CALI CODE COMPLIANCE
A Professional Corporartion

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October 25, 2026

San Diego Planning Commission
7650 Mission Valley Road
San Diego, CA 92108

RESPONSE TO APPEAL OF HEARING OFFICER DECISION
7354 Romero Drive- Project No. PRJ-1101825
Coastal Development Permit No. PMT-3243580
Variance No. PMT-3335393
Planning Commission Hearing: November 5, 2026

Honorable Commissioners:

This letter recommends that the Planning Commission deny the appeal and uphold the Development Services Department's approval of Coastal Development Permit No. PMT-3243580 and Variance No. PMT-3335393. The following facts regarding this project and the basis for our recommendation are provided below.

I. INTRODUCTION

On July 22, 2026, the Hearing Officer approved Coastal Development Permit No. PMT-3243580 and Variance No. PMT-3335393 for 7354 Romero Drive, adopting detailed written findings pursuant to SDMC Section 126.0708 (Coastal Development Permit) and SDMC Section 126.0805 (Variance).

On August 5, 2026, the appellants appealed the Hearing Officer's decision to the Planning Commission, "as an attachment to the Appeal of the above project" dated July 22, 2026. The appeal letter incorporates the July 22, 2026 presentation. The appellants cited the following grounds for appeal:

1) Factual Error
2) Findings Not Supported

Pursuant to SDMC Section 112.0506, an appeal of a Process Three decision may only be granted with evidence supporting one of the following findings:

1. Factual Error: The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
2. Findings Not Supported: The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker;

The Planning Commission may deny the appeal and uphold approval of the project only if none of the above-mentioned findings are supported by sufficient evidence. Although the "appeal form" was filed on the basis of 1) Factual Error and 2) Findings Not Supported, the appeal letter dated August 5, 2026 references the previously filed opposition document dated July 22, 2026. Our response will address both documents.

II. PROJECT DESCRIPTION

The appellants argue (Slide 2) that describing the project as a "remodel and addition" rather than a demolition and new construction rendered the notice legally inadequate. The project description used throughout the Hearing Officer's report and resolution, "construction of a second- and third-story addition to a one-story, single-dwelling unit", is the operative description of what is being approved and is the same description used in the Permit itself (PMT-3243580/PMT-3335393).

The appellants identify no specific Municipal Code notice requirement that was not met. SDMC Sections 112.0301-112.0303 govern public notice and timing (e.g., mailing radius, content elements, hearing date). They also do not allege that any interested party was prevented from participating. In fact, the appellants received notice, submitted written materials, and appeared at the hearing. SDMC Section 112.0301(c)(1)(D) requires only a "general description of the project." A generalized objection to word choice does not establish a Factual Error under SDMC Section 112.0506(c).

III. TECHNICAL COMPLIANCE (FAR, HEIGHT, AND RETAINING WALLS)

The appellant's assertion that the project requires undisclosed variances for building height, retaining wall height, or Floor Area Ratio (FAR) is factually incorrect and unsupported by the Development Services Department's (DSD) engineering review:

- **Floor Area Ratio (FAR) & Building Area:** DSD staff conducted an independent audit of the Gross Floor Area (GFA) calculations. The total proposed building area is 6,667 square feet, yielding an FAR of 0.51, which is below the 0.52 maximum allowed under RS-1-4 zoning. Pursuant to California State Housing Law and SDMC Section 141.0302, the 495-square-foot Accessory Dwelling Unit (ADU) conversion is excluded from FAR calculations. The appellants' FAR calculation conflicts with the definition of Gross Floor Area because it includes non-habitable space.
- **Building Height:** The project fully complies with the base zone height regulations and the 30-foot Coastal Height Limit Overlay Zone. Height measurements were established strictly in accordance with SDMC Section 113.0270, using field-verified topographic elevations measured from the existing and proposed grades.
- **Pool & Retaining Wall Standards:** The pool and its associated vanishing-edge retaining structure were permitted and approved under a valid, separate permit (PTS No. 692816). The pool wall fully complies with structural retaining wall standards and setback requirements. Furthermore, the pool is not part of the CDP because it already had a valid pool permit. The

appellant's argument requires retroactively consolidating a previously permitted improvement that had already been inspected.

IV. COASTAL DEVELOPMENT PERMIT FINDINGS

SDMC Section 126.0708 requires four findings, each of which the Hearing Officer made with specific, record-based support:

- No physical or proposed public accessway is affected, and the La Jolla Community Plan (LJCP) identifies no scenic vantage points on or near the site (LJCP Figure 9). The appellants identify no contrary evidence.
- No environmentally sensitive lands are affected; the site is already graded, no new grading is proposed, and Low Impact Development BMPs (silt fencing, sediment basin, post-construction hydroseeding) are incorporated into the project.
- The project conforms to the La Jolla Community Plan's density range (3 du/ac within a 0–5 du/ac designation) and, apart from the variance, complies with every other Land Development Code regulation, including FAR and structure height.
- The Coastal Act public-access finding does not apply because the site is not between the nearest public road and the shoreline.

V. THE VARIANCE FINDINGS ARE SUPPORTED BY SUBSTANTIAL EVIDENCE

A. SPECIAL CIRCUMSTANCES PECULIAR TO THIS PROPERTY

The appellants argue (Slide 10) that the site's topography is common to "nearly every home on Romero Drive" and therefore cannot be "peculiar" to this lot under SDMC Section 126.0805(1). This misrepresents the actual site conditions. Unlike adjacent parcels, the front portion of the lot is not parallel to Romero Drive. It rises 12 feet across the frontage. The property slopes 16 feet diagonally across the lot (from 470 feet to 454 feet MSL).

The Hearing Officer's findings rested on the site's unique topography and the parcel's documented history: a 1974 variance (Case No. 12,542) that authorized a 3'6" west side yard setback and a 14' front yard setback for this lot, and the discovery during the current review that the structure was actually built with a 3'1" side yard setback and a 13'6" front yard setback.

The new variance reconciles a 50-year-old as-built condition with the current, different dimensional standard. The side-yard requirement changed from 6 feet in 1974 to 4 feet today. The applicant complies with today's requirements and maintains the encroachment at 3'1".

Moreover, the fact that other nearby lots on Country Club Drive, Remley Place, and Romero Drive have also received variances for similar topographic constraints (as staff's report notes) does not undermine the finding; to the contrary, it confirms that this stretch of hillside street has a consistent, recognized physical constraint that the City has addressed through the variance process for decades. These site conditions, including slope, frontage, building orientation, and yard configuration, satisfy the requirements of SDMC Section 126.0805.

B. REASONABLE USE

The appellants argue (Slides 8, 11, 12) that "reasonable use" means a smaller home or a single home plus an ADU, and that the variance is not the minimum necessary. The Hearing Officer's finding addresses this directly: without the variance, the applicant would need to substantially redesign the parking and site layout. Given the site's roughly 22-foot grade change from northeast to southwest, pushing the structure further into the slope to avoid the setback would conflict with the height and Coastal Height Limit. The variance is requested only for the garage area and the second-story addition above it, not for the entire structure. The project was independently reduced (through the ADU conversion, deck reductions, and mezzanine modifications) to bring FAR down to 0.51, against a 0.52 maximum — evidence that the design was scaled to the minimum necessary rather than maximized to the variance's outer limit.

C. PUBLIC SAFETY AND FIRE HAZARD

The appellants argue (Slide 8) that a reduced side-yard setback "increases fire danger" under the Zone Zero defensible-space requirement and that no means exist to ensure defensible space at 3'1". The Hearing Officer's Finding B.3 expressly conditions approval on enhanced fire-resistive construction specific to the reduced setback: a 1-hour fire-resistance-rated wall, protected non-combustible soffits on any overhang within the setback, and strict limitation or elimination of unprotected openings (windows and doors) in that wall. These requirements align with the California Residential Code, as adopted with local amendments in the San Diego Municipal Code.

VI. EXHIBIT "A" INCONSISTENCIES

The appellants' claims of drafting inconsistencies between individual sheets (Slide 17), such as a cross-section labeled inconsistently with a floor plan or an elevation showing a door that a garden wall may obstruct, are typical drafting-coordination issues that are commonly resolved through minor plan corrections and a condition of approval requiring conformance to Exhibit "A" before permit issuance (Standard Condition 8 already requires this). These drafting issues do not conflict with the required findings under SDMC Section 112.0506. All revisions will be reviewed by City staff to ensure strict compliance with Exhibit "A".

VII. CODE ENFORCEMENT HISTORY AND ADMINISTRATIVE COMPLIANCE

The code enforcement history cited by the appellant (Case No. CE-0531642) was fully disclosed in DSD Report No. HO-26-037 (Attachment 2) and thoroughly evaluated by the Hearing Officer before rendering a decision:

- **Complete Record Before Decision-Maker:** The Hearing Officer acted with full knowledge of the June 2023 correction notice, the October 2024 Stop Work Order, the administrative citations, and the Notice of Pending Enforcement Action (NOPEA) recorded on title. Because these facts were already part of the official record, they do not constitute "new information" or evidence of an unsupported finding under SDMC Section 112.0506.

- **Independent Enforcement Track:** Land use entitlements and municipal code enforcement operate on legally distinct tracks. Civil administrative penalties, citation fees, and enforcement actions address past unpermitted exterior wall demolition. They do not dictate or disqualify the substantive land use findings required for a Coastal Development Permit or Variance.
- **Remediation Through Entitlement:** Denying a land use permit that satisfies all Municipal Code findings would not remedy past violations; instead, it would permanently lock the property into a non-compliant state. Approving this CDP and Variance provides the sole lawful administrative mechanism for the applicant to bring the property into full code compliance.

VIII. CONCLUSION

The appellants have not identified a Factual Error or New Information unavailable at the time of the Hearing Officer's decision, a Conflict with the Community Plan or Municipal Code, or a specific finding unsupported by the record. The enforcement history was already before the Hearing Officer and does not undermine the CDP and Variance findings. San Diego Municipal Code separates enforcement actions from land use decisions to protect property owners' due process rights by requiring the necessary permits. The Hearing Officer based the decision on the site's unique topography, the historical record, required fire hazard mitigation, and the project's compliance with density, FAR, and height standards. We respectfully request that the Planning Commission deny the appeal and affirm Coastal Development Permit No. PMT-3243580 and Variance No. PMT-3335393.



TONY KHALIL, P.E.
Civil Engineer · Consultant · Expert Witness
40+ Years of Professional Experience

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November 4, 2026

Planning Commission
City of San Diego
Sent Via Email: PlanningCommission@SanDiego.gov

Re: November 5 Planning Commission Hearing
ITEM 1: 7354 ROMERO DRIVE - Appeal of the Hearing Officer's Approval of a COASTAL DEVELOPMENT PERMIT and VARIANCE
PRJ-1101825

Dear Planning Commissioners,

DSD's Report to the Planning Commission, October 29, 2026, says the only Variance being considered is '… allowing a 13.6 foot front-yard setback (where 20 feet is required) and a 3.1 foot west side-yard setback (where 4 feet is required) …'

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

1. Exceeds the maximum allowed gross floor area and maximum allowed Floor Area Ratio;
2. Exceeds the maximum allowed Overall Structure Height;
3. The retaining walls supporting the swimming pool and spa exceed the 6 foot maximum height allowed within a rear yard setback.
4. Fails to provide minimum driveway length.

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

FLAWED PUBLIC NOTICE - VARIANCE REQUEST

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

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

NOTICE OF APPLICATION

DEVELOPMENT SERVICES DEPARTMENT

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

FLAWED PUBLIC NOTICE - VARIANCE REQUEST continued

The NOTICE OF APPLICATION says nothing about a Variance for a reduced front-yard setback requested by the applicant and approved by the Hearing Officer. The NOTICE OF APLICATION was seriously flawed because it failed to alert the public of what was be considered by the Development Services Department.

The NOTICE OF PUBLIC HEARING for the proposed project only mentions a Coastal Development Permit and Variance (singular) but fails to describe what Variances are requested. The NOTICE OF PUBLIC HEARING is seriously flawed because it fails to alert the public of what will be considered by the Planning Commission.

THE CITY OF SAN DIEGO

DATE OF NOTICE: October 22, 2026

NOTICE OF PUBLIC HEARING

APPEAL TO PLANNING COMMISSION

DATE OF HEARING:	**November 5, 2026**
TIME OF HEARING:	**9:00 A.M.**
LOCATION OF HEARING:	**DEVELOPMENT SERVICES DEPARTMENT, 7650 MISSION VALLEY ROAD, SAN DIEGO, CA 92108**
PROJECT NO:	**PRJ-1101825**
PROJECT NAME:	**7354 ROMERO DRIVE VARIANCE AND COASTAL DEVELOPMENT PERMIT**
PROJECT TYPE:	**COASTAL DEVELOPMENT PERMIT, VARIANCE, CEQA 15162 CONSISTENCY DETERMINATION, PROCESS THREE**
APPLICANT:	**Scott A. Spencer and Associates**
COMMUNITY PLAN AREA:	**La Jolla**
COUNCIL DISTRICT:	**1**
CITY PROJECT MANAGER:	**Travis Cleveland, Development Project Manager**
PHONE NUMBER/E-MAIL:	**(619) 446-5407 / Tcleveland@sandiego.gov**

As a property owner, tenant, or person who has requested notice, you should know that a public hearing will be held by the Planning Commission to consider an appeal of the Hearing Officer's July 22, 2026 decision to approve an application for a Coastal Development Permit and Variance for the remodel and addition of an existing one-story, 3,435-square-foot single-family residence, adding 3,232 square feet in two additional floors (for a total of three stories and 6,667 square feet of construction) located at 7354 Romero Drive. Additionally, 495 square feet of interior space will be converted into an Accessory Dwelling Unit. The 0.297-acre lot is in the RS-1-4 (Residential Single) zone, the Coastal Overlay Zone (Non-Appealable Area), and the Coastal Height Limit Overlay Zone within the La Jolla Community Plan.

VARIANCE REQUEST continued

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

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

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

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

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

PROJECT'S GROSS FLOOR AREA EXCEEDS THE MAXIMUM ALLOWED

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

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

(a) Elements Included in *Gross Floor Area* for Development in All Zones

(1) *Gross floor area* includes all existing and proposed *floors* within the horizontal area delineated by the exterior surface of the surrounding exterior walls of the building.

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

PROJECT'S GROSS FLOOR AREA EXCEEDS THE MAXIMUM ALLOWED continued

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

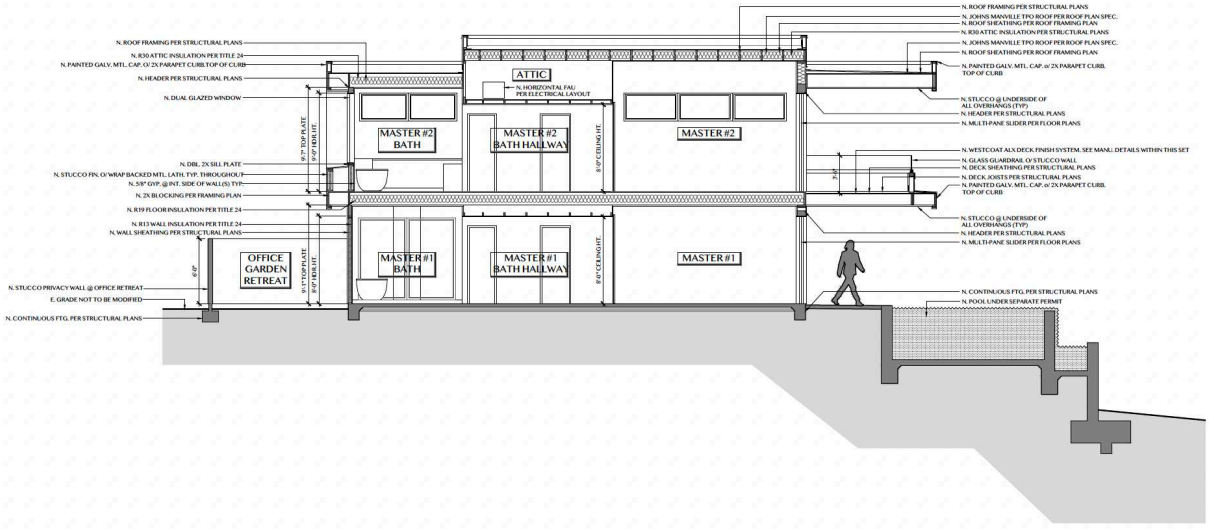
Third Floor	243.80 sq. ft.
Second Floor	3,251.08 sq. ft.
First Floor	3,321.68 sq. ft. (excluding the area of the ADU)
Total *Gross Floor Area*	6,816.56 sq. ft.

The *Gross Floor Area* of 6,816.56 gross sq. ft. divided by the Lot Area of 12,955 sq. ft. equates to a Floor Area Ratio (FAR) of **0.526** where a FAR of **0.52** (6,736.6 sq. ft.) is the maximum allowed in the RS-1-4 Zone.

The proposed project with a Total *Gross Floor Area* of 6,816.56 gross square feet exceeds the maximum allowed *Gross Floor Area* of 6,736.6 sq. ft. by **79.96 sq. ft**.

EXISTING BUILT STRUCTURE EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT

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



BUILDING SECTION F

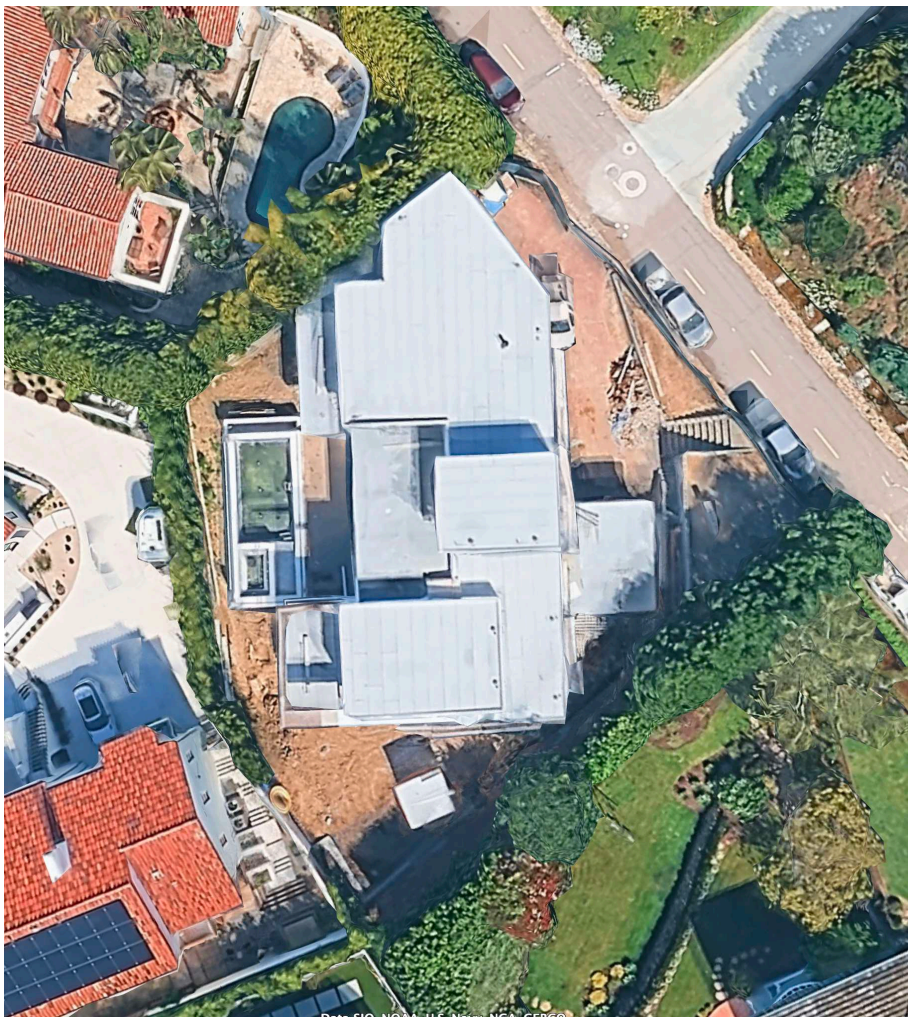
EXISTING BUILT STRUCTURE EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT (continued)

Because the the swimming pool and spa structure is not separated by 6 horizontal feet (plan view) from the second floor decks and roof structure above, the Swimming pool and dwelling structures are considered to be one structure for purposes of Overall Structure Height measurement (SDMC Sec. 113.0270(a)(3) below; and Attachment No. 2.

San Diego Municipal Code **Chapter 11: Land Development Procedures**
(9-2026)

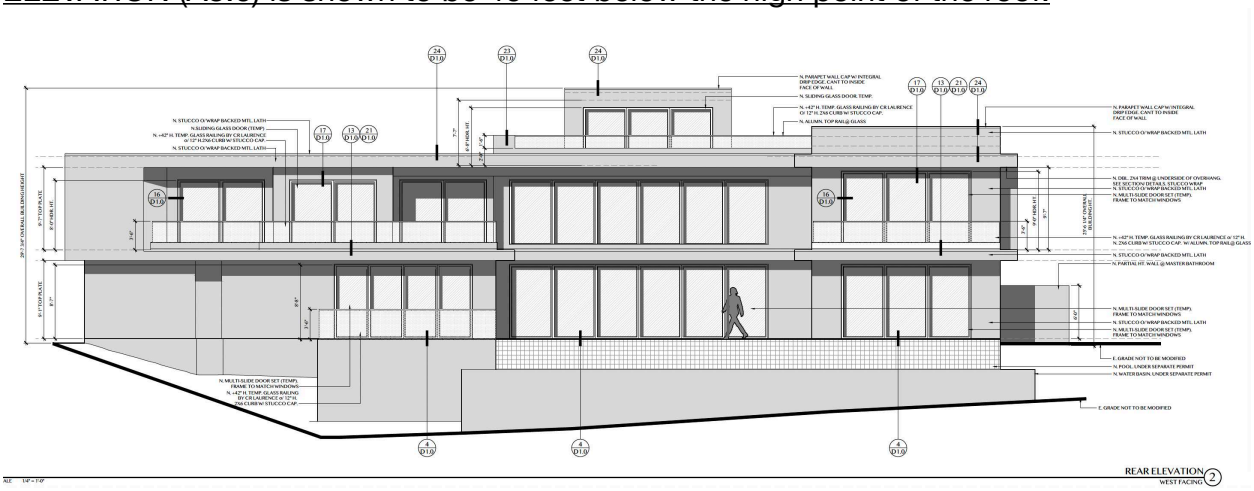
(3) *Structure height* is measured separately for each *structure* that is separated from another *structure* on the *premises* by 6 feet or more. Separation between *structures* shall be measured in plan view to account for the *structural envelope* of each *structure*.

The horizontal proximity of the existing swimming pool and spa structure to the existing built structure's second floor balconies can be seen in the following aerial image of the project site:



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

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



As clearly stated in Comment No. 88, of the enclosed DSD's *Final Issues Report PRJ-1101825* Overall Structure Height is measured from the lowest point of grade within 5 feet of the structures.

Because the existing grade level slopes downhill and away from the swimming pool, the lowest point of grade within 5 feet of the structure is significantly lower than the dark grade line on the REAR ELEVATION drawing (A3.0). As such, the existing structure is considerably more the 40 feet in Overall Structure Height and **exceeds** the maximum allowed Overall Structure Height.

The photograph below clearly shows the existing grade level at the near south end of the swimming pool is significantly different from and lower than that depicted in the REAR ELEVATION drawing (A3.0) above

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

The constructed retaining wall supporting the swimming pool and spa within the rear yard setback, depicted on the preceding page, exceeds the 6 foot maximum height allowed within a required rear yard setback (SDMC Sec.142.0340(d)(1).
ELEVATION drawing (A3.0) above.

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

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





INSUFFICIENT DRIVEWAY LENGTH

SDMC Sec. 142.0521(f) and Diagram 142-05A states: The minimum driveway length (Required Minimum Distance between the street curb and the garage door) is 30 feet minimum; and a minimum length of 20 feet from the front property line to garage door.

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

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

DISCREPENCY IN SUBMITTAL DRAWINGS

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

REQUIRED FINDINGS FOR A COASTAL DEVELOPMENT PERMIT CANNOT BE MADE

San Diego Municipal Code Section 126.0708 **Findings for Coastal Development Permit Approval** states:

> **§126.0708 Findings for Coastal Development Permit Approval**
>
> An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

San Diego Municipal Code section 126.0708(a)(3) **Findings for Coastal Development Permit Approval** requires the proposed *coastal development* be in compliance with all regulations of the certified Implementation Program (i.e. the San Diego Municipal Code)

> (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.

At the July 22 Hearing Officer Public Hearing, project architect Scott Spencer stated a revised Exhibit A drawing showing a 6 foot horizontal separation between the upper level cantilevered deck and the swimming pool below would be submitted to the City in the future.

Hearing Officer Jeffrey Szymanski then approved a Coastal Development Permit for the proposed *coastal development* Conditioned upon receipt of a revised Exhibit A drawing being submitted to the Development Services Department .

The architect's statement that a revised Exhibit A drawing would be submitted to the City and the Hearing Officer's conditional approval is clear evidence that the proposed *coastal development* before the Hearing Officer was not in compliance with the San Diego Municipal Code,

REQUIRED FINDINGS FOR A COASTAL DEVELOPMENT PERMIT CANNOT BE MADE

San Diego Municipal Code Section 126.0708 **Findings for Coastal Development Permit Approval** states:

§126.0708 Findings for Coastal Development Permit Approval

An application for a Coastal Development Permit may be approved or conditionally approved only if the decision maker makes all of the *findings* in Section 126.0708(a) and the supplemental *findings* in Section 126.0708(b) that are applicable to the proposed *development*.

San Diego Municipal Code section 126.0708(a)(3) **Findings for Coastal Development Permit Approval** requires the proposed *coastal development* be in compliance with all regulations of the certified Implementation Program (i.e. the San Diego Municipal Code)

(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.

At the July 22 Hearing Officer Public Hearing, project architect Scott Spencer stated a revised Exhibit A drawing showing a 6 foot horizontal separation between the upper level cantilevered decks and the swimming pool below would be submitted to the City in the future.

Hearing Officer Jeffrey Szymanski then approved a Coastal Development Permit for the proposed *coastal development* Conditioned upon receipt of a revised Exhibit A drawing being submitted to the Development Services Department .

The architect's statement that a revised Exhibit A drawing would be submitted to the City and the Hearing Officer's conditional approval is clear evidence that the proposed *coastal development* before the Hearing Officer was not in compliance with the San Diego Municipal Code,

To comply with San Diego Municipal Code section 126.0708(a)(3) a revised Exhibit A drawing should have been submitted to and reviewed by the Development Services Department prior to the Hearing Officer Public Hearing; and prior to the Hearing Officer's approval of a Coastal Development Permit.

RECOMMENDATION / REQUEST

Because the proposed project is not in compliance with the San Diego Municipal Code, the Planning Commission should grant the Appeal and DENY the project until such time as the design of the project has been substantially revised to comply with the San Diego Municipal Code.

Thank you for your consideration of these unfortunate project deficiencies, and the erroneous decision of the Hearing Officer.

Respectfully,



Philip A. Merten AIA, Architect California Architect License No: C-6437

Attachment No. 1 Gross Floor Area Diagrams in accordance with SDMC Sec. 113.0234(a)(1)

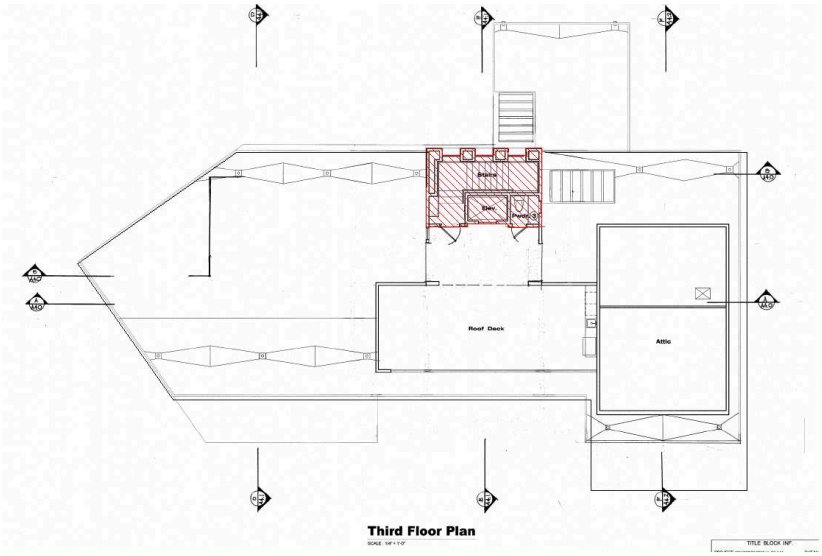
Attachment No. 2 Overall Structure Height Measurement, SDMC Sec. 113.0270(a)(2)(B)

Enclosure: *Final issues Report PRJ-1101825 - Romero Variance Cup.xlsx*

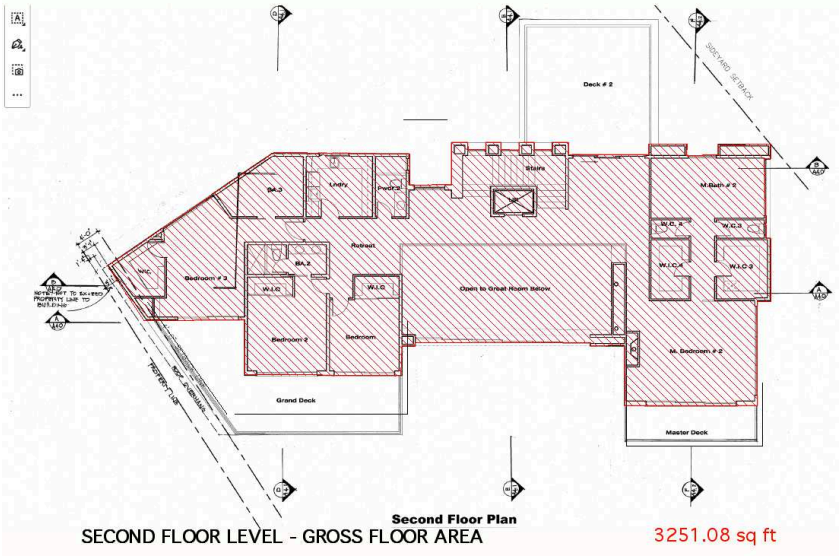
Attachment No. 1

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

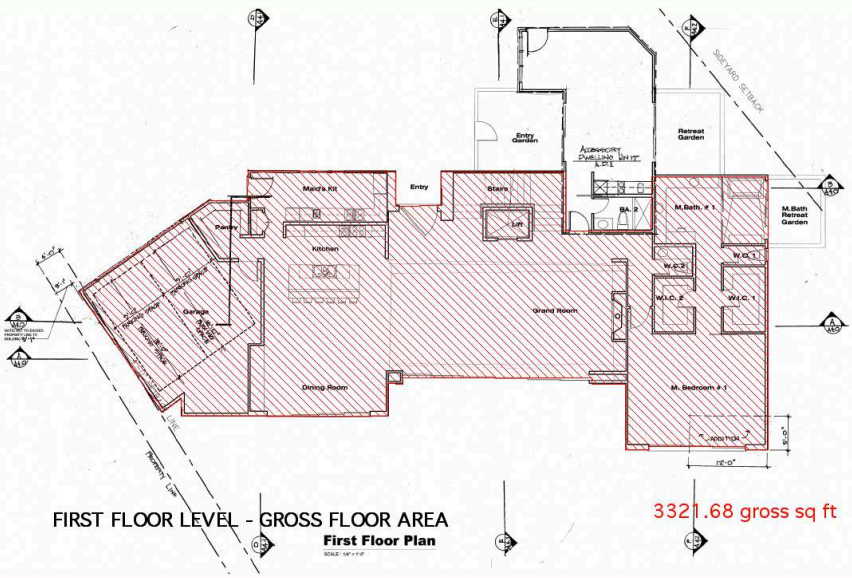
Prepared By: Philip A. Merten AIA Architect



THIRD FLOOR LEVEL - GROSS FLOOR AREA 243.80 gross sq ft



SECOND FLOOR LEVEL - GROSS FLOOR AREA 3251.08 sq ft



FIRST FLOOR LEVEL - GROSS FLOOR AREA 3321.68 gross sq ft

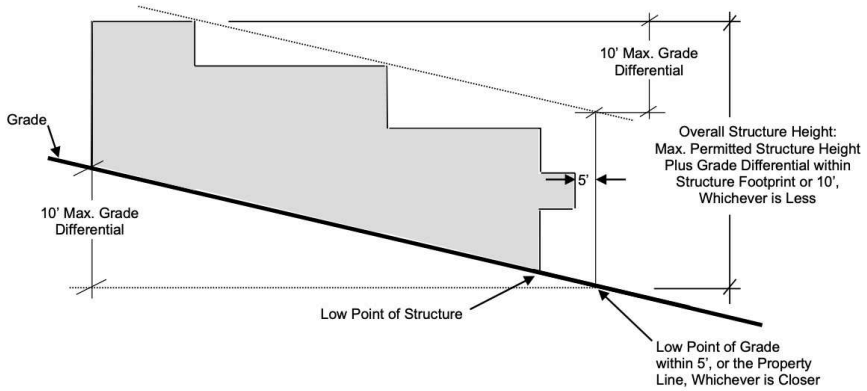
Attachment No. 2

Overall Structure Height Measurement, SDMC Sec. 113.0270(a)(2)(B)

(B) Overall Height Measurement. The overall *structure height* is measured from the lowest point of *existing grade* or *proposed grade* within 5 feet of the *structure's* perimeter (building wall, balcony, bay window, or similar *architectural projection*) or at the *property line*, whichever is closer, to the highest point of the *structure*, projected horizontally to directly above this lowest point of *grade*. The overall *structure height* shall not exceed the maximum permitted *structure height* of the applicable zone plus an amount equal to either the maximum *grade* differential within the *structure's* footprint or 10 feet, whichever is less. The *structure height* shall not exceed the maximum allowed by the applicable zone at any one point. This is illustrated in Diagram 113-02LL.

Diagram 113-02LL

Overall Structure Height



(3) *Structure height* is measured separately for each *structure* that is separated from another *structure* on the *premises* by 6 feet or more. Separation between *structures* shall be measured in plan view to account for the *structural envelope* of each *structure*.

Num	Comment Content	Reviewer	Group	Comment Disposition	Created At	Updated At
42	PRJ-1101825 – 7354 Romero Drive San Diego, CAAPN No. #352-213-0200Coastal Development Permit (CDP) Process 2InformationThese comments are drafts and subject to change until presented by the City's assigned Development Project Manager in conjunction with the project Assessment Letter. Staff is unable to process formal, intermediate plan changes and updates outside the full submitted cycle. A formal response to these comments must be made through the resubmittal process in	Grecia Aceves	PLAN	Open	2023-10-24T23:40:44.000Z	24-Oct-23
45	LJCPAAfter the notice of application and first assessment letter has been distributed. The applicant would need to present the proposed project to the La Jolla Community Planning Association. Please contact Harry Bubbins, Chair at (858) 459-9490 or by	Grecia Aceves	PLAN	Open	2023-10-24T23:42:57.000Z	24-Oct-23
49	Sheet 2.0/2.1 Please present the setback lines on the floor plans to identify areas where the existing and proposed fall under	Grecia Aceves	PLAN	Open	2023-10-24T23:44:36.000Z	24-Oct-23
50	The proposed project is located within the La Jolla Community Planning Area. The La Jolla Community Planning Association (LJCPA) is the officially recognized community group for the area to provide	Travis Cleveland	CMPG	Open	2023-11-02T21:15:16.000Z	2-Nov-23
51	If you have not already done so, please contact the Chairperson of the LJCPA via https://www.sandiego.gov/planning/community-plans/cpg/contacts to schedule your project for a presentation before the group at their next available meeting. If you have already obtained a recommendation from the group, please submit a copy of the recommendation and/or minutes from the meeting (including the vote count) to me,	Travis Cleveland	CMPG	Open	2023-11-02T21:16:07.000Z	2-Nov-23

52	Development Services Department (DSD) Information Bulletin #620, "Coordination of Project Management with Community Planning Committees," available at https://www.sandiego.gov/sites/default/files/dsdib620.pdf, provides additional information about the advisory role of the Community Planning Groups. For additional resources please see	Travis Cleveland	CMPG	Open	2023-11-02T21:17:41.000Z	2-Nov-23
55	Regarding comment # 33 , applicant response indicate Construction BMP Notes are removed while the entire Sheet A0.1 is Construction BMP and must be removed	Hoss Florezabihi	ERVW	Open	2024-01-05T21:57:14.000Z	5-Jan-24
56	Provided Storm Water Requirements Applicability Checklist (DS-560) is BLANK . Provide a completed the form (WPCP and	Hoss Florezabihi	ERVW	Open	2024-01-05T22:07:28.000Z	5-Jan-24
57	Regarding Previous comment #35 , revise Site plan to propose the followings:-- Remove existing and install new curb/gutter per City Standards. --Maximum Driveway width for residential is 25' however max. width in parking impact areas is 12' , please revise accordingly. -- Minimum curb to property line distance is 12'. Revise site plan to show 2, dedication along the frontage. All private improvements within public right of	Hoss Florezabihi	ERVW	Open	2024-01-06T01:10:02.000Z	5-Jan-24
58	Revise site grading plan and propose new curb/gutter per current City Standards along the project's frontage on Romero Drive.	Hoss Florezabihi	ERVW	Open	2024-01-06T01:15:19.000Z	9-Jan-24
66	Please provide a detail written response to all comments stating where/how the comment was addressed regardless you agree or not and in case of disagreement	Hoss Florezabihi	ERVW	Open	2024-01-10T00:06:40.000Z	9-Jan-24

67	Coastal Development Permit Findings Please note many of the policies in the La Jolla Community Plan is related to bulk and scale. It must be presented how the structure conforms to bulk and scale and is harmonious to those in the existing vicinity/character of the neighborhood. The proposal of the addition and remodel to the single dwelling unit shall present how the goals and policies are presented in the design. Please provide visual surveys of the existing character of structures in the area within the vicinity by the next submittal. The applicant shall include the architectural theme, color palette or any other examples of visual design, how there is visual relief, and how the design applies goals and policies in the La Jolla Community Plan and	Grecia Aceves	PLAN	Open	2024-01-18T23:41:25.000Z	18-Jan-24
72	Elevations/Sections - Please demonstrate the necessary front yard setback lines on all elevations and sections to determine where angle offsets are required following §131.0444 Angled Building Envelope Plane /	Grecia Aceves	PLAN	Open	2024-01-19T16:23:12.000Z	19-Jan-24
73	Applicant did not provide any response to latest review comments dated 1/5/2024.	Hoss Florezabihi	ERVW	Open	2025-04-02T16:10:19.000Z	2-Apr-25
74	Again /as previously requested this is an Entitlement Review and not a construction set , therefore construction notes and details such as Cal-Green Notes , Codes and construction BMPS /Erosion Control sheet	Hoss Florezabihi	ERVW	Open	2025-04-02T16:18:01.000Z	2-Apr-25
75	Please note all private improvements such as existing trees and existing non standard improvements such as driveway and cobble gutter within public right of way require Encroachment and Removal Agreement (EMRA) which is subject to City Engineer	Hoss Florezabihi	ERVW	Open	2025-04-02T16:25:19.000Z	2-Apr-25
76	Clearly show /call out on SITE PLAN what will be within curb to property line portion of publc right of way along property 's	Hoss Florezabihi	ERVW	Open	2025-04-02T16:27:34.000Z	2-Apr-25
77	Please revise Cover Sheet and add Coastal Development Permit approval #(obtain it from Project Manager) to project's TITLE.	Hoss Florezabihi	ERVW	Open	2025-04-02T16:28:56.000Z	2-Apr-25
78	Please provide a detailed written response as how and where each comment is addressed regardless you agree or not and in case of disagreement express your	Hoss Florezabihi	ERVW	Open	2025-04-02T16:36:36.000Z	2-Apr-25

79	Project Issues:EAS is not able to make a determination at this time pending submittal of additional information and resolution of the other reviewing disciplines'	Rhonda Benally	4ENV	Open	2025-04-11T21:44:17.000Z	11-Apr-25
80	Greenhouse Gas (GHG) Emissions:The city's GHG Emissions CEQA Significance Thresholds (GHG Thresholds) has been updated to be compliant with the CAP Consistency regulations under Chapter 14, Article 3, Division 14. The CAP Consistency Checklist is no longer applicable. All current projects will be subject to these regulations. EAS defers to LDR Permit Planning, Landscape, Engineering (Long Range	Rhonda Benally	4ENV	Open	2025-04-11T21:45:10.000Z	11-Apr-25
81	3rd Review CommentsThe following comments were added based on comment 71, where planning staff cannot conduct a full review without further information	Grecia Aceves	PLAN	Open	2025-04-16T23:00:30.000Z	16-Apr-25
82	SetbacksThe project site will observe the established yard of 4' of the reallocation as permitted in Footnotes 2, Table -131-04D in	Grecia Aceves	PLAN	Open	2025-04-16T23:01:07.000Z	16-Apr-25
83	Sheet A0.0 -Enlarged Site PlanPlease address the discrepancy regarding the side yard setback as presented in the enlarged detail. The side yard setback of the walk-in closet and bedroom 3 states a 4'-3 ¾" shall be observed on the site. However, sheet A2.1 states the development shall observe a 4'-1" to the walk-in closet and bedroom 3. Please clarify the discrepancy and detail which side yard setback from the	Grecia Aceves	PLAN	Open	2025-04-16T23:01:25.000Z	16-Apr-25
84	Front ElevationThis contradicts the proposed staggered existing and proposed walls on the first and second-floor plans of the walk-in closet and bedroom. Please provide the ultimate wall condition and	Grecia Aceves	PLAN	Open	2025-04-16T23:07:33.000Z	16-Apr-25
85	Floor Area RatioSheet TS – The project proposal includes 6,380 sqft but does not match the detailed total GFA calculation of each floor. Please review this detail or	Grecia Aceves	PLAN	Open	2025-04-16T23:08:06.000Z	16-Apr-25
86	HeightThe applicant provided the topo survey conducted on July 13th, 2020. Please note the topo survey was not provided in the prior reviews. The following are comments requiring further clarification on	Grecia Aceves	PLAN	Open	2025-04-16T23:08:38.000Z	16-Apr-25

87	Site Plan – Please identify the high and low datums of the structure’s perimeter on the site plan. Also, label the lowest point on the premises measured 5’ from the structure. The Prop “D” site Plan does not reflect the topo survey, please consider removing this	Grecia Aceves	PLAN	Open	2025-04-16T23:08:54.000Z	16-Apr-25
88	Overall Height – Please include the high and low datums of the structure’s perimeter on the elevations and make corrections as necessary. Once this is determined, please include the lowest point, which is measured 5 feet from the structure’s farthest projection. The measurement of overall height shall be measured from the lowest grade (existing or proposed, whichever is lowest). Detail the grade differential in the following Section 113.0270(a)(2)(B) and include the 30’ height measurement from the lowest point in grade. "Overall Height Measurement. The overall structure height is measured from the lowest point of existing grade or proposed grade within 5 feet of the structure’s perimeter (building wall, balcony, bay window, or similar architectural projection) or at the property line, whichever is closer, to the highest point of the structure, projected horizontally to directly above this lowest point of grade. The overall structure height shall not exceed the maximum permitted	Grecia Aceves	PLAN	Open	2025-04-16T23:12:05.000Z	16-Apr-25
89	Coastal Height LimitationCoastal Height "Prop D," please make the corrections to the datums on the site and include the measurement of coastal height limitation in	Grecia Aceves	PLAN	Open	2025-04-16T23:19:44.000Z	16-Apr-25
90	Angled Building Envelope PlanePer Section 131.0444, Table 131-04H, the Lot Width of the site falls within the 75feet to 150 feet and shall present a 30-degree angle plane.	Grecia Aceves	PLAN	Open	2025-04-16T23:19:53.000Z	16-Apr-25
91	Architectural Projections and EncroachmentsThe site's existing/ proposed conditions contain eave projections that are not presented in the elevations and roof plan. Please note that Section 131.0461(a)(1)(B) states eave projections	Grecia Aceves	PLAN	Open	2025-04-16T23:21:16.000Z	16-Apr-25

NAME:
Rosita Taianao

==== MEETING INFO ====

MEETING DATE:
2026-11-05

AGENDA ITEM NUMBER:
Item 3 -Crown Castle T-Mobile Duffer

POSITION:
In Support of Item

COMMENTS:
My name is Rosita Taianao, and I own the home at 1545 Kenalan Drive, San Diego, CA 92154, directly next door to 1551 Kenalan Drive. Several wireless poles already stand along our shared fence line. I ask the Commission to add the following conditions to any approval.

Screening fence: The equipment enclosure is in the setback directly next to my home and is screened only by a 6-ft wood fence. Require the carrier to replace it with taller screening, up to the maximum height the City allows, including open lattice above 6 feet. The carrier should pay for this and maintain it.

Health and safety: Please include the facility's current RF compliance report in the public record. Please also require updated testing at the property line if equipment is ever changed.

Thank you for considering the concerns of the adjacent homeowner.

Rosita Taianao

