



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: November 15, 2022

TO: Planning Commission

FROM: Jose Bautista, Development Project Manager, Development Services Department

SUBJECT: November 17, 2022 Planning Commission Hearing, Item 1: 1542 Copa De Oro SCR – Project No. 699239

The following changes were made to Staff Report No. PC-22-059 (Attachment 3):

Page 2, Background section – Second Paragraph, revised text is as follows:

The Project site was originally developed as a one-story 2,873 square-foot (SF) single-family dwelling unit (SFD) with an attached garage ~~for a total of 3,655 square feet~~. On October 5th, 2020, the applicant submitted for a Coastal Development Permit (CDP) for the partial demolition, remodel, and 782 SF addition to the existing single-family dwelling (SFD) unit **for a total of 3,655 square feet**. On February 11, 2021, Development Services Department (DSD) approved CDP No. 2482866 for the partial demolition, remodel, and 782 SF addition to the existing SFD.

Page 2 and 3, Background and Discussion section – revised square footage (SF) amounts from 281 SF to **287 SF**, and 3,936 SF to **3,942 SF**.

Page 3, Discussion section – revised square footage amounts from 15 SF to **15.6 SF**, and 266 SF to **271.2 SF**.

Please note the following timeline related to this project appeal and the subsequent issues raised by the Appellant and responses from the Applicant and City Staff which are the purpose of this memorandum:

On August 31, 2022, Development Services Department (DSD) issued a Notice of Decision for the Substantial Conformance Review (SCR) of this Project, with the appeal period ending on September 15, 2022.

On September 15, 2022, attorney Cynthia Morgan-Reed filed an appeal on behalf of John Venekamp (Appellant) of the August 31, 2022 decision by DSD. The grounds for appeal were identified as

“Factual Error, New Information, Conflict with other matters, and Findings Not Supported” however no supporting information was provided.

On November 2, 2022, attorney Cynthia Morgan-Reed submitted an appeal letter (attachment 4) and a consistency analysis letter prepared by DUDEK (attachment 5) as additional information for the appeal. The following are the clarifying reasons for the appeal from the appellant and the subsequent responses from the applicant team and from City staff.

On November 9, 2022, the applicant provided a revised title sheet (attachment 6) in response to comment from the Appellant team related to differences between the information on the existing “Exhibit A” for the previously issued Coastal Development Permit (CDP) and the proposed SCR exhibit.

Appellant Issue 1: Grounds for Appeal:

Specifically, the City **factually erred** when it failed to require the applicant to perform a site-specific study to determine if there are steep hillsides and open space on the property. The SCR provided **new information** when the City identified there are steep hillsides and environmentally sensitive lands on applicant’s Property for the first time. The City’s **findings are not supported** for the CDP and SCR approvals because the City failed to require analysis of steep hillsides or open space on the Property. The CDP and SCR approvals are in **conflict** with the La Jolla Community Plan (“LJCP”), the San Diego Municipal Code (“SDMC”) and the Environmentally Sensitive Lands (“ESL”) Guidelines because these documents require compliance with steep hillsides and open space regulations.

Furthermore, if there is a determination that steep hillsides exist on the Property, the applicant must redesign the Project. The buildable area must be smaller to comply with the City’s requirement that only 25% of the Property be used for development when there is an ESL encroachment. The Project must also dedicate the ESL in fee or as an easement to the City pursuant to SDMC section 143.0142(a)(4)(A).

City Staff Response:

LDR-Planning staff reviewed the site starting in February 2020 as part of a ministerial review of Project 664766 for a Coastal Exemption and visited the site on August 4, 2020. During the review and site visit, no ESL were identified, and the project was not exempted from a Coastal Development Permit.

LDR-Planning staff reviewed the site again during Coastal Development Permit (CDP) Project 676181 where again no ESL were identified. LDR-Planning clearly states in comment number 23 that “The proposed project will not adversely affect any environmentally sensitive lands (ESL) as is it not located in any ESL.”

LDR-Planning staff reviews the project for a minor addition of less than 10% in Substantial Conformance Review (SCR) Project 699239, and through a comment suggested the pool to be 5’ away from the top of the slope (1) erroneously notes sloped areas as steep hillside ESL on comment 7 of their SCR review.

Per the enclosed Memorandum (Exhibit B) dated March 9, 2006 - ESL Exceptions for Pools and Associated Structures: Swimming pools and associate improvements located at the top of a steep slope, shall observe a minimum 5' setback from the top of slope of steep hillsides.

In addition to this information, the City reviewed the site analysis on March 27, 2022 and agrees with the below information. According to [San Diego Municipal Code Section 113.0103](#), steep hillsides means all lands that have a slope with a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet. Therefore, steep hillside criteria are not met, and the factual information finding cannot be met.

The Applicant conducted an analysis of site topography as part of their Substantial Conformance Review and the City agrees with the facts provided below by the Applicant.

A site topographic survey of the lot was performed by San Diego Land Survey on September 7th, 2022, and it shows a maximum differential on site of 18'-0" vertical feet. The lowest elevation is +402 and highest elevation on site is +420 which equals 18 vertical feet; therefore, the site does not qualify as a steep hillside as defined as the San Diego Municipal Code because it does not meet the 50 feet elevation differential. Also note that the site was graded in the early 1960s and remains stable up to this date (over 63 years) so there is no remaining natural grade (see attached, Exhibit A: topographic survey). Therefore, the assertion that the site contains "manufactured" steep hillsides is wrong as they do not exist on this site as supported by the topographic survey and the definition in the [San Diego Municipal Code Section 113.0103](#).

The existing manufactured embankment is a standard track-graded embankment, as seen in most graded residential track homes, and is less than 25% of the lot (21%). The differential of the embankment is only 18 feet and therefore does not meet the requirement 50 feet of natural gradient to qualify as a steep hillside.

The site does not have an open-space easement on it. The only open-space easement is to the Northwest listed as OP-2-1 as shown on the map from the City Zoning and Parcel Information (ZAPP) portal. No Open Space Exist on this project Site. This site was already developed and the City's environmental determination is "Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301, Existing facilities". Therefore, the City's decision that the site is exempt was correct as the site was already developed and there is no existing open space on the site.

Appellant Issue 2: Entitlement History:

Applicant's CDP was approved February 11, 2021 for a partial demolition, remodel and 784-square-foot ground floor addition to an existing 2,871-square-foot (total of 3,655 square feet), one-story single-family residence on the Property. The 10,474.36 square foot (0.24 acres) site was developed in 1960 with a one-story single-family dwelling and two-car garage. Currently 82.6 percent of the Property's exterior walls are removed. On August 31, 2022 the City granted SCR Process Two approval for an additional 281 square foot addition for a total of 3,936 square feet.

City Staff Response:

The building record shows original building entitlement was issued in 1971.

Appellant Issue 3: SCR Appeal

A. Factual Error:

The City factually erred by not identifying the possibility of steep hillsides or open space on applicant's Property during the approval of the CDP and only identifying steep hillsides as ESL, and not identifying open space, during SCR approval. The LJCP Figure 4 appears to reflect Steep Hillsides are located on the Property. See Exhibit A. See also Dudek's letter p. 3. Open Space also appears designated on the Property per LJCP Figure 7. See Exhibit B. See also Dudek's letter p. 9-11. The City also factually erred when it failed to require applicant to perform a site-specific study to determine if there are steep hillsides and open space on the property.

The City's review of the CDP failed to identify that ESL might be present on the Property. Ms. Hani Baker's November 25, 2020 review of the CDP did not comment on the fact that ESL in the form of steep hillsides may exist on the Property nor open space. In fact, Ms. Baker's Cycle Issue Review comment 22 stated:

The proposed coastal development will not adversely affect environmentally sensitive lands as it is not located on any ESL as it is not located in any environmentally lands. (New Issue)

Furthermore, in order to approve the CDP the City needed to make the findings under SDMC Section 126.07081(1)(b) that the CDP will not adversely affect environmentally sensitive lands. The CDP affirmatively stated that there were no ESL on applicant's property in conformance with the Local Coastal Program:

The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. The project site does not contain Environmentally Sensitive Lands and therefore, the project will not adversely affect environmentally sensitive lands.

CDP Finding (1)(c), page 3. In addition, it doesn't appear that applicant ever identified the possible presence of ESL on the Property in their application submittal, even though San Diego Municipal Code section 143.0113 requires such diligence.²

Ms. Baker first identified that ESL existed on the Property when reviewing the Project for SCR approval. Ms. Baker essentially reversed the City's position on ESL from the CDP approval when she stated ESL steep hillsides existed on the Property. Ms. Baker's March 23, 2022 Cycle Issue Review comment 7 states:

Site Design: Site design changes proposed are not consistent with the environmentally sensitive lands in the form of steep hillsides. Remove proposed pool from adjacent steep hillsides. Pool shall maintain a minimum of 5 feet from slope.

At that point, the City should have required applicant to perform a site-specific study to determine whether ESL and open space existed on the Property. Ms. Baker did request the pool be removed out of the ESL. However, she did not require that the large 288 square foot concrete deck that is encroaching into the steep hillside south of the pool be similarly removed out of the ESL ("Deck"). See Exhibit B. The Deck appears to be encroaching substantially more than the pool was encroaching in the ESL, perhaps at least five feet. See Exhibit A.

Furthermore, should applicant request a deviation to allow the Deck encroachment, the City's Steep Hillside Guidelines specifically preclude allowing decks to encroach into steep hillsides at all.

For purposes of SDMC section 143.0142, the City defines encroachment as the following:

Encroachment shall be defined as any area of 25 percent or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone 1 brush management).

If it is determined that steep hillsides exist on the Property but the Deck is not determined to be a deck, the City must determine whether the encroachment is: i) encroaching into an area that will be graded for support piers; ii) the area under the encroachment will not be capable of supporting vegetation due to the shade provided; or iii) is cleared of vegetation. The City factually erred by failing to identify, and prohibit, the Deck encroachment.

City Staff Response:

See City Staff Response to Issue 1. Additionally, the Project site is not located in the Environmentally Sensitive Lands (ESL) in the form of steep hillside.

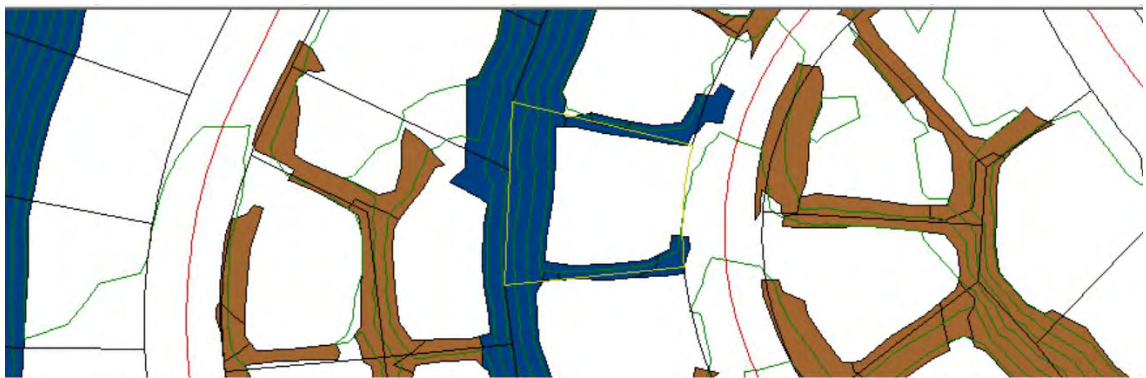


Figure 1 - PTS Layers

The Project Tracking System (PTS) layer shows steep hillsides in navy blue on the rear of the lot; however, the height differential of the lot is 20' feet from contours 395' feet to 415' feet from sea level within a previously developed lot. The steep hillsides area identified in navy blue is also not within a system of canyons and is located in between two existing streets, Copa de Oro Drive and Vista Claridad.



Figure 2 - PTS Contour Layer

The site does not contain ESL, this has been previously established during reviews by City Staff for Project 664766 which was a ministerial building permit review for an addition and remodel of the existing home; during an on-site visit on August 4, 2020; and through City Staff review of Project No. 676181 which is the previously approved Coastal Development Permit (CDP) associated with this SCR. Project No. 676181 – Copa De Oro CDP, LDR-Planning clearly states in review comment 23, the following:

“The proposed project will not adversely affect any environmentally sensitive lands (ESL) as it is not located in any ESL.”

Additionally, per building permits issued in 1971, the site was previously graded for the existing development. Therefore, no natural slopes are located onsite for the consideration of steep hillside ESL.

In the Substantial Conformance Review, Project No. 699239, staff noted steep hillside as shown in PTS (figure 1) without an Environmentally Sensitive Land determination and on comment 7, notes:

“remove pool from adjacent hillside”.

LDR-Planning comment continues to note that a 5-foot distance from the top of the slope is required and would conform to municipal code regulations even if there was ESL on site.

Per the enclosed Memorandum (Exhibit B) dated March 9, 2006, ESL Exceptions for Pools and Associated Structures: Swimming pools and associate improvements located at the top

of a steep slope, shall observe a minimum 5-foot setback from the top of slope of steep hillsides.

Despite the CDP determination, LDR-Planning staff has erroneously noted ESL in comment 7 of their SCR review. However, no exemption has been issued or noted which could have affected the project or permit process. The project still conforms with the municipal code, permit processes, and internal regulations.

B. New Information

Ms. Baker's identification of steep hillsides during SCR, and the City's failure to require a site-specific study to determine if there are steep hillsides is new information. The City also failed to consider if open space exists on the Property. The Planning Commission, in weighing this evidence, should consider how this new information affects the CDP and SCR approvals. For instance, if steep hillsides exist, a Neighborhood Development Permit ("NDP") is needed in addition to the CDP. SDMC Table 143-01A(1) *Steep Hillsides*. If a deviation is sought to allow the encroachment, a Process Four Site Development Permit ("SDP") is also required. SDMC Table 143-01A(6) *Steep Hillsides*. The fact that only a CDP Process Two was used when a NDP and SDP Process Four should have been required should weigh heavily as new information for the Planning Commission's consideration.

City Staff Response:

The Project site is not located in Environmentally Sensitive Lands in the form of steep hillside or other. Please refer to City staff's response to SCR Appeal A. The City has also reviewed the following information from the applicant and agrees there is no new information provided to substantiate the grounds of this appeal.

The site and surrounding areas were mass-graded in the 1960s to create building pads and abatements, which were later built on as single-family homes. There are no natural grades remaining on the lot or in the adjacent areas. Therefore, this site does not meet the criteria for steep hillsides. Therefore, the assertion that the site contains "natural" steep hillsides as new information is wrong as they do not exist on this site as supported by the topographic survey and the definition within the municipal code.

The existing manufactured embankment is a standard track-graded embankment, as seen in most graded residential track homes, and is less than 25% of the lot (21%). The differential of the embankment is only 18 feet and therefore does not meet the requirement of 50 feet of natural gradient to qualify as a steep hillside.

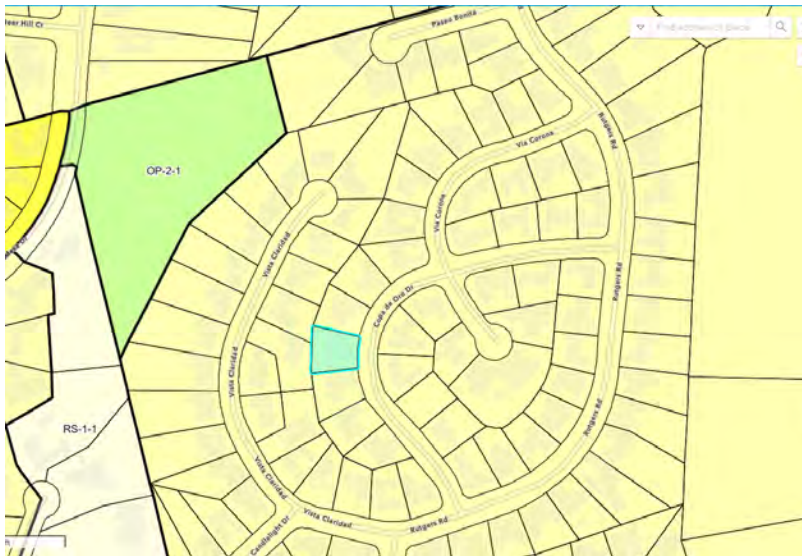


Figure 3 City of San Diego Zoning and Parcel Information (ZAPP)

The site does not have an open-space easement on it. The only open-space easement is to the Northwest listed as OP-2-1 as shown on the map from the City Zoning and Parcel Information (ZAPP, figure 3) portal. No Open Space Exist on this project Site. This site was already developed and the City's environmental determination is "Categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15301, Existing facilities". Therefore, the City's decision that the site is exempt was correct as the site was already developed and there is no existing open space on the site.

C. Findings Not Supported

If there is ESL on the Property, the City cannot make the findings for the CDP. The City made the CDP finding under SDMC section 126.07081(1)(b) that the project will not adversely affect environmentally sensitive lands by affirmatively stating there was no ESL on applicant's Property:

The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. The project site does not contain Environmentally Sensitive Lands and therefore, the project will not adversely affect environmentally sensitive lands.

CDP Finding (1)(c), page 3. However, if ESL is identified on the Property, the City must reconsider whether the City can still make the findings for the CDP. It is unlikely the City can make the findings because the Deck encroachment does adversely affect the ESL. Furthermore, if ESL exists on the Property, further enlargement of the building area under SCR is unsupportable. The project under the CDP already exceeds the 25% developable lot area allowance for encroachments under SDMC section 143.0142(a)(4)(A).4 The Project would further exceed that 25% limitation with additional enlargement of the building under

SCR. See Dudek Ltr. page 7. Therefore, the findings for both the CDP and SCR approvals are not supportable if ESL exists on the Property.

City Staff Response:

The Project site is not located in steep hillside ESL by definition as it is not a natural slope, and the height differential is approximately 20'-0" feet and below the threshold of 50'-0" feet required for ESL.

D. Conflicts with Law and Guidelines

If ESL exists on the Property, the Project conflicts with numerous laws. As previously explained, the site's depiction in the LJCP of an area with slopes greater than 25% should have triggered a site-specific survey and analysis following the guidelines in ESL Regulation Sections 143.0110 and 143.0113 and the City's Steep Hillside Guidelines. The City also should have determined if open space exists on the Property.

Furthermore, as analyzed above, the Project would conflict with the Local Coastal Program under SDMC section 126.0708(a)(2) because the City cannot find that ESL will not be adversely affected under the CDP if the Project encroaches into the ESL.

In addition, under SDMC section 126.0708(b) the Project should have been processed as a Process Four and not a Process Two as it appears the Project needs a deviation for the Deck to encroach in the ESL. "The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone." Section 126.0708(b) also requires the SDP. SDMC Table 143-01A(6) *Steep Hillside*s.

The Project also violates SDMC section 143.0142(a)(4) because it exceeds the 25% developable lot area of the premises. Whether the City uses applicant's numbers or Mr. Venekamps' calculations, the CDP and SCR expansions exceed the 25% developable lot area restriction for encroachments. See Dudek's Letter, page 7.

And finally, ESL must be either dedicated in fee to the City or preserved and maintained via a recorded easement when a Project encroaches into ESL. The City's failure to properly identify the ESL, and Deck encroachment resulted in applicant not complying with SDMC section 143.0140(a). The City should have conditioned CDP approval on ESL dedicated in fee or via an easement to the City.

The CDP and SCR approvals must be reevaluated because they conflict with the La Jolla Community Plan, the SDMC and the ESL Guidelines. Furthermore, if the Project is reconsidered, a Neighborhood Development Permit and Site Development Permit are required with a Process Four public hearing.

City Staff Response:

The Project site is not located in steep hillside ESL by definition as it is not a natural slope, and the height differential is approximately 20'-0" feet and below the threshold of 50'-0" feet required for ESL. CDP No. 2482866 determination is accurate. LDR-Planning's review comment number 7 of the SCR for ESL was a mistake on City staff's part.

Through the SCR the building floor area of the approved CDP No. 2482866 was minimally increased (addition of 287 SF or 7.9 percent) from the previously approved total area of 3,655 SF to a total area of 3,942 SF and within the allowed FAR.

FAR: The lot size is 10,474.36 square feet. The proposed building floor area is 3,942 square feet. Per SDMC 131.0446 Maximum Floor Area Ratio in RS-1-7 Zone in accordance with Table 131-04J is 0.54, whereas the proposed FAR is 0.37 ($0.37 < 0.54$ Allowed FAR), conforming to the Zone Regulations.

LDR- Planning had two uncleared comments on the first review cycle of the SCR:

- 1) Site Design: Pool to be removed outside of hillside to 5' distance from top of slope.
- 2) Erroneous information to be deleted from the Cover Sheet.

Both comments were cleared on the second review cycle by the LDR-Planning reviewer.

Should you have any questions, please contact me at (619) 557-7983 or email me at JABautista@sandiego.gov.

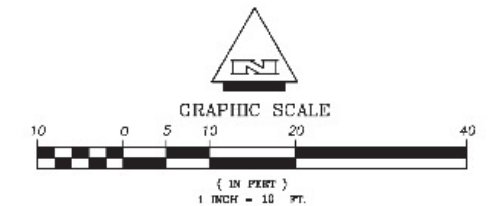
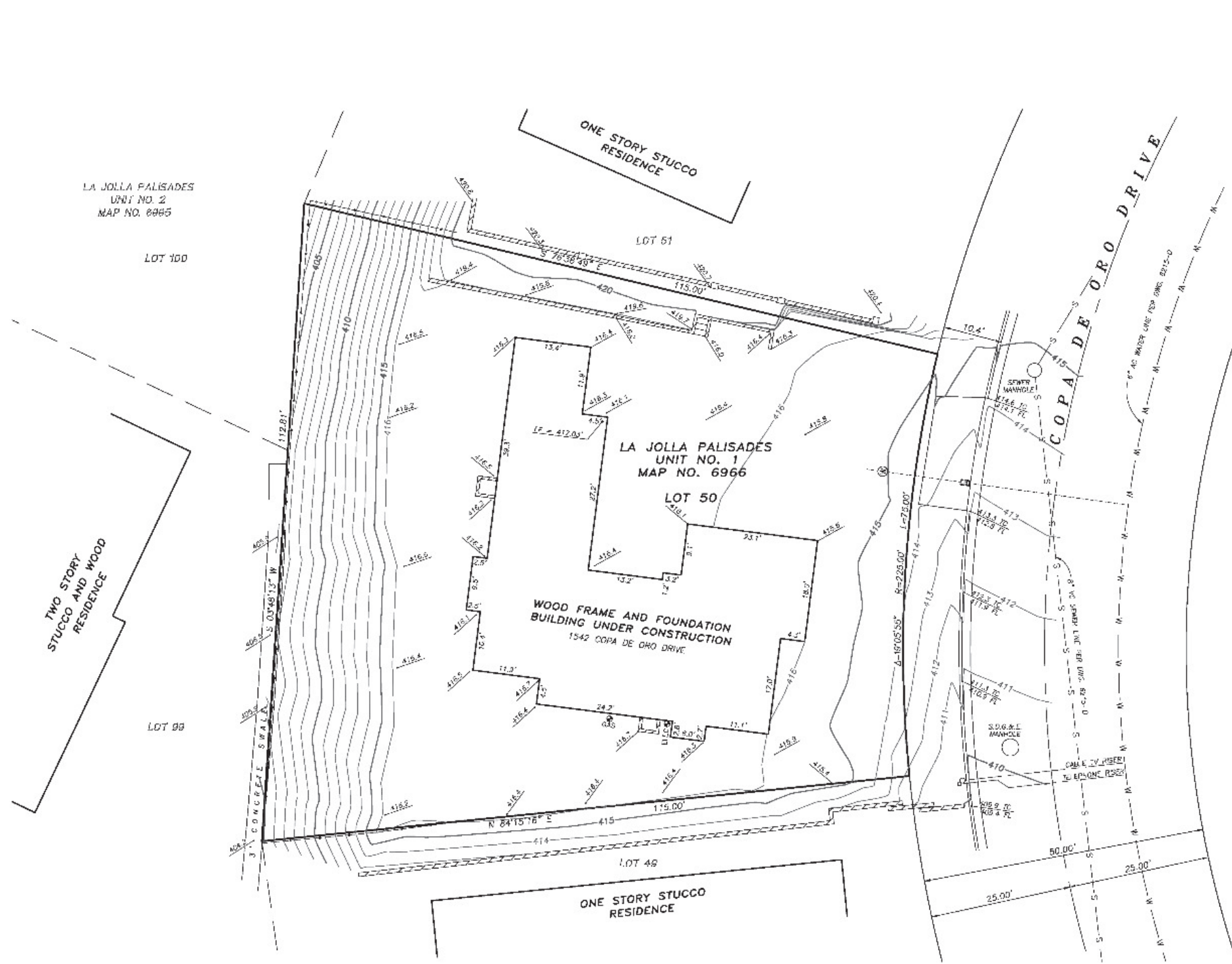
Respectfully,



Jose Bautista
Development Project Manager

Attachments:

1. Exhibit A: Topography Survey
2. Exhibit B: ESL Exceptions for Pools Memorandum dated March 9, 2006
3. Staff Report with revision
4. SCR Appeal Letter
5. DUDEK Consistency Analysis Letter
6. Revised title sheet



- LEGEND:**
- INDICATES WATER METER
 - INDICATES GAS METER
 - INDICATES ELECTRIC METER
 - INDICATES FINISH FLOOR
 - INDICATES TOP OF CURB
 - INDICATES FLOW LINE
 - INDICATES PROPERTY LINE
 - INDICATES CHAIN LINK FENCE
 - INDICATES WALL
 - INDICATES WATER LINE
 - INDICATES SEWER LINE
 - INDICATES WATER SERVICE

LEGAL DESCRIPTION:
 LOT 50 OF LA JOLLA PALISADES UNIT NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3366, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY SEPTEMBER 19, 1958.

BASIS OF ELEVATION:
 CITY OF SAN DIEGO BENCHMARK:
 SOUTHWEST BRASS PLUG
 LOCATED AT THE INTERSECTION OF RUTGERS ROAD AND COPA DE ORO DRIVE.
 ELEVATION - 419.828 M.S.L. N.C.V.D. 1929 FEET



Robert J. Sattum
 ROBERT J. SATTUM, P.L.S. 7046

TOPOGRAPHY SURVEY		
For the exclusive use of: MARENGO MORTON ARCHITECTS 7724 GIRARD AVENUE, 2ND FLOOR LA JOLLA, CALIFORNIA 92037		
San Diego Land Surveying & Engineering, Inc.		
7028 Conroy Court, San Diego, CA 92111-1017 Phone: (858) 565-8382 Fax: (858) 565-4354		
Date: 09-07-2020	Revised:	Revised:
Scale: 1"=10'	Drawn by: G.H.G.	Sheet 1 of 1 Sheet
Drawing: Copa De Oro Drive Topo		A.P.N. 358-221-01

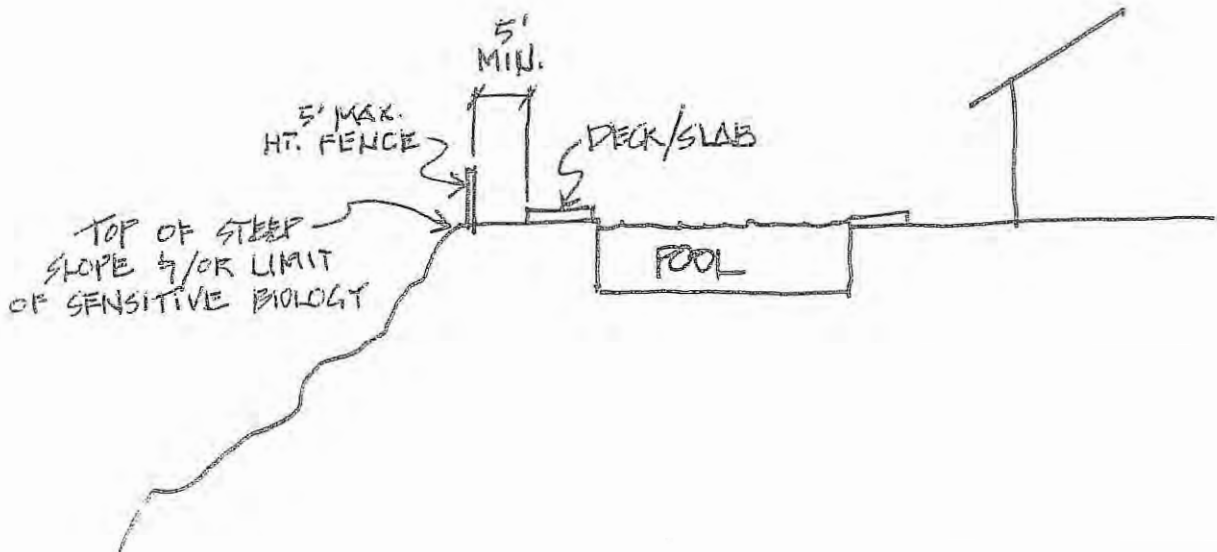
ESL EXEMPTIONS - POOLS & "L"/"U" SHAPED HOUSES

City of San Diego
MEMORANDUM

Date: March 9, 2006
To: LDR Planning Staff
From: Kelly Broughton, Deputy Director
Subject: ESL Exceptions for Pools and Associated Structures

As you all know, 143.0110(c)(1) provides exemptions for the requirement for an SDP or NDP. The Policy Team has made a decision to allow swimming pools and associated improvements located at the top of a steep slope, as illustrated below, to observe a minimum five foot setback from sensitive biological resources and the top of slope of steep hillsides, rather than those setbacks in 143.0110(c)(1)(A) and 143.0110(c)(1)(B), provided the project complies with all of the following:

1. The project shall comply with all other regulations in 143.0110(c)(1).
2. This exception shall not apply to above grade swimming pools.
3. This exception shall not apply to vanishing edge swimming pools.
4. All pool equipment and all decks shall observe the minimum five foot setback.
5. A fence no greater than five feet in height, constructed to meet the barrier requirements for swimming pools (145.0303), may be located at the top of the steep slope so long as it does not encroach into any sensitive biological resources.
6. Structures less than three feet in height may be permitted at the top of the steep slope.





THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 10, 2022 REPORT NO. PC-22-059

HEARING DATE: November 17, 2022

SUBJECT: 1542 Copa De Oro Substantial Conformance Review (SCR), Process Two Appeal

PROJECT NUMBER: [699239](#)

OWNER/APPLICANT: Dale Thayer, Trustee of The La Jolla Trust

SUMMARY

Issue: Should the Planning Commission grant or deny an appeal of the Development Services Department's (DSD) decision on a Substantial Conformance Review (SCR) for proposed revisions to the original Project No. 676181; Coastal Development Permit (CDP) No. 2482866 located at 1542 Copa de Oro Drive within the La Jolla Community Plan?

Staff Recommendation: DENY the appeal and AFFIRM the Development Services Department's decision of Substantial Conformance [SCR No. [2591116](#)] to the original Project No. 676181; CDP 2482866.

Community Planning Group Recommendation: On June 2, 2022, the La Jolla Community Planning Group voted 13-0-0 to approve the Project without conditions.

Environmental Review: On January 27, 2021, The City of San Diego determined that the original Project was categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA State Guidelines, Section 15301, Existing Facilities. On March 12, 2021, a Notice of Exemption (NOE) was filed with the San Diego County Clerk prepared for the Copa De Oro Project No. 676181; CDP No. 2482866, and no appeals were filed.

The City of San Diego determined that the original Project would qualify to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities); and where the exceptions listed in Section 15300.2 would not apply. The original Project met the criteria set forth in CEQA Section 15301 (Existing Facilities) which allows for additions to existing structures.

Based upon review of the current Project, there are no substantial changes in circumstances, no new information, and no Project changes that would warrant additional environmental review. Pursuant to CEQA Section 15378(c) the term "Project" refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "Project" does not mean each separate governmental approval; therefore, this action is not a separate Project for the purpose of CEQA review pursuant to CEQA Guidelines Section 15378(c).

Fiscal Impact Statement: No fiscal impact. All costs associated with the processing of the application is recovered through an account funded by the applicant.

Code Enforcement Impact: None associated with this application.

Housing Impact Statement: The current Project supports the [Housing Element of the City of San Diego General Plan](#) by repairing and maintaining existing housing stock through the partial demolition, remodeling, and addition to an existing single-family residence (Page 33).

BACKGROUND

The Copa De Oro SCR Project site is located at 1542 Copa De Oro Drive. The 0.24-acre site is in the RS-1-4 Zone, Coastal Overlay Zone (Non-Appealable-1), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach Impact), Complete Communities Mobility Choices (CCMC) Zone 4, Affordable Housing Parking Demand, Paleontological Sensitive Area, Steep Hillside, Very High Fire Hazard Severity Zone (VHFSZ), within the La Jolla Community Plan Area.

The Project site was originally developed as a one-story 2,873 square-foot (SF) single-family dwelling unit (SFD) with an attached garage ~~for a total of 3,655 square feet~~. On October 5th, 2020, the applicant submitted for a Coastal Development Permit (CDP) for the partial demolition, remodel, and 782 SF addition to the existing single-family dwelling (SFD) unit [for a total of 3,942 square feet](#). On February 11, 2021, Development Services Department (DSD) approved CDP No. 2482866 for the partial demolition, remodel, and 782 SF addition to the existing SFD.

On December 8, 2021, the applicant submitted a Substantial Conformance Review (SCR) for proposed Project revisions to increase the approved square footage by ~~281~~ [287](#) SF for a total of ~~3,936~~ [3,942](#) SF.

On October 6, 2022, the applicant submitted a revised title sheet in response to comments related to differences between the information on the existing Exhibit A for the previously issued CDP and the proposed SCR exhibit. The revised title sheet reflects a correction to the existing first-floor area, the existing non-residential area, and the existing Project total to be consistent with the information provided in the original CDP Exhibit A.

DISCUSSION

The original Project approved under Project No. 676181 was for partial demolition of an existing one-story 2,873 SF SFD unit with an attached garage, and a remodel of the SFD unit to include a 782 SF addition for a total 3,655 SF SFD unit.

The proposed Project under the SCR includes the following modifications to the previously approved permit and "Exhibit A" design documents.

- Proposed Permit Modifications
 - Square Footage: There will be a ~~266~~ 271.2 square-foot (SF) increase of habitable area and ~~15~~ 15.6 SF increase of garage area for a total ~~281~~ 287 SF increase. A 5'-8 ½" reduction from the previously approved 11'-5 ½" expansion towards the west, and a 4'-0" x 34'-3 ¼" Projection to the north towards the northern property for an increase of 1.5 SF to floor area. The garage space will be expanded 7'-8" to the east. Elevations will remain consistent with the previously approved CDP.

The Development Services Department performed a Substantial Conformance Review in accordance with San Diego Municipal Code section [126.0112](#) and determined the proposed revisions are in substantial conformance with the objectives, standards, guidelines, and conditions for the approved Project. The SCR proposed a FAR of 0.37 which is within the allowable FAR required under the zone (~~281~~ 287 sf or 7.14 % addition).

On August 31, 2022, DSD issued a Notice of Decision for the Substantial Conformance Review of the Project, with the appeal period ending on September 15, 2022 (Attachment 4).

On September 15, 2022, attorney Cynthia Morgan-Reed filed an appeal on behalf of John Venekamp (Appellant) of the August 31, 2022 decision by the Development Services Department. The grounds for appeal were identified as "Factual Error, New Information, Conflict with other matters, and Findings Not Supported" (Attachment 5).

Legal Standard for Appeal of Department of Development Services Decision

Pursuant to SDMC section [112.0504](#) an appeal of a Process Two decision may only be granted with evidence supporting one of the following grounds for appeal:

- (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) New Information. New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision;
- (3) 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; or
- (4) Conflicts. The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.

The Planning Commission can only deny the appeal and uphold approval of the Project if none of the above findings are supported by sufficient evidence. Conversely, the Planning Commission can grant the appeal and deny approval of the Project if it finds one of the above findings is supported by sufficient evidence.

Project Appeal Discussion:

The Appellant's appeal issues are identified below along with City staff's evaluation and responses.

Appeal Issue No. 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; Documents submitted do not reflect intended project".*

City Staff Response: The proposed Project includes a 281 SF or 7.14% addition to the original Project. City staff confirmed the proposed Project is consistent and in conformance with a previously approved permit as there is no significant change in land use.

During the review of the SCR it was determined the pool was in Environmentally Sensitive Lands (ESL), Steep Hillside, which was removed outside of the ESL to 5 feet from the top of the slope. Erroneous information was deleted from the Cover Sheet and the plans were revised to reflect that in order to substantially conform to the original project.

Appeal Issue No. 2: *"New Information – New information is available to the applicant or the interested person that was not available through that person's reasonable effort or due diligence at the time of the decision; Additional information was not provided".*

City Staff Response: The appellant did not provide sufficient information related to the new information which the appellant is stating as not being provided.

Appeal Issue No. 3: *"Findings Not Support – 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 City's findings are insufficient and do not meet Substantial Conformance Review criteria".*

City Staff Response: In accordance with City of San Diego Informational Bulletin 500, a Substantial Conformance Review determines if the proposed project is consistent and in conformance with a previously approved permit. This includes a review of the revised project against the approved exhibits, permit conditions, environmental documentation, applicable land-use policies and the public record for the prior permit. Staff determined there is no significant change in land use from that which

was approved, no increase in density was proposed, and no change in height. The proposed Project is consistent with the approved CDP and within the Coastal Height Limit. Staff also determined there is no change in parking count, and the proposed changes are similar in style to the architectural style of the approved Project. There is no proposed change of condition to the approved CDP, and the proposed changes are consistent with the La Jolla community plan.

The building floor area was minimally increased from the approved 3,655 SF to 3,936 SF (281 SF or 7.14 % addition) and within the allowed Floor Area Ratio (FAR).

FAR: The lot size is 10,474.36 SF. The proposed building floor area is 3,936 SF. Per San Diego Municipal Code Section 131.0446 Maximum Floor Area Ratio in RS-1-7 Zone in accordance with Table 131-04j is 0.54.

The SCR proposed a FAR of 0.37 and is within the allowable FAR required under the zone. The proposed Project is a one-story SFD and is in conformance with the bulk, scale, and style of its surrounding community.

Appeal Issue No. 4: *“Conflicts – The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code. The City’s decision conflicts with the law”.*

City Staff Response: The appellant did not provide sufficient information as to what laws are in conflict.

Conclusion:

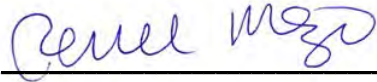
City staff has analyzed the appeal issues and determined that the Project is in substantial conformance with the Design Guidelines, Development Plans and Permit approved by DSD on February 11, 2011, and the regulations of the Land Development Code and Community Plan. Staff followed the substantial conformance process outlined in San Diego Municipal Code section [126.0112](#). All information was disclosed and shared with Interested Parties during the review and decision process. The Project complies with the development standards required by Land Development Code and is in substantial conformance with the original Project No. 676181; CDP No. 2482866.

The appellant did not provide sufficient evidence to support any of the required grounds for appeal. Therefore, City staff recommends that the Planning Commission deny the appeal and affirm the August 31, 2022, Development Services Department decision of Substantial Conformance to the original Project No. 676181; CDP No. 2482866.

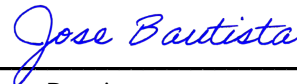
ALTERNATIVES

1. DENY the appeal and MODIFY the Development Services Department's decision of substantial conformance to the original Project No. 676181; CDP No. 2482866, Substantial Conformance Review No. [2591116](#).
2. GRANT the appeal and reverse the Development Services Department decision of substantial conformance to the original Project No. 676181; CDP No. 2482866, Substantial Conformance Review No. [2591116](#) in accordance with Section [112.0504](#).

Respectfully submitted,



Renee Mezo
Assistant Deputy Director
Development Services Department



Jose Bautista
Development Project Manager
Development Services Department

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Process Two, Notice of Decision
5. Appeal Application
6. Original Permit with Conditions
7. Original Permit Exhibit "A"
8. Ownership Disclosure Statement
9. SCR Project Plans
10. SCR Revised Title Sheet
11. Environmental Exemption of Original Project
12. Community Planning Group Recommendation



Cynthia@morganreedlaw.com | D 619-301-0456

November 3, 2022

Via E-mail: JABautista@sandiego.gov

City of San Diego Planning Commission
1222 First Ave., Fifth Floor
San Diego, CA 92101

SUBSTANTIAL CONFORMANCE REVIEW APPEAL OF PROJECT 699239: SINGLE FAMILY HOME AT 1542 COPA DE ORO DRIVE, LA JOLLA

Dear Chair William Hofman and Planning Commissioners:

Morgan Reed Law represents the applicant's northern neighbor, John Venekamp, in this Substantial Conformance Review approval of Project 699239 ("SCR") appeal for an increase of gross floor area from 3,655-square-feet to 3,936-square-feet for a single family home located at 1542 Copa de Oro Drive, La Jolla ("Property") ("Project"). Mr. Venekamp believes the SCR approval and prior Coastal Development Permit No. 2482866 ("CDP") approval must be overturned due to factual error, new information, findings not supported, and conflicts.

I. Grounds for Appeal

Specifically, the City **factually erred** when it failed to require applicant to perform a site-specific study to determine if there are steep hillsides and open space on the property. The SCR provided **new information** when the City identified there are steep hillsides and environmentally sensitive lands on applicant's Property for the first time. The City's **findings are not supported** for the CDP and SCR approvals because the City failed to require analysis of steep hillsides or open space on the Property. The CDP and SCR approvals are in **conflict** with the La Jolla Community Plan ("LJCP"), the San Diego Municipal Code ("SDMC") and the Environmentally Sensitive Lands ("ESL") Guidelines because these documents require compliance with steep hillsides and open space regulations.

Furthermore, if there is a determination that steep hillsides exist on the Property, the applicant must redesign the Project. The buildable area must be smaller to comply with the City's requirement that only 25% of the Property be used for development when

there is an ESL encroachment. The Project must also dedicate the ESL in fee or as an easement to the City pursuant to SDMC section 143.0142(a)(4)(A).

II. Entitlement History

Applicant's CDP was approved February 11, 2021 for a partial demolition, remodel and 784-square-foot ground floor addition to an existing 2,871-square-foot (total of 3,655 square feet), one-story single family residence on the Property. The 10,474.36 square foot (0.24 acres) site was developed in 1960 with a one-story single-family dwelling and two-car garage. Currently 82.6 percent of the Property's exterior walls are removed. On August 31, 2022 the City granted SCR Process Two approval for an additional 281 square foot addition for a total of 3,936 square feet.¹

III. SCR Appeal

1. Factual Error

The City factually erred by not identifying the possibility of steep hillsides or open space on applicant's Property during the approval of the CDP and only identifying steep hillsides as ESL, and not identifying open space, during SCR approval. The LJCP Figure 4 appears to reflect Steep Hillsides are located on the Property. See Exhibit A. See also Dudek's letter p. 3. Open Space also appears designated on the Property per LJCP Figure 7. See Exhibit B. See also Dudek's letter p. 9-11. The City also factually erred when it failed to require applicant to perform a site-specific study to determine if there are steep hillsides and open space on the property.

The City's review of the CDP failed to identify that ESL might be present on the Property. Ms. Hani Baker's November 25, 2020 review of the CDP did not comment on the fact that ESL in the form of steep hillsides may exist on the Property nor open space. In fact, Ms. Baker's Cycle Issue Review comment 22 stated:

The proposed coastal development will not adversely affect environmentally sensitive lands as it is not located on any ESL as it is not located in any environmentally lands. (New Issue)

Furthermore, in order to approve the CDP the City needed to make the findings under SDMC Section 126.07081(1)(b) that the CDP will not adversely affect environmentally sensitive lands. The CDP affirmatively stated that there were no ESL on applicant's property in conformance with the Local Coastal Program:

The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area.

¹ Dudek has calculated the total actual square footage of the single-family home additions under SCR approval to equal 4,151 square feet. See Dudek Ltr. page 7-9.

The project site does not contain Environmentally Sensitive Lands and therefore, the project will not adversely affect environmentally sensitive lands.

CDP Finding (1)(c), page 3. In addition, it doesn't appear that applicant ever identified the possible presence of ESL on the Property in their application submittal, even though San Diego Municipal Code section 143.0113 requires such diligence.²

Ms. Baker first identified that ESL existed on the Property when reviewing the Project for SCR approval. Ms. Baker essentially reversed the City's position on ESL from the CDP approval when she stated ESL steep hillsides existed on the Property. Ms. Baker's March 23, 2022 Cycle Issue Review comment 7 states:

Site Design: Site design changes proposed are not consistent with the environmentally sensitive lands in the form of steep hillsides. Remove proposed pool from adjacent steep hillsides. Pool shall maintain a minimum of 5 feet from slope.

At that point, the City should have required applicant to perform a site-specific study to determine whether ESL and open space existed on the Property. Ms. Baker did request the pool be removed out of the ESL. However, she did not require that the large 288 square foot concrete deck that is encroaching into the steep hillside south of the pool be similarly removed out of the ESL ("Deck"). See Exhibit B. The Deck appears to be encroaching substantially more than the pool was encroaching in the ESL, perhaps at least five feet. See Exhibit A.

Furthermore, should applicant request a deviation to allow the Deck encroachment, the City's Steep Hillside Guidelines specifically preclude allowing decks to encroach into steep hillsides at all.³

For purposes of SDMC section 143.0142, the City defines encroachment as the following:

encroachment shall be defined as any area of 25 percent or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation (including Zone 1 brush management).

² Municipal Code Section 143.0113 states: "(a) In connection with any permit application for development on a parcel, the applicant shall provide the information used to determine the existence and location of environmentally sensitive lands in accordance with Section 112.0102(b)."

³ City's Steep Hillside Guidelines (p. 11): Encroachment shall not be permitted for the following:

- Accessory uses or accessory structures including, but not limited to patios, decks, swimming pools, spas, tennis courts, other recreational areas or facilities, and detached garages; . . .

If it is determined that steep hillsides exist on the Property but the Deck is not determined to be a deck, the City must determine whether the encroachment is: i) encroaching into an area that will be graded for support piers; ii) the area under the encroachment will not be capable of supporting vegetation due to the shade provided; or iii) is cleared of vegetation. The City factually erred by failing to identify, and prohibit, the Deck encroachment.

2. New Information

Ms. Baker's identification of steep hillsides during SCR, and the City's failure to require a site-specific study to determine if there are steep hillsides is new information. The City also failed to consider if open space exists on the Property. The Planning Commission, in weighing this evidence, should consider how this new information affects the CDP and SCR approvals. For instance, if steep hillsides exist, a Neighborhood Development Permit ("NDP") is needed in addition to the CDP. SDMC Table 143-01A(1) *Steep Hillsides*. If a deviation is sought to allow the encroachment, a Process Four Site Development Permit ("SDP") is also required. SDMC Table 143-01A(6) *Steep Hillsides*. The fact that only a CDP Process Two was used when a NDP and SDP Process Four should have been required should weigh heavily as new information for the Planning Commission's consideration.

3. Findings Not Supported

If there is ESL on the Property, the City cannot make the findings for the CDP. The City made the CDP finding under SDMC section 126.07081(1)(b) that the project will not adversely affect environmentally sensitive lands by affirmatively stating there was no ESL on applicant's Property:

The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. The project site does not contain Environmentally Sensitive Lands and therefore, the project will not adversely affect environmentally sensitive lands.

CDP Finding (1)(c), page 3. However, if ESL is identified on the Property, the City must reconsider whether the City can still make the findings for the CDP. It is unlikely the City can make the findings because the Deck encroachment does adversely affect the ESL. Furthermore, if ESL exists on the Property, further enlargement of the building area under SCR is unsupportable. The project under the CDP already exceeds the 25% developable lot area allowance for encroachments under SDMC section 143.0142(a)(4)(A).⁴ The Project would further exceed that 25% limitation with additional

⁴ Within the Coastal Overlay Zone, *steep hillsides* shall be preserved in their natural state and *coastal development* on *steep hillsides* containing *sensitive biological resources* or mapped as Viewshed or

enlargement of the building under SCR. See Dudek Ltr. page 7. Therefore, the findings for both the CDP and SCR approvals are not supportable if ESL exists on the Property.

4. Conflicts with Law and Guidelines

If ESL exists on the Property, the Project conflicts with numerous laws. As previously explained, the site's depiction in the LJCP of an area with slopes greater than 25% should have triggered a site-specific survey and analysis following the guidelines in ESL Regulation Sections 143.0110 and 143.0113 and the City's Steep Hillside Guidelines. The City also should have determined if open space exists on the Property.

Furthermore, as analyzed above, the Project would conflict with the Local Coastal Program under SDMC section 126.0708(a)(2) because the City cannot find that ESL will not be adversely affected under the CDP if the Project encroaches into the ESL.

In addition, under SDMC section 126.0708(b) the Project should have been processed as a Process Four and not a Process Two as it appears the Project needs a deviation for the Deck to encroach in the ESL. "The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone." Section 126.0708(b) also requires the SDP. SDMC Table 143-01A(6) *Steep Hillside*s.

The Project also violates SDMC section 143.0142(a)(4) because it exceeds the 25% developable lot area of the premises. Whether the City uses applicant's numbers or Mr. Venekamps' calculations, the CDP and SCR expansions exceed the 25% developable lot area restriction for encroachments. See Dudek Ltr. page 7.

And finally, ESL must be either dedicated in fee to the City or preserved and maintained via a recorded easement when a Project encroaches into ESL. The City's failure to properly identify the ESL, and Deck encroachment resulted in applicant not complying with SDMC section 143.0140(a). The City should have conditioned CDP approval on ESL dedicated in fee or via an easement to the City.

The CDP and SCR approvals must be reevaluated because they conflict with the La Jolla Community Plan, the SDMC and the ESL Guidelines. Furthermore, if the Project is reconsidered, a Neighborhood Development Permit and Site Development Permit are required with a Process Four public hearing.

Geologic Hazard on Map C-720 shall avoid encroachment into such *steep hillsides* to the maximum extent possible.

(A) When *encroachment* onto such *steep hillsides* is unavoidable, *encroachment* shall be minimized; except that *encroachment* is permitted in such *steep hillsides* to provide for a development area of up to a maximum of 25 percent of the *premises* on *premises* containing less than 91 percent of such *steep hillsides*. On *premises* containing 91 percent or greater of such *steep hillsides*, the maximum allowable development area is 20 percent of the *premises*; however, an additional 5 percent *encroachment* into such *steep hillsides* may be permitted if necessary to allow an economically viable use, pursuant to the Steep Hillside Guidelines.

We urge the Planning Commission to apply the City's laws and guidelines to ensure the Project is properly vetted and ESL compliance occurs.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Morgan-Reed". The signature is written in a cursive, flowing style.

CYNTHIA MORGAN-REED

Cc: John Venekamp
Jose Bautista, Project Manager, Development Services
Martin Mendez, Project Manager, Development Services

Exhibit A

LJCP Figure 4 Steep Hillsides



Exhibit B

LJCP Figure 7 Open Space

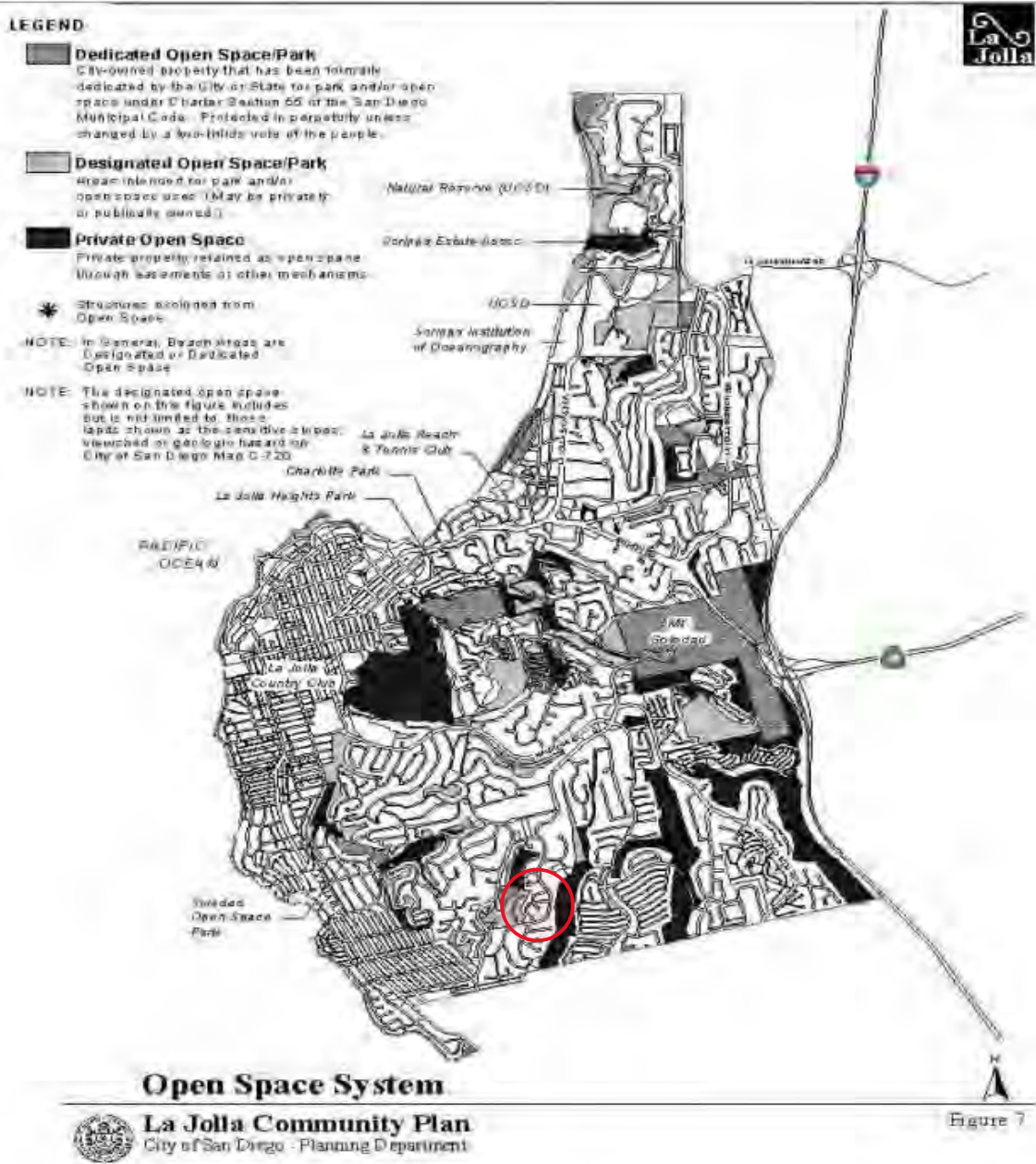


Exhibit C

Cantilevered Deck Encroachment Image and Site Plan



DUDEK

621 CHAPALA STREET
SANTA BARBARA, CALIFORNIA 93101
T 805.963.0651 F 805.963.2074

November 3, 2022

14895

City of San Diego Planning Commission
1222 First Avenue
San Diego, CA 92101

Subject: Consistency Analysis for Development at 1542 Copa de Oro Drive

Dear Planning Commission,

Dudek is pleased to provide this consistency analysis of development approved by the City of San Diego (City) located at 1542 Copa de Oro Drive in the community of La Jolla. On February 11, 2021, the City Development Services Department (DSD) approved CDP No. 2482866, which authorized: the partial demolition, remodel, and 782 sq. ft. addition to an existing one-story, 2,873 sq. ft. single family dwelling with attached garage for a total of 3,655 sq. ft.; off-street parking; and construction of public and private accessory improvements including elevated decks, at-grade patios, and a swimming pool. The applicant's rendering below depicts the proposed patio and deck at the western side of the property. On August 31, 2022, the City DSD approved an application for a Substantial Conformance Review (SCR) to revise CDP No. 2482866. This August SCR approval authorized an additional increase of 281 sq. ft. for the single-family residence from 3,655 sq. ft. to 3,936 sq. ft.¹ As part of the SCR process, the City also requested that the applicant move the pool approved as part of the CDP to be further from the hillside located at the western side of the property. The purpose of this letter is to analyze the approved project's consistency with the applicable development regulations implemented by the City, with particular focus on the accessory structures at the western side of the property and the total developable area of the lot.



¹ The actual total square footage of the amended development is unclear, as explained later in section 2.1.1 of this letter.

1 Permit Jurisdiction

The subject site is part of the City's coastal zone and is within the La Jolla Community, which has its own certified Local Coastal Program Land Use Plan. Within this area, permitting authority is held by the City pursuant to California Coastal Act (CCA) Section 30600.5. Even in areas where a local government has original permitting authority, the California Coastal Commission (CCC) retains appeal jurisdiction and authority for certain types of development pursuant to CCA Section 30603, including but not limited to:

- Developments located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- Developments located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
- Developments located in a sensitive coastal resource area.

Based on the above criteria, development on the subject site is not appealable to CCC.² The standard of review for any coastal development permits issued for the subject site would therefore be the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP), which incorporates policies from the City's Environmentally Sensitive Lands (ESL) Regulations by reference.

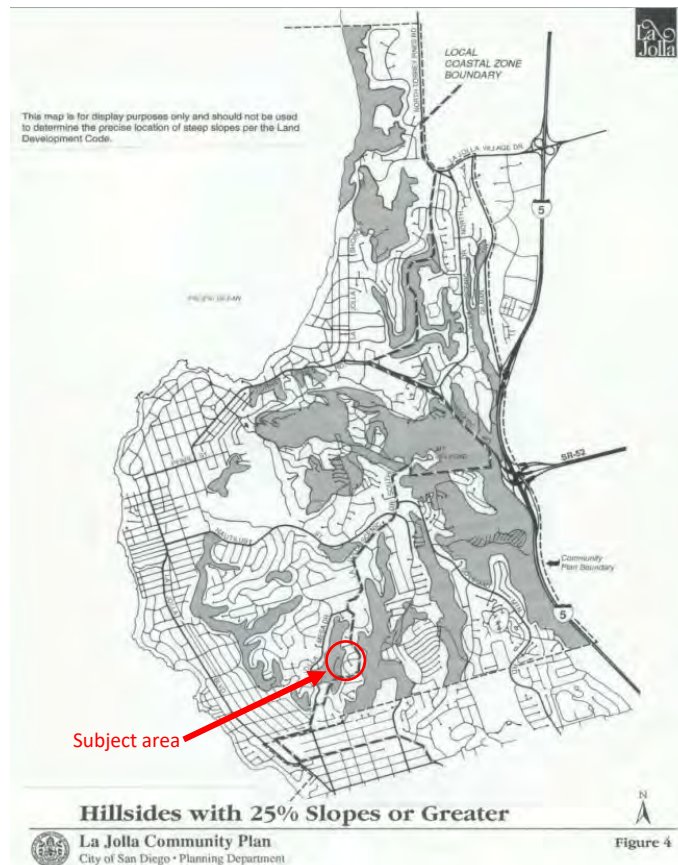
2 Policy Analysis

2.1 Steep Hillsides

The LJCP includes Figure 4 – Hillsides with 25% Slopes or Greater, which is intended to depict the locations of steep hillsides within the Community Plan area. As noted on the figure itself, it is meant for display purposes only and should not be used to determine the precise location of steep slopes per the Land Development Code. Thus, areas that are shaded within the figure cannot automatically be assumed to meet the criteria of steep hillsides, however any proposed development on such properties should certainly trigger a site-specific study that definitively determines the presence of steep hillsides on site. The subject site at 1542 Copa de Oro Drive is at least partially shaded within Figure 4, indicating that the potential for steep hillsides exists on site and should be further investigated prior to any development approvals.

² This determination was corroborated through the City's Zoning and Parcel Information Portal.

TO: CITY OF SAN DIEGO PLANNING COMMISSION
 SUBJECT: CONSISTENCY ANALYSIS FOR DEVELOPMENT AT 1542 COPA DE ORO DRIVE



Municipal Code Section 143.0110 defines when ESL regulations apply for steep hillsides, and the City's Steep Hillside Guidelines clarify further (p. 3):

Generally, the steep hillside regulations of the Environmentally Sensitive Lands Regulations are applicable when development is proposed on a site containing any portions with a natural gradient of at least 25 percent (25 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 50 feet. The steep hillside regulations are also applicable if a portion of the site contains a natural gradient of at least 200 percent (200 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 10 feet. [...] The vertical elevation must occur generally in the area with the steep hillsides and may include some pockets of area with less than 25 percent gradient.

Municipal Code Section 143.0113 states:

(a) In connection with any permit application for development on a parcel, the applicant shall provide the information used to determine the existence and location of environmentally sensitive lands in accordance with Section 112.0102(b).

(b) Based on a project-specific analysis and the best scientific information available, the City Manager shall determine the existence and precise location of environmentally sensitive lands on the premises.

The Steep Hillside Guidelines (p. 4) also further clarify Municipal Code Section 143.0113:

The determination of the precise location of the steep hillsides on a site shall be made with the information submitted by the applicant, and any other information available, including City maps and records and site inspections. [...] If the site contains steep hillsides but does not have 50 feet of vertical elevation, an offsite analysis of the adjacent property(s) must be made to determine whether the steep hillsides on the subject site are part of a steep hillside system that extends off-site and exceeds the 50-foot elevation. [...] If the 50-foot elevation is met when considering the extension of the steep hillsides off-site, the site will be subject to the steep hillside regulations. The measurement of the vertical elevation of the steep hillside shall consider the entire slope system and not only the individual portions of the slope with at least 25 percent gradient. That is, the measurement of the vertical elevation may include some areas with less than 25 percent gradient as long as the overall, predominant slope gradient is 25 percent.

As part of the required findings for CDP No. 2482866, the City determined:

The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. The project site does not contain Environmentally Sensitive Lands and therefore, the project will not adversely affect environmentally sensitive lands.

During the iterative SCR process, City planner Hani Baker noted: "Site design changes proposed are not consistent with the environmentally sensitive lands in the form of steep hillsides. Remove proposed pool from adjacent steep hillsides. Pool shall maintain a minimum of 5 feet from slope." This comment seemingly confirms the presence of steep hillsides, and therefore ESL, on site.

ESL Regulation Section 143.0142 Development Regulations for Steep Hillsides states, in relevant part:

(a) Allowable Development Area

(2) Outside of the MHPA, the allowable development area includes all portions of the premises without steep hillsides. Steep hillsides shall be preserved in their natural state, except that development is permitted in steep hillsides if necessary to achieve a maximum development area of 25 percent of the premises. However, within the Coastal Overlay Zone, coastal development on steep hillsides shall be minimized to the maximum extent possible and permitted only when in conformance with Section 143.0142(a)(4).

(4) Within the Coastal Overlay Zone, steep hillsides shall be preserved in their natural state and coastal development on steep hillsides containing sensitive biological resources or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such steep hillsides to the maximum extent possible.

(A) When encroachment onto such steep hillsides is unavoidable, encroachment shall be minimized; except that encroachment is permitted in such steep hillsides to provide for a

development area of up to a maximum of 25 percent of the premises on premises containing less than 91 percent of such steep hillsides.

The City's Steep Hillside Guidelines (p. 11) further clarify ESL Regulation Section 143.0142:

Within the Coastal Overlay Zone, projects proposing to encroach into steep hillsides shall be subject to the discretionary regulations identified in Section 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations. Projects shall be evaluated on a case-by-case basis to determine if encroachment, as defined in Section 143.0142(a)(4)(D) of the Environmentally Sensitive Lands Regulations, can be permitted. It is the intent of the regulations and the Steep Hillside Guidelines that development be located on the least sensitive portions of a site and that encroachment into areas containing steep hillsides, sensitive biological resources, geologic hazards, view corridors identified in adopted land use plans or viewsheds designated on Map C-720, be avoided or minimized if unavoidable. Projects proposing to encroach into steep hillsides shall demonstrate conformance with the Environmentally Sensitive Lands Regulations and the Design Standards in Section II of the Steep Hillside Guidelines and result in the most sensitive design possible.

Encroachment shall not be permitted for the following:

- Projects where the encroachment is solely for purpose of achieving the maximum allowable development area;
- Accessory uses or accessory structures including, but not limited to patios, decks, swimming pools, spas, tennis courts, other recreational areas or facilities, and detached garages; and
- Primary structures when the encroachment is designed to accommodate accessory uses or structures elsewhere on the site.

Encroachment into steep hillsides is not specifically granted. Encroachment shall be subject to discretionary review and shall be consistent with Section 143.0142(a)(4) of the Environmentally Sensitive Lands Regulations and the Design Standards in Section II of the Steep Hillside Guidelines. For premises that are less than 91 percent constrained by steep hillsides, the maximum allowable development area that may be considered through discretionary review is 25 percent. [...] A development area in excess of 25 percent on any premises shall only be considered pursuant to Section 126.0708(e), Supplemental Findings Environmentally Sensitive Lands Within the Coastal Overlay Zone and the Submittal Requirements for Deviations from the Environmentally Lands Regulations Within the Coastal Overlay Zone located in the Land Development Manual.

Municipal Code Section 126.0708 includes the above referenced Supplemental Findings for Deviations to Environmentally Sensitive Lands Within the Coastal Overlay Zone:

When a deviation is requested from the Environmentally Sensitive Lands Regulations because the applicant contends that application of the regulations would result in denial of all economically viable use, the Coastal Development Permit shall include a determination of economically viable use. A Coastal Development Permit, or a Site Development Permit in the Coastal Overlay Zone, required in

accordance with Section 143.0110 because of potential impacts to environmentally sensitive lands where a deviation is requested in accordance with Section 143.0150 may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 126.0708(a) and the supplemental findings in Section 126.0505(b).

The decision maker shall hold a public hearing on any application on a Coastal Development Permit that includes a deviation from the Environmentally Sensitive Lands Regulations in the Coastal Overlay Zone.

Such hearing shall address the economically viable use determination. Prior to approving a Coastal Development Permit for development within the Coastal Overlay Zone that requires a deviation from the Environmentally Sensitive Lands Regulations, the decision maker shall make all of the following findings:

- (1) Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's property; and
- (2) Application of the Environmentally Sensitive Lands Regulations would interfere with the applicant's reasonable investment-backed expectations; and
- (3) The use proposed by the applicant is consistent with the applicable zoning; and
- (4) The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises; and
- (5) The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program with the exception of the provision for which the deviation is requested.

The findings adopted by the decision making authority shall identify the evidence supporting the findings.

From the available documentation in the record, it is unclear whether the subject site contains steep hillsides that meet the criteria of ESL. The site's depiction within an area with slopes greater than 25% in LJCP Figure 7 should have triggered a site-specific survey and analysis following the guidelines in ESL Regulation Sections 143.0110 and 143.0113 and the City's Steep Hillside Guidelines. Pursuant to Section 143.0113, the applicant must provide sufficient information to determine the existence and location of ESL, and the City must then confirm the existence and precise location of ESL on the property based on "a project-specific analysis and the best scientific information available." It does not appear that these steps were taken during either the initial CDP approval nor the recent SCR approval. The findings for CDP No. 2482866 state that the property **does not** contain steep hillsides nor any other form of ESL, however no evidence supporting this finding is presented. Subsequently during the SCR process, the same City planner who reviewed the original CDP stated that the property **does** contain steep hillsides that meet the criteria for ESL, again without any supporting evidence. The Posted Notice of Future Decision for the SCR also lists "Steep Hillside" and "Slopes 25% or Greater within the La Jolla Community Plan area" within the site characteristics.

As part of the iterative SCR process, the City specifically requested that the applicant remove the pool from the steep hillside area, apparently based on the City's Steep Hillside Guidelines in their clarification of ESL Regulation Section 143.0142. Within the Coastal Overlay Zone, encroachments into steep hillsides must be evaluated on a case-by-case basis to determine if encroachment can be permitted, and several types of encroachments are explicitly not permitted, including "accessory uses or accessory structures including, but not limited to patios, decks, swimming pools, spas, tennis courts, other recreational areas or facilities, and detached garages." The City applied this policy inconsistently by requiring the applicant to move the pool out of the steep hillside area, but not requiring the similar removal of the deck that extends over and has footings within the steep hillside. If the hillside area does in fact meet the ESL criteria, then no accessory structures should be permitted to encroach within that area.

The ESL Regulations and Steep Hillside Guidelines also state that for properties within the Coastal Overlay Zone that are less than 91% constrained by steep hillsides, the maximum allowable development area is 25% of the premises, and that development "shall avoid encroachment into such steep hillsides to the maximum extent possible." Unavoidable encroachment into a steep hillside is only permitted in order to provide for a development area of up to 25% of the premises. Furthermore, any proposal for a development area in excess of 25% of the premises necessitates supplementary findings for deviations from the ESL regulations, specifically because the applicant contends that strict application of the regulations would result in denial of all economically viable use. These policies and findings were not referenced in any City determinations or approvals, nor did the applicant contend that a development area in excess of 25% of the premises was necessary for economically viable use.

The total area of the subject lot is 10,474.35 sq. ft. The original residence that was built on the property in 1960 had a building area of approximately 2,874 sq. ft., or 27.4% of the total lot area. The new development approved through CDP No. 2482866 had a building area of approximately 3,655 sq. ft., or 34.9% of the total lot area. The amended development approved through the SCR process has a building area of approximately 4,151 sq. ft., or 39.6% of the total lot area. The total lot coverage including both building area and impermeable hardscape surfaces is 5,276 sq. ft., or 50.4% of the total lot area. If the property does in fact contain steep hillsides that meet the criteria of ESL, then the maximum allowable development area should be 25% of the premises, and the development should not be allowed to encroach into the steep hillside area.

2.1.1 Development Area

It should be noted that while the City's SCR approval lists 3,936 sq. ft. as the new total building area, there are substantial discrepancies within the applicant's plans regarding the total square footage. The original written scope of work for CDP No. 2482866 states:

Selectively demolish portions of the 2,871 sq ft existing SFR. With the net addition of 755.65 sq ft to the existing first floor habitable area. Remodel of the two-car garage for an area of 454.8 sq ft. Expansion of the kitchen, living room and master bedroom of the residence for a total of 3,655 sq ft. New entry foyer and remodel entire interior of residence with a new roof and raised walls of two feet for a 10'-1" ceiling. The proposed home will consist of 4 bedrooms and 4 ½ baths, with a two-car garage. Provide new exterior decks, pool & spa and other site improvements and features as shown on the site plans.

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The revised scope of work for the SCR states:

Revise the previous approved CDP No. 2482866 with approved total of 3,655 sq ft. The SCR of the CDP is requesting an increase of 281 sq ft for a new total of 3,936 sq ft. The revised home will add 266 sq ft of habitable square footage + 15 sq ft of garage area to total of 281 sq ft or 7.12% increase from the approved CDP. Selectively demolish portions of the 2,871 sq ft existing SFR. With the net addition of 1,041.07 sq ft to the existing first floor habitable area. Remodel of the two-car garage with and addition of 21.6 sq ft for a new net area of 496.6 sq ft. Expansion of the kitchen, living room and master bedroom of the residence for a total of 3,936 sq ft. New entry foyer and remodel entire interior of residence with a new roof and raised walls of two feet for a 10'-1" ceiling. The proposed home will consist of 4 bedrooms and 4 ½ baths, with a two-car garage. Provide new exterior decks, pool & spa and other site improvements and features as shown on the site plans.

The building area calculation provided on Sheet T-1.1 of the applicant's CDP plan set dated 1/14/2021 includes:

BUILDING AREAS	Existing	Addition	New Total Area	
Existing First Floor Area:	2,424.5 S.F.	0.00	2,424.5 S.F.	Existing Floor
New First Floor Area: Addition	0.0 S.F.	718.21	718.2 S.F.	New Addition Area included in FAR
Converted Garage to Habitable Area	0.0 S.F.	57.35	57.4 S.F.	Demolition of a portion of second floor
RESIDENTIAL AREA:	2,424.5 S.F.	775.56	3,200.1 S.F.	
Garage Area :	448.6 S.F.	63.55	512.2 S.F.	Remodeled Garage
Reduced Existing Garage Area	0.0 S.F.	-57.35	-57.4 S.F.	See Site Plan - None
NON-RESIDENTIAL AREA:	448.6 S.F.	6.20	454.8 S.F.	
PROJECT TOTAL:	2,873.1 S.F.	781.76	3,654.9 S.F.	FAR Area

The building area calculation provided on Sheet TS11 of the applicant's SCR plan set dated 10/28/2021 includes:

ACTUAL ACCESSORY STRUCTURE PROPOSED:		0.0 S.F.	0%	No Accessory Structure Proposed	
BUILDING AREAS	Existing	Addition	New Total Area		
Existing First Floor Area:	2,428.3 S.F.	0.00	2,428.3 S.F.	Existing Floor	
New First Floor Area: Addition	0.0 S.F.	1078.73	1,078.7 S.F.	New Addition Area included in FAR	
Converted Garage to Habitable Area	0.0 S.F.	195.09	195.1 S.F.	Conversion to first floor area	
New Expanded Living Area - MBR	0.0 S.F.	0.00	0.0 S.F.	New Addition Area included in FAR	
New Expanded Entry Area	0.0 S.F.	0.00	0.0 S.F.	New Addition Area included in FAR	
RESIDENTIAL AREA:	2,428.3 S.F.	1,273.82	3,702.1 S.F.	Revised Habitable Area	
Garage Area :	445.4 S.F.	0.00	445.4 S.F.	Remodeled Garage	
Garage Addition Area :	0.0 S.F.	198.33	198.3 S.F.	Garage Addition	
Reduced Existing Garage Area	0.0 S.F.	-195.09	-195.1 S.F.	See Site Plan - None	
NON-RESIDENTIAL AREA:	445.4 S.F.	3.24	448.7 S.F.	Revised Non-Residential Area	
PROJECT TOTAL:	2,873.7 S.F.	1,277.06	4,150.8 S.F.	FAR Area	

The original CDP requested and was granted an increase of 755.65 sq. ft., from 2,871 sq. ft. to 3,655 sq. ft. On a basic level, 2,871 + 755.65 = 3,626.65, not 3,655. Furthermore, the applicant's provided building area calculation states that the existing building area was 2,873.1 sq. ft. with an addition of 781.76 sq. ft., for a total of 3,654.9 sq. ft. On a fundamental level, the written scope of work and building area calculations for the original CDP do not agree with each other, nor do they provide an accurate description of the actual work proposed.

The SCR requested and was granted an increase over the original CDP of 281 sq. ft., from 3,655 sq. ft. to 3,936 sq. ft. The written scope of work states that the net addition to existing first floor habitable area is 1,041.07 sq. ft. Again, on a basic level, 755.65 (original CDP expansion) + 281 (additional SCR expansion) =

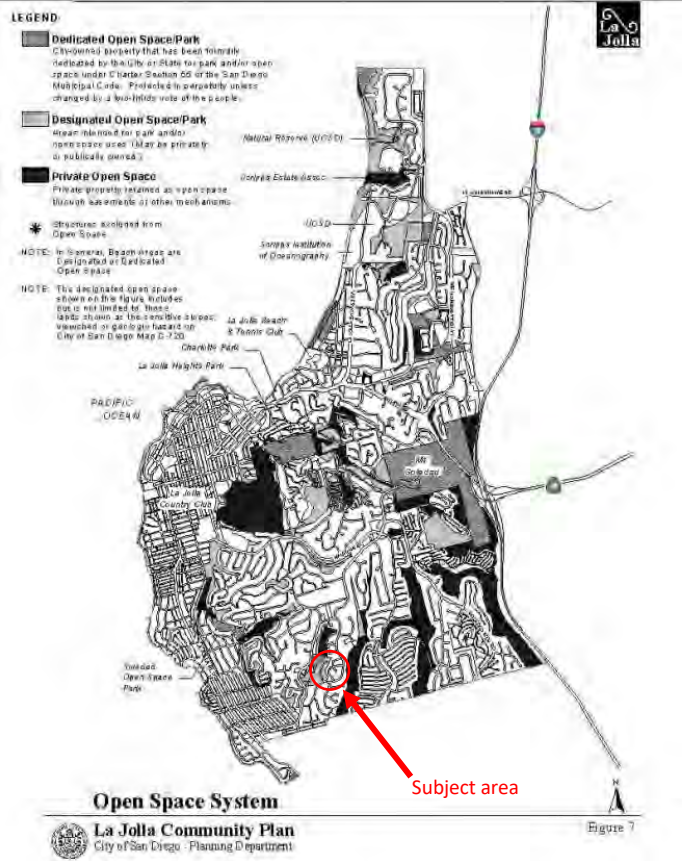
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1,036.65, not 1,041.07 (new total expansion). Also, 2,871 (original building area) + 1,041.07 (SCR addition) = 3,912.07, not 3,936 (SCR building area). Furthermore, the applicant’s provided building area calculation states that the existing building area was 2,873.7 sq. ft. with an addition of 1,277.06 sq. ft., for a total of 4,150.8 sq. ft. On a fundamental level, the written scope of work and building area calculations for the SCR do not agree with each other, nor do they provide an accurate description of the actual work proposed.

In its review and approval of both the CDP and the SCR, the City failed to obtain clear and accurate information from the applicant regarding the size of each addition and the proposed total building coverage on the site. Without correct square footage figures, it would have been impossible for the City to accurately analyze the project’s consistency with the Municipal Code and LJCP.

2.2 Open Space

The LJCP includes Figure 1 – Community Land Use Map, which shows the various land uses throughout the Community Plan area. The subject site at 1542 Copa de Oro Drive appears to be shown as partially designated “Parks, Open Space”, and partially designated “Very Low Density Residential (0-5 DU/AC)”. The LJCP also includes Figure 7 – Open Space System, which is intended to depict the locations of open space areas within the Community Plan area. The subject site at 1542 Copa de Oro Drive appears to be shown at least partially as “Designated Open Space/Park – Areas intended for park and/or open space uses. (May be privately or publicly owned.)”



LJCP Policy 1 – Open Space Preservation and Natural Resource Protection states, in relevant part:

f. The City shall ensure the preservation of portions of public and private property that are partially or wholly designated as open space to the maximum extent feasible. Development potential on open space lands shown on Figure 7 shall be limited to preserve the park, recreation, scenic, habitat and/or open space values of these lands, and to protect public health and safety. Maximum developable area and encroachment limitations are established to concentrate development in existing developed areas and outside designated open space. Prior to the adoption of rezonings for the open space shown on Figure 7, and in addition the Environmentally Sensitive Lands regulations, when applicable, the encroachment limitation standards taken from the OR-1-1 and OR-1-2 zone and included in Appendix L, shall be implemented for development of those portions of the property designated as open space on Figure 7.

LJCP Appendix L – Encroachment Limitation Standards for Open Space Shown on Figure 7 (Taken from OR Zone Regulations in the Land Development Code) states, in relevant part:

(a) On a site containing area designated as open space, up to 25 percent of the premises may be developed subject to the following:

[...]

(2) If only a portion of the site contains open space designation, the following shall apply:

(A) If less than 25 percent of the premises is outside the open space, the portion that is outside the open space shall be developed before any encroachment into the open space portion of the site. Encroachment into the open space may be permitted to achieve a maximum development area of 25 percent of the entire site (including the open space and non-open space areas).

(B) If more than 25 percent of the premises is outside the open space, the area outside the open space may be developed and no additional development area is permitted.

Based on the available maps and documentation, it would seem that the subject site was intended to be at least partially designated and preserved as open space. The subject property and surrounding area are developed with residential uses, however this does not preclude the application of open space policies that are intended to preserve open space uses within developed neighborhoods. The LJCP states that portions of private property that are designated as open space should be preserved to the maximum extent feasible, and to that end, maximum developable areas and encroachment limitations should be utilized to concentrate development in existing developed areas and outside designated open space. The LJCP encroachment limitation standards for open space shown on Figure 7 state that on a site containing area designated as open space, the maximum allowable development area is 25% of the premises. This policy mirrors the aforementioned development area restrictions found in ESL Regulation Section 143.0142.

As with the previous determination of steep hillsides, the actual presence of designated open space area on the subject property is unclear, because the City failed to analyze this use as part of its original review of CDP No. 2482866 and its subsequent review of the recent SCR proposal. The subject site's depiction within LJCP

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Figures 1 and 7 should have triggered a site-specific survey and analysis of existing and potential open space uses on the property. Based upon this determination using best available information, the City should have limited the development area to 25% of the premises and required clustering of the development to avoid open space areas.

3 Conclusions

The subject site at 1542 Copa de Oro Drive has the potential to contain steep hillsides that meet the criteria of ESL as well as City-designated open space areas. As part of its review of CDP No. 2482866 and the subsequent SCR approval, the City and applicant should have undertaken site-specific surveys and analyses to definitively determine the presence or absence of steep hillsides and/or designated open space on the property. Furthermore, the plans and calculations provided by the applicant during both the CDP and SCR processes did not clearly and accurately describe the proposed development area. Absent these correct development area figures and evidence-based determinations of applicable development constraints, the approved project does not conform to the provisions of the Municipal Code nor the LJCP. The Planning Commission should therefore overturn the approved permits in order to thoroughly re-examine the project and require the applicant to provide site-specific analyses that confirm the presence or absence of ESL and/or designated open space on the property. If either feature does exist on the property, then the development area should be limited to 25% of the premises, and an appropriate easement dedication should be required as a condition of approval to restrict encroachments within the western hillside/open space area.

Sincerely,



Carolyn Groves
Coastal Planner

cc: *Cynthia Morgan-Reed, Morgan Reed Law*
Philip Merten, Merten Architect

Private Residence
COASTAL DEVELOPMENT DOCUMENTS PACKAGE - SCR
1542 Copa de Oro Dr, La Jolla, California, 92037

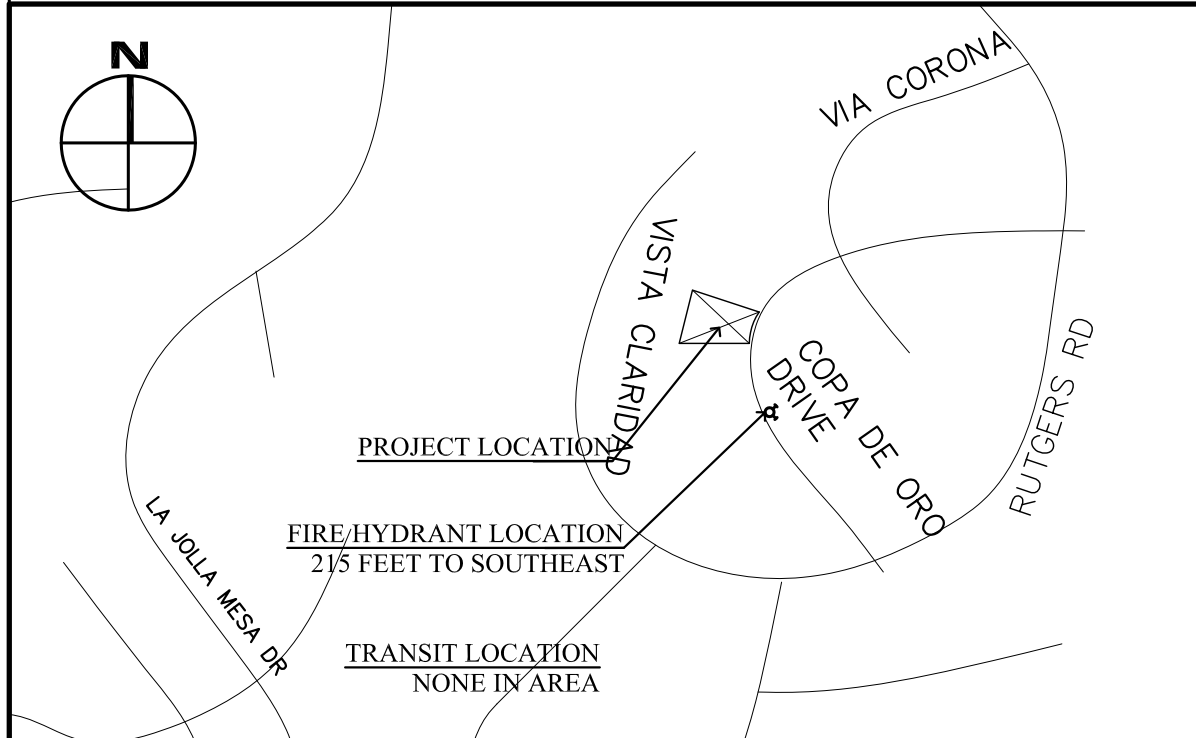
ABBREVIATIONS table with columns for symbol, description, and material/finish.



Letter of Request
Private Residence Remodel & Addition
1542 Copa de Oro Drive, La Jolla, CA 92037
APN - 358-221-01-00
PTS # Coastal Development Permit - PTS - 0676181
COASTAL SUBSTANTIAL CONFORMANCE REVIEW - PTS #0699239
PROJECT LETTER OF REQUEST - PROJECT NARRATIVE
PERMIT REQUESTED: Coastal Development Permit - Substantial Conformance Review
Revised Project Scope of Work
Revise the previous approved Coastal Development Permit Number 2482866, Project No 676818, with approved total of 3,655 square feet.

Marengo Morton Architects logo and contact information: 7724 Girard Ave., La Jolla, CA 92037, Tel. (858) 459-3769, Fax. (858) 459-3768, Michael Morton AIA, Claude Anthony Marengo DCS, 04-28-2022.

VICINITY MAP



VICINITY MAP - LEGEND
Project Parcel - 1542 Copa de Oro Drive, La Jolla, CA 92037
Fire Hydrant - All Fire Hydrants within 600 feet
Transit Stop - All Transit Stops with 1,500 feet

FOUNDATION FOR STRUCTURAL DESIGN

STRUCTURAL DESIGN LOADS: ROOF DEAD LOAD, FLOOR DEAD LOAD, FLOOR LIVE LOAD, DECK DEAD LOAD, CANTILEVER DECK LIVE LOAD.
SITE COORDINATES: LATITUDE, LONGITUDE.
SEISMIC CRITERIA: GEOLOGICAL HAZARD, DISTANCE TO SEISMIC SOURCE, SOIL BEARING CAPACITY.
FOUNDATIONS / SOILS CRITERIA: FOUNDATION DESIGN HAS BEEN DETERMINED TO BE GREATER THAN 20 AND THE RECOMMENDATIONS OF THE SOILS ENGINEER HAVE BEEN INCORPORATED INTO THESE PLANS.

SPECIAL INSPECTION & OFFSITE FABRICATION

SPECIAL INSPECTION:
SPECIAL INSPECTION NOTES:
1. "Notice to the Applicant/Owner/Owner's Agent/Architect or Engineer of Record. By using this permitted construction drawings for construction/installation of this work specified herein, you agree to comply with the requirements of the City of San Diego for special inspections structural observations, construction material testing and off-site fabrication of building components, contain in the statement of special inspections and, as required by the California Construction Codes".

OFF-SITE FABRICATION:

A. An Application To Perform Off-Site Fabrication is required and must be submitted to the Inspection Services Division for approval prior to fabrication of building components.
B. A Certificate of Off Site Fabrication is required and must be submitted to the Inspection Services Division for approval.
C. Fabricator must be registered and approved by the City of San Diego, Development Services for the fabrication of members and assemblies on the premises of fabricator's shop. (Sec. 1704.2.2)
D. "Fabricator shall submit an 'shop welding - Application to perform off-site fabrication" to the Inspection Services Division for approval prior to commencement of fabrication".

PERMIT REQUESTED FOR SCOPE OF WORK

PERMITS REQUESTED - COASTAL DEVELOPMENT PERMIT- PTS#0676181 Permit Number #2482866 COMBINATION PERMIT- PTS #664766 ROOF MOUNTED P.V. SYSTEM - PVS# - DEFERRED SUBMITTAL FIRE SPRINKLER PERMIT - PVS# - DEFERRED SUBMITTAL SUBSTANTIAL CONFORMANCE REVIEW - PRI #0699239

SPECIAL COASTAL NOTES

HEIGHT LIMIT AREA: THE HIGHEST POINT OF THE ROOF, EQUIPMENT, OR ANY VENT, PIPE, ANTENNA, OR OTHER PROJECTION SHALL NOT EXCEED 30'-0" ABOVE GRADE.
SPECIAL COASTAL NOTES: 1. A pre-construction inspection is required due to the height of the proposed structure being within one foot of the maximum height allowing the Coastal Height Limit Overlay zone (Proposition D)
2. The pre-construction inspection must be scheduled and cleared by the field inspector before any subsequent inspection can be scheduled.
3. Contact the Inspection Services office at (858)492-5070 to schedule the pre-construction inspection.

SPECIAL INSPECTION SHALL BE PROVIDED FOR THE FOLLOWING ITEMS:

SEE SHEET S-1 FOR COMPLETE LIST OF SPECIAL INSPECTION ITEMS (IF PART OF SET)

PROJECT TEAM

SITE ADDRESS: Private Residence 1542 Copa de Oro Dr, La Jolla, California, 92037 APN: 358-221-01-00
OWNER: Dale Thayer - Property Manager, Owner - La Jolla Trust 7911 Warner Avenue, Huntington Beach, CA 92647
PROJECT MANAGER: Cullen McKeown - Property Manager, Owner - La Jolla Trust 7911 Warner Avenue, Huntington Beach, CA 92647

ARCHITECT: Marengo Morton Architects 7724 Girard Avenue, Suite 200 La Jolla, CA 92037 Telephone: (858) 459-3769 Fax: (858) 459-3768
SURVEYOR: San Diego Land Surveying & Engineering 9663 Chesapeake Dr., Suite 445 San Diego, CA 92123 Phone: (858) 565-8362

GROSS FLOOR AREA SUMMARY

Table with columns for Area, Existing, Proposed, and Total. Includes sections for Residential Area, Non-Residential Area, and Landscaping Areas.

DETAILED SCOPE OF WORK

Selectively demolish portions the 2,871 square foot existing single-family residence. With the net addition of 775.56 square foot to the existing first floor habitable area. Removal of the two-car garage for an area of 454.8 square feet. Expansion of the kitchen, living room and master bedroom of the residence for a total of 3,655 square feet.

REVISED SCOPE OF WORK

Revise the previous approved Coastal Development Permit Number 2482866, Project No 676818, with approved total of 3,655 square feet. This Substantial Conformance Review of the CDP is requesting an increase of 287 Square Feet for a new total of 3,942 square feet. The revised home will add 271.2 square feet of habitable square footage + 15.6 square feet of garage area to total addition of 287 Square Feet or 7.9% increase from the approved CDP.

SHEET INDEX

Table with columns for Sheet Number, Title, and Scale. Lists sheets from TS 11 to AL 12.

SEE SHEET T-1 for this information - PROJECT DATA

PROJECT DATA

Large project data table with sections for Project Information, Zoning Information, Building Height Limitations, and Building Areas. Includes details on project address, parcel number, zoning, and various area calculations.

All design, ideas and arrangements as indicated on these drawings are the legal property of Marengo Morton Architects, Incorporated and the specific project for which they were prepared as indicated on the project title block.

PRIVATE RESIDENCE
1542 COPA DE ORO DRIVE
LA JOLLA, CA 92037

REVISIONS:
A. Coastal Submittal - 09/30/2020
B. Coastal Cycle/Owner Rev. 11/16/2020
C. Coastal Cycle Response - 12/08/2020
D. Coastal Cycle/Owner Rev. 12/16/2020
E. Coastal Cycle Response - 01/14/2021
F. Owner Request, Changes - 04/01/2021
G. Owner Request, Changes - 09/17/2021
H. Coastal Rev. Submittal - 09/27/2021
I. Coastal Cycle Response - 03/28/2022
J. Coastal Cycle Response - 04/28/2022

PHASE: COASTAL DEVELOPMENT PHASE
PROJECT NO. 2020-27
REVIEWED BY: MRM
DRAWN BY: APM / MRM

DATE: 10-28-2021
Marengo Morton Architects, Inc. is providing by agreement with certain parties, materials stored electronically. The parties understand that digital files, specifications, reports, drawings, and other information recorded on or transmitted as electronic media including but not limited to CAD drawings, are subject to the same risks as their physical counterparts, including but not limited to, conversion, media degradation, software error, or human alteration. Accordingly, all such documents are provided to the parties for informational purposes only and not as an end product nor a record document. Any reliance thereon is deemed to be unreasonable and unenforceable. The signed and stamped hard copies with the original signatures of the Architects of Record are the Architect's Instruments of Service and are the only true copies of the documents.