substantial and involve potentially new significant environmental impacts and an increase in the severity of previously identified environmental effects. In particular, the new CEQA document must assess potentially significant impacts in the areas of geology, wildland fire risk, drainage, biology, construction, public view and neighborhood character. Therefore, a supplemental Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR) must be prepared and circulated prior to approving any development at this Property.

II. LEGAL STANDARD

A discretionary land use approval may issue only if the decision maker makes each required finding, and each finding must be supported by substantial evidence in the administrative record. Findings must "bridge the analytic gap between the raw evidence and ultimate decision." (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.) If any required finding cannot be made, the permit must be denied.

Within the Coastal Zone and following certification of a local coastal program, a coastal development permit may issue only where the proposed development conforms to the certified LCP. (Pub. Resources Code, §§ 30600, 30604(b).) A local government's authority under its LCP does not permit it to waive restrictions imposed by the Coastal Act.²

² See *Spencer v. City of Palos Verdes Estates* (2023) 88 Cal.App.5th 849, 863 internal citations omitted. "Once the California Coastal Commission certifies a local government's program, and all implementing actions become effective, the commission delegates authority over coastal development permits to the local government. However, u[n]der the Coastal Act, the local coastal program and development permits issued by local agencies are not just matters of local law. Instead, they embody state policy. A fundamental purpose of the Coastal Act is to ensure that state policies prevail over local government concerns."

III. ARGUMENT

A. The City Cannot Make the Coastal Development Permit Findings Required by SDMC Section 126.0708(a).

1. *The project will adversely affect environmentally sensitive lands. (SDMC § 126.0708(a)(2).)*

Encroachment is avoidable, and avoidance has not been demonstrated. SDMC section 143.0142(a)(4) requires that coastal development on steep hillsides **avoid encroachment to the maximum extent possible**, and permits encroachment only where it is unavoidable and then only in minimized form. The property supports a 5,617 sq. ft. residence with attached garage and 1,647 sq. ft. basement. An accessory dwelling unit or junior accessory dwelling unit can be accommodated within that existing building envelope through interior conversion, without any encroachment into ESL. Because a feasible avoidance alternative exists, the proposed encroachment into ESL is not unavoidable as a matter of law, and the finding cannot be made.

The City has not documented any basis for departing from its 2001 findings. The 2001 CDP/SDP identified the proposed ADU area as "undisturbed steep hillside slopes" and stated that there was "no proposed area of encroachment into steep hillsides." The 2001 findings concluded that the residence would not adversely affect environmentally sensitive lands precisely because it was confined to the previously disturbed portion of the property and avoided encroachment into the steep hillsides the applicant now seeks to encroach upon.

Staff has not identified any evidence that the slope has been graded or manufactured via a valid permit and approval since the 2001 CDP/SDP approval that required no encroachment into the steep slopes. The 2001 grading plan references only a "graded swale" and expressly states that the design would involve "minimum disturbance to existing ground." See Exhibit B, 2002 Grading Plan. Nor has Staff produced any permit or amendment authorizing the retaining wall that now runs through the proposed ADU footprint. See Exhibit C. Staff's suggestion that the area the ADU is proposed is a manufactured slope is a reversal of the Planning Commission's 2001 determination, and the record contains no documentation supporting the change in position. If the City instead relies on post-2001 grading or retaining wall installation, that development would have required a permit and CDP amendment. See Exhibit F, 2001 CDP/SDP, Condition 7 of the existing 2001 CDP/SDP. Absent a permit approving a manufactured slope, the City must treat this area as a ESL Steep slope. Based on this, the finding is unsupported.

2. *The project does not conform to the certified LCP land use plan or the certified Implementation Program. (SDMC § 126.0708(a)(3).)*

SDMC section 143.0142(h) requires development in La Jolla and La Jolla Shores steep hillsides to be consistent with the Hillside Development Guidelines of the certified LCP land use plan. The La Jolla Community Plan directs the City to apply the ESL Regulations to new development on La Jolla slopes with a natural gradient of 25 percent or greater, to avoid encroachment into steep hillsides to the maximum extent possible, and to protect natural vegetation, habitat areas, and natural drainage areas from impacts of new development on buildable portions of the lot. The La Jolla Shores Planned District Ordinance further requires setbacks to be in general conformity with those in the vicinity and directs the preservation and enhancement of the natural environment and aesthetic qualities of the area. (SDMC §§ 1510.0301, 1510.0304.) The proposed ADU would establish a new line of development beyond the existing pattern along the canyon edge and would place a new habitable structure, terraces, roof gardens, drainage facilities, and brush management obligations into the steep slopes forming the canyon. The unanimous adverse recommendation of the LJSPDAB and the LJCPA's denial recommendation as well as comments from the public are substantial evidence that the project is out of character and would be precedent setting if approved. Because the project also fails to demonstrate compliance with SDMC section 143.0142(a)(4), it does not comply with the certified Coastal Implementation Program, and finding (a)(3) fails on that independent ground.

3. *The project has not been shown to protect public views and coastal resources. (SDMC § 126.0708(a)(1).)*

Bordeaux Avenue is an identified public vantage point for a scenic overlook. The staff report states that the ADU would sit below street level and preserve westerly views from Bordeaux Avenue, but the record does not analyze temporary construction impacts from grading, hauling, staging, shoring, or crane operations, nor does it meaningfully analyze views back toward the proposed project from nearby open space and public trails within the UCSD Ecological Reserve. More fundamentally, the project would establish a new canyon-edge development pattern by extending habitable space, terraces, roof gardens, drainage facilities, and brush management into an area designated for open space preservation.

B. The City Cannot Make the Site Development Permit Findings Required by SDMC Section 126.0505.

1. *The development would adversely affect the applicable land use plan. (SDMC § 126.0505(a)(1).)*

For the reasons set out above, the project conflicts with the certified La Jolla Shores LCP land use plan, the Hillside Development Guidelines, and the La Jolla Shores Planned District Ordinance. In addition, the existing conditions on the property, an unrecorded conservation easement and post

CDP/SDP disturbance within the conservation easement area, are themselves inconsistent with the land use plan and with the terms on which the 2001 CDP/SDP approval issued.

2. *The development would be detrimental to the public health, safety, and welfare. (SDMC § 126.0505(a)(2).)*

Fire safety. The staff report acknowledges that the property is located within the Very High Fire Hazard Severity Zone and that brush management is required because the proposed structure would be within 100 feet of native or naturalized vegetation. The draft permit requires a modified Zone One ranging from 10 to 32 feet, alternative compliance measures, and a corresponding 65-foot Zone Two brush management. There is also no analysis on how the Project complies with the Zone 0 fire management requirements. Those conditions confirm that the ADU pushes habitable development and defensible-space obligations into the canyon area. The record does not adequately analyze whether those brush management obligations can be lawfully and permanently maintained within the site and the required conservation easement, or whether they shift fire-management burdens to adjacent properties or preserved habitat.

Geotechnical stability. The project requires 270 cubic yards of cut/export and excavation for a basement and related improvements in a canyon-edge steep hillside setting. Although the staff report states that the geotechnical report was accepted by City staff and concludes the site is low risk if the recommendations are followed, the required findings demand more than acceptance of a consultant report. The record must also reconcile the proposed grading, shoring, retaining wall work, and temporary slopes with the City's steep hillside and grading regulations and with the 2001 approval's assumption and determination that the western canyon slope would not be disturbed.

Drainage. The staff report and addendum state that runoff from the ADU roof and surrounding site drainage would be conveyed to the natural drainage creek through a concrete drainage ditch terminating in a rock riprap dissipator just downslope of the ADU. SDMC section 143.0142(f) requires increased runoff to be directed away from steep hillsides into the public storm drain or street gutter system. The record does not explain how a concrete drainage ditch and rock riprap outfall flowing toward the natural drainage creek complies with that requirement.

3. *The development does not comply with the regulations of the Land Development Code. (SDMC § 126.0505(a)(3).)*

The project does not comply with the following Land Development Code Sections:

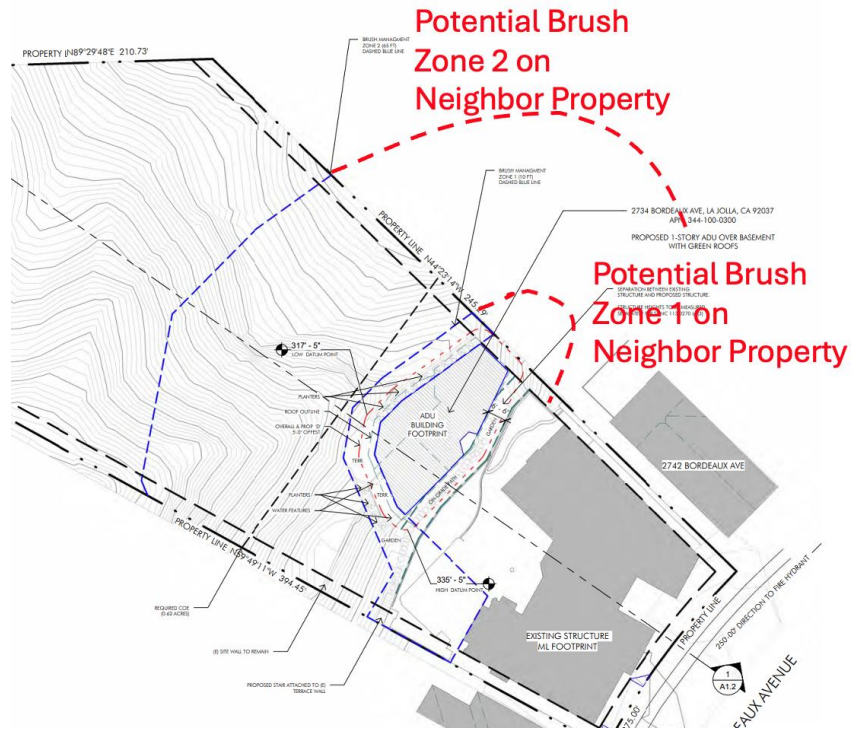
- a. SDMC § 126.0505(b)(1): **Requires the proposed project to result in the minimum disturbance to environmentally sensitive lands.** A 1,110.5-square-foot structure with a 481.5-square-foot below-grade level, cut into a canyon slope with 270 cubic yards of export, is not the minimum disturbance alternative where an interior conversion within the existing approved structure is available.

- b. SDMC § 143.0142(a)(4): **Requires avoidance of steep hillsides.** Avoidance of steep slopes has not been demonstrated.
- c. SDMC § 143.0142(f): **Requires increased runoff to be directed away from steep hillsides into the public storm drain or street gutter system.** The project proposes to convey drainage toward the natural drainage creek through a concrete ditch and rock riprap dissipator
- d. SDMC § 126.0505(b)(2): **Requires that the development minimize alteration of natural landforms and pose no undue risk from geologic and erosional forces or fire hazards.** The shoring and 0.75:1 temporary cut slopes, the export quantity, and the fire exposure defeat this finding.
- e. *SDMC § 126.0505 et seq.:* **The proposed encroachment will not interfere with the free and unobstructed use of the public right-of-way for public travel.**
Construction in the rear canyon area with minimal side yard setbacks will require crane operations and associated right-of-way permits. The record does not analyze the resulting obstruction of Bordeaux Avenue, an identified view corridor and the sole access for the neighborhood, or establish that the.
- f. SDMC §142.0412(c)(3): **Prohibits brush management zone 2 in an area designated for habitat mitigation.** Zone 2 Brush management is proposed in the area that is requires to be preserved via a conservation easement to avoid impacts to Crotch's Bumble Bee. As noted in the addendum, "For Crotch's bumble bee, impacts would be less than significant because suitable habitat for foraging (and possibly nesting and overwintering) would be conserved in a Covenant of Easement (COE) onsite." Allowing Brush Management Zone 2 within the Conservation Easement area required to avoid impacts to Crotch's Bumblebee is not only a violation of SDMC 142.0412(c)(3) it also creates a potentially significant impact under the California Environmental Quality Act (CEQA).

As noted in the Biological Report by Athena Consulting dated December 2025, "Brush Management Zone 2 thinning outside the MHPA which affects non-covered species is potentially significant." See Exhibit E, Athena Consulting, December 2025, Page 14, Note (d). Since Crotch's Bumblebee is not covered by the City's MSCP program, and the Property is located outside of the MHPA, allowing Brush Management Zone 2 within the Conservation Easement Area designed to avoid impacts to Crotch's Bumblebee is not impact neutral and must be analyzed for potential impacts to Crotch's Bumblebee. The Biological Report fails to analyze the Brush 2 impacts. Therefore, Brush 2 Managmenet is a potentially significant impact.

- g. SDMC §142.0412(c)(1): **Both Zone One and Zone Two must be provided on the subject property unless a recorded easement is granted by an adjacent property**

owner to the owner of the subject property to establish and maintain the required brush management zone(s) on the adjacent property in perpetuity. It appears that Brush Management may be required on the adjacent property. See Exhibit G, Brush Management Notes 1, Sheet L 1.3 “Offsite brush management shall be the responsibility of the adjacent property owners.”



Prior to approving the Project, the applicant must present an executed easement for offsite brush management on the adjacent property. No such easement has been acquired.

- h. **Zone 0 Defensible Space.** The Project has failed to show compliance with the required Zone 0 Defensible Space code. See SDMC §512.0604, AB 3074. For example, the Landscape Plan requires mulch: “MULCH: ALL REQUIRED PLANTING AREAS AND ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 3 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION PER SDMC 142.0411.” This violates the Zone 0 Requirement for new structures that “combustible materials including mulch or wood chips shall not be used.” The landscape plan needs to be revised to show compliance with Zone 0 before this project can be approved.

4. *The supplemental environmentally sensitive lands findings cannot be made.*
(SDMC § 126.0505(b).)

Adjacent ESL (§ 126.0505(b)(3)). The finding requires that the development be sited and designed to prevent adverse impacts on adjacent environmentally sensitive lands. The brush management envelope, the concentrated drainage discharge to the natural creek, and construction access into the canyon each impose impacts beyond the development footprint and onto adjacent canyon habitat, including on neighboring parcels.

C. If Any Deviation from the ESL Regulations Is Required, the Matter Must Be Decided by the Planning Commission Under Process Four, and the Deviation Findings Cannot Be Made.

The application is noticed for a Process Three Hearing Officer decision. That is the wrong forum. Where a proposed development does not comply with all applicable Environmentally Sensitive Lands Regulations and a deviation is requested, the Site Development Permit must be decided in accordance with Process Four by the Planning Commission. (SDMC §§ 143.0150, 126.0502(d)(4).) On this record, encroachment into steep hillsides for an accessory structure cannot be reconciled with SDMC section 143.0142(a)(4) without a deviation. Approving the amendment at Process Three would be procedural error requiring reversal.

Moreover, within the Coastal Overlay Zone, a deviation from the ESL Regulations may be granted only if the decision maker makes the supplemental findings of SDMC section 126.0708(b). (SDMC § 143.0150(c).) Those findings apply a constitutional-takings standard and cannot be made here:

1. **§ 126.0708(b)(1)** requires a finding that each use provided for in the ESL Regulations "would not provide any economically viable use of the applicant's property." The property already supports a 5,659-square-foot residence approved in 2001. An economically viable use has been realized for twenty-five years. An ADU could be located within the existing structure and thereby avoid impacts to ESL.
2. **§ 126.0708(b)(2)** requires a finding that application of the ESL Regulations would interfere with reasonable investment-backed expectations. The 2001 CDP/SDP findings placed the owner on notice that the canyon area was to be preserved and that the SFR was only allowed because it was located on an existing disturbed building area.
3. **§ 126.0708(b)(4)** requires a finding that the project is "the minimum necessary to provide the applicant with an economically viable use of the premises." An ADU could be placed within the exiting residence.
4. **§ 126.0708(b)(5)** requires a finding that the project is the least environmentally damaging alternative and is otherwise consistent with the certified LCP. An interior

conversion alternative is plainly less damaging, and the project is inconsistent with the LCP for the reasons stated above.

The applicant has not submitted the economic showing that a deviation would require — acquisition price, fair market value, land use designations at acquisition, ownership costs, income from the property, and a complete alternatives analysis. Absent that record, no deviation may be approved.

C. The City May Not Process This Application While Violations of the Existing Permit Remain Unresolved.

The record indicates that the conservation easement required by CDP/SDP No. 41-0314 was never recorded, that habitat within the conservation easement area has been disturbed after the 2001 approval of the CDP/SDP, and that retaining wall and grading work may have been performed beyond the scope of the approved plans in violation of 2001 CDP/SDP Condition 7. SDMC section 143.0112 provides that a development permit application "shall not be processed for the premises until the enforcement action has been concluded, or the City Manager determines a development permit is necessary to resolve the enforcement action."

A current permit amendment may not be used to retroactively legitimize development that exceeded the scope of the original authorization. Development that exceeds its permit and does not conform to current restrictions is not lawfully established merely because it physically exists, and remains subject to enforcement.

The correct sequence is therefore: the conservation easement must be recorded, the disturbed easement area restored, and any unpermitted retaining wall or grading removed or lawfully authorized **before** the City entertains an amendment expanding development further into the canyon. In the alternative, if the City intends to authorize those existing conditions through this amendment, the application must be re-noticed to expressly include them, the environmental document must analyze their impacts, and the findings must be made for the entire project as modified.

D. The CEQA Addendum Is Inadequate; a Subsequent or Supplemental Environmental Document Is Required.

An addendum is permitted only where minor technical changes or additions are necessary and none of the conditions described in CEQA Guidelines section 15162 calling for preparation of a subsequent environmental document have occurred. That standard is not met here.

The proposed amendment would extend new structural development into a steep slope canyon with biological sensitive habitat that the 2001 CDP/SDP approval record treated as preserved steep hillside/open space area and creates impacts in those steep slopes not analyzed in the prior document, including: basement excavation and 270 cubic yards of export; new grading, shoring, and retaining wall work; new drainage conveyance to a natural drainage creek through a concrete

ditch and rock riprap dissipator; modified brush management within and adjacent to ESL and Crotch's bumblebee habitat; potential biological impacts requiring Crotch's bumble bee avoidance measures; construction access and use of cranes, hauling, and staging impacts; and visual/neighborhood-character impacts from extending development farther into the canyon. These are not minor technical changes. They constitute substantial changes, changed circumstances, and new information of substantial importance under CEQA Guidelines section 15162(a).

Where there are substantial changes, the lead agency must prepare a subsequent or supplemental environmental document; it may not proceed on an addendum. Separately, a categorical exemption is unavailable because the project is located in an environmentally sensitive area and because of the unusual circumstances presented by the canyon setting and sensitive resources. (CEQA Guidelines, § 15300.2(a), (c).) For the reasons provided below, the Hearing Officer should decline to act on the existing addendum and direct preparation and circulation of a subsequent or supplemental mitigated negative declaration, or an environmental impact report if there is substantial evidence supporting a fair argument that the project may have a significant effect on the environment.

- a. **The Addendum fails to analyze the Project's Geology and Soil Impacts.** Pursuant to the Geotechnical Exploration, Inc report (GEI, November 2024), the project requires that unsuitable fill and topsoils must be completely removed to a depth of 2.5-5 feet to reach underlying bedrock to a lateral extent at least 5 feet beyond the perimeter footprint of the ADU, and multiple caissons (cement piers) with a minimum diameter of 24 inches must then be installed to a depth of 16 feet into the bedrock. The addendum fails to analyze whether all of this work in the canyon could destroy a unique geological feature or result in substantial adverse effects including the risks of injury or loss. This proposed projects sets a precedent by encroaching into the unique natural erosional canyon. The CEQA document must address these new potentially significant impacts and require mitigation to mitigate the project's impacts.
- b. **The Addendum fails to analyze wildland fire impacts.** The Staff Report acknowledges that the Project site is within a Very High Fire Hazard Severity Zone and that the Project requires brush management and alternative compliance measures. (Staff Report; pp. 2, 5–6; Draft Findings, pp. 10–12; Draft Permit, pp. 6–7.) Yet the CEQA Addendum's human health/public safety section states generally that ADUs are not associated with significant hazards and concludes that no impact would occur. (CEQA Addendum, p. 21.)

The City must analyze whether siting a new dwelling unit at this location increases exposure to wildfire risk, whether the proposed reduced Zone One and alternative compliance measures are adequate and whether all required fuel modification can be

lawfully performed and maintained within the Project site to reduce risks associated with exasperating wild fire risks. The Project plans state that offsite brush management is the responsibility of adjacent property owners. (Exhibit G, Project Plans, Brush Management Note 1, Sheet L1.3.) That statement does not establish that the applicant has legal authority to rely on offsite fuel modification or that brush management limited to the applicant's property is sufficient to avoid fire-related impacts. In fact, the City's code requires that if offsite brush management is necessary, that the applicant must obtain easements to conduct offsite brush management. No Such easement has been obtained and therefore the CEQA analysis must analyze impacts assuming no brush management will be conducted for the benefit of the ADU project on adjacent properties.

The project also proposes to use cranes and other equipment that will be placed in the public right of way to construct the proposed project. The project site has no road access and can only be reached through fixed stairways a few feet wide on either side of the residence. The necessary earthmoving equipment and micropile track-mounted drill rig necessary to complete the geotechnical work would likely need to be sent to the project site via an overhead crane placed in the public right of way. Doing so could expose people or neighboring structures to significant risk of loss, injury or death involving a wildland fire by blocking the access to this one way in and out culdesac street.

- c. **The Addendum fails to analyze drainage and water quality impacts to the natural creek and canyon area.** The Addendum states that roof and site drainage around the ADU would be conveyed to the natural drainage creek through a concrete drainage ditch with a rock riprap energy dissipator at its outfall. (CEQA Addendum, p. 8; Project Plans, Sheet C200.) The City fails to analyze whether concentrating runoff in this manner could increase erosion, alter drainage patterns, affect biological resources, degrade water quality, or conflict with ESL drainage requirements. This is a potentially significant impact.
- d. **The Addendum fails to analyze biological impacts and improperly treats avoidance measures as non-mitigation.** The biological analysis fails to adequately analyze impacts to Crotch's bumble bee. Rather than disclose and evaluate the Project's potential impacts to the species, the Addendum assumes those impacts will be avoided through "avoidance and minimization" measures and preservation of habitat within a Covenant of Easement. But that approach confirms the problem: if the Project requires timing restrictions, qualified biologist surveys, CDFW consultation, no-work buffers, reporting, and preservation of suitable foraging, nesting, and overwintering habitat in a COE to avoid impacts, then those measures are functioning as mitigation. The

Addendum cannot avoid disclosing a potentially significant impact and then requiring all feasible mitigation simply by labeling mitigation measures as “avoidance and minimization.”

The reliance on the COE is especially problematic because the COE has not yet been recorded. The Addendum concludes that impacts to Crotch’s bumblebee would be less than significant because suitable habitat would be conserved in an onsite COE, but no recorded COE presently exists to ensure that conservation. An unrecorded future easement is not an existing baseline condition; it is a proposed measure to reduce or avoid biological impacts. Because the Addendum relies on that future COE to reach its less than significant conclusion, the COE is effectively mitigation and the significant impact to Crotch’s Bumblebee must be disclosed, analyzed, and monitored as such. Without an MMRP and enforceable mitigation measure, the Addendum lacks substantial evidence to conclude that impacts to Crotch’s bumble bee would be avoided or less than significant. This is especially telling since the Applicant previously failed to comply with the CDP condition requiring a COE to be recorded, yet failed to record the easement. Because of the lack of protection, the coastal sage habitat on the property has gone from 0.62 acres to 0.55 acres. See Exhibit H, 2025 Biological Report.

- e. **The Addendum fails to analyze construction noise, air quality, and hauling impacts.** The Project requires excavation, export of 270 cubic yards of material, foundation work, construction in a constrained steep hillside location, and potential pile drilling or deep foundation work. (Staff Report, p. 10; Addendum, pp. 5–6, 12; Project Plans, Sheets C100, C200, A1.2, A5.1.) The Addendum does not provide a project-specific construction noise analysis addressing nearby residential receptors, the duration and intensity of grading and foundation activities, or the particular effects of drilling, shoring, and hauling in a steep slope setting. Nor does it meaningfully analyze construction air-quality impacts from haul truck trips and equipment emissions associated with soil removal and export. This is a potentially significant impact.
- f. **The Addendum fails to analyze public-view, neighborhood-character, and land-use consistency impacts.** The Addendum concludes that the Project would not affect neighborhood character or aesthetics because it complies with height and setback limits, is below street level, and would not obstruct ocean views from Bordeaux Avenue. (Addendum, p. 19; Staff Report, p. 5; Draft Findings, pp. 2–8.) That analysis is incomplete. The thresholds of significance use for the original MND for Neighborhood Character/Aesthetics are: Will the Project result in “(1) The obstruction of any vista or scenic view from a public viewing area; (2) The creation of a negative aesthetic site or project; (3) Project bulk, scale, materials, or style which will

be incompatible with surrounding development.; and (4) Substantial alteration to the existing character of the area.”

Since the City now proposed an addendum to this MND, the addendum must analyze the change in the project against these same thresholds of significance previously disclosed and analyzed in the MND. When this is done, it is clear that there is a potentially significant impact that must be fully analyzed in a supplement EIR or MND. Immediately across from the project site is a public trail on the UCSD preserve system. This project will be visible from the public viewing area on the trail. Public comments and community planning recommendations provide evidence that the ADU would extend substantially into steep hillside area, would create a negative aesthetic project as viewed from the UCSD trail and is not compatible with the style, bulk, or scale of other projects in the vicinity.

The addendum’s repeated conclusion that there are “no new impacts” is not supported by a meaningful analysis of the project changes described above. Therefore a MND or EIR must be prepared.

E. The Community Planning Record Independently Supports Denial.

The La Jolla Shores Planned District Advisory Board, the La Jolla Shores Permit Review Committee, and the La Jolla Community Planning Association each recommended denial, unanimously in the first two instances, on grounds of neighborhood character, canyon-edge impacts, effects on environmentally sensitive lands, and the project's precedent-setting nature. The PRC further determined that the project warranted review as a major project for that reason. Those recommendations are advisory, but they are substantial evidence in the record bearing directly on the findings required by SDMC sections 126.0708(a)(3) and 126.0505(a)(1).

IV. CONCLUSION

While the City has adopted policies and regulations favoring the construction of ADUs, it cannot and has not authorized City staff to ignore the existing protections afforded steep slopes and ESL, particularly in the Coastal Zone. The proposed project cannot be regarded as a run-of-the-mill ADU in previously developed areas. Instead, the proposed project would put new

development in sensitive areas where development should never be permitted and where existing policies and regulations prohibit such development. The application should be denied.

Respectfully submitted,

Stephanie Smith, Grid Legal, PC

 /s/
Attorney for Emma Farley

Scott Williams, Seltzer Caplan McMahon Vitek

 /s/
Attorney for Irwin Jacobs

Enclosures:

cc: Development Services Department
 Elyse Lowe, Director, Development Services Department
 La Jolla Community Planning Association
 La Jolla Shores Planned District Advisory Board

EXHIBIT A

EXHIBIT B

THIS PROPOSED GRADING EXCAVATES A LOWER FLOOR WHERE AN EXISTING BUILDING FOOTPRINT IS LOCATED. 50% OF GRADING IS WITHIN THE PROPOSED BUILDING AND REMAINED BY THE BUILDING'S STRUCTURAL WALLS.

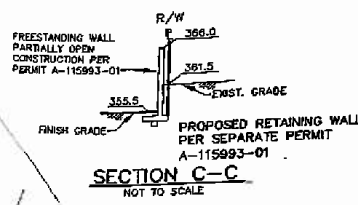
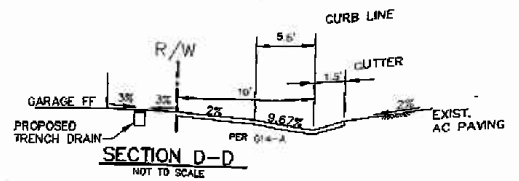
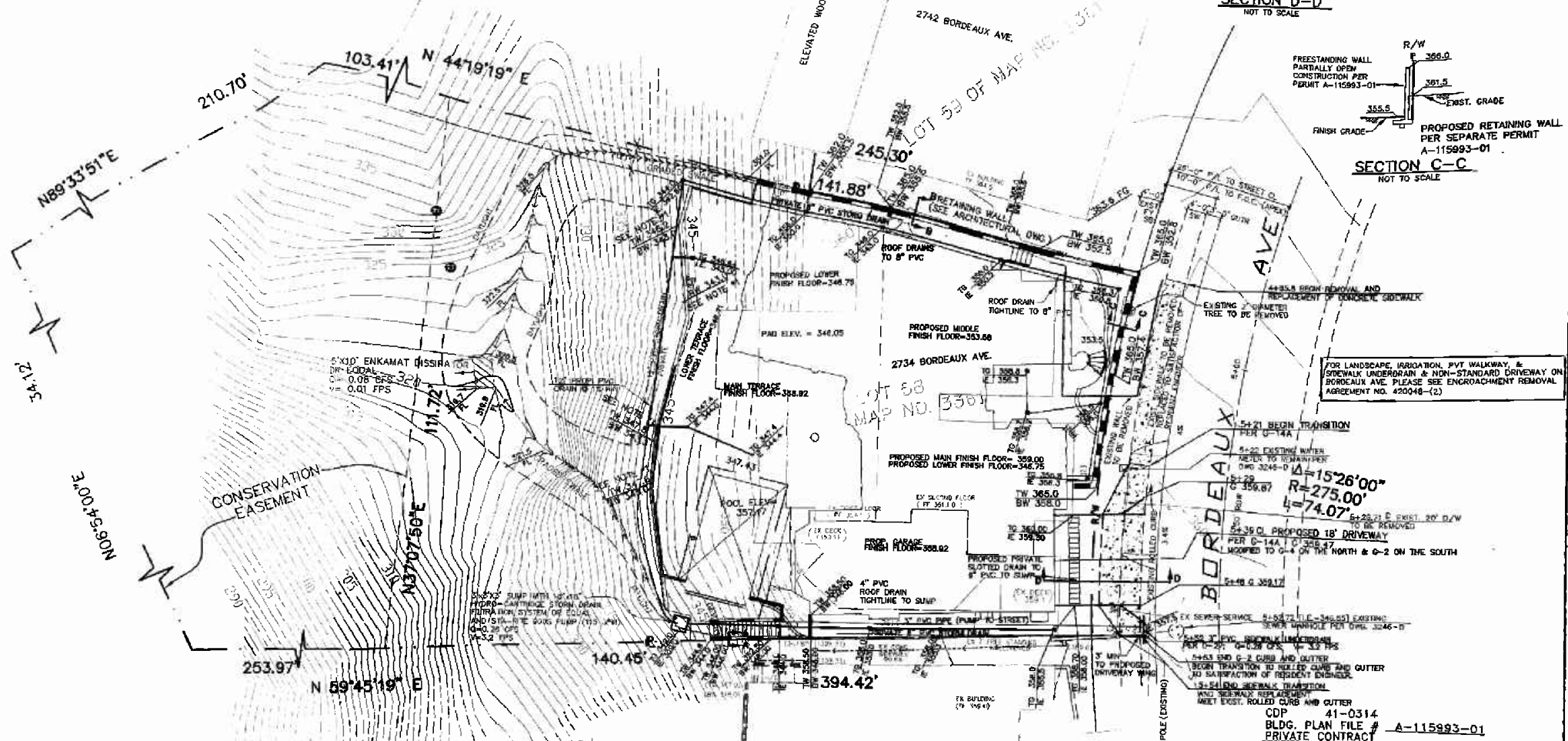
ALL ROOF DRAINS WILL BE COLLECTED, PUMPED, AND DRAIN TO BORDEAUX AVENUE. PATIO, DECK AREAS, FIRST FLOOR AREAS WILL DRAIN TO SUMP AREA AS SHOWN TO BE PUMPED TO BORDEAUX AVENUE AS SHOWN.

SWALES AND ENKAMAT DISSIPATOR IS PROVIDED AS SAFETY DESIGN TO COLLECT AND DISAPATE ANY MISADANCE DRAINAGE. THE DESIGN WILL HAVE MINIMUM DISTURBANCE TO THE EXISTING GROUND.

NO OFFSITE GRADING.

NOTE:
PROPERTY LIMITS ARE TO CANYON.
THIS AREA NOT SHOWN AS THERE IS NO GRADING OR ACTIVITY PROPOSED IN THIS AREA.

FOR CONSERVATION EASEMENT ON BORDEAUX AVENUE.
SEE DWG. NO. 19780-B



FOR LANDSCAPE, IRRIGATION, PVT WALKWAY, & SIDEWALK UNDERDRAIN & NON-STANDARD BORDEAUX AVE. PLEASE SEE ENCROACHMENT REMOVAL AGREEMENT NO. 420048-(2)

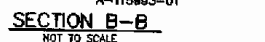
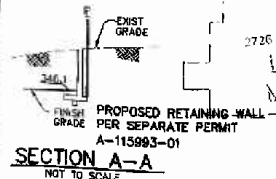
SCALE: 1"=10'

ALBERT ENGINEERING, INC.
428 BROADWAY
CHULA VISTA, CA. 91910
TEL. (619) 420-7090
FAX. (619) 420-9139



NOTES:
*1. RESTRAINING WALL PER ARCHITECTURAL/STRUCTURAL PLAN PER SEPARATE PERMIT A-115993-01.

NOTE:
RETAINING WALLS SHOWN ON THESE PLANS ARE FOR INFORMATION ONLY. A SEPARATE BUILDING PERMIT AND INSPECTION WILL BE REQUIRED FROM THE DEVELOPMENT SERVICES DEPARTMENT FOR THEIR CONSTRUCTION.



GRADING & IMPROVEMENT PLANS FOR: 2734 BORDEAUX AVENUE			
LOT 58 OF MAP NO. 3361			
CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 2 OF 3 SHEETS			W.O. 420048
DESIGNED BY	APPROVED BY	DATE	1998-0003
5/1/02			1998-0003
CONTRACTOR	DATE STARTED		1998-1993
INSPECTOR	DATE COMPLETED		31675-2-D

EXHIBIT C

2734 Bordeaux Avenue / PRJ-1087614

**FIGURE
No. 2**

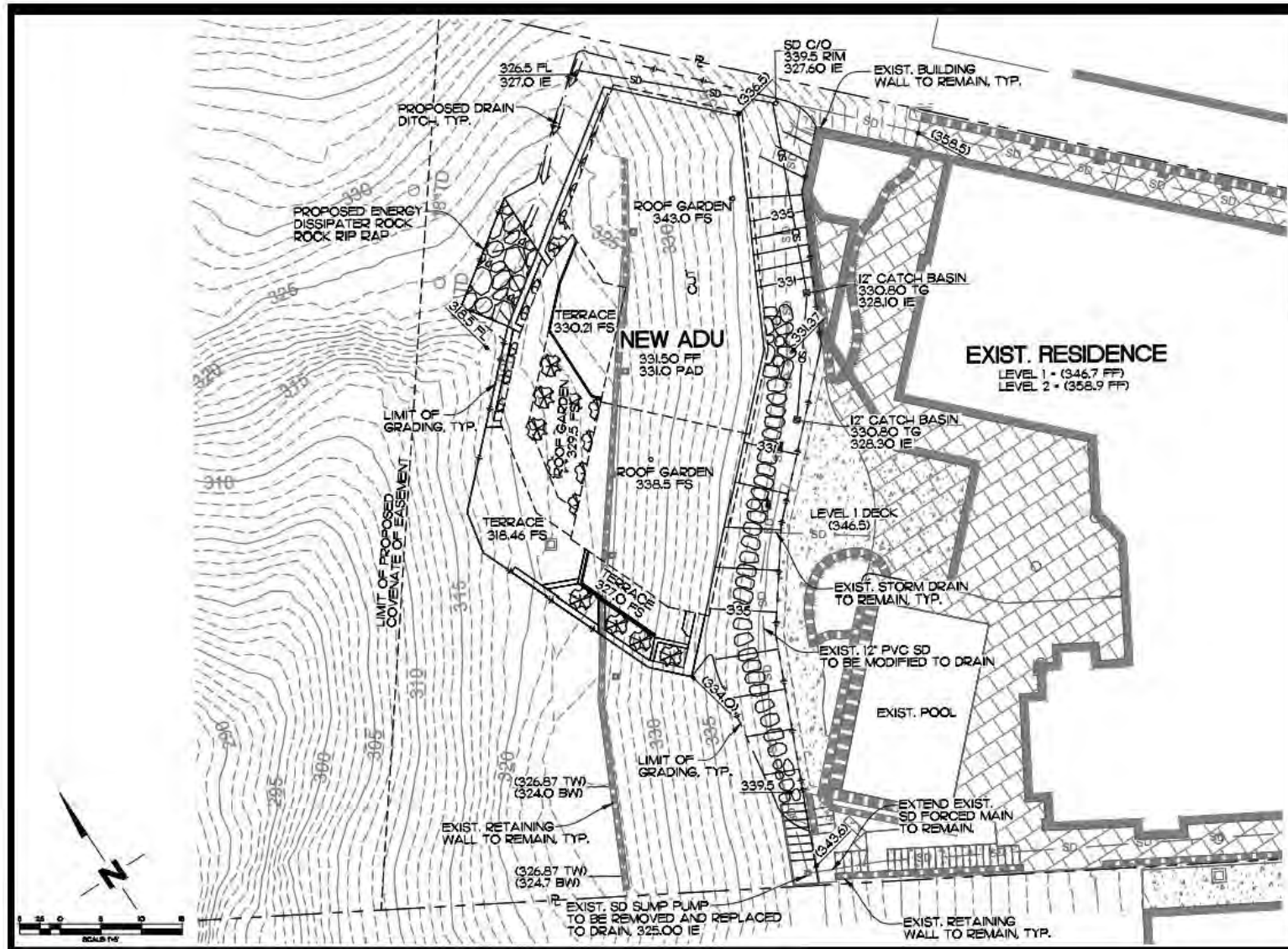


EXHIBIT D

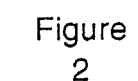
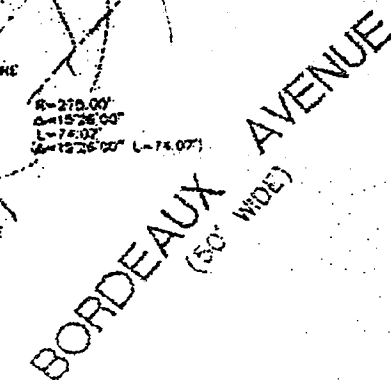


EXHIBIT E



December 17, 2025

Patrick Vercio
Island Architects
7632 Herschel Avenue
La Jolla, CA 92037
pvercio@islandarch.com

Subject: Biological Letter Report for 2734 Bordeaux Avenue, La Jolla, CA 92037; APN 344-100-03-00; Prepared for the City of San Diego, PRJ-1087614

Patrick,

Athena Consulting has prepared this biological letter report to address your project's potential impacts to sensitive biological resources.

SUMMARY

The proposed project (Project) would construct a new 1,110.5-square foot (gross floor area) detached accessory dwelling unit (ADU) behind the existing single-family residence on this property. The eastern side of the Project site (Site) supports Developed land and Disturbed land, while the western portion is vegetated with sensitive Diegan Coastal Sage Scrub. Three sensitive species were found in the Coastal Sage Scrub: coast barrel cactus (*Ferocactus viridescens*), California desert thorn (*Lycium californicum*) and Torrey pine (*Pinus torreyana*). The two pines were probably planted. Another sensitive species has high potential to occur in or use the Coastal Sage Scrub: coastal California gnatcatcher (*Poliophtila californica californica*). A protocol survey for Crotch's bumble bee (*Bombus crotchii*) was conducted in August 2024 and no Crotch's bumble bees were found. The Project would only impact Developed and Disturbed land in the eastern side of the Site. This impact would not be considered significant. No impacts to sensitive plants or animals are expected to occur. The western 0.62 acre of the Site would be preserved with a Covenant of Easement. No mitigation for impacts to biological resources would be required.

INTRODUCTION

Project Description

The Project would construct a new 1,190-square-foot detached accessory dwelling unit (ADU) under a Coastal Development Permit and Site Development Permit. Proposed Site improvements include an on-grade path, landscaping, drainage features, and grading. The ADU plan features a single-story structure with a roof garden over a basement. Drainage would be routed into a new drainage ditch terminating in a rock riprap dissipater just downslope of the ADU. Brush

Management Zone (BMZ) 1 would extend 10 feet outward from the ADU structure, which would use alternative compliance for fire safety. A Covenant of Easement (COE) that was originally specified in the 2001 Mitigated Negative Declaration for the existing residence would be recorded and would cover 0.62 acre in the western portion of the site. BMZ 1 would be outside and east of the COE, while BMZ 2 (which is considered impact neutral) would extend another 65 feet from Zone 1 and would overlap the COE. The existing single-family residence would remain as is. The ADU and Site improvements are all located outside of the COE area and within the previously disturbed/graded portion of the Site, resulting in no encroachment and no impact to environmentally sensitive lands.

Project Location and Setting

Location

The 0.91-acre Site is in coastal San Diego County, in the City of San Diego and community of La Jolla, approximately 0.9 mile west of Interstate 5 and 0.4 mile east of the Pacific Ocean, on Assessor's Parcel Number (APN) 344-100-03-00 (**Figures 1 and 2**). The street address is 2734 Bordeaux Avenue, La Jolla, CA 92037. The Site is bordered by single-family residential parcels to the northeast and southwest, Bordeaux Avenue and more residential development to the east and south, University of California conserved land to the north of the western half, and Scripps Institution of Oceanography to the west. The property is within the City of San Diego Multiple Species Conservation Program (MSCP) but is not within or adjacent to the MSCP's Multi-Habitat Planning Area (MHPA). The closest MHPA is mapped approximately 0.4 mile north, at the Scripps Coastal Reserve (**Figure 3**). Satellite imagery of the Site and surroundings is provided in **Figure 4**.

REGULATORY SETTING

The property is within the City of San Diego. Multiple federal, State, and local laws and regulations protect and conserve biological resources. Major regulations that apply to the Project are summarized below.

Federal Endangered Species Act

The U.S. Congress passed the 1973 federal Endangered Species Act (ESA) (and later amendments) to protect and recover imperiled species and the ecosystems upon which they depend. The federal ESA has four major components: 1) Section 4, which provides for listing species and designating critical habitat; 2) Section 7, which requires federal agencies, in consultation with the USFWS, to ensure that their actions are not likely to jeopardize the continued existence of species or result in the modification or destruction of critical habitat; 3) Section 9, which prohibits "taking" of listed species; and 4) Section 10, which provides for permitting incidental take of listed species. Under the ESA, to "take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. A project that does or may support a species protected by the federal ESA may be subject to federal ESA regulation.

sensitive and declining habitats. As such, impacts to these resources may be considered significant. Lands designated as Tier IV are not considered to have significant habitat value and impacts would not be considered significant.

Impacts to individual sensitive species, outside of any impacts to habitat, may also be considered significant based upon the rarity and extent of impacts. Impacts to state or federally listed species and all narrow endemics [see the City's Biology Guidelines] should be considered significant. Certain species covered by the MSCP [see Section I of the Biology Guidelines] and other species not covered by the MSCP, may be considered significant on a case-by-case basis taking into consideration all pertinent information regarding distribution, rarity, and the level of habitat conservation afforded by the MSCP.

Notes:

- (a) Total upland impacts (Tiers I- IIIB) less than 0.1 acre are not considered significant and do not require mitigation. See Section 3 (Cumulative Impacts) relative to native grasslands.
- (b) Impacts to non-native grasslands totaling less than 1.0 acres which are completely surrounded by existing urban developments are not considered significant and do not require mitigation. Examples may include urban infill lots.
- (c) Total wetland impacts less than 0.01 acre are not considered significant and do not require mitigation. THIS DOES NOT APPLY TO VERNAL POOLS or wetlands within the Coastal Zone.
- (d) Brush Management Zone 2 thinning activities, while having the potential to adversely affect biological resources, are not considered potentially significant inside the MHPA or, to the extent that non-covered species are not impacted, outside the MHPA, because of the implementation of the MSCP. Brush Management Zone 2 thinning outside the MHPA which affects non-covered species is potentially significant. Brush management not conducted in accordance with brush management regulations, regardless of where it is located, is also potentially significant.
- (d) Mitigation is not required for impacts to non-native grassland habitat when impacted for the purpose of wetland or other native habitat creation.
- (e) Habitat mitigation is not required for impacts to manufactured slopes or areas that have been planted with native species for the purpose of erosion control. For example, in order to qualify for this exception, substantiation of previous permits and mitigation must be provided. Noise mitigation, however, may be required for significant noise impacts to certain avian species during their breeding season depending upon the location of the slope (such as adjacent to an MHPA) and what birds may be present in the area such as the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird, western snowy plover, or burrowing owl. If these avian species (except for the California gnatcatcher) are present, then mitigation will be required if construction or operational noise levels would exceed 60 db(A), or the existing ambient noise level if already above 60dB(A) during the breeding season. For California gnatcatcher habitat within the MHPA and occupied, construction or operational noise levels exceeding 60 dB(A) (or exceeding the existing ambient noise level if already above

60 dB(A)) during the breeding season is considered significant. There are no restrictions for the gnatcatcher **outside** the MHPA anytime of the year.

In addition, inside the MHPA, impact avoidance areas are required for Cooper's hawk, northern harrier, golden eagle, burrowing owl, and southwestern pond turtle. See Biology Guidelines, Section II, A. 2 & 4, and Section 9.12 of the Implementing Agreement.

- (f) Removal/control of non-native plants is not considered to constitute a significant habitat impact for which compensatory habitat acquisition, preservation, or creation for the area impacted is required. Mitigation for indirect impacts such as erosion control or off-site infestation by non-native species may be needed.

An indirect impact is a physical change in the environment that is not immediately related to the project, but which is caused indirectly by the project. If a direct impact in turn causes another physical change in the environment, then the secondary change is an indirect impact. Examples include introduction of urban meso-predators and invasive non-native plants into a biological system; introduction of urban runoff into a biological system; noise and lighting impacts (both construction/demolition and operational phases of the project); alteration of a dynamic portion of a system, such as stream flow characteristics or fire cycles; and loss of a wetland buffer that includes no environmentally sensitive lands.

Cumulative impacts occur as a result of ongoing direct and indirect impacts for unrelated projects within a geographic area and are assessed on a regional basis to determine the overall effect of numerous activities on a sensitive resource over a larger area.

Direct Impacts

Direct impacts would result from construction of the ADU and its 10-foot BMZ 1, as shown in **Figure 6**. In addition, any area not conserved within the COE would be considered impacted. The new Project impact area extends from the western edge of the existing residence to the eastern edge of the COE. A detail of proposed disturbance areas and features is provided in **Attachment H**. The limits of impacts are entirely within the Developed and Disturbed land. The associated drainage improvements, a drainage ditch and a rock riprap dissipater, are also entirely within the Developed and Disturbed areas. Impact acreages are summarized in Table 4, below.

Table 4 Habitat/Land Cover Impact Acreages

Habitat / Land Cover Category	Existing Onsite (AC)	Preserved in COE (AC)	New Impact* Onsite (AC)	Impact Offsite (AC)	Total Impacts (AC)
Developed (no Tier)	0.26	0.00	0.08	0.00	0.08
Disturbed (Tier IV)	0.10	0.07	0.03	0.00	0.03
Diegan Coastal Sage Scrub (Tier II)	0.55	0.55	0.00	0.00	0.00
TOTAL	0.91	0.62	0.11	0.00	0.11

*New impacts including BMZ 1 and drainage improvements cover all land that was not previously developed and is not within the COE.

EXHIBIT F

6-LJS-01-280

TRACKING INFORMATION

PRINT DATE: DECEMBER 31, 2001

LCP Information:

Jurisdiction: City of San Diego
Local Permit #: 41-0314
Contact Person: Judy Johnson, Project Manager

Local Action Information:

Pending Local Decision Date:
Final Local Action: **Approved w/ Conditions**
Final Local Action Date: 11/29/01
FLAN Received Date: 12/28/01
FLAN Deficiency Notice Sent: n/a

Appealable Status:

Is this project appealable?: YES NO
☐ ☒

Project Name: KOSTER RESIDENCE

Applicant(s): Hubert Koster

Agent(s):

Project Location: 2734 Bordeaux Avenue, La Jolla (San Diego County)

APN(s):

Project Description: To demolish an existing residence and construct a new two-story, 5,639 sq.ft. single family residence with attached garage over a 3,209 sq.ft. basement area.

Comments:

Issues:

Development Types:

6-LJS-01-280

RECEIVED

DEC 28 2001

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**CITY OF SAN DIEGO
COASTAL DEVELOPMENT PERMIT
NOTICE OF FINAL ACTION**

DATE: December 3, 2001

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

APPLICATION NUMBER: 41-0314

PROJECT DESCRIPTION: Coastal Development Permit/Site Development Permit, to demolish an existing residence and construct a new two-story, 5,639 sq. ft. single family residence with attached garage over a 3,209 sq. ft. basement area.

PROJECT NAME: Koster Residence

LOCATION: 2734 Bordeaux Avenue, La Jolla, CA 92037

APPLICANT'S NAME/ADDRESS: Hubert Koster
2734 Bordeaux Avenue
La Jolla, CA 92037

ACTION APPROVED WITH CONDITIONS

ACTION BY: ☒ Planning Commission

ACTION DATE: November 29, 2001

CONDITIONS OF APPROVAL: See attached resolution.

FINDINGS: See attached resolution.

☒ Not Appealable to the California Coastal Commission

California Coastal Commission
San Diego Area Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
Phone (619) 767-2370

cc: California Coastal Commission

Project Manager: Judy Johnson
(619) 446-5224
MS 502

**NOTICE 16/CDPNFA
REVISED 09/21/98 - AVL**

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
DEPARTMENT**

**WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**SITE DEVELOPMENT PERMIT/COASTAL DEVELOPMENT PERMIT NO. 41-0314
KOSTER RESIDENCE
PLANNING COMMISSION**

This Permit is granted by the Planning Commission of the City of San Diego to HUBERT KOSTER, Owner/Permittee pursuant to the Land Development Code of the City of San Diego. The 0.91 acre site is located at 2734 Bordeaux Avenue in the Single-Family, La Jolla Shored Planned District, Non-Appeal Coastal Zone of the La Jolla Community. The project site is legally described as lot 58, La Jolla Highlands, Unit 2, Map 3361.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to demolish an existing single-family residence and construct a new, two-story single-family residence with attached garage, over basement area, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated November 29, 2001, on file in the office of the Development Services Department. The facility shall include:

- a. Demolition of existing residence and construction of a 5,639 sq. ft. two-story-single family residence with attached garage, over a 3,209 sq. ft. basement; and
 - b. Landscaping (planting, irrigation and landscape related improvements); and
 - c. Off-street parking facilities; and
 - d. Swimming pool; and
 - e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Land Development Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.



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 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. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

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

7. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 29, 2001, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

9. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 41-0314, satisfactory to the City Manager and the City Engineer. The Mitigation, Monitoring and Reporting Program shall require a deposit of \$450.00 to be collected prior to the issuance of grading permit to cover the City's cost associated with the implementation of the MMRP.

10. Prior to issuance of the first grading permit, recordation of a conservation easement, covenant of easement, or dedication in fee title to the City of San Diego of approximately 0.62 acres as shown on the Biological Resources Map (Merkel & Associated dated 6/19/99) is required to the satisfaction of the Environmental Review Manager.

ENGINEERING REQUIREMENTS:

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

12. The drainage system proposed for this development, as shown on the approved plans, is subject to approval by the City Engineer.

13. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer. Also, the applicant shall assure, by permit and bond, the closure of the existing driveway with restoration to full-height curb, gutter and sidewalk, the installation of a new 18-foot driveway and the installation of a sidewalk underdrain, all satisfactory to the City Engineer. This work shall be shown on the grading plan and included in the grading permit.

14. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping in Bordeaux Avenue.

PLANNING REQUIREMENTS:

15. No fewer than 2 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated November 29, 2001, on file in the office of Development Services Department. Parking spaces shall comply at all times with requirements of the Municipal/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

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

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

18. A topographical survey conforming to the provisions of the Municipal/Land Development Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

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

20. All private outdoor lighting shall be shaded and adjusted to fall within the developable area of the premises.

LANDSCAPE REQUIREMENTS:

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

22. The permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Program/Landscape Concept Plan, dated November 29, 2001, on file in the Office of the Development Services Department.

23. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A", dated November 29, 2001.

24. Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit, dated November 29, 2001 and shall comply with the Landscape Standards and the Land Development Code Section 142.0412 (Ordinance - 18451).

25. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412.

26. The construction documents shall conform to the Architectural features as described in Section 142.0412(d).

27. Within Zone One combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to fire Marshall and the City Manager's approval.

28. Provide the following not on the Brush Management Construction Documents. It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the

contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.

29. In zone Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

30. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

HYDRAULIC PARKING LIFT REQUIREMENTS:

31. The hydraulic lift must be maintained in proper working conditions at all times.

32. The submitted building plans must show the lift equipment area, a room which will be subterranean to the lift area on the lower floor. It must be clear and have unobstructed access to that equipment room that must be from a place where the lift would not impede access to the room if the lift had been disabled on the lower level.

33. The applicant is required to submit a written confirmation from the geological consultant, to the Development Services Department, that the additional work involving condition #32 above would not create geotechnical problems.

34. Compliance is required with all pertinent Uniform Building Code, including CAL and OSHA, and the project shall pass all inspections by responsible agencies, including the City, State and Federal agencies involved, prior to the issuance of any occupancy permits.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

APPROVED by the Planning Commission of the City of San Diego on November 29, 2001.

C:\MyFiles\UEB\410314\pcpr.frm
revised 11/13/01/wct



ALL-PURPOSE CERTIFICATE

Type/Number of Document SDP/CDP No. 41-0314
Date of Approval November 29, 2001

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Judy Johnson
Judy Johnson, Development Project Manager

On Dec. 21, 2001 before me, Stacie L. Maxwell, (Notary Public), personally appeared **Judy Johnson**, Development Project Manager of the Development Services Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Signature

Stacie L. Maxwell



ALL-PURPOSE CERTIFICATE

OWNER(S)/PERMITTEE(S) SIGNATURE/NOTARIZATION:

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

Signed _____

Typed Name **Hubert Koster**

Signed _____

Typed Name

STATE OF _____

COUNTY OF _____

On _____ before me, _____ (Name of Notary Public) personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

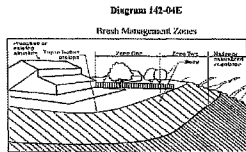
ORIGINAL

EXHIBIT G

BRUSH MANAGEMENT PROGRAM

A) CODE AND STANDARDS NOTES:

San Diego Municipal Code (4-2024)	Chapter 14: General Regulations
§142.0412 Brush Management Brush management is required in all those zones on publicly or privately owned premises that are within 100 feet of a structure and contain native or naturalized vegetation.	
(a) Brush management activity is permitted within environmentally sensitive lands (except for wetlands) that are located within 100 feet of an existing structure in accordance with Section 143.0106(7). Brush management in wetlands may be required with a development permit in accordance with Section 143.0110 where the Fire Chief deems brush management necessary in accordance with Section 142.0412(c). Where brush management in wetlands is deemed necessary by the Fire Chief, that brush management shall not qualify for an exemption under the Environmentally Sensitive Lands Regulations, Section 143.0110(e)(7).	



- Brush management Zone One is the area adjacent to the structure, shall be least flammable, and shall typically consist of pavement and permanently installed ornamental planting. Brush management Zone One shall not be allowed on slopes with gradients greater than 4:1 (4 horizontal feet to 1 vertical foot) unless the property received tentative map approval before November 15, 1989. However, within the Coastal Overlay Zone coastal development shall be subject to the environmental limitations set forth in Section 143.0124(d)(4) of the Environmentally Sensitive Lands Regulations.
- Brush management Zone Two is the area between Zone One and any area of native or naturalized vegetation and typically consists of planted, native or naturalized non-irrigated vegetation.
- The width of Zone One and Zone Two shall not exceed 100 feet and shall meet the width requirements in Table 142-041F unless modified based on existing conditions pursuant to Section 142.0412(c) and the following:

- The establishment of brush management Zones One and Two for new development shall be addressed in a site-specific plan to include all creative site and/or structural design features to minimize impacts to undisturbed native vegetation. Both Zones One and Zone Two shall be provided on the subject property unless a recorded easement is granted by an adjacent property owner to the owner of the subject property to establish and maintain the required brush management zones on the adjacent property in perpetuity.
- Where Zone Two is located within City-owned property, a Right-of-Way shall be executed in accordance with Section 63.0103 prior to any brush management activity. Zone Two is not permitted in City-owned open space for new development projects. For properties in the Coastal Overlay Zone, additional requirements for new subdivisions are found in Section 142.0412(n).
- Zone Two is not permitted in areas designated for habitat mitigation per Section III of the Hierarchy Guidelines in the Land Development Manual.

Table 142-041F
Brush Management Zone Width Requirements

Criteria	Zone Widths
Zone One Width	35 ft.
Zone Two Width	65 ft.

(d) Brush management activities are prohibited within coastal sage scrub, maritime succulent scrub, and coastal sage-chaparral habitats from March 1 through August 15, except where documented to the satisfaction of the City Manager that the thinning would be consistent with conditions of species coverage described in the City of San Diego's MSCP Subarea Plan.

(e) Where Zone One width is required adjacent to the 1697th or within the Coastal Overlay Zone, any of the following modifications to development regulations of the Land Development Code or standards in the Land Development Manual are permitted to accommodate the increase in width:

- The required front yard setback of the base zone may be reduced by 5 feet.
- A sidewalk may be eliminated from one side of the public right-of-way and the minimum required public right-of-way width may be reduced by 5 feet, or
- The overall minimum pavement and public right-of-way width may be reduced in accordance with the Street Design Standards of the Land Development Manual.
- The Zone Two width may be decreased by 1 1/2 feet for each 1 foot of increase in Zone One width, however, within the Coastal Overlay Zone, a maximum reduction of 30 feet of Zone Two width is permitted.

Zone One Requirements

- The required Zone One width shall be provided between native or naturalized vegetation and any structure and shall be measured from the exterior of the structure to the vegetation.
- Zone One shall contain no habitable structures, structures that are directly attached to habitable structures, or other combustible construction that provides a means for transmitting fire to the habitable structure. Structures such as fences, walls, patios, play structures, and non-habitable garages that are located within brush management Zone One shall be of noncombustible, one level fire-rated or Type IV heavy timber construction as defined in the California Building Code.
- Plants within Zone One shall be primarily low-growing and less than 4 feet in height with the exception of trees. Trees shall be low-flared and fire-resistant.
- Trees within Zone One shall be located away from structures to a minimum distance of 10 feet as measured from the structures to the drip line of the tree in maturity in accordance with the Landscape Standards of the Land Development Manual.
- Permanent irrigation is required for all planting areas within Zone One except as follows:
 - When planting areas contain only species that do not grow taller than 24 inches in height, or
 - When planting areas contain only native or naturalized species that are not summer-dormant and have a maximum height at plant maturity of less than 24 inches.
- Zone One irrigation conveyance and runoff shall not be allowed into adjacent areas of native or naturalized vegetation.
- Zone One shall be maintained on a regular basis by pruning and thinning plants, removing weeds, and maintaining irrigation systems.

Zone Two Requirements

- The required Zone Two width shall be provided between Zone One and the undisturbed, native or naturalized vegetation, and shall be measured from the edge of Zone One that is defined from the habitable structure to the edge of undisturbed vegetation.
- No structures shall be constructed in Zone Two.
- Within Zone Two, 50 percent of the plants over 24 inches in height shall be cut and cleared to a height of 6 inches.
- Within Zone Two, all plants remaining after 50 percent are reduced in height, shall be pruned to reduce dead loading in accordance with the Landscape Standards in the Land Development Manual. Non-native plants shall be pruned before native plants are pruned.
- The following standards shall be used where Zone Two is in an area previously graded as part of legal development activity and is proposed to be planted with new plant material instead of clearing existing native or naturalized vegetation:
 - All new plant material for Zone Two shall be native, low-flared, and fire-resistant. No non-native plant material may be planted in Zone Two either inside the MHPA or in the Coastal Overlay Zone, adjacent to areas containing sensitive biological resources.

- New plants shall be low-growing with a maximum height at maturity of 24 inches. Single specimens of fire-resistant native trees and low-lying shrubs may exceed this limitation if they are located to reduce the chance of transmitting fire from native or naturalized vegetation to habitable structures and if the vertical distance between the lowest branches of the tree and the top of adjacent plants is three times the height of the adjacent plants to reduce the spread of fire through ladder fueling.

- All new Zone Two plantings shall irrigated temporarily until established to the satisfaction of the City Manager. Only low-flow, low-pressure spray heads may be used in Zone Two. Overwatering and runoff from the irrigation shall not drip or flow into adjacent areas of native or naturalized vegetation. Temporary irrigation systems shall be removed upon approved establishment of the plantings. Permanent irrigation is not allowed in Zone Two.

- Where Zone Two is being negotiated as a requirement of Section 142.0411(a), re-vegetation shall comply with the spacing standards in the Land Development Manual. Fifty percent of the planting area shall be planted with material that does not grow taller than 24 inches. The remaining planting area may be planted with taller material, but this material shall be maintained in accordance with the requirements for existing plant material in Zone Two.

- Zone Two shall be maintained on a regular basis by pruning and thinning plants, removing invasive species, and controlling weeds.
- Except as provided in Section 142.0412(d), where the required Zone One width shown in Table 142-041F cannot be provided on premises with existing structures, the required Zone Two width shall be measured by one foot for each foot of required Zone One width that cannot be provided.

- An applicant may request approval of alternative compliance for brush management if all of the following conditions exist:

- The proposed alternative compliance provides sufficient defensible space between all structures on the premises and contiguous areas of native or naturalized vegetation as demonstrated in the satisfaction of the Fire Chief based on documentation that addresses the topography of the site, existing and potential fuel load, and other characteristics related to fire protection and the context of the proposed development.
- The proposed alternative compliance minimizes impacts to undisturbed native or naturalized vegetation where possible while still meeting the purpose and intent of Section 142.0412 to reduce fire hazards around structures and provide an effective fire break.
- The proposed alternative compliance is not detrimental to the public health, safety, and welfare of persons residing or working in the area.
- If the Fire Chief approves alternative compliance in accordance with this section, the modifications shall be recorded with the approved permit conditions if approved as part of a development permit, or noted in the permit file if approved as part of a construction permit.
- For existing structures, the Fire Chief may require brush management in compliance with this section for any area, independent of size, location, or condition if it is determined that an imminent fire hazard exists.
- Brush management for existing structures shall be performed by the owner of the property that contains the native and naturalized vegetation. This requirement is independent of whether the structure being protected by brush management is owned by the property owner subject to these requirements or is on neighboring property.

BRUSH MANAGEMENT PROGRAM

B) MAINTENANCE NOTES:

SECTION III: BRUSH MANAGEMENT

3-1 BRUSH MANAGEMENT - DESCRIPTION

Fire safety in the landscape is reduced by reducing the readily flammable fuel adjacent to structures. This can be accomplished by pruning and thinning of native and naturalized vegetation, revegetation with low fuel volume plantings or a combination of the two. Implementing brush management in an environmentally appropriate manner requires a reduction in the amount and consistency of highly flammable fuel while maintaining plant coverage for soil protection. Such a transition will minimize the visual, biological and erosion impacts while reducing the risks of wildland fires.

3-2 BRUSH MANAGEMENT REQUIREMENTS

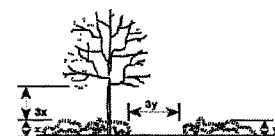
3.2-1 Basic requirements - All Zones

3.2-1.01 For zone two, plants shall not be cut below six inches.

3.2-1.02 Debris and trimmings produced by thinning and pruning shall be removed from the site or lot, shall be conveyed into mulch by a chipping machine and evenly dispersed, non-irrigated, to a maximum depth of 6 inches.

3.2-1.03 Trees and large tree fern shrubs (e.g., Oaks, Sycamores, Yuccas) which are being retained shall be pruned to provide clearance of three times the height of the under story plant material or cut back whichever is higher (Figure 3-1). Dead and excessively jagged growth shall also be removed.

FIGURE 3-1
PRUNING TREES TO PROVIDE CLEARANCE FOR BRUSH MANAGEMENT



3.2-1.04 All plants or plant groupings except oak, acornless, trees and tree fern shrubs shall be pruned by a distance three times the height of the under-story plant material (Figure 3-1).

3.2-1.05 Minimum coverage and tree limitations as noted herein shall not apply to adjacent areas with open space (e.g., Yucca, Pines, Palms, Sycamores, and Pines).

3.2-2 Zone 1 Requirements - All Structures

3.2-2.01 Do not use, and remove if necessary, highly flammable plant associations (Appendix "B").

3.2-2.02 Trees should not be located any closer to a structure than a distance equal to the tree's natural spread.

3.2-2.03 Maintain all plantings in a excellent condition.

3.2-2.04 Non-irrigated plant groupings over six inches in height shall be retained, provided they do not exceed 100 square feet in area and their combined coverage does not exceed 10 percent of the total Zone 1 area.

3.2-3 Zone 2 Requirements - All Structures

3.2-3.01 Individual non-irrigated plant groupings over 24 inches in height may be retained, provided they do not exceed 400 square feet in area and their combined coverage does not exceed 10 percent of the total Zone 2 area.

BRUSH MANAGEMENT NOTES:

- OFFSITE BRUSH MANAGEMENT SHALL BE THE RESPONSIBILITY OF ADJACENT PROPERTY OWNERS. FOR FUEL-LOAD MAINTENANCE, CONTACT THE FIRE RESCUE DEPARTMENT'S FIRE HAZARD ADVISORY/BRUSHMANAGEMENT UNIT AT: 619-555-5444.
- MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER, AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
- ALL LANDSCAPING SHALL BE COMPLETED WITHIN 6 MONTHS OF OCCUPANCY OR WITHIN ONE YEAR OF NOTICE OF COMPLETION OF RESIDENCE.





September 9, 2026

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

Re: September 9, 2026 Hearing Officer Public Hearing
ITEM 2: 2734 BORDEAUX AVENUE - COASTAL DEVELOPMENT
PERMIT and SITE DEVELOPMENT PERMIT, PRJ-1087614

I represent Mike Farley and Emma Farley who lives immediately adjacent the proposed project at 2734 BORDEAUX AVENUE. In advance of your decision about the subject project, please consider the important reasons why a Coastal Development Permit and a Site Development Permit can not be approved for the subject project as explained herein:

PROJECT EXCEEDS THE MAXIMUM ALLOWED DEVELOPMENT AREA

As you know, San Diego Municipal Code Section 143.0142(a)(4)(A) limits the extent of development on a site containing *Environmentally Sensitive Lands*, to a maximum of 25% of the total area of the premises.

- (4) Within the Coastal Overlay Zone, *steep hillsides* shall be preserved in their natural state and *coastal development on steep hillsides* containing *sensitive biological resources* or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such *steep hillsides* to the maximum extent possible.
 - (A) When *encroachment* onto such *steep hillsides* is unavoidable, *encroachment* shall be minimized; except that *encroachment* is permitted in such *steep hillsides* to provide for a development area of up to a maximum of 25 percent of the *premises* on *premises* containing less than 91 percent of such *steep hillsides*. On *premises* containing 91 percent or greater of such *steep hillsides*, the maximum allowable development area is 20 percent of the *premises*; however, an additional 5 percent *encroachment* into such *steep hillsides* may be permitted if necessary to allow an economically viable use, pursuant to the Steep Hillside Guidelines.

PROJECT EXCEEDS THE MAXIMUM ALLOWED DEVELOPMENT AREA (continued)

Because the northwestern portion of the premises at 2734 Bordeaux Avenue is natural *steep hillside* sloping terrain, the 25% maximum development area limitation applies



VIEW OF THE PROJECT SITE FROM ABOVE THE EXISTING TRAIL IN THE UC SAN DIEGO ECOLOGICAL RESERVE

View of 2734 Bordeaux Avenue (Red Tile Roof and swimming pool) looking Southeasterly.

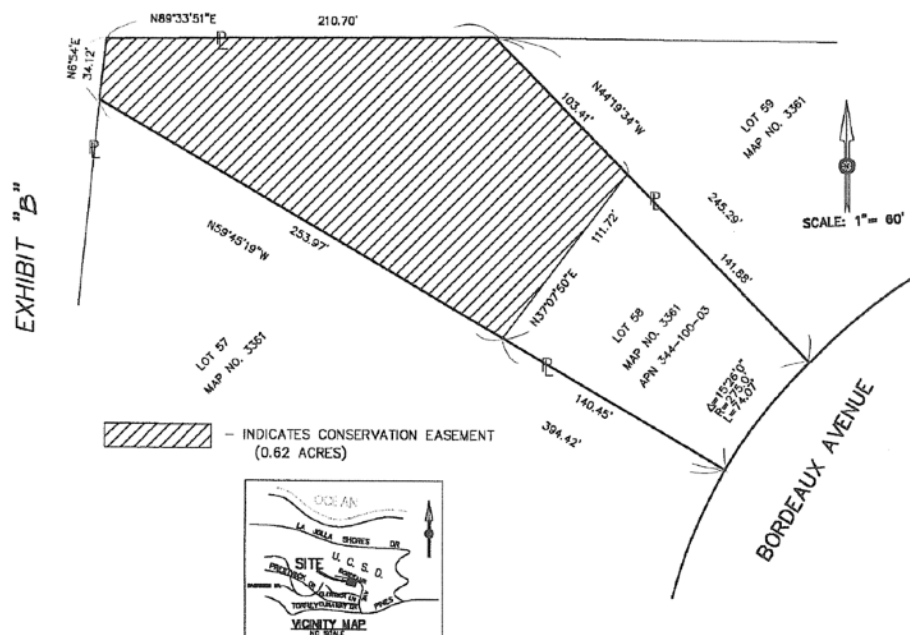
The TOTAL PROPOSED DEVELOPMENT AREA of the proposed project, including the minimum 10 ft. wide Brush Management Zone 1 and Zone 2, encompasses 43.8% of the premises as shown on the following exhibit, and exceeds the 25% maximum allowed development area imitation of SDMC Sec. 143.0142(a)(4)(A),



REQUIRED CONSERVATION AREA

The Coastal Development Permit for the existing home at 2734 BORDEAUX AVENUE was issued contingent upon the granting of a 0.62 acre perpetual Conservation Easement to protect Coastal Sage habitat across the north-western half of the premises. The 0.62 acre area of Conservation Easement is described in the Coastal Development Permit as follows:

(4)



ZONE 2 Brush Management Zone extends roughly 50 feet into the Required Conservation Area, and extends into the adjacent properties, without permission of the adjacent property owners.



(h) **Zone Two Requirements**

- (1) The required Zone Two width shall be provided between Zone One and the undisturbed, native or naturalized vegetation, and shall be measured from the edge of Zone One that is farthest from the habitable *structure*, to the edge of undisturbed vegetation.
- (2) No *structures* shall be constructed in Zone Two.
- (3) Within Zone Two, 50 percent of the plants over 24 inches in height shall be cut and cleared to a height of 6 inches.
- (4) Within Zone Two, all plants remaining after 50 percent are reduced in height, shall be pruned to reduce fuel loading in accordance with the Landscape Standards in the Land Development Manual. Non-native plants shall be pruned before native plants are pruned.

The cutting and clearing Requirements for Zone 2 Brush Management to reduce fire spread are simply incompatible with protecting Diegan Coastal Sage habitat and the previous CDP REQUIRED CONSERVATION EASEMENT.

BUILDING SETBACK NOT IN GENERAL CONFORMITY

The La Jolla Shores Planned District Ordinance states:

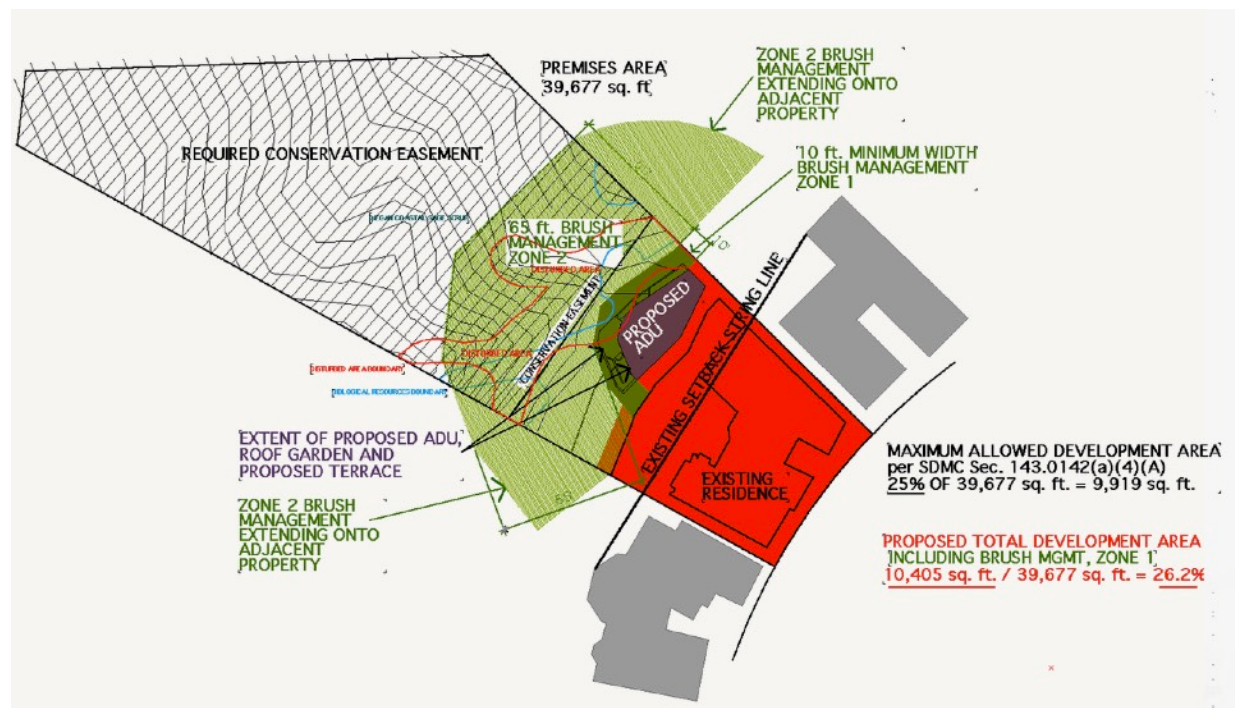
- (4) Building and structure setbacks shall be in general conformity with those in the vicinity.

Because the San Diego Municipal Code does not define 'vicinity', we must look to Black's Law Dictionary for the legal definition of vicinity, which states:

Vicinity. Quality or state of being near, or not remote; nearness; propinquity; proximity; a region about, near or adjacent; adjoining space or country. *Casper v. City and County of San Francisco*, 6 Cal.2d 376, 57 P.2d 920,

From the adoption of the LJSPDO in 1974 thru the 1980's and 1990's, building and structure setbacks were required to be in general conformity with those on the adjacent properties. The structure setbacks on the adjacent properties were connected by a 'string line' to define the required setback for the proposed project between the adjacent properties. If a project extended beyond the 'string line', it's setback was deemed to be not in general conformance with those in the vicinity.

As depicted below, the existing exterior terrace and swimming pool structures at 2734 Bordeaux extend beyond the string line / rear setback line..



The proposed ADU will extend even further beyond the string line. The ADU building setback will not be in general conformity with those in the vicinity.



**AERIAL VIEW OF THE PROJECT SITE SHOWING THE EXISTING SWIMMING POOL, TERRACES AND EXISTING NATURAL VEGETATION ON THE STEEP HILLSIDE
SHOWING LOCATION OF THE PROPOSED ADU EXTENDING BEYOND THE LINE OF EXISTING DEVELOPMENT**

(It is interesting that the architect's application includes a matrix with numerical rear setbacks of properties within 300 feet of the project site. However, neither the LJSPDO nor the SD Municipal Code makes any mention of setbacks within 300 feet of the project site being the basis for setbacks being in general conformity with those in the vicinity.

The La Jolla Shores Planned District Ordinance, SDMC Sec. 1510.0304(b)(4) only states:

- (4) Building and structure setbacks shall be in general conformity with those in the vicinity.

'Vicinity' as defined by Black's Law Dictionary

RECOMMENDATION

Because the proposed project:

1. Exceeds the maximum allowed development area on the premises and therefore does not comply with the Land Development Code, and;
2. Zone 2 cutting and clearing requirements extend roughly 50 feet into the required Conservation Area to protect Coastal Sage, and extends onto the adjacent properties, and;
3. The ADU building setback is not in general conformity with those in the vicinity;

The required Finding for a Coastal Development Permit, SDMC Sec. 126.0708(A)(3)

- (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.

cannot be made;

and the required Finding for a Site Development Permit, SDMC Sec. 126.0505(a)(3):

- (3) The proposed *development* will comply with the regulations of the *Land Development Code* including any allowable deviations pursuant to the Land Development Code.

cannot be made.

Hearing Officer
September 9, 2026
Page 8

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with a large initial "P" and a stylized "M".

Philip A. Merten AIA

California Architect License Number: C-6437

Ec: Elyse Lowe, Director DSD
Jose Bautista, DSD Project Manager,
Marlene Watanabe, DSD Environmental,
Alexis Hartley, DSD Planning,

ELowe@sandiego.gov
JABautista@sandiego.gov
Watanabe@sandiego.gov
AlHartley@sandiego.com

[Attachment:](#)

[Development Defined per the SDMC](#)

Development means the act, process, or result of dividing a parcel of land into two or more parcels; of erecting, placing, constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, *structure*, improvement, *lot*, or *premises*; of *clearing*, *grubbing*, excavating, embanking, *filling*, *managing brush*, or agricultural *clearing* on public or private property including the construction of slopes and facilities incidental to such work; or of disturbing any existing vegetation.