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CLERK SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 JULIE M. HAMILTON, ESQ. SBN 199155
2 LESLIE GAUNT, ESQ. SBN 265689
3 2835 Camino del Rio S.
4 Suite 100
5 San Diego, CA 92108
6 Telephone: (619) 278-0701
7 FAX: (619) 278-0705
8 Julie@jmhamiltonlaw.com

9 Attorneys for Petitioner, LA JOLLA SHORES TOMORROW

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO
12 CENTRAL DIVISION

13 LA JOLLA SHORES TOMORROW, a
14 California Non-Profit Public Benefit
15 Corporation,

16 Petitioner,

17 vs.

18 CITY OF SAN DIEGO, a public entity;
19 and DOES 1 through 5, inclusive,

20 Respondent,

21 DON SMARGON an individual, and AUDREY
22 VITERBI, an individual and DOES 6 through 10,

23 Real Parties in Interest.

) GENERAL CIVIL (CEQA)
) CASE NO.: 37-2012-00093782-CU-TT-CTL

) **PETITION FOR WRIT OF MANDATE**
) (CCP Section 1094.5 and PRC Section 21168)

24
25 Petitioner LA JOLLA SHORES TOMORROW ("LJST"), hereby petitions this Court for a
26 Writ of Mandate under Section 1094.5 of the Code of Civil Procedure and Section 21168 of the Public
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1 Resources Code, directed to Respondent CITY OF SAN DIEGO ("City"), and by this verified Petition
2 represents that:

3 **GENERAL ALLEGATIONS**

4 1. LJST, is a California nonprofit public benefit corporation; the members of LJST reside
5 in or visit the community of La Jolla in the City of San Diego, State of California.

6 2. LJST believes in preserving the unique community of La Jolla and ensuring a quality of
7 life through wise planning, lawful stewardship of lands, and following the plans, ordinances and laws
8 which apply to the geographic area which is the subject of this litigation. As residents of and visitors
9 to La Jolla, members of LJST, are directly affected by the February 6, 2012 decision of the City to
10 grant a Coastal Development Permit, Site Development Permit and approve a Negative Declaration for
11 the demolition of an existing one-story single family residence and the construction of a new two-story
12 single family residence ("Project") as alleged below.

13 3. LJST and its members have been injured as a result of the City's actions approving the
14 Project. The City's actions adversely affect the aesthetic and environmental interests of LJST and
15 LJST's members. The interests of LJST's members have been and will continue to be adversely
16 affected by the City's unlawful actions in violation of the City of San Diego Municipal Code, the La
17 Jolla Community Plan and Local Coastal Program Land Use Plan, the La Jolla Shores Planned District
18 Ordinance, the California Environmental Quality Act ("CEQA") and the Code of Civil Procedure
19 ("CCP"). The relief sought in this Petition would redress LJST and LJST's injuries.

20 4. The City is a charter City and is a local government which is a subdivision of the State
21 of California and a body corporate and politic exercising local government powers, as specified in the
22 Constitution and the laws of the State of California. At all times mentioned in the Petition, the City
23 has assumed the role of the governmental agency charged by law with administering the provisions of
24 the San Diego City Charter, the San Diego Municipal Code, the La Jolla Community Plan and Local
25 Coastal Program Land Use Plan, the La Jolla Shores Planned District Ordinance; and Public Resources
26 Code Section 21000 *et seq.*

1 5. LJST does not know the true names or capacity of the persons or entities sued herein as
2 Does 1 through 5, and therefore sues these respondents by fictitious names. LJST will amend the
3 Petition to set forth names and capacities of said respondents along with appropriate charging
4 allegations when the same have been ascertained.

5 6. Real Party in Interest DAN SMARGON is a person of unknown status who is identified
6 in the project file as the owner.

7 7. Real Party in Interest AUDREY VITERBI is a person of unknown status who is
8 identified in the project file as the owner.

9 8. LJST does not know the true names or capacity of the persons or entities sued herein as
10 Does 6 through 10, and therefore sues these Real Parties in Interest by such fictitious names. LJST
11 will amend the Petition to set forth the names and capacity of said Real Parties in Interest along with
12 appropriate charging allegations when the same have been ascertained.

13 **VENUE**

14 9. Venue and jurisdiction in this Court are proper pursuant to the California Code of Civil
15 Procedure, for a matter relating to subject property located within, and discretionary, quasi-legislative
16 and administrative actions decided within, this Court’s jurisdiction.

17 **PROJECT DESCRIPTION AND HISTORY**

18 10. The project site is a 20,037 square foot lot located in the unique coastal community of
19 La Jolla Shores. The site is designated as Very Low Density Residential in the La Jolla Community
20 Plan and Local Coastal Program Land Use Plan. The project is located at 8490 Whale Watch Way in
21 the SF Single Family Zone of the La Jolla Shores Planned District within Coastal Overlay Zone (non-
22 appealable to the California State Coastal Commission).

23 11. The project site is currently developed with a 4,100 square-foot, one-story, single-family
24 residence constructed in 1974. The site is relatively flat with a 25 percent or greater slope on the west
25 side of the property approximately 25 feet high. Real Parties-in-Interest are proposing to demolish this
26 residence and replace it with a 14,522 square foot, two-story single-family residence with 1,806 square
27 feet of roof decking.

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1 12. La Jolla Shores is a specially designated unique coastal community; this area of La Jolla
2 Shores is characterized by one-story single-family ranch-style homes.

3 13. A Negative Declaration was prepared for the Project, which concluded that the Project
4 would have no significant impacts upon the environment.

5 14. On May 6, 2010, the La Jolla Community Planning Association voted 15-0-1 to
6 recommend denial of the Project due to non-compliance with the La Jolla Shores Planned District
7 Ordinance regulations and because the project was not in character with the surrounding community.

8 15. On September 21, 2010, the La Jolla Shores Planned District Ordinance Advisory Board
9 voted 4-1 to approve the Project, finding that the Project was in compliance with the La Jolla Shores
10 Planned District Ordinance regulations and the bulk and scale was in character with the surrounding
11 community.

12 16. On August 24, 2011, after hearing public testimony in favor and against the proposed
13 Project, the Hearing Officer approved the Project as recommended by staff.

14 17. On September 2, 2011, the La Jolla Community Planning Association filed an appeal of
15 the Hearing Officer's decision to approve the project, alleging insufficient findings, lack of
16 compliance with applicable codes, that the project will affect the neighbor to the east in that the
17 neighbor will be looking into a two-story home, and that the applicant was not willing to work with the
18 La Jolla Community Planning Association to mitigate their Community Planning concerns.

19 18. On October 20, 2011, the Planning Commission voted to uphold the Hearing Officer's
20 decision and deny the appeal after hearing testimony from parties for and against the proposed Project.

21 19. The San Diego Municipal Code allows the Planning Commission's decision on the
22 Negative Declaration to be appealed to the City Council but does not allow the Planning Commission's
23 decision on the Site Development Permit to be appealed to the City Council.

24 20. On October 24, 2011, the La Jolla Community Planning Association filed an appeal of
25 the environmental determination of the Planning Commission to the City Council alleging that the
26 findings were not supported by substantial evidence in the record and the Project would have
27 substantial land use and aesthetic impacts.
28

1 21. On February 6, 2012, the San Diego City Council denied the appeal and upheld
2 certification of the Negative Declaration for the proposed Project, concluding that the Project will not
3 have a significant environmental effect and the preparation of an Environmental Impact Report will
4 not be required.

5 22. On February 10, 2012 the City filed a Notice of Determination for the Negative
6 Declaration with the County Clerk of the County of San Diego. LJST is informed and believes that
7 this filing of the Notice of Determination is the final action regarding approval of the Coastal
8 Development Permit, Site Development Permit and Negative Declaration.

9 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**
10 **AND INADEQUATE REMEDIES AT LAW**

11 23. LJST has exhausted all available administrative remedies, and objections to the Project
12 were presented orally and in writing to the City.

13 24. LJST has complied with the requirements of Public Resources Code Section 21167.5 by
14 mailing a written notice of commencement of this action to the City. A true and correct copy of that
15 notice is attached hereto as Exhibit 1.

16 25. LJST has no adequate remedy at law unless this Court grants the requested writ of
17 mandate requiring the City to set aside its approval of the Coastal Development Permit, Site
18 Development Permit and Negative Declaration until the appropriate environmental analysis has been
19 completed per the California Environmental Quality Act ("CEQA") and the Project is brought into
20 compliance with the San Diego Municipal Code, La Jolla Community Plan and Local Coastal Program
21 Land Use Plan and the La Jolla Shores Planned District Ordinance.

22 26. LJST has performed all conditions precedent to filing this action by complying with all
23 requirements and has no other remedy than to bring this action. All other requests of the City having
24 been previously made, would be futile.

1 **FIRST CAUSE OF ACTION**

2 **(Violation of CEQA – Pub. Res. Code §21168)**

3 26. LJST incorporates by reference each of the allegations set forth in this Petition as if set
4 forth herein in full.

5 27. At all times relevant to this action, the City was the “Lead Agency” responsible for the
6 review and approval of the Project under Public Resources Code section 21067.

7 28. The City has failed to comply with CEQA, in that it certified a Negative Declaration for
8 the Project despite there being substantial evidence in the record to support a fair argument the Project
9 may have significant impacts upon the environment.

10 29. There is substantial evidence in the record to support a fair argument the Project may
11 have a significant aesthetic impact.

12 a. The La Jolla Shores Planned District Ordinance (“LJS PDO”) states that “no
13 structure will be approved that is so different in quality, form, materials, color and relationship
14 as to disrupt the architectural unity of the area.” The contrasting style, size and shape of the
15 Project have the potential to significantly disrupt the unity of the neighborhood.

16 b. The Project does not conform to the scale, form and proportion of adjacent older
17 developments in the area. There is no transition from the Project to the adjacent older
18 developments.

19 c. The Project’s height, bulk, shape and color will stand out in excess of its
20 importance in the neighborhood. The existing residences in the area are typically lower profile
21 Mediterranean or ranch style homes, and this home is antagonistic to the area, with its
22 curvilinear roof, swooping lines, and unrelieved gray color.

23 d. The La Jolla Shores Design Manual states that roofs are a “visually most
24 important element” and requires roofs to conform to the specified types listed: flat, mansard,
25 hipped, gabled or shed. The roof in the Project is curvilinear and is not a specified roof form.
26 Therefore, the roof is so different from the neighboring roofs that it is incompatible and will
27 disrupt “continuity” of roof forms to the street.
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2 30. There is substantial evidence in the record the Project may have a significant land use
3 impact.

4 a. The Project is not consistent with the La Jolla Community Plan and Local
5 Coastal Program Land Use Plan and the La Jolla Shores Planned District Ordinance in that the
6 Project exceeds the 30-foot height limit.

7 b. The Project is not consistent with the La Jolla Shores Planned District Ordinance
8 and Design Manual in that the Project does not conform to the bulk and scale of surrounding
9 development.

10 c. The Project is not consistent with the Land Development Code in that the City
11 relied on an inaccurate definition of gross floor area when it considered the gross floor area of
12 the project.

13 d. The Project is not consistent with the La Jolla Shores Planned District Ordinance
14 in that the Project deviates in form and quality from existing structures in a manner that disrupts
15 the architectural unity of the surrounding community.

16 e. The Project is not consistent with the setback requirements of the La Jolla Shores
17 Planned District Ordinance.

18 31. There is substantial evidence in the record to support a fair argument the project may
19 have a significant impact on traffic. The Project was designed by a world-renowned architect who is
20 considered to be one of the greatest in the field. The proposed Project would be the first example of her
21 work to be built in North America, and would likely be considered a landmark. Such notoriety would
22 almost certainly attract people wishing to view the property up close and in person. This, in turn,
23 would considerably increase the existing traffic flow of the project area. The Project is located at an
24 intersection where two branches of Whale Watch Way merge. The distracting nature of the Project has
25 the potential to lead to an increase in traffic collisions at this intersection.

26 32. There is substantial evidence in the record to support a fair argument the project may
27 have a significant impact on cultural resources. The proposed Project is to be constructed in La Jolla
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1 Shores, an area of San Diego well known for cultural resources of important archaeological
2 significance. Native American remains are frequently found in the project area from simple activities
3 such as planting and yard maintenance. The Project will require excavation and grading, and there is a
4 high possibility that such remains could be found during the construction process.

5 33. There is substantial evidence in the record to support a fair argument the Project may
6 have significant cumulative impacts. The Project is counter to the policies of the La Jolla Shores
7 Planned District Ordinance intended to preserve the unity of the neighborhood and require new
8 development conform to the bulk and scale of the surrounding neighborhood. Approval of this project
9 will change the character of the neighborhood in a manner that will allow other new projects of a
10 character, bulk and scale similar to this Project.

11 SECOND CAUSE OF ACTION

12 (CCP 1094.5)

13 34. LJST incorporates by reference each of the allegations set forth in this Petition as if set
14 forth herein in full.

15 35. The findings in support of the coastal development permit are not supported by
16 substantial evidence.

17 36. The Project will not enhance public views in that there is a partial vista on Whale Watch
18 Way located adjacent to the Project. The Project exceeds the height limit and blocks the scenic vista
19 to the ocean.

20 37. The Project is not in conformity with the certified Local Coastal Program Land Use Plan
21 and does not comply with the regulations of the Certified Implementation Program in that:

22 a. The project is not consistent with the policies of the La Jolla Shores Planned
23 District ordinance – the Certified Implementation Program for La Jolla Shores.

24 b. The Project is not consistent with the La Jolla Shores Planned District Ordinance
25 and Design Manual in that the Project does not conform to the bulk and scale of surrounding
26 development.

1 c. The Project is not consistent with the Land Development Code in that the City
2 relied on an inaccurate definition of gross floor area when it considered the gross floor area of
3 the project.

4 d. The Project is not consistent with the La Jolla Shores Planned District Ordinance
5 in that the Project deviates in form and quality from existing structures in a manner that disrupts
6 the architectural unity of the surrounding community.

7 e. The Project is not consistent with the setback requirements of the La Jolla Shores
8 Planned District Ordinance.

9 38. The Project is not consistent with the aesthetic and public view policies of the La Jolla
10 Shores Community Plan and Local Coastal Program Land Use Plan, which emphasize and preserve the
11 unique character of La Jolla.

12 **THIRD CAUSE OF ACTION**

13 **(CCP 1094.5)**

14 39. LJST incorporates by reference each of the allegations set forth in this Petition as if set
15 forth herein in full.

16 40. The findings in support of the site development permit are not supported by substantial
17 evidence.

18 41. The Project will adversely affect the La Jolla Community Plan and Local Coastal
19 Program Land Use Plan by allowing a Project that is massive and out of character with the
20 surrounding community, thus opening the door for more projects that are not compatible with the
21 community character, bulk and scale, or the policies of the La Jolla Community Plan and Local
22 Coastal Program Land Use Plan.

23 42. The Project is not consistent with the applicable regulations of the Land Development
24 Code in that:

25 a. The Project does not conform to the height limit.

26 b. The Project does not conform to the policies of the La Jolla Shores Planned
27 District Ordinance related to roof form.

1 4. That the City refrain from granting any additional permits, entitlements, or other
2 approvals related to the Project until it has taken action necessary to bring such approvals into
3 compliance with CEQA, and local ordinances, rules and policies;

4 5. That Petitioner be awarded its reasonable costs incurred in this action;

5 6. That Petitioner be awarded reasonable attorney's fees pursuant to Cal. Code of Civil
6 Procedure Section 1021.5; and

7 7. For such other legal or equitable relief that the Court deems just and proper.
8

9 Dated: March 12, 2012

Respectfully Submitted,

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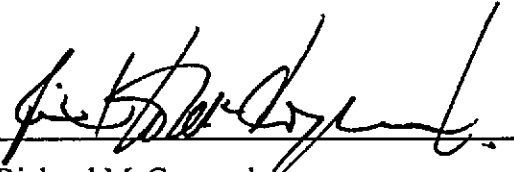
12 Julie M. Hamilton
13 Attorney for Petitioner
14 LA JOLLA SHORES TOMORROW
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VERIFICATION

I, Richard McCormack declare:

I am the President of LA JOLLA SHORES TOMORROW, petitioner in this action. I have read the above Petition for Writ of Mandate and know its contents. All the facts alleged in the Petition not otherwise by citation to the record, exhibits, or other documents are true of my own personal knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in San Diego, California, this 12 day of March, 2012.


Richard McCormack
LA JOLLA SHORES TOMORROW

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NOTICE OF INTENT TO FILE CEQA PETITION

**TO: CITY OF SAN DIEGO
SAN DIEGO CITY CLERK
OFFICE OF THE CITY CLERK
202 C STREET
SAN DIEGO, CA 92101**

PLEASE TAKE NOTICE, under Public Resources Code section 21167.5, that LA JOLLA SHORES TOMORROW intends to file a Petition for Writ of Mandate under the provisions of the California Environmental Quality Act against respondent, City of San Diego, challenging its approval of Negative Declaration No. 164545 for the Whale Watch Way Project, located at 8490 Whale Watch Way, La Jolla, CA 92037, approved by the City Council on February 6, 2012; Site Development Permit 589976; and Coastal Development Permit 589975.

The petition will seek the following relief:

- A. A peremptory writ of mandate, vacating approval of all aspects of the Project, setting aside approval of the Negative Declaration, and enjoining the City from taking any steps to further the Project until lawful approval is obtained from the City after the preparation and consideration of an adequate environmental analysis and adoption of findings supported by substantial evidence;
- B. Costs of suit;
- C. Reasonable attorney's fees; and
- D. Such other relief granted as the Court deems just and proper.

DATE: March 12, 2012

BY:



Leslie Gaunt
Attorney for Petitioner,
La Jolla Shores Tomorrow

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CENTRAL DIVISION

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CLERK OF SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 JULIE M. HAMILTON, ESQ. SBN 199155
2 LESLIE GAUNT, ESQ. SBN 265689
3 2835 Camino del Rio S.
4 Suite 100
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6 Telephone: (619) 278-0701
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8 Julie@jmhamiltonlaw.com

9 Attorneys for Petitioner, LA JOLLA SHORES TOMORROW

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN DIEGO
12 CENTRAL DIVISION

13 LA JOLLA SHORES TOMORROW, a)
14 California Non-Profit Public Benefit)
15 Corporation,)
16 Petitioner,)
17 vs.)
18 CITY OF SAN DIEGO, a public entity;)
19 and DOES 1 through 5, inclusive,)
20 Respondent,)

GENERAL CIVIL (CEQA)
CASE NO.: 37-2012-00093782-CU-TT-CTL
**REQUEST FOR ADMINISTRATIVE
RECORD**

21 DON SMARGON an individual, and AUDREY)
22 VITERBI, an individual and DOES 6 through 10,)
23 Real Parties in Interest.)

24
25 To CITY OF SAN DIEGO ("City"):

26 You are hereby requested by LA JOLLA SHORES TOMORROW, Petitioner in the above
27 proceedings, to prepare and deliver to the undersigned in accordance with Pub. Resources Code
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1 §21167.6, the record of proceedings related to the approval of Negative Declaration 164545,
2 Development Permit 589976, and Coastal Development Permit 589975 for the Whale Watch Way
3 Project ("Project") located at 8490 Whale Watch Way, La Jolla, CA 92037:

- 4 1. All Project application materials.
- 5 2. All staff reports and related documents prepared by the City with respect to compliance
6 with the substantive and procedural requirements of the California Environmental Quality Act
7 ("CEQA") and with respect to any ministerial and discretionary actions on this Project.
- 8 3. All staff reports and related documents prepared by the City and written testimony or
9 documents submitted by any person relevant to any findings or the Negative Declaration approved by
10 the City pursuant to CEQA.
- 11 4. Any transcript or minutes of the proceedings at which any decision-making body of the
12 City heard testimony on, or considered any environmental document on, the Project, and any transcript
13 or minutes of proceedings before any advisory body to the City which were presented to the decision-
14 making body prior to action on the environmental documents or Project.
- 15 5. All notices issued by the City to comply with CEQA or with any other law governing the
16 processing and approval of the Project.
- 17 6. All written comments received in response to, or in connection with, environmental
18 documents prepared for the Project, including responses to the notice of preparation.
- 19 7. All written evidence or correspondence submitted to, or transferred from, the City with
20 respect to compliance with CEQA or with respect to the Project.
- 21 8. Any proposed decisions or findings submitted to the decision-making body of the City by
22 its staff, or the project proponent, project opponents, or other persons.
- 23 9. The documentation of the final City decision, including all documents, in addition to
24 those referenced in paragraph 3, cited or relied on in the findings or in Negative Declaration approved
25 pursuant to this division.
- 26 10. Any other written materials relevant to the City's compliance with CEQA or to its
27 decision on the merits of the Project, including the initial study, any drafts of any environmental
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1 document, or portions thereof, which have been released for public review, and copies of studies or
2 other documents relied upon in any environmental document prepared for the Project and either made
3 available to the public during the public review period or included in the City's files on the Project, and
4 all internal agency communications, including e-mail, staff notes and memoranda related to the Project
5 or to compliance with CEQA.

6 11. The full written record before any inferior administrative decision-making body whose
7 decision was appealed to a superior administrative decision-making body prior to the filing of litigation.
8

9 You are also requested to prepare and deliver to La Jolla Shores Tomorrow a written estimate of
10 the cost of preparation of the administrative record prior to commencing preparation of the record. **La**
11 **Jolla Shores Tomorrow reserves the right to prepare the administrative record under Pub.**
12 **Resources Code §21167.6(b)(2) until it can make an informed decision based on the cost of the**
13 **estimate provided by the City.**
14

15 Dated: March 12, 2012

Respectfully Submitted,

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18 Julie M. Hamilton
19 Attorney for Petitioner,
La Jolla Shores Tomorrow
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CLERK OF SUPERIOR COURT
SAN DIEGO COUNTY, CA

1 JULIE M. HAMILTON, ESQ. SBN 199155
2 LESLIE GAUNT, ESQ. SBN 265689
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4 Suite 100
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8 Julie@jmhamiltonlaw.com
9 Attorneys for Petitioner, LA JOLLA SHORES TOMORROW

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN DIEGO
11 CENTRAL DIVISION

12 LA JOLLA SHORES TOMORROW, a
13 California Non-Profit Public Benefit
14 Corporation,
15 Petitioner,
16 vs.
17 CITY OF SAN DIEGO, a public entity;
18 and DOES 1 through 5, inclusive,
19 Respondent,

) GENERAL CIVIL (CEQA)
) CASE NO.: 37-2012-00093782-CU-TT-CTL
) **NOTICE TO ATTORNEY GENERAL**

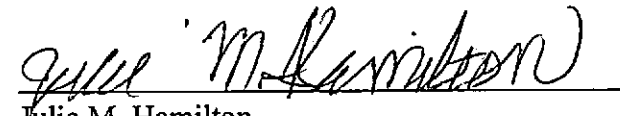
20 _____)
21 DON SMARGON an individual, and AUDREY)
22 VITERBI, an individual and DOES 6 through 10,)
23 Real Parties in Interest.)

24
25 To the Attorney General of the State of California:

26 PLEASE TAKE NOTICE, under Public Resources Code §21167.7 and Code of Civil Procedure
27 §388, that on March 5, 2012, LA JOLLA SHORES TOMORROW filed a petition for writ of mandate
28

1 against City of San Diego ("City") in San Diego County Superior Court. The petition alleges that the
2 City violated the California Environmental Quality Act and the California Coastal Act by approving
3 Negative Declaration 164545, Site Development Permit 589976, and Coastal Development Permit
4 589975 for the Whale Watch Way Project located at 8490 Whale Watch Way, La Jolla, CA 92037,
5 without an adequate environmental review. A copy of the petition is attached to this notice.
6

7 Dated: March 12, 2012
8

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10 Julie M. Hamilton
11 Attorney for Petitioner,
12 La Jolla Shores Tomorrow
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JULIE M. HAMILTON, Attorney at Law
California State Bar Number 199155
2835 Camino del Rio S., Suite 100
San Diego, CA 92108
Telephone: (619) 278-0701
Facsimile: (619) 278-0705
julie@jmhamiltonlaw.com

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CLERK'S OFFICE
SAN DIEGO COUNTY, CA

La Jolla Shores Tomorrow v. City of San Diego

37-2012-00093782-CU-TT-CTL

PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF SAN DIEGO)

I, the undersigned, say: I am over 18 years of age, employed in the County of San Diego, California, in which county the within mentioned delivery occurred, and not a party to the subject cause. My business address is 2835 Camino del Rio S., Suite 100, San Diego, California, 92108. On March 12, 2011 I served the document listed below on the parties in this action.

NOTICE OF INTENT TO FILE CEQA PETITION

SERVED UPON:

City of San Diego
City Clerk
202 C Street, 2nd Floor
San Diego, CA 92101
cityclerk@sandiego.gov

(BY MAIL) I caused such envelopes with **first class** postage thereon fully prepaid to be deposited in the U.S. Mail mailbox at San Diego, California. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY HAND DELIVERY) I delivered to an authorized courier or driver authorized by Diversified Legal Services Inc. to receive documents to be delivered the same date.

(BY FEDERAL EXPRESS) I am readily familiar with the firm's practice for the collection and processing of correspondence for overnight deliver and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

(BY FACISIMILE) I caused to be transmitted the document(s) described herein via the FAX number(s) listed on the attached service list.

Executed on **March 12, 2011** at San Diego, California. I declare under penalty of perjury under the laws of the State of California, that the above is true and correct.



Leslie Gaunt