

**CALIFORNIA COASTAL COMMISSION**

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original staff report

# W13a

## Addendum

June 9, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W13a**, Coastal Commission Permit Application No. **A-6-LJS-14-0063 (BC5 Camino, LLC)**, for the Commission Meeting of Wednesday, June 10, 2015.

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

1. On page 2 of the staff report and continuing onto page 3, the final paragraph shall be modified as follows:

Furthermore, the City's approval accepted the applicant's delineation of the coastal bluff top edge as being between the 18 and 23-foot elevation. Two past permits, including ones approved by the Commission in 1985 and one approved by the City in 1992 determined that the bluff edge is located at the 25-foot elevation, approximately 2 to 7 feet further inland than the applicant's determination. The existing single family residence was approved with a requirement that the structure be set back a minimum of 25 feet from the bluff edge as required by the certified LCP. As approved, the residence was located with its western wall bordering the 25-foot setback line, with no portion of the house encroaching seaward of the setback line. Thus, any future seaward addition would invariably encroach into the 25-foot bluff top setback. Comparing the existing single family residence to that approved exhibit, it is evident that the existing home was not built according to the exhibit, and that the footprint of the western side of the home extends several feet seaward of the approved plan, into the bluff top setback. The proposed cantilevered living room would further exacerbate this encroachment by extending approximately 20 feet further seaward, to within 5-feet of the bluff edge. The Commission's geologist has visited the site and reviewed the geotechnical studies associated with the project, and concluded that the bluff edge has not receded significantly, and is still properly delineated along the same area as was found in the two preceding state and local permits should still be delineated along the 25-foot elevation. Thus, the proposed project is not consistent with the LCP policy that requires a minimum setback of 25 feet from the bluff edge for all new homes and additions. As approved by the City, the delineation of the bluff edge would permit an additional 2-7 feet of encroachment into the required bluff top

setback, but it should be noted that regardless of which current delineation of the bluff edge is utilized – the Commission’s or the applicant’s – the proposed cantilevered living room still encroaches approximately 20 feet into the bluff top setback, inconsistent with the LCP.

2. On Page 3 of the staff report, modify the first full paragraph as follows:

~~The applicant’s geotechnical survey to determine the sufficiency of the approved bluff top setback to protect the approved development for its economic life did not combine the 75-year bluff erosion rate with the 1.5 factor of safety against landslide risk, instead just relying on the erosion rate. This is not in conformance with the LDC’s requirement that bluff top setbacks be analyzed according to “accepted professional standards,” which includes combining the above-mentioned bluff stability indicators.~~ Upon submittal of response materials by the applicant on June 4, 2015, Commission staff determined that the applicant carried out the appropriate combined bluff retreat and factor-of-safety analysis - predicting bluff erosion of 19 feet over the 75-year economic life of the development and a 2.2 factor of safety at the subject site - as required by current professional standards. Thus, this issue has been addressed.

3. On Page 3 of the staff report, modify the fifth paragraph as follows:

The existing residence is 5,948 sq. ft. and approximately 900 sq. ft. of the proposed addition would be located seaward ~~inland~~ of the required bluff top setback. Staff is recommending that the project be approved as modified to delete all portions of the proposed project located seaward of the 25-foot setback, as measured from the 25-foot elevation line save for accessory structures specifically permitted by the certified LCP.

4. On Page 4 of the staff report, modify the first sentence of the final paragraph as follows:

Staff recommends that the Commission approve the proposed development on de novo, as modified with the inclusion of 8 ~~7~~ special conditions.

5. On Page 11 of the staff report, modify the first paragraph as follows:

Prior to construction of the current single family residence in the 1990’s ~~1985~~, the subject property was a relatively empty, level pad that sloped downward to the west to a series of sandstone shelves and a steep bluff face. In August, 1976, the Coastal Commission approved Coastal Development Permit (CDP) No. F3861 for the construction of a one-story, two-bedroom single family residence with a two-bedroom guesthouse and garage. The residence as originally proposed to the Commission was very close to the bluff edge, and prior to approval the applicant redesigned the home to be located much farther back from the bluff edge in response to concerns expressed by the Commission at that time. The approved development was never constructed.

6. On Page 11 of the staff report, modify the second paragraph as follows:

In January 1985, the California Coastal Commission approved Coastal Development Permit (CDP) No. 6-84-568, approving construction of a two-story, 5,095 sq. ft. single family residence on the bluff top pad. The lot at that time was developed with a gazebo, garden wall, and landscaping previously associated with the neighboring residence to the north. The Commission's approval imposed special conditions requiring revised final construction plans delineating the bluff edge at the 25-foot elevation and measuring the 25-foot bluff top setback therefrom, redesigning the residence to be landward of the 25-foot setback area, assumption by the applicant of the risk from wave action, the recordation of a lateral public access easement over the portion of the property seaward of the bluff edge, and final drainage and geology plans. It should be noted that a small, preexisting wall was located just seaward of very southern portion of the property's bluff top edge, and the Commission accepted the setback for that portion of the property being measured from that wall. That CDP expired, and the applicant applied for and received administrative permit no. 6-87-169 for the same development. Nevertheless, that approved development was never constructed.

7. On Page 19, after the third full paragraph, add the following:

In response to Commission staff's recommendation regarding the location of the bluff edge, the applicant has submitted additional material clarifying the basis of their delineation and their opposition to using the current 25-foot elevation as the bluff edge. After analyzing their submittal, the Commission's staff geologist clarified that the current delineation of the bluff edge on the property is substantially similar to what both the Commission and the City determined the bluff edge to be in the 1985 and 1992 CDPs, which is 2 to 3 feet further seaward than the current 25-foot elevation in most places of the property [Exhibit 17]. The applicant's proposed bluff delineation [Exhibit 17] is located even further seaward, and is not consistent with previous Commission bluff edge determinations or the conclusion of the Commission geologist regarding the existing bluff edge. However, regardless of the minor variation in the bluff edge determinations or what bluff edge is used, whichever bluff edge delineation is used – the applicant's or the Commission geologist's - the proposed cantilevered living room encroaches approximately 20-feet into the 25-foot bluff top setback. The LCP clearly states that a bluff setback may not be reduced to less than 25 feet for primary development. In addition, as proposed, the cantilevered living room would encroach to less than 5 feet from the bluff edge, which is inconsistent with the certified LCP prohibition on any development, event at-grade accessory structures and landscaping, being located closer than 5 feet from a coastal bluff edge.

8. On Page 20 of the staff report, modify the second paragraph to read:

In estimating an appropriate setback for new bluff top 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 that 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 landslide of 1.5 or greater given the estimated erosion rate. After submitting supporting materials on June 4<sup>th</sup> clarifying the original geological survey, the applicant demonstrated to Commission staff's satisfaction that the appropriate analysis was carried out. The applicant's survey predicted 19 feet of bluff erosion over the 75-year economic life of the development, and that the site contained a factor-of-safety of 2.2, above the 1.5 minimum required. Normally, the Commission requires an additional setback of 10 feet from the landward edge of predicted bluff erosion so as to accommodate uncertainty inherent in such predictions, but given the geological character of the subject site and its history of very low erosion over the preceding 50 years, the Commission's staff geologist determined that a 25-foot setback would be sufficient to protect the structure over its economic life. The applicant's submitted geotechnical survey looked only at the 75-year bluff erosion rate, and did not combine the analysis with the 1.5 factor of safety analysis, as is done in accepted professional standards, as required by the LCP.

9. On Page 23 of the staff report, modify the first full paragraph as follow:

The development as approved by the City includes a new living room on the seaward side of the residence located up to 5 feet from the bluff edge, which represents an approximately 20-foot encroachment into the 25-foot bluff top setback area required, as a minimum, for ~~by~~ all new habitable space in the City of San Diego. In addition, as described above, a portion of the proposed first-floor rear yard deck will encroach beyond ~~extend beyond the bluff edge, instead of stopping at the 5-foot bluff top setback line as required by the LCP.~~ The LCP policies require these minimum setbacks from the bluff edge not only to avoid geologic instability and avoid the construction of shoreline protection measures, but to preserve and enhance the La Jolla community's scenic vistas of the ocean and the beach and bluff areas. Consistent application of the bluff top setback requirements of the LCP helps preserve this scenic quality by not unreasonably placing development at geotechnical risk, thus avoiding the installation of shoreline protective devices.

10. On Page 23 of the staff report, modify the second full paragraph as follows:

La Jolla is a popular scenic coastal community characterized by its miles of coastal bluffs along its seven miles of coast line. This stretch of coast includes scores of single family residences, a substantial percentage located on bluff top lots. Setbacks provide visual relief from the cluster of development lining the majority of La Jolla's shoreline, stepping it back in a measured, consistent manner while preserving open space and the scenic vistas as viewed from the numerous public access points. Indeed, in the proximity of ~~the~~ just the subject property alone, there are three public access and vista points, and the Commission's 1985 CDP required that the property owner place a public lateral access easement over the portion of

the property seaward of the bluff edge. The existing residence is currently visible from the public access point on Camino de la Costa one lot to the south of the property, and thus the cantilevered living room will be publicly visible and impact the scenic quality of the coastal bluffs. [Exhibit 18] Allowing the encroachment of residential structures into the 25-foot setback, cantilevered or not, would create a precedent for shifting the pattern of development along these bluffs seaward, and would represent a significant change in the community character and scenic quality of La Jolla.

11. On Page 27, modify Special Condition No. 1 as follows:

1. **Final Plans.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final building plans that have been stamped approved by the City of San Diego. Said plans shall include the following:

- a. The plans shall show the current bluff edge delineation ~~along the 25-foot elevation of the property~~ in an alignment consistent with the delineations of the 1985 and 1992 CDP delineations shown on Exhibit 17 for its entire width, and the related 25-foot bluff top setback measured therefrom.
- b. All new development shall be located landward of the 25-foot bluff edge setback except for at-grade, accessory development in the rear yard area, which must be landward of the 5-foot bluff edge setback line.

The applicant shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

12. On Page 32 of the staff report, modify the first full paragraph as follows:

The certified LCP also defines the bluff top edge while the Land Development Manual demonstrates how to determine such an edge. As noted previously, both past Coastal Commission and City permit actions have delineated the bluff top edge at the property's 25-foot elevation. The applicant's geotechnical analysis originally delineated the bluff top edge between the 18- and 23-foot elevations. However, after meeting on site with the Commission's staff geologist and further discussions with Commission staff, the applicant submitted additional material clarifying the basis of their delineation and their opposition to using the current 25-foot elevation as the bluff edge. After analyzing their submittal, the Commission's staff geologist clarified staff's recommendation to indicate that the current delineation of the bluff edge on the property is substantially similar to what both the Commission and the City determined the bluff edge to be in the 1985 and 1992 CDPs, which is 2 to 3 feet further seaward than the current 25-foot elevation in most places of the property [Exhibit 17]. The applicant's proposed bluff

delineation [Exhibit 17] is located even further seaward, and is not consistent with previous Commission bluff edge determinations or the conclusion of the Commission geologist regarding the existing bluff edge. However, regardless of the minor variation in the bluff edge determinations, whichever bluff edge delineation is used – the applicant's or the Commission geologist's - the proposed cantilevered living room encroaches approximately 20-feet into the 25-foot bluff top setback, approaching less than 5 feet from the bluff edge, inconsistent with the certified LCP. agreed that the 25-elevation for the bluff top edge was appropriate. Thus, this point of contention in the appeal is no longer an issue.

13. Add Exhibit 16 – Applicant's Response

14. Add Exhibit 17 – Bluff Edge Comparison

15. Add Exhibit 18 – View of Property From Camino de la Costa Public Access



## MARENGO MORTON ARCHITECTS, INC.

7724 Girard Ave., Second Floor  
La Jolla, California 92037

Tel (858) 459-3769  
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Date: Friday, June 05, 2015

Re: S.I Hearing - responses to the appeal comments – BC Camino

Dear Commissioners,

We feel that the City correctly approved the project for a coastal development permit and did their proper review in considering the additions to the existing single family residence that contemplated adding an undisputed cantilevered deck on the north side of the property, and a cantilevered living space on the south side of the property. The other additions were made up of a undisputed garage addition and second story expansion on the street side of the property.

The issue that we feel triggered the 4 point appeal was how the documents read when noticed to the Commissioners. For example, the description of a project proposing to cantilever new proposed structure off of a previously conforming structure read as it could exacerbate the intent of the beaches and bluffs guidelines to protect the resource. We feel that our situation is unique and that the new structure was not relying upon any portion of the existing house seaward of the 25ft bluff setback. Therefore that just being one small portion as an example we ask you to see the following points addressed to see if we may have you reconsider this position of appeal in th S.I. hearing asking 3 Commissioners to hear the issues.

The appeal addresses 5 items and we have answered them accordingly below;

The first issue speaks of the geotechnical determination and mapping of the bluff setback and the importance of this relative to the LCP.....Our determination of this line came from extensive work from our geotechnical expert who did the work necessary based on the guidelines described and furthermore used and compared the previously approved coastal commission exhibits from when the property was last built through its permit and the previous permit to that for the previous house on site. All lines are very similar and we feel make clear that the bluff determination was correctly reviewed by the City and all cases are very similar and do not change the outcome of the improvements that are being proposed..

The concern of the 75 year recession determination and 1.5 factor of safety line that was brought up by the appeal was also reviewed by our geotechnical expert and was determined to not be an issue in this case and I believe even your staff report acknowledges this later in the report. Please see the geotechnical memorandum that shows that the research was conducted and raised no concerns brought up in the appeal for reason number 1.



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The following appeal issue was relative to the cantilevering of the structure seaward of the 25ft setback line.

We don't feel that this decision of cantilevering a structure sets a precedence in any way, and we feel that in terms of structural impact to the bluffs, we are not adding any loads to those areas seaward of the 25 ft. bluff setback line, which is one of the critical elements of protecting the bluffs in a geotechnical sense.

The second is erosion and visual impact, based on the public vantage point from the beach, one will not see a large Cantilevered structure due to the existing structure. Please see our sketch up model super imposed into the view from the beach and the photo exhibits where we show the addition being considered.. The mass is hard to depict and the relationship to other structures and even the neighbors are stronger and our addition does not in this case exacerbate any visual impacts. Look at the string line exhibit and the photo exhibits to the additions they are all in keeping within the development area and does not extend into a 25 ft zone as if the beach was straight and aligned and we were breaking into a new plane. Really with this addition there is no new perceived impact. We feel this addition is in keeping with what the beach bluffs guidelines had intended and that we are a unique situation.

The third issue was the 75 yr and 1.5 factor of safety line not being considered. Our consultant has in fact conducted these analyses and has determined in his memorandum submitted as well as his review with the City that there was no impact. This was later acknowledged we believe by city staff in their report.

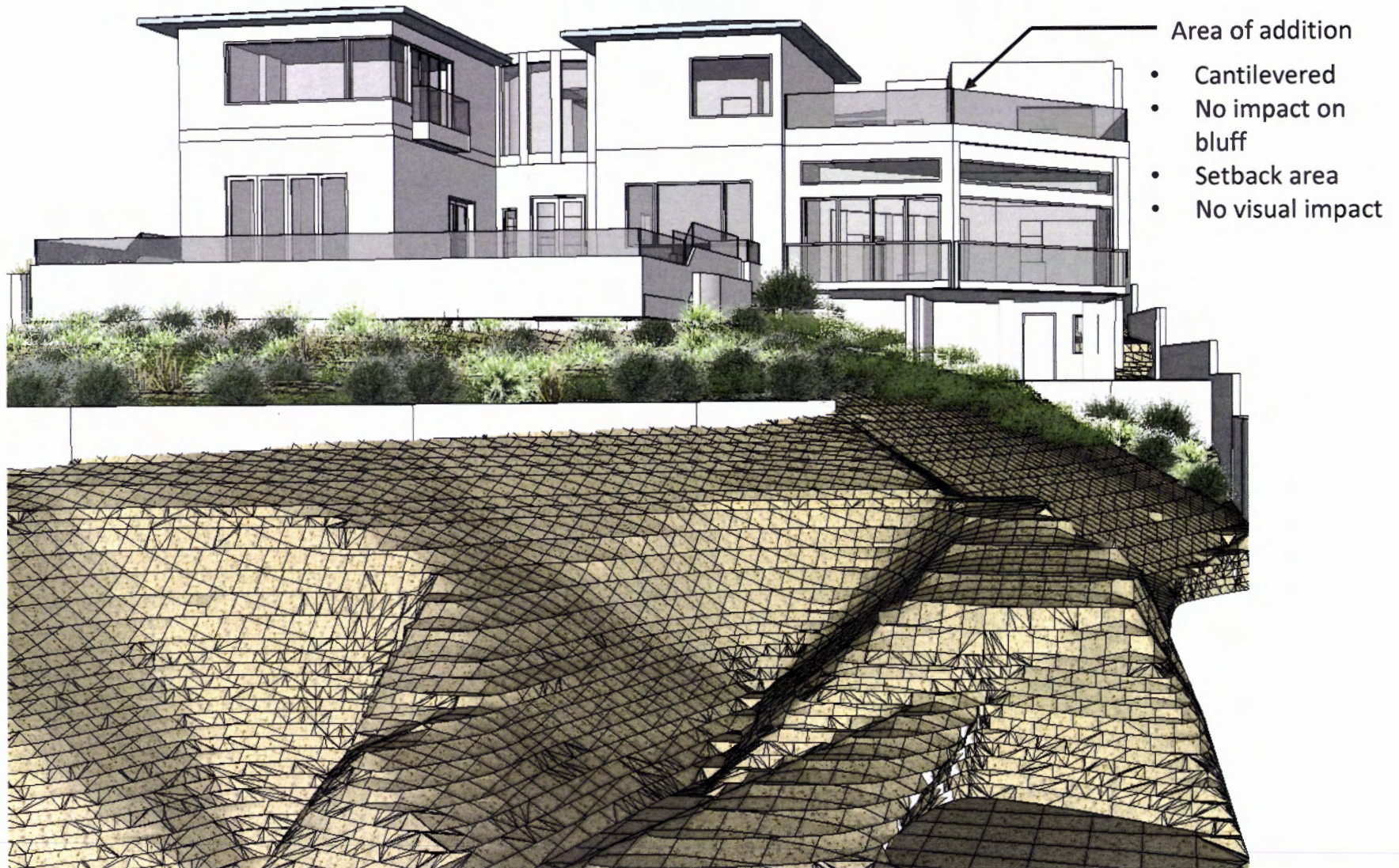
The Fourth issue or point in the appeal was the side yard setbacks being recorded and we feel this is a nonissue as we agree with this being done and it was intended to do so.. One of the sides does not have a view but we will record it anyway for the future if it should ever come into play

Sincerely,

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Claude-Anthony Marengo  
Principal  
Marengo Morton Architects

## Subject Property - 6106 Camino De La Costa



## Aerial Image of Subject Property and Neighboring Properties with a String Line



Subject property



Area of addition

Area of addition



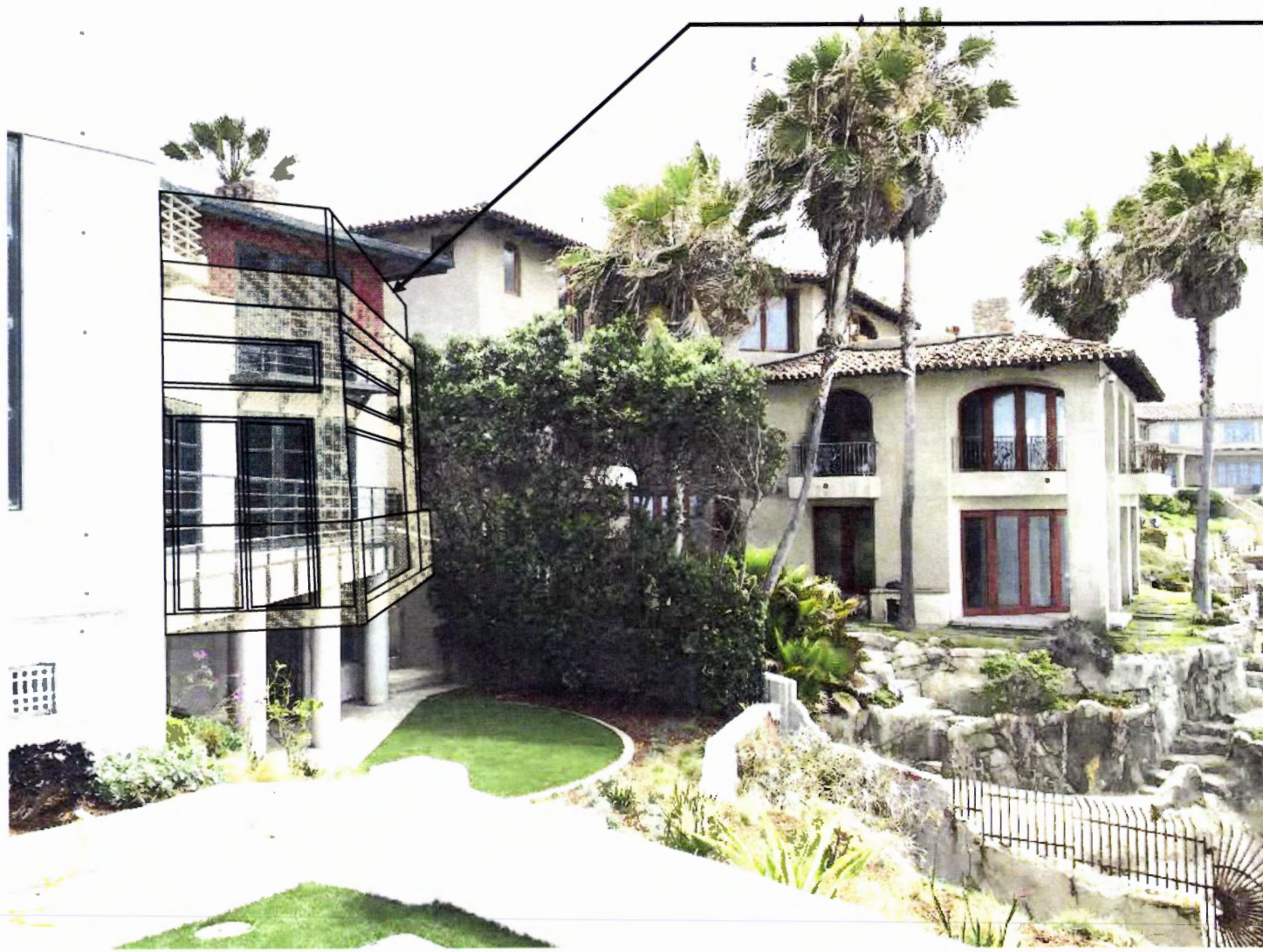
## Aerial Image of Subject Property and Neighboring Properties with a String Line

Subject property      Area of addition      Area of addition



## Subject Property - 6106 Camino De La Costa

 Area of addition



Area of addition

- Cantilevered
- No impact on bluff
- Setback area
- No visual impact



June 4, 2015

BC5, LLC

c/o Marengo Morton Architects  
7724 Girard Avenue, Second Floor  
La Jolla, California 92037

CWE 2140123.03

CCC Appeal No. A-6-LJS-14-0063  
City of San Diego Project Nbr. 325514

**Subject: Review of Appeal from Coastal Permit Decision of Local Government and  
California Coastal Commission Staff Report  
Proposed Residential Additions, 6106 Camino de la Costa, La Jolla, California**

Ladies and Gentlemen:

In accordance with your request, we have prepared this report following our review of the referenced Appeal from Coastal Permit Decision of Local Government, dated November 18, 2014 and Staff Report and Recommendations on Appeal Substantial Issue & De Novo, dated May 22, 2015.

Additionally reviewed and referenced documents include historic and approved architectural plans for the currently existing improvements at the subject lot (Platt/Whitelaw Architects, Inc., 1992) as well as an exhibit from the California Coastal Commission (CCC) Application No. 6-87-169 for a previously proposed, yet never constructed, Coastal Development Permit that was approved in 1985 (CDP No. 6-84-568).

The intent of our review and this report was to address the concerns and issues addressed in the referenced CCC documents that pertain to the geologic and geotechnical conditions of the site. Specifically, the geologic and geotechnical conditions of the site addressed herein pertain to our determination and delineation of the edge of the coastal bluff along the southwest side of the subject property and appropriate setback recommendations from the edge of bluff, in accordance with local standards, the City's certified LCP, the La Jolla Community Plan (LCUP), the City's Land Development Code, and the City's Coastal Bluffs and Beaches Guidelines.

### Executive Summary

Significant historical data exists and has, over the last four decades, been submitted to both the City of San Diego and California Coastal Commission, which pertains to the geologic conditions of the site, the location of the edge of the coastal bluff on-site and recommended bluff edge setbacks for new development. Following our recent review of readily available, pertinent documents as well as our work performed in concert with the currently proposed site development as described in our three previously submitted and reviewed reports (CWE 2140123.01, CWE 2140123.02, and CWE 2140123.03), it remains our professional opinion and judgment that the edge of the coastal bluff delineated in each of our previous reports, as well as our 25-foot bluff edge setback recommendation, remain applicable to the subject project and that the bluff edge determination and recommended bluff edge setback are in accordance with local standards, the City's certified LCP, the LCUP, the City's Land Development Code and the City's Coastal Bluffs and Beaches Guidelines.

As requested in the referenced City of San Diego, LDR-Geology Cycle 7 Review Memorandum, dated April 3, 2014, "the project's geotechnical consultant should locate the coastal bluff edge based on the criteria contained in the City's Coastal Bluffs and Beaches Guidelines and show that location on the geotechnical map and cross sections." This request was addressed in our referenced report CWE 2140123.02 (dated May 27, 2014) and further clarified in our referred report CWE 2140123.03 (dated July 7, 2014). Our response to such request was deemed complete by City staff in their approval of the project as proposed. It should be noted that the criteria for bluff edge determination contained in the City's Coastal Bluffs and Beaches Guidelines, which is considered part of the City's Land Development Code, was first adopted by the San Diego City Council in 1997, after all previous bluff edge determinations and approvals were made.

As described in the referenced CCC documents, we understand that there is a discrepancy between our firm's delineation of the coastal bluff edge at the site and that of CCC staff. Specifically, the referenced CCC documents indicate that Commission staff suggests that the edge of the coastal bluff at the subject lot be coincident with the 25 foot elevation contour across the rear of the lot, with a notable exception of along the site's eastern side where the setback is recommended to be measured from a small wall. It is our professional opinion and judgment that such a determination of edge of coastal bluff is not in accordance with local standards, the City's certified LCP, the La Jolla Community Plan (LCUP), the City's Land Development Code or the City's Coastal Bluffs and Beaches Guidelines.

Furthermore, as will be expanded upon below, the horizontal location of the 25 foot elevation contour along the rear of the subject lot that was presented on the plans and exhibits provided and reviewed during the 1985 and 1992 approved CDP application processes (CDP Nos. 6-84-568 and 91-0332, respectively) was not the same as is depicted on the current topographic map of the site (Alta Land Surveying, Inc., 2013) that has been used as the base map for our geologic and bluff edge mapping and the project's architectural plans. In other words, although the general shape of the landform along the edge of coastal bluff has not significantly changed in the last 25-30 years, the locations of the 25 foot elevation contour on the historic topographic maps of the site do not correspond to the modern survey location of the 25 foot elevation contour. This apparent discrepancy will be described in detail below; however, it should be recognized that the historic and current topographic maps of the site depict 2½ to 3 feet of elevation difference across the rear of the subject lot, which we consider to be the result of survey error or benchmark/datum discrepancy and not a uniform 2-3 feet of erosion. This difference in survey elevations from the historic to current topographic maps results in the current 25 elevation contour being generally 3 to 4 feet, but in some places as much as 10 feet landward (north) of the historically recorded 25 foot contour elevation that CCC staff suggest be utilized to define the edge of bluff. Plate No. 1 of this report depicts the current 25 foot elevation contour as well as the historically recorded (taken from 1985 & 1992 documents) location of the 25 foot elevation contour.

As will be described below, the existing home at the subject site is situated at least 25 feet from the edge of the coastal bluff, and not as close as within 15 feet from the edge of bluff as represented by CCC staff.

The Summary of Staff Recommendation included in the Staff Report (pg.3) and item 3 of Attachment A of the Appeal from Coastal Permit Decision of Local Government suggests that our geotechnical evaluation and determination of appropriate bluff edge setbacks did not consider both the gross stability of the coastal bluff and the anticipated rate of bluff edge erosion over the design life of the structure (75-years). This is not the case. Included in our referenced report CWE 2140123.02, dated May 27, 2014, was an analysis of coastal bluff stability as required by San Diego Municipal Code 143.0143(f)(1). The evaluation of coastal bluff slope stability accounted for potential coastal bluff recession over the next 75-years and said report concluded that the proposed structure will not be subject to significant geologic instability and will not require construction of shoreline protection measures throughout the economic lifespan of the structure. Furthermore, as presented on page 20 of the Staff Report, upon review of geological material and a visit to the site by the Commission's geologist, Commission staff has found "that the applicant's geotechnical determination of the sufficiency of the bluff top setback was sufficient to keep the existing residence and proposed additions safe for its economic life."

### Discussion

A) As presented in our referenced report CWE 2140123.02 dated May 27, 2014, our definition of the edge of the coastal bluff (presented herein on Plate No. 1) is slightly different than that which was previously approved by the California Coastal Commission (Application No. 6-87-169, Deed Restriction Recorded October 20, 1987) and the City of San Diego (CDP No. 6-84-568). As requested by the City and in accordance with local standards, our delineation of the edge of the coastal bluff was made per the guidelines set forth in the City's Land Development Code and the Coastal Bluffs and Beaches Guidelines. As noted above, the criteria for bluff edge determination contained in the City's Coastal Bluffs and Beaches Guidelines, which is considered part of the City's Land Development Code, was first adopted by the San Diego City Council on November 17, 1997 (Resolution No. R-289460), 5 to 12 years after all previous bluff edge determinations and approvals were made.

A "Modified Landform" condition resulting in the coastal bluff face having been altered by grading, as defined in the City's Coastal Bluffs and Beaches Guidelines (page 20), characterizes the coastal bluff at the subject site. As such, our determination of the coastal bluff edge was determined from the original geometry of the natural ground surface, projected to the present ground surface. As prescribed in the Coastal Bluffs and Beaches Guidelines, and in consistency with industry standards, data from subsurface explorations and historic documents including aerial photographs and previously prepared maps and plans was used in determination of the edge of the coastal bluff on-site. Although Attachment A (item No. 1) of the Appeal criticizes photographs utilized in our assessment since some were over 80 years old, it is our opinion that such vintage, high resolution photographs provide a high level of documentation of the site's past conditions and modification by previous grading and activities of man. Reproductions of some of these photographs were included in our previous report CWE 2140.123.02 (May 27, 2014). Reviewed photographs, from 1930 to as recent as 2013, that depict the past modification of the site's coastal bluff edge were referenced in the above described report and are referenced again herein.

Assignment or delineation of the edge of a coastal bluff based on any specific elevation, regardless of the specific geomorphology of a coastal bluff is not consistent with current local standards, the City's certified LCP, the La Jolla Community Plan (LCUP), the City's Land Development Code or the City's Coastal Bluffs and Beaches Guidelines.

B) As described in the Executive Summary of this report, a significant discrepancy exists between the location, measured horizontally on the lot, of the 25 foot elevation contour along the rear of the subject lot as recently mapped (Alta Land Surveying, Inc., 2013) compared to the location of the 25 foot elevation contour previously presented on the plans and exhibits provided and reviewed during the 1985 and 1992 approved CDP application processes (CDP Nos. 6-84-568 and 91-0332, respectively). Comparison of the current topographic map of the site, which has been used as the base map for our geologic mapping and bluff edge mapping as well as the architectural site plan, to the referenced historical maps/plans and CCC exhibit (each of which is included as an Appendix to this report) demonstrates that the current topographic map of the site shows the grades along the southern portion of the site (in the area of the coastal bluff) to be generally 2-3 feet lower than what are presented on the historic maps of the site used in previous bluff edge determinations described by CCC Staff. Although the clarity and level of specificity on the historic maps are not as high as they are on the current topographic map of the site, for reference two clear and distinct examples of this elevation discrepancy are at the westernmost corner of the site where the historic (1985 & 1992) maps indicate an elevation of 14½ feet and the current topographic map indicates an elevation of 12 feet and also at the hinge point along the base of the existing masonry retaining wall along the site's east side, where the old maps indicate an elevation of 21 feet and the current map indicates an elevation of 18 feet. As is clearly visible in historic photos of the site (referenced herein) the grades along the base of this wall have not changed over the last 30 years. This demonstrates that a difference in surveying techniques, accuracy, datum and/or benchmarking, and not a uniform level of erosion along the whole bluff area, is the reason for the discrepancy between historic and current grade measurements along the rear of the subject lot.

This difference in survey elevations from the historic to current topographic maps results in the current 25 elevation contour being generally 3 to 4 feet, but in places as much as 10 feet landward of the historically recorded 25 foot contour elevation that the CCC and City reviewed in 1985 and 1992 and which CCC staff suggest be utilized to define the edge of bluff. Plate No. 1 of this report presents a copy of our Site Plan and Geotechnical Map that has been slightly modified to clearly demonstrate the spatial relationship between the horizontal location of the current 25 foot elevation contour with the previously depicted 25 foot elevation contour presented on the CCC Exhibit and other historic plans and maps (see Appendices). Two minor exceptions to this differential in 25 foot elevation contour exist between the historic and current topographic surveys. These minor exceptions include an area that extends about 1 foot into the west side of the site where the current location of the 25 foot contour line appears about 1 foot shoreward of the historic location of the contour line and an approximately 25 square-foot area in the central portion of the site adjacent to the landing of the steps just above the edge

of bluff, where the modern survey shows the 25 foot elevation as much as 2½ shoreward of its historically recorded location. Landscaping and fill placement have altered and affected both of these areas.

Plate No. 1 of this report also delineates where, in the central portion of the site's bluff edge, as much of 10 feet of horizontal distance in location exists between the currently surveyed 25 foot contour elevation and the location of the 25 foot elevation contour presented on the historic maps from 1985 and 1992. Although we did not note in the Staff Report what portion of the existing residence Staff believes is currently sited as close as 15 feet from the edge of the sensitive coastal bluff (pgs. 18, 19, 31), we do note that within the central portion of the blufftop area, a corner of the existing residence is approximately 15 feet away from the current 25 foot elevation contour. However, keeping in mind the above described difference in the historically versus currently surveyed location of the 25 foot elevation contour, it is our professional opinion and judgment that the existing residence maintains a minimum setback of 25 feet from both the edge of bluff that we have defined in accordance with the Coastal Bluffs and Beaches Guidelines as well as the historically surveyed (1958 and 1992) 25 foot elevation contour.

### Conclusions

- As described in our referenced report CWE 2140123.02 dated May 27, 2014, our analysis of the coastal bluff stability at the subject site, as required by San Diego Municipal Code 143.0143(f)(1), demonstrated a minimum factor-of-safety against gross bluff failure of 2.2, which is above the minimum that is generally considered to be stable of 1.5.
- As described in our Update Report of Geotechnical Investigation (CWE 2140123.01 dated March 31, 2014), although portions of the lower bluff have experienced erosion, no appreciable coastal recession of the edge of the bluff has been demonstrated over the last five+ decades.
- Our evaluation of coastal bluff slope stability accounted for potential coastal bluff recession over the next 75-years and concluded that the proposed structure will not be subject to significant geologic instability and will not require construction of shoreline protection measures throughout the economic lifespan of the structure.
- Although we are not land use planners or attorneys, based on our experience with many similar projects since the adaptation of the Coastal Bluffs and Beaches Guidelines in 1997, it is our

professional opinion and judgment that, contrary to what has been opined by CCC Staff (Section V.5 pg. 24 of Staff Report), the City's approval of the proposed development is consistent with geological resource protection policies of the City's certified LCP with regard to bluff top setbacks.

- Page 32 of the Staff Report indicates that the applicant has agreed that the 25 foot elevation is appropriate for the determination of the edge of bluff. Such is not our professional opinion and judgment. Furthermore, it is unclear as to whether Staff is referring to the current or historically depicted location of the 25 foot elevation contour as described above and delineated on Plate No. 1 of this report.
- If the bluff edge should be defined by the Commission per a previously approved CDP and particular contour elevation (25 foot), it is our professional opinion and judgment that it would be reasonable that the location of the 25 foot contour elevation from historic documents that were utilized and reviewed at the time of such previous CDP approvals, and not per the modern survey, be utilized.
- It remains our professional opinion and judgment that the edge of the coastal bluff delineated in each of our previous reports as well as our 25-foot bluff edge setback recommendation remain applicable to the subject project and that the bluff edge determination and recommended bluff edge setback are in accordance with local standards, the City's certified LCP, the La Jolla Community Plan, the City's Land Development Code and the City's Coastal Bluffs and Beaches Guidelines.

If you have questions after reviewing this report, please do not hesitate to contact our office. This opportunity to be of professional service is sincerely appreciated.

Respectfully submitted,

CHRISTIAN WHEELER ENGINEERING

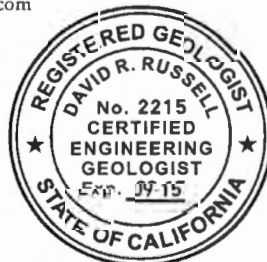


David R. Russell, CEG #2215  
DRR:DBA

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Daniel B. Adler, RCE #36037



## REFERENCES

ALTA Land Surveying, Inc., 2013, Topographical Survey, 6106 Camino de la Costa, La Jolla, California by, Job No. 13- 2610, dated May 8, 2013.

Barry and Associates, 1992, Compaction Test Results, Lot 11, Block 14, Map No. 1810, 6106 Camino de la Costa, La Jolla, California, dated October 19, 1992.

California Coastal Commission, 1985, Exhibit No. 1, Bluff Edge, Application No. 6-87-169.

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San Diego Historical Society, Aerial Photograph 12339-1 La Jolla Hermosa, 1946.

San Diego Historical Society, Aerial Photograph 17201 La Jolla, 1938.

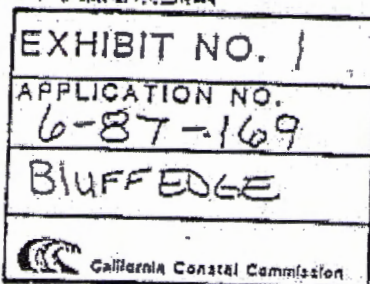
San Diego County, 1928, Flight 59F, Photo 1, Flight 52A, Photo 1; Scale: 1 inch = 1000 feet (approximate).

Site Plan for BC Camino LLC, 6106 Camino de la Costa, La Jolla, California by Marengo Morton Architects, Project No. 2009-36, dated May 28, 2013.



# Appendix A

California Coastal Commission, 1985, Exhibit No. 1, Bluff Edge, Application No. 6-87-169.

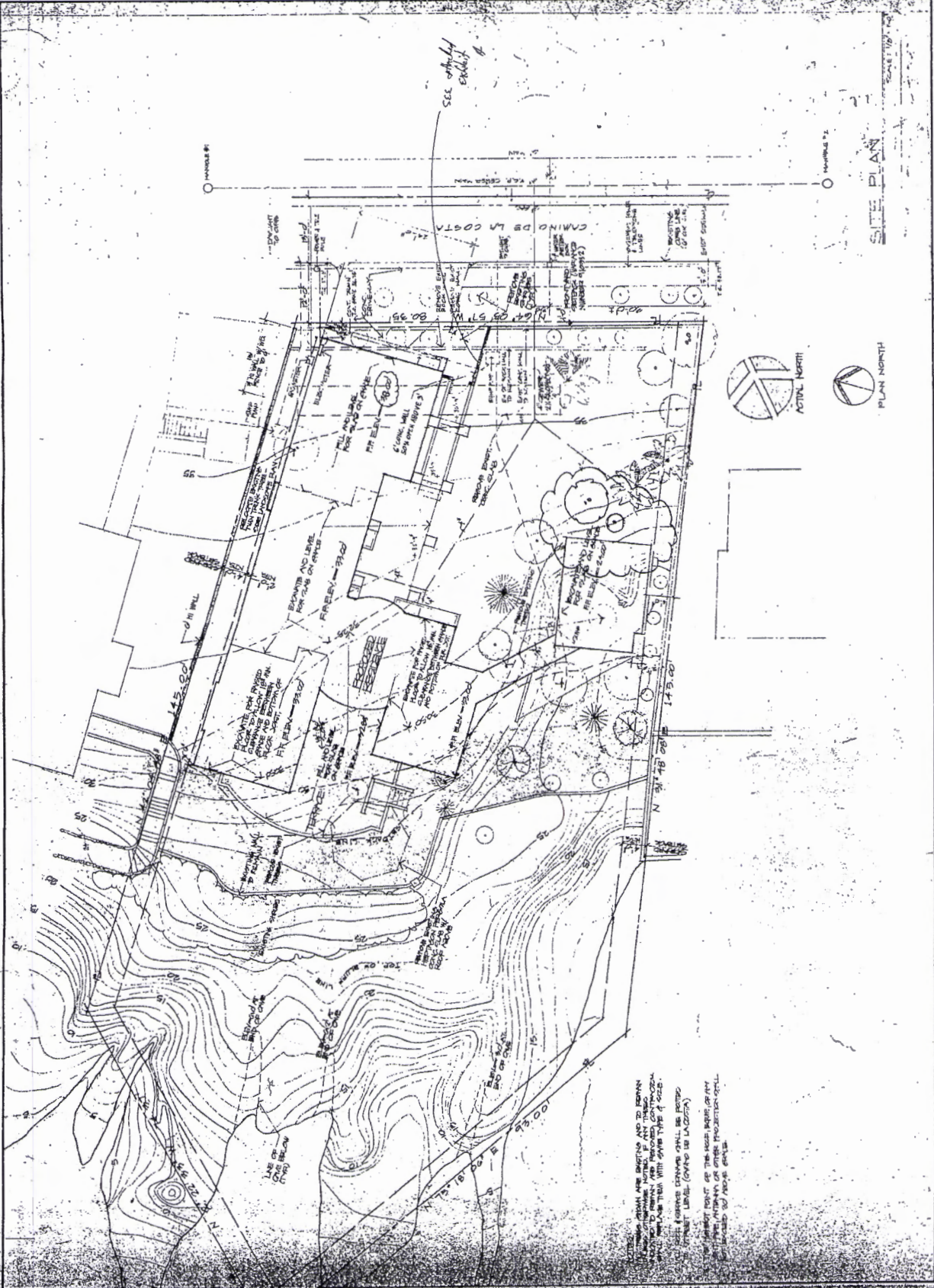


6106 Camino de La Costa

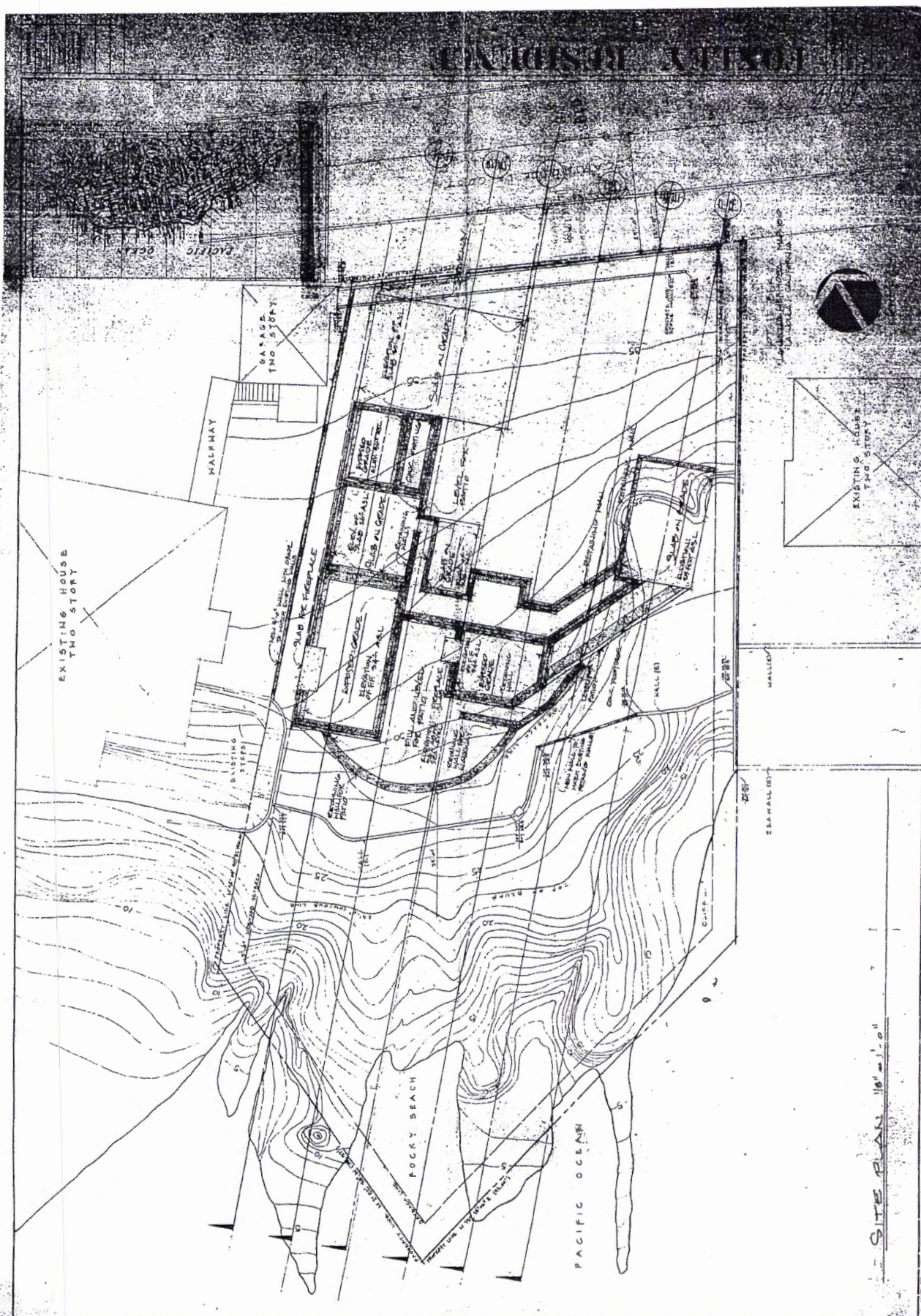
# Appendix B

Platt/Whitelaw Architecture, Inc., 1992, Architectural Plans (partial set) Foxley Residence,  
6106 Camino de la Costa, La Jolla, California, dated December 9, 1992.





## FINANCIAL ATTACH



# Appendix C

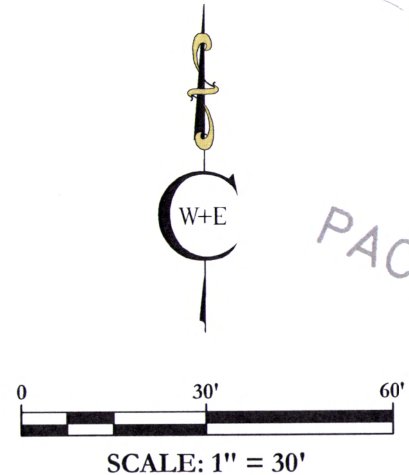
Barry and Associates, 1992, SITE PLAN Compaction Test Results, Lot 11, Block 14, Map No. 1810,  
6106 Camino de la Costa, La Jolla, California, dated October 19, 1992.



Blue lines = applicant bluff edge + setback  
 Red lines = Commission bluff edge + setback  
 Green lines = current 25-foot elevation

Light blue area = cantilevered living room

CWE LEGEND	
● HA-2	APPROXIMATELY LOCATION OF EXPLORATORY HAND-AUGER BORING (GEOSOLS, INC.)
— 85°	JOINT ATTITUDE AND DIP
— 2°	BEDDING ATTITUDE AND DIP
—	VERTICAL JOINT
D D'	GEOLOGIC CROSS SECTION
—	APPROXIMATE LOCATION OF GEOLOGIC CONTACT
—	APPROXIMATE EDGE OF BLUFF (CALIFORNIA COASTAL COMMISSION APPLICATION: 6-87-169)
—	EDGE OF BLUFF (CWE)
Qaf(e) Qbp Kc	ARTIFICIAL FILL (ENGINEERED, B&A 1992) UNDERLAIN BY BAY POINT FORMATION (OLD PARALIC DEPOSITS) UNDERLAIN BY CABRILLO FORMATION
Qaf(u) Qbp Kc	ARTIFICIAL FILL (UNDOCUMENTED) UNDERLAIN BY BAY POINT FORMATION (OLD PARALIC DEPOSITS) UNDERLAIN BY CABRILLO FORMATION
Qb	BEACH DEPOSITS
Qbp	BAY POINT FORMATION (OLD PARALIC DEPOSITS)
Kc	CABRILLO FORMATION
▨	AREA OF PROPOSED CANTILEVERED ADDITION
▨	AREA OF PROPOSED LATERAL ADDITION
—	25-FOOT CONTOUR
—	25-FOOT CONTOUR SHOWN ON 1985 & 1992 DOCUMENTS



PACIFIC OCEAN

# SITE PLAN AND GEOTECHNICAL MAP

*[Signature]*  
 MIGUEL A. MARTINEZ  
 L.S. 7443  
 LIC. EXP. 6/30/14

09/19/13  
 DATE:



**ALTA LAND SURVEYING, INC.**  
 9517 Grossmont Summit Dr.  
 La Mesa, CA 91941  
 Phone/fax: (619) 579-2582  
 altalandsurveying.com

BC CAMINO SINGLE-FAMILY RESIDENTIAL PROJECT 6106 CAMINO DE LA COSTA LA JOLLA, CALIFORNIA			
DATE:	JUNE 2015	JOB NO.:	2140123.04
BY:	DRR/JDB	PLATE NO.:	1

CHRISTINE  
 ENGR

EXHIBIT NO. 17  
 APPLICATION NO.  
**A-6-LJS-14-063**  
 Bluff Edge  
 Comparison



Area of Cantilevering

Pocket beach  
(continues inland)

EXHIBIT NO. 18  
APPLICATION NO.  
**A-6-LJS-14-063**  
Public View of  
Property

**CALIFORNIA COASTAL COMMISSION**

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



# W13a

Filed:	11/18/14
49th Day:	Waived
Staff:	A.Llerandi-SD
Staff Report:	5/22/15
Hearing Date:	6/10/15

## **STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE & DE NOVO**

<b>Local Government:</b>	<b>City of San Diego</b>
<b>Decision:</b>	<b>Approved with Conditions</b>
<b>Appeal Number:</b>	<b>A-6-LJS-14-0063</b>
<b>Applicant:</b>	<b>BC5 Camino, LLC</b>
<b>Location:</b>	6106 Camino de la Costa, La Jolla, San Diego, San Diego County (APN No. 423-576-26)
<b>Project Description:</b>	Amend City CDP to construct a 2,472 sq. ft. multi-story addition to an existing 5,948 sq. ft., two-story over basement single family residence on a 0.38-acre oceanfront lot.
<b>Appellants:</b>	Commission Chair Steve Kinsey and Commissioner Mary Shallenberger
<b>Staff Recommendation:</b>	Substantial Issue and Approval with Conditions on De Novo

---

## **PROCEDURAL NOTE**

The Commission will not take testimony on this “substantial issue” recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General, or the Executive Director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing.

If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

## **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

The development approved by the City of San Diego consists of a 2,475 sq. ft. multi-level addition (69 sq. ft. basement, 949 sq. ft. first floor, 566 sq. ft. second floor, and 877 sq. ft. garage) to an existing 5,498 sq. ft. two-story over basement single family residence with two-car garage on a 0.38-acre bluff top lot. The existing home is currently set back approximately 15 feet from the bluff edge at its closest point. The proposed addition includes a new first-floor living room cantilevered from the existing structure to 5 feet from the bluff edge. The subject property is a developed residential bluff top lot on the seaward side of Camino de la Costa, the first public coastal road, and overlooks the Pacific Ocean in the La Jolla community of San Diego ([Exhibit 2](#)).

The primary issue raised by the subject project is that a portion of the proposed addition would encroach approximately 20 feet into the minimum 25-foot bluff top setback required by the certified Local Coastal Program (LCP), while accessory structures would encroach beyond the 5-foot setback line for such structures ([Exhibit 3](#), [Exhibit 5](#), [Exhibit 6](#)). The LCP establishes the default bluff top setback at 40 feet in order to maintain bluff stability and maintain the visual quality of the scenic bluffs. The default bluff top setback can be reduced to between 25 and 40-feet if the site and the development meet strict geotechnical requirements. Seaward of the 25-foot bluff top setback line, the LCP only allows “accessory structures and landscape features customary and incidental to residential uses [which] may be permitted up to the 5-foot bluff top setback line.” The proposed cantilevered living room is part of the main residential structure, not an “accessory or landscape feature,” and this not permitted seaward of the 25-foot bluff top setback line.

Furthermore, the City’s approval accepted the applicant’s delineation of the coastal bluff top edge as being between the 18 and 23-foot elevation. Two past permits, including one approved

by the Commission in 1985 and one approved by the City in 1992 determined that the bluff edge is located at the 25-foot elevation, approximately 2 to 7 feet further inland than the applicant's determination. The Commission's geologist has visited the site and reviewed the geotechnical studies associated with the project, and concluded that the bluff edge should still be delineated along the 25-foot elevation. As approved by the City, the delineation of the bluff edge would permit an additional 2-7 feet of encroachment into the required bluff top setback.

The applicant's geotechnical survey to determine the sufficiency of the approved bluff top setback to protect the approved development for its economic life did not combine the 75-year bluff erosion rate with the 1.5 factor of safety against landslide risk, instead just relying on the erosion rate. This is not in conformance with the LDC's requirement that bluff top setbacks be analyzed according to "accepted professional standards," which includes combining the above-mentioned bluff stability indicators.

Finally, the City approval only placed the southern side yard setback under a public view easement, instead of placing both the northern and southern side yard setbacks under such easements as required by the LCP so as to maximize public viewing opportunities

Because of the above-described inconsistencies with the LCP and the Coastal Act, staff recommends that the Commission determine that the project raises a substantial issue regarding conformance with the certified LCP and the Chapter 3 policies of the Coastal Act.

Commission staff further recommends **approval** of the application on de novo with special conditions.

The existing residence is 5,948 sq. ft. and approximately 900 sq. ft. of the proposed addition would be located inland of the required bluff top setback. Staff is recommending that the project be approved as modified to delete all portions of the proposed project located seaward of the 25-foot setback, as measured from the 25-foot elevation line save for accessory structures specifically permitted by the certified LCP.

La Jolla is a popular coastal community, and its coastal bluffs are one of its most scenic natural resources along its seven miles of coastline. The coastal bluffs are a defining feature in the appearance and ecosystem of La Jolla, and the numerous public access and view points along the community's coast afford opportunities for the public to traverse or view the bluffs. An important tool in protecting the scenic quality of the public viewpoints and the public lateral access easements across La Jolla's many coastal properties is the bluff top setback requirements of the certified LCP. The setback requirements allow for reasonable use of the bluff top properties by their owners while still permitting a measured, stepped-back character to the bluff top development so as to better blend into the scenic vista as opposed to usurping it.

Furthermore, as with all coastal bluffs across the state of California, the bluffs of La Jolla represent an important environmental and visual resource that is under constant pressure from wave action and other erosional forces. The growing recognition of the threat of sea level rise and the growing need for managed retreat only makes these pressures more paramount. The bluff top setbacks for development contained in the certified LCP exist in recognition that the very

nature of coastal bluffs is to erode over time. In La Jolla, the majority of its coastal bluffs at this time are not covered by bluff face protective devices. This adds to the popularity of the community for coastal visitors, and its scenic quality.

Both the Coastal Commission and the City have in the past approved bluff top residences with portions of the structure located seaward of the 40-foot bluff top setback line when allowed by the specific constraints of the property, but no habitable floor area has been permitted seaward of the 25-foot bluff top setback line, cantilevered or otherwise. Elimination of the portion of the proposed addition seaward of the 25-foot bluff top setback would still result in a single family residence over 7,000 sq. ft. in size.

There are scores of bluff top properties along the coast of La Jolla, and hundreds across the entire City of San Diego coastline that are subject to the setback requirements of the certified LCP. Allowing exceptions to the bluff protection policies on the subject site would set a precedent for shifting building envelopes closer to and over the bluffs in a manner that would significantly alter the community and scenic character of the coastline in the City of San Diego ([Exhibit 3](#)), place development at increased risk of erosion, potentially block public views from public vantage points, and lead to additional shoreline protection.

The yards and setbacks required for all types of development within La Jolla are an important tool for creating, protecting, and enhancing the public's visual access to the ocean. The provision of side yard setbacks and their placement under public view easements is required by the certified LCP to minimize the prospect of walling off the coastline from public right-of-ways while providing public views of the nearby ocean. The local approval placed only the southern side yard under a public view easement, when the LCP requires both side yards to be placed under such an easement. The applicant has agreed to place both side yard setbacks under public view easements. Thus, the remaining point of contention is the encroaching, cantilevering room addition over the 25-foot bluff top setback.

Staff recommends that the Commission approve the proposed development on de novo, as modified with the inclusion of 7 special conditions. [Special Condition No. 1](#) requires the applicant to submit revised final building plans that show the bluff edge delineated at the 25-foot elevation, the 25-foot bluff top setback measured landward from that point, and all new development located landward of the setback save for accessory structures specifically permitted by the certified LCP. Additionally, [Special Condition No. 2](#) requires revised final landscaping plans utilizing native, non-invasive, drought tolerant plants, with any potable water irrigation to utilize drip or micro spray systems, the removal of unpermitted walls seaward of the bluff edge, and showing the side yard setbacks placed under public view easements with all landscaping at a height of three feet or lower. To protect the bluff from erosion, [Special Condition No. 3](#) requires a drainage and BMP plan, demonstrating that construction and permanent BMPs will be installed to direct all runoff away from the bluff edge and towards the developed street. [Special Condition No. 4](#) requires the applicant to dispose all graded material outside of the Coastal Zone. To ensure that measures to protect coastal resources run with the land, [Special Condition No. 5](#) requires the applicant to record a deed restriction against the subject property to ensure that any successors in interest to the property are aware of and adhere to the requirements of this permit. Because the subject property is a bluff top lot above a geologic feature designed to erode

by its very nature, [Special Condition No. 6](#) requires the applicant to recognize and accept the risk from wave action on the property. Finally, while this development is being heard by the Commission de novo, [Special Condition No. 7](#) recognizes and makes clear that this permit has no effect on conditions imposed by the City of San Diego pursuant to authority other than the Coastal Act. Because the existing home is already encroaching into the 25-foot bluff top setback and the proposed additions will be located landward of the LCP's default 40-foot setback, [Special Condition No. 8](#) requires from the applicant a waiver of future shoreline protection.

Standard of Review: Certified City of San Diego Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

## TABLE OF CONTENTS

<b>I. APPELLANT CONTENTIONS.....</b>	<b>7</b>
<b>II. LOCAL GOVERNMENT ACTION.....</b>	<b>7</b>
<b>III. APPEAL PROCEDURES.....</b>	<b>7</b>
<b>IV. MOTION AND RESOLUTION ON SUBSTANTIAL ISSUE.....</b>	<b>9</b>
<b>V. FINDINGS AND DECLARATIONS.....</b>	<b>11</b>
A. PERMIT HISTORY.....	11
B. PROJECT DESCRIPTION.....	11
C. GEOLOGIC HAZARDS.....	12
D. PROTECTION OF VISUAL RESOURCES.....	20
E. CONCLUSION.....	24
F. SUBSTANTIAL ISSUE FACTORS.....	24
<b>VI. MOTION AND RESOLUTION ON DE NOVO.....</b>	<b>25</b>
<b>VII. STANDARD CONDITIONS.....</b>	<b>25</b>
<b>VIII. SPECIAL CONDITIONS.....</b>	<b>26</b>
<b>IX. FINDINGS AND DECLARATIONS.....</b>	<b>31</b>
A. PROJECT DESCRIPTION.....	31
B. GEOLOGIC RISK.....	31
C. PROTECTION OF VISUAL RESOURCES.....	33
D. PUBLIC ACCESS.....	34
E. LOCAL COASTAL PLANNING.....	35
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT.....	35

## APPENDICES

### Appendix A – Substantive File Documents

## EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – Aerial Photo of Site

Exhibit 3 – Aerial Photo of Project Area

Exhibit 3 – Proposed Site Plan

Exhibit 4 – Proposed Basement Plan

Exhibit 5 – Proposed First Floor Plan

Exhibit 6 – Proposed Second Floor Plan

Exhibit 7 – Site Photo

Exhibit 8 – Site Photo

Exhibit 9 – Site Photo

Exhibit 10 – Site Photo

Exhibit 11 – Final Local Action Notice (FLAN)

Exhibit 12 – City Report to Hearing Officer

Exhibit 13 – City Coastal Development Permit

Exhibit 14 – Appeals

## **I. APPELLANTS CONTEND**

The project as approved by the City does not conform to the City of San Diego's certified Local Coastal Program (LCP), including the La Jolla Community Plan (LJCP) and the Land Development Code (LDC) due to inaccurate bluff edge delineation, approval of a cantilevered living room encroaching into the 25-foot bluff top setback, insufficient geotechnical analysis of the setback factor of safety, and failure to place both side yards under public view easements, thus preventing the creation of public views of the ocean and setting a precedent for the encroachment of development into the bluff top setback.

---

## **II. LOCAL GOVERNMENT ACTION**

The project was approved with conditions by the Hearing Officer on October 15, 2014.

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## **III. APPEAL PROCEDURES**

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 30603(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, those allowed to testify at the hearing 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, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable standard of review for the Commission to consider is

whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

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 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable 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 as to conformity with the certified local coastal program" or, if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act (Cal. Code Regs., tit. 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 a petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

The City of San Diego has a certified Local Coastal Program (LCP), and the subject site is located in an area where the Commission retains appeal jurisdiction because it is located between the first public road and the sea. Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an

appeal has been filed pursuant to Section 30603. In this case, for the reasons discussed further below, the Commission exercises its discretion to determine that the development approved by the City raises substantial issue with regard to the appellant's contentions regarding coastal resources.

---

#### IV. MOTION AND RESOLUTION

The staff recommends the Commission adopt the following resolution:

**MOTION:**      *I move that the Commission determine that Appeal No. 6-LJS-14-0063 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

**STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

**RESOLUTION:**      *The Commission hereby finds that Appeal No. A-6-LJS-14-0063 presents 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 DECLARATION**

The Commission finds and declares as follows:

### **A. PERMIT HISTORY**

Prior to 1985, the subject property was a relatively empty, level pad that sloped downward to the west to a series of sandstone shelves and a steep bluff face. In August, 1976, the Coastal Commission approved Coastal Development Permit (CDP) No. F3861 for the construction of a one-story, two-bedroom single family residence with a two-bedroom guesthouse and garage. The residence as originally proposed to the Commission was very close to the bluff edge, and prior to approval the applicant redesigned the home to be located much farther back from the bluff edge in response to concerns expressed by the Commission at that time. The approved development was never constructed.

In January 1985, the California Coastal Commission approved Coastal Development Permit (CDP) No. 6-84-568, approving construction of a two-story, 5,095 sq. ft. single family residence on the blufftop pad. The lot at that time was developed with a gazebo, garden wall, and landscaping previously associated with the neighboring residence to the north. The Commission's approval imposed special conditions requiring revised final construction plans delineating the bluff edge at the 25-foot elevation and measuring the 25-foot bluff top setback therefrom, redesigning the residence to be landward of the 25-foot setback area, assumption by the applicant of the risk from wave action, the recordation of a lateral public access easement over the portion of the property seaward of the bluff edge, and final drainage and geology plans. It should be noted that a small, preexisting wall was located just seaward of very southern portion of the property's bluff top edge, and the Commission accepted the setback for that portion of the property being measured from that wall.

In January, 1992, the City of San Diego, by then working with a certified LCP, approved local CDP No. 91-0332 (the Notice of Final Action was recorded by the Commission as 6-LJS-92-034), which was not appealed. In its 1992 CDP, construction of a new single family residence, the 5,498 sq. ft., two-story over basement structure currently existing on the subject property. Like the state's 1985 CDP, the City's 1992 approval contained a geotechnical survey that sited the bluff edge at the 25-foot elevation, and the City required a commensurate setback from the line save for the aforementioned small wall at the southern end of the bluff, where the setback was measured from a point slightly seaward of the bluff edge. The subject appeal is to a permit amending CDP No. 910332 to allow the proposed additions.

### **B. PROJECT DESCRIPTION**

The development approved by the City of San Diego consists of a 2,475 sq. ft. multi-level addition (69 sq. ft. basement, 949 sq. ft. first floor, 566 sq. ft. second floor, and 877 sq. ft. garage) to an existing 5,498 sq. ft. two-story over basement single family residence with a two-car garage on a 0.38-acre bluff top lot in the La Jolla community of San Diego.

The current residence was approved by the City in 1992 with a variance for a 1-foot front yard setback for the two-car garage on the northern side of the structure, where a 15-foot setback would have been required. The currently proposed additions would convert the existing two-car garage to habitable living space, while constructing a new, larger 877 sq. ft. garage on the southern end of the structure, also with a 1-foot front yard setback variance. The remainder of the first floor addition mostly consists of the aforementioned approximately 900 sq. ft. living room being cantilevered over the 25-foot bluff top setback area all the way to the 5-foot setback line, while in the rear yard a new deck as proposed would project beyond the 5-foot setback line required for accessory structures. In the basement approximately 20 cubic yards would be excavated to expand the size approximately 70 square feet, while on the second floor additions would add living space over the pre-existing garage and add a roof deck over the cantilevered living room in the 25-foot bluff top setback area. The cantilevered living room will rely on portions of the existing structure currently encroaching into the bluff top setback area for support, with no new foundations proposed seaward of the existing structure. ([Exhibit 4](#))

The subject property is located on Camino de la Costa, the first public road along the ocean and one of the main public rights-of-way for the public to travel to and along the coast in this part of La Jolla. The subject property is designated for residential use, and is neighbored to the north, south, and east by other developed residential lots. To the west, the site contains coastal bluffs that border the Pacific Ocean.

## C. GEOLOGIC HAZARDS

The appellants contend that the locally approved addition to single family residence is in non-conformance with the geologic protection policies of the certified LCP.

The City's certified LCP contains the La Jolla Community Plan (LJCP), which serves as the community's Land Use Plan (LUP) and governs the subject site. Specifically, page 4 of the LJCP recognizes:

*The need to protect and preserve sensitive natural resources, including natural drainage, biologically sensitive slopes and hillsides, beaches, ocean, bluffs and canyons, plant and animal habitats, and wildlife linkages throughout the community. The seismic and geological instability of the area should be a consideration in such efforts.*

Page 15 of the LJCP references the community's "Plan Framework," and states for "Coastal Bluffs" that:

*The coastal bluffs are one of La Jolla's most scenic natural resources. La Jolla's bluff areas stretch from La Jolla Farms south to Tourmaline Surfing Park. The magnificent views of the ocean and shoreline from these coastal bluffs provide tremendous development incentive. The Sensitive Coastal Overlay Zone identifies where special development regulations for the environmentally sensitive areas of the shoreline and coastal bluff tops are located. The purpose of this zone and applicable regulations is to help protect and enhance the quality of sensitive coastal bluffs, coastal beaches, and wetlands. Further intentions of this overlay zone are to maximize public access to and*

*along the shoreline consistent with sound resource conservations principles and the rights of property owners.*

On Page 29, under “Natural Resource and Open Space System,” the LJCP states as “Goals:”

*Preserve the natural amenities of La Jolla such as its open space, hillsides, canyons, bluffs, parks, beaches, tide pools, and coastal waters.*

*Protect the environmentally sensitive resources of La Jolla’s open areas including its coastal bluffs, sensitive steep hillside slopes, canyons, native plant life, and wildlife habitat linkages.*

On Page 30 of the LJCP, the “Open Space Preservation and Natural Resource Protection” segment states:

*The City’s Environmentally Sensitive Lands regulations and Sensitive Coastal Overlay zone regulations restrict the degree to which private development is allowed to encroach upon biologically sensitive open areas, steep hillsides, and coastal bluffs in order to preserve their stability, plant, and wildlife habitats. In addition, the open space designations and zoning protect the hillsides and canyons for their park, recreation, scenic, and open space values.*

On Page 39, under “Shoreline Areas and Coastal Bluffs,” the LJCP directs:

*a. The City should preserve and protect coastal bluffs, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these resources, encourages sensitive development, retains biodiversity and interconnected habitats, and maximizes physical and visual public access to and along the shoreline.*

*[...]*

*In addition, development should be avoided in areas that will eventually be damaged or require extensive seawalls for protection. Public coastal access should be considered when evaluating redevelopment along the coast. The Environmentally Sensitive Lands development regulations for Sensitive Coastal Bluffs and Coastal Beaches govern development, coastal bluff repair, shoreline protective work, and erosion control. These regulations assure that development occurs in a manner that protects these resources, encourages sensitive development, and maximizes physical and visual public access to and along the shoreline.*

*c. Development on coastal bluffs should be set back sufficiently from the bluff edge to avoid the need for shoreline or bluff erosion control devices so as not to impact the geology and visual quality of the bluff and/or public access to the shoreline.*

*f. The City should establish incentives to encourage the location of new or redevelopment landward of the bluff edge setback line.*

On Page 48, the segment titled “Coastal Bluffs” further directs that the authorizing agency should:

*b. Set back new development on property containing coastal bluff at least 40 feet from the bluff edge so as to not impact the geology and visual quality of the bluff. This setback may be reduced to not less than 25 feet if evidence is provided that indicates the site is stable enough to support the development at the proposed location without requiring construction of shoreline protective measures throughout the economic lifespan of the structure (not less than 75 years). Require applicants to accept a deed restriction to waive all rights to protective devices associated with new development on coastal bluffs. Do not allow a bluff edge setback less than 40 feet if erosion control measures or shoreline protective devices exist on the site which are necessary to protect the existing principal structure in danger from erosion. Require removal of obsolete or unnecessary protective devices, when feasible, and in a safe manner, or otherwise allow such devices to deteriorate naturally over time without any improvements allowed, to restore the natural integrity and visual quality of the coastal bluff over the long-term. When appropriate, development may include open fencing to deter trespassing and protect fragile resources, and erosion control measures. These measures, such as sea walls and drainage conduits, are subject to the Environmentally Sensitive Lands regulations, which will ensure that such measures do not alter the natural character of the bluff face, restrict public access, or encroach on public property. Do not allow erosion control measures on a site where development was approved with less than a 40-foot bluff edge setback, unless otherwise permitted in the Sensitive Coastal Bluff regulations in the Land Development Code.*

*[...]*

*k. For structures located partially or entirely within the bluff edge setback, require all additions (at grade and at upper floors) to be landward of the bluff edge setback line...*

Page 67 of the LJCP, lists among its “Goals” for “Residential Land Use:”

*Provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides, and to open space.*

Page 69 of the LJCP, in addressing “Development Near Coastal Bluffs,” states:

*The shoreline bluffs are one of the community’s most beautiful scenic resources and offer magnificent vistas of the ocean and the coastline of La Jolla. The views provided by these coastal bluffs continue to offer tremendous incentive to residential development along the bluff top. Studies, however, have indicated that certain bluffs are susceptible to periodic erosion and are unstable. Seawalls, revetments, and parapets which have been constructed in some cases to protect private homes and property may eventually become structurally unstable. Thus, the coastal bluff regulations that are contained in the Environmentally Sensitive Lands regulations of the Land Development Code are intended*

*to guide the placement of these seawalls, revetments, parapets, and residential structures in order to prevent structural damage to existing principal structures, minimize erosion of the bluff face, minimize impacts on local shoreline sand supply, and maintain lateral public access along the coast.*

Page 70 of the LJCP, in listing “Policies” for “Development Near Coastal Bluffs,” states that:

*a. The City should ensure that residential projects along the coastal bluff maintain yards and setbacks as established by the underlying zone and other applicable regulations in the Land Development Code in order to form view corridors and to prevent a walled-off appearance from the street to the ocean.*

*b. The City should ensure that bluff stability is a foremost consideration in site design. New development on or near the coastal bluff will be designed in a manner that will protect the bluff from erosion.*

The LJCP is accompanied by the San Diego Land Development Code (LDC), which operates as the City’s Implementation Plan (IP) for the aforementioned community plan policies. Section 113.0103 of the LDC contains the definitions of various terms utilized in the code, and defines the following relevant terms:

*Coastal Bluff means an escarpment or steep face of rock, decomposed rock, sediment, or soil resulting from erosion, faulting, folding, or excavation of the land mass that has a vertical relief of 10 feet or more and is in the coastal zone.*

*Coastal bluff edge means the termination of the top of a coastal bluff where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the coastal bluff face.*

*Coastal bluff face means that portion of a coastal bluff lying between the toe of the existing bluff and the coastal bluff edge.*

*Development means the act, process, or result of dividing a parcel of land into two or more parcels; of erecting, placing, constructing, reconstructing, converting, establishing, altering, maintaining, relocating, demolishing, using, or enlarging any building, structure, improvement, lot, or premises; of clearing, grubbing, excavating, embanking, filling, managing brush, or agricultural clearing on public or private property including the construction of slopes and facilities incidental to such work; or of disturbing any existing vegetation.*

*Encroachment means an intrusion of development into the public right-of-way, into environmentally sensitive lands, into lands containing a historic resource, or into required yards.*

*Environmentally sensitive lands means land containing steep hillsides, sensitive biological resources, coastal beaches, sensitive coastal bluffs, or Special Flood Areas.*

*Sensitive coastal bluff means a coastal bluff that is designated within the hazard category numbers 41 through 47, inclusive, on the City's Geologic Hazard maps plus the area of an additional 100-foot strip located landward and contiguous to the coastal bluff edge.*

Section 113.0219 of the LDC lays out the method for determining the coastal bluff edge:

*Coastal bluff edge is determined as follows:*

- (a) The coastal bluff edge is the uppermost termination of the coastal bluff face and the seaward-most termination of the top of the bluff on a premise.*
- (b) When the top edge of the coastal bluff face is rounded toward the top of bluff as a result of erosion process related to the presence of the bluff face, the coastal bluff edge is that point nearest the bluff face beyond which the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the coastal bluff face.*
- (c) The coastal bluff edge is a continuous line across the length of the bluff on the premises from which all coastal bluff edge setbacks shall be measured.*
- (d) The top of bluff is flat or contains a generally consistent gradient that is significantly less than that of the coastal bluff face.*
- (e) In the case where there is a step-like feature at the top of the coastal bluff, the landward edge of the topmost riser-like landform on the premises is the coastal bluff edge for that premises.*
- (f) The precise location of the coastal bluff edge shall be determined by the City Manager in accordance with the regulations in Section 113.0219(a) through (e) and the Coastal Bluffs and Beaches Guidelines.*

Section 113.0249 of the LDC also spells out how to determine the setback line on a property:

- (a) The setback line is a line that runs parallel to the nearest property line at a distance inward from the property line equal to the setback. The area between the setback line and the parallel property line is the required yard. A continuous line connecting all setback lines defines the boundaries of the building envelope at ground level.*

Section 143.0143 of the LDC governs development regulations for sensitive coastal bluffs, and states in relevant part:

*Coastal development on premises containing sensitive coastal bluffs, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062 or that does not qualify for an exemption pursuant to Section 143.0110(c) is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.*

*(f) 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, 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.*

*Reduction 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 walls, seating benches, signs, or similar structures and features, excluding garages, carports, buildings, pools, spas, and upper floor decks with load-bearing support structures.*

- 3) *Open fences may be permitted closer than 5 feet to the coastal bluff edge only if necessary to provide for public safety and to protect resource areas accessible from the public right-of-ways or on public parkland.*

Finally, the certified LCP also contains the Land Development Manual, which is a document that supplements the IP by clarifying and explaining certain segments of the LDC to better explain their implementation and interpretation. Within the Land Development Manual is the “Coastal Bluffs and Beaches Guidelines,” Section III of which contains “Bluff Measurement Guidelines,” which states in regard to delineating the bluff top edge on a disturbed property that:

*The following guidelines provide details on determining the location of the bluff edge for sensitive coastal bluffs and measuring the required bluff edge setback.*

*[...]*

*4. Modified Landform: Where a coastal bluff face has been altered by grading and/or retaining wall, the coastal bluff edge shall be determined from the original geometry of the natural ground surface, projected to the present ground surface. This may be determined by geotechnical investigation and/or historic documents such as photographs or maps.*

Section 143.0143(f) establishes the default bluff top setback at 40 feet. If a property owner wishes to reduce the default bluff top setback, they may only reduce it to between 25 and 40 feet, and even then only according to strict geotechnical requirements, such as analytical determination that future bluff retreat, sea level rise, and storm events (i.e. El Nino) will not cause the proposed development to be subject to or contribute to geologic risk. The City approved the existing structure at the 25-foot bluff top setback line because the aforementioned geotechnical requirements were met in 1992, but since that time portions of the existing residence are now even closer to the bluff edge, being 15 feet away at the closest point. Seaward of the 25-foot bluff top setback line, the LDC clearly states that only “accessory structures and landscape features customary and incidental to residential uses may be permitted up to the 5-foot bluff top setback line.” The existing single family residence was approved by the City in 1992. That local CDP and the accompanying exhibits submitted to the Coastal Commission at that time indicated that the residence would be located 25 feet inland of the bluff top edge.

However, the residence currently is located approximately 15 feet from the bluff edge at its closest point. Looking at the exhibits contained in the City’s 1992 CDP that was submitted to the

Commission after local approval, the footprint of the existing home is different from that contained in the exhibit, most notably along the western, ocean facing side, where portions of the residence's footprint are landward of the setback line delineated in the exhibit, thus likely explaining the discrepancy.

The La Jolla Community Plan clearly states on page 48 that the City shall, "[f]or structures located partially or entirely within the bluff edge setback, require all additions (at grade and at upper floors) to be landward of the bluff edge setback line..." Because the existing residence currently encroaches into the 25-foot bluff top setback, the LJCP requires that all subsequent additions be sited landward of the setback line. This provision explicitly addresses additions both "at grade and at upper floors," demonstrating that at the time of certification, the City of San Diego and the Coastal Commission viewed both at-grade and upper floor additions as equally encroaching and thus equally prohibited within the 25-foot bluff top setback. The proposed cantilevered living room is not an "accessory structure or landscape feature," but is part of the main residential structure. Thus, it is not covered by Section 143.0143(f)'s exception for permissible accessory structures and landscape features.

Furthermore, Section 143.0143(f) requires that even accessory structures and landscape features located within the 25-foot setback area must "be located at grade," with the only stated exception being that any decks in the setback area be designed to be "below three feet from grade." Clearly, cantilevering habitable floor area into the bluff top is inconsistent with the intent of the certified LCP to keep this area open with only minor, insignificant improvements allowed. Therefore, allowing a portion of the proposed residential addition to be located closer than 25 feet to the bluff is inconsistent with the LCP, and raises a substantial issue.

Additionally, with the bluff edge delineated at the 25-foot elevation, the proposed rear yard deck projects beyond the 5-foot setback line for accessory structures, and must be redesigned to remove any such encroachment. Therefore, allowing a portion of the proposed accessory structure to be located closer than 25 feet to the bluff edge is inconsistent with the LCP and raises a substantial issue.

Commission staff has researched past approvals in La Jolla, and has not found any Commission or City permits for residences that allowed any encroachment into the 25-foot bluff top setback area, cantilevered or not. Bluff top residences that are currently closer than 25 feet to the bluff edge are that way either because they were previously conforming, are affected by bluff retreat, or some combination of the two. Even without the proposed cantilevered living room within the 25-foot setback area, the applicant will still have reasonable use of its property, as the proposed living room could be relocated to the landward side of the existing residence. Allowing the proposed structure to encroach into the 25-foot setback, and the rear yard deck beyond the 5-foot setback line, could form an adverse precedent for future development.

The sufficiency of a development's setback from the bluff top edge is vital to ensure that the structure will be safe for its economic life, combining the protection of coastal resources with that of public safety, and lessening the probability of requiring shoreline protection in the future. Simply because a development is sited landward of a coastal bluff's 75-year erosion rate does not automatically mean that the development will not be exposed to geological risk in 75 years.

It is also important to determine whether, after 75-years, the remaining distance between the future bluff top edge and the development will achieve the 1.5 factor of safety from landslides required to avoid the need for shoreline protection. 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 that an adequate factor of safety against slope failure (i.e. landslides) of 1.5 or greater will be maintained throughout its economic life.

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 that 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 landslide of 1.5 or greater given the estimated erosion rate. The applicant's submitted geotechnical survey looked only at the 75-year bluff erosion rate, and did not combine the analysis with the 1.5 factor of safety analysis, as is done in accepted professional standards, as required by the LCP.

However, a visit to the project site by the Commission's geologist, Dr. Mark Johnsson, and review of relevant geological material led to a finding that the applicant's geotechnical determination of the sufficiency of the bluff top setback was sufficient to keep the existing residence and proposed additions safe for its economic life. Thus, this aspect of the appeal has been addressed to the Commission's satisfaction and does not raise a substantial issue.

In summary, as approved by the City of San Diego, the proposed addition to the existing single family residence would allow the construction of new habitable floor area that encroaches 20 feet into the required 25-foot bluff top setback, inconsistent with the geotechnical policies of the certified LCP. As such, the project raises a substantial issue regarding conformity with the LCP.

#### **D. PROTECTION OF VISUAL RESOURCES**

The appellants contend that the proposed addition to the existing two-story residence will detrimentally impact the visual resources of La Jolla and will create an adverse precedent for future development on similarly situated properties.

Page 5 of the LJCP states under "General Community Goals" the need to:

*Conserve and enhance the natural amenities of the community such as its views from identified public vantage points...open space, hillsides, canyons, ocean, beaches, water quality, bluffs, wildlife and natural vegetation, and achieve a desirable relationship between the natural and developed components of the community.*

The LJCP continues, on page 31, under "Visual Resources," that:

*La Jolla is a community of significant visual resources. The ability to observe the scenic vistas of the ocean, bluff and beach areas, hillsides and canyons, from public vantage*

*points as identified in Figure 9 has, in some cases, been adversely affected by the clutter of signs, fences, structures, or overhead utility lines that visually intrude on these resources.*

Under “Shoreline Areas and Coastal Bluffs” on Page 31, the LJCP declares:

*The entire coastline of La Jolla stretching from La Jolla Farms to Tourmaline Surfing park provides dramatic scenic beauty to the City of San Diego and is considered an important sensitive coastal resource and should be protected.*

On Page 39, under “Visual Resources,” the LJCP continues:

*a. Public views from identified vantage points to and from La Jolla’s community landmarks and scenic vistas of the ocean, beach and bluff areas, hillsides and canyons shall be retained and enhanced for public use.*

*b. Public views to the ocean from the first public roadway adjacent to the ocean shall be preserved and enhanced, including visual access across private coastal properties at yards and setbacks.*

On Page 45 of the LJCP, under “Plan Recommendations” for “Visual Resources,” it states:

*[...]*

*c. Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G (Coastal Access Subarea maps). Public views to the ocean along public streets are identified in Appendix G. Design and site proposed development that may affect an existing or potential public view to be protected. As identified in Figure 9 or in Appendix G, in such a manner as to preserve, enhance, or restore the designated public view.*

*d. Implement the regulation of the building envelope to preserve public views through height, setback, landscaping, and fence transparency regulation of the land Development Code that limit the building profile and maximize view opportunities.*

*[...]*

*h. Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance, or restore existing or potential view corridors within the yards and setbacks by adhering to setback regulations that cumulatively, with the adjacent property, form functional view corridors and prevent the appearance of the public right-of-way being walled off from the ocean.*

Section 132.0403 of the LDC contains supplemental regulation of the City’s Coastal Overlay Zone that further implements the coastal resource protection policies of the LUP:

- (a) If there is an existing or potential public view and the site is designated in the applicable land use plan as a public view to be protected,*
  - 1) The applicant shall design and site the coastal development in such a manner as to preserve, enhance, or restore the designated public view, and*
  - 2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.*
- (b) A visual corridor of not less than the side yard setbacks or more than 10 feet in width, and running the full depth of the premises, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:*
  - 1) The proposed development is located on premises that lies between the shoreline and first public roadway, as designated on map Drawing No. C-731; and*
  - 2) The requirement for a visual corridor is feasible and will serve to preserve, enhance, or restore public views of the ocean or shoreline identified in the applicable land use plan.*
- (c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a land use plan as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced, or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.*
- (d) Where remodeling is proposed and existing legally established development is to be retained that precludes establishment of the desired visual access as delineated above, preservation of any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.*
- (e) Open fencing and landscaping may be permitted within the view corridors and visual accessways, provided such improvements do not significantly obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views.*

The subject property is a 0.38-acre trapezoidal bluff top lot located on the seaward side of Camino de la Costa. The site is currently developed with a two-story over basement single

family residence with an attached two-car garage. The existing residence is currently located approximately 15 feet from the bluff edge at its nearest point.

The development as approved by the City includes a new living room on the seaward side of the residence located up to 5 feet from the bluff edge, which represents an approximately 20-foot encroachment into the 25-foot bluff top setback area required by all new habitable space in the City of San Diego. In addition, as described above, a portion of the proposed first-floor rear yard deck will extend beyond the bluff edge, instead of stopping at the 5-foot bluff top setback line as required by the LCP. The LCP policies require these minimum setbacks from the bluff edge not only to avoid geologic instability and avoid the construction of shoreline protection measures, but to preserve and enhance the La Jolla community's scenic vistas of the ocean and the beach and bluff areas. Consistent application of the bluff top setback requirements of the LCP helps preserve this scenic quality by not unreasonably placing development at geotechnical risk, thus avoiding the installation of shoreline protective devices.

La Jolla is a popular scenic coastal community characterized by its miles of coastal bluffs along its seven miles of coast line. This stretch of coast includes scores of single family residences, a substantial percentage located on bluff top lots. Setbacks provide visual relief from the cluster of development lining the majority of La Jolla's shoreline, stepping it back in a measured, consistent manner while preserving open space and the scenic vistas as viewed from the numerous public access points. Indeed, in the proximity of the just the subject property alone, there are three public access and vista points, and the Commission's 1985 CDP required that the property owner place a public lateral access easement over the portion of the property seaward of the bluff edge. Allowing the encroachment of residential structures into the 25-foot setback, cantilevered or not, would create a precedent for shifting the pattern of development along these bluffs seaward, and would represent a significant change in the community character and scenic quality of La Jolla.

On rare occasions, there have been single family residences approved by both the Commission and the City that have permitted cantilevering of a portion of the residence over the 40-foot bluff top setback area, but such encroachments have never been permitted seaward the 25-foot setback line, as the certified LCP makes it explicitly clear that while development may move from a 40-foot bluff top setback down to a 25-foot bluff top setback, no development may be seaward of the 25-foot bluff top setback except for the clearly detailed list of accessory, at-grade development (i.e. patios, decks lower than three feet above grade, etc.). Commission staff has researched past approvals in La Jolla, and not found evidence of any Commission or City permits for residences that allowed any encroachment into the 25-foot bluff top setback area. Where residences exist in La Jolla that are closer than 25 to the bluff edge, it is either because of bluff erosion since construction of the structure or, such as the case with the neighboring property to the south, the structure is previously conforming (e. g., see CDP Appeal No. A-6-LJS-98-169: Moncrieff).

The La Jolla Community Plan recognizes on multiple occasions the contribution that the coastal bluffs bring to La Jolla's unique community character, and calls for their preservation and protection. Page 31 of the LJCP identifies the detrimental effect that already existing "...clutter of signs, fences, structures, or overhead utility lines..." is having on the visual quality of public

views and the community character. Page 35 of the LJCP calls for containment of this “clutter” by “[i]mplement[ing] the regulation of the building envelope to preserve public views through height, setback, landscaping, and fence transparency regulation of the land Development Code that limit the building profile and maximize view opportunities.”

In light of the LJCP’s identification of and protections for La Jolla’s scenic quality as it is characterized by its coastal bluffs, the local CDP’s authorization of the proposed development’s encroachment into the 25-foot bluff top setback for habitable space and 5-foot setback for accessory structures raises a substantial issue.

Pursuant to Section 132.0403 of the LDC, the northern and southern side yard setbacks of the property should have been placed under public view easement governing the height any landscape and hardscape located therein, as well as been required to limit all fencing above three feet in height to be at least seventy-five percent open to light. However, the City’s approval only required the public view easement over the southern side yard setback. Upon being informed of the non-conformance, the applicant agreed that both side yards should have been placed under public view easements, and thus the applicant does not oppose such a requirement for the proposed development.

Thus, as approved by the City of San Diego, the proposed addition to the existing single family residence will have impacts on the scenic quality and public views of La Jolla that are not in conformance with the certified LCP’s visual resource protection policies, and thus raise a substantial issue with regard to conformity with the certified LCP.

## **E. CONCLUSION**

Based on the information cited above, the City’s approval of the proposed development is inconsistent with geological and visual resource protection policies of the City’s certified LCP with regard to bluff top setbacks and public views. The bluff top setback required by the certified LCP was not incorporated into the development and will adversely affect the coastal bluff and visual resources of the subject site and the surrounding area inconsistent with the provisions in the La Jolla Community Plan and the Land Development Code. Therefore, the Commission finds that a substantial issue exists with respect to the consistency of the local government action with the City’s certified Local Coastal Program on protection of geological and visual resources.

## **F. SUBSTANTIAL ISSUE FACTORS**

As discussed above, there is inadequate factual and legal support for the City’s determination that the proposed development is consistent with the certified LCP. In this case, improvements to a single family residence, while major, do not imply development of a significant scope. However, 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 substantial issue. The objections to the project suggested by the appellants raise substantial issues of regional or statewide significance, especially regarding views of La Jolla, a popular attraction for visitors. The decision further creates a poor precedent with respect to the protection of visual resources.

In addition, the coastal resources affected by the decision, including the stability of the bluff and the availability of public views, are significant.

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## STAFF RECOMMENDATION ON THE COASTAL PERMIT

### VI. MOTION AND RESOLUTION ON DE NOVO

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. A-6 LJS-14-0063 pursuant to the staff recommendation.*

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified LCP and the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

### VII. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## VIII. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final building plans that have been stamped approved by the City of San Diego. Said plans shall include the following:
  - a. The plans shall show the bluff edge delineation along the 25-foot elevation of the property for its entire width, and the related 25-foot bluff top setback measured therefrom.
  - b. All new development shall be located landward of the 25-foot bluff edge setback except for at-grade, accessory development in the rear yard area, which must be landward of the 5-foot bluff edge setback line.

The applicant shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Final Landscape/Yard Area Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final landscaping and fencing plans approved by the City of San Diego. The plans shall include the following:
  - a. A view corridor of a minimum of 6 ft. 8 in. each shall be preserved in the northern and southern side yard setbacks. All proposed landscaping in the side yard setbacks shall be limited to species with a growth potential not to exceed three feet at maturity and shall be maintained at a height of three feet or lower (including raised planters), so to preserve the views from Camino de la Costa toward the ocean.
  - b. Any fencing in the side yard setback areas shall permit public views and have at least 75 percent of its surface open to light.
  - c. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not to exceed three feet at maturity. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or identified from time to time by the State of California shall be employed or

allowed to naturalize or persist on the site. No plant species listed as “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property.

- d. No permanent irrigation system may be installed within the geologic setback area.
- e. All irrigation installed outside of the geologic setback area that utilizes potable water must utilize only drip or micro spray systems for delivery.
- f. All lighting shall be designed to fall onto the portion of the subject property landward of the bluff edge, and no lighting shall be directed seaward of the bluff edge.
- g. All retaining walls and similar structures seaward of the bluff edge shall be removed.
- h. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Runoff/Drainage Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, final drainage and runoff control plans that have been approved by the City of San Diego. The plans shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management practices (BMPs) designed to control the volume, velocity, and pollutant load of storm water leaving the developed site. The plans shall document that at a minimum, the storm water runoff from the roof and other impervious surfaces, for the 24-hour 85<sup>th</sup> percentile storm event or 0.6 inches of precipitation, shall be collected for onsite treatment, without allowing water to percolate into

the bluff face, prior to being directed away from the bluff edge and towards the developed street or other municipal storm water system.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Disposal of Graded Material.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission.
5. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property subject to the terms and conditions that restrict the use and enjoyment of that property, and (2) imposing the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence or with respect to the subject property.
6. **Assumption of Risk, Waiver of Liability and Indemnity**

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm eaves, bluff retreat, and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
7. **Other Special Conditions of local CDP No. 325514.** Except as provided by this coastal development permit, this permit has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act.

**8. No Future Shoreline Protective Device.**

- i. By acceptance of the permit, the applicant agrees, on behalf of themselves and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to coastal development permit No. A-6-LJS-14-0063 including, but not limited to, the residential addition, and any future improvements, in the event the development is threatened with damage or destruction from sea level rise, flooding, erosion, storm conditions, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resource Code Section 30235.
- ii. By acceptance of this permit, the applicant further agrees, on behalf of themselves and all successors and assigns, that the landowners shall remove the development authorized by this permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach below before they are removed, the landowners shall remove all recoverable debris associated with the development from the beach below and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

## **IX. FINDINGS AND DECLARATIONS**

The Commission finds and declares as follows:

### **A. PROJECT DESCRIPTION**

The development approved by the City of San Diego (City) consists of a 2,475 sq. ft. multi-level addition (69 sq. ft. basement, 949 sq. ft. first floor, 566 sq. ft. second floor, and 877 sq. ft. garage) to an existing 5,498 sq. ft. two-story over basement single family residence with two-car garage on a 0.38-acre bluff top lot in the La Jolla community of San Diego. The detailed project description and history is described above under the substantial issue findings of this report and is incorporated herein by reference.

The standard of review is the certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

### **B. GEOLOGIC RISK**

The City's certified LCP contains the La Jolla Community Plan (LJCP), which serves as the community's Land Use Plan, and Land Development Code (LDC), which serves as the community's Implementation Plan, both of which govern the subject site. The relevant portions of the LJCP and LDC are cited in the Substantial Issue portion of the staff report, and are incorporated herein.

As discussed in the Substantial Issue portion of this report and incorporated herein by reference, the existing single family residence was approved locally in 1992 and is located on a blufftop lot between the first road and the sea. The 1992 local approval and accompanying exhibits sited the residence approximately 25 feet inland of the bluff edge, leaving the rear yard bluff top setback area vacant except for at-grade landscape and hardscape. This was consistent with the community character of La Jolla's bluff top properties and the visual and geologic protection policies of the certified LCP.

Currently, portions of the residence are located as close as 15 feet from the bluff edge. The proposed addition includes a cantilevered living room addition on the seaward side of the structure that would be located only 5 feet from the bluff edge. The proposed new rear yard deck would project beyond the 5-foot bluff top setback line for accessory structures. This type of encroachment is explicitly prohibited by the LJCP, which requires that all additions to the structure, whether at grade or the upper floors, be located landward of the bluff top setback line. Even upper floor decks and patios are prohibited by Section 143.0143(f) of the LDC, which explicitly states lists in its permissible landscape and hardscape within the bluff top setback area that patios must be less than 3-feet in height above grade. Neither the LJCP nor the LDC makes any exceptions for cantilevered development, even where the footings and supports for such cantilevered additions are located landward of the bluff top setback line. Such a foundation design does not change the encroaching nature of such additions that are prohibited by the certified LCP. Thus, any additions approved to the existing residence must be sited it landward of the bluff top setback line.

The certified LCP also defines the bluff top edge while the Land Development Manual demonstrates how to determine such an edge. As noted previously, both past Coastal Commission and City permit actions have delineated the bluff top edge at the property's 25-foot elevation. The applicant's geotechnical analysis originally delineated the bluff top edge between the 18- and 23-foot elevations. However, after meeting on site with the Commission's staff geologist and further discussions with Commission staff, the applicant agreed that the 25-elevation for the bluff top edge was appropriate. Thus, this point of contention in the appeal is no longer an issue.

Currently there are two short retaining walls seaward of the bluff edge. They appear to be unpermitted ([Exhibit 8](#), [Exhibit 9](#)), but the proposed project includes their removal so as to permit the soil underneath to degrade naturally, thus resolving this issue through this permit action.

In order to ensure that the proposed home is built to the redesigned specifications that conform to the LCP, [Special Condition No. 1](#) requires the applicant to submit final plans for Commission review and sign off prior to issuance of the CDP. [Special Condition No. 2](#) requires the applicant to submit final landscaping plans that place limitations on irrigation within the bluff setback area to minimize erosion impacts, as well as removal of unpermitted retaining walls currently seaward of the bluff edge. Additionally, the location of the subject property creates the potential for runoff to contribute to bluff erosion. Thus, [Special Condition No. 3](#) requires the applicant to submit final drainage plans to ensure that run off from the property is directed away from the bluff edge and toward the developed City street. To ensure that any graded material is disposed of properly away from the project site and does not impact coastal resources, [Special Condition No. 4](#) requires the applicant to dispose of graded materials in a legal site outside of the Coastal Zone. To ensure that the limitations and requirements of this CDP run with the land and are noticed to successors in interest to the property, [Special Condition No. 5](#) requires the applicant to record a deed restriction against the subject property containing this CDP and the conditions contained therein. Because the existing residence sits on a bluff top property that by its very nature erodes over time, [Special Condition No. 6](#) requires the applicant to recognize and accept the risk arising from wave action on his property. Finally, [Special Condition No. 7](#) grants notice that any other non-Coastal Act conditions that the City of San Diego places on this development are not prejudiced by this permit. Because portions of the existing residence already encroach into the 25-foot bluff top setback area, and the remaining additions proposed landward of the 25-foot are still closer than the LCP's default 40-foot bluff top setback line, [Special Condition No. 8](#) requires a waiver of future shoreline protection for the approved development.

Thus, as originally approved by the City of San Diego, the proposed single family residence was inconsistent with the certified LCP policies designed to reduce erosion and hazards on sensitive coastal bluffs, protect geologic resources, and reduce the need for future shoreline protection. Allowing new additions and redevelopment to encroach into the minimum bluff edge setback would have created significant adverse precedent for future development along the City's shoreline. As proposed, the subject property represents a significant deviation from past development actions and the LCP, and detrimentally transforms the long-standing limits on building envelopes and encroachment policies as they have been implemented in La Jolla. Only as conditioned to remove all development closer than 25 feet from the bluff edge save for permitted accessory structures landward of the 5-foot setback line, can the proposed project be found consistent with the certified LCP and the geologic hazard policies of the Coastal Act.

## C. PROTECTION OF VISUAL RESOURCES

The City's certified LCP contains the La Jolla Community Plan (LJCP), which serves as the community's Land Use Plan, and Land Development Code (LDC), which serves as the community's Implementation Plan, both of which govern the subject site. The relevant portions of the LJCP and LDC are cited in the Substantial Issue portion of the staff report, and are incorporated herein.

As discussed in detail in the Substantial Issue portion of this report and incorporated herein by reference, the proposed single family residence includes several significant encroachments into the required bluff top setbacks that are not only inconsistent with the certified LCP, but would represent a significant undesirable change to the community character of the La Jolla shoreline.

The proposed encroachment would change the community character of La Jolla because to date no bluff top residences have been permitted to cantilever development seaward of the 25-foot bluff top setback line. The permitting of such cantilevering would be a detrimental precedent for the path of development in the La Jolla area, as the scores of other bluff top properties in the community would then apply for such cantilevering. As homes begin to cantilever over the rear yard bluff top setback area, it would compel neighboring properties to cantilever as well so as to try and protect their private views. This would catalyze a domino effect up and down the coastal bluffs of La Jolla, substantially shifting the string line of development seaward, compounding the "clutter" that the LJCP identifies as already being an issue due to its impact to the scenic quality of La Jolla and intrusion into public vistas. Thus, it is vital that the restrictions that the certified LCP places on bluff top development be consistently and strictly applied, and that all additions to bluff top residences be located landward of the bluff top setback line save for the explicit exceptions listed in the LCP.

Furthermore, there are currently northern and southern side yard setbacks on the property that could potentially provide public view corridors to the ocean. The City's approval currently being appealed only placed the southern side yard under a public view easement, as opposed to placing both the northern and southern side yards under public view easements, as is required by the certified LCP. After discussion with Commission staff, the applicant has communicated that he has no opposition to both side yards being placed under public view easements to bring that portion of the property into conformance with the LCP.

In order to ensure that the proposed home is built to the redesigned specifications that conform to the LCP, [Special Condition No. 1](#) requires the applicant to submit final plans for Commission review and sign off prior to issuance of the CDP. Additionally, the location of the subject property creates the potential for overly large landscaping to impact public views as well. Thus, [Special Condition No. 2](#) requires the applicant to submit final landscaping plans that place limitations on landscaping and fencing in the side yard setbacks, where the potential for impacts to public views is greatest, as well as removal of unpermitted retaining walls currently seaward of the bluff edge. To ensure that the limitations and requirements of this CDP run with the land and are noticed to successors in interest to the property, [Special Condition No. 5](#) requires the applicant to record a deed restriction against the subject property containing this CDP and the conditions contained therein. Finally, [Special Condition No. 7](#) grants notice that any other non-

Coastal Act conditions that the City of San Diego places on this development are not prejudiced by this permit.

Thus, as originally approved by the City of San Diego, the proposed single family residence would have had impacts on visual resources that rise to substantial issue while creating adverse precedent for future development. However, while the applicant has agreed to the Commission's recommendation to place both side yards under public view easement, the attempt to construct a cantilevered living room over the 25-foot bluff top setback area still represents a significant deviation from past development standards and the LCP, and detrimentally transforms the long-standing limits on building envelopes and visual protection policies as they have been implemented in La Jolla. Therefore, as conditioned, the proposed project is consistent with the certified LCP and the visual resource protection policies of the Coastal Act.

#### **D. PUBLIC ACCESS**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The project site is located seaward of the first through public road and the sea. Coastal Act Sections 30210 through 30212, as well as Sections 30220 specifically protect public access and recreation, and state:

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation*

Section 30212 of the Coastal Act states, in part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) adequate access exists nearby, or,*
- (3) agriculture would be adversely affected. ...*

The subject property is located between the ocean and the first public road paralleling the ocean, in this case Camino del la Costa. The site is currently developed with an existing single family residence, as are all the neighboring parcels. There are currently no existing public access paths through the subject property, nor are any proposed by the LUP. The proposed project will be developed entirely within private property and will not encroach upon any existing or proposed public accessways. Adequate formal public access to the shoreline is currently available, with formal access point three lots to the north and five lots to the south of the subject property, as well as an unimproved access point available one lot to the south. Therefore, the project as proposed will not have an adverse impact on public access, and can be found consistent with the public access and recreational policies of the Coastal Act.

## **E. LOCAL COASTAL PLANNING**

The subject site is located within the La Jolla segment of the City of San Diego's certified LCP. The subject site is located within the City of San Diego's permit jurisdiction, as well as within the Commission's appeal jurisdiction. However, an appeal was filed against the City's approval of the development on this property. Thus, the Commission must review the amendment utilizing the City's certified LCP and the public access policies of Chapter 3 of the Coastal Act as the standard of review.

The project site is currently zoned RS-1-5 within the certified LCP, for residential use. The addition to the existing single family residence, as conditioned in this permit, does not raise any conflicts with this designation. However, the locally approved project is inconsistent with the LCP in numerous ways regarding bluff setback, visual resource protections, and creation of public viewing opportunities in the side yards, and would represent a significant prejudice on future decisions by the both the City and the Commission. Only as conditioned in this de novo permit can the proposed development be found consistent with all applicable policies of the certified LCP. Therefore, the Commission finds that approval of the project on de novo, as conditioned, should not result in any adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue to implement its fully-certified LCP for the La Jolla area.

## **F. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

On August 26, 2014, the City determined the project to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303(a), the exemption for construction of single family residences.

Section 13096 of the Commission's Code of Regulations further requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available

which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the City of San Diego's certified LCP. Special conditions, including redesign of the project to remove any encroachments in the bluff top setback area, will avoid significant adverse environmental effects from the development. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

## **APPENDIX A**

**SUBSTANTIVE FILE DOCUMENTS:** Appeal by Commission Chair Steve Kinsey dated 7/15/14; Appeal by Commissioner Mary Shallenberger dated 11/18/14; Certified La Jolla Community Plan (LUP); Certified City of San Diego LCP Implementation Plan; City of San Diego Report to Hearing Officer dated 10/15/2014; City of San Diego Coastal Development Permit No. 325514; Notice of Final Action dated 10/30/14; Coastal Development Permit Appeal No. A-6-LJS-14-0063

SAN DIEGO CO.

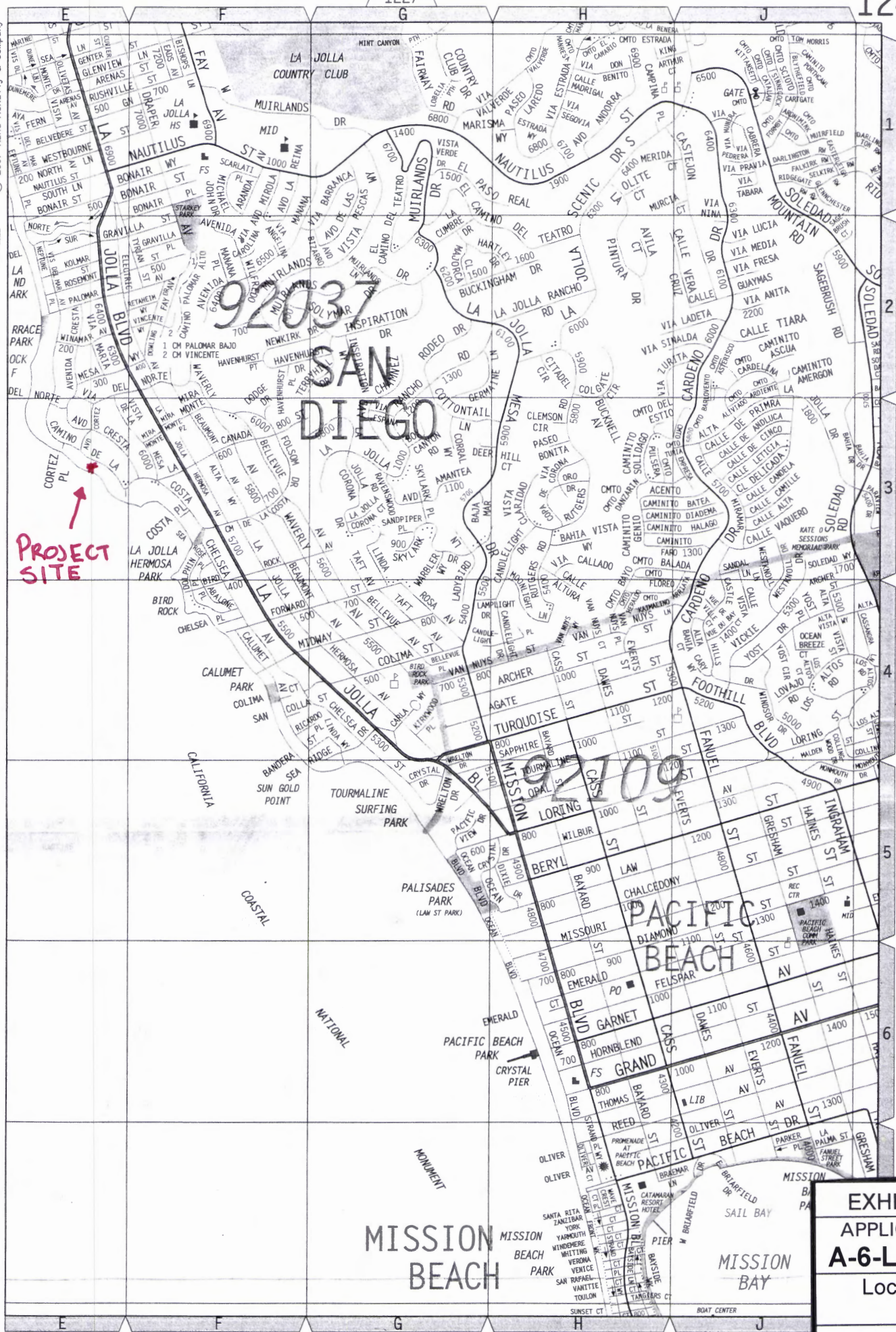
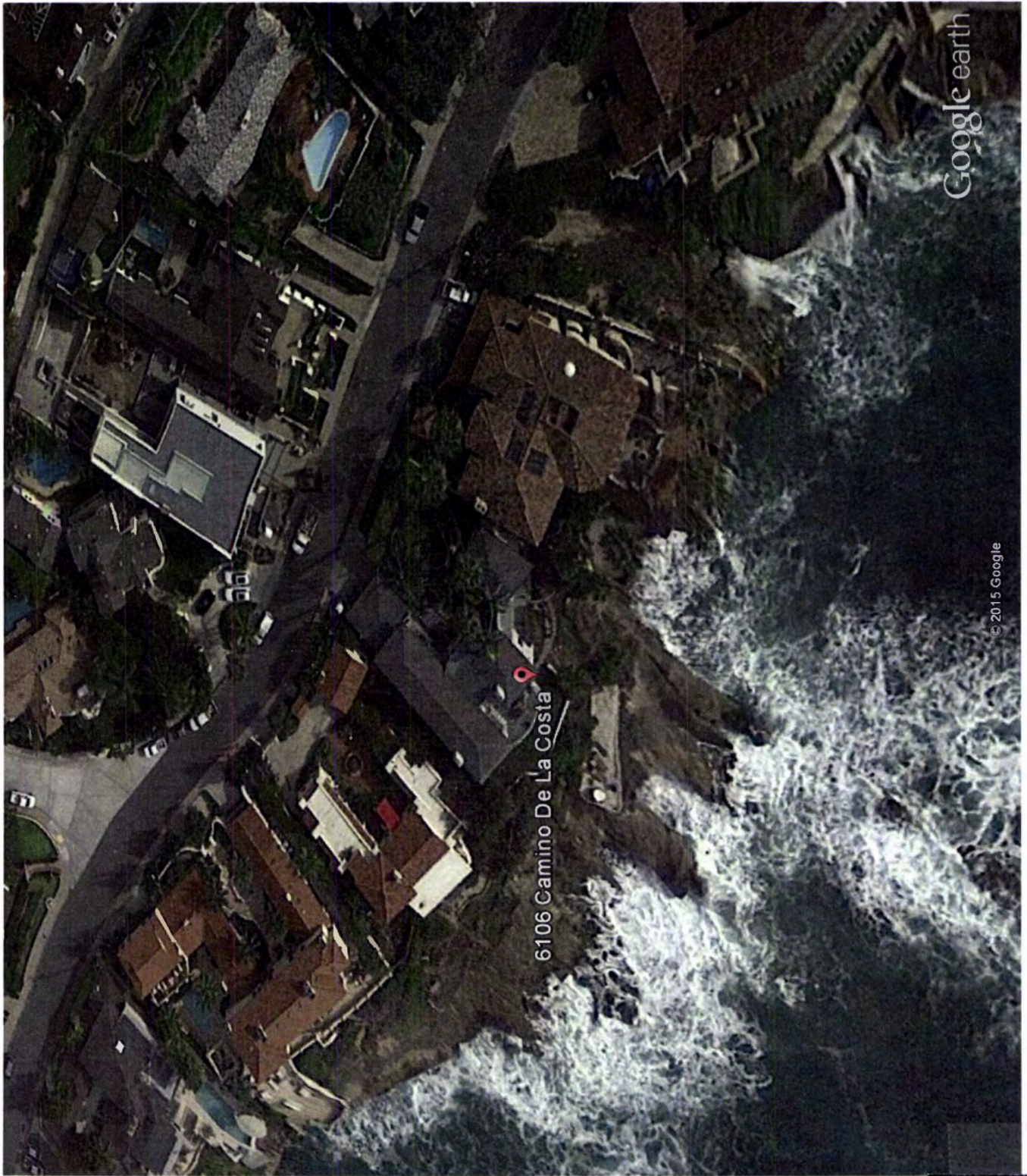


EXHIBIT NO. 1  
APPLICATION NO.  
**A-6-LJS-14-063**  
Location Map



feet 300  
meters 90

Google earth

EXHIBIT NO. 2  
APPLICATION NO.  
**A-6-LJS-14-063**  
Aerial Photo of Site



earth

feet  
meters

1000

400

Google earth

© 2015 Google

EXHIBIT NO. 3

APPLICATION NO.

**A-6-LJS-14-063**

Aerial Photo of  
Project Area

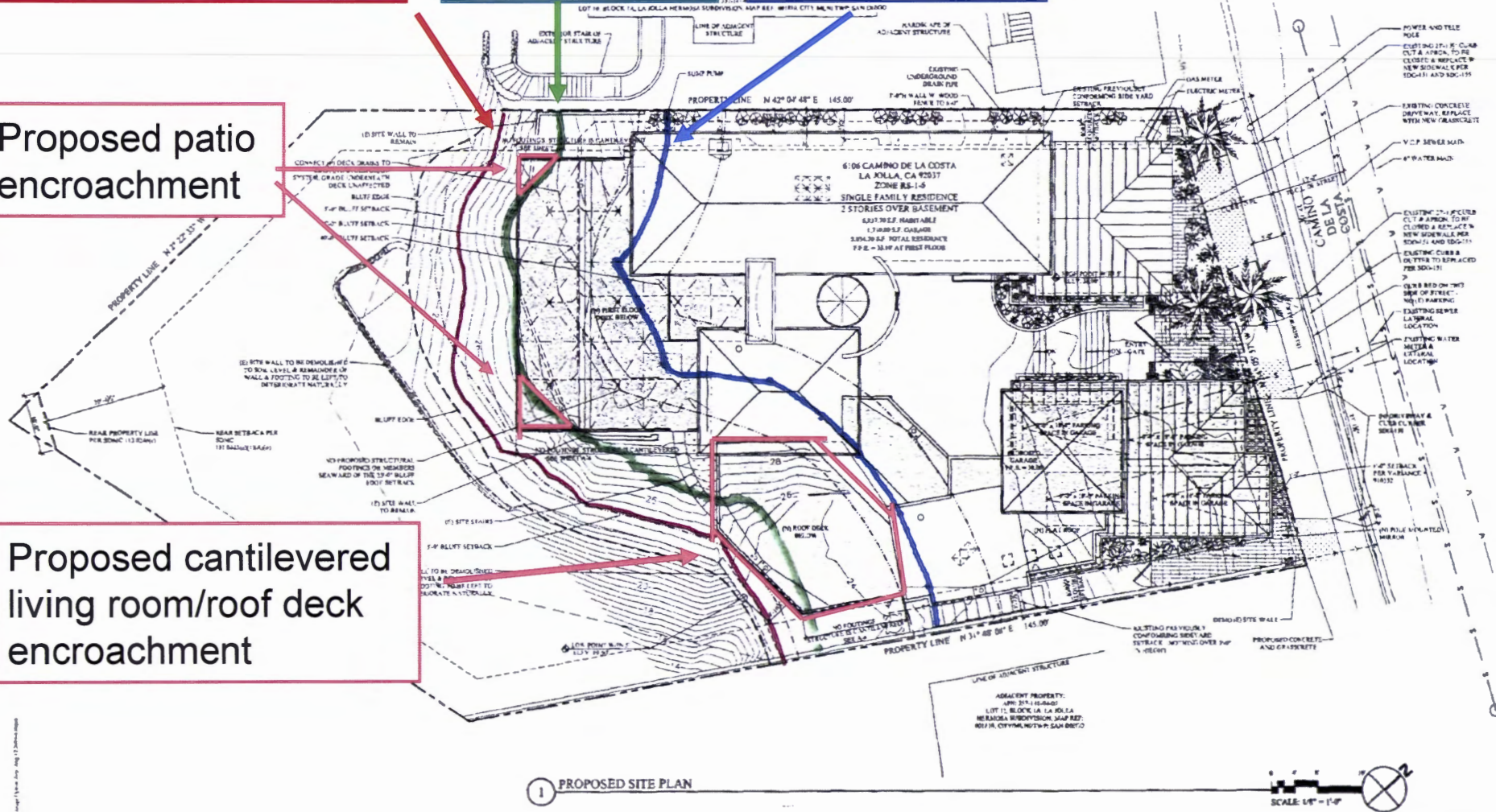
Commission bluff edge

5-foot setback

25-foot setback

Proposed patio encroachment

Proposed cantilevered living room/roof deck encroachment



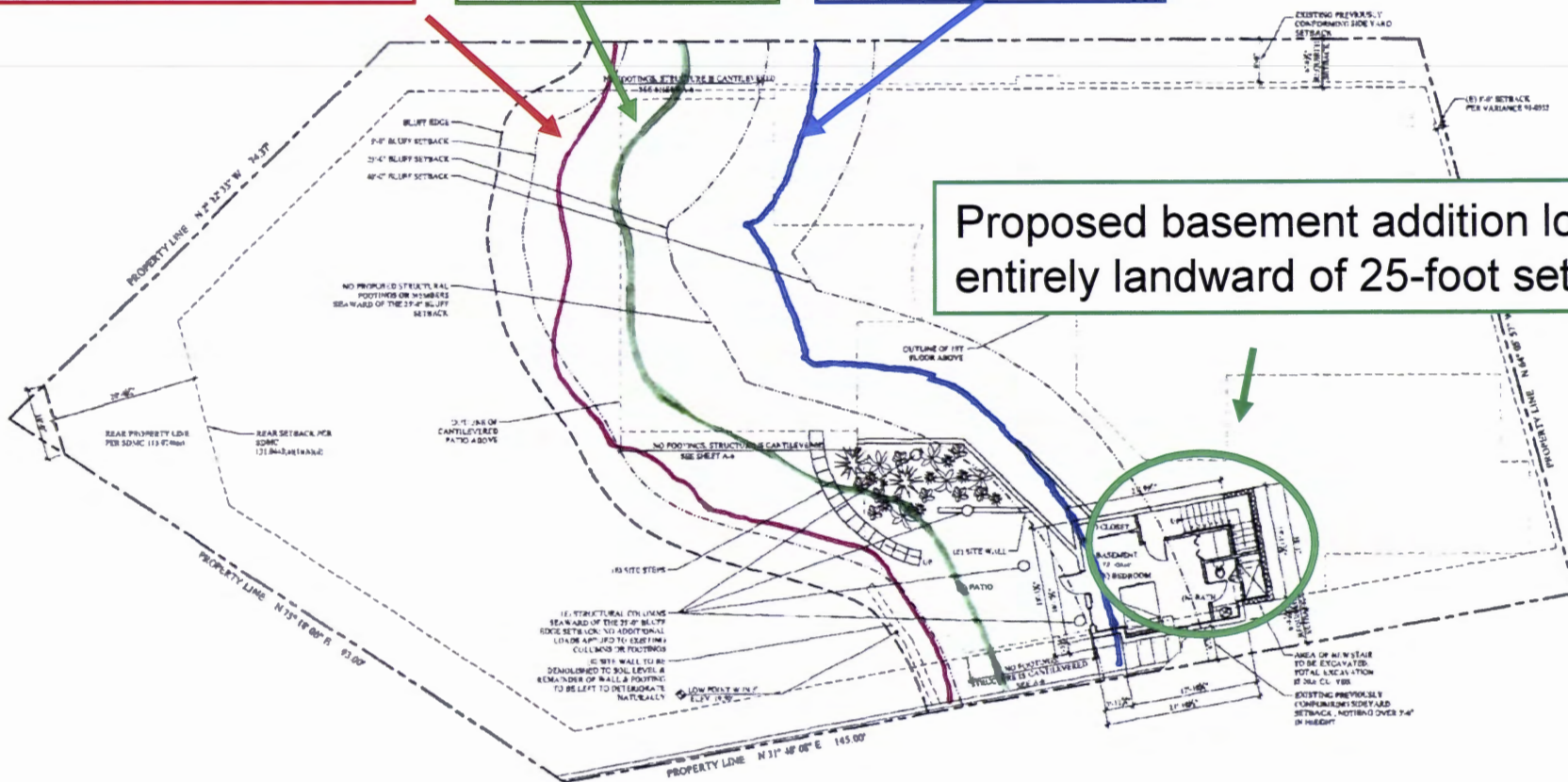
FRONT YARD LANDSCAPING	GENERAL SITE NOTES	STORM WATER QUALITY NOTES & CONSTRUCTION BMPs	SOILS REPORT RECOMMENDATIONS	SITE PLAN LEGEND
<p>FRONT YARD AREA LANDSCAPING PLAN FOR ZONE RS-1-S AND RS-1-S</p> <p>117.5 SF AREA OF LANDSCAPING (FRONT YARD) (SEE PLAN 117.5 SF)</p> <p>117.5 SF AREA OF LANDSCAPING (FRONT YARD) (SEE PLAN 117.5 SF)</p> <p>117.5 SF AREA OF LANDSCAPING (FRONT YARD) (SEE PLAN 117.5 SF)</p>	<p>1. The site plan is for general site information only. Refer to other construction documents for complete site plan.</p> <p>2. This is a proposed site plan. The site plan is subject to change without notice. The site plan is not a contract.</p> <p>3. The site plan is not a contract. The site plan is subject to change without notice. The site plan is not a contract.</p> <p>4. The site plan is not a contract. The site plan is subject to change without notice. The site plan is not a contract.</p> <p>5. The site plan is not a contract. The site plan is subject to change without notice. The site plan is not a contract.</p> <p>6. The site plan is not a contract. The site plan is subject to change without notice. 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Commission bluff edge

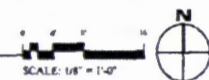
5-foot setback

25-foot setback

Proposed basement addition located entirely landward of 25-foot setback



1 PROPOSED BASEMENT FLOOR PLAN



#### FLOOR PLAN NOTES

- All Dimensions Shall Be Field Verified. Any discrepancies affecting project layout shall be brought to the attention of the Architect and the issues resolved prior to proceeding with the work in question.
- Refer to Site Plan for Site and Utility Information.
- For Door and Windows, See Schedule on Sheet A-8.1
- For Interior Finish, See Schedule on Sheet A-8.2
- For Lighting/RCP, See A-1.1 to A-3.2; For Electrical, See E-1.1 to E-1.4
- For Demolition, See Sheet A-2.1 & A-2.2
- For Plumbing, Appliances and other Fixtures, See Schedule on Sheet B.2
- INSULATION: R-13 Batt Insulation At All New Exterior Walls.
- R-19 Batt Insulation at all new 2x6 Exterior Walls and Raised Floor Areas.
- R-13 Batt Insulation at all accessible interior walls for sound control.
- R-30 Batt Insulation at Ceiling & Roof Areas.
- R-5 Insulation Wrap On All New Hot Water Pipes.
- R-5 Insulation Wrap On All New Supply Ducts.
- HVAC DUCTS: See Mechanical Notes on Sheets M-1.1 to M-4.3.
- HVAC Equipment: See Equipment on ME-1 and Table 24 calculations on Sheet T-1.2
- WATER HEATER: See Equipment on ME-1 and Table 24 calculations on Sheet T-1.2
- SMOKE DETECTORS: Shall be installed in each bedroom and on every point to each sleeping area and on each story and basement. Detector shall have an alarm audible in all sleeping areas of the unit. Section 310.9.1.2, unit shall be permanently wired and equipped with battery backup, C.B.C. Sec. 310.9.1.3.
- WATER HEATER: New Aquastar 24000 BTU instant gas water heater, 81 EF (or eq) type of 1, TANKLESS
- HVAC: New Rheem ROP110N1AMER, 80,000 BTU/gas FAN, 80 AFUE (or eq) type of 1

#### FLOOR PLAN LEGEND

- NEW 2 X 4 STUD WALL, 8" MIN. OC. W/ PLY GROUND SHEATHING PER STRUCTURAL FORM EXTERIOR W/ 5/8" GYP. BD. USE TILE BACKER BOARD AT BATH ROOMS.
- NEW 2 X 4 STUD WALL, 8" MIN. OC. FINISH PER INTERIOR FORM W/ BENCHMARK.
- NEW 4" CONCRETE WALL.
- EXISTING 8" CONCRETE WALL.
- NEW DOOR AND WINDOW SYMBOLS SEE SCHEDULE ON SHEET A-8.1
- NEW WINDOW AND WINDOW SYMBOLS SEE SCHEDULE ON SHEET A-8.1
- SMOKE DETECTOR - PERMANENTLY WIRED TO BUILDING POWER W/ BATTERY BACKUP VERIFY IN FIELD FOR EXISTING LIGHTING
- NEW DOOR, INSTALLED 4 1/2" TRADITIONAL JAMB ALLOWANCES FROM ADJACENT WALL UNLESS OTHERWISE NOTED
- EXISTING STRUCTURE DIMENSION
- PROPOSED STRUCTURE DIMENSION
- EXTERIOR WALL DIMENSION TO FACE OF STUD FORTH WALL INTERIOR WALL DIMENSION TO CENTER LINE OF STUD FORTH WALL UNLESS OTHERWISE NOTED SEE ADDITIONAL SHEETS
- FLOOR DEAD-END SLOPE 3/4" PER 1'-0"
- PLUMB W/ASHER AND DRYER CONNECTION PER CITY BOW SPECIFIC LEGEND

EXHIBIT NO. 5

APPLICATION NO.

A-6-LJS-14-063

Proposed Basement Plan





Unpermitted wall seaward of bluff edge to be removed (bluff edge landward of wall)



EXHIBIT NO. 8  
APPLICATION NO.  
**A-6-LJS-14-063**  
Site Photo 1



Unpermitted wall seaward of  
bluff edge to be removed  
(bluff edge landward of wall)

EXHIBIT NO. 9  
APPLICATION NO.  
**A-6-LJS-14-063**  
Site Photo 2

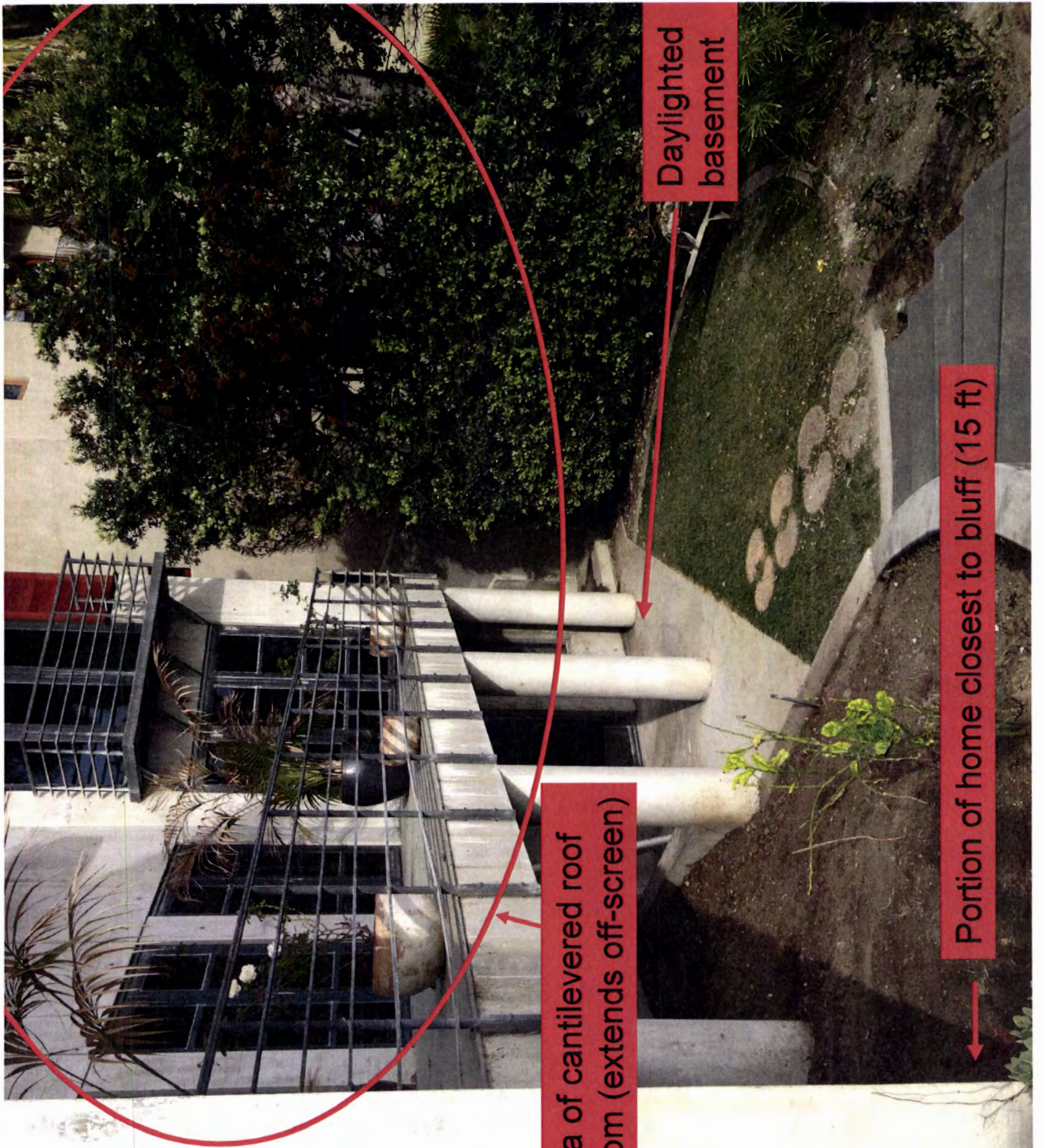
Area of proposed living room/roof deck to be cantilevered over 25-ft. setback

Daylighted basement

Portion of home closest to bluff (15 ft)



EXHIBIT NO. 10  
APPLICATION NO.  
**A-6-LJS-14-063**  
Site Photo 3



Proposed area of cantilevered roof deck/living room (extends off-screen)

Daylighted basement

Portion of home closest to bluff (15 ft)

AL  
yes

# **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

RECEIVED

NOV 03 2014

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

DATE: October 30, 2014

6-LJS-14-0484

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:** Pike Residence Project No. 325514

**PROJECT DESCRIPTION:** Amendment to Coastal Development Permit (CDP) No. 91-0332 to construct a 2,472 square-foot addition to an existing 5,948 square-foot single family home. The project is located at 6106 Camino De La Costa within RS-1-5 zone in the Coastal Height Limitation Overlay Zone (Prop D, CHLOZ), Coastal Overlay Zone, Sensitive (appealable area), Coastal Resource Overlay Zone (SCROZ), Parking Impact (coastal and beach) Overlay Zone (PIOZ), Residential Tandem Parking Overlay Zone (RTPOZ), and Transit Area Overlay Zone within the first public roadway of the La Jolla Community Plan. Council District 1

**LOCATION:** 6106 Camino De La Costa

**APPLICANT'S NAME** Claude-Anthony Marengo

**FINAL ACTION:** APPROVED WITH CONDITIONS

**ACTION BY:** Hearing Officer

**ACTION DATE:** October 15, 2014

**CONDITIONS OF APPROVAL:** See attached Permit.

**FINDINGS:** See attached Resolution.

X 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.

**CITY CONTACT:** William Zounes  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101-4153  
Phone/e-mail : (619) 687-5942  
[wzounes@sandiego.gov](mailto:wzounes@sandiego.gov)

**OWNER CONTACT:** Bruce Tabb  
BC5 Camino LLC  
402 W Broadway #1320  
San Diego, CA 92101

EXHIBIT NO. 12

APPLICATION NO.

**A-6-LJS-14-063**

FLAN



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: October 15, 2014

REPORT NO. HO 14-059

ATTENTION: Hearing Officer

SUBJECT: BC CAMINO  
Project Number: 325514

LOCATION: 6106 Camino De La Costa

APPLICANT: Claude-Anthony Marengo, Marengo Morton Architects

### SUMMARY

Issue(s): Should the Hearing Officer approve a Coastal Development Permit (Amendment to Coastal Development Permit No. 91-0332) and Site Development Permit to construct an 2,472 addition and deck to an existing single family home located at 6106 Camino De La Costa within the La Jolla Community Plan area?

Staff Recommendation(s) - APPROVE Coastal Development Permit No. 1137216.

Community Planning Group Recommendation - On December 5, 2013, the La Jolla Community Planning Association voted 17-0-1 to recommend approval of the project without conditions

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303(a). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on August 26, 2014 and the opportunity to appeal that determination ended September 10, 2014.

### BACKGROUND

The project proposes an amendment to Coastal Development Permit (CDP) No. 91-0332 to construct a 2,472 square-foot addition to an existing 5,948 square-foot single family home. The project is located at 6106 Camino De La Costa within RS-1-5 zone in the Coastal Height Limitation Overlay Zone (Prop D, CHLOZ), Coastal Overlay Zone, Sensitive (appealable area), Coastal Resource Overlay Zone (SCROZ), Parking Impact (coastal and beach) Overlay Zone (PIOZ), Residential Tandem Parking Overlay Zone (RTPOZ), and Transit Area Overlay Zone within the first public roadway of the La Jolla Community Plan and Local Coastal Program.

EXHIBIT NO. 13  
APPLICATION NO.  
**A-6-LJS-14-063**  
City Report to  
Hearing Officer

Use Plan. Currently on the site is a single family home constructed in 1994 in accordance with Coastal Development Permit (CDP)/Sensitive Coastal Resource (SCR)/Variance No. 91-0332. The prior development permit allowed for the construction of a 5,865 square-foot, single family residence and two-car garage adjacent to coastal bluffs and the observance of a 1'0" front yard setback where 15'0" is required. Surrounding the site are single family homes and the Pacific Ocean to the west.

A Coastal Development Permit is required for improvements to any structure that would result in an increase of 10-percent or more of interior floor area or an additional improvement of 10 percent or less where an improvement to the structure had previously been exempted from the California Environmental Quality Act (CEQA) and are located within 300 feet of an inland extent of a beach or of the mean high tide line where there is no beach in accordance with San Diego Municipal Code section 126.0704.

A Site Development Permit is required in accordance with SDMC section 143.0110, Table 143-01A, for development on Sensitive Coastal Bluffs.

## DISCUSSION

The project proposes the remodel and addition to an existing 5,948 square-foot home. The proposed addition includes the remodel of an existing basement to be converted into a bedroom by adding a bathroom and closet. The first floor will include the conversion of an existing 561 square-foot garage into a den and the addition of a new four car 887 square-foot garage with tandem parking. The second floor proposes a new bedroom above the new garage with bathroom and roof deck and the remodel of an existing master bedroom with his and her bathroom. There also is proposed a cantilever deck on the first floor which will extend beyond the 25-foot bluff setback but within the 5-foot bluff setback. The footing supporting the deck will not be placed within the 25-foot setback area and the deck will not exceed 36-inches above the natural grade in compliance with the Land Development Code section 143.0143(f)(2).

The proposed four-car car garage will observe a 1-foot setback where 15 feet is required. However the CDP/SCR/Variance No. 91-0332 established the 1-foot setback in which the new development will be adhering to. It was determined from CDP/SCR/Variance No. 91-0332 that unusual circumstances existing in the topography of the subject property limiting reasonable use of the land such as developing the property within the 25-foot bluff setback area. The project is not encroaching in a view corridor. The nearest view corridor identified in the adapted La Jolla Community Plan Local Coastal Program is located approximately 100 feet to the south at the end of Mira Monte Place. However, as conditioned by the new permit, a Deed Restriction preserving a visual corridor 4-feet, 7-inches wide (east side yard) running the full length of property in accordance with the requirements of the Land Development Code section 132.0403(b) and as described in exhibit "A" dated October 15, 2014, will be required.

## Conclusion

Staff has determined that the project complies with the development regulations of all applicable sections of the Land Development Code. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

## ALTERNATIVES

1. **Approve** Coastal Development Permit No. 1137216/Site Development Permit No. 1358703 with modifications or;
2. **Deny** Coastal Development Permit No. 1137216/Site Development Permit No. 1358703 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



William Zounes,  
Development Project Manager

### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. CDP/SCR/Variance No. 91-0332



## Aerial Photograph (Birds Eye)

BC Camino- Project No. 315514  
6106 Camino De La Costa



Attachment 1  
Aerial Photograph of Site

**La Jolla**  
**Existing Conditions**  
**Land Use**

**Legend**

- |   |  |
|---|--|
|  | Single Family Residential                          |
|  | Multi-Family Residential                           |
|  | Single Offices                                     |
|  | Multi-Family Office                                |
|  | Commercial Medium Commercial                       |
|  | Industrial Warehouse/Multiuse                      |
|  | Community/Office/Office, Single-Family Residential |
|  | Industrial   |
|  | Highway  |
|  | Office   |
|  | Pipe, Light, Light, Medium, High                   |
|  | Single Residential                                 |
|  | Industrial   |

[illegible]

© 2011 Blackwell Publishing Ltd *Journal of Internal Medicine* 270: 103–110

Laplacians are mapped to  $\text{pseud}(D)$ . The last row which generates the Laplace images  $\Delta_{\text{Lap}}^{\text{Lap}}(D)$  from  $\Delta_{\text{Lap}}^{\text{Lap}}(D)$  is shown below, each row of  $D$ .



Year	Number of individuals (approx.)
1970	1,500
1980	3,000
1990	3,500
2000	4,000

City of San Diego  
Planning Department  
April 1, 2004

**Staphylococcus aureus** is a common cause of skin infections. It is a Gram-positive, spherical bacterium that is often found in the nose and on the skin of humans and animals. It can cause a variety of infections, including abscesses, boils, and cellulitis. It is also a common cause of food poisoning and hospital-acquired infections.

North



# La Jolla Community Plan Map

**BC Camino- Project No. 315514**  
**6106 Camino De La Costa**



**Project Site**  
6106 Camino De La Costa

Project Location Map

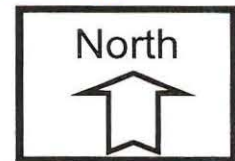


**Project Site**  
6106 Camino De La Costa



## Location Map

**BC Camino- Project No. 315514**  
6106 Camino De La Costa



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	BC Camino	
<b>PROJECT DESCRIPTION:</b>	The project proposes an amendment to Coastal Development Permit (CDP) No. 91-0332 to construct a 2,472 square-foot addition to an existing 5,948 square-foot single family home.	
<b>COMMUNITY PLAN AREA:</b>	La Jolla	
<b>DISCRETIONARY ACTIONS:</b>	Coastal Development Permit/Site Development Permit	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Residential	
<b><u>ZONING INFORMATION:</u></b>  <b>ZONE:</b> RS-1-5 Zone <b>HEIGHT LIMIT:</b> 30 feet <b>LOT SIZE:</b> 0.38-acres <b>FLOOR AREA RATIO:</b> varies <b>FRONT SETBACK:</b> 20 feet(normal)/1-foot with pre-existing variance. <b>SIDE SETBACK:</b> 0.08 of lot frontage <b>STREETSIDE SETBACK:</b> 0.10 of lot frontage <b>REAR SETBACK:</b> 20 feet <b>PARKING:</b> 2 spaces required		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Single Family, RM-1-4	Single Family dwellings
<b>SOUTH:</b>	Single Family, RM-1-5	Single Family dwellings
<b>EAST:</b>	Single Family, RM-1-4	Single Family dwellings
<b>WEST:</b>	Single Family, RM-1-4	Single Family dwellings
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	1-foot setback approved with CDP/Variance No. 91-0332	
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On December 5, 2013, the La Jolla Community Planning Association voted 17-0-1 to recommend approval of the project.	

# BC CAMINO LLC RESIDENCE

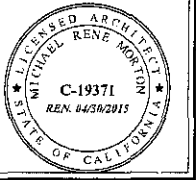
6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037  
REMODEL & ADDITION



CDP CONDITIONS	PERMANANT STORM WATER BMP'S	VICINITY MAP	SCOPE OF WORK	PROJECT DATA																																																																	
<p>1. At grade accessory structures and landscape features customary and incidental to residential uses shall not be closer than five feet to the coastal bluff edge, in accordance with the requirements of the Land Development Code.</p> <p>2. The use of texture or enhanced paving shall meet applicable City standards as to location, noise and friction values.</p> <p>3. Prior to issuance of construction permits, the Owner/Permittee shall record a deed restriction preserving a visual corridor 4 feet 7 inches wide (East) running full length of property in accordance with the requirements of the San Diego Municipal Code section 132.0403(b) and as described in Exhibit "A".</p> <p>4. Prior to 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 Development Services Department Director, or designated representative which shall provide:</p> <p>a) that the applicant understands that no new accessory structures and landscape features customary and incidental to residential uses shall be developed within five feet of the Bluff Top (as illustrated on approved plan Exhibit "A", on file in the Office of the Development Services Department) or on the face of the bluff;</p> <p>b) that the applicant understands that the site may be subject to extraordinary hazard from coastal bluff erosion and applicant assumes the liability from such hazards;</p> <p>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 damages 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 successors and assigns.</p> <p>5. Open fencing and landscaping may be permitted within the visual corridor, provided such improvements do not significantly obstruct public views of the ocean. Landscaping within the visual corridor shall be planted and maintained not to exceed 3'-0" in height in order to preserve public views.</p> <p>6. No Development shall be permitted on the coastal bluff face.</p> <p>7. All new development, including the post proposed for the cantilevered roof deck, first floor deck and new living area shall be set back at least 25 feet from the coastal bluff edge.</p> <p>8. 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 designed to carry surface drainage run-off. All drainage from unimproved areas shall appropriately collected and discharge in order to reduce, control, or mitigate erosion of the coastal bluff.</p> <p>9. Prior to the issuance of any building permits the Owner/Permittee shall record a Deed Restriction waiving all future rights to shoreline protective devices associated with the subject property, in accordance with the Land Development Code Section 143.0143(f)(1). This condition applies only if LDR-Geology determines that the project can provide a 25' bluff edge setback.</p> <p>10. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.</p>	<p>1. Minimize sidewalk widths and hardscape proposed to reduce impervious surfaces.</p> <p>2. Tandem parking proposed to minimize driveway width to 12'-0".</p> <p>3. All public sidewalks in right of way are existing.</p> <p>4. Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas, and avoid routing rooftop runoff to the roadway or the urban runoff conveyance system</p> <p>5. Maximizing canopy interception and water conservation by preserving existing native trees and shrubs.</p> <p>6. Draining rooftops into adjacent landscaping prior to discharging to the storm water conveyance system.</p> <p>7. Property is not located abutting or near storm drain inlet.</p> <p>8.</p> <p>9. Draining driveway, sidewalks, and impervious trails into adjacent landscaping.</p>	<p>STORM WATER QUALITY NOTES CONSTRUCTION BMP'S</p> <p>This project shall comply with all requirements of the state permit; California Regional Water Quality Control Board, San Diego Region, order NO. 2001-01 NPDES NO. CAS010875 (<a href="http://www.swrcb.ca.gov/rwqcb9/programs/sd_stormwater.html">http://www.swrcb.ca.gov/rwqcb9/programs/sd_stormwater.html</a>)</p> <p>Notes 1-6 below represent key minimum requirements for construction BMP's.</p> <p>1. Sufficient BMP's must be installed to prevent silt, mud or other construction debris from being tracked into the adjacent street(s) or storm water conveyance systems due to construction vehicles or any other construction activity. The contractor shall be responsible for cleaning any such debris that may be in the street at the end of each work day or after a storm event that causes a breach in the installed construction BMP's.</p> <p>2. All stock piles of uncompacted soil and/or building materials that are intended to be left unprotected for a period greater than seven calendar days are to be provided with erosion and sediment controls. Such soil must be protected each day when the probability of rain is 40% or greater.</p> <p>3. A concrete washout shall be provided on all projects which propose the construction of any concrete improvements that are to be poured in place on the site.</p> <p>4. All erosion/sediment control devices shall be maintained in working order at all times.</p> <p>5. All slopes that are created or disturbed by construction activity must be protected against erosion and sediment transport at all times.</p> <p>6. The storage of all construction materials and equipment must be protected against any potential release of pollutants into the environment.</p>	<p>PROPOSED ADDITIONS TO AN EXISTING 5,387.1 S.F., 2 STORY OVER BASEMENT, SINGLE FAMILY DWELLING UNIT &amp; 561.5 S.F. 2 CAR GARAGE, INCLUDING ADDITIONS TO THE BASEMENT, 1ST &amp; 2ND FLOORS &amp; A NEW 4 CAR TANDEM GARAGE. ADDITION OF A NEW CANTILEVERED DECK TO THE WEST OF THE EXISTING STRUCTURE &amp; SITE IMPROVEMENTS. PROPOSED CLOSURE OF THE EXISTING DRIVEWAY PER CITY STANDARD DRAWINGS &amp; THE CONSTRUCTION OF A NEW DRIVEWAY PER CITY STANDARD DRAWINGS.</p> <p>PERMITS REQUESTED: AMENDMENT TO THE EXISTING COASTAL DEVELOPMENT PERMIT TO ADD 1,584.4 S.F. OF HABITABLE SPACE &amp; A NEW 887.9 S.F. 4 CAR TANDEM GARAGE TO AN EXISTING 5,387.1 S.F. SINGLE FAMILY DWELLING UNIT &amp; 561.5 S.F. GARAGE. EXISTING VARIANCE 91-0332 WILL REMAIN TO ALLOW A 1'-0" FRONT YARD SETBACK.</p> <p>PROPOSED ADDITIONS: BASEMENT: 69.5 S.F. FIRST FLOOR: 949.8 S.F. SECOND FLOOR: 565.2 S.F. GARAGE: 887.9 S.F.</p>	<p>PROJECT INFORMATION</p> <p>PROJECT ADDRESS: 6106 Camino De La Costa La Jolla, CA 92037 ASSESSORS PARCEL NUMBER: 357-141-06-00</p> <p>LEGAL DESCRIPTION: Lot 11, Block 1A of La Jolla Herron, in the City of San Diego, County of San Diego, State of California, according to Map # 1810.</p> <p>YEAR BUILT: 1991</p> <p>BUILDING CODE: CALIFORNIA BUILDING CODE (CBC), 2010 EDITION CALIFORNIA ELECTRICAL CODE (CEC), 2010 EDITION CALIFORNIA MECHANICAL CODE (CMC), 2010 EDITION CALIFORNIA PLUMBING CODE (CPC), 2010 EDITION SAN DIEGO COUNTY MUNICIPAL CODE (CSDMC)</p> <p>OCCUPANCY TYPE: Single Family Residential: R-3 &amp; L-Private: Garage</p> <p>CONSTRUCTION TYPE: TYPE V-B-Non Hated</p> <p>LOT AREA: 16,768.0 S.F. 0.38 ACRES</p> <p>ZONING INFORMATION</p> <p>ZONE: RS-1-3</p> <p>OVERLAY ZONES: Coastal Height Limit City Coastal First Public Road-Way, Parking Impact, Residential Tandem Parking, Tank Area</p> <p>GEOLOGIC HAZARD CATEGORY: 43 &amp; 53</p> <p>NUMBER OF STORIES: 2-Story Over Basement</p> <p>SETBACKS:</p> <table><thead><tr><th></th><th>REQUIRED</th><th>EXISTING</th><th>PROPOSED (New Construction)</th></tr></thead><tbody><tr><td>FRONT:</td><td>1'-0"</td><td>2'-0"</td><td>1'-4" 5'-8"</td></tr><tr><td>SIDE (West):</td><td>6'-8" 3'-4"</td><td>6'-0"</td><td>6'-0"</td></tr><tr><td>SIDE (East):</td><td>6'-8" 3'-4"</td><td>4'-7" 7'-8"</td><td>6'-8" 3'-4"</td></tr><tr><td>REAR:</td><td>2'-4" 1'-4"</td><td>10'-8" 5'-8"</td><td>11'-6" 3'-8"</td></tr></tbody></table> <p>* From setback per existing variance 91-0332, existing and proposed setbacks less than the required setback are previously conforming.</p> <p>BUILDING HEIGHT LIMIT: 24'-0" 23'-0"</p> <p>LOT AREA: 16,768.0 S.F.</p> <p>ALLOWABLE FAR: 8.848 S.F. 48%</p> <p>ACTUAL FAR: 8.847 S.F. 48%</p> <p>MAXIMUM PAVING &amp; HARDSCAPE: 8.847 S.F. 48%</p> <p>ACTUAL PAVING &amp; HARDSCAPE:</p> <table><thead><tr><th></th><th>EXISTING</th><th>ADDITION</th><th>TOTAL</th><th>NEW FAR</th></tr></thead><tbody><tr><td>BASINMENT AREA:</td><td>389.1 S.F.</td><td>69.5 S.F.</td><td>458.6 S.F.</td><td>95.6 S.F.</td></tr><tr><td>FIRST FLOOR AREA:</td><td>2,587.5 S.F.</td><td>949.8 S.F.</td><td>3,537.3 S.F.</td><td>3,537.3 S.F.</td></tr><tr><td>SECOND FLOOR AREA:</td><td>2,410.6 S.F.</td><td>565.2 S.F.</td><td>2,975.8 S.F.</td><td>2,975.8 S.F.</td></tr><tr><td>RESIDENTIAL AREA:</td><td>5,387.1 S.F.</td><td>1,584.4 S.F.</td><td>6,971.5 S.F.</td><td>6,598.6 S.F.</td></tr><tr><td>GARAGE AREA:</td><td>361.5 S.F.</td><td>887.9 S.F.</td><td>1,249.4 S.F.</td><td>1,249.4 S.F.</td></tr><tr><td>BASINMENT AREA:</td><td>0.0 S.F.</td><td>0.0 S.F.</td><td>0.0 S.F.</td><td>0.0</td></tr><tr><td>NON-RESIDENTIAL AREA:</td><td>561.5 S.F.</td><td>887.9 S.F.</td><td>1,449.4 S.F.</td><td>1,449.4 S.F.</td></tr><tr><td>PROJECT TOTAL:</td><td>5,948.6 S.F.</td><td>2,472.3 S.F.</td><td>8,420.9 S.F.</td><td>8,047.9 S.F. FAR</td></tr></tbody></table> <p>PARKING: REQUIRED: 2 PROVIDED: 2</p> <p>* All Parking Spaces are 9'-0" Wide and 18'-0" Long * 4 Spaces provided in garages</p>		REQUIRED	EXISTING	PROPOSED (New Construction)	FRONT:	1'-0"	2'-0"	1'-4" 5'-8"	SIDE (West):	6'-8" 3'-4"	6'-0"	6'-0"	SIDE (East):	6'-8" 3'-4"	4'-7" 7'-8"	6'-8" 3'-4"	REAR:	2'-4" 1'-4"	10'-8" 5'-8"	11'-6" 3'-8"		EXISTING	ADDITION	TOTAL	NEW FAR	BASINMENT AREA:	389.1 S.F.	69.5 S.F.	458.6 S.F.	95.6 S.F.	FIRST FLOOR AREA:	2,587.5 S.F.	949.8 S.F.	3,537.3 S.F.	3,537.3 S.F.	SECOND FLOOR AREA:	2,410.6 S.F.	565.2 S.F.	2,975.8 S.F.	2,975.8 S.F.	RESIDENTIAL AREA:	5,387.1 S.F.	1,584.4 S.F.	6,971.5 S.F.	6,598.6 S.F.	GARAGE AREA:	361.5 S.F.	887.9 S.F.	1,249.4 S.F.	1,249.4 S.F.	BASINMENT AREA:	0.0 S.F.	0.0 S.F.	0.0 S.F.	0.0	NON-RESIDENTIAL AREA:	561.5 S.F.	887.9 S.F.	1,449.4 S.F.	1,449.4 S.F.	PROJECT TOTAL:	5,948.6 S.F.	2,472.3 S.F.	8,420.9 S.F.	8,047.9 S.F. FAR
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BC CAMINO LLC  
6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

REVISIONS

06-03-13	1ST Coastal Submittal
06-03-13	2ND Coastal Submittal
12-02-13	3RD Coastal Submittal
01-27-14	4TH Coastal Submittal
06-03-14	Geology Submittal
07-08-14	Geology Resubmittal
04-12-14	Planning Resubmittal

PLEASE COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MJG

DATE 08-12-2014

TITLE SHEET

T-1  
SHEET 1 OF 18

# TOPOGRAPHICAL SURVEY

6106 CAMINO DE LA COSTA, LA JOLLA CA. 92037

SHEET 1 OF 1 SHEET

## BENCHMARK

THE BENCHMARK USED FOR THIS SURVEY IS THE BRASS PLUG ON NE CURB RETURN OF THE INTERSECTION OF AVENIDA CORTEZ AND CAMINO DE LA COSTA AS PUBLISHED IN THE CITY OF SAN DIEGO VERTICAL CONTROL BENCHMARK, OCTOBER 2011. ELEVATION: 42.765 DATUM: MEAN SEA LEVEL

## BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS CENTERLINE OF CAMINO DE LA COSTA AS SHOWN ON THE MAP OF LA JOLLA HERMOSA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1810. I.E. N 64°05'57" W

## EASEMENTS

- ① IRREVOCABLE OFFER TO DEDICATE AN EASEMENT FOR LATERAL PUBLIC ACCESS AND PASSIVE RECREATIONAL USE ALONG THE SHORLINE, RECORDED OCTOBER 20, 1987 AS INSTR. NO. 87-589785 D.R.

## OWNER:

BC5 CAMINO, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

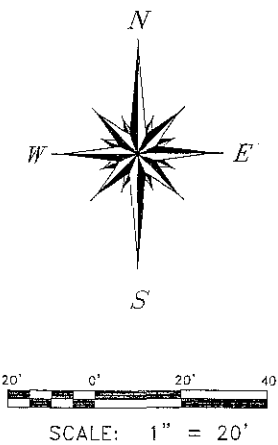
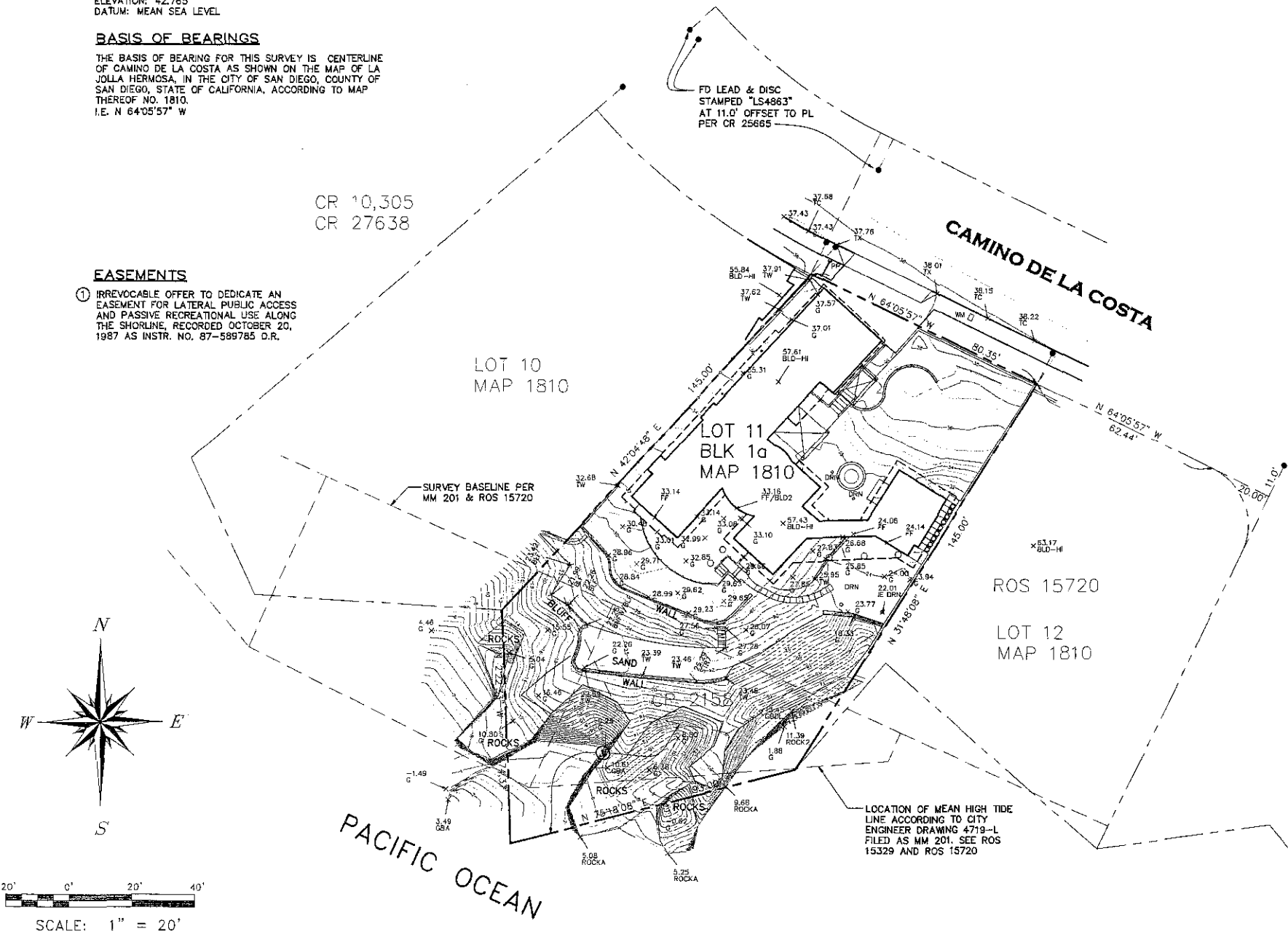
## LEGAL DESCRIPTION:

LOT 11 IN BLOCK 1-A OF LA JOLLA HERMOSA, IN THE CITY OF LA JOLLA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1810, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 21, 1924.


357-141-06

## LEGEND/ABBREVIATIONS

- PROPERTY LINE
- ADJOINER LINE
- EXISTING EASEMENT
- 65- ELEVATION CONTOUR LINE
- FOUND LEAD AND DISC STAMPED "LS 4830" IN CONCRETE AT 11.0' OFFSET TO PL, UNLESS OTHERWISE NOTED.
- IRON FENCING
- CHAIN LINK FENCING
- X 465.24' = SPOT ELEVATION
- A/C= AIR CONDITIONING
- BLD-HI= BUILDING HEIGHT ELEVATION
- CONC= CONCRETE
- DRN= DRAIN INLET
- EM= ELECTRIC METER
- FF= FINISH FLOOR
- GB= GRADE BREAK
- GRD= ELEVATION AT GRADE
- GM= GAS METERS/REGULATORS
- PL= PROPERTY LINE
- PP= POWER POLE
- SLB= STREET LIGHT BOX
- SMH= SEWER MANHOLE
- TC= TOP FACE OF CURB
- TX= TOP FACE OF CURB AT DRIVEWAY TRANSITION
- TW= TOP OF WALL

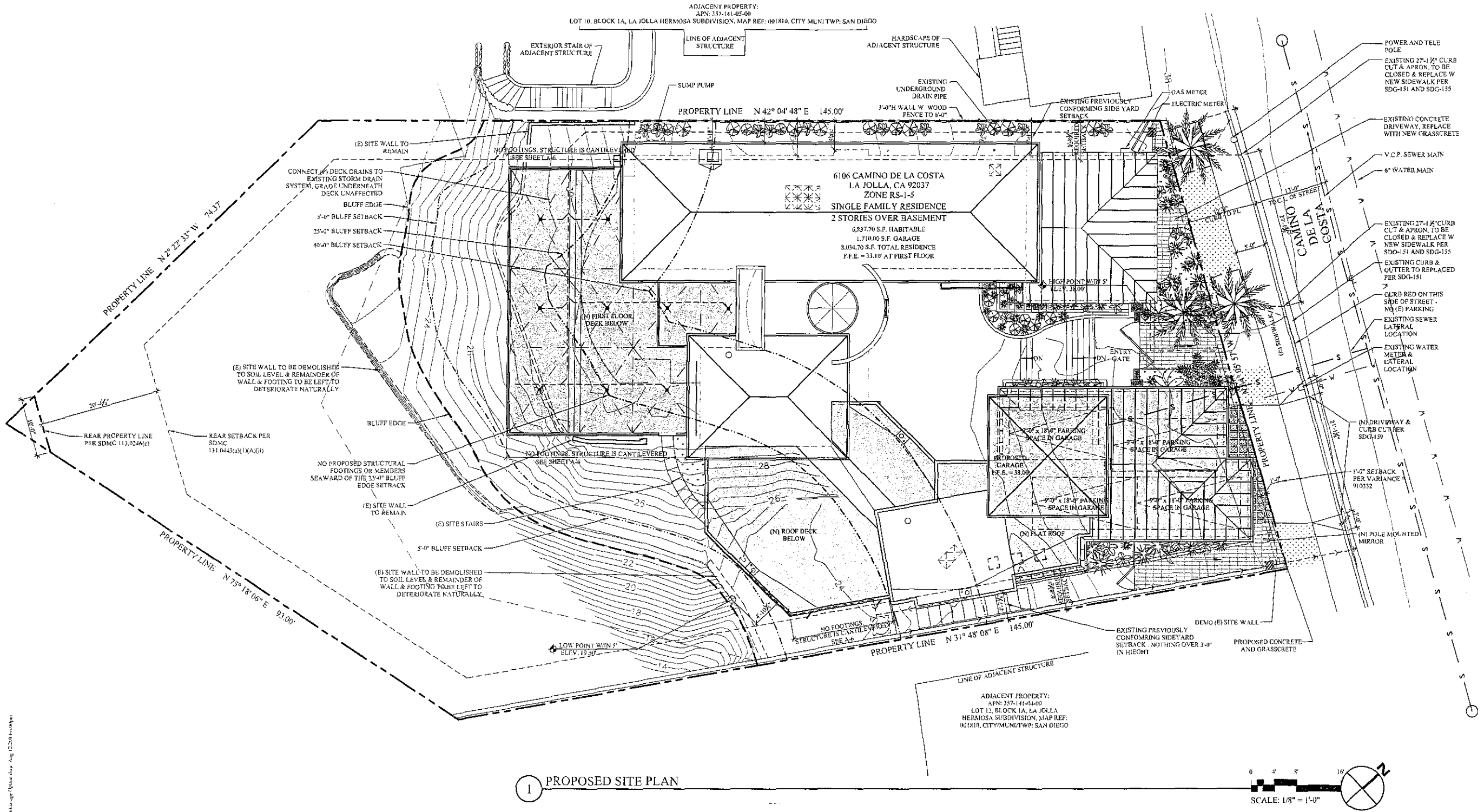


**ALTA LAND SURVEYING, INC.**  
9517 Grossmont Summit Dr.  
La Mesa, CA 91941  
Phone/fax: (619) 579-2582  
altaandsurveying.com

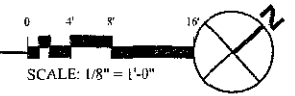
  
MIGUEL A. MARTINEZ  
L.S. 7443  
LIC. EXP. 6/30/14

09/19/13  
DATE:





1 PROPOSED SITE PLAN



FRONT YARD LANDSCAPING	
FRONT YARD AREA	1,018 SF
MIN LANDSCAPE AREA (PER SDMC 131.0447(a))	1,018 SF x .4 = 407.2 SF
AREA OF LANDSCAPING (GRASSCRETE IN DRIVEWAY)	347.5 SF
	464.3 SF (40% GRASS) = 185.3 SF
TOTAL LANDSCAPING	533.5 SF (P-407.2 SF)
GRADING TABLE	
EXCAVATION	29.6 CU. YARDS
FILL	86.5 CU. YARDS
NET IMPORT	65.9 CU. YARDS
MAX. FILL HEIGHT	6'-0\"/>

- GENERAL SITE NOTES**
- The site plan is for general site reference only. Refer to other construction documents for complete scope of work.
  - This is an Interior Tenant Improvement plan only, only new or relocation of non-bearing walls are allowed. Minor alterations to existing electrical, water, phone and other existing utilities to the tenant space are proposed.
  - Before commencing any site foundation or slab cutting or excavation the contractor shall verify locations of all site utilities, dimensions and conditions. These include but are not limited to property lines, setback location to all new or existing walls, easements (if any), existing site utilities, including water, sewer, gas and electrical lines and any other new or existing site items which could affect in any way the construction of the building. Flag or otherwise mark all locations of site property lines, easements (if any) underground utilities, and indicate utility type.
  - All conditions or dimensions on these plans shall be verified in the field by the General Contractor with actual site conditions. Written dimensions shall take precedence over scaled dimensions and shall be verified on the job site. On-site verification of all dimensions and conditions shall be the sole responsibility of the General Contractor and Subcontractors.
  - The Contractor or sub-contractor shall notify the Architect if any conflicts or discrepancy occurs between this information on this plan and actual field conditions. Do not proceed with work in conflict with these drawings until written or verbal instructions are issued by the Architect office.
  - Protect and mark all existing building structure including walls, beams, columns, area separation walls, and other items that are part of the existing structure and not part of the scope of the tenant improvement, and mark perimeter of construction zone.
  - Coordinate with other tenants the temporary shut-off of any site utilities, including but not limited to electrical service, gas service, water service, sewer service, telephone service, cable or other data links with the building.
  - Locate refuse bin at approved on-site location. Contractor shall dispose of all site refuse at city-approved locations.
  - Provide building address numbers, visible and legible from street or road fronting the property.
  - Verify the level and plumb of existing floors, walls, ceilings and other items, which will not be changed, so that any attached structure, walls, ceiling or other components can be installed level and plumb.
  - The structure surrounding the Tenant Improvement are existing as per the exterior, windows, doors, HVAC system, site utilities, walkways and sidewalk conditions. The Architect has not taken any research into the condition of the existing structure as to its condition, construction or suitability.
  - Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
  - Prior to the issuance of any construction permit, the Owner/Permittee 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.

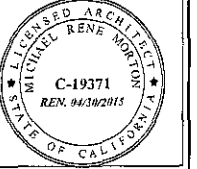
- STORM WATER QUALITY NOTES & CONSTRUCTION BMP'S**
- This project shall comply with all requirements of the state permit, California Regional Water Quality Control Board, San Diego Region, order NO. 3091(N) NPDES NO. CA50100A ([http://www.sanvec.org/gov/mwcb/permitsand\\_standards.html](http://www.sanvec.org/gov/mwcb/permitsand_standards.html))
- Notes 1-4 below represent key minimum requirements for construction BMP's.
- Sufficient BMP's must be installed to prevent all mud or other construction debris from being tracked into the adjacent street(s) or storm water conveyance systems due to construction vehicles or any other construction activity. The contractor shall be responsible for cleaning any such debris that may be in the street at the end of each work day or after a storm event that causes a breach in the installed construction BMP's.
  - All stock piles of uncompacted soil and/or building materials that are intended to be left unprotected for a period greater than seven calendar days are to be provided with erosion and sediment controls. Such soil must be protected each day when the probability of rain is 40% or greater.
  - A concrete washout shall be provided on all projects which propose the construction of any concrete improvements that are to be poured in place on the site.
  - All erosion sediment control devices shall be maintained in working order at all times.
  - All slopes that are created or disturbed by construction activity must be protected against erosion and sediment transport at all times.
  - The storage of all construction materials and equipment must be protected against any potential release of pollutants into the environment.

- SOILS REPORT RECOMMENDATIONS**
- PER CONFLICT RESOLUTION MEETING, THE EXISTING 27'-1 1/2\"/>

- SITE PLAN LEGEND**
- OUTLINE OF EXISTING RESIDENCE
  - VISIBILITY TRIANGLE, NOTHING OVER 3'-0\"/>
  - 3\"/>
  - AREAS OF NEW CONSTRUCTION, SEE FLOOR PLANS A-2.4 - A-2.6
  - PROPOSED SUMP PUMP
  - DIRECTION OF SURFACE DRAINAGE
- FIRE NOTES**
- Building address numbers, visible & legible from the street, shall be provided per FHP's Policy P-00-6 (UFC 901.4.4).
  - An approved vehicle strobe detector system, with Knox Keyswitch override, satisfactory to the Fire Marshal, shall be provided on all vehicle main entry and emergency entry points to the project(s) per FHP's Policy K-00-2 (UFC 902.4).



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6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

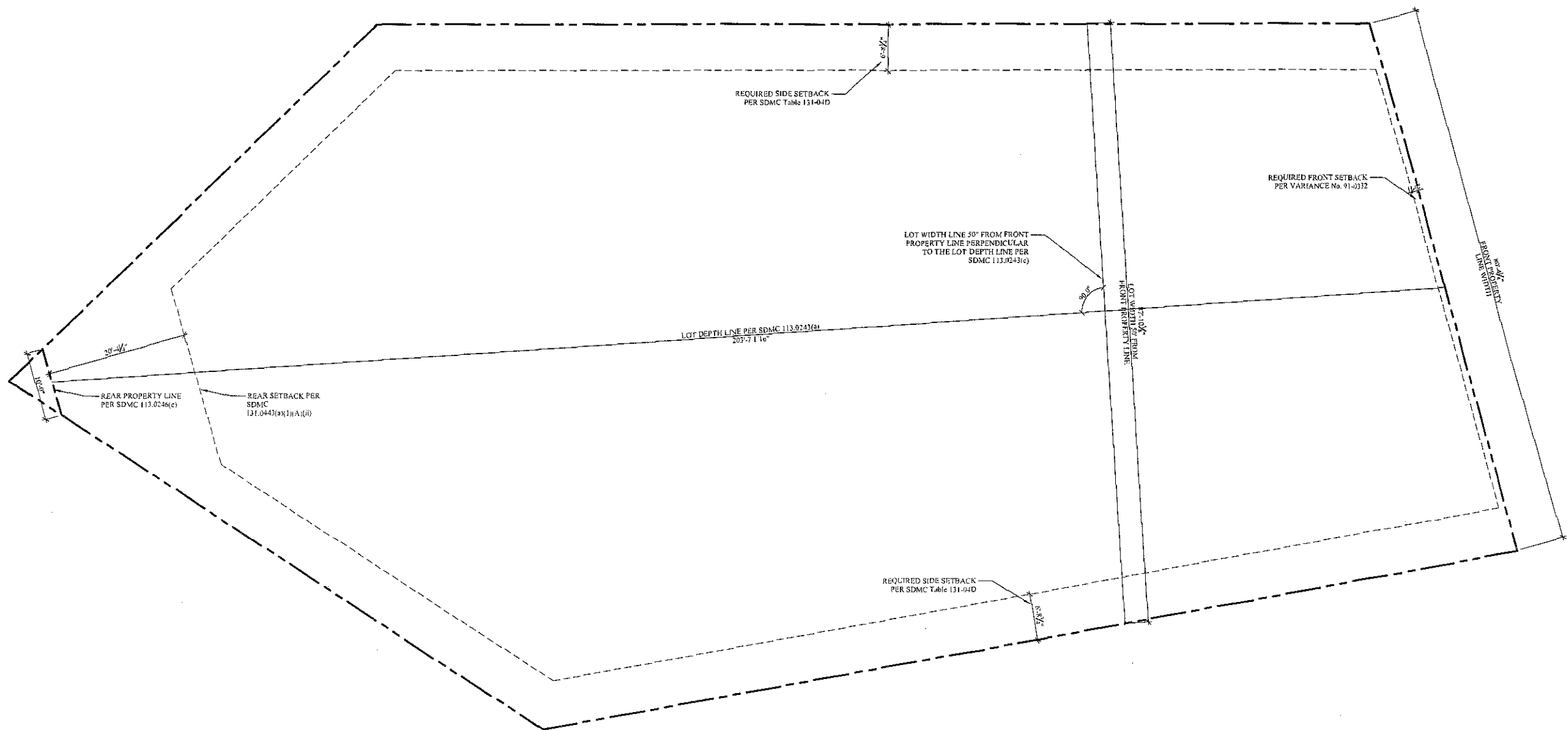
- REVISIONS**
- |          |                       |
|----------|-----------------------|
| 06-02-15 | 1ST Coastal Submittal |
| 10-03-15 | 2ND Coastal Submittal |
| 12-03-15 | 3RD Coastal Submittal |
| 01-27-16 | 4TH Coastal Submittal |
| 06-08-16 | Geology Submittal     |
| 07-08-16 | Geology Resubmittal   |
| 08-12-16 | Planning Resubmittal  |
- PHASE** COASTAL
- PROJECT NO.** 2009-36
- REVIEWED BY** CAM
- DRAWN BY** MJG
- DATE** 08-12-2014

**ATTACHMENT 5**  
**Project Plans**  
**Page 2 of 18**

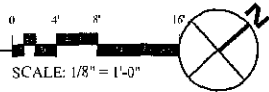
**SHEET 3 OF 18**

**A-1.1**

X:\2009 Projects\2009-36-BC Camino A1.1\CAD Drawings\Architectural\A1.1\_Plan\A1.1\_Plan.dwg 12/20/14 11:00am



1 CODE COMPLIANCE SITE PLAN

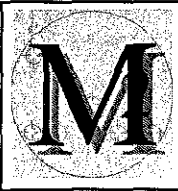


### SIDE SETBACK REQUIREMENTS

#### Footnotes for Table 131-04D

- For lots where at least one-half of the front 50 feet of the lot depth has a minimum slope gradient of 25 percent, the setback closest to the street frontage may be reduced to a minimum 6 feet.
- For lots greater than 50 feet in width, the required side setback may be reallocated where the combined dimension of each side setback would not exceed the combined total required in Table 131-04D, in which case side setbacks shall not be reduced to less than 4 feet, and street side setbacks shall not be reduced to less than 10 feet. Once a side setback is reallocated and established as a dimension less than the percentage indicated in Table 131-04D, all additions to the primary structure thereafter shall maintain the established side setback.

LOT WIDTH AT FRONT PL	=	80.35'
LOT WIDTH 50'-0" BACK FROM FRONT PL	=	87.89'
TOTAL	=	168.24'
AVERAGE (DIVIDE BY 2)	=	84.12'
REQUIRED SIDE SETBACK (8%)	=	6.73'
TOTAL REQUIRED SETBACK (16%)	=	13.46'



## Marengo Morton Architects

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LA JOLLA, CA 92037

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01-27-14 4TH Coastal Submittal  
06-03-14 Geology Submittal  
07-09-14 Geology Resubmittal  
08-12-14 Planning Resubmittal



#### PHASE

COASTAL

#### PROJECT NO.

2009-36

#### REVIEWED BY

CAM

#### DRAWN BY

MJG

#### DATE

08-12-2014

Marengo Morton Architects, Inc. is pleased to submit these drawings for your review. We warrant that these drawings were prepared by a duly licensed professional architect or engineer and that they comply with all applicable laws, codes, and regulations. We warrant that these drawings were prepared by a duly licensed professional architect or engineer and that they comply with all applicable laws, codes, and regulations. We warrant that these drawings were prepared by a duly licensed professional architect or engineer and that they comply with all applicable laws, codes, and regulations.

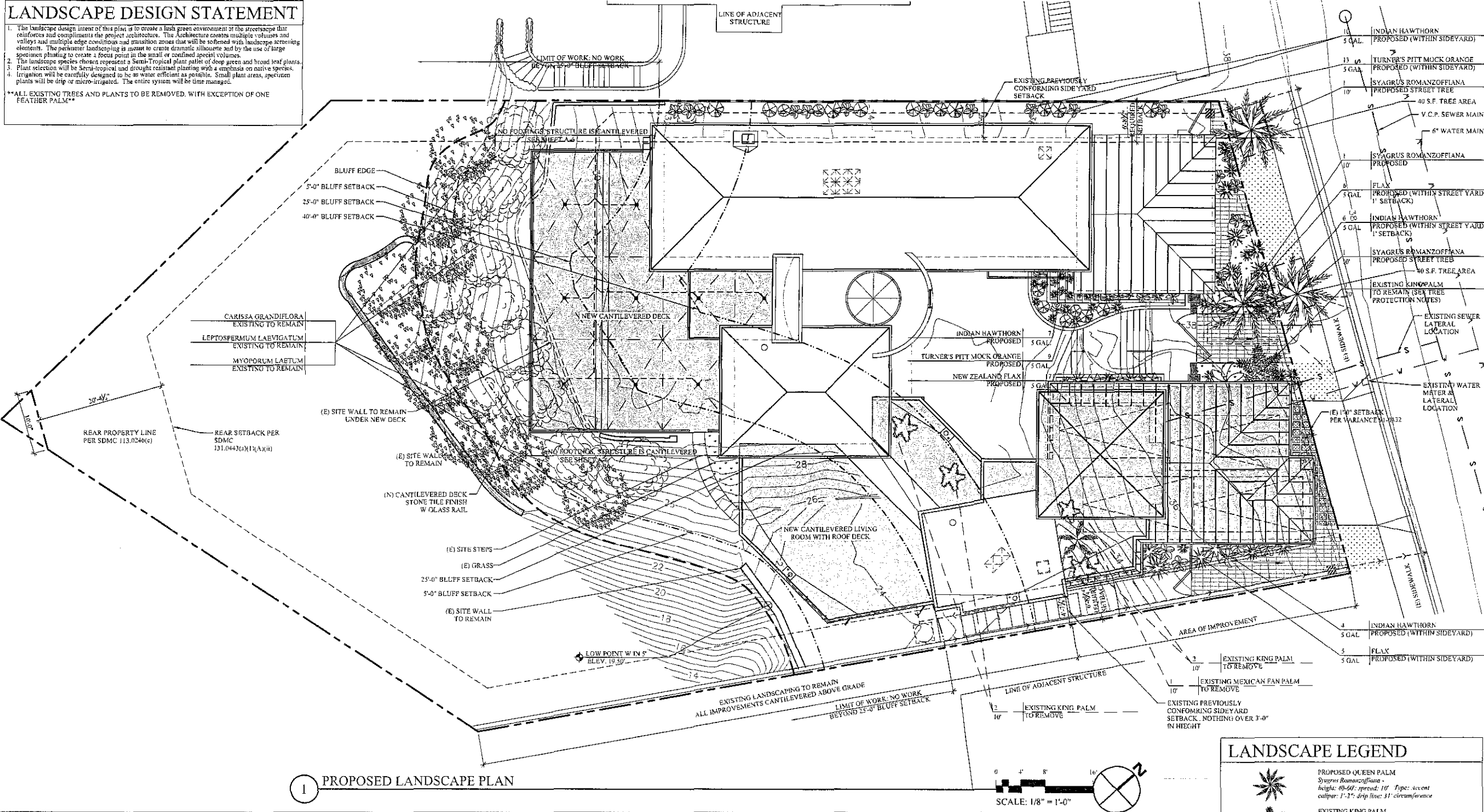
SHEET TITLE  
CODE COMPLIANCE  
SITE PLAN

A-1.2

SHEET 4 OF 18

## LANDSCAPE DESIGN STATEMENT

- The landscape design intent of this plan is to create a lush green environment of the streetscape that reinforces and complements the project architecture. The Architecture creates multiple volumes and valleys and multiple edge conditions and transition areas that will be softened with landscape screening elements. The perimeter landscaping is meant to create dramatic silhouette and by the use of large specimen planting to create a focus point in the small or confined space volumes.
- The landscape species chosen represent a Semi-Tropical plant palette of deep green and broad leaf plants. Plant selection will be Semi-tropical and drought resistant planting with a emphasis on native species. Irrigation will be carefully designed to be as water efficient as possible. Small plant areas, specimen plants will be drip or micro-irrigated. The entire system will be time managed.
- \*\*ALL EXISTING TREES AND PLANTS TO BE REMOVED, WITH EXCEPTION OF ONE FEATHER PALM\*\*



1 PROPOSED LANDSCAPE PLAN

## LANDSCAPE NOTES

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE LA JOLLA PLANNED DISTRICT ORDINANCE, THE LA JOLLA COMMUNITY PLAN AND THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- LONG TERM MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT. ALL LANDSCAPE AND IRRIGATION IN THE PUBLIC RIGHT OF WAY SHALL ALSO BE MAINTAINED BY THE OWNER.
- TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5' OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS OR STREET PAVEMENT.
- TREE GRATES AROUND STREET TREES SHALL BE MINIMUM OF 40 S.F. WITH A MINIMUM 5" INSIDE DIMENSION.
- ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 2", EXCLUDING AREAS PLANTED WITH GROUND COVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THIS MINIMUM DEPTH.
- MINIMUM TREE SEPARATION DISTANCE:
 

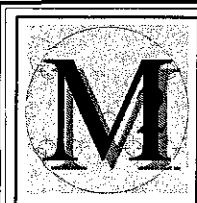
TRAFFIC SIGNALS (STOP SIGN)	20 FEET
UNDERGROUND UTILITY LINES	5 FEET
ABOVE GROUND UTILITY STRUCTURES	10 FEET
DRIVEWAY ENTRIES	10 FEET
STREET INTERSECTIONS	25 FEET
SEWER LINES	10 FEET
- PRIOR TO ISSUANCE OF ANY BUILDING PERMITS, A COMPLETE SET OF LANDSCAPING AND IRRIGATION PLANS SHALL BE SUBMITTED TO THE CITY MANAGER FOR APPROVAL. THE LANDSCAPING AND IRRIGATION PLANS SHALL BE IN CONFORMANCE WITH THE REQUIREMENTS OF THE LA JOLLA PLANNED DISTRICT ORDINANCE, THE LA JOLLA COMMUNITY PLAN AND THE LANDSCAPE GUIDELINES OF THE LAND DEVELOPMENT MANUAL.
- ALL REQUIRED LANDSCAPED AREAS SHALL BE PERMANENTLY IRRIGATED AND MAINTAINED IN ACCORDANCE WITH THE LANDSCAPE GUIDELINES OF THE LAND DEVELOPMENT MANUAL. PER THE COASTAL BLUFFS AND BEACHES GUIDELINES, NO PERMANENT IRRIGATION IS ALLOWED ON OR ADJACENT TO COASTAL BLUFFS (WITHIN 40 FEET).
- PEDESTRIAN WALKWAYS SHALL BE MAINTAINED SO THAT ALL BRANCHES OVER PEDESTRIAN WALKWAYS ARE 6 FEET ABOVE THE WALKWAY GRADE AND BRANCHES OVER VEHICULAR TRAVEL WAYS ARE 16 FEET ABOVE THE GRADE OF THE TRAVEL WAY PER THE SAN DIEGO MUNICIPAL CODE, SECTION 142.0405(b)(1)(i).
- IF ANY REQUIRED LANDSCAPE INDICATED ON THE APPROVED CONSTRUCTION DOCUMENT PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OR CONSTRUCTION, IT SHALL BE REPAIRED AND OR REPLACED IN KIND AND EQUIVALENT SIZE PER THE APPROVED DOCUMENTS TO THE SATISFACTION OF THE DEVELOPMENT SERVICES DEPARTMENT WITHIN 30 DAYS OF DAMAGE.

## TREE PROTECTION NOTES

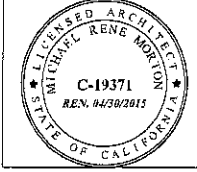
- Prior to any disturbance to the site, the Owner/Permittee shall make arrangements for a Pre-Construction meeting with the City of San Diego Mitigation Monitoring Coordination Section (MMC), the Resident Engineer (RE) and/or Building Inspector, Certified Consulting Arborist, Construction Manager, and Landscape Professional.
- The Construction Manager is responsible for preventing damage to trees.
  - Construction and maintenance staff shall avoid unnecessary activities within the dripline of trees.
  - Fines shall be assessed to those individuals found to be responsible for the illegal removal or damage of protected trees.
- Any damage or injury to trees shall be reported within 24 hours to MMC by the Certified Consulting Arborist.
- The Certified Consulting Arborist shall be responsible for establishing, implementing, and maintaining the Tree Protection Zone as shown on these plans during the entire construction period.
  - Make the complete drip line.
  - Roots shall be clearly cut back approx. 6" from the limit of disturbance, unless otherwise directed by the Certified Consulting Arborist.
  - Install a temporary 6-ft high chain link fence around the identified dripline, unless otherwise directed by the Certified Consulting Arborist.
  - Attach an orange or yellow protective fence (min. 3' high) to the chain link fence.
  - When areas under the tree canopy cannot be fenced, another method shall be required, as recommended by the Certified Consulting Arborist and approved by MMC.
  - Post "KEEP OUT" signs in both Spanish and English to the chain link fence.
  - Place story poles where proposed buildings and tree branches intersect.
  - Submit to MMC a tree maintenance schedule prepared by the Certified Consulting Arborist.
  - If a tree is adjacent to or in the immediate proximity to a grade slope of 8% (23 degrees) or more, provide adequate erosion control.
- The Certified Consulting Arborist shall verify in writing to the Owner/Permittee that the Tree Protection Zone has been established.
- The Owner/Permittee shall submit the Certified Consulting Arborist's verification letter to MMC before scheduling a site inspection with MMC, the RE and/or Building Inspector, Certified Consulting Arborist, and Landscape Professional.
- Restrictions within the Tree Protection Zone to be monitored by the Certified Consulting Arborist as follows:
  - Tree pruning or root pruning will only occur under the guidance of the Certified Consulting Arborist with written approval from MMC.
  - Pruning for vertical clearance of buildings, traffic, and construction equipment shall be performed by the Certified Consulting Arborist only.
  - Construction equipment and materials such as stockpiling of soil, vehicle use, foot traffic, utility containers, and storage of any kind, are prohibited.
  - The existing grade shall not be disturbed unless otherwise approved by MMC, the RE, and/or Building Inspector.
  - Root systems shall be protected from flooding, erosion, chemical spills, and excessive variations in soil moisture by construction activity.
  - Any modifications and/or additions to the approved Tree Protection Zone shall be submitted by the Certified Consulting Arborist with adequate information to MMC for approval.
  - The Owner/Permittee shall be responsible for a minimum 3 year monitoring and maintenance period, designed by the Certified Consulting Arborist after construction to ensure the success of protected and/or replacement trees.
  - The Certified Consulting Arborist shall provide annual reports to and request inspections from MMC during the monitoring and maintenance period.

## LANDSCAPE LEGEND

	PROPOSED QUEEN PALM <i>Syagrus Romanzoffiana</i> - height: 40-60'; spread: 10'; Type: Accent caliper: 1'-2"; drip line: 31' circumference
	EXISTING KING PALM (TO REMAIN) <i>Archaoecoc Canninghamiana</i> - height: 35'; spread: 5-10'; Type: Accent caliper: 1'; drip line: 14-31' circumference
	EXISTING MEXICAN FAN PALM (REMOVED) <i>Archaoecoc Washingtonia</i> - height: 35'; spread: 10'; Type: Accent caliper: 1'-2"; drip line: 31' circumference
	TURNER'S PITT MOCK ORANGE <i>Pittosporum Tobira Turner's Farnagard</i> - height: 15'; spread: 3-4'; Type: Screen drip line: 9'5"-12'6" circumference
	FLAX <i>Linum Catharticum</i> - height: 14'; spread: 12"; Type: Accent drip line: 9'5"-12'6" circumference
	INDIAN HAWTHORN 'BALLERINA' <i>Raphanolepis Indica</i> - height: 24'; spread: 3'; Type: Small Scale drip line: 9'5" circumference
	GRASS PLANTING AREA
QTY SIZE	PLANT SPECIES NOTES



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BC CAMINO LLC  
6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

REVISIONS  
06-01-13 1ST Coastal Submittal  
(04-01-13 2ND Coastal Submittal)  
(04-01-13 3RD Coastal Submittal)  
(01-27-14 4TH Coastal Submittal)  
(06-05-14 Geology Submittal)  
(07-08-14 Geology Resubmittal)  
(08-12-14 Planning Resubmittal)

PHASE  
COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MJG

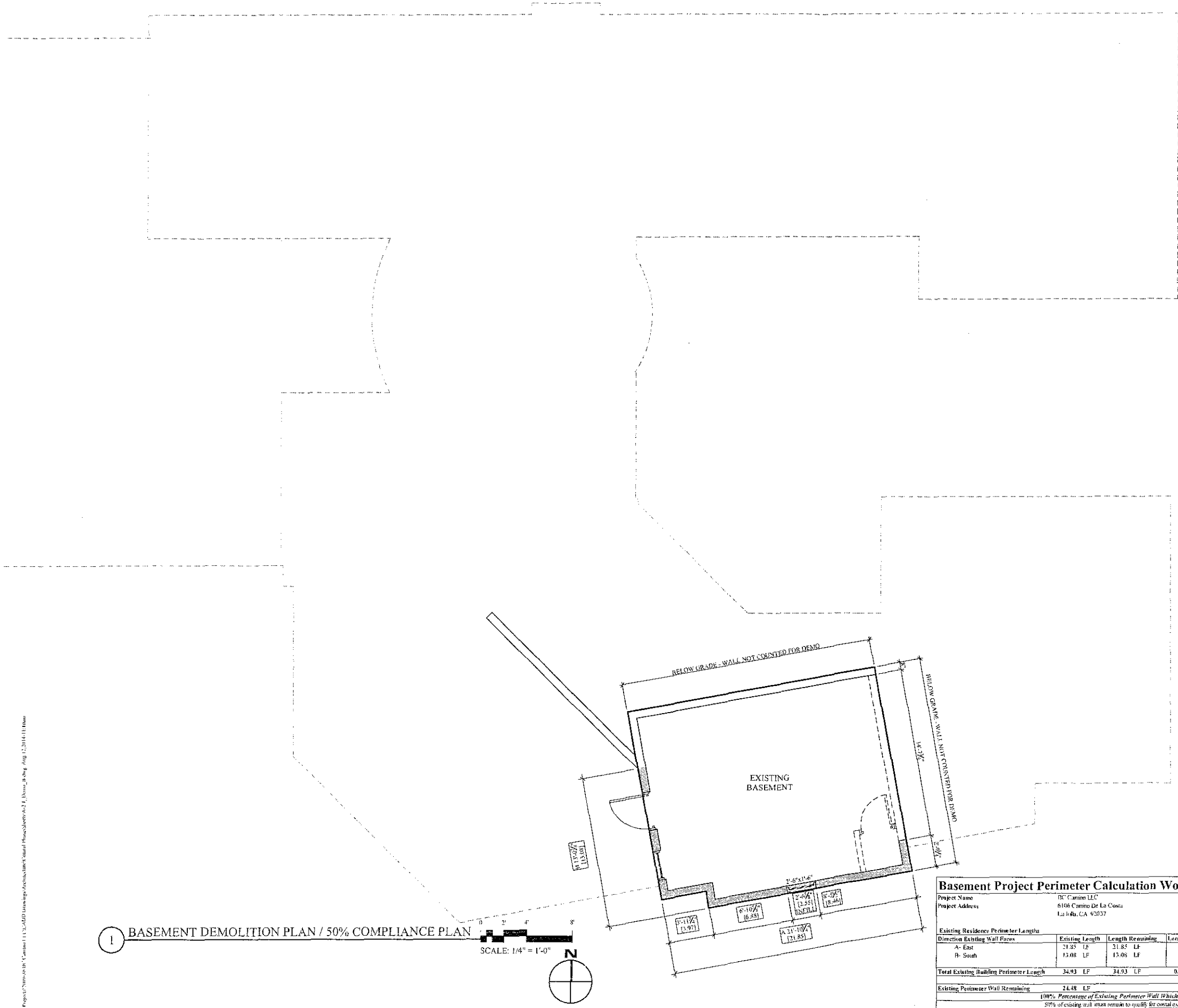
DATE 08-12-2014

Marengo Morton Architects, Inc. is providing this set of plans, specifications, and other information for informational purposes only. It is not intended to constitute a contract. The user of these plans, specifications, and other information is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user of these plans, specifications, and other information is also responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user of these plans, specifications, and other information is also responsible for obtaining all necessary permits and approvals from the appropriate authorities.

SHEET TITLE  
PROPOSED LANDSCAPE PI

L-1.1

SHEET 5 OF 18



Basement Project Perimeter Calculation Worksheet			
Project Name	DC Camino LLC		
Project Address	6106 Camino De La Costa La Jolla, CA 92037		
Existing Residence Perimeter Lengths			
Direction Existing Wall Faces	Existing Length	Length Remaining	Length Removed
A- East	21.85' LF	21.85' LF	0.00' LF
B- South	13.08' LF	13.08' LF	0.00' LF
Total Existing Building Perimeter Length			
	34.93' LF	34.93' LF	0.00' LF
Existing Perimeter Wall Remaining			
	24.48' LF		
100% Percentage of Existing Perimeter Wall Which Remains			
50% of existing wall area remains to qualify for coastal exemption			

### DEMOLITION NOTES FOR COASTAL EXEMPTION

A. At least 50% of the existing exterior walls (from the foundation to the top plate) of the principal habitable floor must be left standing and in place throughout construction and incorporated into the completed structure.

B. The wall must continue to be used as exterior walls in the completed project (may not be used as interior walls or used in a "double wall" configuration with any new wall).

C. Any door or window located within a segment of the wall which is counted toward the length of an existing exterior wall to be left standing (at least 50%) cannot have their location or size modified.

D. The surface of the wall can be modified or removed down to the studs but with both the top and bottom plates in place. Removal of the stud walls, even on a temporary basis does not meet exemption criteria (for coastal exemption) and is not to be done.

E. Walls, which are designated to remain, cannot be replaced, heightened or relocated for any reason, including reasons of structural integrity (dry rot, termites).

F. Reinforcement in the form of sistering members (studs and plates) is permitted as long as they do not interrupt the assembly of top plate studs and sill.

G. Penetration through top plate is permitted - only the width of the actual cut will be included in the calculation (e.g. only actual width of a 2x4 or a 4x4 going through the top plate will deduct that amount).

H. Cripple walls are permitted (Placing a new bottom plate on an existing top plate together with new studs and a new top plate for the purposes of increasing floor to ceiling height).

I. Foundation replacement is acceptable only if existing walls can be properly supported in their pre-existing position during replacement or repair.

J. A window may be replaced or may be reduced in area or dimension or may be covered over (filled in) provided that the existing studs and headers are retained in their original position.

K. Reinforcement in the form of furring is permitted for single wall construction only if it is done in such a manner that the wall is not extended outward. All furring is to the interior & verified by the Architect.

### DEMOLITION NOTES

- Architect shall be notified immediately when any discrepancy with Architectural or Structural drawings are found at the project site. All drawings may have to be modified upon removal of existing construction. Do not proceed with work in question until the architect issues directions.
- Contractor shall verify layout of existing structure, property boundaries, location of site utilities - underground and overhead, and field conditions as shown on the plans prior to demolition.
- Before start of demolition contractor shall verify with the owner any item to be saved (S), covered, or stored, verify storage locations with owner before demolition commences.
- Any outdoor structures or landscaping marked to be saved, shall be protected, fenced and/or covered to avoid damage.
- All demolition material shall be transported off site and properly disposed of at city-approved locations by the contractor.
- Contractor to verify dumpster location with Architect before demolition commences.
- Contractor shall also refer to floor plans and other construction plans for new work to be incorporated into the project and to proceed with demolition accordingly.
- Carefully remove structure as shown on plan. Remove all materials carefully to avoid damage to adjacent surfaces.
- Contractor shall notify architect if any of the exposed wood shows evidence of active water leaks, termites or dry rot.
- Prepare existing window framing openings (to remain) to receive new window units. See new floor plan and elevations for new window size.
- When demolition is complete, the structure and site shall be broom clean and ready to receive new work.
- Remove all existing landscape and tree roots within 3 feet of the outline of new structure. If the removal of tree roots produces potentially unstable trees, the contractor shall immediately contact a tree specialist to make a recommendation.
- Demolition of openings in roof and exterior walls shall be covered each night with plastic tarp and secured to prevent water and dust from entering the building.
- Existing floors shall be covered during construction. Openings shall be taped and sealed to walls at edges of construction zone to minimize dust. Temporary walls shall be built and sealed if needed or shown on plans.
- Should any portion of the structure being removed produce unstable or unsafe conditions the contractor shall provide shoring and bracing.
- Existing FAL & Water Heater shall be turned off and salvaged units removed and stored for re-use. Existing natural gas service shall be turned off and lines resealed/capped at residence.
- Electrical service shall be turned off at residence and provisions for temporary power made during construction.
- Please be advised this is a remodel project. Concealed conditions of all types shall be taken into account and verified prior to completion of final project bid.
- Contractor shall verify in the field the condition of all foundations, stem walls, all attachments, pre-existing conditions and attachment to framing. Deficiencies, cracks or other structural issues in foundations or footings or lack thereof shall be brought to the attention of the Architect and Structural Engineer.
- Existing framing and floor surfaces may be out of plumb and not level. They shall be inspected and made plumb and leveled upon verification to the Architect and a written approval has been documented. Wood framing adjacent to soil may be encountered and modifications and/or protective measures shall be taken.
- Elevation changes between door openings and adjacent grade shall be verified in the field. Contractor shall, if discrepancies exist between field conditions and plans, notify the Architect to make modifications and/or other corrective measures.
- If soils report or survey are not included with this set of documents, the Architect will not be held responsible for any changes, modifications, ordered reports or survey or other additional issues caused by lack of information from those documents.
- Existing slab to be demolished and replaced with 3000 PSI concrete per structural foundation plans, see sheet S3.

### COASTAL PROJECTS ADDITIONAL NOTES

A. This is a COASTAL PROJECT. No exterior walls shall be demolished other than those specified on the demolition sheet without prior written instruction from Architect.

B. It is the General Contractors sole responsibility that all existing wall shown to remain shall be protected and maintained at all times during the project construction.

### DEMOLITION LEGEND

	EXISTING EXTERIOR PERIMETER WALLS TO REMAIN
	EXISTING WALLS TO BE REMOVED
	EXISTING WALL TO REMAIN, OPENING TO BE INFILLED
	INDICATES DIMENSION OF EXISTING WALLS TO REMAIN IN PLACE
	INDICATES DIMENSION OF EXISTING WALLS TO BE REMOVED
	PERIMETER OF NEW WALLS
	AREA OF SLAB TO BE DEMOLISHED
	DECIMAL FEET VALUE FOR USE IN CALCULATING EXTERIOR WALL MATRIX

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BC CAMINO LLC  
6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

REVISIONS

06-01-13	1ST Coastal Submittal
10-01-13	2ND Coastal Submittal
12-02-13	3RD Coastal Submittal
01-27-14	4TH Coastal Submittal
06-05-14	Geology Submittal
07-09-14	Geology Resubmittal
08-13-14	Planning Resubmittal

PHASE COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MJG

DATE 08-12-201

SHORT TITLE BASEMENT DEMOLITION 50% COMPL.

A-2.1

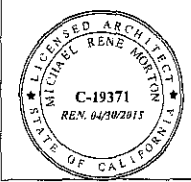
SHEET 6 OF 18

Attachment 5  
Project Plans  
Page 4 of 18



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LA JOLLA, CA 92037

REVISIONS  
06-03-13 1ST Coastal Submittal  
06-03-13 2ND Coastal Submittal  
06-03-13 3RD Coastal Submittal  
06-03-14 4TH Coastal Submittal  
06-03-14 Geology Submittal  
07-06-14 Geology Resubmittal  
08-12-14 Planning Resubmittal

PHASE COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MUG

DATE 08-12-2014

PROJECT TITLE 1ST FLOOR DEMOLITION P 50% COMPLIANCE  
SHEET 7 OF 18

A-2.2

SHBET 7 OF 18

## DEMOLITION NOTES FOR COASTAL EXEMPTION

- At least 50% of the existing exterior walls (from the foundation to the top plate) of the principal habitable floor must be left standing and in place throughout construction and incorporated into the completed structure.
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## DEMOLITION NOTES

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- Before start of demolition contractor shall verify with the owner any items to be saved (S), covered, or stored, verify storage locations with owner before demolition commences.
- Any outdoor structures or landscaping marked to be saved, shall be protected, fenced and/or covered to avoid damage.
- All demolition material shall be transported off site and properly disposed of at city approved locations by the contractor.
- Contractor to verify dumpster location with Architect before demolition commences.
- Contractor shall also refer to floor plans and other construction plans for new work to be incorporated into the project and to proceed with demolition accordingly.
- Carefully remove structure as shown on plan. Remove all materials carefully to avoid damage to adjacent surfaces.
- Contractor shall notify architect if any of the exposed wood shows evidence of active water leaks, termites or dry rot.
- Prepare existing window framing openings (to remain) to receive new window units. See new floor plan and elevations for new window sizes.
- When demolition is complete, the structure and site shall be broom clean and ready to receive new work.
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- Electrical service shall be turned off at residence and provisions for temporary power made during construction.
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- Existing slab to be demolished and replaced with 3000 PSI concrete per structural foundation plans, see sheet S3.

## COASTAL PROJECTS ADDITIONAL NOTES

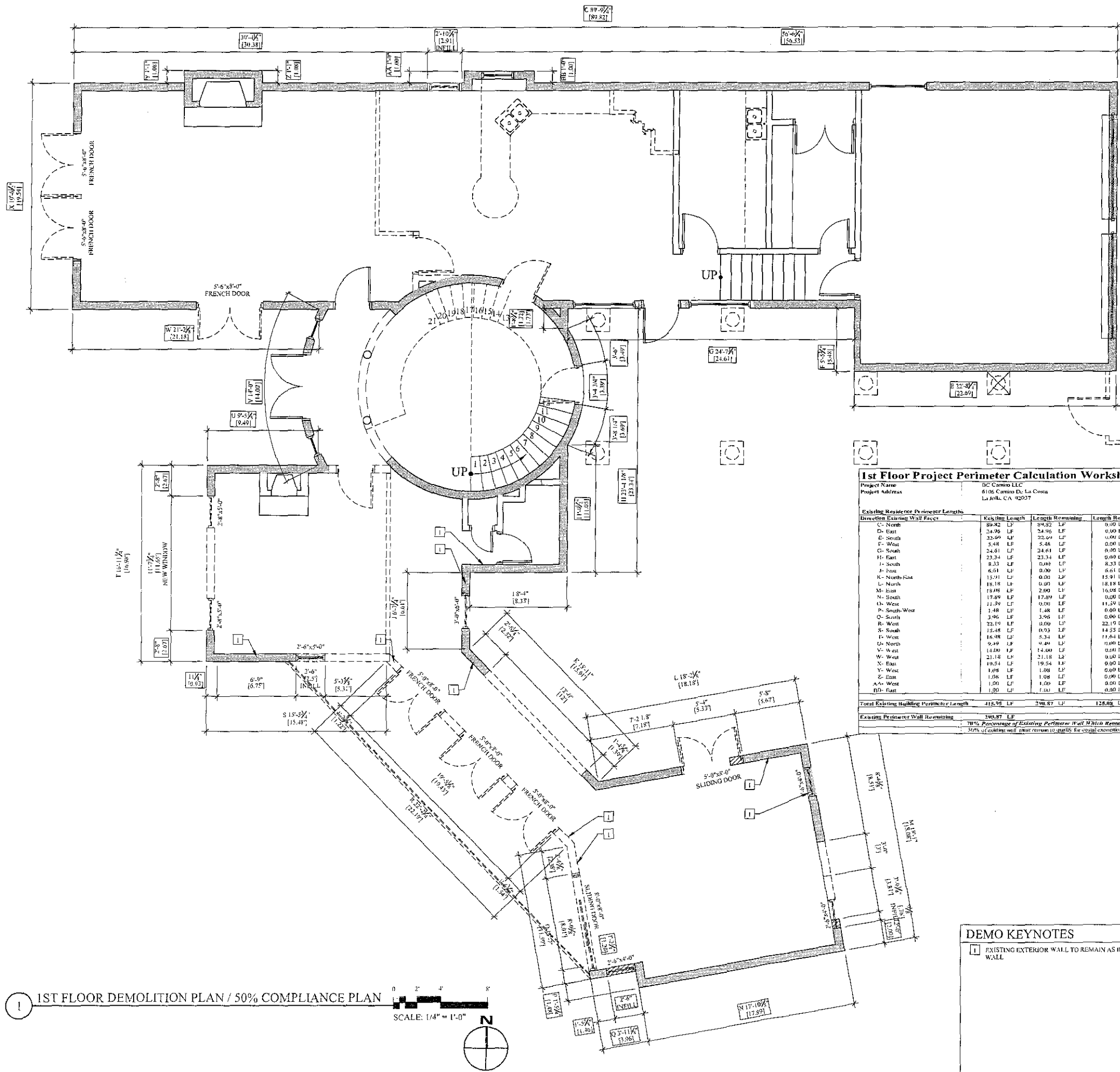
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- It is the General Contractors sole responsibility that all existing wall shown to remain shall be protected and maintained at all times during the project construction.

## DEMO KEYNOTES

- EXISTING EXTERIOR WALL TO REMAIN AS INTERIOR WALL

## DEMOLITION LEGEND

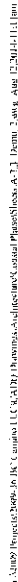
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EXISTING WALLS AND CONSTRUCTION TO BE REMOVED  
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INDICATES DIMENSION OF EXISTING WALLS THAT REMAIN IN PLACE  
INDICATES DIMENSION OF EXISTING WALLS TO BE REMOVED  
PERIMETER OF NEW WALLS  
PERIMETER OF NEW WALLS  
AREA OF SLAB TO BE DEMOLISHED  
DECIMAL FEET VALUE FOR USE IN CALCULATING EXTERIOR WALL MATRIX



## 1st Floor Project Perimeter Calculation Worksheet

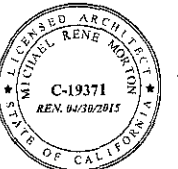
Project Name: BC Camino LLC  
Project Address: 6106 Camino De La Costa, La Jolla, CA 92037

Direction	Existing Wall Face	Existing Length	Length Remaining	Length Removed
C-North	89.82 LF	89.82 LF	0.00 LF	0.00 LF
D-East	24.96 LF	24.96 LF	0.00 LF	0.00 LF
E-South	25.69 LF	25.69 LF	0.00 LF	0.00 LF
F-West	5.48 LF	5.48 LF	0.00 LF	0.00 LF
G-South	24.61 LF	24.61 LF	0.00 LF	0.00 LF
H-East	23.34 LF	23.34 LF	0.00 LF	0.00 LF
I-South	8.33 LF	0.00 LF	8.33 LF	8.33 LF
J-East	6.61 LF	0.00 LF	6.61 LF	6.61 LF
K-North-East	13.91 LF	0.00 LF	13.91 LF	13.91 LF
L-North	18.18 LF	0.00 LF	18.18 LF	18.18 LF
M-East	18.08 LF	2.90 LF	15.18 LF	15.18 LF
N-South	17.89 LF	17.89 LF	0.00 LF	0.00 LF
O-West	11.39 LF	0.00 LF	11.39 LF	11.39 LF
P-South-West	1.48 LF	1.48 LF	0.00 LF	0.00 LF
Q-South	3.96 LF	3.96 LF	0.00 LF	0.00 LF
R-West	22.19 LF	0.00 LF	22.19 LF	22.19 LF
S-South	15.48 LF	0.00 LF	15.48 LF	15.48 LF
T-West	16.98 LF	5.34 LF	11.64 LF	11.64 LF
U-North	9.49 LF	0.00 LF	9.49 LF	9.49 LF
V-West	14.00 LF	14.00 LF	0.00 LF	0.00 LF
W-East	21.18 LF	21.18 LF	0.00 LF	0.00 LF
X-East	19.54 LF	19.54 LF	0.00 LF	0.00 LF
Y-West	1.08 LF	1.08 LF	0.00 LF	0.00 LF
Z-East	1.08 LF	1.08 LF	0.00 LF	0.00 LF
AA-West	1.00 LF	1.00 LF	0.00 LF	0.00 LF
BB-East	1.00 LF	1.00 LF	0.00 LF	0.00 LF
Total Existing Building Perimeter Length		418.95 LF	390.87 LF	128.08 LF
Existing Perimeter Wall Remaining		390.87 LF	78% Percentage of Existing Perimeter Wall Which Remains	
			31% of existing wall must remain to qualify for coastal exemption	





**Marengo Morton Architects**  
7724 Girard Ave.  
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La Jolla, CA 92037  
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Michael Morton AIA  
Claude Anthony Marengo DESA



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**BC CAMINO LLC**  
6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

REVISIONS  
06-03-13 1ST Coastal Submittal  
10-02-13 2ND Coastal Submittal  
12-02-13 3RD Coastal Submittal  
01-27-14 4TH Coastal Submittal  
04-03-14 Geology Submittal  
07-02-14 Geology Resubmittal  
08-12-14 Planning Resubmittal

PHASE COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MJG

DATE 08-12-2014

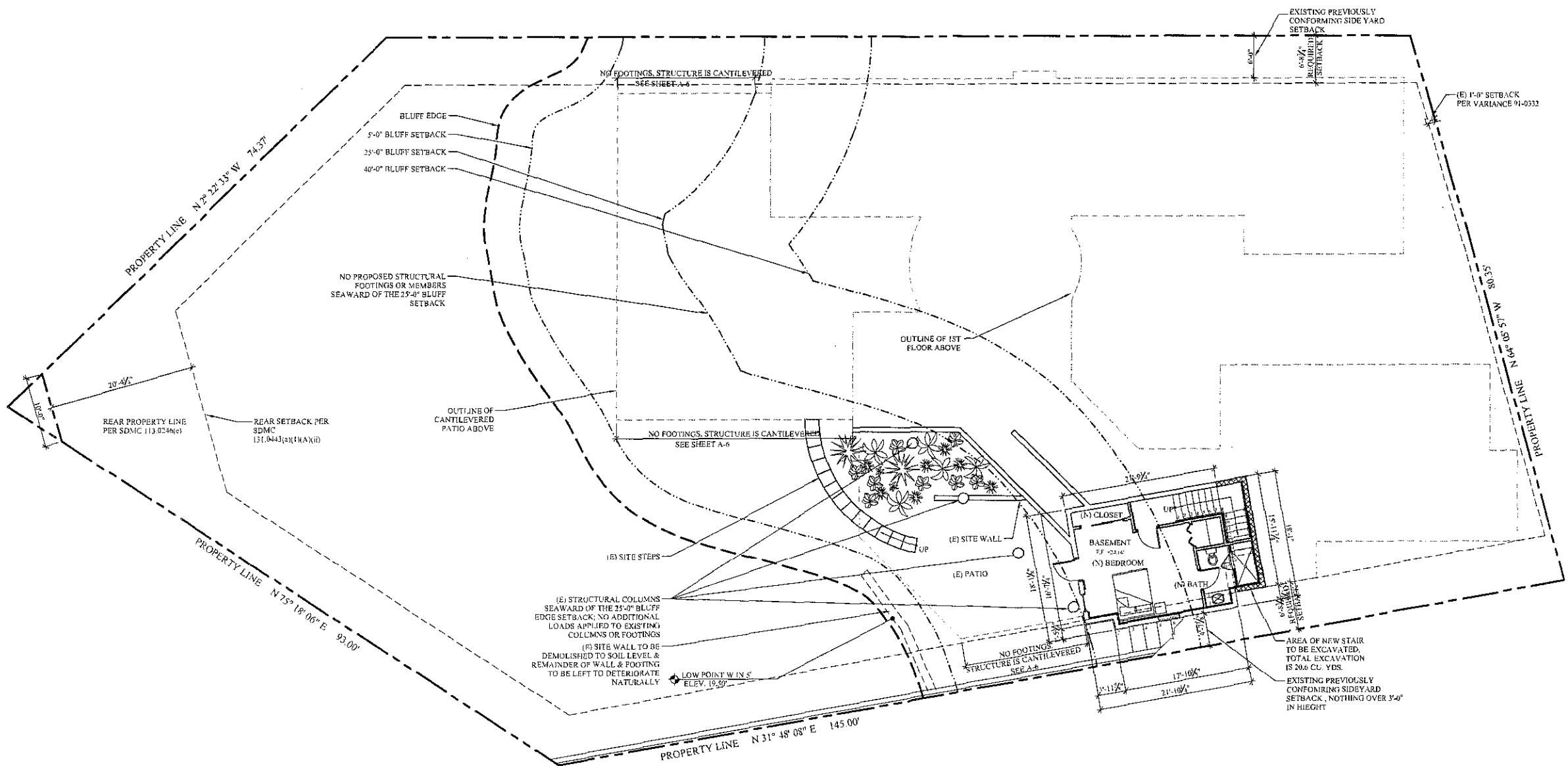
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SHEET TITLE PROPOSED BASEMENT FLOOR

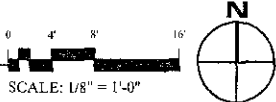
**A-2.4**

SHEET 9 OF 18

Attachment 5  
Project Plans  
Page 7 of 18



1 PROPOSED BASEMENT FLOOR PLAN



### FLOOR PLAN NOTES

- All Dimensions Shall Be Field Verified. Any discrepancies affecting project layout shall be brought to the attention of the Architect and the issues resolved prior to proceeding with the work in question.
- Refer to Site Plan for Site and Utility Information.
- For Door and Windows, See Schedules On Sheet A-8.1
- For Interior Finish, See Schedule On Sheet A-8.2
- For Lighting/RCP, See A-3.1 to A-3.2; For Electrical, See E-1.1 to E-1.4
- For Demolition, See Sheets A-2.1 & A-2.2
- For Plumbing, Appliance and other Fixtures, See Schedule on Sheet 8.2
- INSULATION: R-13 Batt Insulation At All New Exterior 2X4 Walls.  
R-19 Batt Insulation at all new 2X6 Exterior Walls and Raised Floor Areas  
R-13 Batt Insulation at all accessible interior walls for sound control.  
R-30 Batt Insulation at Ceiling & Roof Areas.  
R-4.5 Insulation Wrap On All New Hot Water Piping.  
R-4.5 Insulation Wrap On All New Supply Ducts.
- HVAC DUCTS: See Mechanical Notes on Sheets M-1.1 to M-1.3.
- HVAC Equipment: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- WATER HEATER: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- SMOKE DETECTORS: Shall be installed in each bedroom and on access point to each sleeping area and on each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Section 310.9.1.2. Unit shall be permanently wired and equipped with battery backup. C.B.C. Sec. 310.9.1.3.
- WATER HEATER: New Aquastar 240Eing instant gas water heater, .81 EF (or eq) typ of 1. TANKLESS
- HVAC: New Rheem RGP110NAMES, 80,000 BTU gas FAU, .80 AFUE (or eq) typ of 1

### FLOOR PLAN LEGEND

- NEW 2 X 4 STUD WALL @ 16" O.C. W/ PLYWOOD SHEATHING PER STRUCTURAL. FINISH INTERIOR W/ 3/8" GYP. BD. USE TILE BACKER BOARD AT RESTROOMS.
- NEW 2 X 6 STUD WALL @ 16" O.C. FINISH PER INTERIOR FINISH SCHEDULE
- NEW 4" CONCRETE WALL
- EXISTING 8" CONCRETE WALL
- ONE HOUR CONSTRUCTION  
2 X WOOD STUD @ 16" O.C. W/ 5/8" TYPE "X" GYP BD EACH SIDE, SEE DETAIL 5/A10.3
- NEW DOORS AND DOOR SYMBOL, SEE SCHEDULE ON A&I
- NEW WINDOW AND WINDOW SYMBOL, SEE SCHEDULE ON A&I
- SMOKE DETECTOR - PERM. WIRED TO BUILDING POWER W/ BATTERY BACK-UP. VERIFY IN FIELD FOR EXISTING CONDITIONS
- NEW DOOR, INSTALLED 4 1/2" TRADITIONAL JAMB ALLOWANCES FROM ADJACENT WALL UNLESS OTHERWISE NOTED
- EXISTING STRUCTURE DIMENSION
- PROPOSED STRUCTURE DIMENSION
- EXTERIOR WALL DIMENSIONS TO FACE OF STUD EDN. WALL. INTERIOR WALL DIMENSIONS TO CENTER LINE OF STUD. FOR ADDITIONAL PROJECT INFORMATION SEE ADDITIONAL SHEETS.
- FLOOR DRAIN (FD) SLOPE 1/4" PER 1'-0"
- FLUSH WASHER AND DRYER CONNECTION PER OX BOX SPECIFICATIONS



# Marengo Morton Architects

7724 Girard Ave.

Second Floor

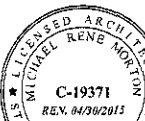
La Jolla, CA 92037

Tel. (858) 459-3769

Fax. (858) 459-3768

Michael Morton AIA

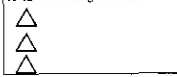
Claude Anthony Marengo DESA



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6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

REVIEWS  
06-01-13 1ST Coastal Submittal  
11-05-13 2ND Coastal Submittal  
12-05-13 3RD Coastal Submittal  
01-27-14 4TH Coastal Submittal  
06-03-14 Geology Submittal  
07-08-14 Geology Resubmittal  
08-12-14 Planning Resubmittal



PHASE  
COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MJG

DATE 08-12-2014

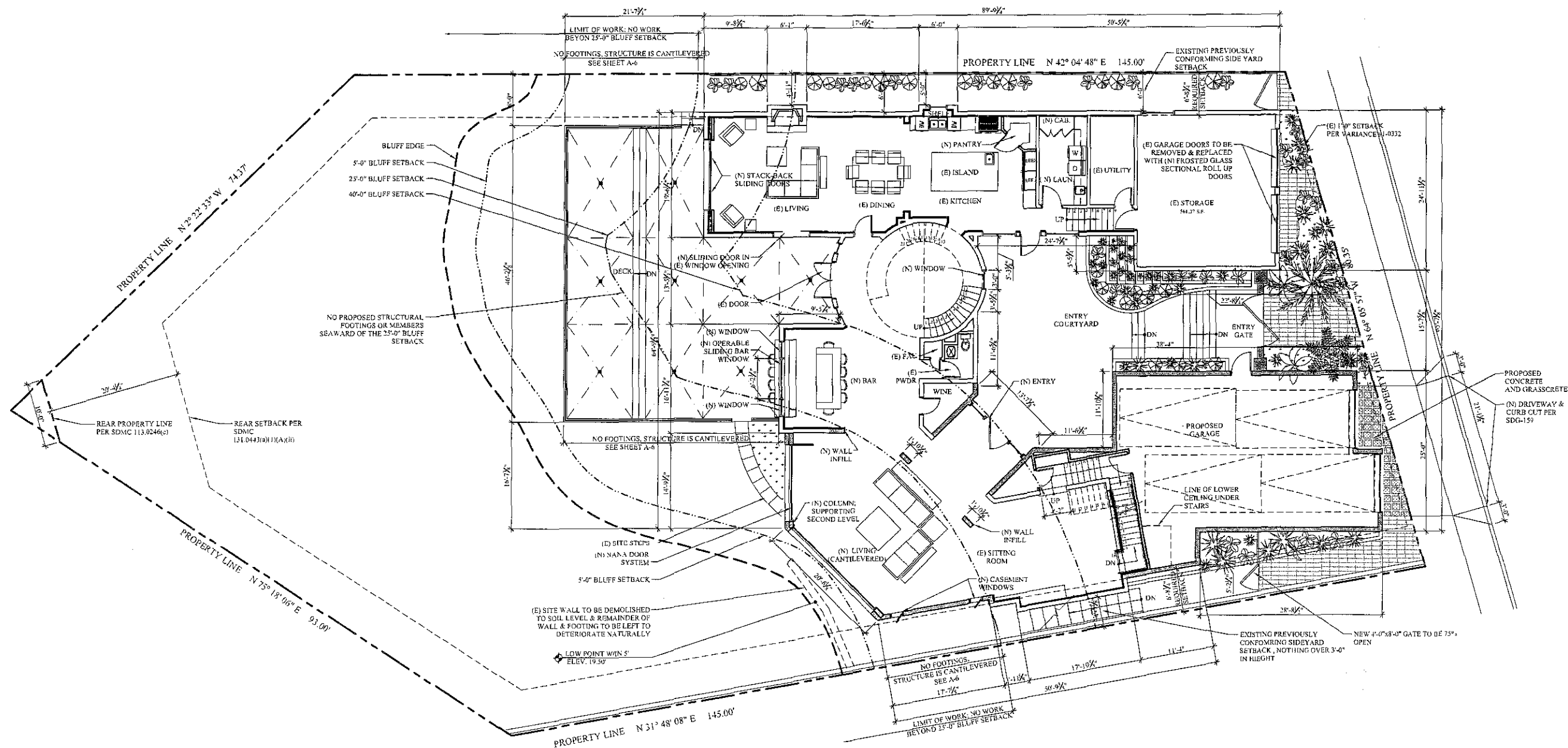
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SHEET TITLE  
PROPOSED  
FIRST FLOOR PLAN

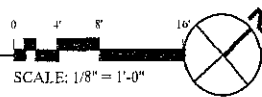
A-2.5

SHEET 10 OF 18

Attachment 5  
Project Plans  
Page 8 of 18



1 PROPOSED FIRST FLOOR PLAN

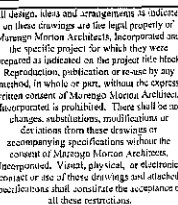


## FLOOR PLAN NOTES

- All Dimensions Shall Be Field Verified. Any discrepancies affecting project layout shall be brought to the attention of the Architect and the issues resolved prior to proceeding with the work in question.
- Refer to Site Plan for Site and Utility Information.
- For Door and Windows, See Schedules On Sheet A-8.1
- For Interior Finish, See Schedule On Sheet A-8.2
- For Lighting/RCP, See A-3.1 to A-3.2; For Electrical, See E-1.1 to E-1.4
- For Demolition, See Sheets A-2.1 & A-2.2
- For Plumbing, Appliance and other Fixtures, See Schedule on Sheet 8.2
- INSULATION: R-13 Batt Insulation At All New Exterior 2X4 Walls.  
R-19 Batt Insulation at all new 2X6 Exterior Walls and Raised Floor Areas  
R-13 Batt Insulation at all accessible interior walls for sound control.  
R-30 Batt Insulation at Ceiling & Roof Areas.  
R-4.5 Insulation Wrap On All New Hot Water Piping.  
R-4.5 Insulation Wrap On All New Supply Ducts.
- HVAC DUCTS: See Mechanical Notes on Sheets M-1.1 to M-1.3.
- HVAC Equipment: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- WATER HEATER: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- SMOKE DETECTORS: Shall be installed in each bedroom and on access point to each sleeping area and on each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Section 310.9.1.2. Unit shall be permanently wired and equipped with battery backup. C.B.C. Sec. 310.9.1.3.
- WATER HEATER: New Aquastar 240Xng instant gas water heater, .81 EF (or eq) typ of 1, TANKLESS
- HVAC: New Rheem RGP110N/AMER, 80,000 BTU/gas FAU, .80 AFUE (or eq) typ of 1

## FLOOR PLAN LEGEND

- |  |   |
|--|---|
|  | NEW 2X4 STUD WALL @ 16" O.C. W/ PLYWOOD SHEATHING PER STRUCTURAL FINISH INTERIOR W/ 5/8" GYP. BD. USE TILE BACKER BOARD AT RESTROOMS                            |
|  | NEW 2X6 STUD WALL @ 16" O.C. FINISH PER INTERIOR FINISH SCHEDULE  |
|  | NEW 8" CONCRETE WALL  |
|  | EXISTING 8" CONCRETE WALL   |
|  | ONE HOUR CONSTRUCTION<br>2X WOOD STUD @ 16" O.C. W/ 5/8" TYPE "X" GYP. BD. EACH SIDE. SEE DETAIL: SA10.3.   |
|  | NEW DOORS AND DOOR SYMBOL, SEE SCHEDULE ON A8.1   |
|  | NEW WINDOW AND WINDOW SYMBOL, SEE SCHEDULE ON A8.1  |
|  | SMOKE DETECTOR - PERM. WIRED TO BUILDING POWER W/ BATTERY BACK-UP. VERIFY IN FIELD FOR EXISTING CONDITIONS  |
|  | NEW DOOR, INSTALLED 4 1/2" TRADITIONAL JAMB ALLOWANCES FROM ADJACENT WALL UNLESS OTHERWISE NOTED  |
|  | EXISTING STRUCTURE DIMENSION  |
|  | PROPOSED STRUCTURE DIMENSION  |
|  | EXTERIOR WALL DIMENSIONS TO FACE OF STUD-FDTN. WALL. INTERIOR WALL DIMENSIONS TO CENTER LINE OF STUD. FOR ADDITIONAL PROJECT INFORMATION SEE ADDITIONAL SHEETS. |
|  | FLOOR DRAIN (FD) SLOPE 1/2" PER 1'-0"   |
|  | FLUSH WASHER AND DRYER CONNECTION PER OX BOX SPECIFICATIONS   |



BC CAMINO LLC  
6106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

01-03-13 1ST Coastal Submittal  
02-03-13 2ND Coastal Submittal  
02-02-13 3RD Coastal Submittal  
01-27-14 4TH Coastal Submittal  
06-05-14 Geology Submittal  
07-08-14 Geology Resubmittal  
04-12-14 Planning Resubmittal

COASTAL

PROJECT NO. 2009-36

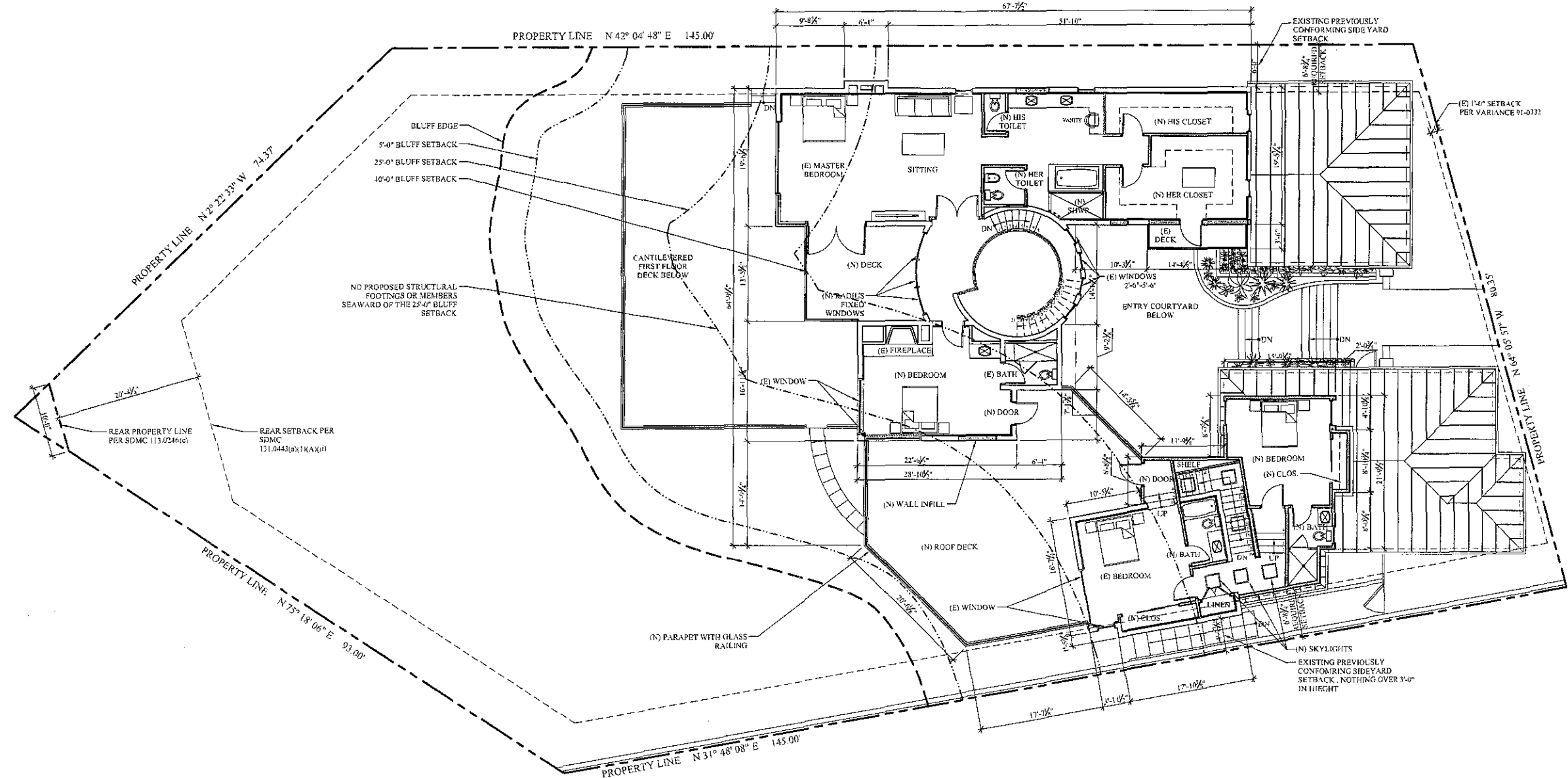
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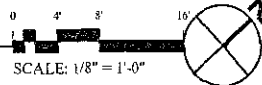
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A-2.6  
SHEET 11 OF 18


















### PROPOSED SECOND FLOOR PLAN



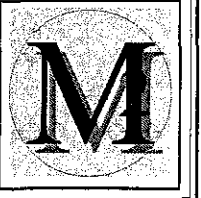
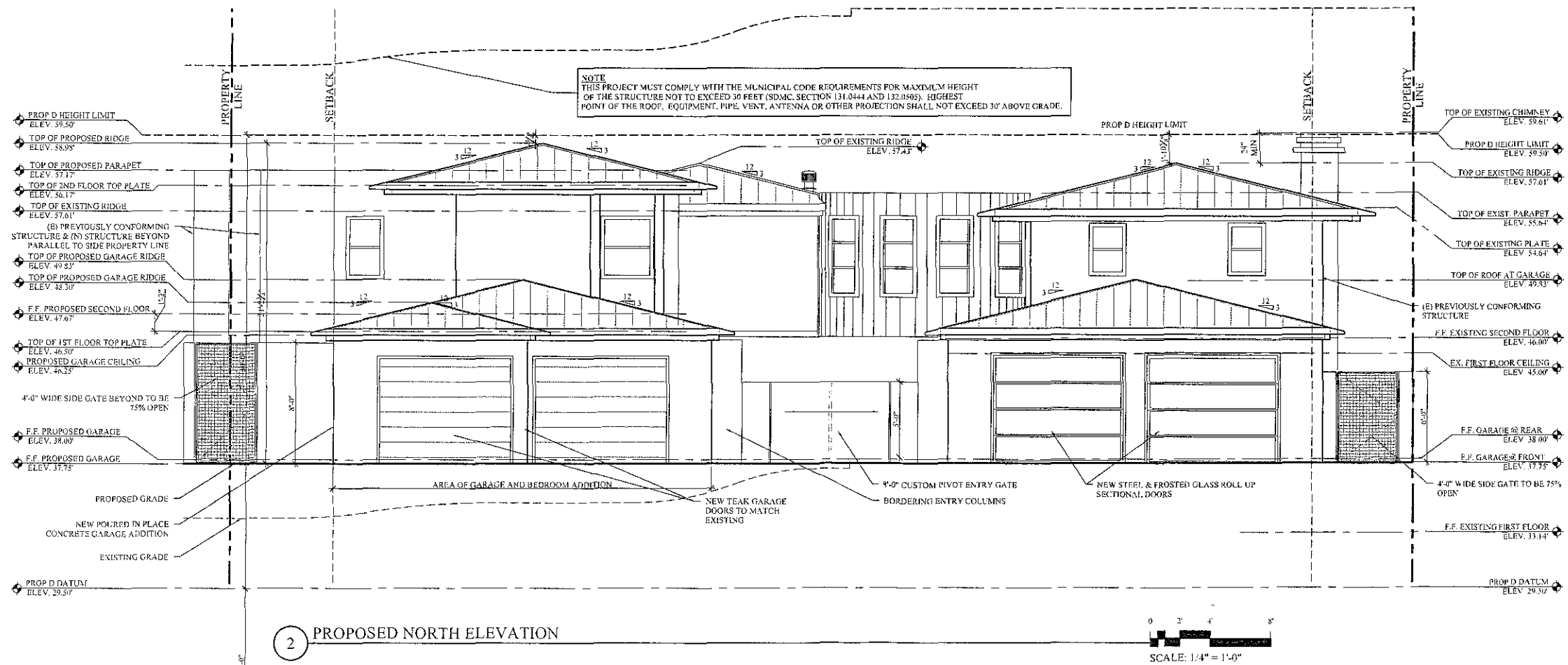
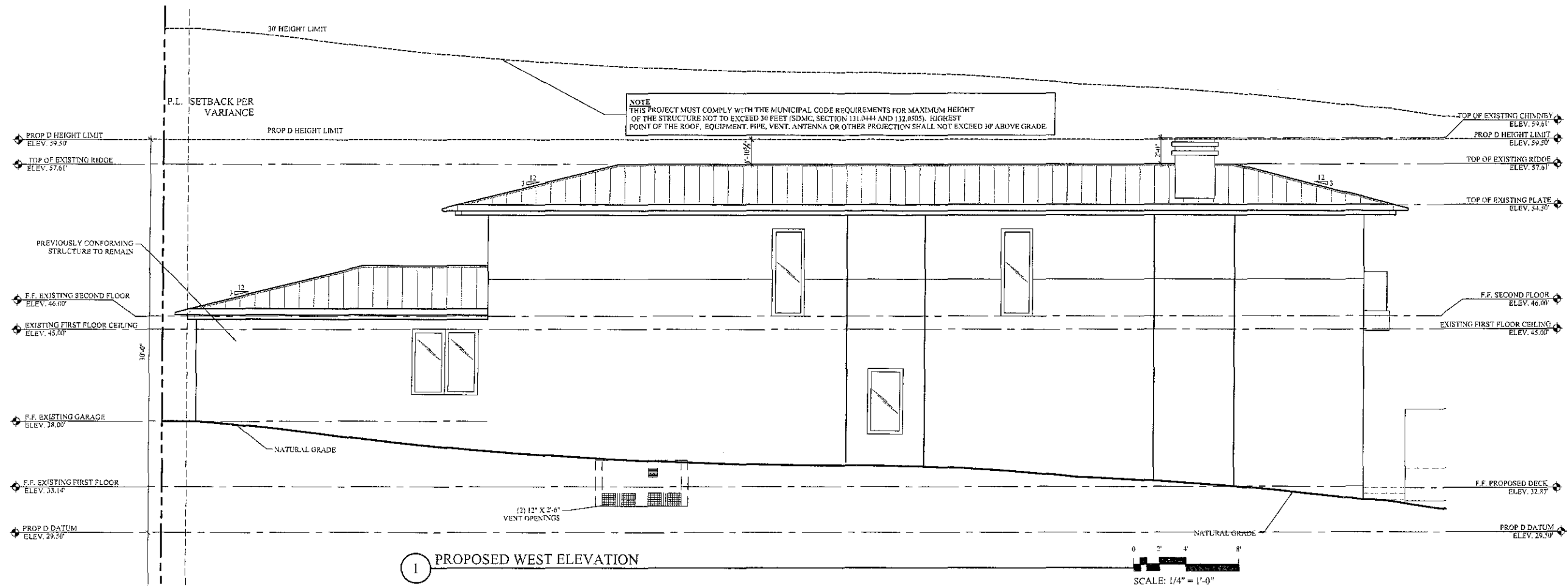
## FLOOR PLAN NOTES

- A. All Dimensions Shall Be Field Verified. Any discrepancies affecting project layout shall be brought to the attention of the Architect and the issues resolved prior to proceeding with the work in question.
- B. Refer to Site Plan for Site and Utility Information.
- C. For Door and Windows, See Schedules On Sheet A-8.1
- D. For Interior Finish, See Schedule On Sheet A-8.2
- E. For Lighting/RCP, See A-3.1 to A-3.2; For Electrical, See E-1.1 to E-1.4
- F. For Demolition, See Sheets A-2.1 & A-2.2
- G. For Plumbing, Appliance and other Fixtures, See Schedule on Sheet 8.2
- H. INSULATION: R-13 Batt Insulation At All New Exterior 2X4 Walls.  
R-19 Batt Insulation at all new 2X6 Exterior Walls and Raised Floor Areas  
R-13 Batt Insulation at all accessible interior walls for sound control.  
R-30 Batt Insulation at Ceiling & Roof Areas.  
R-4.5 Insulation Wrap On All New Hot Water Piping.  
R-4.5 Insulation Wrap On All New Supply Ducts.
- I. HVAC DUCTS: See Mechanical Notes on Sheets M-1.1 to M-1.3.
- J. HVAC Equipment: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- K. WATER HEATER: See Equipment on ME-2 and Title-24 calculations on Sheet T-1.2
- L. SMOKE DETECTORS: Shall be installed in each bedroom and on access point to each sleeping area and on each story and basements. Detector shall have an alarm audible in all sleeping areas of the unit. Section 310.9.1.2. Unit shall be permanently wired and equipped with battery backup. C.B.C. Sec. 310.9.1.3.
- M. WATER HEATER: New Aquastar 24066g instant gas water heater, .81 EF (or eq) typ of 1, TANKLESS
- N. HVAC: New Rheem RGP110N1AMER, 80,000 BTU gas FAU,  
.80 AFUE (or eq) typ of 1

### FLOOR PLAN LEGEND

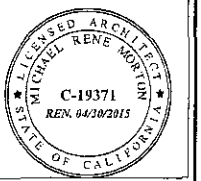
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|---|---|---|--|
|  | NEW 2 X 4 STUD WALL @ 16" O.C. W/ PLYWOOD SHEATHING PER STRUCTURAL FINISH INTERIOR W/ 3/8" GYP. BD. USE TILE BACKER BOARD AT RESTROOMS. |  | NEW DOOR, INSTALLED 1 1/2" TRADITIONAL JAMB ALLOWANCES FROM ADJACENT WALL UNLESS OTHERWISE NOTED   |
|  | NEW 2 X 6 STUD WALL @ 16" O.C. FINISH PER INTERIOR FINISH SCHEDULE  |  |  |
|  | NEW 3" CONCRETE WALL  |   |  |
|  | EXISTING 3" CONCRETE WALL   |   |  |
|  | <u>ONE HOUR CONSTRUCTION</u><br>2 X WOOD STUD @ 16" O.C. W/ 5/8" TYPE "X" GYP. BD. EACH SIDE. SEE DETAIL SA103.                         |  | EXISTING STRUCTURE DIMENSION   |
|   |   |  | PROPOSED STRUCTURE DIMENSION   |
|  | NEW DOORS AND DOOR SYMBOL, SEE SCHEDULE ON A8.1   |  | EXTERIOR WALL DIMENSIONS TO FACE OF STUD FINIT. WALL.<br>INTERIOR WALL DIMENSIONS TO CENTER LINE OF STUD.<br>FOR ADDITIONAL PROJECT INFORMATION SEE ADDITIONAL SHEETS. |
|  | NEW WINDOW AND WINDOW SYMBOL, SEE SCHEDULE ON A8.1  |  | FLOOR DRAIN (FD) SLOPE 1/4" PER 1'-0"  |
|  | SMOKE DETECTOR - PERM. WIRED TO BUILDING POWER W/ BATTERY BACK-UP. VERIFY IN FIELD FOR EXISTING CONDITIONS                              |  | FLUSH WASHER AND DRYER CONNECTION<br>PER OX BOX SPECIFICATIONS   |





# Marengo Morton Architects

7724 Girard Ave.  
Second Floor  
La Jolla, CA 92037  
Tel. (858) 459-3769  
Fax. (858) 459-3768  
Michael Morton AIA  
Claude Anthony Marengo Desa



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LA JOLLA, CA 92037

REVISIONS  
06-03-13 1ST Coastal Submittal  
10-03-13 2ND Coastal Submittal  
12-02-13 3RD Coastal Submittal  
01-27-14 4TH Coastal Submittal  
06-05-14 Geology Submittal  
07-08-14 Geology Resubmittal  
08-12-14 Planning Resubmittal

PHASE  
COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

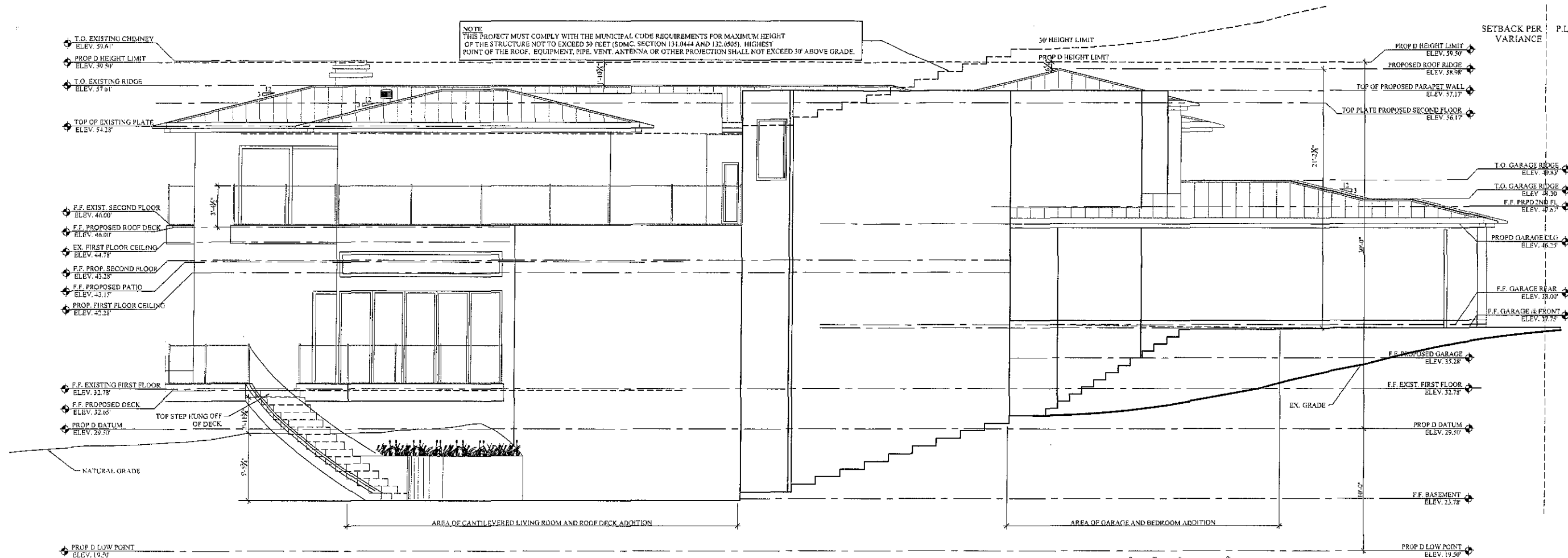
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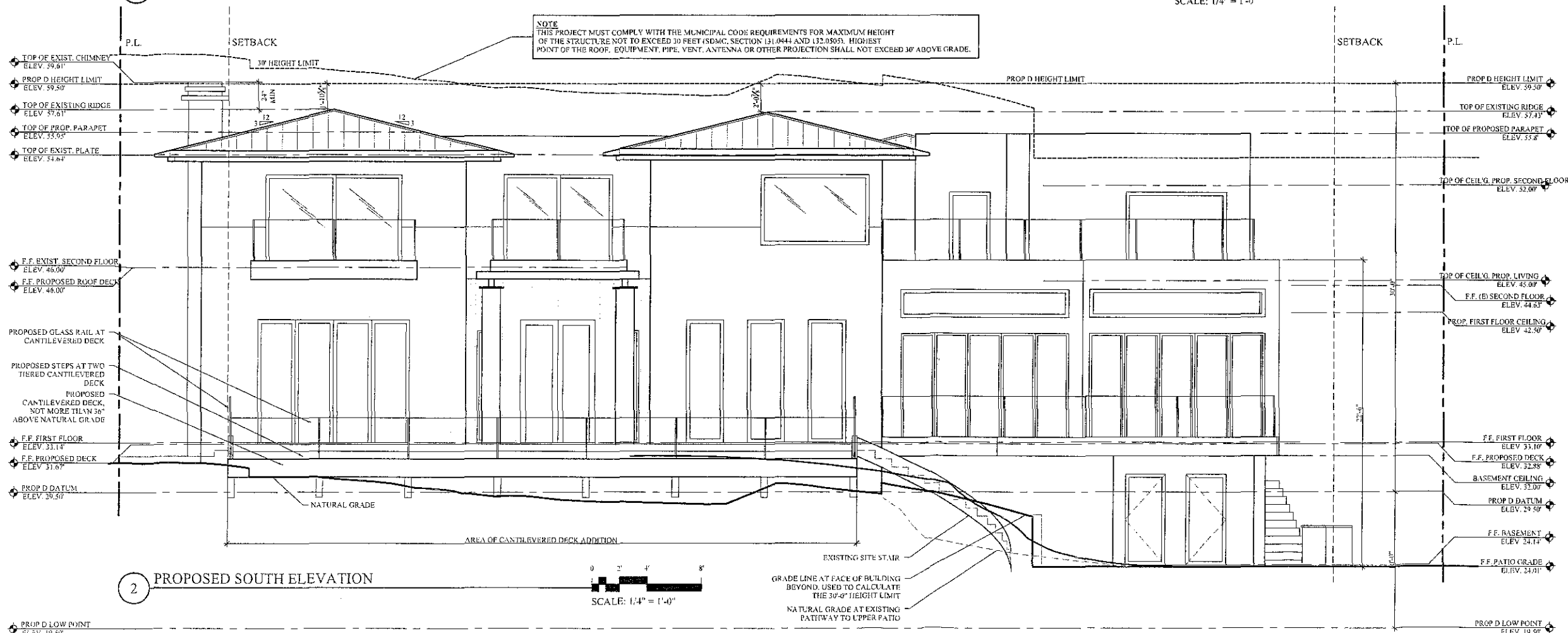
Attachment 5  
Project Plans  
Page 11 of 18

SHEET TITLE  
PROPOSED NORTH & EAST ELEVATION

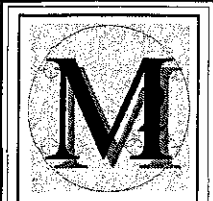
A-5.1  
SHEET 13 OF 18



1 PROPOSED EAST ELEVATION



2 PROPOSED SOUTH ELEVATION



**Marengo Morton Architects**

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La Jolla, CA 92037  
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08-12-14 Planning Resubmittal

PHASE  
COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MJG

DATE 08-12-2014

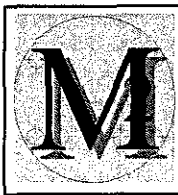
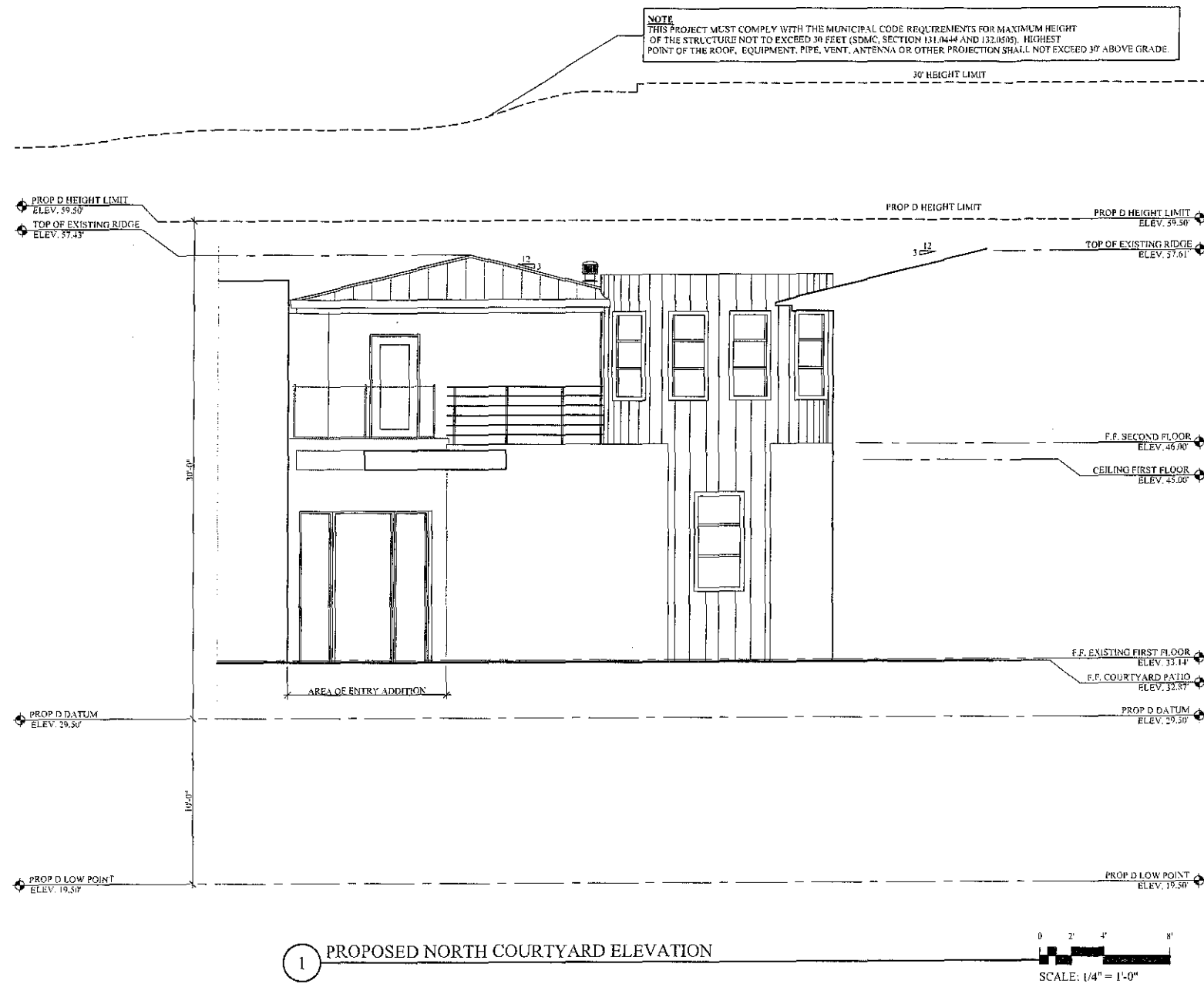
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SHEET TITLE PROPOSE SOUTH & W. ELEVATIONS

A-5.2

SHEET 14 OF 18





**Marengo  
Morton  
Architects**

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Second Floor  
La Jolla, CA 92037  
Tel. (858) 459-3769  
Fax. (858) 459-3768  
Michael Morton AIA  
Claude Anthony Marengo DESA



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LA JOLLA, CA 92037

REVISIONS

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07-08-14	Geology Resubmittal
08-12-14	Planning Resubmittal



PLEASE COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MIC

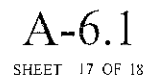
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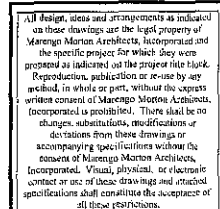
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SHEET TITLE PROPOSED  
ENTRY COURTYARD  
ELEVATIONS

A-5.4

SHEET 16 OF 18





BC CAMINO LLC  
15106 CAMINO DE LA COSTA  
LA JOLLA, CA 92037

REVISIONS

06-03-13	1ST Coastal Submittal
10-03-13	2ND Coastal Submittal
12-02-13	3RD Coastal Submittal
01-27-14	4TH Coastal Submittal
06-05-14	Geology Submittal
07-08-14	Geology Resubmittal
08-12-14	Planning Resubmittal

03-2-0

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PHASE COASTAL

PROJECT NO. 2009-36

REVIEWED BY CAM

DRAWN BY MIG

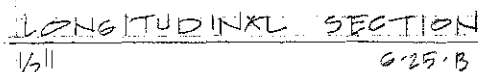
DATE 08-12-2014

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SHEET TITLE PROPOSED  
BUILDING  
SECTIONS

A-6.2

SHEET 18 OF 1



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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003804

**COASTAL DEVELOPMENT PERMIT NO. 1137216**  
**SITE DEVELOPMENT PERMIT NO. 1358703**  
**BC CAMINO PROJECT NO. 325514**  
**(AMENDMENT TO COASTAL DEVELOPMENT PERMIT/SENSITIVE COASTAL**  
**RESOURCE PERMIT/VARIANCE NO. 91-0332)**  
**HEARING OFFICER**

This Coastal Development Permit No. 1137216/Site Development Permit No. 1358703 Amendment to Coastal Development Permit/Sensitive Coastal Resource Permit/Variance No. 91-0332 is granted by the Hearing Officer of the City of San Diego to BC5 CAMINO, LLC, Owner, and, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone(s) of the La Jolla Community Plan. The project site is legally described as: Lot 11, Block 1A, La Jolla Hermosa, Map No. 1810;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to remodel an existing 5,948 square-foot single family home by adding room additions, decks and a tandem garage described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 15, 2014, on file in the Development Services Department.

The project shall include:

- a. 949 square-foot addition to the first floor;
- b. 566 square-foot addition to the second floor;
- c. 887 square-foot garage addition;
- d. 69 square-foot basement addition;

- e. Cantilevered deck;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Closure of one existing driveway; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all 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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

**Attachment 6**  
**Draft Permit with Conditions**

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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
  9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.
- If 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. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to

**Attachment 6**  
**Draft Permit with Conditions**

control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

**ENGINEERING REQUIREMENTS:**

12. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway with City standard curb, gutter and sidewalk, adjacent to the site on Camino De La Costa, satisfactory to the City Engineer.

13. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond to install a maximum of 12-foot wide City standard driveway, on Camino De La Costa, per Standard Drawing SDG-159, satisfactory to the City Engineer.

14. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard full-height curb and gutter, along the project frontage on Camino De La Costa, per Standard Drawing SDG-151, satisfactory to the City Engineer.

15. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

16. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City's Storm Water Standards.

**LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the

Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

22. If any landscaping, especially bluff or slope landscaping (including existing or new plantings, hardscape, landscape features, etc.) is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size to the satisfaction of the Development Services Department within 30 days of damage.

23. The Owner/Permittee shall ensure that all proposed and existing landscaping, especially landscaping adjacent to the coastal bluffs and steep slopes, shall be maintained 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.

**PLANNING/DESIGN REQUIREMENTS:**

24. Owner/Permittee shall maintain a minimum of two off-street parking spaces 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 appropriate City decision maker in accordance with the SDMC.

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

27. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

28. Prior to the issuance of construction permits, the Owners/Permittees shall record a deed restriction preserving a visual corridor 4-feet, 7-inches wide (East) along the side yard running full length of property in accordance with the requirements of the San Diego Municipal Code section 132.0403(b) and identified on exhibit "A" for Coastal Development Permit No. 1137216/Site Development Permit NO. 1358703 dated October 15, 2014.

29. No development shall be permitted on the coastal bluff face.
30. 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.
31. Prior to the issuance of any building permits the Owner/Permittee shall record a deed restriction waving all future rights to shoreline protective devices associated with the subject property.
32. Prior to the issuance of any construction permits, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement for Sensitive Coastal Bluffs in accordance with SDMC section 143.0143, in a form and content acceptable to the Director of the Development Services Department, or designated representative, which shall provide: (a) that the Owner/Permittee understands that new accessory structures or landscape features customary and incidental to residential uses are prohibited within 5 feet of the Coastal Bluff Edge or on the face of the Bluff, as illustrated on approved plan Exhibit "A;" (b) that the Owner/Permittee understands that the site may be subject to extraordinary hazard from coastal bluff erosion, and the Owner/Permittee assumes all liability from such hazards; and (c) the Owner/Permittee 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 successors and assigns.

### **GEOLOGY REQUIREMENTS**

33. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

### **INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of

**Attachment 6**  
**Draft Permit with Conditions**

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 Development Services Department of the City of San Diego on October 15, 2014

DRAFT

**Attachment 6**  
**Draft Permit with Conditions**

Permit Type/PTS Approval No.: CDP No. 1137216/SDP No. 1358703  
Date of Approval: October 15, 2014

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
William Zounes  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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

By \_\_\_\_\_  
BC5 CAMINO, LLC

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

**HEARING OFFICER**  
**RESOLUTION NO. XXXXXX**  
**COASTAL DEVELOPMENT PERMIT NO. 1137216**  
**SITE DEVELOPMENT PERMIT NO. 1358703**  
**BC CAMINO PROJECT NO. 325514**

WHEREAS, BC5 CAMINO, LLC Owner/Permittee, filed an application with the City of San Diego for a permit to remodel an existing single family home by adding room additions, decks and a tandem garage (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 1137216/Site Development Permit No. 1358703), on a portions of a 0.38-acre site;

WHEREAS, the project site is located at 6106 Camino De La Costa in the RS-1-5 zone(s) of the La Jolla Community Plan;

WHEREAS, the project site is legally described as Lot 11, Block 1A, La Jolla Hermosa, Map No. 1810;

WHEREAS, on October 15, 2014, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1137216 pursuant to the Land Development Code of the City of San Diego;

The City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303(a) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated October 15, 2014.

**FINDINGS:**

**Coastal Development Permit - Section 126.0708**

- 1. The proposed coastal development will not encroach upon any existing physical accessway 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

## **Attachment 7 Draft Resolution with Findings**

All of the proposed development will be contained within the existing disturbed, previously developed and graded site. The project site has no existing physical coastal access used legally or otherwise by the public, nor does it have any public access identified in the Local Coastal Program. The subject property is not identified in the City of San Diego's adopted Local Coastal Program (LCP) Land Use Plan as a public accessway. The project is surrounded by single family homes and the Pacific Ocean to the west. The project is completely contained within the private property, and as such, the project would not encroach upon any existing physical access way.

In accordance with San Diego Municipal Code Section 132.0403(b), there is a potential view to the Pacific Ocean through the side yard of the property. Therefore a deed restriction will be required as a condition of the Coastal Development Permit preserving a visual corridor 4-feet, 7-inches wide (east side yard) running full length of property from Camino De La Costa to the Pacific Ocean. 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 and will enhance views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan.

### **2. The proposed coastal development will not adversely affect environmentally sensitive lands.**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The proposed project is located in a built, urban environment. The project site contains Environmentally Sensitive Lands in the form of Coastal Bluffs. A portion of the existing home currently extends into the 40-foot bluff setback area. A portion of the addition will be located within of the coastal bluff area but within the established footprint of the existing home and will not affect any established view corridors or the coastal bluff face. A cantilever deck will extend above the 25-foot bluff setback area at a maximum height three feet but without penetrating footings into the bluff area. Because of the aforementioned development restrictions to the coastal bluff area, the proposed remodel and building additions including a new deck will not impact environmental resources adjacent and on the site. The project was exempt from the California Environmental Quality Act (CEQA) under section 15303(a). 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

**Attachment 7**  
**Draft Resolution with Findings**

The proposed project is consistent with the land use designations of the Community Plan by continuing to maintain an existing single family residence without increasing the density range of 5-9 dwelling units per acre as identified within the La Jolla Community Plan. The additions would meet the goals of the La Jolla/Local Coastal Program by maintaining residential development and not interfering with public access or public views to the beaches. The proposed addition will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, landscape, and, floor area ratio. Therefore, the proposed development is in conformity with the La Jolla Community Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code.

- 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project site is located between the nearest public road and the shoreline of a body of water. The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act as the site does not contain a physical public access way. The project does not propose to encroach into any public access way to the ocean and all improvements and additions will be contained on site. The project is a private development on privately owned land. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**Site Development Permit - Section 126.0504**

- 1. The proposed development will not adversely affect the applicable land use plan;**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The proposed project is consistent with the land use designations of the Community Plan by continuing to maintain an existing single family residence without increasing the density range of 5-9 dwelling units per acre as identified within the La Jolla Community Plan. The additions would meet the goals of the La Jolla/Local Coastal Program by maintaining residential development and not interfering with public access or public views to the beaches. The proposed addition will meet the land use regulations of the

**Attachment 7**  
**Draft Resolution with Findings**

certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, landscape, and, floor area ratio. Therefore, the proposed development is in conformity with the La Jolla Community Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code. Therefore, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project was exempt from the California Environmental Quality Act (CEQA) in accordance with section 15301(a) (new construction) which allows for the construction of one single family in a residential zone. The project is adding square footage to an existing single-family residence on a site where there will be no impact sensitive environmental resources.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, public improvements, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The permit for the project will require a deed restricting required side yard setback areas to form functional view corridors and prevent future development from obstructing views to the ocean and creating a walled effect. Therefore, the proposed project conforms to the development regulations and will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The proposed project is located entirely within private property. The project does not exceed the 30 foot height limit and conforms to the required zoning regulations to include parking, wall and fence height, and landscaping. A one-foot front yard setback was established in accordance with CDP/SCR/Variance NO. 91-0223 when the existing home was constructed. The proposed addition will maintain the established front yard setback. Therefore the project is in conformance with the underlying zone and land use plan and is not requesting new deviations or variances to the Land Development Code. The proposed development will comply with the applicable regulations of the Land Development Code.

**Supplemental Findings--Environmentally Sensitive Lands**

- 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluffs. A portion of the existing home currently extends into the 40-foot bluff setback area. A portion of the addition will be located within of the coastal bluff area but within the established footprint of the existing home and will not affect any established view corridors. A cantilever deck will extend above the 25-foot bluff setback area at a maximum height three feet but without penetrating footings into the bluff area. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding BMP filters to collect all run-off and avoid any potential drainage from happening on the public areas from private improvements. The project site is currently developed with an approximate 5,948-square-foot, two-story, single-family residence. The project site is located in an established urban neighborhood and is supplied with all utilities. The land supports no native vegetation and is not in or adjacent to the City's Multiple Habitat Planning Area. 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.

- 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

It was determined that site is mapped as Geologic Hazard No. 43 which indicates generally unstable, unfavorable jointing, and local high erosion. However, the sites Geotechnical Report dated May 27, 2014 with addendum dated July 10, 2014 by Christian Wheeler Engineering states, that based on the

**Attachment 7**  
**Draft Resolution with Findings**

results from the bluff stability analyses, the existing coastal bluff along the south side of the site is considered to possess minimum factors-of-safety against failure in excess of 1.5, which is the minimum that is generally considered to be stable and there is no undue risk. It's the engineers professional opinion and judgment that the proposed structure will not be subject to significant geologic instability and will not require construction of on shoreline protection measures throughout the economic lifespan of the home. The project is not within a flood overlay zone or a potentially sensitive area for fire hazards. 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.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluff. The proposed development will take place entirely within private property and not encroach on to the coastal bluff or any environmentally sensitive lands. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding BMP filters to collect all run off and avoid any potential drainage from spilling on to the public areas from private improvements. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;**

The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). Therefore the project is not inconsistent with the City's MSCP.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

**Attachment 7**  
**Draft Resolution with Findings**

The proposed development takes place entirely within private property. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding catch basins and BMP filters to collect all runoff and avoid any potential drainage from happening on to the public areas from private improvements. Due to the nature of the existing site the project will be excavating 20.6 cubic yards with a net import or of 65.9 cubic yards. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project was exempt from the California Environmental Quality Act (CEQA) in accordance with section 15301(a) (new construction) which allows for the construction of one single family in a residential zone. The project is adding square footage to an existing single-family residence on a site where there will be no impact to sensitive environmental resources.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project proposes catch basins and BMP filters to collect all run-off and avoid any potential drainage from happening on to the public areas from private improvements. A deed restriction will be required as a condition of the Coastal Development Permit preserving a visual corridor 4-feet, 7-inches wide (East side yard) running full length of property in accordance with the requirements of the San Diego Municipal Code section 132.0403(b) and identified on exhibit "A" for Coastal Development Permit No. 1137216/Site Development Permit NO. 1358703 dated October 15, 2014. 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.

**Attachment 7**  
**Draft Resolution with Findings**

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Costal Development Permit No. 1137216/Site Development Permit No. 1358703 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Costal Development Permit No. 1137216/Site Development Permit No. 1358703, a copy of which is attached hereto and made a part hereof.

---

William Zounes  
Development Project Manager  
Development Services

Adopted on: October 15, 2014

Job Order No. 24003804



**LA JOLLA COMMUNITY PLANNING ASSOCIATION**

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900  
<http://www.LaJollaCPA.org> Email: [Info@LaJollaCPA.org](mailto:Info@LaJollaCPA.org)

**Regular Meeting – 5 December 2013**

**Attention:** Sandra Teasley, PM  
City of San Diego

**Project:** BC Camino  
6106 Camino De La Costa  
PN: 325514

**Motion:** To accept the recommendation of the DPR Committee:  
That Findings can be made for an amendment to the  
Coastal Development Permit and Site Development  
Permit and Variance (Process 3) to amend CDP, SCR &  
Variance 91-0332 for an addition to a single-family  
residence 6-0-1

**Vote: 17-0-1**

A handwritten signature in black ink, appearing to read "Tony Crisafi".

**11 December 2013**

**Submitted by:** Tony Crisafi, President  
La Jolla CPA

**Date**



City of San Diego  
**Development Services**  
 1222 First Ave., MS-302  
 San Diego, CA 92101  
 (619) 446-5000

## Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit  
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit  
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment ☐ Other \_\_\_\_\_

**Project Title**

BC Camino

**Project No. For City Use Only**

325514

**Project Address:**

6106 Camiono de la Costa, La Jolla, CA 92037

### Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached** ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

<b>Project Title:</b> BC Camino	<b>Project No. (For City Use Only)</b> <u>325514</u>
------------------------------------	---

**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**

☐ Corporation    ☒ Limited Liability -or- ☐ General) What State? CA    Corporate Identification No. 200929310128  
☐ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**    ☐ Yes    ☐ No

Corporate/Partnership Name (type or print):  
BC5 Camino  
☒ Owner    ☐ Tenant/Lessee  
 Street Address:  
402 W. Broadway, Suite 1320  
 City/State/Zip:  
San Diego, CA 92101  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Name of Corporate Officer/Partner (type or print):  
Bruce Tabb  
Managing Member  
 Title (type or print):  
Partner  
 Signature : \_\_\_\_\_ Date: 5-2-13

Corporate/Partnership Name (type or print):  
 \_\_\_\_\_  
☐ Owner    ☐ Tenant/Lessee  
 Street Address:  
 \_\_\_\_\_  
 City/State/Zip:  
 \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Name of Corporate Officer/Partner (type or print):  
 \_\_\_\_\_  
 Title (type or print):  
 \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
 \_\_\_\_\_  
☐ Owner    ☐ Tenant/Lessee  
 Street Address:  
 \_\_\_\_\_  
 City/State/Zip:  
 \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Name of Corporate Officer/Partner (type or print):  
 \_\_\_\_\_  
 Title (type or print):  
 \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
 \_\_\_\_\_  
☐ Owner    ☐ Tenant/Lessee  
 Street Address:  
 \_\_\_\_\_  
 City/State/Zip:  
 \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Name of Corporate Officer/Partner (type or print):  
 \_\_\_\_\_  
 Title (type or print):  
 \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
 \_\_\_\_\_  
☐ Owner    ☐ Tenant/Lessee  
 Street Address:  
 \_\_\_\_\_  
 City/State/Zip:  
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 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Name of Corporate Officer/Partner (type or print):  
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 Title (type or print):  
 \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):  
 \_\_\_\_\_  
☐ Owner    ☐ Tenant/Lessee  
 Street Address:  
 \_\_\_\_\_  
 City/State/Zip:  
 \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Name of Corporate Officer/Partner (type or print):  
 \_\_\_\_\_  
 Title (type or print):  
 \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Recording requested by  
and mail to:  
City of San Diego  
Planning Department  
202 C Street, M.S. 4A  
San Diego, CA 92101-3864

TO: COUNTY RECORDER, PLEASE  
RESTRICTION ON USE OR DEVELOPMENT  
OF REAL PROPERTY AFFECTING THE TITLE  
OR POSSESSION THEREOF.

Attachment 10  
CDP/SCR/Variance 91-.0332  
Page 1 of 10

COASTAL DEVELOPMENT PERMIT, SENSITIVE COASTAL RESOURCE AND  
VARIANCE NO. ~~91-0332~~  
FOXLEY RESIDENCE  
PLANNING DIRECTOR

This Coastal Development Permit, Sensitive Coastal Resource and Variance No. 91-0332 is granted by the Planning Director of the City of San Diego to William C. Foxley, Owner/Permittee, pursuant to Section 105.0201 of the Municipal Code of the City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct a new 5,865-square-foot single-family residence. The variance allows a 1' 0" front yard setback where 15' 0" is required. Coastal Development located at 6106 Camino de la Costa, described as Lot 11, Block 1A, La Jolla Hermosa, Map No. 1810, in the R1-8000 Zone.

2. The facility shall consist of the following:

- a. a 5,865-square-foot, single-family residence and a two-car garage. The garage will be allowed to be at a 1' 0" front yard setback where 15' 0" is required.
- b. Landscaping;
- c. Off-street parking; and
- d. Incidental accessory uses as may be determined incidental and approved by the Planning Director.

3. Not fewer than two off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated January 15, 1992, on file in the office of the Planning Department. Parking spaces shall comply with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to Zoning Ordinance standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department; and
- b. The Coastal Development Permit is recorded in the office of the County Recorder.

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5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 15, 1992, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The Plans shall be in substantial conformity to Exhibit "A," dated January 15, 1992, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.

7. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by the City of San Diego.

8. This Coastal Development Permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City of San Diego or Permittee.

9. This Coastal Development Permit is a covenant running with the subject property and shall be binding upon the 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.

10. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.

11. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by the City of San Diego after January 11, 1990. The owner/permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.

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12. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.

13. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of damaged/raised sidewalk, adjacent to this site on Camino de la Costa, satisfactory to the City Engineer.

14. Prior to the issuance of any building permits, the applicant shall:

- a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

15. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.

16. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code Section 96.0401 et seq.

17. All mitigation measures listed in the Negative Declaration 91-0332 are incorporated as conditions within this permit by reference.

18. All drainage shall be directed towards the street (Camino de la Costa).

19. Prior to the issuance of building permits, the permittee shall grant the City a public access easement on all property westerly of the top of the Bluff.

20. Prior to the issuance of building permits, the permittee shall enter into an agreement for the preservation of the coastal bluff.

21. Prior to the issuance of building permits, the permittee shall execute and record a waiver of public liability for the approved development.

22. Unless appealed this Coastal Development Permit shall become effective on the eleventh day following the decision of the Planning Director.

23. Unless appealed this Coastal Development Permit shall become effective on the eleventh working day following receipt by the

ORIGINAL

Coastal Commission of the Notice of Final Action.

24. This Coastal Development Permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.

25. Unless appealed, this Coastal Development Permit shall become effective on December 30, 1991.

26. 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 the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Planning Director of the City of San Diego on January 15, 1992.

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PLANNING DIRECTOR RESOLUTION NO. 9278  
COASTAL DEVELOPMENT, SENSITIVE COASTAL RESOURCE PERMIT  
AND VARIANCE NO. 91-0332

WHEREAS, WILLIAM C. FOXLEY, Owner/Permittee, filed an application for a Sensitive Coastal Resource Permit and Variance to develop subject property located at 6106 Camino de la Costa in the La Jolla Community Plan, described as Lot 11, Block 1A, La Jolla Hermosa, Map No. 1810, in the R1-8000 Zone; and

WHEREAS, on January 15, 1992, the Planning Director of the City of San Diego considered Coastal Development Permit, Sensitive Coastal Resource Permit and Variance No. 91-0332 pursuant to Section 105.0200 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Director of the City of San Diego as follows:

1. That the Planning Director adopts the following written Findings, dated January 15, 1992.

COASTAL DEVELOPMENT FINDINGS:

- a. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The nearest visual corridor identified in the adopted La Jolla Community Plan Local Coastal Program addendum is located approximately 100 feet to the south at the end of Mira Monte Place. Construction of; the residence would not adversely affect this view corridor. Nor does any physical accessways cross the site.
- b. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. As identified in the Environmental Negative Declaration No. 91-0332, the project will not adversely affect these resources.
- c. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.
- d. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic

X 12 ORIGINAL

- resources. The project is located entirely on private property and will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.
- e. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources.
  - f. 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. The project proposes approximately 190 cubic yards of fill and 110 cubic yards of cut, resulting in a net import of 80 cubic yards. A retaining wall ranging from two to six feet in height is proposed to support the patio area. And the existing retaining wall located along the bluff top will remain as is to avoid any damage to this area involved in it's removal. In addition, the proposed drainage plan indicates that all runoff would be directed towards the street away from the coastal bluff areas. Also, a geotechnical report has been reviewed and approved by the City Engineering Department which indicates that the project would not contribute to nor be affected by geological, erosional or flood hazards. And this site is not located in a fire hazard area.
  - g. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas. Property to the north, east, and south is developed with custom single-family homes. The proposed residences conforms to the development regulations of the underlying zone and the coastal regulations. The project would be similar in size and scale to the homes in the immediate vicinity.
  - h. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

SENSITIVE COASTAL RESOURCE FINDINGS:

- a. The proposed development will be sited, designed and constructed to minimize, if not preclude, adverse impacts upon sensitive coastal resources and environmentally sensitive areas. As outlined above in Sections A through E of the Coastal Findings, the project will be sited, designed and constructed to minimize impacts upon sensitive coastal resources and environmentally sensitive areas.

ORIGINAL

- b. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted community plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. As outlined in Finding A of the Coastal Findings, the project will not encroach upon any public accessways, nor will it obstruct views of scenic coastal resources from public vantage points.
- c. The proposed development will minimize the alteration of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The project will minimize the alteration of natural landforms and will not result in undue risk from geologic, erosional, flood or fire hazards. (see Section F, Coastal Findings).
- d. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. Shoreline protective works will be designated to be the minimum necessary to adequately protect existing principal structures, to reduce beach consumption and to minimize shoreline encroachment. A geotechnical report has been reviewed and approved by the City Engineering Department which indicates that the project will not contribute to the erosion of public beaches nor will it impact local shoreline sand supply.
- e. The proposed development will not adversely affect the General Plan, the Local Coastal Program, or any other applicable adopted plans and programs. The project conforms with all applicable plans, programs and policies (see Section H of Coastal Findings).

VARIANCE FINDINGS:

This variance is to allow the construction of a single-family dwelling observing a 1'0" frontyard setback where 15'0" is required.

- a. Subject property is on the west side of Camino De La Costa between Miramonte Place and Avenida Cortez. The lot slopes in a westerly direction to the cliffs approximately 80'-0" to 100'-0" from the front property line and continues to drop off into the Pacific Ocean which is approximately 35'-0" below subject lot. Camino De La Costa is a 50'-0" right-of-way, paved 26'-0" with 12'-0" curb-to-property-line distance. Curbs and sidewalks are installed. The property is in the Coastal Zone and the coastal height limit and has been zoned R1-5000 since 1931.

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Applicants proposal is to construct a single-family dwelling as close as he can possibly be to the front property line. There will also be a two-car garage. This dwelling will observe at the closest point a 1'-0" frontyard where 15'-0" is required. Unusual circumstances were established in the topography of the subject property and the development of surrounding properties. This basically would be just a matter of a 1'-0" from a dwelling from the adjacent property to the north.

- b. In view of the foregoing the variance approved is the minimum necessary to allow reasonable use of the property.
- c. The variance has been considered under the provisions of the zoning ordinance. This variance is viewed as fulfilling the purpose and intent of the zoning regulations and with conditions imposed, is not seen as injurious to the neighborhood.
- d. Due to the minimal nature of this request, adverse impacts on the General Plan for the City of San Diego are not anticipated.

If any condition of this permit is violated, or if the same be not complied with in every respect, then this variance shall be subject to revocation.

Failure to utilize such variance within the thirty-six (36) month period will automatically void the same, in accordance with Municipal Code Section 101.0508.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Director, Coastal Development Permit No. 91-0332, Sensitive Coastal Resource Permit and Variance No. 91-0332 is hereby GRANTED to William C. Foxley, Owner/Permittee, in the form and with the terms and conditions as set forth in Coastal Development Permit No. 91-0332, Sensitive Coastal Resource Permit and Variance No. 91-0332, a copy of which is attached hereto and made a part hereof.

  
Patricia Grabski, AICP  
Senior Planner

ORIGINAL

RESOLUTION NUMBER R- 9279

ADOPTED ON January 15, 1992

WHEREAS, on July 25, 1991, MR. WILLIAM C. FOXLEY, an Individual, Owner/Permittee submitted applications to the Planning Department for a Coastal Development Permit, Sensitive Coastal Resource Permit and a Variance; and

WHEREAS, the permits were set for a public hearing to be conducted by the Planning Director of the City of San Diego; and

WHEREAS, the issues were heard by the Planning Director on January 15, 1992; and

WHEREAS, the Planning Director of the City of San Diego considered the issues discussed in Negative Declaration No. 91-0332; NOW THEREFORE,

BE IT RESOLVED, by the Planning Director of the City of San Diego, that it is hereby certified that Negative Declaration No. 91-0332 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Director.

BE IT FURTHER RESOLVED that the Planning Director finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore, that said Negative Declaration is hereby approved.

Patricia Grabski

Patricia Grabski, AICP  
Senior Planner

ORIGINAL

## ALL-PURPOSE CERTIFICATE

Attachment 10

CDP/SCR/Variance 91-.0332

Page 10 of 10

Type/Number of  
Date of Approval  
Number of Pages

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

Patricia Grabski

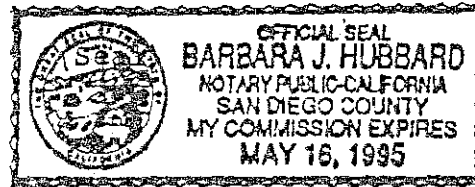
PATRICIA GRABSKI,

Senior Planner

On April 8, 1992 before me, BARBARA J. HUBBARD (Notary Public), personally appeared PATRICIA GRABSKI, Senior Planner of the Planning Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Barbara J. Hubbard  
Barbara J. Hubbard

## ERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed

Typed Name WILLIAM C. FOXLEY

Signed

Typed Name

STATE OF COLORADO

CITY AND

COUNTY OF DENVER

On 20th April, 1992 before me, Margaret Fee (Name of Notary Public) personally appeared William C. Foxley, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Margaret Fee

(Seal)

My commission expires: 9/18/95

A rectangular stamp with the word 'ORIGINAL' in a bold, sans-serif font, tilted slightly upwards to the right.

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

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003804

**COASTAL DEVELOPMENT PERMIT NO. 1137216**  
**SITE DEVELOPMENT PERMIT NO. 1358703**  
**BC CAMINO PROJECT NO. 325514**  
**(AMENDMENT TO COASTAL DEVELOPMENT PERMIT/SENSITIVE COASTAL**  
**RESOURCE PERMIT/VARIANCE NO. 91-0332)**  
**HEARING OFFICER**

This Coastal Development Permit No. 1137216/Site Development Permit No. 1358703 Amendment to Coastal Development Permit/Sensitive Coastal Resource Permit/Variance No. 91-0332 is granted by the Hearing Officer of the City of San Diego to BC5 CAMINO, LLC, Owner, and, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0702. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone(s) of the La Jolla Community Plan. The project site is legally described as: Lot 11, Block 1A. La Jolla Hermosa, Map No. 1810;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to remodel an existing 5,948 square-foot single family home by adding room additions, decks and a tandem garage described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 15, 2014, on file in the Development Services Department.

The project shall include:

- a. 949 square-foot addition to the first floor;
- b. 566 square-foot addition to the second floor;
- c. 887 square-foot garage addition;
- d. 69 square-foot basement addition;



- e. Cantilevered deck;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Closure of one existing driveway; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

#### **STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all 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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to

control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

#### **ENGINEERING REQUIREMENTS:**

12. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the existing driveway with City standard curb, gutter and sidewalk, adjacent to the site on Camino De La Costa, satisfactory to the City Engineer.
13. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond to install a maximum of 12-foot wide City standard driveway, on Camino De La Costa, per Standard Drawing SDG-159, satisfactory to the City Engineer.
14. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the replacement of the existing curb with City standard full-height curb and gutter, along the project frontage on Camino De La Costa, per Standard Drawing SDG-151, satisfactory to the City Engineer.
15. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
16. Prior to the issuance of a building permit, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City's Storm Water Standards.

#### **LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the

The proposed project is consistent with the land use designations of the Community Plan by continuing to maintain an existing single family residence without increasing the density range of 5-9 dwelling units per acre as identified within the La Jolla Community Plan. The additions would meet the goals of the La Jolla/Local Coastal Program by maintaining residential development and not interfering with public access or public views to the beaches. The proposed addition will meet the land use regulations of the certified Implementation Program including compliance to the San Diego Municipal Code development regulations to include but not limited to height, landscape, and, floor area ratio. Therefore, the proposed development is in conformity with the La Jolla Community Plan and Local Coastal Program and complies with the regulations of the certified Land Development Code.

- 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project site is located between the nearest public road and the shoreline of a body of water. The project conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act as the site does not contain a physical public access way. The project does not propose to encroach into any public access way to the ocean and all improvements and additions will be contained on site. The project is a private development on privately owned land. Therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

#### **Site Development Permit - Section 126.0504**

- 1. The proposed development will not adversely affect the applicable land use plan;**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The proposed project is consistent with the land use designations of the Community Plan by continuing to maintain an existing single family residence without increasing the density range of 5-9 dwelling units per acre as identified within the La Jolla Community Plan. The additions would meet the goals of the La Jolla/Local Coastal Program by maintaining residential development and not interfering with public access or public views to the beaches. The proposed addition will meet the land use regulations of the

## **Supplemental Findings--Environmentally Sensitive Lands**

- 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluffs. A portion of the existing home currently extends into the 40-foot bluff setback area. A portion of the addition will be located within of the coastal bluff area but within the established footprint of the existing home and will not affect any established view corridors. A cantilever deck will extend above the 25-foot bluff setback area at a maximum height three feet but without penetrating footings into the bluff area. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding BMP filters to collect all run-off and avoid any potential drainage from happening on the public areas from private improvements. The project site is currently developed with an approximate 5,948-square-foot, two-story, single-family residence. The project site is located in an established urban neighborhood and is supplied with all utilities. The land supports no native vegetation and is not in or adjacent to the City's Multiple Habitat Planning Area. 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.

- 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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

It was determined that site is mapped as Geologic Hazard No. 43 which indicates generally unstable, unfavorable jointing, and local high erosion. However, the sites Geotechnical Report dated May 27, 2014 with addendum dated July 10, 2014 by Christian Wheeler Engineering states, that based on the

results from the bluff stability analyses, the existing coastal bluff along the south side of the site is considered to possess minimum factors-of-safety against failure in excess of 1.5, which is the minimum that is generally considered to be stable and there is no undue risk. It's the engineers professional opinion and judgment that the proposed structure will not be subject to significant geologic instability and will not require construction of on shoreline protection measures throughout the economic lifespan of the home. The project is not within a flood overlay zone or a potentially sensitive area for fire hazards. 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.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluff. The proposed development will takes place entirely within private property and not encroach on to the coastal bluff or any environmentally sensitive lands. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding BMP filters to collect all run off and avoid any potential drainage from spilling on to the public areas from private improvements. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;**

The site is not within or adjacent to the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). Therefore the project is not inconsistent with the City's MSCP.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and**

The project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The proposed development takes place entirely within private property. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project is adding catch basins and BMP filters to collect all runoff and avoid any potential drainage from happening on to the public areas from private improvements. Due to the nature of the existing site the project will be excavating 20.6 cubic yards with a net import or of 65.9 cubic yards. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**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 project proposes a Coastal Development Permit/Site Development Permit (Amendment to CDP/SCR/Variance No. 91-0332) to remodel an existing 5,948 square-foot single family home to include a 949 square-foot addition to the first floor, 566 square-foot addition to the second floor, 887 square-foot garage addition, 69 square-foot basement addition, cantilevered deck, and the closure of one driveway. The 0.38-acre site is located at 6106 Camino De La Costa in the RS-1-5 zone of the La Jolla Community Plan.

The project was exempt from the California Environmental Quality Act (CEQA) in accordance with section 15301(a) (new construction) which allows for the construction of one single family in a residential zone. The project is adding square footage to an existing single-family residence on a site where there will be no impact to sensitive environmental resources.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. The project proposes catch basins and BMP filters to collect all run-off and avoid any potential drainage from happening on to the public areas from private improvements. A deed restriction will be required as a condition of the Coastal Development Permit preserving a visual corridor 4-feet, 7-inches wide (East side yard) running full length of property in accordance with the requirements of the San Diego Municipal Code section 132.0403(b) and identified on exhibit "A" for Coastal Development Permit No. 1137216/Site Development Permit NO. 1358703 dated October 15, 2014. 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.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Costal Development Permit No. 1137216/Site Development Permit No. 1358703 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Costal Development Permit No. 1137216/Site Development Permit No. 1358703, a copy of which is attached hereto and made a part hereof.

---

William Zounes  
Development Project Manager  
Development Services

Adopted on: October 15, 2014

Job Order No. 24003804

## CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commission Chair Steve Kinsey  
Mailing Address: 3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903

Phone Number: (415) 904-5800

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Amendment to local CDP  
permitting construction of a 5,948 sq. ft. single family residence so as to permit a  
2,472 sq. ft. addition on a 0.38-acre bluff top lot.
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
6106 Camino de la Costa, San Diego, CA 92037 APN: 357-141-06-00

4. Description of decision being appealed:

- a. Approval; no special conditions: ☐      b. Approval with special conditions: ☒  
c. Denial: ☐      d. Other: ☐ \_\_\_\_\_

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: A6-LJS-14-0063

DATE FILED: 11/18

DISTRICT: San Diego

RECEIVED

NOV 18 2014

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COASTAL DISTRICT

EXHIBIT NO. 15  
APPLICATION NO.  
**A-6-LJS-14-063**  
Appeals

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

a. ☐ Planning Director/Zoning  
Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of  
Supervisors

d. ☒ OtherHearing Officer

Date of local government's decision: October 15, 2014

Local government's file number (if any): 325514

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

Bruce Tabb  
BC5 Camino LLC  
402 W. Broadway #1320  
San Diego, CA 92101

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.

Claude-Anthony Marengo  
Marengo Morton Architects  
7724 Girard Ave, Second Floor  
San Diego, CA 92037

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

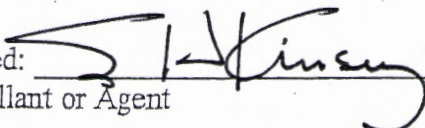
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

- see Attachment A -

Note: The above description 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.

SECTION V. Certification

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

Signed:   
Appellant or Agent

Date: 11/18/14

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment A  
Pike Residence/BC5 Camino LLC  
6106 Camino de la Costa, San Diego CA

November 18, 2014

Introduction

The property at 6106 Camino de la Costa in the La Jolla community of the City of San Diego is a bluff top property between the first public road and the sea. The property currently contains an existing 5,948 sq. ft. two-story over basement single family residence, to which the local approval will permit an additional 2,472 sq. ft. be added to the various floors and basement.

1. The City's certified Land Development Code (LDC) and Coastal Bluffs and Beaches Guidelines define the coastal bluff edge as the "termination of the top of a sensitive coastal bluff where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the coastal bluff face...In a case where there is a step-like feature at the top of the coastal bluff, the landward edge of the topmost tier riser shall be considered the coastal bluff edge..." The subject site is a terraced coastal bluff, where past permit actions have determined the coastal bluff edge to be at the 25-foot elevation, whereas the current City approval delineates the coastal bluff edge as varying between the 18-23 foot elevations. The City's action appears to rely on surveys conducted by the applicant's geological consultant, who asserts that historic photos from the 1930's depict a coastal bluff edge along the claimed elevations, and that any landward movement since then was caused by man-made activity. While the Beach and Bluff Guidelines reference a "modified landform," it references cases where a property owner utilizes fill in order to expand bluff top property, not the reverse. Furthermore, it is not clear that all landward movement of the bluff edge was man-made, and the photos that the applicant relies on are approximately 80 years old. The delineation of the bluff edge is critical because it serves as the benchmark from which most development standards, such as setbacks, are measured. The local approval and delineation method raise the additional concern of establishing an adverse precedent for future bluff edge delineations and future deviations from the established definition of the coastal bluff edge contained in the certified LCP.
2. The City's certified LDC Section 143.0143 establishes development regulations for bluff top development. The section provides for a standard 40-foot bluff edge setback that may be decreased to 25-feet upon a showing by a geologic study that the site is stable enough to support the development and that the development will neither be subject to nor contribute to geologic instability throughout the economic lifespan of the structure, and that no shoreline protection will be required. Within the 25-foot setback area, only accessory structures and landscape features customary and incidental to residential uses are permitted and such improvements must be generally located at grade. The City's action authorizes the expansion of cantilevered, enclosed living space into the 25-foot setback area and

thus conflicts with the provisions of the LCP that limit uses in the 25-foot setback area to accessory structures or landscape features. The City's record indicates that there was an outdoor balcony and supports allowed in the 25-foot setback when the existing residence was constructed; this current proposal would expand the living room into and beyond the seaward edge of the balcony. Thus, the current proposal exacerbates an existing non-conformity by using it to support further encroachment into the setback area. This is in conflict with the policies of the LCP limiting uses in the setback area and raises geologic stability (runoff/drainage/), hazards, and visual resource protection (massing of development/compatibility with natural landforms) issues.

3. In establishing the development setbacks and assessing adequate siting of the structure to ensure geologic safety over its 75-year economic life, the 1.5 factor of safety delineation and the 75-year erosion rate should be added to make that determination. It is unclear from the City's analysis whether this was performed.
4. The City's certified LCP requires that new development along the shoreline preserve side yard setbacks as view corridor easements, as these corridors provide views over the property to the ocean and break up the massing of the development between the first public roadway and the sea. The easements provide for landscape controls and open fencing to maintain public views. In the local approval, only the eastern side yard setback was secured when both side yards should have been protected as required by the certified LCP.

**CALIFORNIA COASTAL COMMISSION**

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



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Mary Shallenberger  
Mailing Address: P.O. Box 354  
Clements, CA 95227  
Phone Number: (415) 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Amendment to local CDP  
permitting construction of a 5,948 sq. ft. single family residence so as to permit a  
2,472 sq. ft. addition on a 0.38-acre bluff top lot.
3. Development's location (street address, assessor's parcel no., cross street, etc.):  
6106 Camino de la Costa, San Diego, CA 92037 APN: 357-141-06-00

4. Description of decision being appealed:

- a. Approval; no special conditions: ☐      b. Approval with special conditions: ☒  
c. Denial: ☐      d. Other: ☐ \_\_\_\_\_

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: A6-LJS-14-0063

DATE FILED: 11/18

DISTRICT: San Diego

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SAN DIEGO COAST DISTRICT

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

a. ☐ Planning Director/Zoning  
Administrator

c. ☐ Planning Commission

b. ☐ City Council/Board of  
Supervisors

d. ☒ OtherHearing Officer

Date of local government's decision: October 15, 2014

Local government's file number (if any): 325514

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

Bruce Tabb  
BC5 Camino LLC  
402 W. Broadway #1320  
San Diego, CA 92101

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.

Claude-Anthony Marengo  
Marengo Morton Architects  
7724 Girard Ave, Second Floor  
San Diego, CA 92037

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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.)

- see Attachment A -

Note: The above description 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.

SECTION V. Certification

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

Signed: \_\_\_\_\_

Appellant or Agent

Date: \_\_\_\_\_

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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Attachment A  
Pike Residence/BC5 Camino LLC  
6106 Camino de la Costa, San Diego CA

November 18, 2014

Introduction

The property at 6106 Camino de la Costa in the La Jolla community of the City of San Diego is a bluff top property between the first public road and the sea. The property currently contains an existing 5,948 sq. ft. two-story over basement single family residence, to which the local approval will permit an additional 2,472 sq. ft. be added to the various floors and basement.

1. The City's certified Land Development Code (LDC) and Coastal Bluffs and Beaches Guidelines define the coastal bluff edge as the "termination of the top of a sensitive coastal bluff where the downward gradient of the land surface begins to increase more or less continuously until it reaches the general gradient of the coastal bluff face...In a case where there is a step-like feature at the top of the coastal bluff, the landward edge of the topmost tier riser shall be considered the coastal bluff edge..." The subject site is a terraced coastal bluff, where past permit actions have determined the coastal bluff edge to be at the 25-foot elevation, whereas the current City approval delineates the coastal bluff edge as varying between the 18-23 foot elevations. The City's action appears to rely on surveys conducted by the applicant's geological consultant, who asserts that historic photos from the 1930's depict a coastal bluff edge along the claimed elevations, and that any landward movement since then was caused by man-made activity. While the Beach and Bluff Guidelines reference a "modified landform," it references cases where a property owner utilizes fill in order to expand bluff top property, not the reverse. Furthermore, it is not clear that all landward movement of the bluff edge was man-made, and the photos that the applicant relies on are approximately 80 years old. The delineation of the bluff edge is critical because it serves as the benchmark from which most development standards, such as setbacks, are measured. The local approval and delineation method raise the additional concern of establishing an adverse precedent for future bluff edge delineations and future deviations from the established definition of the coastal bluff edge contained in the certified LCP.
2. The City's certified LDC Section 143.0143 establishes development regulations for bluff top development. The section provides for a standard 40-foot bluff edge setback that may be decreased to 25-feet upon a showing by a geologic study that the site is stable enough to support the development and that the development will neither be subject to nor contribute to geologic instability throughout the economic lifespan of the structure, and that no shoreline protection will be required. Within the 25-foot setback area, only accessory structures and landscape features customary and incidental to residential uses are permitted and such improvements must be generally located at grade. The City's action authorizes the expansion of cantilevered, enclosed living space into the 25-foot setback area and

thus conflicts with the provisions of the LCP that limit uses in the 25-foot setback area to accessory structures or landscape features. The City's record indicates that there was an outdoor balcony and supports allowed in the 25-foot setback when the existing residence was constructed; this current proposal would expand the living room into and beyond the seaward edge of the balcony. Thus, the current proposal exacerbates an existing non-conformity by using it to support further encroachment into the setback area. This is in conflict with the policies of the LCP limiting uses in the setback area and raises geologic stability (runoff/drainage/), hazards, and visual resource protection (massing of development/compatibility with natural landforms) issues.

3. In establishing the development setbacks and assessing adequate siting of the structure to ensure geologic safety over its 75-year economic life, the 1.5 factor of safety delineation and the 75-year erosion rate should be added to make that determination. It is unclear from the City's analysis whether this was performed.
4. The City's certified LCP requires that new development along the shoreline preserve side yard setbacks as view corridor easements, as these corridors provide views over the property to the ocean and break up the massing of the development between the first public roadway and the sea. The easements provide for landscape controls and open fencing to maintain public views. In the local approval, only the eastern side yard setback was secured when both side yards should have been protected as required by the certified LCP.