

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

**F 10c****Addendum**

August 4, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item F 10c**, Coastal Commission Permit Application
#A-6-OCB-08-61 (Smith & Taylor), for the Commission Meeting of
8/8/08

Staff recommends the following changes be made to the above-referenced staff report:

1. Exhibit No. 5 shall be replaced in its entirety with the attached corrected/final resolution of approval from the City of San Diego.

(Document3)



6-OCB-08-119

THE CITY OF SAN DIEGO

COASTAL DEVELOPMENT PERMIT
NOTICE OF FINAL ACTION

California Coastal Commission, San Diego Area Office
7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402
Phone (619) 767-2370

DATE: **June 6, 2008**

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

PROJECT NAME - NUMBER: Pescadero House – Project No. 86511

PROJECT DESCRIPTION: The project proposes the demolition of 2 existing duplex units (total 4 dwelling units) in order to construct 2 new attached multi-family dwelling units in a two-story, 5,203 square-foot structure over subterranean parking on 7436 square-foot site in the RM-2-4 Zone.

LOCATION: 1466 Pescadero Drive

APPLICANT'S NAME Daniel Smith/Michael Taylor

FINAL ACTION: APPROVED WITH CONDITIONS

ACTION BY: City Council

ACTION DATE: May 27, 2008

CONDITIONS OF APPROVAL: See attached Permit.

FINDINGS: See attached Resolution.

Not appealable to the Coastal Commission

Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission only after a decision by the City Council (or Planning Commission for Process 2 and 3 Coastal Development Permits) and within ten (10) working days following Coastal Commission receipt of this Notice, as to the date the Commission's appeal period will conclude.

RECEIVED
JUN 23

EXHIBIT NO. 5
APPLICATION NO.
A-6-OCB-08-61
City's Notice of Final Action
132
California Coastal Commission

RESOLUTION NUMBER R-303789

DATE OF FINAL PASSAGE MAY 27, 2008

RECEIVED
JUL 25 2008

A RESOLUTION DENYING THE APPEAL AND GRANTING
COASTAL DEVELOPMENT PERMIT NO. 274486/ SITE
DEVELOPMENT PERMIT NO. 277639/ PLANNED
DEVELOPMENT PERMIT NO. 524160 RELATED TO THE
PESCADERO HOUSE PROJECT.

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

WHEREAS, Daniel Smith, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit/planned development permit to demolish an existing multi-family residential structure and construct two new multi-family residential units, on portions of a 0.17-acre parcel, to be known as the Pescadero House project, located at 1466 Pescadero Drive, and legally described as Lot 7 and Lot 8, Block 44, Map of Ocean Beach being a subdivision of Pueblo Lots 195, 202 and 203, and that portion of Ocean Boulevard closed and vacated by resolution ordering work no. 103046, document 435927 on July 17, 1951, within the Ocean Beach Precise Plan, in the RM-2-4 zone, and includes the Coastal Overlay Zone (appealable), Sensitive Coastal Resource Overlay Zone, Coastal Height Limit Overlay Zone and Parking Impact Overlay Zone; and

WHEREAS, on February 7, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 274486/Site Development Permit No. 277639/Planned Development Permit No. 524160, and pursuant to Resolution No. 4376-PC voted to approve the Permit; and

WHEREAS, Robert Ames appealed the Planning Commission decision to the Council of the City of San Diego; and

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WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on May 27, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 274486/Site Development Permit No. 277639/Planned Development Permit No. 524160:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0708**

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The subject property is not identified in the City's adopted Local Coastal Program [LCP] Land Use Plan as a public accessway. The site is privately owned and already developed. As such, the Project will not encroach upon any existing physical accessway legally utilized by the public. The Project site is a bluff top lot over the Pacific Ocean and surrounded on the remaining three sides by single and multi-family residential development. A 6-unit apartment Project previously existed on the site. In 1992, after a series of storms, and as a result of bluff failure, the most westerly 2-story Duplex was undermined and rendered unsafe. That 2-story apartment was removed by the Owner in 1993. The partially eroded site was restored and the existing four units remain in place. All of the proposed development will be contained within the existing disturbed and previously developed and graded portions of the site. There is no existing physical access used legally or otherwise by the public, nor is there any public access identified in the Local Coastal Program. The Project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The Project is within 100 feet of the bluff edge therefore within

the Sensitive Coastal Bluffs, requiring a Site Development Permit based on the Environmentally Sensitive Lands regulations. The Project site is developed with two existing duplex units with two residential units in each located near the Coastal Bluff above the Pacific Ocean along Sunset Cliffs. Adjacent land uses consist of residential to the north, east, and south, and a Coastal Bluff overlooking the Pacific Ocean to the west. Off-site, to the west of the bluff, the property descends down the approximately 35-foot high bluff to the ocean below. The City has a public right-of-way for Ocean Boulevard that encompasses the bluff area, between the western property boundary westward to the Mean High Tide Line. This right-of-way was dedicated for public use and allows limited public access along the lower bluff area and full access to the sandy beach area and rocky shoreline below the Project.

The Project proposes the demolition of the existing one story structures containing a total of four dwelling units and the construction of a new, 2-story over partially subterranean parking. A portion of the building is 30 ft. above grade however a majority of the proposed structure is 28.5 ft. The building conforms with the maximum 30 ft. Coastal Height Limit allowed by the zone. The Project proposes to construct a 2-story Duplex with subterranean parking garage. The design of the condominiums and materials utilized for the roof, walls, windows, and trim are compatible with the neighborhood and consistent within the Ocean Beach Precise Plan [The Precise Plan]. The Project will be compatible with the existing architectural character and scale of the neighborhood. The Project is surrounded by multi-family development that range from 25 ft. to 30 ft. tall. The Ocean Beach Community Planning Group [OBCPG] reviewed the Project and found that it conforms to the Precise Plan and has recommended approval.

The proposed development is located between the shoreline and the first public roadway; therefore views to the ocean must be preserved and where possible enhanced. The proposed development will adhere to the required yard area setbacks pursuant to the Land Development Code. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code section 132.0403(b) to create new public views toward the ocean. All new fencing and gates within or adjacent to Pescadero Dr. and within northerly side yard setback would be restricted to a maximum height of 6 ft. (3 ft. solid base and 3 ft. "open") in order to maintain and enhance pedestrian views toward the ocean.

The Duplex has also been designed to respect all required front, side, street and rear yard setbacks. This serves to enhance and preserve views to and along the ocean from Pescadero Dr. and other public vantage points.

Although not identified as a View Corridor, Pescadero Dr. can provide limited views toward the ocean. The proposed Duplex will not encroach into the existing view down Pescadero Dr. As designed, the Project will not obstruct coastal or scenic views from any public vantage point and will preserve and enhance public views towards the ocean. Further, the Project will not encroach upon any existing accessway legally utilized by the general public. There are no erosion control measures and no shoreline erosion control devices proposed as part of the Project.

The proposed development also will not encroach upon any existing physical accessway legally utilized by the general public or any proposed public accessway identified in the adopted

LCP Land Use Plan; nor will the Project obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The Project has been designed so that the cantilevered portion of the structure would respect a 25 ft. setback from the Coastal Bluff. This setback is consistent with the recommendations of the Christian Wheeler Engineering Geotechnical Investigation Report and Supplemental Report dated February 9, 2007 [collectively, Geologic Reports]. The foundation of the Duplex (hardened deep footing anchored 5 ft. into Point Loma Formation and cretaceous bedrock) will be set back an additional 15 ft. (respecting a 40 ft. setback) from the edge of the bluff. With this design the Duplex will be landward of the adjacent multi-family apartment and condominium projects. The proposed Project will also be well behind the "string line" of development along this stretch of Sunset Cliffs. Finally, the new Project will also be landward of the previous 4-unit Duplex Project (which is only 16 ft. from the bluff edge). As such, this Project will eliminate a bluff edge nonconforming structure.

No public access will be affected by this Project. A new visual corridor is feasible and will be implemented to preserve, enhance or restore public views of the ocean or shoreline from the public street.

Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a LCP Land Use Plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the LCP Land Use Plan (also see CDP findings 2-4 and SDP and PDP findings below).

2. The proposed coastal development will not adversely affect environmentally Sensitive Lands. The Project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands. The Project proposes the demolition of an existing 2-story structure containing four dwelling units and the construction of a new, 2-story over basement, Duplex with subterranean level garages. No seawall or shoreline protective device exists on site and no shoreline protective device is requested. The City of San Diego conducted a complete environmental review of this site.

The proposed Project is located on a developed bluff top lot located south of the Sunset Cliffs Bluff Stabilization Project and Engineered Rip Rap Shoreline Protection [City/Army Corps Project] which is north of the subject site. The existing site will be excavated to accommodate the partially subterranean parking garage and the cantilevered Duplex above.

As concluded in the Mitigated Negative Declaration (DEP 99-1073), no adverse unmitigated impacts to marine, paleontological, or archaeological resources are anticipated to occur as a result of Project implementation.

The proposed development is located on a previously developed lot. Drainage from the developed portion of the site will be directed toward the street and away from the bluffs. This development does not propose to encroach into undisturbed areas. A Mitigated Negative Declaration was prepared for this Project in accordance with California Environmental Quality

Act [CEQA] Guidelines. The Mitigated Negative Declaration concluded that the proposed Project will not have a significant effect on the environment.

The existing 4-unit Duplex has also not been found to be historically or architecturally significant. As indicated in the Mitigated Negative Declaration:

The Project proposes to demolish structures that are 45 years in age or older. However, the structures do not possess integrity of design, architecture or workmanship. They are not representative examples of the small Craftsman style architecture that typifies the Ocean Beach Emerging Historic Cottage District. Additionally, the property is not listed in or determined to be eligible for listing in the California Register of Historical Resources. As such, the existing single-family homes are not historically significant. Therefore, project implementation would not result in a significant impact to a historical resource under CEQA and no mitigation is required.

There is no evidence in the record that the Duplex has any historical or architectural significance.

Mitigated Negative Declaration No. 86511 has been prepared for this Project in accordance with CEQA Guidelines, which preclude impact to these resources and Mitigation Monitoring and Reporting Program [MMRP] would be implemented to reduce potential historical resources (archaeology) and paleontological impacts to a level below significance. Mitigation in the form of on-site monitoring for archaeology and paleontology was required as the Project is located in an area with a high potential for subsurface resources. A geological report was prepared for the Project and determined the Project, as redesigned with a cantilevered floor to provide a 40 ft. setback from the bluff edge would not affect the Coastal Bluff. Additionally, Best Management Practices [BMP] to ensure site drainage and run-off is directed away from the bluff. The Project site is not located within or adjacent to the Multi-Habitat Planning Area [MHPA] of the City's Multiple Species Conservation Program [MSCP]. The Project site is located within an existing urbanized area. The proposed Project was found to not have a significant effect on the environment. The proposed coastal development will not adversely affect Environmentally Sensitive Lands.

Therefore, the proposed development will not adversely affect identified marine resources, environmentally sensitive areas, historic, archaeological, or paleontological resources (also see CDP finding 1 above, 3 and 4 below, and SDP and PDP permit findings below).

3. The proposed coastal development is in conformity with the Certified Local Coastal Program Land Use Plan and complies with all regulations of the Certified Implementation Program. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and

associated off-street parking. The proposed Project conforms to the Certified Local Coastal Land Use Plan. No public view to the water would be adversely affected by the approval of this Project. Granting the deviations via a Planned Development Permit would not increase the scale or height of the overall structure. The Project would not increase any public view impacts greater than a Project without the requested deviations. The proposed development is located between the shoreline and the first public roadway, therefore public views to the ocean must be preserved. A visual corridor of not less than the side yard setbacks will be created and preserved to eliminate the impact of development along this coastal view area. The Project meets the intent of the Guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit.

Therefore, the proposed development would be in conformity to the Certified LCP Land Use Plan and comply with all regulations of the Certified Implementation Program (also see CDP findings 1 and 2 above, 4 below, and SDP and PDP findings).

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The subject property is located between the nearest public road and the sea or the shoreline of any body of water, and within the Coastal Overlay and Coastal Height Limit Zones.

No adjacent public parks or public recreational areas presently exist, were identified, or are anticipated for the area adjacent to and immediately surrounding the subject site. There is a public accessway that was built as part of the City/Army Corps Seawall and Shoreline Stabilization Project that is north of the site within Ocean Blvd. (Paper Street). There is also Engineered Rip Rap that was installed by the City/Army Corps north of the site. Public access to the walkway is from the foot of Orchard Ave. and also from Santa Cruz Ave. Although not identified as a public park or recreation area, the 25 ft. bluff edge setback of the cantilevered portion of the Duplex will provide adequate buffer to protect such resources. Geotechnical Reports have been completed which analyzed stability of the site for the location of the existing and proposed improvements. Staff review and completion of a Mitigated Negative Declaration investigated the possible impacts to sensitive habitats and scenic resources and found that there are no adverse impacts associated with this proposed Project. Further, the Mitigated Negative Declaration did not identify any impacts to environmentally sensitive resources, sensitive habitat, or scenic resources. No impacts to these resources are anticipated to occur as a result of the residence. Dedicated public access to the beach and bluff area is available at the end of Orchard

Avenue two blocks north of the Project and Bermuda Avenue two block south of the Project site. These access points allow public access along the beach and lower Coastal Bluff below the Project. The City has a public right-of-way for Ocean Boulevard in the bluff area between the western property boundary and the Mean High Tide Line. This right-of-way was dedicated for public use and allows public access along the lower bluff and beach area below the Project.

Therefore, for every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (also see CDP findings 1, 2 and 3 above and SDP and PDP findings below).

B. SITE DEVELOPMENT PERMIT – SDMC 126.0504(a)

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The Project is within 100 feet of the bluff edge therefore within the sensitive Coastal Bluffs, requiring a Site Development Permit based on the Environmentally Sensitive Lands regulations. The Project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The proposed development is located between the shoreline and the first public roadway; therefore views to the ocean shall be preserved. This Project is located in the RM-2-4 zone. The RM-2-4 zone permits a maximum density of one dwelling unit for each 1,750 square feet of lot area. The Project is in conformance with the underlying zoning, and conforms to the required floor area ratio, parking and setbacks.

The height, scale, design and building materials incorporated into the Duplex are consistent with the varied architecture, design and character of existing single and multi-family development in the surrounding area. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes and multi-family buildings in the vicinity and would be visually compatible with the varied design theme and character of the existing single and multi-family homes and apartments of the surrounding area and the development along Sunset Cliffs. This Project will enhance the visual quality of the site and surrounding area, and will enhance public views to the ocean.

The Project will be visually compatible with the surrounding neighborhood. This site is designated for multi-family development. The Duplex has been designed to blend with the surrounding area which consists of 1-, 2- and 3-story homes and multi-family apartments and condominiums. The Project as designed is in conformance with the goals and objectives of the Community Plan, the Certified LCP, and the purpose and intent of the RM-2-4 zone. The formally recognized Community Planning Group has recommended approval of the Project finding that it is consistent with the Precise Plan. The proposed development will be visually compatible with the character of the surrounding area, and where feasible, restores and enhances visual quality in visually degraded areas.

Minor deviations requested to accommodate parking and access including reduced parking stall dimensions, aisle width and visibility area can be granted with a Planned Development Permit. The proposed development will adhere to the required yard area setbacks pursuant to the Land Development Code. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code section 132.0403(b). The building will be under the maximum 30 ft. Coastal Height Limit allowed by the zone. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit.

Therefore, the proposed development would not adversely affect the applicable land use plan (also see CDP and PDP findings and SDP findings 2 and 3 below).

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands. The Project proposes the demolition of an existing 2-story structure containing three dwelling units and the construction of a new, 3-story over basement, Duplex with ground level garages. The City of San Diego conducted a complete environmental review of this site. Mitigated Negative Declaration No. 86511 has been prepared for this Project in accordance with CEQA Guidelines, which preclude impact to these resources and MMRP would be implemented to reduce potential historical resources (archaeology) and paleontological impacts to a level below significance. Mitigation in the form of on-site monitoring for archaeology and paleontology was required as the Project is located in an area with a high potential for subsurface resources. A geological report was prepared for the Project and determined the Project, as designed with a cantilevered floor to provide a 40 ft. setback from the bluff edge would not adversely affect the Coastal Bluff. Additionally, BMP to ensure site drainage and run-off is directed away from the bluff. The Project site is not located within or adjacent to the MHPA of the City's MSCP. The Project site is located within an existing urbanized area. The proposed Project was found to not have a significant effect on the environment. The Project would be designed and constructed pursuant to all applicable zoning and building codes and inspected for compliance with building standards.

Therefore, the proposed development would not be detrimental to public health, safety, and welfare (also see CDP and PDP findings and SDP findings 1 and 3).

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The proposed Project conforms to the Certified Local Coastal Land Use Plan. No public view to the water would be adversely affected by the approval of this Project. Granting the deviations via a Planned Development Permit would accommodate

parking and access, including reduced parking stall dimensions, aisle width and visibility area and would not increase the potential scale or height of the overall structure. The Project would not increase any public view impacts greater than a Project without the requested deviations. The proposed development is located between the shoreline and the first public roadway, therefore public views to the ocean must be preserved. A visual corridor of not less than the side yard setbacks will be created and preserved to eliminate the impact of development along this coastal view area. The Project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit.

Therefore, the proposed development would comply with all applicable regulations of the Land Development Code (also see CDP and PDP findings).

C. SUPPLEMENTAL FINDINGS ENVIRONMENTALLY SENSITIVE LANDS FOR SITE DEVELOPMENT PERMIT APPROVAL – SDMC SECTION 126.0504(b)

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to Environmentally Sensitive Lands. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The Project requires a Site Development Permit based on the Environmentally Sensitive Lands regulations. The Project is in compliance with the Environmentally Sensitive Lands guidelines, and proposes no deviations from those guidelines. The Environmentally Sensitive Lands guidelines are intended to assure that development protects the overall quality of the resources by determining the impacts and providing mitigation, if necessary. The Project site is not located within or adjacent to the MHPA of the City's MSCP.

The proposed Duplex will be located on an existing site. The Project site has been previously graded. Since the entire site has been previously graded and padded and was previously developed with a 4-unit apartment Project with the exception of the Coastal Bluff, no Sensitive Coastal Resources remain on the site. The Project will not result in any adverse impacts upon sensitive coastal resources or other environmentally sensitive areas. A Mitigated Negative Declaration was prepared for this Project. No significant unmitigated (adverse) impacts are anticipated to occur as a result of Project implementation.

The Project has been designed so that the cantilevered portion of the structure would respect a 25 ft. setback from the Coastal Bluff edge. This setback is consistent with the recommendations of the Geologic Reports. The foundation of the Duplex (hardened deep footing anchored 5 ft. into Point Loma Formation and cretaceous bedrock) will be set back an additional 15 ft. (respecting a 40 ft. setback) from the edge of the bluff. With this design the

Duplex will be landward of the adjacent homes and the "string line" of development along this stretch of Sunset Cliffs. The Project will also be landward of the previous 4-unit apartment Project that was on the site. The existing nonconforming (Coastal Bluff Edge Setback) 4-unit Duplex project will be removed.

All drainage will be directed into a private storm drain system and directed back to the public right-of-way and public storm drain systems. As such, there will be no adverse impacts to environmentally sensitive areas or sensitive coastal resources. Since the proposed Project is a Duplex located on the top of a man-made bluff and the structural foundation system will respect a 40 ft. bluff edge setback, there will not be any impacts to the Coastal Bluff or the shoreline sand supply. A geologic study of the Coastal Bluff, the site, and Coastal Bluff stability calculations and analysis were performed (see the Geologic Reports). The Geologic Reports conclude that the proposed Project would not adversely impact the stability of the site or the Coastal Bluff, nor would the proposed Project result in exacerbated Coastal Bluff retreat. Municipal Code section 143.0143 indicates that a bluff edge setback may be less than 40 ft., but in no case less than 25 ft. where the evidence is contained in the Geology Report indicates that (1) the site is stable enough to support the development with the proposed bluff edge setback, and (2) that the Project can be designed so that it will neither be subject to, nor contribute to, significant geologic instability throughout the anticipated life span of the principal structures. The site has been determined to be stable at the 25 ft. to 26 ft. setback and the Project has been determined not to contribute to or be subjected to geologic instability during the 75-year anticipated life of the structure.

The Project complies with all of the supplemental restrictions of Municipal Code section 143.0143 et. seq. The geological, bluff stability, erosion rate studies, and factor of safety calculations conclude that the site is stable to support the development with a 25 ft. to 26 ft. Coastal Bluff edge setback for new improvements. While the Project could be built at the 25 ft. to 26 ft. Coastal Bluff edge setback, the design places all structural foundations at the 40 ft. setback. This is much more conservative than what is recommended by the various studies.

Since the cantilevered portion of the Duplex has been sited to respect a 25 ft. bluff edge setback and the foundation systems will be set back 40 ft. from the bluff edge, the Project will not impact any sensitive coastal resources or environmentally sensitive areas.

The City of San Diego conducted a complete environmental and geotechnical review of this site. A Mitigated Negative Declaration has been prepared for this Project in accordance with CEQA Guidelines, which concludes that there will not be any impact to these resources. A geotechnical analysis was prepared to address the bluff stability, shoreline erosion, rising sea levels and factor of safety analysis. These studies concluded that the bluff will support the proposed improvements and is considered stable with regard to potential erosion and slope failure.

Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to Environmentally Sensitive Lands (also see CDP, SDP and PDP findings above and below).

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking.

“Natural” landforms will not be altered. New construction will occur within the existing disturbed site. A geological study of the Coastal Bluff, the site, and Coastal Bluff stability calculations and factor of safety analysis were performed (see the Geologic Reports). The Geologic Reports conclude that the proposed Project would not adversely impact the stability of the site or the Coastal Bluff, nor would the proposed Project result in exacerbated Coastal Bluff retreat. Municipal Code section 143.0143 indicates that a bluff edge setback may be less than 40 ft., but in no case less than 25 ft., where the evidence is contained in the Geology Report indicates that (1) the site is stable enough to support the development with the proposed bluff edge setback, and (2) that the Project can be designed so that it will neither contribute to, nor subject to, significant geologic instability throughout the anticipated life span of the principal structures. The Geologic Reports, coastal erosion rates (including an analysis of rising sea levels), bluff stability analysis, and factor of safety studies all conclude that the site is stable to support the proposed Project with a bluff edge setback of 25 ft. to 26 ft. for new improvements. However, the Project has been designed so that all of the foundation and load bearings for the Project will be set back 40 ft. from the Coastal Bluff edge. As such, a 25 ft. setback for the proposed cantilevered portion of the structure with a 40 ft. setback for the proposed structural foundation system is appropriate. All construction will be contained within the disturbed site. The Project site is not located within the FW (Floodway) or FPF (Floodplain Fringe) Zones and there is no apparent undue risk from fire hazards. The drainage system has been designed to be consistent with relevant requirements of the City Engineer and will minimize risks associated with runoff and erosion by collecting and directing all onsite drainage back to the street and into the public City storm drain system.

The Project site is adjacent to the Coastal Bluff edge, approximately 35 ft. above the beach below, so hazards from coastal flooding would be very remote. No construction will occur near the Coastal Bluff edge and all structure bearing support for the new development shall be at a minimum of 40 ft. back from the bluff edge and implement a cantilevered design. No coastal protective devices exist on the site and none are proposed for the Project. A geotechnical analysis was performed and the bluff was considered to be stable to support the proposed development without a shoreline protection or other erosion control measure. No geologic hazards were found that would be detrimental to the proposed Project. The proposed development area is flat and surrounded by existing residential development. On site grading would occur for excavation of the building foundation and partially subterranean parking. However, no substantial change in topography or ground surface would result.

The City has concluded that based upon the various Geotechnical Reports submitted that there is sufficient data and analysis to verify the location of the bluff edge. Further, the Geologic

Reports have adequately addressed the geologic hazards of the property by means of setbacks and deep foundations for the purpose of discretionary review. In the unlikely event that the existing bluff should experience exacerbated erosion and retreat beyond the anticipated 25 ft, the foundation system of the Project has been designed to support the proposed Duplex independent of the potential loss of the fill and terrace deposits. Conditions of the permit require that the structural foundation system be imbedded 5 ft. into the Point Loma Formation. The standard of construction created by the attention to and extent of the engineered foundation works for the proposed Project will provide a manifold stability of structure far beyond that of the surrounding preexisting single- and multi-family dwellings.

Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards (also see CDP, SDP and PDP findings).

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. A cantilevered design shall be used so that no construction will occur near the sensitive Coastal Bluff edge. A complete environmental review for the Project area was completed. As outlined in Mitigated Negative Declaration No. 86511, the Project would require monitoring for sensitive historical and paleontological resources to mitigate potential impact to these resources. Best Management Practices have been made a condition of the permit to ensure run-off and drainage does not impact the coastal bluff.

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent Environmentally Sensitive Lands (also see CDP, SDP and PDP findings).

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Project is not located within or adjacent to the City's MHPA. Therefore, the Project does not need to show consistency with Multiple Species Conservation Program Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. In order to assess the geologic conditions of the site, a Geotechnical Investigation dated February 9, 2007 for 1466-1472 Pescadero Dr. was prepared for the Project and is summarized below. The Project site is located within hazard category 43 which encompasses generally unstable Coastal Bluffs characterized by locally high erosion rates. The Project would be conditioned to construct all of the foundation

landward of the 40 ft. Coastal Bluff edge setback. The Project is proposing to cantilever the structure over the 40 ft. Coastal Bluff edge setback. The foundation would be properly embedded into the competent native materials. The foundation would not be subject to failure due to the anticipated coastal erosion forces. No work or grading is proposed on the bluff face. All Project construction will occur eastward of the required 40 ft. wide bluff edge setback. There is no seawall or other shoreline erosion control measure proposed as part of this Project. As such, wave impact erosion and shoreline sand supply will remain the same. The proposed development will not contribute to erosion. No shoreline protection or shoreline erosion control device is proposed. All onsite drainage will be collected and redirected away from the manufactured bluff and into the public street storm drain system.

Since the proposed Project is a Duplex located on the top of a man-made bluff, there will not be any impacts to the shoreline sand supply. A geological study of the Coastal Bluff, the site, and Coastal Bluff stability calculations and analysis were performed (see the Geologic Reports). The Geologic Reports conclude that the proposed Project would not adversely impact the stability of the site or the Coastal Bluff, nor would the proposed Project result in exacerbated Coastal Bluff retreat, failure or erosion. The geological and bluff stability studies and calculations conclude that the site is stable to support the development with the proposed 25 ft. bluff setback for new improvements and that the Project has been designed so as not to subject to, nor contribute to, significant geologic instability. As such, the 25 ft. setback is appropriate for the Duplex with a 40 ft. setback for the proposed foundation system.

All drainage on the site will be collected in a private storm drain system and redirected back to the public right-of-way. A Geologic Reconnaissance was conducted and a report prepared for the site to identify and assess the geologic conditions at the site. The report found that the proposed Project would not create a significant impact to the Coastal Bluff and no mitigation is required. The Project site is adjacent to the bluff, approximately 35 ft. above the beach below, so hazards from coastal or oceanic flooding would be very remote. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards.

Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply (also see CDP, SDP and PDP findings).

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. An environmental analysis was performed and Mitigated Negative Declaration No. 86511 was prepared with a MMRP, which would mitigate potentially significant archaeological and paleontological resource impacts to below a level of significance. The Project would be conditioned to construct all of the foundation landward of the 40 ft. Coastal Bluff edge setback. The Project is proposing to cantilever the structure over the 40ft. Coastal Bluff edge setback. The foundation would be properly embedded into the competent native

materials. Proper engineering controls and best management practices consisting of Site Design, Source Control, Priority Project Category and Structural Treatment Control in accordance with the Land Development Code would minimize water runoff and soil erosion during excavation/construction activities. Additionally, the applicant is conditioned to submit a Water Pollution Control Plan [WPCP] prior to any work being done on the site. The resultant discharge from the site would then be substantially free of pollutants and sediments to the maximum extent practicable. Permit issuance would preclude a significant impact to Water Quality/Hydrology. All Project construction will occur landward of the sensitive coastal bluff and coastal bluff edge setback.

Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development (also see CDP, SDP and PDP findings).

D. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The Project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit.

The General Plan, Local Coastal Program and Zoning Ordinances have all designated this site for multi family development. As designed, the proposed development meets all the recommendations of the General Plan, the Certified LCP – Land Use Plan, and the Precise Plan.

As referenced in the Coastal Development Findings above, the proposed Project will not adversely affect the City's General Plan, the LCP, the Ocean Beach Precise Plan or any other applicable adopted plan or programs in effect for this site.

Therefore, the proposed development would not adversely affect the applicable land use plan (also see CDP, SDP and PDP findings).

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and

associated off-street parking. The Project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands. The Project proposes the demolition of an existing 2-story structure containing four dwelling units and the construction of a new, 2-story over partially subterranean basement Duplex with below grade level garages. The City of San Diego conducted a complete environmental review of this site. Mitigated Negative Declaration No. 86511 has been prepared for this Project in accordance with CEQA Guidelines, which preclude impact to these resources and MMRP would be implemented to reduce potential historical resources (archaeology) and paleontological impacts to a level below significance. Mitigation in the form of on-site monitoring for archaeology and paleontology was required as the Project is located in an area with a high potential for subsurface resources. A geological report was prepared for the Project and determined the Project, as redesigned with a cantilevered floor to provide the required 40 ft. setback from the bluff edge would not adversely affect the Coastal Bluff. Additionally, BMP to ensure site drainage and run-off is directed away from the bluff. The Project site is not located within or adjacent to the MHPA of the City's Multiple Species Conservation Program. The Project site is located within an existing urbanized area. The proposed Project was found to not have a significant effect on the environment. The Project would be designed and constructed pursuant to all applicable zoning and building codes and inspected for compliance with building standards.

Therefore, the proposed development would not be detrimental to public health, safety and welfare (also see CDP, SDP and PDP findings).

3. The proposed development will comply with the regulations of the Land Development Code. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The proposed Project conforms to the certified Local Coastal Land Use Plan. No public view to the water would be adversely affected by the approval of this Project. Granting the deviations via a Planned Development Permit would accommodate parking and access, including reduced parking stall dimensions, aisle width and visibility area and would not increase the potential scale or height of the overall structure. The Project would not increase any public view impacts greater than a Project without the requested deviations. The proposed development is located between the shoreline and the first public roadway, therefore public views to the ocean must be preserved and where feasible enhanced. A visual corridor of not less than the side yard setbacks will be created and preserved to eliminate the impact of development along this coastal view area. The Project complies with the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code subject to deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit.

Therefore, the proposed development would comply with all applicable regulations of the Land Development Code (also see CDP, SDP and PDP findings).

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The two existing duplexes are small square clap board structures that have not been well maintained. The westerly structure is nonconforming as it relates to the required 25 ft. to 40 ft. Coastal Bluff edge setback. The four units share one legal parking space and the remainder parking utilizes the adjacent alley which is not wide enough to legally park. The proposed development would provide an articulated contemporary structure with five off-street parking spaces. The proposed development would be consistent with existing development in the area relative to the architectural style and the bulk and scale of the 2- and 3-story structures that are immediately adjacent to the proposed Project. The Project would visually enhance the surrounding area by removing the four existing nonconforming units and redeveloping the property in accordance with the current development regulations including parking, landscape, and setback requirements.

Therefore the proposed development, when considered as a whole, will be beneficial to the community (also see CDP, SDP and PDP findings).

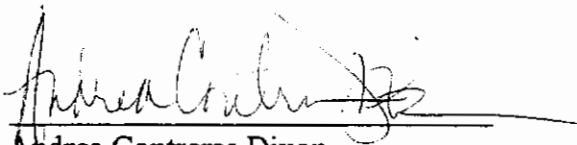
5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable Project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development is located at 1466 Pescadero Dr. within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive Coastal Bluffs approximately 35 ft. above the Mean High Tide Line. The proposed development includes the demolition of four multi-family units contained within two detached Duplex structures that are nonconforming as to bluff edge setback and side yard views toward the ocean and the subsequent construction of two new attached multi-family residential units and associated off-street parking. Granting the deviations via a Planned Development Permit would accommodate parking and access, including reduced parking stall dimensions, aisle width and visibility area. Where as most properties within the community enjoy standard street frontage and rear alley access, the property at 1466 Pescadero Dr. is located on what is essentially a named alley. Pescadero Dr. is the same 20-foot width as a standard alley and the deviations requested for the reduced parking stall dimensions and aisle width would permit the Project to be parked below grade and also respect the required 25 ft. to 40 ft. Coastal Bluff edge setbacks. The deviation for a reduced visibility area is also needed due to the narrow street configuration. The 11 foot visibility triangle is considered sufficient and safe based on the narrow right-of-way and anticipated slower speeds of vehicular traffic.

Therefore, the proposed deviations would be appropriate for this location and will result in a more desirable Project than would be achieved if designed in strict conformance with the development regulations of the applicable zone (also see CDP, SDP and PDP findings).

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the appeal of Robert Ames is denied; the decision of the Planning Commission is sustained; and Coastal Development Permit No. 274486/Site Development Permit No. 277639/Planned Development Permit No. 524160, with a deed restriction added to the seawall, is granted to Daniel Smith, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 425429

COASTAL DEVELOPMENT PERMIT NO. 274486/
SITE DEVELOPMENT PERMIT NO. 277639/
PLANNED DEVELOPMENT PERMIT NO. 524160
PESCADERO HOUSE

CITY COUNCIL

This Coastal Development Permit [CDP] No. 274486/Site Development Permit [SDP] No. 277639/ Planned Development Permit [PDP] No. 524160 is granted by the City Council of the City of San Diego Daniel Smith, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.0504 and 126.0604. The 0.17-acre site is located at 1466 Pescadero Drive in the RM-2-4 zone and includes the Coastal Overlay Zone (appealable), Sensitive Coastal Resource Overlay Zone, Coastal Height Limit Overlay Zone and Parking Impact Overlay Zone, within the Ocean Beach Precise Plan. The project site is legally described as Lot 7 and Lot 8, Block 44, Map of Ocean Beach being a subdivision of Pueblo Lots 195, 202 and 203, and that portion of Ocean Boulevard closed and vacated by resolution ordering work no. 103046, document 435927 on July 17, 1951.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish two existing residential structures with two units each and construct two new residential units in a 5,566 square-foot, 2-story structure with underground parking, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 27, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. The demolition of two existing duplex units and the construction of a new residential unit in a 5,566 square-foot, 2-story structure and associated underground and street level parking.
- b. PDP No. 524160 would allow the following deviations: (1) a deviation to allow a parking space width and length of 7.5' by 17' where 9.5' by 18' is

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required, (2) a deviation to allow a visibility area of 11' where 20' is required, and (3) a deviation to allow a minimum driveway aisle width of 9'11' where 12' is required;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/ Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/ Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/ Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. Title Restrictions. Prior to the commencement of any work or activity authorized by this Permit, the Owner/Permittee shall execute a Notice of Hazardous Condition Indemnification and Hold Harmless Agreement, in a form and content acceptable to the Director of the Development Services Department, or designated representative who shall provide: (a) that the applicant understands that no new accessory structures and landscape features customary and incidental to residential uses shall be developed within 5 feet of the Bluff Top (as illustrated on approved plan Exhibit "A," or on the face of the Bluff; and (b) that the applicant understands that the site may be subject to extraordinary hazard from coastal bluff erosion and the applicant assumes the liability from such hazards; and (c) the applicant unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Conditions-Indemnification and Hold

Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successor and assigns.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 86511 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 86511 satisfactory to the City Manager and City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical (Archeological) Resources
Paleontological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.

21. The foundation shall be constructed landward of the 40-foot coastal bluff edge setback. The project shall utilize cantilever the structure over the 40-foot coastal bluff edge setback. The foundation shall be properly embedded into the competent native materials.

22. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

23. The applicant shall provide and improve an 11 foot triangular area at the southwest corner of the two intersecting alleys, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

24. No fewer than five off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

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

26. In accordance with the requirements of San Diego Municipal Code section 143.0142 the Owner/Permittee shall execute a covenant of easement recorded against title to the affected premises and executed in favor of the City.

27. The covenant of easement shall contain a description of the premises affected by the permit with a description of the development area and the environmentally sensitive lands that will be preserved.

28. The covenant of easement shall notice all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting the use of the environmentally sensitive lands covered by the permit.

29. The covenant of easement shall insure that the burdens of the covenant of easement shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected premises.

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30. The covenant of easement shall ensure enforceability of the covenant of easement by the City.
31. Prior to the issuance of construction permits, the Owner/Permittee shall record a Deed Restriction, in a form acceptable to the City Attorney, to waive all rights to future shoreline protective devices to protect the development authorized by this permit.
32. Prior to the issuance of construction permits, the Owner/Permittee shall record a Deed Restriction preserving a visual corridor 5-feet wide running full length of property (North and South) in accordance with the requirements of the San Diego Municipal Code section 132.0403(b) and as described in Exhibit "A."
33. Open fencing and landscaping may be permitted within this visual corridor, provided such improvements do not significantly obstruct public views of the ocean. Landscape within this visual corridor shall be planted and maintained not exceed 3'-0" in height in order to preserve public views.
34. No development shall be permitted on the coastal bluff face.
35. At grade accessory structures and landscape features customary and incidental to residential uses shall not be closer than 5 feet to the coastal bluff edge, in accordance with the requirements of the Land Development Code.
36. All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off. All drainage from unimproved areas shall be appropriately collected and discharge in order to reduce, control, or mitigate erosion of the coastal bluff.
37. The Owner/Permittee acknowledges that the existing bluff top improvements, including the gunite wall, are not permitted as part of this project. All portions of these improvements which can be removed without damage to the coastal bluff shall be removed prior to final inspection by the City. Any existing unpermitted bluff top improvements which cannot be removed due to the potential for bluff damage shall not be maintained and shall be allowed to deteriorate in order for the bluff area to be naturally restored over a period of time.
38. It shall be the responsibility of the Owner/Permittee to properly remove and dispose of any and all debris resulting from the natural erosion of any existing blufftop improvements that cannot be removed as a part of this project.
39. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

LANDSCAPE REQUIREMENTS:

40. Prior to issuance of any construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

41. Prior to issuance of any grading permits for buildings, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

42. Prior to issuance of any construction permits for buildings, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

43. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all required landscape inspections.

44. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Final Landscape Inspection.

46. The Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's [Cal-IPC] Invasive Plant Inventory and the City of San Diego's Land Development Manual; Landscape Standards are prohibited.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this

2.308723 ASB

development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on May 27, 2008 by Resolution No. R-303789.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

Dennis Smith
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

Passed by the Council of The City of San Diego on May 27, 2008 by the following vote:

YEAS: FAULCONER, YOUNG, MAIENSCHIN, MADAFFER, & HUESO.
NAYS: ATKINS & FRYE.
NOT PRESENT: PETERS.
VACANT: NONE.
RECUSED: NONE.

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)



By: Sara Richardson, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. **R-303789** approved by the Council of the City of San Diego, and authenticated by the Mayor on May 27, 2008.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By:  Signature on File , Deputy

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LEGEND

Qbp

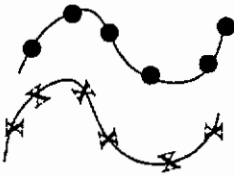
BAY POINT FORMATION

Kp

POINT LOMA FORMATION

E |-----| E'

APPROXIMATE CROSS-SECTION LOCATION



1.5 F.O.S. LINE 2006

TOP OF BLUFF 2006



GEOLOGIC CONTACT



25' SETBACK



40' SETBACK



1.1 PSUEDO-STATIC F.O.S. LINE



BEDDING ATTITUDE



STRIKE OF VERTICAL JOINT



75 - YEAR RECESSION ZONE

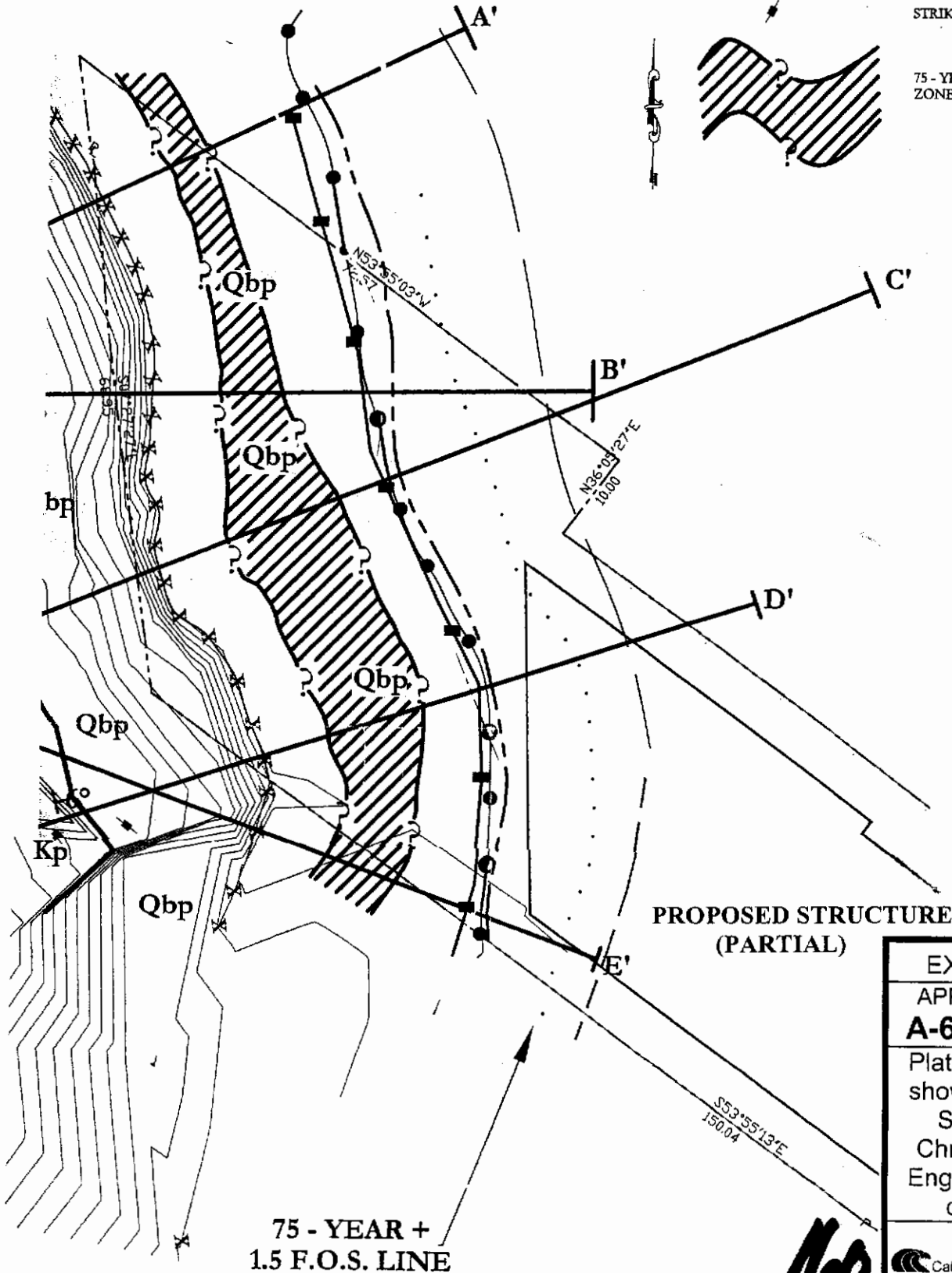


EXHIBIT NO. 6
 APPLICATION NO.
A-6-OCB-08-61
 Plate No. 1 (partial)
 showing Year 2006
 Site Plan from
 Christian Wheeler
 Engineering Report
 dated 6/6/08

75 - YEAR +
 1.5 F.O.S. LINE

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F10c

Jeffrey A. Russell
P.O. Box 190788
San Francisco, CA 94119
savepescadero@yahoo.com

August 4, 2008

Chairperson Patrick Kruer and Members of the
California Coastal Commission
San Diego Coast District Office
Sherilyn Sarb, Deputy Director
Deborah Lee, District Manager
7575 Metropolitan Drive Ste 103
San Diego, CA 92108-4402

**Re: Pescadero House, Appeal No. A-6-OCB-08-061
Substantial Issue Hearing – Friday, August 8, 2008, Item 10c**

Dear Chairperson Kruer and Commissioners,

I am a former resident of the Ocean Beach neighborhood in San Diego, and am writing as a private citizen and aggrieved person with respect to the project referenced above ("Project") located at 1466 Pescadero Drive ("Site") in the Ocean Beach community of the City of San Diego ("City"). The Project, which requires a Coastal Development Permit and lies within the appeals area of the Coastal Overlay Zone, was approved by the City Planning Commission, whose decision was appealed to the City Council. The City Council denied the appeal with a 5-2 vote. Because the Project conflicts with the bluff setback provision of the City's Local Coastal Program ("LCP"), it raises a substantial issue and requires a de novo hearing before the Commission.

The Project proposes the demolition of four existing multi-family dwelling units and construction of a two-unit, 5,203 square foot structure over subterranean parking. The Project is located in the Sensitive Coastal Overlay Zone, and the Site is bounded to the west by a Sensitive Coastal Bluff with an abnormally high rate of historical erosion. The Project would require substantial excavation at the Site in order to construct a subterranean garage and place a series of caissons into the ground to support the structure. The garage and foundation would be set back 40 feet from the bluff edge, but the first and second stories would be cantilevered over the bluff to within 25 feet of the bluff edge.

The cantilever system proposed by the Applicant is an inappropriate method to circumvent the bluff setback provisions of the LCP. The high rate of erosion at the Site would result in the structure projecting 15 feet over the adjacent pocket beach and mean high tide line as early as 16 years from today. The bluff will recede to the subterranean garage as early as 24 years from now, so that the seaward wall of the garage would function as a de facto seawall, and frustrate the intent of the required seawall waiver deed restriction. Because the Site is highly unstable, and just 16 years ago experienced a major bluff failure leading to a failed seawall and condemned home, a reduced setback for the Project is inappropriate and conflicts with the City's LCP.

Letter from Appellant

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I.

THE COASTAL BLUFF AT THE SITE IS EXTREMELY FRAGILE AND IS PRONE TO A HIGH RATE OF EPISODIC EROSION

The coastal bluffs that buttress the Sunset Cliffs area, which includes the Site, are among the most fragile and sedimentary along the entire California coast. The Site is located within hazard category 43, which is designated for generally unstable coastal bluffs characterized by locally high erosion rates. Coastal geologist Gary Griggs noted that "cliff erosion in [the Sunset Cliffs] area is critical. Buildings have been condemned and others are poised on the rim of the cliff."¹ In a survey of the entire California coastline, Griggs rated this short stretch of coastal bluffs among those at highest risk for bluff failure.²

Applicant's Geotechnical Report

The section of bluff that fronts the Site is no exception. According to the Applicant's own geotechnical report, "the [Site's] bluff edge receded *16 to 20 feet over a 23 year period*" (emphasis added). This rate of erosion (.69-.87 feet/year) would result in between 52 and 62 linear feet of bluff erosion over the 75-year anticipated life span of the Project. The same survey focused on the period between 200 and 2006, and extrapolated an even higher rate of erosion, noting that 8 to 10 linear feet of the bluff eroded during that time. Assuming that this rate of erosion (1.3-1.7 feet/year) was consistent over the next 75 years, between 100 and 125 linear feet of bluff would crumble into the Pacific Ocean over the next 75 years.

Army Corps of Engineers Survey

Comprehensive surveys of bluff failure along the entire Point Loma Peninsula have drawn similar conclusions. One of the last comprehensive surveys in the region, prepared by the Army Corps of Engineers in 1976, assessed the rate of bluff erosion at Sunset Cliffs during the period between 1976 and 2026 in order to determine the necessity for shoreline protection devices. The conclusions of the survey were compelling: without shoreline protection, "cliff erosion would continue, resulting in substantial private and public property loss over the next 50 years." The survey contains an aerial photograph of the Site, along with a line indicating the projected location of the bluff edge in 2026: the bluff edge, without the benefit of shoreline protection, will undermine the existing structure on the Site by as early as 2026. It should be noted that the Project's footprint would extend seaward of the existing structure.

Previous Bluff Failures

Bluff failures at the Site since 1976 have born out the predictions of the Army Corps Survey. Up until the early 1990s, a single-family home was perched on the western edge of the Site, seaward of the existing structure and directly atop the bluff. During that time, a concrete seawall below the home slowed the erosion of the Site's bluff. However, during the El Nino storms in the early 1990s, high sea levels and strong swell activity combined to subvert the seawall and undermine the foundation of the blufftop home. The home was subsequently condemned, and pieces of the former seawall litter the sand just west of the Site.

Future Bluff Failures

Bluff failures and the rate of erosion at the Site will be exacerbated by the predicted rise in sea level and increased frequency of El Nino storm events. The high rate of historical bluff erosion noted in the Applicant's survey – anywhere from .69 to 1.7 feet per year – will only increase as a result of intensified wave action, rainfall and higher sea levels. Any new structure built on the Site, placed close to the bluff edge, would either meet the same fate as the previous undermined structure within a matter of years, or if cantilevered would project over the ocean in a manner akin to a diving board.

¹ Griggs, Gary et al., "Living with the Changing California Coast," p.505 (UC Press).

² Id.

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II.

THE CANTILEVERED PORTION OF THE PROJECT IS SUBJECT TO THE LCP'S BLUFF SETBACK PROVISIONS

The City's LCP requires new development adjacent to coastal bluffs to observe a setback of at least 40 feet from the bluff edge. The LCP allows a lesser setback upon the determination that bluff erosion would not undermine the Project during its 75-year lifespan.³ Likewise, a setback greater than 40 feet may be required when the historical and projected rate of bluff erosion demonstrates that the bluff would recede *more than* 40 feet in 75 years. However, the LCP notes that if a seawall has been installed at the Site, it would not qualify for a reduction of the required 40-foot setback since the instability of the bluff necessitated the installation of the seawall.⁴

The Applicant contends that the cantilevered portion of the structure does not require approval of a reduced setback, since bluff erosion would not affect the stability of the cantilevered structure. This conclusion is based upon two flawed assumptions: 1) A cantilever system exempts the structure it supports from the LCP's definition of "development" that is prohibited within the required setback, and 2) the sole purpose of the LCP's bluff setback is to protect new development and the land beneath it from instability.

The Cantilever System Does Not Exempt the Project from the Required Setback

The LCP requires that "all *development* including buildings, *accessory structures*, and any additions to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*."⁵ *Development* is defined, in part, as:

"erecting, placing, constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, *structure*, improvement, *lot*, or *premises*"⁶

Structure is defined as "an edifice or building of any kind or any construction built up or composed of parts joined together in some definite manner including a wall, fence, pier, post, sign, or shelter."⁷

The two aboveground stories of the Project that would project to within 25 feet of the bluff edge clearly meet the LCP definition of *structure* and *development*, and therefore must comply with the LCP's setback requirements, notwithstanding the cantilever system. The relevant portion of the LCP explicitly prohibits new development within the 40-foot setback unless a low bluff erosion rate supports the reduced setback. The LCP does not create an exemption from the setback requirements for cantilevered structures, even if the cantilever would otherwise protect the stability of the structure and the ground beneath it. Therefore, the cantilevered portion of the Project is subject to the bluff setback requirements.

A Cantilever Exemption Conflicts with the Goals of the LCP and the Coastal Act

The Applicant asserts that as long as the cantilevered portion of the Project would neither be affected by nor affect the stability of the coastal bluff, the Project is consistent with the LCP's bluff setback provisions. However, the bluff setback provisions were not adopted solely to protect new development and the ground beneath it. The purpose of the Environmentally Sensitive Lands (ESL) Regulations, which includes the coastal bluff setback provisions, is to:

³ SDMC §143.0143(f)(1).

⁴ San Diego Land Development Code, Coastal Bluffs and Beaches Guidelines, pp. 9-10.

⁵ SDMC §143.0143(f).

⁶ SDMC §113.0103.

⁷ Id.

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“protect, preserve and, where damaged, restore, the environmentally sensitive lands of San Diego and the viability of the species supported by those lands. These regulations are intended to assure that development, including, but not limited to coastal development in the Coastal Overlay Zone, occurs in a manner *that protects the overall quality of the resources and the natural and topographic character of the area*, encourages a sensitive form of development, retains biodiversity and interconnected habitats, *maximizes physical and visual public access to and along the shoreline*”⁸ (emphasis added)

The ESL Regulations implement the coastal access and protection provisions of the Coastal Act. The bluff setback provisions, while ensuring the safety and stability of new development, also protect the quality of the coastline and the beaches below the bluffs. They ensure that coastal bluffs can erode in a natural manner without the need for shoreline protection, thereby maintaining the visual integrity of the coast and ensuring that beaches below the bluffs receive the sand replenishment necessary for continued viability.

The proposed cantilever system, while possibly ensuring the stability of the proposed structure and the land beneath it, would otherwise frustrate the coastal protection and beach access priorities of the LCP and the Coastal Act. Once the bluff erodes 25 feet to the Project’s footprint, the structure would appear to sit directly on the bluff edge, and its large sliding glass doors would open directly into the water. Using the most conservative rate of bluff recession included in the Applicant’s survey (.69 feet/year), the bluff would erode to the structure footprint 36 years from today.

Once the bluff begins to erode underneath the cantilevered portion of the structure, the structure would project over the adjacent beach and the ocean. The two-story structure would render the beach below it practically unusable, restricting sunlight and discouraging beachgoers who may hesitate before relaxing on the sand underneath a two-story glass and steel structure. Using the conservative bluff recession rate above, this process would begin in roughly 36 years. In 58 years, the bluff would erode all the way to the seaward wall of the subterranean garage. The aboveground structure would project 15 feet over the beach, and possibly the mean high tide line. This result clearly conflicts with the ESL and Coastal Act goals of maintaining the visual integrity of the coast and ensuring that the beaches are usable and safe for the public.

The cantilever system does not exempt the structure that it supports from compliance with the LCP’s bluff setback provisions. It is still a “development” under the LCP definition and therefore must be consistent with the setback requirements. Furthermore, the cantilever system would result in a structure, roughly 30 feet tall and just as wide, projecting 15 feet over the beach and the ocean within a matter of 30 to 40 years from today. This result is in clear conflict with the coastal protection goals of the ESL Regulations, LCP and Coastal Act. Therefore, the entire structure, whether supported by cantilever or caissons, must comply with the bluff setback provisions of the LCP.

III.

THE PROJECT DOES NOT QUALIFY FOR A REDUCED BLUFF SETBACK DUE TO THE PRESENCE OF A FAILED SEAWALL ON THE SITE

Since the cantilevered portion of the Project is subject to the bluff setback provisions, the next issue is whether the LCP’s bluff setback provisions permit the reduced 25-foot setback requested by the Project. Pursuant to the LCP, if a seawall has been installed at the Site, the Site would not qualify for a reduction of the required 40-foot setback since the instability of the bluff necessitated the installation of the seawall.⁹ Specifically:

⁸ SDMC§143.0101.

⁹ San Diego Land Development Code, Coastal Bluffs and Beaches Guidelines, pp. 9-10.

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“IF a seawall... has been installed due to excessive erosion on a premises, that premises shall not qualify for a reduction of the required 40-foot distance to the coastal bluff edge. Since the instability of the coastal bluff necessitated the installation of the seawall, the coastal bluff would not be considered stable enough to support development within the 40-foot bluff edge setback.”¹⁰

As discussed above, a two story home and seawall were constructed on the Site during the 1970s, but were undermined during the El Nino storm events in the early 1990s. Remnants of the former seawall are scattered around the beach west of the Site, roughly 10-12 feet seaward of the existing bluff face. The LCP explicitly prohibits approval of a setback less than 40 feet when “a seawall has been installed” since the construction of the seawall is patent evidence that the bluff is unstable. Subsequent failure of the seawall only serves to bolster the conclusion that the bluff is highly unstable. Since the Site contained a seawall as recent as 16 years ago, and the seawall along with the structure above it were subverted by severe storms and bluff failure, The LCP does not allow a setback less than 40 feet on the Site.

IV.

THE PROJECT DOES NOT QUALIFY FOR A REDUCED BLUFF SETBACK DUE TO THE HIGH RATE OF LOCAL BLUFF EROSION

The LCP permits a reduced setback when the bluff is eroding at such a slow rate that it will not undermine the new development during its 75-year anticipated lifespan. Specifically, a reduced 25-foot setback is permitted:

“where the evidence contained in a geology report indicates that the site is stable enough to support the development at the proposed distance from the coastal bluff edge.”¹¹

The Site is *not* stable enough to support the Project at 25 feet from the bluff edge for the lifespan of the Project. Using even the most conservative erosion rate of .69 feet/year, the bluff will erode to the Project’s footprint 36 years from today. The more aggressive erosion rate included in the Applicant’s geotechnical study of 1.7 feet/year would result in bluff erosion to the footprint as early as 14 years from today. For these reasons, the Applicant is installing a cantilever system to support to portion of the structure that extends beyond the 40-foot setback. Because the site is not stable enough to support the Project at the proposed 25-foot distance from the bluff edge, the Applicant is circumventing the bluff setback requirement by installing a cantilever system. However, as discussed about, this does not exempt the Project from the bluff setback provisions. Therefore, the high rate of erosion at the site disqualifies the Project from a reduction of the minimum 40-foot setback.

V.

THE SUBTERRANEAN GARAGE WILL SERVE AS A DE FACTO SEAWALL AND FRUSTRATE THE INTENT OF THE SEAWALL WAIVER CONDITION

The Project includes a subterranean garage that would be set back 40 feet from the bluff edge. The seaward wall of the garage would include foundational supports for the overlying two-story structure. When the bluff retreats to the subterranean wall, that wall will function as a seawall by halting the natural bluff erosion process, since there would be no more bluff to erode. Using the conservative erosion rate, the subterranean wall would be exposed in 58 years. Using the aggressive rate, the wall would be exposed in as early as 23 years. The LCP requires that new development on coastal bluffs be positioned so that shoreline

¹⁰ Id.

¹¹ SDMC§143.0143(f)(1).

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protective devices are not necessary for the 75-year economic lifespan of the structure. Since the seaward wall of the subterranean garage could function as a seawall anywhere between 23-58 years from today, the Project is inconsistent with the LCP, and would render meaningless the required seawall waiver deed restriction.

VI.

THE LCP REQUIRES A STEBACK GREATER THAN 40 FEET AT THE SITE DUE TO THE HIGH RATE OF LOCAL BLUFF EROSION

The LCP states that "a distance of more than 40 feet from the coastal bluff edge may be required based on current geological conditions."¹² The erosion rates included in the Applicant's own geotechnical survey suggest that a 40 foot setback is insufficient, even if the cantilever system is permitted. Using the most conservative rate of erosion of .69 feet per year, the bluff would recede to the subterranean garage in 58 years. The City's geologist noted that this would result in between 52 and 62 linear feet of bluff erosion over the 75-year anticipated life span of the Project. Using the more aggressive rate that was observed between 200 and 2006 of 1.7 feet per year, between 100 and 125 linear feet of bluff would fall into the Pacific Ocean over the next 75 years. Either way, the Project as currently proposed would have two levels that will cantilever over the beach and ocean before 2050, and a garage that will function as a seawall well before the 75-year lifespan of the Project. The LCP requires a setback greater than 40 feet for sites just as this one that are extremely fragile and prone to high rates of episodic erosion.

VII.

BECAUSE THE PROJECT IS INCONSISTENT WITH THE BLUFF SETBACK PROVISIONS OF THE LCP, IT RAISES A SUBSTANTIAL ISSUE AND REQUIRES A DE NOVO HEARING

The Site is located on one of the most fragile and sedimentary coastal bluffs along the entire California coastline. The Sunset Cliffs area, which up until the 1970s contained pocket beaches and natural bluffs, is now marked by a hodgepodge of shoreline protection devices that have gradually eliminated the pocket beaches by halting the sand replenishment process that results through natural bluff erosion. The area is a textbook example for poor coastal planning. The Site itself was subject to hazardous bluff failure in the 1990's that resulted in a failed seawall and a condemned single-family home.

The Project proposes the minimum allowable setback for the Site, as well as a subterranean garage that would be exposed to the sea in as early as 23 years. In order to circumvent the LCP's bluff setback requirements, the Project proposes a cantilever that would eventually protrude 15 feet over the beach and the ocean. For these reasons, the Project is inconsistent with the LCP. I urge you to find that the Project raises a substantial issue and requires a de novo hearing before the Commission.

Sincerely,

Jeffrey A. Russell

cc: Laurinda Owens
Lee McEachern
Deborah Lee

¹² San Diego Land Development Code, Coastal Bluffs and Beaches Guidelines, p. 9.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



F 10c

Filed: 7/17/08
49th Day: 8/27/08
Staff: Laurinda Owens-SD
Staff Report: 7/17/08
Hearing Date: 8/6-8/08

STAFF REPORT AND RECOMMENDATION ON APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-OCB-08-061

APPLICANT: Daniel Smith; Michael Taylor

PROJECT DESCRIPTION: Demolition of two, one-story duplex structures (four units total) and construction of two attached multi-family units in a two-story, 5,203 sq.ft. structure over subterranean parking on a 7,436 sq.ft. blufftop lot.

PROJECT LOCATION: 1466 Pescadero Drive, Ocean Beach, San Diego, San Diego County. APN 448-24-02

APPELLANTS: Jeff Russell

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Based on review of the City's file and information provided by the appellant, staff has concluded that the development, as approved by the City, is consistent with all applicable LCP provisions and will not result in any adverse impacts to sensitive coastal resources.

SUBSTANTIVE FILE DOCUMENTS: Appeal Forms; Certified Ocean Beach Precise Plan; Certified City of San Diego LCP Implementation Plan; Preliminary Geotechnical Investigation by Christian Wheeler Engineering dated 2/9/07.

I. Appellants Contend That: The proposed development is inconsistent with the policies of the certified LCP which pertain to geologic setback requirements from the bluff edge and that the proposed development will block views to the ocean.

II. Local Government Action: The coastal development permit was first approved by the Planning Commission on 2/7/08. It was subsequently appealed to the City Council. The City Council approved the coastal development permit on 5/27/08. The conditions of approval address, in part, the following: best management practices, parking; hold harmless agreement; open fencing and landscaping permitted in the visual corridor; waiver of rights to future shoreline protective devices to protect subject development; drainage; required coastal blufftop setback; outdoor lighting; landscaping; and, a restriction that no development is permitted on the coastal bluff face.

III. Appeal Procedures/Substantial Issue Analysis: After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30604(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of

Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

IV. Staff Recommendation on Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-OCB-08-61 raises NO substantial issue with respect*

to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. ***A-6-OCB-08-61*** does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Findings and Declarations.

1. Project Description. Proposed is the demolition of two existing one-story structures containing four dwelling units (total) and the construction of a two-story (over basement) residential duplex with ground level garage on a 0.17 acre blufftop site. A third, two-story duplex structure was located at the western portion of the site but was damaged and subsequently removed by the previous property owner due to a bluff failure that occurred in 1993. There is no physical access from the subject site to the shoreline below. At low tide conditions there is a small pocket beach seaward of the site. Access to the shoreline is gained from a public stairway at the terminus of both Bermuda Avenue to the south and Pescadero Avenue to the north.

The proposed structure will consist of three levels. The approx. 2,130 sq.ft. subterranean level will contain three parking spaces, individual storage areas for each unit and an entry vestibule with an elevator and stairwell access. The ground level will include a three-bedroom, 2,541 sq.ft. lower dwelling unit and two off-street parking spaces. One of the spaces will be within an enclosed garage and one space will consist of a covered carport. The upper level of the structure will contain a three-bedroom, 2,625 sq.ft. dwelling unit. All of the proposed parking will be accessed from Pescadero Drive, which is a 20-foot wide named alley.

The property is approximately 35 feet above mean sea level (MSL) and the coastal bluff edge defines the property's western limits. The City has a public right -of-away for Ocean Boulevard (paper street) in the bluff area, between the western property boundary and westward to the mean high tide line. The right-of-way is dedicated for public use.

The subject site is located on the south side of Pescadero Drive in the community of Ocean Beach in the City of San Diego. Pescadero Drive is an alley that runs in a westerly direction from Sunset Cliffs Boulevard and then turns in a north direction where it intersects with Pescadero Avenue. The subject site is located at the corner where the alley turns in a northerly direction (ref. Exhibit No. 1).

The City approved the proposed development on 5/27/08. On 6/12/08, the local Commission office received the notice of final local action regarding the project; however the findings and permit conditions were not included. Subsequently, on 6/16/08 a notice of deficiency was sent to the City. On 6/23/08, the City submitted the findings and permit conditions and the appeal period commenced. On 7/8/08, an interested person filed an appeal of the project.

2. Shoreline Hazards. The appellant contends that the City's approval of the proposed residential duplex on the subject site is inconsistent with the City's certified LCP as it pertains to geologic blufftop setbacks. Specifically, the appellant alleges that: 1) the project fails to comply with the required 40 ft. setback from a sensitive and eroding coastal bluff edge; 2) given the extremely high rate of erosion at the site, a setback greater than 40 ft. is necessary to prevent the need for bluff protective devices within the 75-year lifespan of the proposed structure; and, 3) the subterranean garage will serve as a de-facto seawall that contradicts the waiver of shoreline protection condition the City required.

Pursuant to the City's certified LCP, all proposed development on a coastal bluff must observe a minimum setback of 40 feet from the bluff edge unless a site-specific geology report is completed which makes findings that a lesser setback can be permitted (or a greater setback is necessary). Specifically, Section 143.0143 addressing Development Regulations for Sensitive Coastal Bluffs states the following:

- (f) All *development* including buildings, *accessory structures*, and any addition to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:
 - (1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the primary *structures*, and no shoreline protection is required. Reductions from the 40-foot setback shall be approved only if the geology report concludes the *structure* will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the *structure*. In addition, the applicants shall

accept a deed restriction to waive all rights to protective devices associated with the subject property. The geology report shall contain:

- (A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;
 - (B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;
 - (C) An analysis of the potential effects of past and projected El Nino events on bluff stability;
 - (D) An analysis of whether this section of coastline is under a process of retreat.
- (2) Accessory *structures* and landscape features customary and incidental to residential uses shall not be closer than 5 feet to the *coastal bluff edge* provided, however, that these shall be located at *grade*. Accessory *structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade, lighting standards, fences and wall, seating benches, signs, or similar structures and features, excluding garages, carports, building, pools, spas, and upper floor decks with load-bearing support structures.

In the case of the subject project, the City approved the proposed development at a structural setback of 40 ft. from the bluff edge with a cantilevered portion that extends to 25 ft. from the bluff edge. The policies of the certified LCP require that structures be located between 25 and 40 feet (or sometimes, greater) from the bluff edge when supported by the findings of a geology report that indicates the site is stable enough to support the development at the proposed distance from the coastal bluff edge without contributing to significant geologic instability throughout the life span of the principal structures and that no shoreline protection is required.

A geotechnical study completed for the project concludes that the new development will not be affected by bluff instability, will not contribute to significant geologic instability and will not require any shoreline protection measures, throughout the anticipated 75 year economic life span of the structure. It is also noted that the project site is located within hazard category 43 which encompasses generally unstable coastal bluffs characterized by locally high erosion rates. The City found that since the cantilevered portion of the structure would not be supported within the 40-foot setback zone, it would not contribute to significant geologic instability. It was determined that the foundation would not be subject to failure due to the anticipated coastal erosion forces. Findings were also made that the proposed project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The City approved the project with several special conditions which addressed the geologic setback and include, in part, a deed restriction to waive all rights to future shoreline protective devices to protect the

development authorized by the subject permit. In addition, as approved by the City, the project will be landward of the previous non-conforming duplex structure that only observed a 16-foot setback from the bluff edge; thus rendering the new development on the site in conformance with the blufftop setback requirements of the Land Development Code.

In addition, the City's analysis also included a review of the historical rate of erosion for the area and it was determined that the proposed project would not require a coastal protective device within its economic lifespan. There is no shoreline protection seaward of the subject site nor is any proposed in connection with the proposed new development. In fact, the subject site is the only blufftop lot within the subject block that does not have some type of shoreline armoring or bluff retaining device. The lot immediately south of the site contains rip rap on the shoreline that was permitted pursuant to an emergency permit (6-01-006/Oceanus) and the lots immediately north of the site contain both gunite on the bluff, as well as rip rap on the shoreline.

As cited above, the City's LCP requires that many factors be analyzed within the geotechnical report for new development on the blufftop. The geotechnical report prepared by the applicant's consultant (Christian Wheeler Engineering) has estimated the long-term erosion rate for the area of the subject development to be approximately two or three feet per decade or 15 to 22 feet in 75 years.

However, in order to find the appropriate geologic setback for the bluff top development, the certified LCP requires that an analysis of bluff retreat and coastal stability for the project site be completed according to accepted professional standards which includes that not only the long-term erosion rate be adequately identified but also that the geotechnical report demonstrate an adequate factor of safety against slope failure (i.e., landsliding), of 1.5 or greater will be maintained throughout its economic life. However, as noted above, in order to find the appropriate geologic setback, the technical report must demonstrate not only that an adequate factor of safety against landsliding be shown under present conditions, but also that it addresses stability throughout its economic life of 75 years. Therefore, in estimating an appropriate setback for new blufftop development, it is necessary to first estimate the configuration of the bluff 75 years from now. The simplest way to accomplish this is to assume that the bluff will have the same topographic configuration as at present, but the entire bluff will have migrated landward due to coastal bluff retreat. Next, it must be demonstrated that the site will have a factor of safety against landsliding of 1.5 or greater given the estimated erosion rate.

The applicant's geotechnical consultant has recommended a 25 to 26 foot setback is sufficient to protect the development for 75 years. However, staff noted that this setback will not assure that the site has a minimum 1.5 factor of safety at the end of its life. To address this concern, the applicant's geotechnical consultant performed additional slope stability analyses on a bluff profile that would result from 75 years of erosion at the base of the bluff coupled with a layback of the upper bluff to 35-40 degrees. The resultant "75-year + 1.5 F.O.S. line" is marked on plate 1 of the supplemental geotechnical report dated 6 June 2008 and lies 32 to 34 feet from the current bluff edge. Staff notes that this

methodology is appropriate for determining a structural setback, but disagrees with the assumption that the upper bluff will flatten to a 35 to 40 degree slope. Rather, the Commission's staff geologist believes that it is more likely that continued marine erosion would maintain a steep upper bluff much like the current configuration. Accordingly, adopting the procedures described above, the 1.5 factor of safety line after 75 years of bluff retreat might best be estimated by combining the expected amount of erosion of the top of the bluff together with the distance of the current 1.5 factor of safety line from the current bluff edge. Coincidentally, the location of this line is very near the location of the "75-year + 1.5 F.O.S. line" marked on plate 1.

The applicant has proposed to site foundation elements landward of a 40-foot setback line from the bluff edge, with some portions of the structure cantilevered seaward of this location. The Commission finds that a 40 foot structural setback line is sufficient to assure stability of the proposed structure for 75 years.

Therefore, with regard to the appellant's specific contentions, the proposed development is found consistent with the geologic setback requirements of the certified LCP and the 40 foot setback is adequate and even slightly greater than what is necessary to protect it for its economic lifespan. Furthermore, the basement level of the structure does not function as a seawall as the appellant asserts. The Commission's geologist has determined that upon consideration of the long-term erosion rate and the slope stability analyses, the western basement walls will not be subject to marine erosion for more than 75 years and therefore will not function as a seawall over the next 75 years.

In summary, based on the above-cited LCP provisions, a structural setback of 40-feet from the bluff edge with the proposed cantilever portion to the 25-foot setback from the bluff edge is consistent with the requirements of the certified LCP. The proposed setback is sufficient to assure that the proposed residential development will be safe over its estimated life. In addition, the City required that the applicant waive all rights to future shoreline protection. The appeal therefore, raises no substantial issue regarding conformity of the proposed development with the setback requirements of the LCP.

3. Visual Impacts/Public View Blockage. The appellant contends that the structure approved by the City will obstruct an existing view corridor to the south from Pescadero Avenue looking towards the ocean. The certified Ocean Beach Precise Plan recommends protecting public views to the ocean. Specifically, one of these policies and plan recommendations include the following:

- That views available from elevated areas and those adjacent to the beaches and ocean be preserved and enhanced wherever possible. [p.85] [Emphasis added]

As noted earlier, the subject site is located at Pescadero Drive between Bermuda Avenue to the south and Pescadero Avenue to the north, fronting on the south side of Pescadero Drive. The site is a blufftop lot adjacent to the ocean in the Ocean Beach community of the City of San Diego. The City also conducted a view analysis and concluded that no ocean views would be impacted by the proposed development.

In response to the appellant's allegations, Commission staff visited the subject site and the surrounding neighborhood. With regard to appellant's contention that the proposed development would block ocean views from Pescadero Drive, the Ocean Beach Precise Plan does not presently identify *any* designated public view corridors to the ocean over the subject site. However, the City has recently begun to do surveys and evaluate the potential for the identification of public views to the ocean in their upcoming plans to update the Ocean Beach Precise LCP Land Use Plan. Although the western end of Bermuda Avenue to the south of the subject site has been identified as a potential public view corridor, neither Pescadero Avenue or Pescadero Drive in the vicinity of the project were identified as one of those potential public view corridors being considered for designation by the community. In any case, the subject site does not front on Pescadero Avenue---it fronts on a named alley--Pescadero Drive--which is a reverse L-shaped alley that is both perpendicular and parallel to Pescadero Avenue (ref. Exhibit Nos. 1 & 2). Because it is an alley, it is much narrower in width (20 ft.) and is not a typical vehicular through-fare as compared to the other streets in the area. Typically, in most beach communities, the designated public view corridors are those public rights-of-way that run in an east/west direction as they provide the most panoramic views of the ocean while looking west. In this particular case, the appellant is asserting that a view that can be seen from a north/south running street will be obstructed while looking south when the subject site is developed. While it is true that the proposed development will interrupt the existing horizon view from this north/south facing alley, the City did require the more typical view corridors, along the developments side yard setbacks be protected and open to public views.

Presently, there are no public views looking west along the alley (Pescadero Drive) where the property is located. This is largely due to a solid fence that borders the vacant portion of the site that is immediately adjacent to the coastal bluff. Once the lot is redeveloped, however, this fence will be removed and in its approval of the project, the City deed restricted the side yards consistent with the certified LCP (Land Development Code) which calls for only low level vegetation that does not obstruct views to be planted in the side yards and open fencing. This enhances public views to the ocean and helps to prevent a "walled-off" effect, consistent with the certified LCP and other nearshore development in the coastal zone. Thus, the development approved by the City will enhance public views to the ocean.

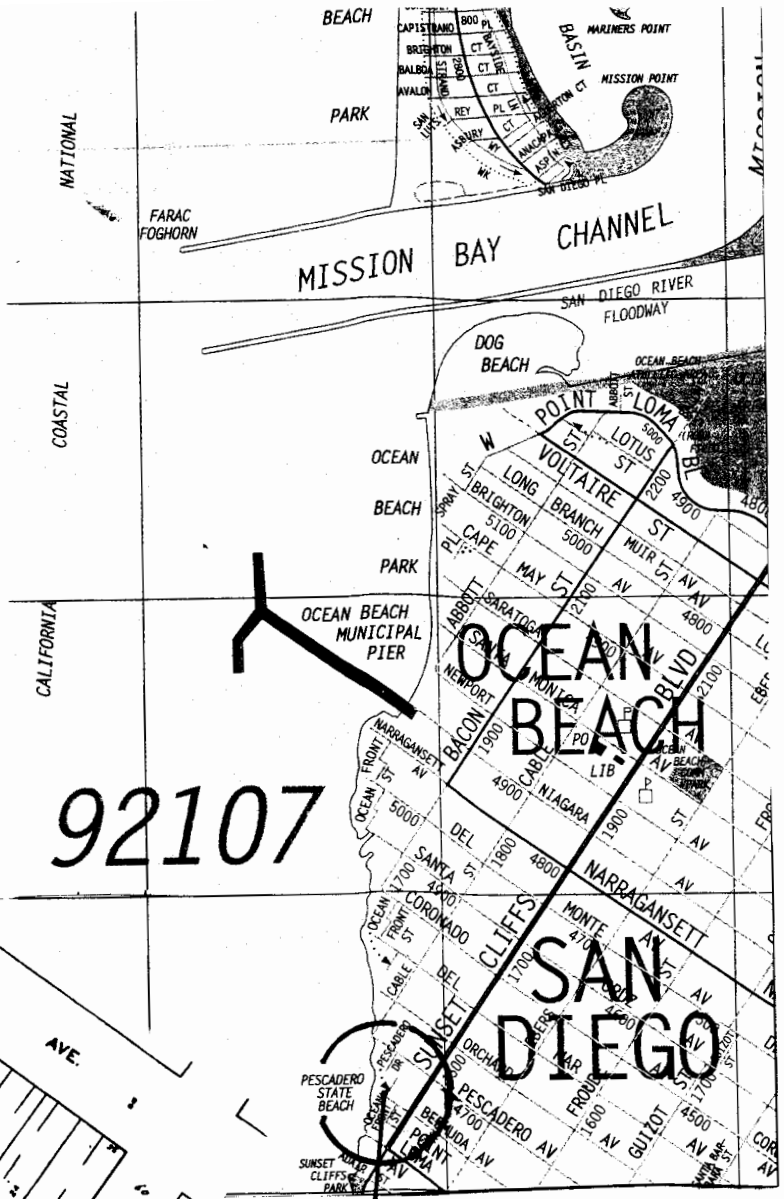
In addition, although not raised as an issue by the appellant, it should also be noted that the proposed structure will be designed with several open terraces and that its bulk, scale and style is compatible with the character of the surrounding neighborhood. The site is adjacent to, and north of, an existing three-story multi-family residential development. Within the same block there is an existing two-story multi-family structure east of the subject site and a two-story multi-family structure north of the subject site.

Furthermore, during the City's review, because the structure proposed for demolition was constructed over 45 years ago, the potential of the residence being an historical resource was evaluated pursuant to the certified LCP. As noted in the City's staff report, the

existing duplex structures do not possess integrity of design, architecture or workmanship. As such, they do not possess any historical or architectural significance and their removal or demolition will not result in any impacts to historical resources. As the structures did not possess potential historical significance, the project was not forwarded to the Historical Resources Board, consistent with the certified LCP Implementation Plan. In summary, the Commission finds that the appeal does not raise a substantial issue regarding conformity of the proposed development with the public view protection (or community character) policies of the certified LCP.

4. Conclusion. In summary, the development as approved by the City, is consistent with all applicable LCP land use policies and provisions/development standards of the certified LCP Implementation Plan. The project, as approved by the City, is consistent with the geologic setback requirements of the certified LCP and is in character with the surrounding community and will not result in any adverse impacts on public views. Therefore, the Commission finds that the appeal does not raise a substantial issue with regard to the project's consistency with the certified LCP.

5. Substantial Issue Factors. As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed project is for construction of a residential duplex that is consistent with the geologic setback requirements of the certified LCP and is consistent in size and scale of other projects in the vicinity. It does not result in the blockage of any public views from potential view corridors or public rights-of-way. The objections to the project suggested by the appellant do not raise any substantial issues of regional or statewide significance.



92107

SITE

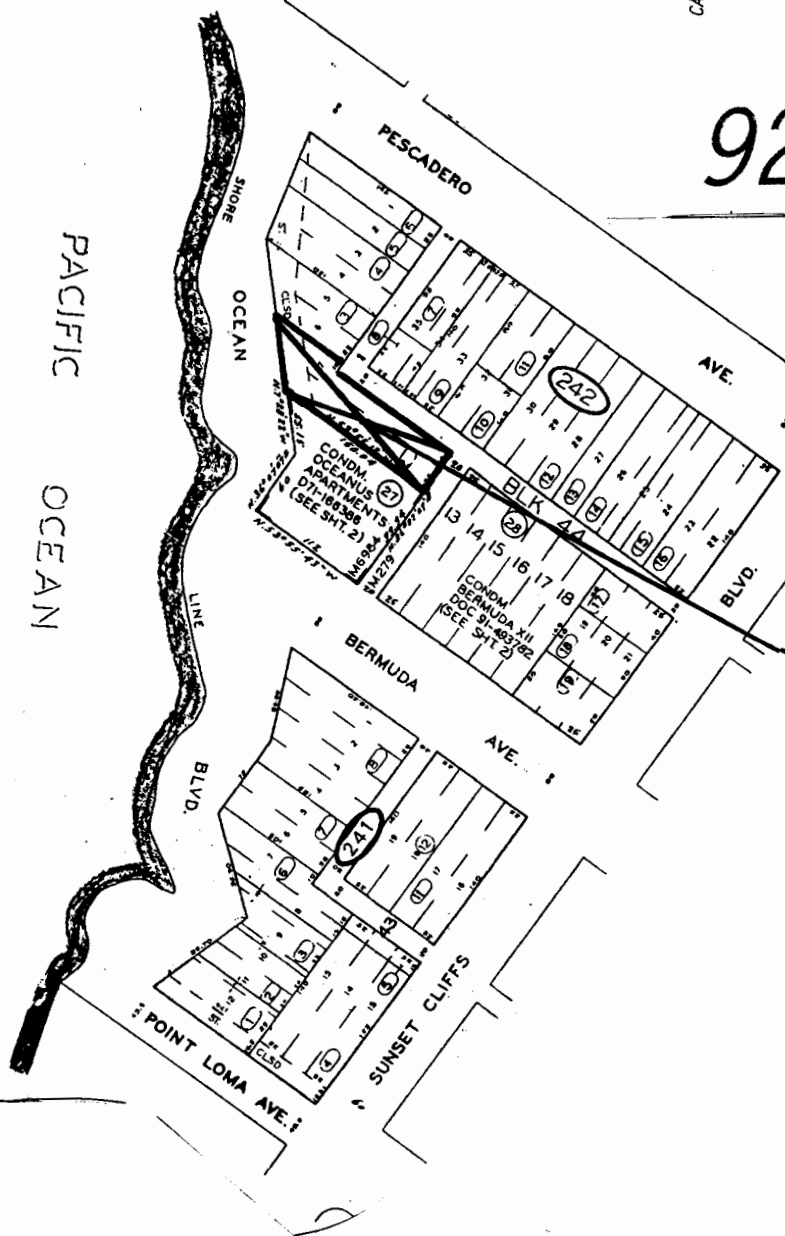
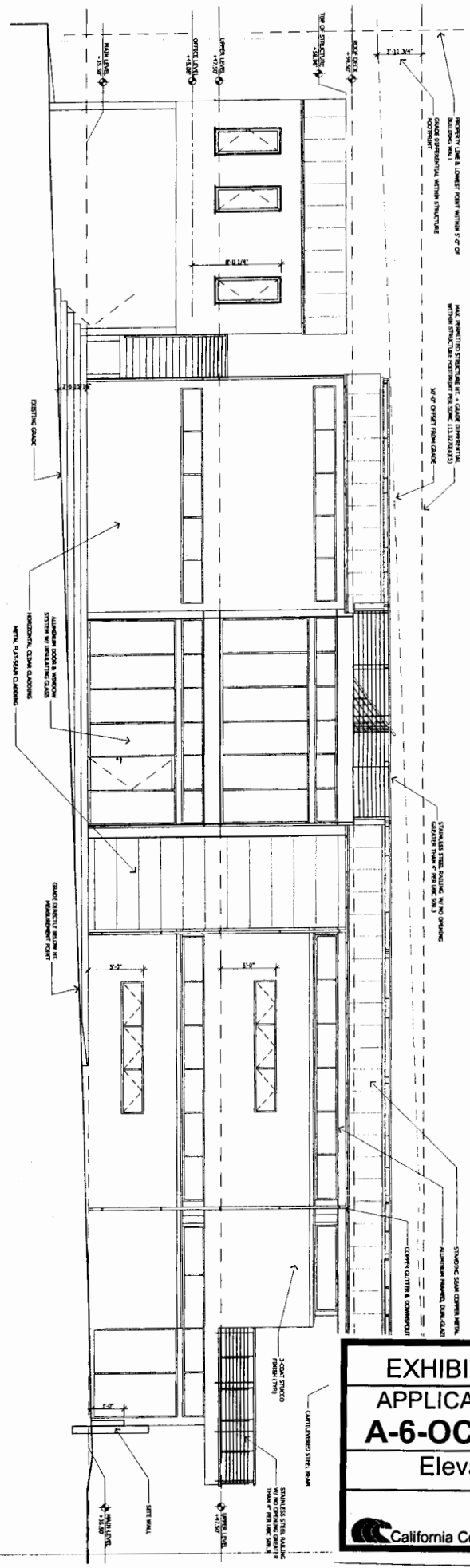


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCB-08-61
Location Map

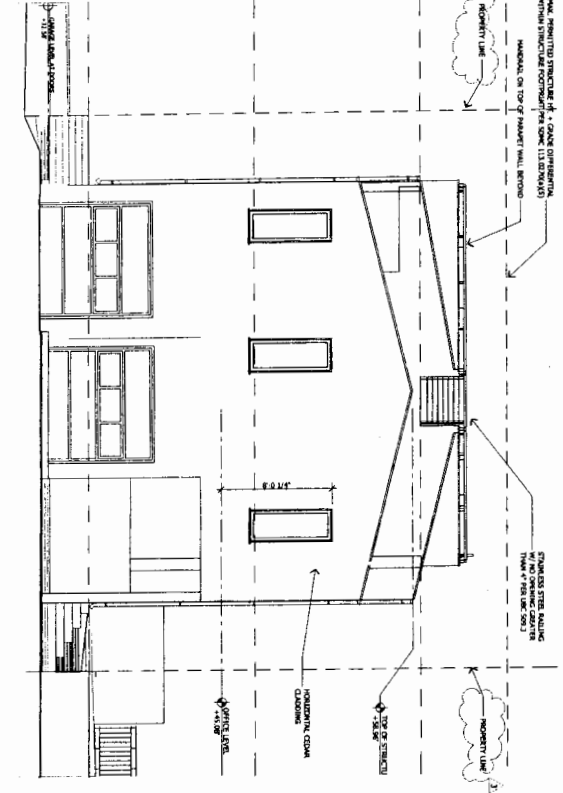


California Coastal Commission

1 NORTH ELEVATION



2 EAST ELEVATION



NO.	DATE	DESCRIPTION	BY	CHKD.
1	08-11-07	ISSUED FOR PERMITS	MM	MM
2	08-20-07	REVISION PER SDGEC	MM	MM
3	08-21-07	REVISION PER SDGEC	MM	MM
4	08-21-07	REVISION PER SDGEC	MM	MM
5	08-21-07	REVISION PER SDGEC	MM	MM
6	08-21-07	REVISION PER SDGEC	MM	MM
7	08-21-07	REVISION PER SDGEC	MM	MM
8	08-21-07	REVISION PER SDGEC	MM	MM
9	08-21-07	REVISION PER SDGEC	MM	MM
10	08-21-07	REVISION PER SDGEC	MM	MM
11	08-21-07	REVISION PER SDGEC	MM	MM
12	08-21-07	REVISION PER SDGEC	MM	MM
13	08-21-07	REVISION PER SDGEC	MM	MM
14	08-21-07	REVISION PER SDGEC	MM	MM
15	08-21-07	REVISION PER SDGEC	MM	MM
16	08-21-07	REVISION PER SDGEC	MM	MM
17	08-21-07	REVISION PER SDGEC	MM	MM
18	08-21-07	REVISION PER SDGEC	MM	MM
19	08-21-07	REVISION PER SDGEC	MM	MM
20	08-21-07	REVISION PER SDGEC	MM	MM

myarcha design
 700 San Vicente
 San Francisco, CA 94116
 415.774.1111
 myarchadesign.com

PROJECT NO. 0188
 08.17.08

PERMITS
 EXTERIOR ELEVATIONS
 SHEETS NUMBER

A4.1

Passadene House
 1466 Passadene Drive
 San Diego, CA 92107

EXHIBIT NO. 4
APPLICATION NO.
A-6-OCB-08-61
Elevations

California Coastal Commission



6-OCB-08-119

THE CITY OF SAN DIEGO

COASTAL DEVELOPMENT PERMIT

NOTICE OF FINAL ACTION

California Coastal Commission, San Diego Area Office
7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402
Phone (619) 767-2370

DATE: **June 6, 2008**

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

PROJECT NAME - NUMBER: Pescadero House – Project No. 86511

PROJECT DESCRIPTION: The project proposes the demolition of 2 existing duplex units (total 4 dwelling units) in order to construct 2 new attached multi-family dwelling units in a two-story, 5,203 square-foot structure over subterranean parking on 7436 square-foot site in the RM-2-4 Zone.

LOCATION: 1466 Pescadero Drive

APPLICANT'S NAME Daniel Smith/Michael Taylor

FINAL ACTION: APPROVED WITH CONDITIONS

ACTION BY: City Council

ACTION DATE: May 27, 2008

CONDITIONS OF APPROVAL: See attached Permit.

FINDINGS: See attached Resolution.

Not appealable to the Coastal Commission

Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission only after a decision by the City Council (or Planning Commission for Process 2 and 3 Coastal Development Permits) and within ten (10) working days following Coastal Commission receipt of this Notice, as to the date the Commission's appeal period will conclude.

RECEIVED
JUN 23

EXHIBIT NO. 5
APPLICATION NO. A-6-OCB-08-61
City's Notice of Final Action
California Coastal Commission

WJM

(R-2008-1130)

(344B)
5/27
District H

RESOLUTION NUMBER R-303789

DATE OF FINAL PASSAGE MAY 27, 2008

RECEIVED

A RESOLUTION DENYING APPEAL AND GRANTING COASTAL DEVELOPMENT PERMIT NO. 274486/ SITE DEVELOPMENT PERMIT NO. 277639/ PLANNED DEVELOPMENT PERMIT NO. 524160 RELATED TO THE PESCADERO HOUSE PROJECT.

JUN 23 2008

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

WHEREAS, Daniel Smith, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit/site development permit to demolish an existing multi-family residential structure and construct two new multi-family residential units to be known as the Pescadero House project, located at 1466 Pescadero Drive, and legally described as Lot 7 and Lot 8, Block 44, Map of Ocean Beach being a subdivision of Pueblo Lots 195, 202 and 203, and that portion of Ocean Boulevard closed and vacated by resolution ordering work no. 103046, document 435927 on July 17, 1951, within the Ocean Beach Precise Plan, in the RM-2-4 zone, and includes the Coastal Overlay Zone (appealable), Sensitive Coastal Resource Overlay Zone, Coastal Height Limit Overlay Zone and Parking Impact Overlay Zone; and

WHEREAS, on February 7, 2008, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 274486/Site Development Permit No. 277639/Planned Development Permit No. 524160, and pursuant to Resolution No. 4376-PC voted to approve the Permit; and

WHEREAS, Robert Ames appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on May 27, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 274486/Site Development Permit No. 277639/Planned Development Permit No. 524160:

**A. COASTAL DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0708**

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. There is no existing physical access used legally or otherwise by the public, nor is there any public access identified in the Local Coastal Program. The project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The project is within 100 feet of the bluff edge therefore within the Sensitive Coastal Bluffs, requiring a Site Development Permit based on the Environmentally Sensitive Lands regulations. The project site is developed with two existing duplex units with two residential units in each located near the coastal bluff above the Pacific Ocean along Sunset Cliffs. Adjacent land uses consist of residential to the north, east, and south, and a coastal bluff overlooking the Pacific Ocean to the west. Off-site, to the west of the bluff edge, the land descends down the approximately 35-foot high bluff to the ocean below. The City has a public right-of-way for Ocean Boulevard in the bluff area, between the western property boundary and westward to the mean high tide line. This right-of-way was dedicated for Public use and allows public access along the bluff and beach area below the project.

The project proposes the demolition of the existing 1-story structures containing a total of four dwelling units and the construction of a new, 2-story structure over partially subterranean parking. A portion of the building is 30 feet above grade however a majority of the proposed structure is 28.5 feet. The building will be under the maximum 30-foot Coastal Height Limit allowed by the zone.

The proposed development is located between the shoreline and the first public roadway; therefore views to the ocean must be preserved. The proposed development will adhere to the required yard area setbacks pursuant to the Land Development Code. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code section 132.0403(b).

No public access will be affected by this project. A visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline. Therefore, the proposed development will not impact any physical access way and will protect public views as recommended in the Ocean Beach Precise Plan and Local Coastal Program land use plans.

2. The proposed coastal development will not adversely affect environmentally sensitive lands. The project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands. The project proposes the demolition of an existing 2-story structure containing three dwelling units and the construction of a new, 3-story over basement, duplex with ground level garages. The City of San Diego conducted a complete environmental review of this site. Mitigated Negative Declaration No. 86511 has been prepared for this project in accordance with State of California Environmental Quality Act [CEQA] guidelines, which preclude impact to these resources and Mitigation Monitoring and Reporting Program [MMRP] would be implemented to reduce potential historical resources (archaeology) and paleontological impacts to a level below significance. Mitigation in the form of on-site monitoring for archaeology and paleontology was required as the project is located in an area with a high potential for subsurface resources. A geological report was prepared for the project and determined the project, as redesigned with a cantilevered floor to provide the required 40 foot setback from the bluff edge would not affect the coastal bluff. Additionally, Best Management Practices [BMP's] to ensure site drainage and run-off is directed away from the bluff. The project site is not located within or adjacent to the Multi-Habitat Planning Area [MHPA] of the City's Multiple Species Conservation Program [MSCP]. The project site is located within an existing urbanized area. The proposed project was found to not have a significant effect on the environment. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The proposed project conforms to the certified Local Coastal land use plan. No public view to the water would be adversely affected by the approval of this

project. Granting the deviations via a Planned Development Permit would not increase the scale or height of the overall structure. The project would not increase any public view impacts greater than a project without the requested deviations. The proposed development is located between the shoreline and the first public roadway, therefore public views to the ocean must be preserved. A visual corridor of not less than the side yard setbacks will be preserved to eliminate the impact of development along this coastal view area. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit. Therefore, the proposed development would be in conformity to the certified Local Coastal Program land use plan and comply with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The subject property is located between the nearest public road and the sea or the shoreline of any body of water, and within the Coastal Overlay and Coastal Height Limit Zones. Dedicated public access to the beach and bluff area is available at the end of Orchard Avenue two blocks north of the project and Bermuda Avenue two block south of the project site. These access points allow public access along the coastal bluff below the project. The City has a public right-of-way for Ocean Boulevard in the bluff area, between the western property boundary and westward to the mean high tide line. This right-of-way was dedicated for Public use and allows public access along the bluff and beach area below the project. Therefore, the project has demonstrated conformance with the public access and recreation policies of the California Coastal Act as required by this finding.

B. SITE DEVELOPMENT PERMIT - SDMC SECTION 126.0504(a)

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The project is within 100 feet of the bluff edge therefore within the Sensitive Coastal Bluffs, requiring a Site Development Permit based on the Environmentally Sensitive

Lands regulations. The project is located in the appealable Coastal Overlay Zone requiring a Coastal Development Permit. The proposed development is located between the shoreline and the first public roadway; therefore views to the ocean shall be preserved. This project is located in the RM-2-4 zone. The RM-2-4 zone permits a maximum density of one dwelling unit for each 1,750 square feet of lot area. The project is in conformance with the underlying zoning, and conforms to the required floor area ratio, parking and setbacks. Deviations requested to accommodate parking and access including reduced parking stall dimensions, aisle width and visibility area can be granted with a Planned Development Permit, The proposed development will adhere to the required yard area setbacks pursuant to the Land Development Code. A Deed Restriction is a condition of approval to preserve a visual corridor of not less than the side yard setbacks, in accordance with the requirements of San Diego Municipal Code section 132.0403(b). The building will be under the maximum 30-foot Coastal Height Limit allowed by the zone. Therefore the proposed development would be consistent with the recommended residential density and multi family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit. Therefore, the proposed development would not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands. The project proposes the demolition of an existing 2-story structure containing three dwelling units and the construction of a new, 3-story over basement, duplex with ground level garages. The City of San Diego conducted a complete environmental review of this site. Mitigated Negative Declaration No. 86511 has been prepared for this project in accordance with State of CEQA guidelines, which preclude impact to these resources and MMRP would be implemented to reduce potential historical resources (archaeology) and paleontological impacts to a level below significance. Mitigation in the form of on-site monitoring for archaeology and paleontology was required as the project is located in an area with a high potential for subsurface resources. A geological report was prepared for the project and determined the project, as redesigned with a cantilevered floor to provide the required 40 foot setback from the bluff edge would not affect the coastal bluff. Additionally, BMP's to ensure site drainage and run-off is directed away from the bluff. The project site is not located within or adjacent to the MHPA of the City's MSCP. The project site is located within an existing urbanized area. The proposed project was found to not have a significant effect on the environment. The project would be designed and constructed pursuant to all applicable zoning and building codes and inspected for compliance with building standards. Therefore, the proposed development would not be detrimental to public health, safety and welfare.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The proposed project conforms to the certified

Local Coastal land use plan. No public view to the water would be adversely affected by the approval of this project. Granting the deviations via a Planned Development Permit would accommodate parking and access, including reduced parking stall dimensions, aisle width and visibility area and would not increase the potential scale or height of the overall structure. The project would not increase any public view impacts greater than a project without the requested deviations. The proposed development is located between the shoreline and the first public roadway, therefore public views to the ocean must be preserved. A visual corridor of not less than the side yard setbacks will be preserved to eliminate the impact of development along this coastal view area. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 Zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit. Therefore, the proposed development would comply with all applicable regulations of the Land Development Code.

2. Supplemental Findings – Environmentally Sensitive Lands – SDMC
Section 126.0504(b)

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The project requires a Site Development Permit based on the Environmentally Sensitive Lands regulations. The project is in compliance with the Environmentally Sensitive Lands guidelines, and proposes no deviations from those guidelines. The Environmentally Sensitive Lands guidelines are intended to assure that development protects the overall quality of the resources by determining the impacts and providing mitigation, if necessary. The project site is not located within or adjacent to the MHPA of the City's MSCP.

The City of San Diego conducted a complete environmental review of this site. A Mitigated Negative Declaration has been prepared for this project in accordance with State CEQA guidelines, which preclude impact to these resources. A geotechnical analysis was prepared to address the bluff stability which supports the project area. This report concluded that the bluff will support the proposed improvements and is considered stable with regard to potential slope failure. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal

bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. No construction will occur near the coastal bluff edge and all structure bearing support for the new development shall be at a minimum of 40 feet back from the bluff edge and implement a cantilevered design. No coastal protective devices that help stabilize the bluff area are proposed for the project. A geotechnical analysis was performed and the bluff was considered to be stable to support the proposed development. No geologic hazards were found that would be detrimental to the proposed project. The proposed development area is flat and surrounded by existing residential development. On site grading would occur for excavation of the building foundation and parking. However, no substantial change in topography or ground surface would result. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. A cantilevered design shall be used so that no construction will occur near the sensitive coastal bluff edge. A complete environmental review for the project area was completed. As outlined in Mitigated Negative Declaration No. 86511, the project would require monitoring for sensitive historical and paleontological resources to mitigate potential impact to these resources. BMP's have been made a condition of the permit to ensure run-off and drainage does not impact the coastal bluff. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project is not located within or adjacent to the City's MHPA. Therefore, the project does not need to show consistency with the MSCP Subarea Plan.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. In order to assess the geologic conditions of the site, a Geotechnical Investigation dated February 9, 2007 for 1466-1472 Pescadero Drive was prepared for the project and is summarized below. The project site is located within hazard category 43 which encompasses generally unstable coastal bluffs characterized by locally high erosion rates. The project would be conditioned to construct all of the foundation landward of the 40-foot coastal bluff edge setback. The project is proposing to

cantilever the structure over the 40-foot coastal bluff edge setback. The foundation would be properly embedded into the competent native materials. The foundation would not be subject to failure due to the anticipated coastal erosion forces. No work or grading is proposed on the bluff face. All project construction will occur eastward of the required 40-foot wide bluff edge setback. Wave impact erosion and shoreline sand supply will remain the same. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. An environmental analysis was performed and Mitigated Negative Declaration No. 86511 was prepared with a MMRP, which would mitigate potentially significant archaeological and paleontological resource impacts to below a level of significance. The project would be conditioned to construct all of the foundation landward of the 40-foot coastal bluff edge setback. The project is proposing to cantilever the structure over the 40-foot coastal bluff edge setback. The foundation would be properly embedded into the competent native materials. Proper engineering controls and best management practices consisting of Site Design, Source Control, Priority Project Category and Structural Treatment Control in accordance with the Land Development Code would minimize water runoff and soil erosion during excavation/construction activities. Additionally, the applicant is conditioned to submit a Water Pollution Control Plan [WPCP] prior to any work being done on the site. The resultant discharge from the site would then be substantially free of pollutants and sediments to the maximum extent practicable. Therefore, permit issuance would preclude a significant impact to Water Quality/Hydrology. All project construction will occur landward of the sensitive coastal bluff and coastal bluff edge setback. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

C. PLANNED DEVELOPMENT PERMIT - SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement

process via a Planned Development Permit. Therefore, the proposed development would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands. The project proposes the demolition of an existing 2-story structure containing three dwelling units and the construction of a new, 3-story over basement, duplex with ground level garages. The City of San Diego conducted a complete environmental review of this site. Mitigated Negative Declaration No. 86511 has been prepared for this project in accordance with State CEQA guidelines, which preclude impact to these resources and MMRP would be implemented to reduce potential historical resources (archaeology) and paleontological impacts to a level below significance. Mitigation in the form of on-site monitoring for archaeology and paleontology was required as the project is located in an area with a high potential for subsurface resources. A geological report was prepared for the project and determined the project, as redesigned with a cantilevered floor to provide the required 40 foot setback from the bluff edge would not affect the coastal bluff. Additionally, BMP's to ensure site drainage and run-off is directed away from the bluff. The project site is not located within or adjacent to the MHPA of the City's MSCP. The project site is located within an existing urbanized area. The proposed project was found to not have a significant effect on the environment. The project would be designed and constructed pursuant to all applicable zoning and building codes and inspected for compliance with building standards. Therefore, the proposed development would not be detrimental to public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The proposed project conforms to the certified Local Coastal land use plan. No public view to the water would be adversely affected by the approval of this project. Granting the deviations via a Planned Development Permit would accommodate parking and access, including reduced parking stall dimensions, aisle width and visibility area and would not increase the potential scale or height of the overall structure. The project would not increase any public view impacts greater than a project without the requested deviations. The proposed development is located between the shoreline and the first public roadway, therefore public views to the ocean must be preserved. A visual corridor of not less than the side yard setbacks will be preserved to eliminate the impact of development along this coastal view area. The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi family land use prescribed by the Ocean Beach Precise Plan. The proposed development would also be consistent with the purpose and intent of the RM-2-4 zone and comply with the

applicable development regulations of the Land Development Code including deviations permitted as a part of the discretionary entitlement process via a Planned Development Permit. Therefore, the proposed development would comply with all applicable regulations of the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. The two existing duplexes are small square clap board structures that have not been well maintained. The four units share one legal parking space and the remainder parking utilizes the adjacent alley which is not wide enough to legally park. The proposed development would provide an articulated contemporary structure fully parked off the street. The proposed development would be consistent with existing development in the area relative to the architectural style and the bulk and scale of the 2-story structure. The project would visually enhance the surrounding area by removing the four existing units and redeveloping the property in accordance with the current development regulations including parking and landscape requirements. Therefore the proposed development, when considered as a whole, will be beneficial to the community.

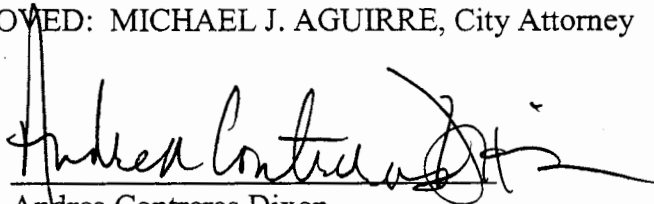
5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development is located at 1466 Pescadero Drive within the Ocean Beach Precise Plan Area. The 0.17-acre site is located adjacent to sensitive coastal bluffs approximately 35 feet above the mean high tide line. The proposed development includes the demolition of four multi-family units contained within two detached duplex structures and the subsequent construction of two new attached multi-family residential units and associated off-street parking. Granting the deviations via a Planned Development Permit would accommodate parking and access, including reduced parking stall dimensions, aisle width and visibility area. Where as most properties within the community enjoy standard street frontage and rear alley access, the property at 1466 Pescadero Drive is located on what is essentially a named alley. Pescadero Drive is the same 20 foot width as a standard alley and the deviations requested for the reduced parking stall dimensions and aisle width would permit the project to be parked below grade. The deviation for a reduced visibility area is also needed due to the narrow street configuration. The 11 foot visibility triangle is considered sufficient based on the narrow right-of-way and anticipated slower speeds of vehicular traffic. Therefore, the proposed deviations would be appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the appeal of Robert Ames is denied; the decision of the Planning Commission is sustained; and Coastal Development Permit No. 274486/Site Development Permit No. 277639/Planned Development Permit No. 524160, with a deed restriction added to the seawall, is granted to Daniel Smith, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

06/03/08

Or.Dept:DSD

R-2008-1130

MMS #5988

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 425429

COASTAL DEVELOPMENT PERMIT NO. 274486/
SITE DEVELOPMENT PERMIT NO. 277639/
PLANNED DEVELOPMENT PERMIT NO. 524160
PESCADERO HOUSE

CITY COUNCIL

This Coastal Development Permit [CDP] No. 274486/Site Development Permit [SDP] No. 277639/ Planned Development Permit [PDP] No. 524160 is granted by the City Council of the City of San Diego Daniel Smith, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708, 126.0504 and 126.0604. The 0.17-acre site is located at 1466 Pescadero Drive in the RM-2-4 zone and includes the Coastal Overlay Zone (appealable), Sensitive Coastal Resource Overlay Zone, Coastal Height Limit Overlay Zone and Parking Impact Overlay Zone, within the Ocean Beach Precise Plan. The project site is legally described as Lot 7 and Lot 8, Block 44, Map of Ocean Beach being a subdivision of Pueblo Lots 195, 202 and 203, and that portion of Ocean Boulevard closed and vacated by resolution ordering work no. 103046, document 435927 on July 17, 1951.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish two existing residential structures with two units each and construct two new residential units in a 5,566 square-foot, 2-story structure with underground parking, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 27, 2008, on file in the Development Services Department.

The project or facility shall include:

- a. The demolition of two existing duplex units and the construction of a new residential unit in a 5,566 square-foot, 2-story structure and associated underground and street level parking.
- b. PDP No. 524160 would allow the following deviations: (1) a deviation to allow a parking space width and length of 7.5' by 17' where 9.5' by 18' is

required, (2) a deviation to allow a visibility area of 11' where 20' is required, and (3) a deviation to allow a minimum driveway aisle width of 9'11' where 12' is required;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/ Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/ Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/ Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. Title Restrictions. Prior to the commencement of any work or activity authorized by this Permit, the Owner/Permittee shall execute a Notice of Hazardous Condition Indemnification and Hold Harmless Agreement, in a form and content acceptable to the Director of the Development Services Department, or designated representative who shall provide: (a) that the applicant understands that no new accessory structures and landscape features customary and incidental to residential uses shall be developed within 5 feet of the Bluff Top (as illustrated on approved plan Exhibit "A," or on the face of the Bluff; and (b) that the applicant understands that the site may be subject to extraordinary hazard from coastal bluff erosion and the applicant assumes the liability from such hazards; and (c) the applicant unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Conditions-Indemnification and Hold

Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successor and assigns.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

13. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 86511 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 86511 satisfactory to the City Manager and City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical (Archeological) Resources
Paleontological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to the issuance of any building permits, the developer shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to foundation inspection, the applicant shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying that the pad elevation based on USGS datum is in accordance with the approved plans.

21. The foundation shall be constructed landward of the 40-foot coastal bluff edge setback. The project shall utilize cantilever the structure over the 40-foot coastal bluff edge setback. The foundation shall be properly embedded into the competent native materials.

22. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

23. The applicant shall provide and improve an 11 foot triangular area at the southwest corner of the two intersecting alleys, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

24. No fewer than five off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

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

26. In accordance with the requirements of San Diego Municipal Code section 143.0142 the Owner/Permittee shall execute a covenant of easement recorded against title to the affected premises and executed in favor of the City.

27. The covenant of easement shall contain a description of the premises affected by the permit with a description of the development area and the environmentally sensitive lands that will be preserved.

28. The covenant of easement shall notice all persons to the extent afforded by the recording laws of the state regarding the restrictions affecting the use of the environmentally sensitive lands covered by the permit.

29. The covenant of easement shall insure that the burdens of the covenant of easement shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the affected premises.

30. The covenant of easement shall ensure enforceability of the covenant of easement by the City.

31. Prior to the issuance of construction permits, the Owner/Permittee shall record a Deed Restriction, in a form acceptable to the City Attorney, to waive all rights to future shoreline protective devices to protect the development authorized by this permit.

32. Prior to the issuance of construction permits, the Owner/Permittee shall record a Deed Restriction preserving a visual corridor 5-foot wide running full length of property (North and South) in accordance with the requirements of the San Diego Municipal Code section 132.0403(b) and as described in Exhibit "A."

33. Open fencing and landscaping may be permitted within this visual corridor, provided such improvements do not significantly obstruct public views of the ocean. Landscape within this visual corridor shall be planted and maintained not exceed 3'-0" in height in order to preserve public views.

34. No development shall be permitted on the coastal bluff face.

35. At grade accessory structures and landscape features customary and incidental to residential uses shall not be closer than 5 feet to the coastal bluff edge, in accordance with the requirements of the Land Development Code.

36. All drainage from the improvements on the premises shall be directed away from any coastal bluff and either into an existing or improved public storm drain system or onto a street developed with a gutter system or public right-of-way designated to carry surface drainage run-off. All drainage from unimproved areas shall be appropriately collected and discharge in order to reduce, control, or mitigate erosion of the coastal bluff.

37. The Owner/Permittee acknowledges that the existing bluff top improvements, including the gunite wall, are not permitted as part of this project. All portions of these improvements which can be removed without damage to the coastal bluff shall be removed prior to final inspection by the City. Any existing unpermitted bluff top improvements which cannot be removed due to the potential for bluff damage shall not be maintained and shall be allowed to deteriorate in order for the bluff area to be naturally restored over a period of time.

38. It shall be the responsibility of the Owner/Permittee to properly remove and dispose of any and all debris resulting from the natural erosion of any existing blufftop improvements that cannot be removed as a part of this project.

39. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

LANDSCAPE REQUIREMENTS:

40. Prior to issuance of any construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A."

41. Prior to issuance of any grading permits for buildings, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

42. Prior to issuance of any construction permits for buildings, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual Landscape Standards to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

43. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all required landscape inspections.

44. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

45. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Final Landscape Inspection.

46. The Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's [Cal-IPC] Invasive Plant Inventory and the City of San Diego's Land Development Manual; Landscape Standards are prohibited.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this

development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on May 27, 2008 by Resolution No. R-303789.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

Dennis Smith
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER - Permit Shell 11-01-04

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
VOICE (619) 767-2370 FAX (619) 767-2384



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This

RECEIVED

JUL 08 2008

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION I. Appellant(s)

Name: Jeffrey Russell

Mailing Address: P.O. Box 190788

City: San Francisco

Zip Code: 94119

Phone: ~~415-863-3896~~

415-863-3896

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of San Diego

2. Brief description of development being appealed:

Multi-family residential structure with subterranean garage

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1466 Pescadero Dr.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCB-08-061

DATE FILED: 7/8/08

DISTRICT: San Diego Coast

EXHIBIT NO. 6
APPLICATION NO.
A-6-OCB-08-061
Appeal
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 5-27-08

7. Local government's file number (if any): 86511

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Daniel Smith / Michael Taylor
6136 Mission Gorge Rd., #230
San Diego, CA

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Robert Ames
1459 Pescadero Dr.
San Diego, CA 92107

(2) Todd Cardiff
169 Saxony Rd. Ste 204
Encinitas, CA 92024

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The project is inconsistent with the City of San Diego LCP and LUP for the following reasons:

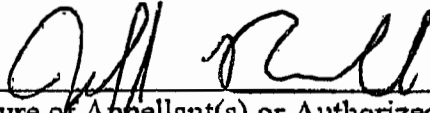
- 1) Project fails to comply with the required 40-ft. setback from a sensitive and eroding coastal bluff edge.
- 2) Given extremely high rate of erosion at site, setback greater than 40 ft. is necessary to prevent need for bluff protective device within 75-year lifespan of proposed structure.
- 3) Subterranean garage will serve as defacto seawall that frustrates intent of seawall waiver condition.
- 4) Structure will obstruct existing view corridor to south from Pescadero Ave.

These objections and others will be elaborated upon in forthcoming letter.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 7-8-08

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

_____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

