



THE CITY OF SAN DIEGO

Report to the Hearing Officer

HEARING DATE: April 6, 2016 REPORT NO. HO 16-024

SUBJECT: KAPLAN-GASTON RESIDENCE ADDITION CDP

PROJECT NUMBER: 331559

LOCATION: 5606 Dolphin Place

APPLICANT: Robert Kaplan and Margaret Gaston, Owners
Melvin McGee, Architect

SUMMARY

Issue: Should the Hearing Officer approve a Coastal Development Permit to construct a first and second floor addition to an existing, two-story, single family residence with an attached one-car garage and car port located at 5606 Dolphin Place in the La Jolla Community Planning area?

Staff Recommendation: APPROVE Coastal Development Permit No. 1159029.

Community Planning Group Recommendation: On October 1, 2015, the La Jolla Community Planning Association voted 9-5-1 to send the project back to the Development Permit Review Sub-Committee. The applicant has elected to move forward with no further involvement or formal recommendation from the La Jolla Community Planning Association.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) on July 24, 2015, and an appeal of the CEQA determination was filed on August 7, 2015. The City Council denied the CEQA appeal on January 26, 2016. The scope of the subject hearing considers only the project and not the environmental determination.

BACKGROUND

The 4,095-square-foot site located at 5606 Dolphin Place is currently developed with a two-story single family residence constructed in 1939. The property was reviewed by the Historical Resources staff and determined not to be historically significant.

The project site is located in the RS-1-7 Zone, Coastal Overlay Zone (appealable), Coastal Height Limitation Overlay Zone, Parking Impact (Beach and Coastal) Overlay Zone, Residential Tandem

Parking Overlay Zone, Transit Area Overlay Zone and First Public Roadway. The property is located on the south side of Dolphin Place between the First Public Roadway and the Pacific Ocean. The site is designated for Low Density Residential Land Use within the La Jolla Community Plan. A Coastal Development Permit is required by the Land Development Code (Section 126.0702) for proposed additions as the property is located within the First Public Roadway in the Coastal Overlay Zone.

DISCUSSION

The project proposes to construct an 895-square-foot, addition to the existing, 1,559-square-foot, two-story, single family residence, totaling 2,454-square-feet. The project site has been fully disturbed by previous development and the site does not contain any form of environmentally sensitive resources. The proposed addition to the residence will be constructed with a 315 square-foot increase to the existing building footprint. The addition consists of a new master suite on the second floor (approximately 580 square feet), an addition to the existing first floor kitchen and new dining room (approximately 315 square-feet).

The addition was designed to include white stucco exterior walls that match the existing residence, custom windows and doors, pitched roof elements with asphalt shingle roofing material. The project proposes approximately 35 cubic yards of cut, 16 cubic yards of fill and 19 cubic yards of export. The project will comply with the 30-foot height limit. The highest portions of the structure would be approximately 25 feet 3 inches. All surface drainage run-off will be conveyed through an existing drain system to Dolphin Place.

LA JOLLA COMMUNITY PLANNING GROUP

The applicant presented the project before the La Jolla Community Planning Association's Sub-Committee and the La Jolla Community Planning Association for a their recommendation. The Sub-Committee raised bulk and scale and neighborhood character as project concerns. The applicant has designed the addition to comply with the RS-1-7 Zone development regulations, specifically Floor Area Ratio. The applicant believes that the Community Planning group's concerns were not founded and that the project is consistent with the RS-1-7 development regulations.

VISUAL/PHYSICAL ACCESS

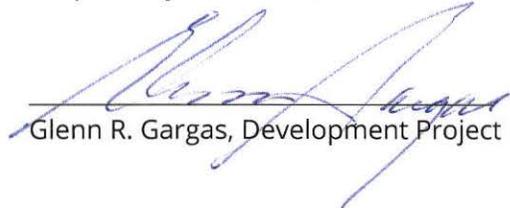
The project abuts Chelsea Place and Dolphin Place, both of which are identified as public vantage points in the community plan (Attachment No. 8). The project observes the required setback of the RS-1-7 zone and preserves the existing public views looking west and southwest from both Chelsea Place and Dolphin Place. The project site is not located on or adjacent to any existing or planned public access to the shoreline (Attachment No. 9). Based on the review of the plans and submitted material, the proposed redevelopment of this property was found to meet all development regulations and to be in conformance with the La Jolla Community Plan and Local Coastal Land Use Plan.

ALTERNATIVES

1. Approve Coastal Development Permit No. 1159029, with modifications.

2. Deny Coastal Development Permit No. 1159029, if the findings required to approve the project cannot be affirmed.

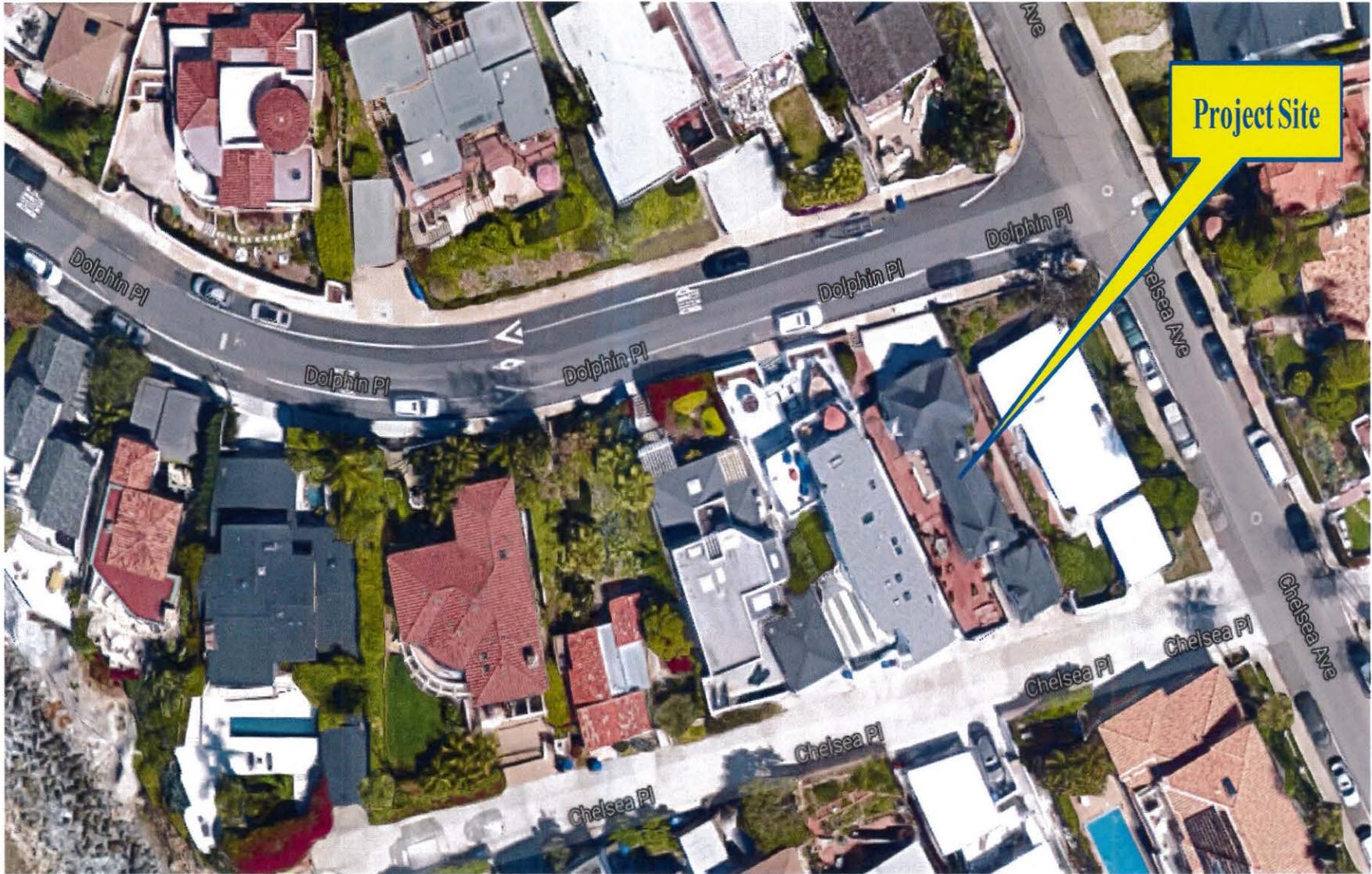
Respectfully submitted,



Glenn R. Gargas, Development Project Manager

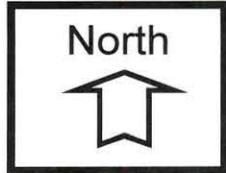
Attachments:

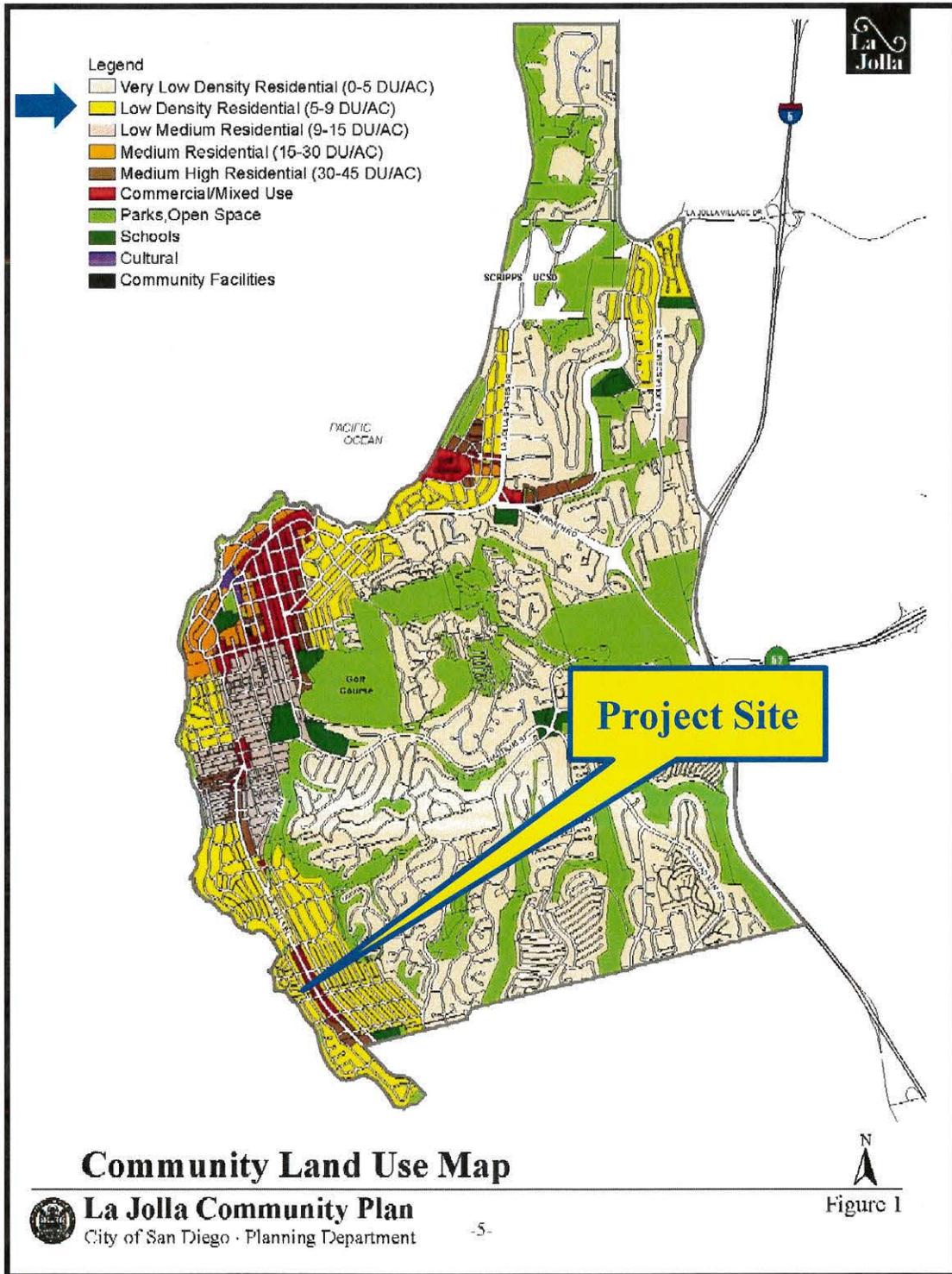
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft CDP Permit Resolution with Findings
6. Draft CDP Permit with Conditions
7. Environmental Exemption
8. La Jolla Community Plan – Figure H – Subarea H Birdrock – Visual Access
9. La Jolla Community Plan – Figure H-Subarea H Birdrock – Physical Access
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Plans



Aerial Photo

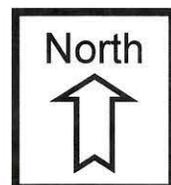
KAPLAN-GASTON RESIDENCE ADDITION CDP – 5606 DOLPHIN PLACE
PROJECT NO. 331559





Land Use Map

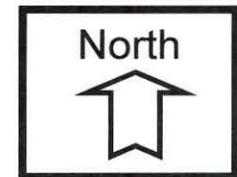
KAPLAN-GASTON RES. – 5606 DOLPHIN PLACE
PROJECT NO. 331559 La Jolla





Project Location Map

KAPLAN-GASTON RESIDENCE ADDITION CDP – 5606 DOLPHIN PLACE
PROJECT NO. 331559



PROJECT DATA SHEET

PROJECT NAME:	Kaplan-Gaston Residence Addition CDP
PROJECT DESCRIPTION:	Proposed 895-square foot addition to an existing two-story, 1,559-square-foot single family residence, resulting in a 2,454-square foot single family residence on a 4,095 square-foot property.
COMMUNITY PLAN AREA:	La Jolla
DISCRETIONARY ACTIONS:	Coastal Development Permit
COMMUNITY PLAN LAND USE DESIGNATION:	Residential - Low Density 5-9 DU/Acre

ZONING INFORMATION:

ZONE: RS-1-7 Zone

HEIGHT LIMIT: 24/30-foot maximum height limit, 25-feet 3-inches proposed.

LOT SIZE: 5,000 sq. ft. min. / existing 4,095-square-feet

FLOOR AREA RATIO: 0.60 max. / 0.59 proposed

FRONT SETBACK: 15 feet.min. / 16 feet existing/established

SIDE SETBACK: 4 feet min. / 4 and 4 feet proposed

STREETSIDE SETBACK: NA.

REAR SETBACK: 5 feet min. / 2.5 feet existing

PARKING: 2 min. parking spaces required, 1 existing garage space and 1 existing carport space.

<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Low Density Residential; RS-1-7.	Single Family Residential
SOUTH:	Low Density Residential; RS-1-7.	Single Family Residential
EAST:	Low Density Residential; RS-1-7.	Single Family Residential
WEST:	Low Density Residential; RS-1-7.	Single Family Residential

ATTACHMENT 4

DEVIATIONS OR VARIANCES REQUESTED:	None
COMMUNITY PLANNING GROUP RECOMMENDATION:	On October 1, 2015, the La Jolla Community Planning Association voted 9-5-1, to send the project back to the Development Permit Review Sub-Committee. The applicant elected to move forward with no further involvement from the La Jolla Community Planning Association.

HEARING OFFICER RESOLUTION NO. ____
 COASTAL DEVELOPMENT PERMIT NO. 1159029
KAPLAN-GASTON RESIDENCE ADDITION CDP - PROJECT NO. 331559

WHEREAS, Robert M. Kaplan, Trustee of The Robert K, Kaplan Trust dated September 2, 2008, and Margaret J. Gaston, Trustee of The Margaret J. Gaston Trust dated September 25, 2002, Owners/Permittees, filed an application with the City of San Diego for a permit to construct an addition to an existing, two-story, single family residence with an attached garage and carport (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1159029), on portions of a 4,095-square-foot property;

WHEREAS, the project site is located at 5606 Dolphin Place, in the RS-1-7 Zone, Coastal (appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Beach Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Overlay Zone, First Public Roadway and within the La Jolla Community Plan area;

WHEREAS, the site is legally described as Lot 11, Block J of the subdivision of a portion of Bird Rock City by the Sea, in the City of San Diego, County of San Diego, according to Map No. 1138, filed in the Office of the County Recorder, June 10, 1908;

WHEREAS, on April 6, 2016, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1159029, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July 24, 2015, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities) and the Environmental Determination was appealed to City Council, which heard and denied the appeal on January 26, 2016, pursuant to Resolution No. 310232; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated April 6, 2016.

FINDINGS:

Coastal Development Permit - Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The 4,095-square-foot project site is currently developed with a single story single family residence. The project proposes to construct an addition to the existing residence. The addition will be located in a flat, disturbed portion of the property. The project site is located approximately two blocks from the coastline, between the First Public Roadway and the ocean. The project site is located within an

area identified as Subarea H: Birdrock – Physical Access by the La Jolla Community Plan and Local Coastal Land Use Plan. There is no public access resources identified on or around this project site. The addition would be located entirely within private property and will not encroach upon any existing or proposed physical access to the coast. There is no public view on or adjacent to the project site as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. The project meets all development standards such as building setbacks, floor area ratio, and height limit required by the underlying zone. Therefore, the proposed addition to the single family residence will not encroach upon any existing or planned physical accessway that is legally used by the public or any proposed public accessway identified in the La Jolla Local Coastal Program land use plan; and the proposed development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the La Jolla Community Plan and Local Coastal Program Land Use Plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project site is currently developed with a single family residence. The project site does not contain any form of environmentally sensitive lands. The project proposes to construct a first and second floor addition to an existing, two-story, single family residence with an attached one-car garage and carport. The environmental review determined that this project was Exempt under the California Environmental Quality Act (CEQA) Guidelines. Thus the proposed addition to an existing single family residence will not adversely affect environmentally sensitive lands.

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.

The site is designated for Low Density Residential (5-9 du/ac) by the La Jolla Community Plan and Local Coastal Land Use Plan. Based on the review of the project plans, the project is in compliance with the 9 dwelling units per acre and the architectural design is in compliance with all applicable development regulations of the RS-1-7 Zone. The project abuts Chelsea Place and Dolphin Place, both of which are identified as public vantage points in the community plan. The project observes the required setback of the RS-1-7 zone and preserves the existing public views looking west and southwest from both Chelsea Place and Dolphin Place. The project does not impact these identified public views. The project site is not located in an area identified as containing or planned for any form of public access. The project development will be fully contained within private property. Therefore, the project was found to be in compliance with the City of San Diego adopted La Jolla Community Plan and the certified Local Coastal Program Land Use Plan

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project site is located between the first public road and the sea or the shoreline of any body of water located within the Coastal Zone. However, the project site is not located in an area identified as containing any form of current or planned public access. The proposed addition to the existing residence will be contained fully within private property. This project development will not negatively impact any form of public access. There are no public recreation facilities on or adjacent to the

project site. By maintaining the public access as described above this project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1159029 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1159029, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: April 6, 2016

Job Order No. 24003941

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

**WHEN RECORDED MAIL TO
 PROJECT MANAGEMENT
 PERMIT CLERK
 MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003941

**COASTAL DEVELOPMENT PERMIT NO. 1159029
 KAPLAN-GASTON RESIDENCE ADDITION CDP - PROJECT NO. 331559
 HEARING OFFICER**

This Coastal Development Permit No. 115929 is granted by the Hearing Officer of the City of San Diego to Robert M. Kaplan, Trustee of The Robert K, Kaplan Trust dated September 2, 2008, and Margaret J. Gaston, Trustee of The Margaret J. Gaston Trust dated September 25, 2002, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 4,095-square-foot site is located at 5606 Dolphin Place, in the RS-1-7 Zone, Coastal (appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact (Beach and Coastal) Overlay Zone, Residential Tandem Parking Overlay Zone, and Transit Area Overlay Zone, within the La Jolla Community Planning area. The project site is legally described as: Lot 11, Block J of the subdivision of a portion of Bird Rock City by the Sea, in the City of San Diego, County of San Diego, according to Map No. 1138, filed in the Office of the County Recorder, June 10, 1908.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owners/Permittees to construct an addition to an existing single family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 6, 2016, on file in the Development Services Department.

The project shall include:

- a. Construction of a 895-square-foot addition to an existing, two-story, 1,559-square-foot, single family residence, resulting in a 2,454-square-foot, two-story, residence with an existing one car garage and carport;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by April 20, 2019.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. 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 Owners/Permittees 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.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owners/Permittees and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owners/Permittees for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owners/Permittees shall secure all necessary building permits. The Owners/Permittees is informed that to secure these permits, substantial building modifications and site improvements may

be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owners/Permittees 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 Owners/Permittees shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owners/Permittees shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owners/Permittees of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owners/Permittees shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owners/Permittees shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owners/Permittees regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owners/Permittees shall not be required to pay or perform any settlement unless such settlement is approved by Owners/Permittees.

ENGINEERING REQUIREMENTS:

12. Prior to the issuance of any construction permit, the Owners/Permittees shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

13. Prior to the issuance of any construction permit, the Owners/Permittees shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

14. Prior to the issuance of any construction permit, the Owners/Permittees shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

15. Prior to the issuance of any foundation inspection, the Owners/Permittees shall submit an building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is consistent with Exhibit "A", satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

16. Owners/Permittees shall maintain two (2) off-street parking space on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the San Diego Municipal Code (SDMC) and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

17. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owners/Permittees.

18. There shall be compliance with the regulations of the underlying zone 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.

19. The height of the building or structure 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.

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

21. All fences and retaining walls shall comply with the San Diego Municipal Code Section 142.0301.

22. Prior to issuance of construction permits, the Owners/Permittees shall record a Habitable Accessory Structure Agreement for the Guest Quarters located on the site. The agreement shall include a stipulation that neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.

INFORMATION ONLY:

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

APPROVED by the Hearing Officer of the City of San Diego on April 6, 2016, by Resolution No. ____.

DRAFT

Permit Type/PTS Approval No.: CDP No. 1159029

Date of Approval: April 6, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas
Development Project Manager

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

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

Trustee of The Robert K. Kaplan Trust dated
September 2, 2008

By _____
Robert M. Kaplan

Trustee of The Margaret J. Gaston Trust dated
September 25, 2002

By _____
Margaret J. Gaston

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

NOTICE OF EXEMPTION

(Check one or both)

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422
 OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

PROJECT TITLE/NO.: KAPLAN-GASTON RESIDENCE / 331559

PROJECT LOCATION-SPECIFIC: 5606 Dolphin Place, San Diego, California 92037

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A COASTAL DEVELOPMENT PERMIT to remodel and add 884-square-foot to an existing 1,559.5-square-foot single-family residence. The proposed construction would include adding 303.5-square-foot to the first floor, 543.5-square-foot to the second floor, and 37-square-foot of phantom floor area. Various site improvements would also be constructed that include associated hardscape and landscape. The 0.09 acre project site is located at 5606 Dolphin Place. The project site is designated Low Density Residential (5 – 9 dwelling units per acre) and within the RS-1-7 zone. Additionally, the project site is located in the Coastal Height Limitation Overlay Zone (Prop D), City issued Coastal Development Permit jurisdiction (appealable area), Coastal Overlay Zone, Sensitive Coastal Resource Overlay Zone (SCROZ), Parking Impact (Coastal and Beach) Overlay Zone (PIOZ), Residential Tandem Parking Overlay Zone (RTPOZ), Transit Area Overlay Zone, First Public Roadway, and La Jolla Community Plan and Local Coastal Program. (LEGAL DESCRIPTION: Lot 11, Block J of Bird Rock City by the Sea in the City of San Diego, Map No. 1138.)

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Robert M. Kaplan, 3225 Patterson Street NW, Washington, D.C. 20015, (202) 506-6988

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268)
- () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a))
- () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
- (X) CATEGORICAL EXEMPTION: 15301 (EXISTING FACILITIES)
- () STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review which determined the project would not have the potential for causing a significant effect on the environment in that the project is consistent with the community plan and the applicable zone. The project would not result in any significant environmental impacts. The project meets the criteria set forth in CEQA Section 15301 which allows the minor alteration of existing private structures involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination, including additions to existing structures that would not result in an increase of more than 10,000-square-foot in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and in an area not environmentally sensitive. Furthermore, the exceptions listed in 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: ELIZABETH SHEARER-NGUYEN

TELEPHONE: 619-446-5369

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
- 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA.

L. S. Juu , Sr. Planner
SIGNATURE/TITLE

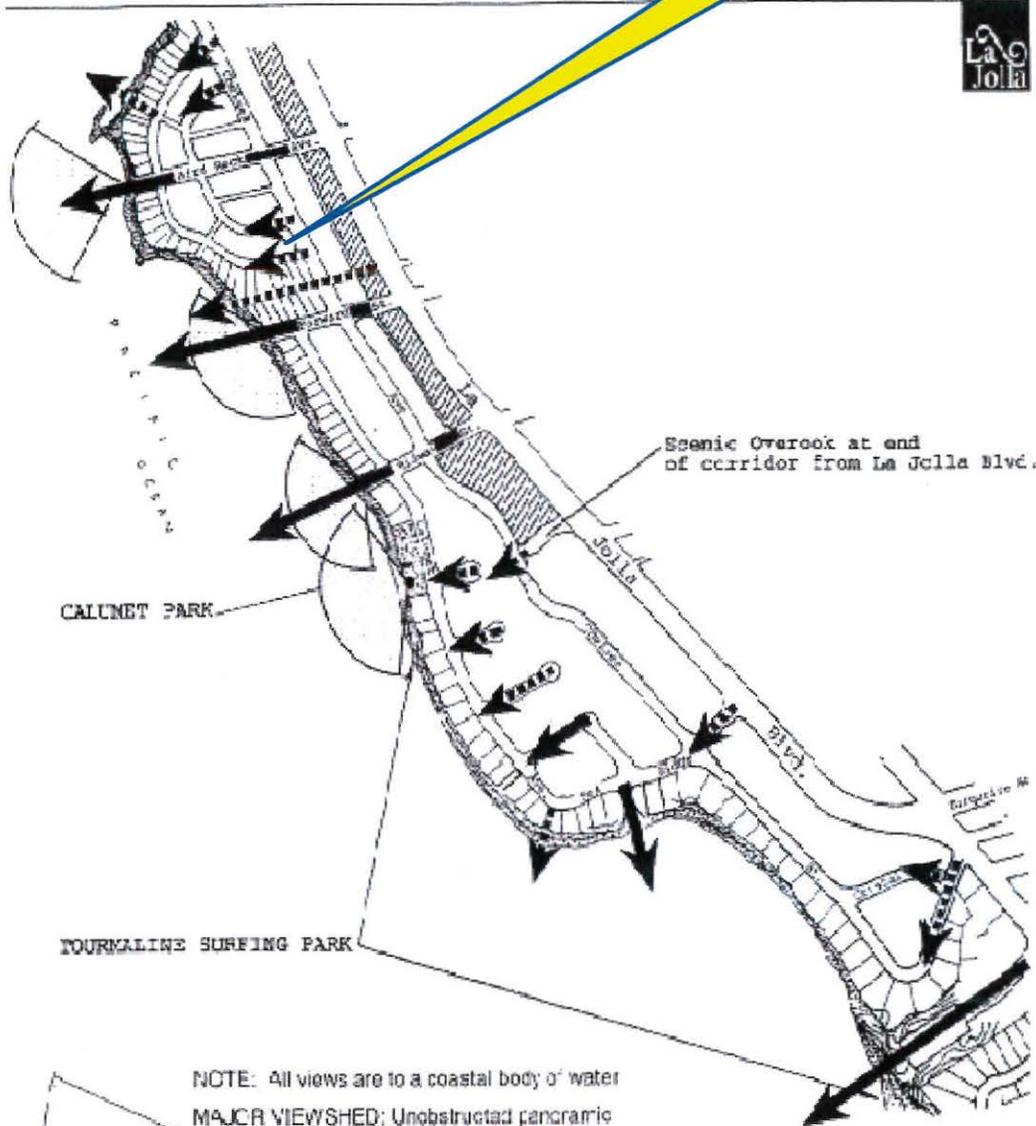
July 24, 2015
DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
- () SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

Project Site



Scenic Overlook at end of corridor from La Jolla Blvd.

CALUMET PARK

TOURMALINE SURFING PARK

- NOTE: All views are to a coastal body of water
- MAJOR VIEWSHED: Unobstructed panoramic view from a public vantage point
 - VIEW CORRIDOR: Unobstructed framed view down a public R.O.W.
 - SCENIC OVERLOOK: View over private properties from a public R.O.W.
 - SCENIC ROADWAY: Partially obstructed views over private property and down public R.C.W.s
 - HIGH POTENTIAL for visual access in commercial development

0 400 FEET

Visual Access
KAPLAN-GASTON RESIDENCE ADDITION CDP -- 5606 DOLPHIN PLACE
PROJECT NO. 331559

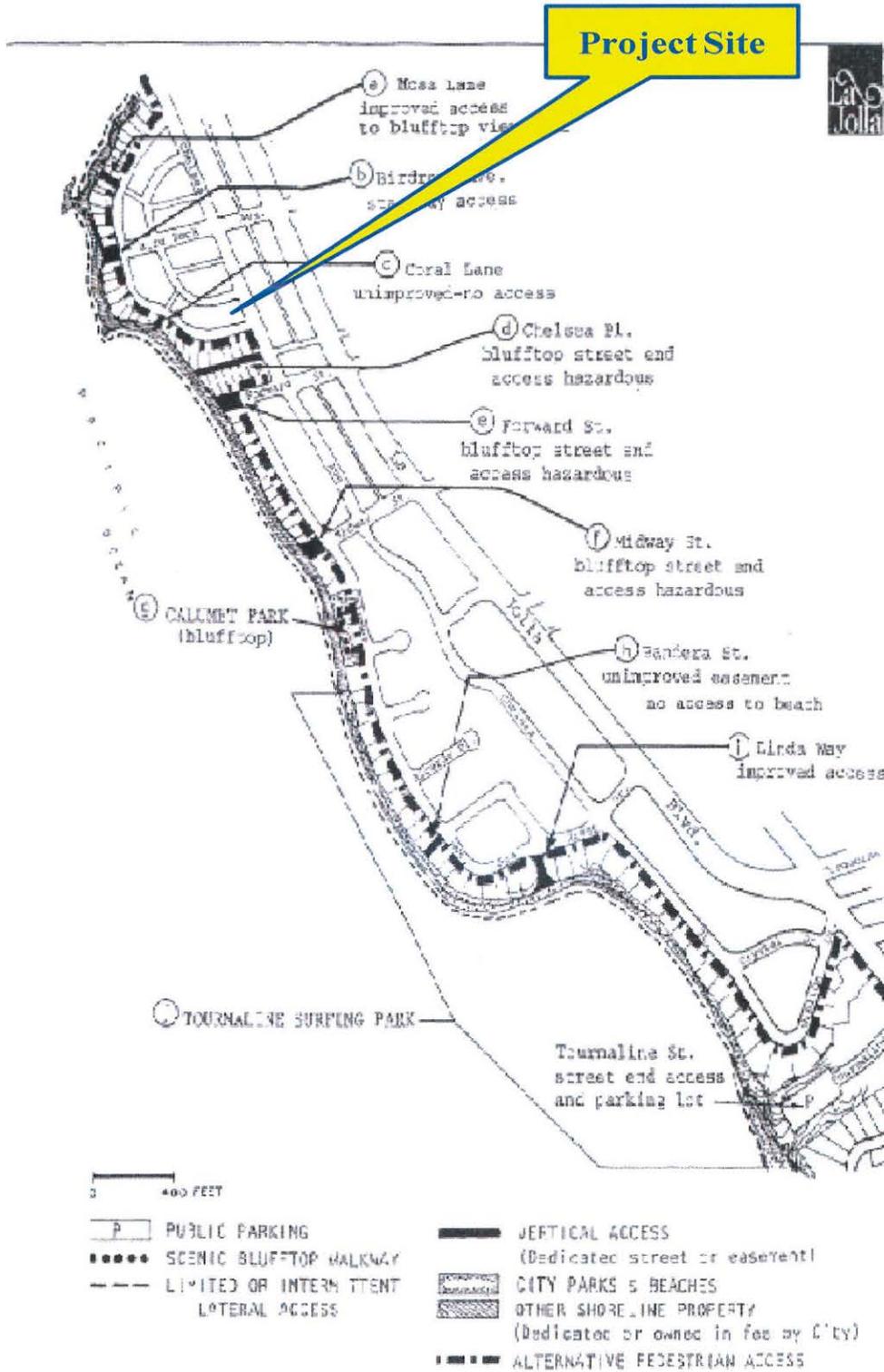
Subarea H: Bird Rock - Visual Access



La Jolla Community Plan
 City of San Diego - Planning Department

Figure H





Physical Access
KAPLAN-GASTON RESIDENCE ADDITION CDP - 5606 DOLPHIN PLACE
PROJECT NO. 331559



Subarea H: Bird Rock - Physical Access


La Jolla Community Plan
 City of San Diego - Planning Department

Figure H



La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us

Mail: PO Box 889, La Jolla, CA 92038

Web: <http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

Email: info@LaJollaCPA.org

President: Cindy Greatrex

Vice President: Bob Steck

2nd Vice President: Joe LaCava

Secretary: Helen Boyden

Treasurer: Jim Fitzgerald

FINAL MINUTES

Regular Meeting | Thursday, 1 October 2015, 6:00 pm

Trustees present: Patrick Ahern, Helen Boyden, Tom Brady, Bob Collins, Mike Costello, Dolores Donovan, Janie Emerson, Jim Fitzgerald, Cindy Greatrex, David Little, Alex Outwater, Jim Ragsdale, Glen Rasmussen, Bob Steck, Ray Weiss, Brian Will

Trustees absent: Joe LaCava, Fran Zimmerman

1.0 Welcome and Call To Order: by Cindy Greatrex, President at 6:00pm. She asked those present to turn off their cell phones and announced that the meeting was being recorded by the LJCPA in audio only and by a private party who does not identify himself in both audio and video.

2.0 Adopt the Agenda

Approved Motion: To adopt the posted agenda correcting the date of the next LJCPA meeting in Item 16 to November 5, 2015. (Steck, Emerson: 9-0-1)

In favor: Boyden, Collins, Donovan, Emerson, Fitzgerald, Little, Ragsdale, Steck, Will

Abstain: Greatrex (Chair)

3.0 Meeting Minutes Review and Approval: 3 September 2015

Approved Motion: To approve the minutes of the September 3, 2015 LJCPA regular meeting as posted. (Collins, Fitzgerald: 10-0-1)

In favor: Boyden, Collins, Donovan, Emerson, Fitzgerald, Little, Ragsdale, Steck, Weiss, Will

Abstain: Greatrex (Chair)

4.0 Elected Officials – Information Only

4.1 Council District 1 – Council President Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, JGarver@sandiego.gov Reported that Short Term Vacation Rentals were discussed by the Community Planners Committee on September 22 and is scheduled to be taken up by the City's Code Monitoring Team and Technical Advisory Committee on October 14th and by the Planning Commission on Thursday December 3. On November 17th the City Council will hear the Public Utility Department's cost of service study and proposed water increase.

4.2 Mayor's Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, FBarraza@sandiego.gov was not present.

4.3 39th Senate District – State Senator Marty Block spoke about his career. He offered to help with constituent issues with state government agencies (see contact info of Sarah Fields) and described his sponsorship of constituent events. He outlined his legislative accomplishments and interests, including Community College 4-year degrees, protecting seniors, water issues and cell tower issues. When the legislature is in session, he holds local office hours every Friday; now when it is not in session, every day. His local Rep: **Sarah Fields**, 619-645-3133, Sarah.Fields@sen.ca.gov

4.4 78th Assembly District – Speaker of the Assembly Toni Atkins

Rep: **Toni Duran**, 619-645-3090, Toni.Duran@asm.ca.gov was not present.

4.5 Julio de Guzman, of the City Attorney Criminal division described the program for some arrested for

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.

Approved Motion: To continue the item to the November 5 meeting of the LJCPA as the applicant was not present. (Ahern, Emerson: 11-1-1)

In favor: Ahern, Boyden, Brady, Costello, Emerson, Fitzgerald, Outwater, Ragsdale, Steck, Weiss, Will
Opposed: Little
Abstain: Greatrex (Chair)

11.0 KAPLAN-GASTON 5606 Dolphin Place- Action Item

DPR Recommendation: Findings CAN NOT be made for a Coastal Development Permit and Site Development for a 1st and 2nd story addition to an existing single family residence at 5606 Dolphin Place, because the project does not transition or relate well to other neighboring houses. It appears to have excessive hardscape and inadequate landscape, and it impacts too strongly on the neighboring house to the east where a careful transition from one to two stories was necessary. 4-1-1.

Sandra Brower, Attorney at Higgs, Fletcher and Mack, representing the applicants, stated that no Site Development Permit is required. She said that the 300 sf and 500 sf additions, to the first story and creating a second story for the now one-bedroom house, and adding a second bedroom were modest and required no variances and meet all city requirements. In response to neighbor concerns, they have lowered the height, made a second-story setback and opaqued the upstairs bathroom and stairway windows. Some changes presented here had not been seen by the DPR committee. The neighbors wanted more.

Architect Mel McGee described the changes in more detail. He noted that this is not a historic house and that the home to the west is two stories the whole length of the house so the Kaplan house has no view to the west, but they are siting the proposed second story to create a view to the southwest. Additionally there will be a privacy wall.

Owner Bob Kaplan, now working in DC, previously lived in San Diego, affiliated with UCSD. They are returning in San Diego to retire and to resume his affiliation with UCSD for research in cardiology. They would like the second bedroom for visiting grandchildren to use.

In opposition, **Attorney Julie Hamilton** representing Rick and Ann Kruse, the neighbors to the east, stated that the Kaplan project GFA should have included the carport (with three sides enclosed) which would have increased the FAR beyond the allowable. It is a unique architectural home. The proposed home is too tall and too close with a narrow side yard setback. It eliminates the Kruse's ocean view. There is also a guest house on the site now. She cited the fact that the bedrooms have outside entrances leads to the risk of it being used for STRVs.

Chair Greatrex stated that conjecture was not an acceptable argument.

Also speaking in opposition were neighbors **Richard Kruse, Portia Wadsworth and Carey Kincaid**. Speaking in favor was **Ed Ward**, citing individual property rights.

Several trustees stated that the FAR issue was of concern. **Trustee Costello** said the house did not transition to the neighborhood. Other commenters were Trustees **Little, Will, Emerson, Ragsdale, Donovan, Ahern, Steck**. Trustees **Will** and **Ragsdale**, who are DPR members, had not been at the DPR meeting when this project was reviewed.

Approved Motion: To return the project to DPR for further review. (Ragsdale, Donovan: 9-5-1)

In favor: Boyden, Collins, Costello, Donovan, Emerson, Little, Outwater, Ragsdale, Will
Opposed: Ahern, Brady, Fitzgerald, Steck, Weiss
Abstain: Greatrex (Chair)

12.0 CONRAD PREBYS PERFORMING ARTS/EASEMENT VACATION 7600 Fay Ave- Action Item

DPR Recommendation: Findings CAN be made that made that the proposed project conforms to the La Jolla Community Plan for a Coastal Development Permit and Site Development Permit to demolish an existing retail building and construct a 44,014- square-foot, 2-story over basement level Performing Arts Center located at 7600 Fay Avenue. 6-0-1.

Christopher Beach, Artistic Director Emeritus of the La Jolla Music Society, noted that they were proposing a 500-seat auditorium with state of the art acoustics and a 150-seat cabaret type venue.



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title: Kaplan-Gaston Residence Project No. For City Use Only

Project Address:
 5606 Dolphin Place, La Jolla, CA 92037 / A.P.N. 357-425-10-00

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of individual (type or print):
 Robert Kaplan
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 3225 Patterson St, NW
 City/State/Zip:
 Washington, DC 20015
 Phone No: 202 506-6988 Fax No:
 Signature: Date: 12 June 2013

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

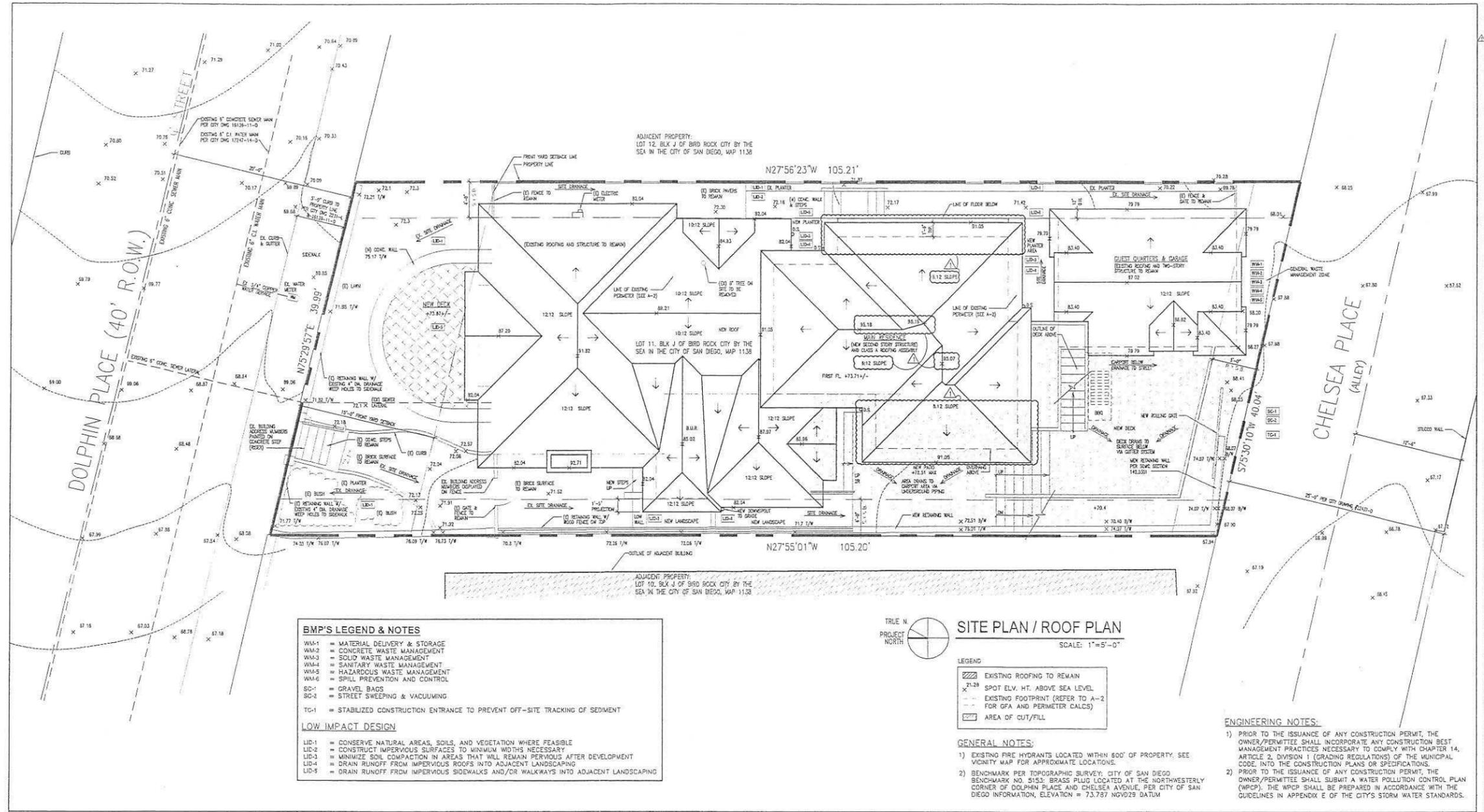
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of individual (type or print):

 Owner Tenant/Lessee Redevelopment Agency
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____



BMP'S LEGEND & NOTES

- WM-1 = MATERIAL DELIVERY & STORAGE
- WM-2 = CONCRETE WASTE MANAGEMENT
- WM-3 = SOLID WASTE MANAGEMENT
- WM-4 = SANITARY WASTE MANAGEMENT
- WM-5 = HAZARDOUS WASTE MANAGEMENT
- WM-6 = SPILL PREVENTION AND CONTROL
- SD-1 = GRAVEL BAGS
- SD-2 = STREET SWEEPING & VACUUMING
- TCH-1 = STABILIZED CONSTRUCTION ENTRANCE TO PREVENT OFF-SITE TRACKING OF SEDIMENT

LOW IMPACT DESIGN

- LID-1 = CONSERVE NATURAL AREAS, SOILS, AND VEGETATION WHERE FEASIBLE
- LID-2 = CONSTRUCT IMPERVIOUS SURFACES TO MINIMUM WIDTHS NECESSARY
- LID-3 = MINIMIZE SOIL COMPACTION IN AREAS THAT WILL REMAIN PERVIOUS AFTER DEVELOPMENT
- LID-4 = DRAIN RUNOFF FROM IMPERVIOUS ROOFS INTO ADJACENT LANDSCAPING
- LID-5 = DRAIN RUNOFF FROM IMPERVIOUS SIDEWALKS AND/OR WALKWAYS INTO ADJACENT LANDSCAPING

SITE PLAN / ROOF PLAN
SCALE: 1"=5'-0"

LEGEND

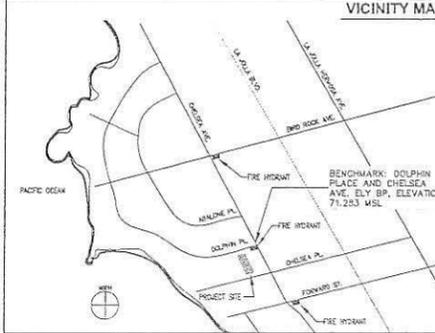
- [Hatched] EXISTING ROOFING TO REMAIN
- [Symbol] SPOT ELEV. HT. ABOVE SEA LEVEL
- [Dashed] EXISTING FOOTPRINT (REFER TO A-2 FOR GFA AND PERIMETER CALC'S)
- [Symbol] AREA OF CUT/FILL

GENERAL NOTES:

- EXISTING FIRE HYDRANTS LOCATED WITHIN 600' OF PROPERTY. SEE VICINITY MAP FOR APPROXIMATE LOCATIONS.
- BENCHMARK PER TOPOGRAPHIC SURVEY: CITY OF SAN DIEGO BENCHMARK NO. 5155: BRASS PLUG LOCATED AT THE NORTHWESTERLY CORNER OF DOLPHIN PLACE AND CHELSEA AVENUE, PER CITY OF SAN DIEGO INFORMATION, ELEVATION = 73.797 NAVD29 DATUM

ENGINEERING NOTES:

- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE MUNICIPAL CODE INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.
- PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WRCP). THE WRCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.



<p>PROJECT DATA:</p> <p>JOB ADDRESS: 5608 DOLPHIN PLACE LA JOLLA, CA 92037</p> <p>YEAR OF ORIGINAL CONSTRUCTION: 1939</p> <p>OWNER: ROBERT KAPLAN & MARGARET GASTON 5608 DOLPHIN PLACE LA JOLLA, CA 92037</p> <p>ARCHITECT: WELVIN DALTON MCGEE ARCHITECTS INC. WELVIN MCGEE, AIA 1530 W LEWIS ST SAN DIEGO CA 92103 619-299-9111</p> <p>TOPOGRAPHIC SOURCE: SOUTHERN CALIFORNIA SURVEY DATED MARCH 25, 2010.</p>	<p>SCOPE OF WORK:</p> <p>ADDITION & REMODEL OF EXISTING SINGLE FAMILY RESIDENCE</p> <p>COASTAL DEVELOPMENT PERMIT</p> <p>DEMOLITION: REMOVE PORTION OF INTERIOR AND EXTERIOR WALLS, PORTIONS OF ROOF, DOORS, WINDOWS, CABINETRY, AND FIXTURES.</p> <p>ARCHITECTURAL: NEW INTERIOR AND EXTERIOR WALLS, ROOFS, DOORS, WINDOWS, CABINETRY, AND INTERIOR AND EXTERIOR FINISHES.</p> <p>MECHANICAL: NEW FAU(S), DUCTS</p> <p>ELECTRICAL: UPGRADE SERVICE, NEW WIRING AND LIGHT FIXTURES</p> <p>PLUMBING: NEW FIXTURES, SUPPLY AND WASTE PIPING</p>	<p>ZONING INFORMATION:</p> <p>ASSESSOR PARCEL NO: 357-425-10-00</p> <p>LEGAL DESCRIPTION: LOT 11, BLK J OF BIRD ROCK CITY BY THE SEA IN THE CITY OF SAN DIEGO, MAP 1138</p> <p>BASE ZONE: RS-1-7</p> <p>OVERLAY: COASTAL (CITY)</p> <p>DEOLOGIC HAZARD CATEGORY: 53</p> <p>OCCUPANCY CLASSIFICATION PER CBC: RESIDENTIAL GROUP R-3</p> <p>EXISTING USE: SINGLE FAMILY RESIDENCE</p> <p>PROPOSED USE: SINGLE FAMILY RESIDENCE</p> <p>HEIGHT LIMIT: 30' (PROP D)</p> <p>SETBACKS ALLOWED: FRONT= 15' REAR= 5' SIDE= 4'</p> <p>EASEMENTS: NONE</p> <p>LANDSCAPE AREA TABULATION EXISTING: 387 SF NEW: 233 SF</p>	<p>GFA TABULATION:</p> <p>LOT AREA: 4,095 SF</p> <p>EXISTING RESIDENCE: LIVING AREA: 1,087.5 SF GARAGE: 284.0 SF GUEST QUARTERS: 408.0 SF EX. GROSS FLR. AREA: 1,559.5 SF</p> <p>ADDITION: FIRST STORY: 303.5 SF 2ND STORY MASTER SUITE: 335.0 SF ADDITIONAL FLR. AREA: 338.5 SF</p> <p>OTHER: PHANTOM FLR. AREA: 57 SF</p> <p>TOTAL GFA: 2,455.0 SF</p> <p>FAR: 0.6 CONST. TYPE: V-B (NON-SPRINKLERED)</p> <p>MAX ALLOWABLE AREA CALCULATION: 4,095 S.F. (SITE) X 0.6 (FAR) = 2,457 S.F. 2,455 SF < 2,457 SF</p>	<p>CUT & FILL TABULATIONS</p> <p>AREA TOTAL CUT/FILL AREA: 734 S.F. SITE PERCENTAGE: 734 S.F. / 4,095 S.F. = 17.9%</p> <p>CUT PROPERTIES AMOUNT CUT: 34.5 CUBIC YARDS MAX CUT DEPTH: 2'-8" SLOPE RATIO: 4B:1</p> <p>FILL PROPERTIES AMOUNT FILL: 15.5 CUBIC YARDS MAX FILL HEIGHT: 1'-9" SLOPE RATIO: 100:1</p> <p>IMPORT/EXPORT SOIL IMPORT: 0.00 CUBIC YARDS SOIL EXPORT: 19.00 CUBIC YARDS</p> <p>LANDSCAPE CALCULATION FRONT YARD TOTAL AREA = 602 S.F. HARDSCAPE AREA AT FRONT YARD = 259 S.F. HARDSCAPE/FRONT YARD = 259/602 = 43% COMPLIES WITH SDMC SECTION 131.0447(g)</p>	<p>SHEET INDEX:</p> <p>SHT NO CONTENTS</p> <p>A-1 PROPOSED SITE PLAN/ ROOF PLAN, PROJECT DATA</p> <p>A-2 DEMOLITION PLAN, GFA & PERIMETER CALC'S</p> <p>A-3 FLOOR PLANS</p> <p>A-4 ELEVATIONS</p> <p>A-5 ELEVATIONS AND SECTIONS</p> <p>A-6 SECTIONS</p>
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REVISIONS
06/09/15 COP RESUBMITTAL
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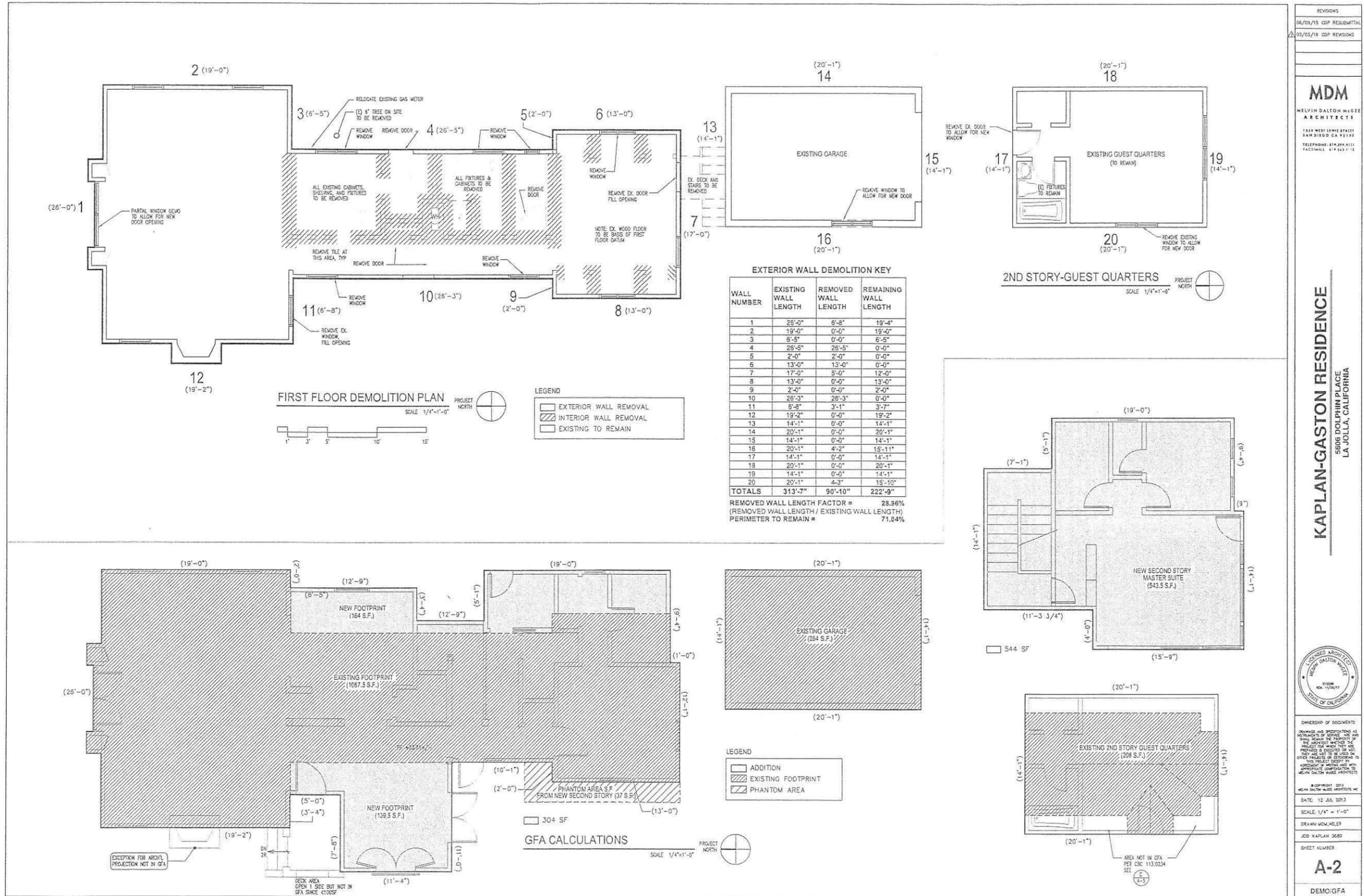
MDM
WELVIN DALTON MCGEE
ARCHITECTS
1530 WEST LEWIS STREET
SAN DIEGO CA 92103
TELEPHONE 619.299.9111
FACSIMILE 619.299.1112

KAPLAN-GASTON RESIDENCE
5608 DOLPHIN PLACE
LA JOLLA, CALIFORNIA



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DATE: 12-JUL-2013
SCALE: AS NOTED
DRAWN: WDM/DER
JOB: KAPLAN 5608
SHEET NUMBER
A-1
SITE PLAN / ROOF PLAN



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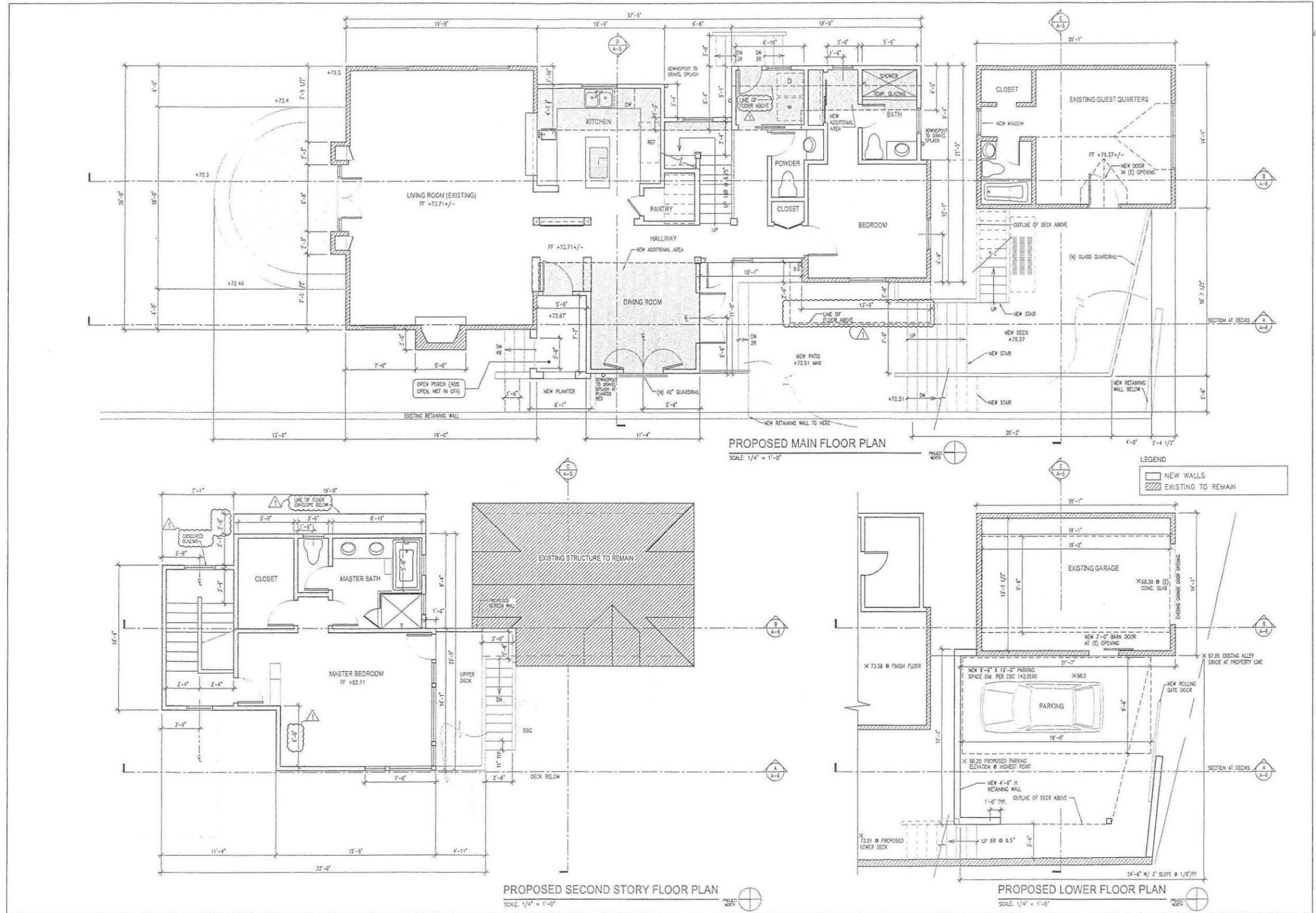
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 MELVIN DALTON MCGEE
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 SAN DIEGO CA 92103
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 JOB: KAPLAN 3680
 SHEET NUMBER
A-2
 DEMO/GFA



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 ARCHITECTS
 1233 WEST LEMAY STREET
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KAPLAN-GASTON RESIDENCE
 5806 DOLPHIN PLACE
 LA JOLLA, CALIFORNIA

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 SHEET NUMBER

A-3
 FLOOR PLANS



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12/05/16	CDP REVISIONS

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 1438 WEST APRIL STREET
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 FACSIMILE: 619-248-1112

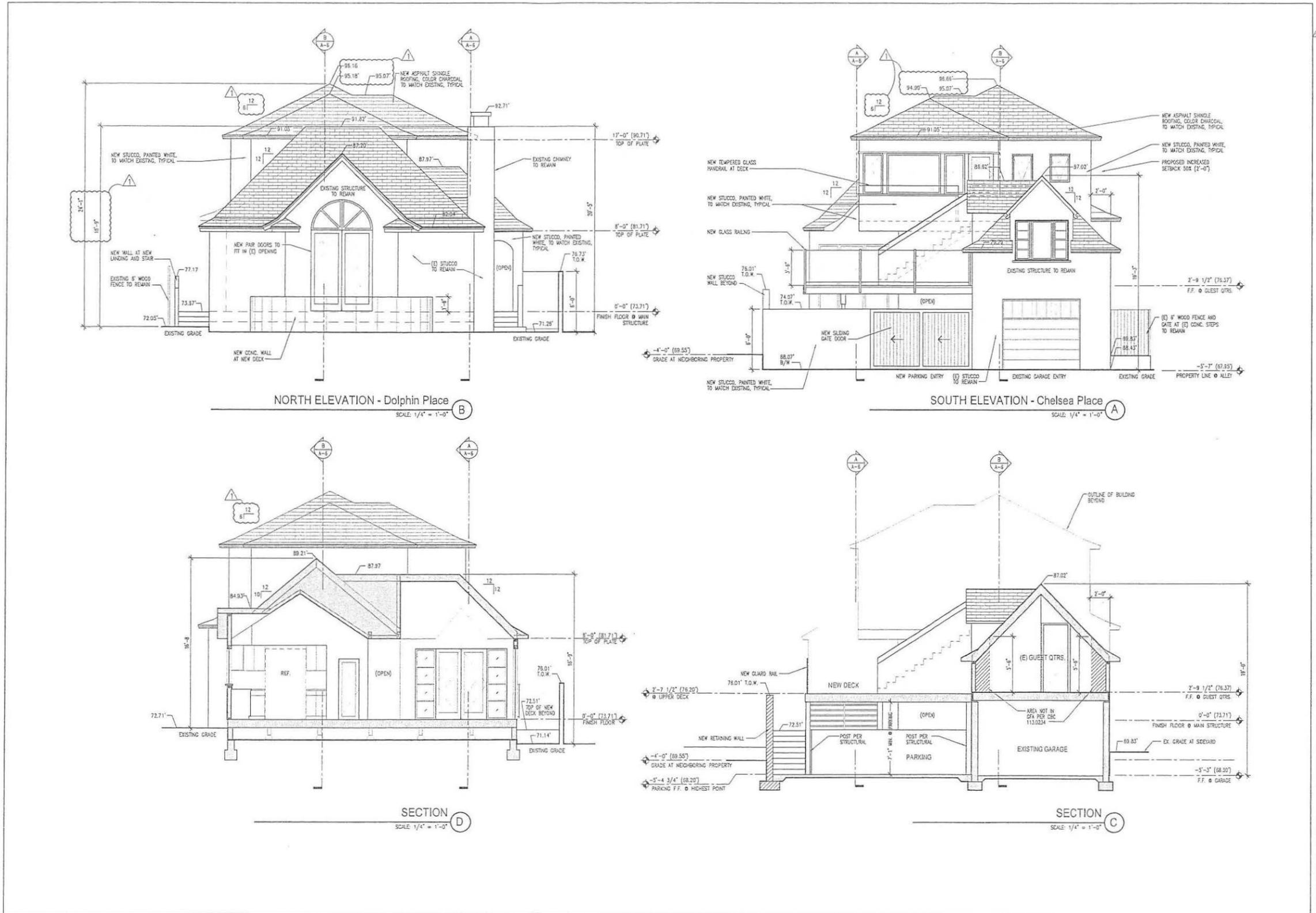
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A-4
 ELEVATIONS



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JOB: KAPLAN 3680
SHEET NUMBER

A-5
ELEVATIONS
SECTIONS



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07/05/14 CDP REVISIONS

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KAPLAN-GASTON RESIDENCE
5606 DOLPHIN PLACE
LA JOLLA, CALIFORNIA



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SHEET NUMBER

A-6
SECTIONS