Opposition to Coastal Development Permit and Variance PRJ 1101825 7354 Romero Drive

By Concerned Neighbors



The project was constructed without required approvals.

The variance findings are not supported by substantial evidence.

If approved, strict compliance deadlines are necessary.

Key Timeline:

- February 2022: Permit sought as a remodel rather than a Coastal Development Permit.
- June 2022: City identifies the need for a Coastal Development Permit.
- December 2023 to January 2024: Architect reports ongoing construction.
- January 2024: City directs work to stop.
- August 2024: Building permit cancelled.
- October to December 2024: Construction continues despite warnings.



The new single-family residence was built in the face of a “stop work” order.
Google Earth February 2025

SDMC §127.0106(a)

- Allows expansion or enlargement of a previously conforming structure with a previously conforming structural envelope:
  - (1) Where all new construction conforms with current development regulations for setbacks, floor area ratio and structure height and does not increase the non-conformity regarding structural envelope or density.
- Contrary to the staff report – the municipal code does not allow development of a second floor in alignment with a previously conforming first-floor footprint.

The only justification for a variance is that the home is already built.

- There is no justification for allowing a new second story in the side and front yard setbacks.
- The applicant should not be rewarded for building the home in violation of the “Stop Work” orders by approving a variance for the home that was built without the required approvals.
- In fact, reduced side yard setbacks increases fire danger as evidenced by the new “Zone Zero” law requiring 5’ of defensible space around all new structures.
- With a 3.1’ setback, there is no means to insure defensible space around the new structure.
- There is no reason to allow a reduced front yard setback for a second story. A reduced second story does not preclude reasonable use of the property.
- As was shown in the original 2022 plans, the applicant is able to provide a one-car garage without a reduction in the front yard setback.

Required Findings for a Variance are not Supported by Substantial Evidence.

- SDMC §126.0805
  - There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.

- Although the findings in the draft resolution of approval are accurate as to the depiction of Romero Drive; these conditions apply to nearly every home on Romero Drive; more accurately every home in the Country Club area. **The conditions on this site are not unique to this site.**



Required Findings for a Variance are not Supported by Substantial Evidence.

- SDMC §126.0805
  - The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of a 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.

- Reasonable use of the property is generally considered one single-family home and one ADU under todays laws.
- Reasonable use of the property does not require the construction of a three-story, 6,667 sf home.
- **A smaller home can be built on the property without requiring a variance.**
- **Reasonable use of the property does not require the construction of a second story within the setbacks.**



Reasonable Use of the Property.
Google Earth, January 2020

The Findings for a Coastal Development Permit Cannot be Made

- SDMC §126.0708 requires the hearing officer find the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.
- The Land Development Code is the certified Implementation Program; the project must comply with all regulations of the Land Development Code.
- **The findings for a variance are not supported by evidence in the record; therefore, the project does not comply with the Implementation Program.**

In the Alternative: The Built House Requires Significant Modifications

- Two upstairs decks must be reduced
- Eliminate mezzanine level
- Remodel garage into ADU
- Modify exterior walls to provide 1-hour fire wall

The following condition should be added to the resolution of approval:

- The Owner shall complete all modifications, alterations, improvements, and other works required to be undertaken to the structure within two (2) years from the date of approval of the coastal development permit and variance. All such works shall be completed in accordance with applicable building codes, regulations, permit requirements, and Exhibit A. Evidence of completion, including any required final inspections or approvals, shall be provided to the satisfaction of the City of San Diego t avoid further code enforcement action and civil penalties.

- **Requested Action:**
- Deny the variance
- Deny the Coastal Development Permit

- **Alternatively**

- **Approve only with:**
- Mandatory corrective work
- Two-year compliance deadline
- Continued enforcement authority