

**ALTERNATIVES**

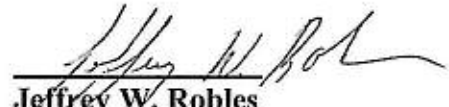
1. **Deny** the appeal and **Approve** Coastal Development Permit No. 159127 with modifications.
2. **Approve** the appeal and **Deny** Coastal Development Permit No. 159127 if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**



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**Mike Westlake  
Program Manager  
Development Services Department**



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**Jeffrey W. Robles  
Project Manager  
Development Services Department**

JWR/jr

**Attachments:**

1. Aerial and Lot Photographs
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Status of Dune Lane
9. Copy of Appeal
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology
13. Notice of Decision
14. Letter of opposition

The surrounding neighborhood is characterized by single, two and three-story residences and is architecturally eclectic using a variety of exterior materials and colors. The proposed project maintains and preserves the existing streetscape themes and is consistent in bulk and scale with residences in the area.

The project was reviewed by the Coastal Development Permit Committee, CDPC, a subcommittee of the La Jolla Community Planning Association, LJCPA, on June 28, 2006, July 11, 2006, and August 8, 2006. The CDPC reviewed the project as the scope of work changed from a remodel with additions to a demolition of the unit and increased square-footage. The CDPC recommended approval with each review.

The project was pulled from the consent agenda of the LJCPA on September 7, 2006. It was heard by the CPA Trustees at the October 5, 2006 meeting. It was approved at this meeting by the LJCPA on a vote of 12-2-0 (Attachment 10).

Staff has reviewed the project for conformance to the La Jolla Community Plan and the La Jolla – La Jolla Shores Local Coastal Program and has made the Findings to support the project.

6. Land Use Plan and Land Development Code:

Appellant indicates that the proposed project violates several “Assessment Letter” requirements, density, bulk and scale as well as the Land Use Plan and Development Code.

Staff’s Response:

Outstanding issues indicated in “Assessment Letters” were resolved to the satisfaction of City Staff so that a Notice of Decision to approve Coastal Development Permit No. 159127 could be issued.

Staff has reviewed the proposed project for conformance to the Land Use Plan and Land Development Code and concluded that the project meets all requirements.

**CONCLUSION**

Staff has reviewed the proposed Coastal Development Permit application and found it to be in conformance with both the La Jolla Community Plan and the applicable sections of the San Diego Municipal Code regulating Coastal Development Permits and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends that the Planning Commission certify the MND, deny the appeal, and approve the Coastal Development Permit as proposed.

Evaluation of the Roseman-Delgado Residence” dated November 30, 2005, was prepared by Brian F. Smith & Associates (Included with this Report). The property has had several addresses over the years. The existing structure has been altered several times since construction, including new windows, the relocation of the kitchen three times, and changing the main entry. According to the report, these alterations have resulted in the loss of integrity for the original house. Moreover, no notable architect or builder was found to be associated with the house and no historical event or activity was identified in association with the house. Finally, no unique materials or unique use of common materials was identified for the structure. The report concludes that the existing structure is not historically significant.

A letter of opposition was received from the La Jolla Historical Society, LJHS, on November 6, 2007. LJHS is on the Public Review Distribution list and received a copy of the Draft Mitigated Negative Declaration on September 5, 2006. During the period of public review no comments were received from the LJHS indicating their concerns.

4. Parking:

Appellant indicates that four “unobstructed” parking spaces must be created with the demolition of the house and the fact that it is located in the “restricted beach parking zone”. The project as designed does not provide “unobstructed” parking and therefore should be denied.

Staff’s Response:

All single dwelling units, except those with five or more bedrooms in campus impact areas, require two parking spaces. Any single dwelling units that do not provide a driveway at least 20 feet long shall provide two additional parking spaces. The driveway for this project is approximately 16 feet long thus two additional spaces are required. The applicant meets this requirement by installing car elevators.

The design of the project through the use of car elevators provides vertical tandem parking. Vehicles will not “obstruct” parking in the public-right-of-way. The project complies with current City-wide parking requirements.

5. La Jolla Community Plan:

Appellant indicates that the Findings for the Coastal Development Permit can not be made as there are elements in the design (density, bulk and scale) that are not consistent with the La Jolla Community Plan.

Staff’s Response:

The La Jolla Community Plan designates the subject property for low density residential development for 5 to 9 dwelling units per acre. The proposed project meets the density requirements.

## APPEAL ISSUES

One appeal was received from Mr. R.J. Engel on July 30, 2007 (Attachment 9). The issues identified in the written appeal to the Planning Commission, can be categorized in the following:

### 1. File Close-Out .

Appellant cites Section 126.0114 of the Municipal Code: *“The development permit application file shall be closed if the applicant fails to submit or resubmit requested materials, information, fees, or deposits 90 calendar days from the date the application was deemed complete or the last written request by the City, whichever is later..”* as the basis for closing out the application.

#### Staff’s Response:

The Municipal Code section cited by the appellant simply provides Staff the discretion in determining if a project shall be closed. The account is currently in good standing.

### 2. Ownership:

- a. The Application should not have been processed as Cynthia Delgado, wife of Jon Roseman, did not sign the necessary papers.
- b. Draft Resolution and Draft Coastal Development Permit indicates Jon Roseman as the sole property owner.

#### Staff’s Response:

- a. Ownership information provided by the applicant included the “Ownership Disclosure Statement” indicating Jon Roseman & Cynthia Delgado as the owners. The “Ownership Disclosure Statement” states “A signature is required of at least one of the property owners”. Mr. Roseman’s signature on the Ownership Disclosure Statement is all that is required (Attachment 11).
- b. A “Grant Deed” and “Interspousal Transfer Deed” were also provided with the application (Attachment 11). Those documents granted the property to Jon Roseman. The draft Resolution and draft Permit reflected ownership based on those documents. The Draft Resolution and Draft Coastal Development Permit have been corrected.

### 3. Historical Significance:

Appellant indicates that the house is historical and can not/should not be demolished.

#### Staff’s Response:

The existing structure was constructed in 1925. Structures over 45 years of age have the potential to be significant historical resources. A historical report titled, “Historical Significance

The following environmental issue was considered during review and determined to be significant.

#### Paleontological Resources

The project area is underlain with Bay Point Formation, a geologic formation that has produced large and diverse assemblages of well-preserved marine invertebrate fossils, primarily mollusks. Remains of fossil marine vertebrates such as sharks, rays, and bony fish have also been recovered. Therefore, the Bay Point Formation has been assigned a high paleontological resource sensitivity. In addition, several known sites are located within a mile of the project site. Based on the sensitivity of the formation and the proposed excavation quantities and depth of over ten feet, the project could result in significant impacts to paleontological resources. To reduce this impact below a level of significance, excavation within previously undisturbed formations shall be monitored by a qualified paleontologist or paleontological monitor. Any significant paleontological resources encountered shall be recovered and curated as described in the Final Mitigated Negative Declaration No. 52589.

The following environmental issues were considered during review and determined not to be significant.

#### Historical Resources (Archaeology)

The project site is located in an area of high cultural and historical resource sensitivity. An archaeological survey report titled "An Archaeological/Historical Survey of the Roseman Residence Project", dated February 15, 2005, was prepared by Brian F. Smith & Associates. No evidence of cultural materials were found on the property.

#### Historical Resources (Architecture)

The existing structure was constructed in 1925. Structures over 45 years of age have the potential to be significant historical resources. A historical report was provided by the applicant. Staff has reviewed the report and researched the historicity of the structure, including previous multiple alterations and has concluded there is no historical significance.

### **COMMUNITY PLANNING GROUP RECOMMENDATION**

The Coastal Development Permit Committee, CDPC, a subcommittee of the La Jolla Community Planning Association, LJCPA, considered the project on several occasions. The CDPC reviewed the project as the scope of work of the project changed, recommending approval with each review. The LJCPA approved the project with a condition that it be sent back to the CDPC for a review of the most current drawings. The project was sent back to the CDPC and reviewed. On October 5, 2006 the project was approved on a vote of 12-2-0.

hardscape and landscaping. The third floor proposes a viewing room with roof deck.

The elevation plans indicate the use of stucco on the exterior and clay mission tile on the pitched roof. Site improvements will include fencing, stucco walls and landscaping. Proposed grading would consist of approximately 1,384 cubic yards of cut for a maximum cut depth of 13 feet and 59 cubic yards of fill for a maximum fill height of 1.5 feet. Site improvements will include landscaping and a variety of hardscape materials consistent with the architectural style of the proposed residence.

### **Community Plan Analysis:**

The site for the proposed new single dwelling unit is designated in the 1975 La Jolla Community Plan as Low Density Residential (5-9 du/acre). This project conforms to that land use designation. The proposed three-story residence is located in a single family residential neighborhood on two lots. The La Jolla Community Plan and the La Jolla – La Jolla Shores Local Coastal Program recommends that site design provide a gradual transition within the neighborhood. The Plan also recommends that in order to promote transition in scale between new and older structures new development should compliment the scale, form and proportion of older development and minimize extreme contrasts in color, shape and architectural elements.

The surrounding neighborhood is characterized by single, two and three-story residences and is architecturally eclectic using a variety of exterior materials and colors. The front elevation of the proposed project presents a three-level façade with an entry way, windows and a two-car garage. The exterior of the residence includes stucco walls, glass windows, a false balcony railing and veranda on the second floor. The roof has a section that is flat with clay mission tile on the pitched portion of the roof. Overall, the proposed project reduces the perceived bulk and scale from the right-of-way by having a large portion of the residence below grade, varying treatments, and elevations of the roof. Only the view room gives the appearance of three-stories from the public-right-of way.

### **Environmental Analysis:**

The City of San Diego conducted an Initial Study and determined that the proposed project could have a significant environmental effect. The project, as revised, now avoids potentially significant environmental effects identified. A Mitigated Negative Declaration No. 52589 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Mitigation measures would ensure that any impacts would be reduced to below a level of significance.

**Fiscal Impact Statement:** None with this action. All cost associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** The La Jolla Community Plan designates the subject property for low density residential development at 5 to 9 dwelling units per acre. The project proposes to demolish one single family residence and construct one single family residence. The impact to the La Jolla community as well as the housing supply for the City of San Diego will not be affected.

## **BACKGROUND**

The project site encompasses 8,998 square-feet on two lots zoned RS-1-7 in the La Jolla Community Plan area. The property is addressed as 7272 Dune Lane and is an interior lot (Attachments 1 and 2). Staff has determined Dune Lane to be City owned property with a private easement granting access rights to all abutting property owners (Attachment 8). The project is located between Sea Lane to the north, Dunemere Drive to the west and south and Monte Vista to the east. The surrounding properties are also zoned RS-1-7 and developed with single family residences. The La Jolla Community Plan designates the site for residential development at a low density of 5- 9 dwelling units per acre (Attachment 3).

The site is currently developed with a 2,415 square-foot, two-story single family residence, with balconies, patios and an attached garage. The property is landscaped and has a 70 square-foot detached shed.

A Coastal Development Permit, in La Jolla that is outside the appealable area to the California State Coastal Commission, is a Process Two, Staff level decision per San Diego Municipal Code Section 112.0503. The Coastal Development Permit was approved by Staff on July 16, 2007 (Attachment 13). On July 30, 2007, R.J. Engel appealed the project to the Planning Commission (Attachment 9).

## **DISCUSSION**

### **Project Description:**

The applicant is requesting approval of a Coastal Development Permit to demolish an existing 2,415 square-foot, two-story single family residence with attached garage and detached shed and construction of a new single family residence. The proposed three story residence would be approximately 5,019 square-feet, over a 2,767 square-foot basement with an attached garage. The basement will include two bedrooms, three bathrooms, a great room, gym, wine cellar, bar, an elevator, a two-car garage with car elevator and mechanical equipment. The first and second floors will contain three bedrooms, four and a half bathrooms, an office, patios, balconies,



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** November 29, 2007 **REPORT NO. PC-07-135**

**ATTENTION:** Planning Commission, Agenda of December 6, 2007

**SUBJECT:** ROSEMAN RESIDENCE - PROJECT NO. 52589  
PROCESS 2 APPEAL

**REFERENCE:** NOTICE OF DECISION DATED JULY 18, 2007  
(Attachment 13)

**OWNER/  
APPLICANT:** Jon Roseman and Cynthia Delgado (Attachment 11)  
Anthony Ciani

### SUMMARY

**Issue(s):** Should the Planning Commission approve or deny an appeal of Staff's decision approving the demolition of an existing single family residence and construction of a new single family residence with attached garage within the La Jolla Community Planning Area?

#### **Staff Recommendations:**

1. CERTIFY Mitigated Negative Declaration No. 52589.
2. DENY the appeal and APPROVE Coastal Development Permit No. 159127.

**Community Planning Group Recommendation:** The La Jolla Community Planning Association considered the project on October 5, 2006, and voted 12-2-0 to recommend approval of the project (Attachment 10).

**Environmental Review:** Mitigated Negative Declaration No. 52589 was prepared for the project in accordance with the California Environmental Quality Act (CEQA). Mitigation measures would ensure that any impacts would be reduced to below a level of significance.