



City of San Diego
Development Services
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 San Diego, CA 92101
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THE CITY OF SAN DIEGO

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031
 OCTOBER 2012

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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name: La Jolla Historical Society c/o The Law Office of Julie M. Hamilton
 E-mail Address: julie@jmhamiltonlaw.com
 Address: 2835 Camino del Rio S. Suite 100 City: San Diego State: CA Zip Code: 92108 Telephone: (619) 278-0701

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Bernate Ticino

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
Project No. 293008	January 11, 2013	Laura Black

Decision (describe the permit/approval decision):
 That the project is categorically exempt from CEQA pursuant to CEQA State Guidelines, Section 15303 (New Construction or Conversion of Small Structures).

5. Grounds for Appeal (Please check all that apply)

- Factual Error
- Conflict with other matters
- Findings Not Supported
- New Information
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

1. Failure to proceed in the manner required by law.
2. The environmental determination is not final until the Coastal Development Permit has been approved, therefore the appeal period does not begin to run until the Coastal Development Permit has been approved.
3. The environmental determination relies on improper baseline conditions, the proper baseline conditions are set at the time of application for modification of the roof overhang of "Windemere Cottage" in October 2011.
4. The environmental determination fails to consider the "whole of the project" including the demolition of "Windemere Cottage" in order to allow construction of the proposed single family residence.
5. There is substantial evidence to support a fair argument that the demolition of the "Windemere Cottage" and construction of the Bernate Ticino residence will have a significant effect on historic resources; therefore an environmental impact report ("EIR") must be prepared. The EIR must provide alternatives and mitigation measures designed to reduce significant impacts to historic resources to the maximum extent feasible.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Julie M. Hamilton Date: 02/04/2013

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.