CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST AREA
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Hearing Date:	May 10-13, 1997

Wed 9a

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approval with Conditions

APPEAL NO.: A-6-LJS-96-162

APPLICANT: Thomas and Cinda Hicks

PROJECT LOCATION: 8504 El Paseo Grande, La Jolla, San Diego, San Diego County. APN 346-090-12

PROJECT DESCRIPTION: Demolition of an existing two-level (1-story from east elevation and 2-story from west elevation), 12-foot high (east elevation), 2,300 sq.ft. single-family residence and construction of a three-level (2-story from east elevation and 3-story from west elevation), approx. 24-foot high (east elevation), 10,920 sq.ft. single-family residence on a 13,551 sq.ft. oceanfront lot.

APPELLANTS: Joyce Corrigan, Richard Dahlberg (for the La Jolla Shores Ass'n.) and Coastal Commissioners Gary Giacomini and Fran Pavley

SUBSTANTIVE FILE DOCUMENTS: Appeal applications dated 12/26/96, 12/27/96 & 12/30/96; Certified La Jolla-La Jolla Shores LCP Addendum; La Jolla Shores Precise Plan; La Jolla Shores PDO and Design Manual; La Jolla Shores PDO; La Jolla (Draft) LUP - Approved 1/95

STAFF NOTES:

The hearing for the subject appeal/coastal development permit was opened and continued at the February 4-7, 1997 Commission meeting. A determination of substantial issue was not made at that time because the City file had not been received from the local government in the specified time frame pursuant to Section 13112 of the California Code of Regulations. Due to concerns from several project opponents who addressed the Commission indicating they would not be able to attend the hearing in March in Carmel, the applicant's representative agreed to a continuance to the April 8-11, 1997 hearing in Huntington Beach. On April 4, the applicant's representative requested, in writing, a one-month continuance. Therefore, the matter of substantial issue has been continued to the May 10-13, 1997 meeting in Santa Barbara.

SUMMARY OF STAFF RECOMMENDATION:

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

I. APPELLANT'S CONTENTIONS. The appellants contend that the City's decision is inconsistent with several provisions of the City's LCP and the public access and recreation policies of the Coastal Act in that the development will adversely impact an existing public view corridor and is inconsistent with the community character of the area in terms of "bulk and scale". In addition, appellants contend that the construction of newer and massive residences along this area could result in the cumulative adverse impacts on public views to the ocean from public and scenic roadways located to the east.

II. LOCAL GOVERNMENT ACTION. The coastal development permit was first reviewed and denied by the Planning Commission on May 30, 1996 based upon issues related to encroachment into the visual access corridor and the bulk and scale of the proposed residence. On 6/26/96, the applicant applied for a reconsideration with a proposal to redesign the project to address the issues. The reconsideration was granted. On 9/11/96 the Planning Commission re-heard the revised project and approved it. It was subsequently appealed to the City Council which approved it on 11/12/96, with special conditions which address off-street parking, landscaping, and archaeological mitigation monitoring and reporting measures.

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. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county. (Coastal Act Sec. 30603(a))

For development approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance, the grounds for an appeal to the Coastal Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or public access policies set forth in this division.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the

appeal. If the staff recommends "substantial issue", and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises 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. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified local coastal program and the public access and recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission at any 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.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION. Staff recommends a NO vote on the following motion

I move that the Commission determine that Appeal No. A-6-LJS-96-162 raises No Substantial Issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS ON SUBSTANTIAL ISSUE.

1. Project Description. Proposed is the demolition of an existing two-level, 2,300 sq.ft. single family residence and construction of a new three-level, 10,920 sq.ft. single family residence on a 13,551 sq.ft. oceanfront lot in the community of La Jolla Shores in the City of San Diego. The existing residential structure is one-story at its east (street) elevation and two-stories at its west (beach) elevation. The new residence would appear as a two-story residence from its east elevation and as a three-story residence from its west elevation. The lower level would contain a subterranean level totaling 4,340 sq.ft.; however, 3,900 sq.ft. of this area is "true basement" area per City regulations and is not calculated for purposes of determining floor area ratio (F.A.R.) for the subject lot. The main level is proposed to contain a total of 2,736 sq.ft. of habitable area

plus a 952 sq.ft. garage. The upper level is proposed to contain a total of 2,892 sq.ft. of habitable area. In addition, other improvements include a swimming pool/spa, landscaping and construction of a five-foot high privacy wall above the existing seawall. Parking will be provided in an attached four-car garage. The subject site is situated on the west side of El Paseo Grande, one block west of La Jolla Shores Drive. The site is surrounded by other single family residential development. Half a block to the north is a public accessway and a parking lot associated with the Scripps Institute of Oceanography. Half a block to the south is Kellogg Park, a dedicated City park which abuts the La Jolla Shores beach recreational area.

The project site is located approx. mid-block in this strip of El Paseo Grande which contains other large oceanfront single family residences that are bordered to the west by a contiguous seawall. The seawall seaward of the existing single family residence, as well as three other contiguous properties (8498, 8540 & 8516 El Paseo Grande), was permitted through CDP #F7616 in 1978.

1. Visual Access/View Corridor. Several points have been raised in different appeal forms. One of the contentions is that the proposed residence will disrupt/intrude into an identified public view corridor. The view corridor referenced is from La Jolla Shores Drive looking west along Camino del Collado (see Exhibit No. 5). The subject site is located southwest of the intersection of El Paseo Grande and Camino del Collado. In addition, it is also stated that the proposed development is inconsistent with the policies of the certified LCP. The certified La Jolla LCP is comprised of several documents as follows: the 1972 La Jolla Shores Precise Plan, the 1975 La Jolla Community Plan and the 1983 La Jolla-La Jolla Shores Local Coastal Program. There are also two implementation documents: the La Jolla Shores Planned District Ordinance and the La Jolla Planned District Ordinance, which regulate development within the La Jolla Shores area and central downtown "village" core area of La Jolla. All of these documents comprise the certified LCP for this area and are the standard of review in the subject appeal.

As noted by the appellants, the policies in these above-referenced documents call for the for the protection and enhancement of existing visual access to the shoreline and ocean. There are several policies in the certified La Jolla-La Jolla Shores Local Coastal Program Addendum which call for the protection of public views. Specifically, these policies state that existing physical, as well as visual access, to the shoreline and ocean should be protected and improved. Another policy calls out that La Jolla's physical assets, of which ocean views are a part, should be protected in future development and redevelopment.

These policies were developed in reliance upon Section 30251 of the Coastal Act, which states:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of

> natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. [Emphasis added]

The proposed residence is not subordinate to the character of its setting. By contrast, it will dominate the scenic coastal setting and low-scale residential character of the area and obstruct an existing public view corridor.

The appellants also assert that the City's findings regarding view protection are not supported. Specifically, the proposed development is subject to the Sensitive Coastal Resource Overlay (SCR) ordinance of the City's certified LCP. The SCR Ordinance was designed to protect and provide for, among other things, physical and visual public access to and along the coast. Specifically, the SCR Ordinance requires the reviewing body to make, among others, the following finding in approving the SCR permit (ref. Section 101.0408 E(5)(b) of the City's Implementing Ordinances):

> 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.
>
> "The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources."

A last contention raised relative to public views is that the views from the beach will be adversely affected by the construction of a 5-foot high privacy wall above the existing seawall. The appellants believe the wall will be too high and visually obstrusive as viewed from the beach elevation. With regard to this contention, however, the proposed "privacy wall" will be the same height as the existing privacy wall on the property to the north and will not result in any public view blockage.

The subject proposal was originally denied by the City due to its potential impacts on the public view corridor as well as its incompatibility with the community character of the area in terms of bulk and scale. Subsequently, the applicant requested a reconsideration and proposed several architectural changes to the home in an effort to address the opponents concerns. Those revisions included, in part, deletion of a portion of the second floor and stepping the second floor back to create a "one-story element look" to the home which, according to the applicant, increased the view corridor by 15-inches at the north elevation of the proposed residence. The existing home observes a 5' setback (with an eave overhang) from its northern property line whereas the new home, as redesigned, will observe a 6'3" setback (without an eave overhang) . Other changes included, in part, lowering of ridges from

nearly all elevations by six inches to 24 inches and a reduction in building height from 24 feet to 22 1/2 feet, as measured from the street (see Exhibit 6-83-203 No. 6). In addition, according to a City staff report dated 9/6/96, the revisions also included a reduction in the size of the residence; however, the overall square footage of the proposed residence, remained essentially the same (from 10,933 sq.ft. to 10,920 sq.ft.). With the project redesign, the City concluded that the project increased the view corridor and as such, it was found the project did not obstruct views along the ocean or other scenic coastal areas from any public vantage points.

La Jolla Shores Drive is designated as a scenic corridor in the certified LCP. In describing the Scripps Subarea of the certified LCP, of which the subject site is a part, it is stated "The entire area is visually accessible from La Jolla Shores Drive, a scenic coastal access route of statewide significance." Views of the ocean can be seen to the west while driving/walking/bicycling either north or south along La Jolla Shore Drive. In addition, the view along Camino del Collado from La Jolla Shores Drive west to El Paseo Grande, which is the first public roadway, is also a designated view corridor. Along Camino del Collado from La Jolla Shores Drive and moving west approx. one-half block there are horizon views of the ocean above the rooflines of the homes on El Paseo Grande and between the residences within the setback area. Due to the sloping nature of Camino del Collado, the horizon views are lost above the rooflines of the houses from about mid-way down Camino del Collado moving west to its intersection with El Paseo Grande. However, ocean views can still be seen in the setback area between the homes at this streetend.

As noted earlier, the proposed residence will appear as a two-story residence from its east (street) elevation and as a three-story residence from its west beach) elevation. Since the existing residence is only one level at its east elevation, there are currently horizon views available to the public from La Jolla Shores Drive and going west on Camino del Collado. Commission staff has visited the site and walked along La Jolla Shores Drive and both sides of the street of Camino del Collado including both sidewalks on the north and south. The most significant ocean views are the horizon views above the rooflines of the homes on the west side of El Paseo Grande as well as in the setback area between the existing homes while traveling along La Jolla Shores Drive. There are also public views along Camino del Collado traveling west from La Jolla Shores Drive.

For pedestrians walking on either side of Camino del Collado, there is existing landscaping both along the frontages of several residences, as well as within the public right-of-way (landscape strip), that borders the curbside of Camino del Collado. This vegetation somewhat impedes public views for pedestrians in a few places along the street. Nevertheless, existing unobstructed horizon views which exist now above the existing one-story residence, for both motorists and pedestrians, will be encroached upon and eliminated by the construction of a two-story residence. The proposed development is therefore inconsistent with the policies of the certified LCP which state that existing physical and visual access to the shoreline and ocean should be protected and improved, and that views should be maintained in future development and redevelopment projects.

Furthermore, the construction of newer and massive residences along this oceanfront area could result in cumulative adverse impacts on public views of the ocean from public and scenic roadways located to the east. Such views would include those from other designated view corridors which extend from La Jolla Shores Drive to the west: El Paseo Grande where it intersects with La Jolla Shores Drive one block north of the subject view corridor; Camino del Oro, one block south of the subject view corridor; and Calle Frescota, two blocks south of Camino del Collado. Of these view corridors, El Paseo Grande is designated in a similar manner to Camino del Collado in that the view corridor extends from its intersection with La Jolla Shores Drive one block to the west toward the ocean where there is existing beachfront residential development in the viewshed, and the public view of the ocean is maintained across the residence due to its design. 6-83-203

Thus, as the certified LCP requires that public visual access to the shoreline and ocean be protected and improved, and redevelopment of the subject site provides the opportunity to enhance such public views, the proposed project cannot be found consistent with the certified LCP. Therefore, the Commission finds that a substantial issue exists with respect to the applicable grounds for appeal.

3. Visual Compatibility/Physical Scale of Development. Another contention is that the City's finding of the coastal development/sensitive coastal resource overlay permit is not supported by the evidence. The City found: "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." The appellants assert that the proposed residence is not compatible with the surrounding residences on the west side of El Paseo Grande in terms of bulk and scale. The appellants also state that the proposed new residence will be five times the size of the existing residence and the height from the street frontage will double from 12 feet to 24 feet.

The appellants also contend that the proposed development is inconsistent with several policies of the certified LCP pertaining to community character and bulk and scale of new development including the following provisions:

> "...height and bulk of new buildings should be consistent with that of other buildings in the surrounding neighborhood."
>
> ...of critical concern is the need to encourage design which is appropriate to the setting and compliments the scale of adjacent structures."
>
> "New buildings should be designed to complement the scale, form and proportion of older development."

In addition, other allegations are that the construction of a newer and more massive residence on this scenic shorefront could result in an adverse precedent for future development in this area as well as impact public views from public and scenic roadways from the east.

Appellants also allege that the proposed development is not consistent with the La Jolla Shores Planned District Ordinance which provides additional guidance regarding bulk and scale and protection of ocean views. The appellants state some of these guidelines include, "...the open seascape orientation of the La Jolla Shores area shall be retained and enhanced", and that the area's character--"...a typical home is characterized by...a low, rambling silhouette" is preserved by maintaining the "architectural unity" of the area and by "protecting public views from public rights-of-way and public places." 6-83-203

Lastly, another contention is that the City failed to comply with the provisions of CEQA. However, with regard to this contention, the grounds for an appeal for the subject site are limited to the project's consistency with the certified LCP and the public access and recreation policies of the Coastal Act, not CEQA provisions.

The proposed residence will be larger than the other residences on the block (refer to table on page 14). The existing one-story residence is 12' high at its east (street) elevation. The newly proposed residence will be approx. 24 feet high (maximum) at its east elevation. Along the street, the highest ridge of the home will be 8'4" higher than the ridge of the house immediately to the north and 7'4" higher than the ridge of the house immediately to the south. Along the beach elevation, the height of the residence will range from 24'6" to 27'. The highest ridge of the residence will be 5'11" higher than the ridge of the house to the north and 4'11" higher than the ridge of the house to the south. Thus, the proposed residence will be larger in bulk and scale, as well as height, than other residences in the immediate area.

The applicant's representative has noted that the subject lot is larger than most of the other lots in this block because its western property line extends all the way to the mean high tide line (MHTL) whereas the western property lines of other lots extend only to the existing seawall seaward of the residences. This would allow the home to be constructed on the property, pursuant to F.A.R. calculations, to be somewhat larger than others. The applicant's representative has also stated that the residence has been designed completely consistent with the certified La Jolla Shores Planned District Ordinance which calls for "unity with variety" and that the proposed residence is not supposed to be the same size or scale as the other homes. In other words--architectural variety is encouraged. However, this reference is included in its <u>full</u> context as follows:

Section 102.030003.4 subsection B/Design Principles:

> Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. <u>Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area</u>." [Emphasis added]

As noted above, while variety is indeed encouraged, no residence should differ substantially from others as to disrupt the character of the community. This policy seems to apply to architecture and how a home is designed--not bulk and scale, which are addressed in other policies. In this particular case, the Commission finds that the proposed residence is much larger than the others within the same block and is out of character with the low-level scale of residential development along the west side of the street. Therefore, the Commission finds that the bulk and scale of the proposed redevelopment immediately adjacent to the shoreline and its effect on public views raises a substantial issue with respect to the project's consistency with the City's certified LCP and should be considered in review of the proposed project on appeal.

STAFF RECOMMENDATION ON THE COASTAL PERMIT

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions.

The permit is subject to the following conditions:

1. Revised Plans. Prior to the issuance of the coastal development permit, the applicant shall submit revised plans approved by the City of San Diego Building Department that incorporate the following:

a) the proposed residence shall not exceed 12 feet in height in one-story or an elevation of +44.5 feet as measured according to the City of San Diego height regulations and as shown in Exhibit No. 1;

b) the western facade of the proposed residence shall extend no further west than a stringline drawn from the northwest corner of the residence immediately to the south and to the southwest corner of the residence immediately to the north and as shown in Exhibit No. 2.

c) the sideyard setback of the proposed residence shall be a minimum of five feet at the north elevation and four feet at the south elevation and as shown on Exhibit No. 2.

The residence shall be constructed in accordance with the approved plan. No

variances to applicable setbacks or height limits shall be granted. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director. 6-83-203

2. Final Landscape Plans/Deed Restriction

a. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on the installion and maintenance of the vegetation so as to assure that neither during growing stages nor upon reaching maturity will such materials encroach into the view corridor. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

b. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, to ensure that the intent of this condition continues to be applicable throughout the life of the project. The restriction shall provide that landscaping shall be implemented in accordance with Special Condition #2 and consistent with those plans approved with CDP #A-6-96-162. The restriction shall be recorded, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property.

3. Other Special Conditions of the SCR/PD2O Permit. The following special conditions of the City's CDP/SR/LJPDO permit #95-0348 are modified herein and are a part of the subject coastal development permit: Special Condition #s 1 & 2. All other special conditions of the City of San Diego's SCR/LJPDO permit #95-0348 shall remain subject to the City's jurisdiction as part of the City's Sensitive Coastal Resource/La Jolla Planned District Permit.

III. Findings and Declaration.

The Commission finds and declares as follows:

1. Project Description. Proposed is the demolition of an existing two-level, 2,300 sq.ft. single family residence and construction of a new three-level, 10,920 sq.ft. single family residence on a 13,551 sq.ft. oceanfront lot in the community of La Jolla Shores in the City of San Diego. The remainder of the project description is discussed in full detail in the findings on Substantial Issue section of this report (reference pages 3-4) and is hereby incorporated by reference.

2. Discussion of Issues.

a) Public View Blockage/View Corridor. The proposed development for the demolition of an existing 2,300 sq.ft., two-level single family residence

and the construction of 10,920 sq.ft., three-level residence on an oceanfront parcel is not consistent with the policies contained in the certified LCP which address public views of, and to, the ocean along designated view corridors. As proposed, the bulk and scale of the residence decreases an existing public view of the ocean from a designated view corridor. 6-83-203

Specifically, the proposed project is inconsistent with the following policies and goals of the certified LCP addressing protection of public views:

> "La Jolla's relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved."
>
> "La Jolla's physical assets should be protected in future development and redevelopment; particularly with respect to the shoreline, significant canyons and steep slopes. Ocean views should be maintained, beach access provided, and open space retained wherever possible."
>
> "As an integral part of the City of San Diego, La Jolla maintains close cultural, social and economic relationships with the City as a whole. However, its unique ocean-oriented setting and natural terrain, which separate it from adjoining portions of the City, enable La Jolla to maintain its own identity. La Jolla's distinctive architecture and landscaping, handsome parks, beaches and scenic vistas are an asset to all of San Diego."

In addition, the La Jolla-La Jolla Shores LCP Addendum contains the following guidelines on urban design as it relates to public views of the ocean:

> "Structures should be designed to incorporate views of La Jolla's natural scenic amenities--especially the ocean, shoreline, and hillsides. Developments in prime view locations which are insensitive to such opportunities, diminish visual access and compromise the natural character of the community. Large windows, observation areas, outdoor patios, decks, interior courtyards, elevated walkways, and other design features can be used to enhance visual access and increase the public's enjoyment of the coast.
>
> "View corridors utilizing side yard setbacks, should be encouraged along shoreline and bluff top areas, in order to avoid a continuous wall effect. Even narrow corridors create visual interest and allow for sea breezes to refresh passersby...."

In addition, the La Jolla Shores Precise Plan also includes the following goals:

> To preserve and enhance the natural beauty, ambience, and amenities of the Shores;...
>
> "To preserve sea views and natural land forms"

The proposed redevelopment of the property is an opportunity to improve the public views to the ocean as cited in the above-referenced LCP policies; instead, the views will be diminished. Currently, pedestrians and motor 6-83-203 on La Jolla Shores Drive can see the ocean horizon across the top of the existing home and between the existing home and the home immediately to the north. La Jolla Shores Drive is designated as a scenic roadway in the certified LCP and is a major coastal access route. In addition, Camino del Collado is designated as a public view corridor. The construction of a two-story home will essentially eliminate the horizon views which presently exist across the site from La Jolla Shores Drive as well as from Camino del Collado.

The applicant has asserted that the draft La Jolla Land Use Plan which was approved by the Commission but never certified, contains a viewshed map (Figure 9) that does not depict Camino del Collado or El Paseo Grande where the subject site is located. Thus, the applicant argues these streets are not recognized as a view corridor. However, the Commission staff approved the LUP with suggested modifications that required the subarea maps to be identified as denoting viewsheds as well as a basis for protecting existing public views. Figure 9 was intended to be used in conjunction with the subarea maps for purposes of public view protection in the draft LUP. These subarea maps show both La Jolla Shores Drive, as well as Camino del Collado as public view corridors.

The applicant has also challenged the interpretation of what constitutes a "view corridor" and has interpreted the view corridor to consist of linear parallel lines along the public right-of-way of Camino del Collado, curb-to-curb, (excluding sidewalks) which would extend westerly into the setback area of the two residences at the streetend. Thus, the applicant contends the views to the horizon across the top of a home are <u>not</u> part of a view corridor. This interpretation is due to the definition of view corridor contained in the draft La Jolla LUP referenced above. However, in past Commission actions addressing public view blockage, the Commission has found that the symbol of an arrow shown in a westerly direction on the visual access maps of the certified LCP means more than a "linear" view to the ocean. Wherever a view corridor exists, there is typically a "viewshed" associated with such a view corridor. In this particular case, the subject site is located within the viewshed of the designated visual access corridor. The Commission finds the fact that the definition of view corridor contained in the draft LUP may be interpreted to eliminate a viewshed, is reason for modification to that language in the future.

The applicant's representative has also indicated that the view is not that significant because one only catches a fleeting glimpse of the ocean while driving along La Jolla Shores Drive. A motorist driving at a normal speed will see horizon views toward the streetend and over the rooftop of the existing home for only a few seconds. However, views of the ocean horizon are so dramatic and infrequent in this stretch of the road that even a few seconds of view are significant and worthy of protection. The LCP supports this as its policies require maintenance of existing ocean views. Also, not just motorists enjoy the ocean view. People also bike, jog and walk on La Jolla

Shores Drive in which case they enjoy the view for much more than a few seconds. Furthermore, it is precisely these scenic ocean views from various portions of the road, which have warranted its designation as a scenic ~~roadway~~ 6-83-203 of statewide significance. This roadway is not only a major coastal access route which is the sole means of access to the La Jolla Shores beach and recreational area, it is also heavily utilized by tourists, visitors and residents alike. Retention of ocean views from designated public corridors help to retain the seaside ambience of the area. As is noted in the certified LCP, La Jolla's unique ocean-oriented setting as well as its scenic vistas are one reason that it has been designated as a "special community" of regional and statewide significance. The Commission finds that existing ocean views should be preserved for the enjoyment of both present and future generations to come.

It is important to note that there are examples of other residential development on the west side of El Paseo Grande which have accommodated a substantial increase in size but which still preserve existing public views. Specifically, coastal development permit #6-83-203 was approved for the northernmost lot on the west side of the block for a lower level addition to an existing two-level residence to result in a 5,000 sq.ft., three-level single family residence. The residence on that site now contains three-levels which is terraced down the coastal bluff in a manner which preserves the existing ocean views across the site within the designated view corridor. From the east elevation, the residence contains one-story; from the west, it contains two and three-story elements. Additionally, of the other two existing three-story residences on the west side of the block, both are only one-story from the street elevation. These are examples of how a residence can be designed in a manner to reduce the bulk and scale of its appearance from the east as well as accommodate a substantial increase in size. The result is a structure which is sensitive to the character of its setting by preserving existing ocean views and simultaneously maintaining the low-scale residential character in the neighborhood.

Construction of the proposed residence could also set an adverse precedent for the scale and character of redevelopment of this oceanfront area, as well as cumulatively affect public views of, and to, the ocean from the east. For example, there are other public view corridors along La Jolla Shores Drive which could be adversely affected on a cumulative basis in the future by similar development at streetends. In particular, there is an existing view corridor to the north which extends from La Jolla Shores Drive in a westerly direction along El Paseo Grande from its intersection with La Jolla Shores Drive which is similar to the subject view corridor impacted by the proposed development. There is an existing beachfront residence in the viewshed of this view corridor similar to the subject site. This is the same residence which was discussed in the previous paragraph which exhibits a positive design to preserve public views. Of the other view corridors to the south, there are existing residences on both sides of the street which have the potential to impact such views through future redevelopment. Thus, it is critical that an adverse precedent is not established with the subject proposal and that ocean views from the subject view corridor be preserved. As proposed, the Commission finds the residence is not consistent with the policies contained

in the certified LCP which require maintenance and enhancement of existing public views of the ocean. 6-83-203

b. Visual Compatibility/Physical Scale of Development. Additionally, the proposed bulk and scale of the residence is out of character with the homes in the surrounding area, particularly with the homes on similarly situated lots on the west side of El Paseo Grande where maintaining the low scale community character also will maintain public views to the ocean. However, the proposed residence is also larger than most residences on the inland side of the street where a second story does not raise the potential for public view blockage and is more of an established character. Specifically, the proposed project is inconsistent with the policies/goals of the certified LCP addressing visual compatibility and preservation of community character which state:

> "New buildings should be compatible with the scale and character of the surrounding development."
>
> "New buildings should be designed to complement the scale, form and proportion of older development. However, duplication should be avoided."
>
> "Larger structures should be designed to reduce actual or apparent bulk. This can be achieved by pitched roof designs, separating large surface masses through changes in exterior treatment and various other architectural techniques. Landscaping can also be used to add texture to blank walls, soften edges, and provide a sense of pedestrian scale."
>
> "To preserve and enhance the residential character of the community."

The newly proposed residence will contain three levels and total to 10,920 sq.ft. whereas the existing residence which will be demolished, is two stories high (one-story from its east elevation and two stories from its west elevation) and is only 2,300 sq.ft. in size. Also, the existing residence is 12-feet high at its east elevation whereas the newly proposed residence will be approx. 24 feet (maximum) at this elevation. However, there are other appurtenances which include the top of the ridge which is 26 feet high and several chimneys, of which the highest is 28 1/2 feet high.

The proposed residence will be much larger in bulk and scale, as well as height, than other nearby development. As noted earlier, the highest ridge of the proposed residence will be 5'11" higher than the ridge of the house to the north and 4'11" higher than the ridge of the house to the south. In terms of siting on the property, the proposed residence will observe a four-foot sideyard setback to the north and south and a 15-foot front yard setback. The proposed residence will be within the "stringline of development" to the north and south at its western elevation.

The surrounding area contains a mix of small and large-scale homes. The small homes tend to be older and similar in scale to the home the applicant is

proposing to demolish. The larger homes represent more recent development which are on both the west and east sides of El Paseo Grande. Thus, to 6-83-203 extent, the scale of redevelopment for the nearshore area has already established. It is quite typical for older lower-scale residential development to be demolished and gradually replaced over time with larger-scale residential development. This redevelopment has occurred in the subject area and the oceanfront homes on the west side of El Paseo Grande, on average, are larger in scale than older residential development; however, the proposed home will be the largest of the newer redevelopment.

The Coastal Commission has approved numerous coastal development permits in the past for residential development on the west side of El Paseo Grande within the same block as the subject site:

CDP#	Size of home	#stories	Ht. of home
F0156	unknown	2	unknown
F1121	2,300 sq.ft.	1	unknown
F5455	unknown	2	unknown
F6211	4,223 sf.	2 (west)	unknown
		1 (east)	unknown
F7251	3,353 sf.	1	14' (east)
F8956	4,027 sf.	1 (east)	12' (east)
		2 (west)	unknown
6-82-35	710 sf. to exg. 2365	2	24' max.
6-83-203	lower level addn. 5,000 sf. total	3 (west 1 (east)	unknown unknown
6-84-80	4,000	2	unknown
6-84-559	+1755 sf. to exg. 2,857 sf.	2	16' (max.)
6-85-520	3,780 sf.	3	14-15' (east)
A-6-LJS-91-290	10,450 sf.	2 (over subterr.)	13-25' (east)
A-6-LJS-91-272	7,300 sf.	3	13-20' (east)

[See Exhibit No. 7 for location of above sites in proximity to subject site]

Also, staff researched the property records obtained from TRW for the year 1996. According to these records, the sizes of the homes in the surrounding area including both sides of El Paseo Grande and the west side of Paseo del Ocaso, range in size from 1,126 to 4,714 sq.ft. (reference Exhibit No. 8).

Commission staff also surveyed the entire block on the west side of the street where the residence will be constructed. Of the 22 lots, two are vacant, with development currently underway on one of the lots. Of the remaining 20 lots, the majority--17--contain a single family residence which is single-story at its street (east) elevation. Three lots contain a single family residence which is two stories at its street elevation. These three lots are contiguous and are located seven lots to the south of the subject site. Commencing north of these three lots all the way to the northernmost lot in the block, there are 17 contiguous residences which are only one-story in height from street elevation, including the existing residence on the subject site. This clearly

illustrates the low-scale character of the residential development on the west side of the street in this area. Also, as has been noted by the applic 6-83-203 representative, six of the lots (lots 1 through 6 of the La Jolla Shore Sea-Cliff Terrace subdivision) in this block are deed restricted pursuant to the subdivision CC&Rs such that the homes may not exceed a height of 12 feet from the street elevation. The subject home is not one of those deed restricted. From the west (beach) elevation, six lots contain a one-level residence, 12 lots contain a two-level residence and two lots contain a three-level residence. Many of the existing residential structures that contain more than one-level appear as one-story from the east elevation and two or three stories from the west elevation. (See Exhibit No. 9)

Of the two vacant lots previously noted, one lot is currently under construction for a remodel of an existing three-story home (beach elevation) which will remain three-stories without an increase in height. This particular development was the subject of an appeal by the Commission (A-6-LJS-91-272/Clark) due to concerns over the lack of an SCR permit and excavation of the basement level to increase the seaward expansion of the lower level of the home. However, the City subsequently required the proper SCR permit and analytical review and the Commission withdrew its appeal. It is important to note the differentiation between this particular proposal and the subject proposal. On the Clark site, the previously existing residence was a three-level home with living area at the upper two levels over a basement. The proposal consisted of decreasing the square footage of the upper level from 3,293 sq.ft. to 3,218 sq.ft., adding 1,017 sq.ft. to the existing 388 sq.ft. second level, and adding 448 sq.ft. of living area seaward of the existing 884 sq.ft. basement level for a total 7,300 sq.ft. structure. After the proposed remodel, the residence would appear as a three-story structure from the beach as opposed to a tall, two-story structure. However, it would remain as a one-story structure from its east (street) elevation without any increase in height to the residence.

Another vacant lot on which a residence was approved which bears some similarities to the Hicks' site is the most southern lot in the block that was the subject of an appeal (A-6-LJS-90-290/Simms) approved by the Commission in 1991. The permit was for construction of a single family residence on a vacant lot, demolition of an existing seawall and construction of a new seawall including removal of portions of the seawall which encroached onto public land. The residence approved for that lot was three levels (two stories over a subterranean level). To date, the residence has not been constructed nor has any of the work to the seawall occurred as part of the permit. Thus it appears that the permit has lapsed.

The approved Simms residence contained approx. 7,700 sq.ft. of living area above grade in two stories and 2,750 sq.ft. of living area below grade for an approx. total of a 10,450 sq.ft. residence--which is approx. 500 sq.ft. smaller than the proposed Hicks' residence. It was acknowledged in the findings of the staff report that although the home would appear to be a much larger structure than other residential development in the area, it was important to note that the particular lot was larger than most of the other oceanfront lots in the block. The lot is 15,965 sq.ft. as opposed to the two

lots immediately north of the site which are 9,500 sq.ft. and 9,150 sq.ft., respectively. The lot is also much wider so that the approved residen 6-83-203 more expansive laterally, but did not encroach seaward past the establ stringline of development to the north (lot can be seen in Exhibit No. 6). In addition, the Simms property is at a lower elevation than the Hicks site. El Paseo Grande slopes downwards in elevation from north to south such that the residences on the southern end of the block are at a lower elevation than the residences which are mid-block or further north. Another difference is that the approved Simms residence consisted of a partial second story as opposed to a full second story which minimized its bulk and size. Also, the site is not within an established view corridor. In any event, the permit for that residence has expired and any new development on the vacant site will require a coastal development permit from the City.

By contrast, although the subject lot is also larger (longer) in that the western property line extends to the mean high tide line, the size of the lot in terms of width and developable area is similar to the other lots in the block. However, the building envelope for the subject residence is being pushed to maximize the buildable area of the site and the size of the home proposed on the lot is much larger than any other homes on the surrounding lots. The applicant is taking advantage of the ability to add a full lower level (4,340 sq.ft.) as other residences have done; but the applicant also proposes a full second-story (2,892 sq.ft.) which is out of character with surrounding development.

The applicants have stated that there are other larger scale homes in the area and that the community character of an area is not limited only to the west side of the street. Commission staff surveyed both sides of El Paseo Grande and there are several other two and three story homes on the east side of the street. The proposed residence will be larger than any of the residences on either the west or east side of the street. The second largest residence in the surrounding community is a residence (with detached garage) located diagonally across from the subject site, at the northeast corner of El Paseo Grande and Camino del Collado, which totals 6,365 sq.ft. according to the representative of the owner of that property. That residence does not impede nor intrude into the subject view corridor or block public views of the ocean. The physical scale of the subject proposed residence and its compatibility with the character of the surrounding neighborhood is an issue, along with the effect that scale will have on existing public views and view corridors.

It is also significant that six of the lots in the residential subdivision contain a deed restriction pursuant to the CC&Rs limiting the east elevation of the residences to a height of 12 feet. It seems evident that this deed restriction was an effort to maintain the low scale residential character of the neighborhood and to limit, to a certain extent, the size of the residences as they appear from their east elevation, thus establishing a community character for the area. The subject residence, as proposed, is inconsistent with that established character.

As noted previously, the certified LCP describes the adverse impacts of out-of

scale buildings on the appearance and character of the community. The LCP further emphasizes that it is critical to encourage design which is appropriate to the setting and complements the scale of adjacent struct... 6-83-203 The Commission is not attempting to deny the ability of the property owner to build a residence on the property which is of a similar size and scale to other residences in this area. However, the proposed residence at three-stories and 10,920 sq.ft., is not only greater than the surrounding residences, it is out of scale with the community character and it's size and height will impact a designated public view corridor. As such, it is appropriate to limit the scale for redevelopment in this area in order to maintain the community character and minimize the intrusion into the public view corridor. For this reason, the Commission is attaching a condition which requires revised plans for a redesign of the home to reduce its height, scale and bulk in order to both preserve the existing view corridor, as well as to make it consistent with the community character of the homes in the surrounding area.

The redesign will also require conformance with the established western stringline of development. The stringline of development has historically been used by the Commission for purposes of delineating the appropriate siting of shoreline protective devices as well as the beachward encroachment limits of principal residential structures with regard to geologic hazards, erosion considerations and public access concerns. The stringline concept consists of drawing a prospective line of development between two adjacent structures. The stringline method is being used in this particular proposal to assure that through the required redesign, the building footprint does not encroach further seaward than the existing development to the north and south.

As such, Special Condition No. 1 requires revised plans such that the proposed residence will not exceed 12 feet in one-story or an elevation of +44.5 ft. as measured according to the City of San Diego building height requirements and as shown in Exhibit No. 1. In addition, the western facade of the proposed residence shall be within the stringline of the residences immediately to the north and south of the subject site as shown in Exhibit No. 2. Defining the building parameters for the subject site will preclude variances, etc., that would allow a reduced rear yard setback. The siting of a residence with building setbacks which are not consistent with the development on the surrounding lots would also be out of character with the residential neighborhood. The condition also requires that the proposed residence shall observe a minimum of a five-foot sideyard setback at the north elevation and four-foot sideyard setback at the south elevation is permitted consistent with the existing residence such that no reduction of the existing view corridor will occur.

In addition, Special Condition No. 2 requires that the applicant submit a final landscape plan and that proposed plantings are maintained in order to assure that the vegetation does not impede public views to the ocean by encroachment into the view corridor. This condition is also similar to the condition which the City required for the subject proposal. Special Condition No. 3 has been attached which clarifies which conditions of the City's permit are being modified herein through the subject permit. As conditioned, public

views to the ocean will be protected to the same degree that they presently exist and the scale and character of the new development will be more consistent with the character of the newer surrounding development.

6-83-203

Therefore, the Commission is allowing reasonable use of the property consistent with the scale and character of newer development in the area. Only as conditioned to require a redesign such that the proposed residence will be one-story at its east elevation, observe existing side yard setbacks, and will be within the established stringline of development on the seaward side of the residence, can the proposed development be found consistent with the policies of the certified LCP and applicable Chapter 3 policies of the Coastal Act.

3. Public Access/Recreation. Both the certified LCP and the Coastal Act contain policies protecting physical access to the beach and ocean. The subject site is located between the first public roadway and the sea. La Jolla Shores is one of the most popular beaches in San Diego County. The area seaward of the proposed seawall is heavily used by residents and beach-goers alike for sunbathing, strolling, playing volleyball and similar recreational activities as well as for purposes of gaining access to the ocean for swimming, scuba diving, body surfing, boogie-boarding and surfing.

As noted in the findings for substantial issue, the subject site contains an existing seawall which was permitted through CDP #F7616. Under that permit, an offer to dedicate a lateral access easement seaward of the proposed seawall was required. This easement was just recently accepted by the City of San Diego on 11/4/96. Two other offers to dedicate a lateral access easement were also accepted for the properties located at 8516 and 8510 El Paseo Grande in conjunction with the subject site. As such, the public will continue to be able to use the beach area seaward of the seawall in an unrestricted manner consistent with the policies of the certified LCP and applicable sections of the Coastal Act.

Section 30604(c) of the Act requires that a specific access finding be made for any project located between the first coastal roadway and the sea. The project site is located between the ocean and the first coastal roadway (El Paseo Grande). There is an existing public access stairway at the northern end of the block near the Scripps Institute of Oceanography which is used to gain access to the beach. In addition, the site is located only one-half block from Kellogg Park and the La Jolla Shores beach recreational area, as noted above, where unlimited access to the shoreline is provided. As such, the proposed project will not result in any adverse impacts to physical public access. Furthermore, as required in Section 30604(c) for development between the first public road and the sea, the project, as conditioned, is found consistent with all other public access and recreation policies of the Coastal Act.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations 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)(i) 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 impact which the activity may have on the environment.

6-83-203

The proposed project has been conditioned in order to be found consistent with the visual resource and public access policies of the Coastal Act. In this particular case, there are feasible alternatives available which can substantially lessen the significant adverse impact the project will have on public views to the ocean and the community character of the surrounding area. The proposed conditions addressing siting of development on the subject property including limitations on its height and number of stories, will minimize all adverse environmental impacts. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

5. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, only as conditioned, can such a finding be made.

The certified La Jolla-La Jolla Shores LCP Addendum contains numerous policies which call for the protection and improvement of existing visual access to the shoreline and that ocean views should be maintained in future development and redevelopment. In addition, other policies call for the new development to be compatible with the scale and character of the surrounding development as well as complement the scale, form and proportion of older development. The proposed development consisting of demolition of an existing two-story, 2,300 sq.ft. single family residence and construction of a three-story, 10,920 sq.ft. single family residence on a property adjacent to a designated public view corridor would significantly impact and block the existing ocean horizon views from La Jolla Shores Drive, a major coastal access route and scenic roadway of statewide significance. However, as conditioned, for revised plans which require that the east elevation be limited to one-story and that the residence be sited within the stringline of the development to the north and south, the Commission finds that public views to the ocean, as well as the community character of the area, will be protected. As conditioned, the proposal can be found consistent with the certified LCP and public access and recreation policies of the Coastal Act. Approval, as conditioned, will not prejudice the ability of the City of San Diego to implement its certified LCP for the La Jolla area.

(1661A)

-83-203

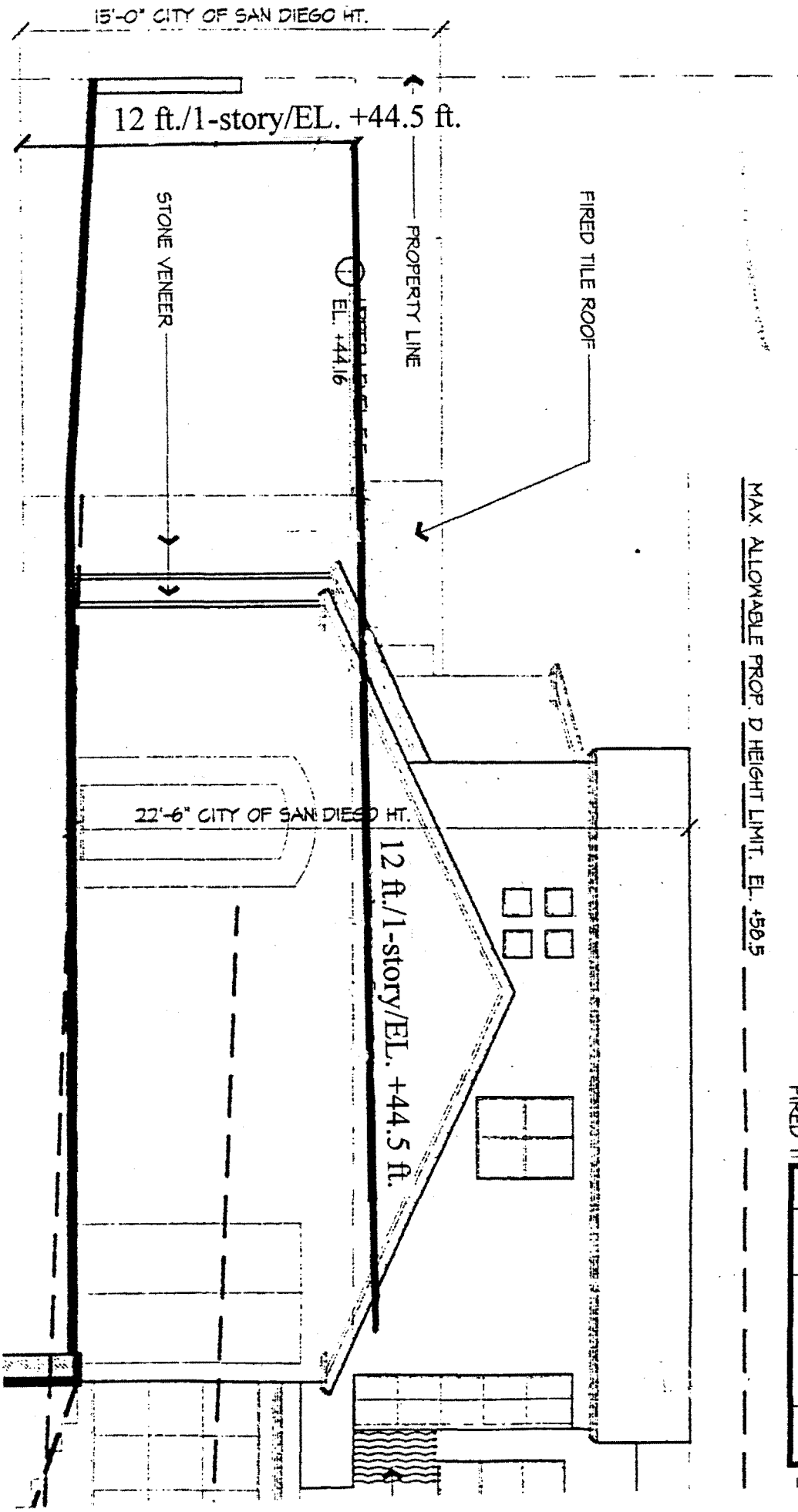
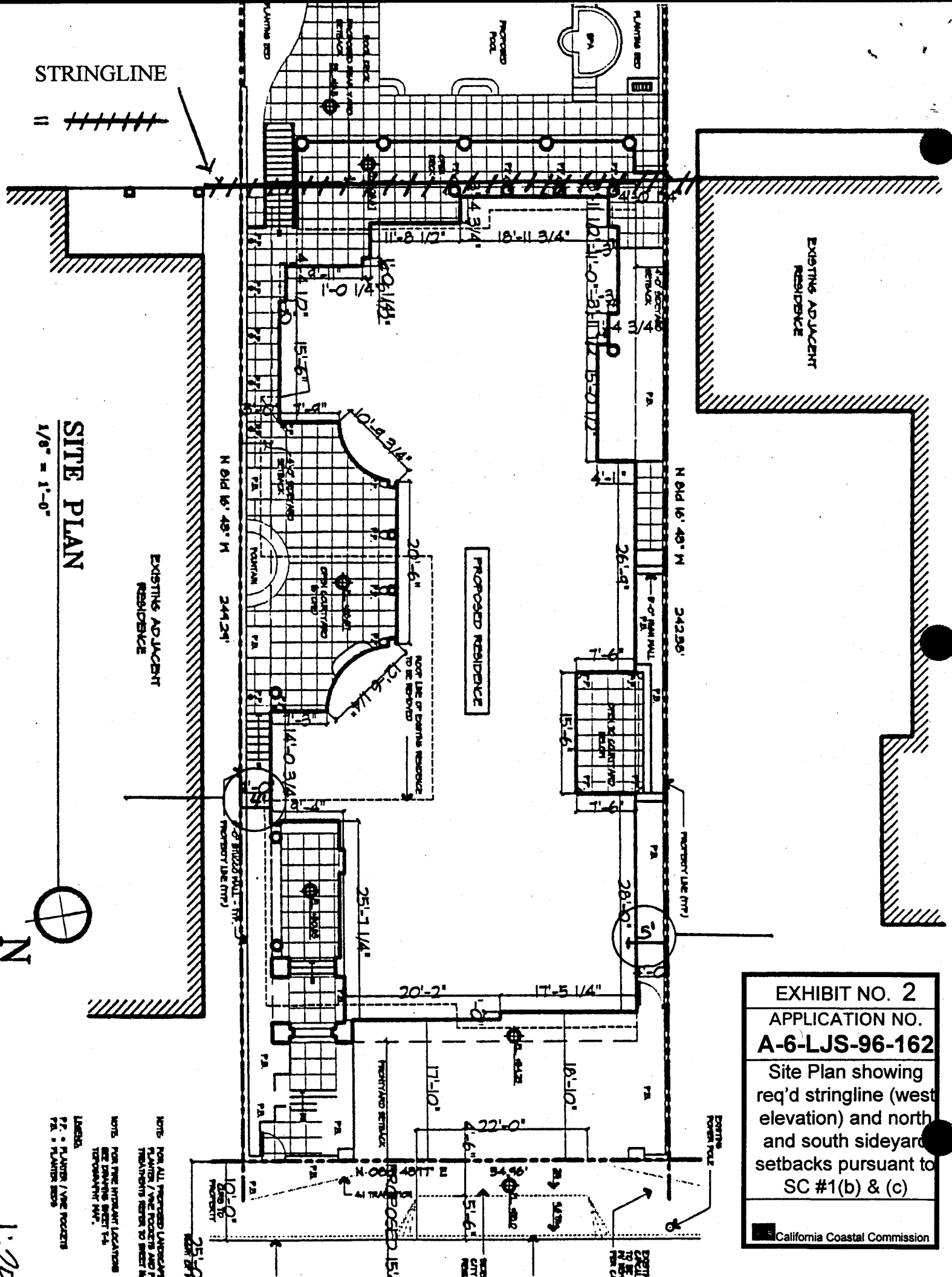
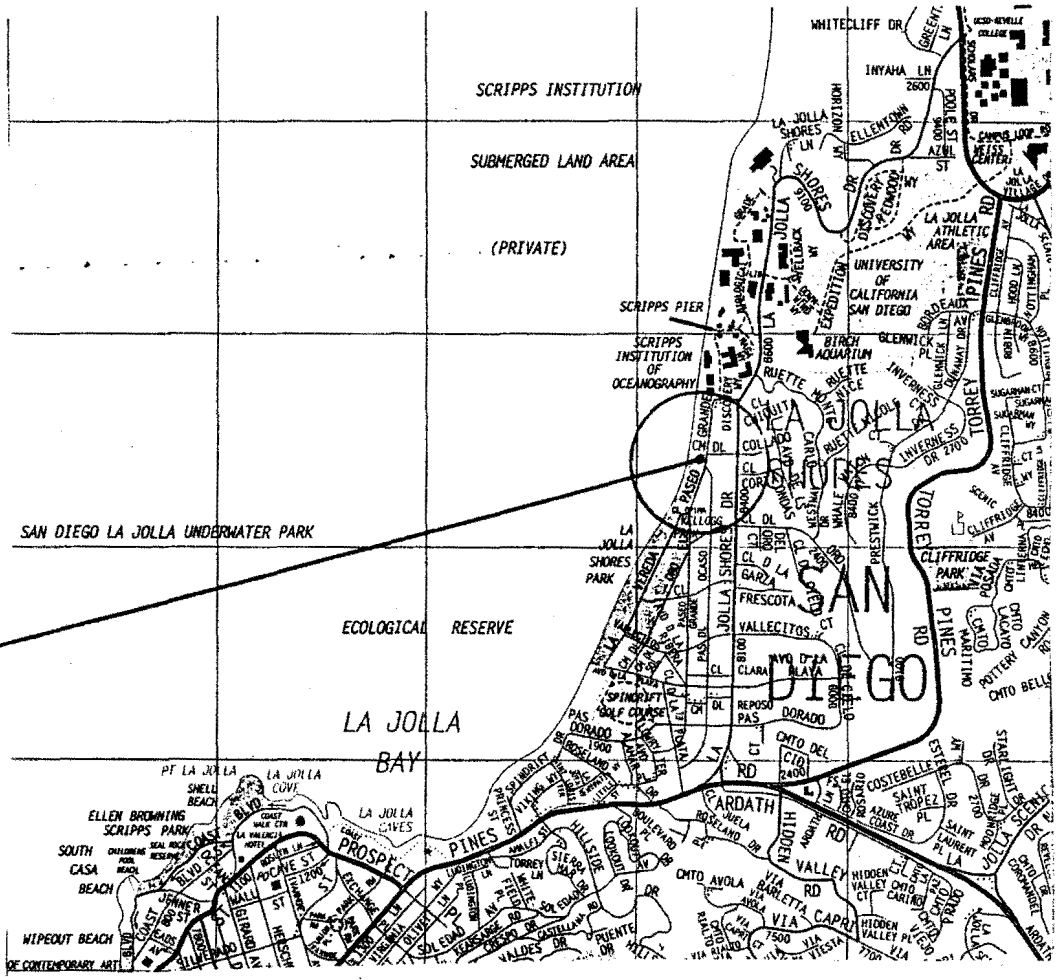


EXHIBIT NO. 1
APPLICATION NO.
A-6-LJS-96-162
Req'd 12-foot high/one-story limit (east elevation) pursuant to SC #1(a)

California Coastal Commission


STRINGLINE
EXISTING ADJACENT RESIDENCE
PROPOSED POOL
PROPOSED RESIDENCE
EXISTING ADJACENT RESIDENCE
N 61d 16' 48" W 242.56'
N 61d 16' 48" W 244.24'
SITE PLAN
1/8" = 1'-0"
N
EXHIBIT NO. 2
APPLICATION NO.
A-6-LJS-96-162
Site Plan showing req'd stringline (west elevation) and north and south sideyard setbacks pursuant to SC #1(b) & (c)
California Coastal Commission



SITE

PACIFIC OCEAN

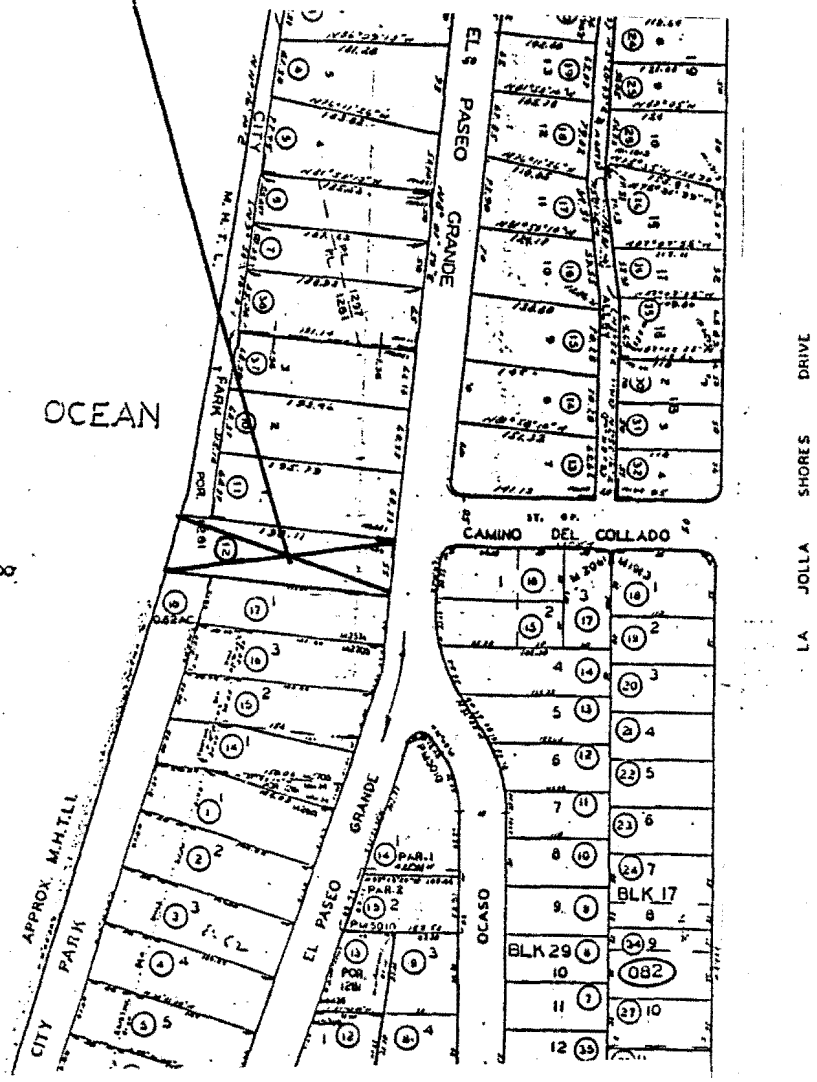


EXHIBIT NO. 3
APPLICATION NO. A-6-LJS-96-162
Location Maps
California Coastal Commission

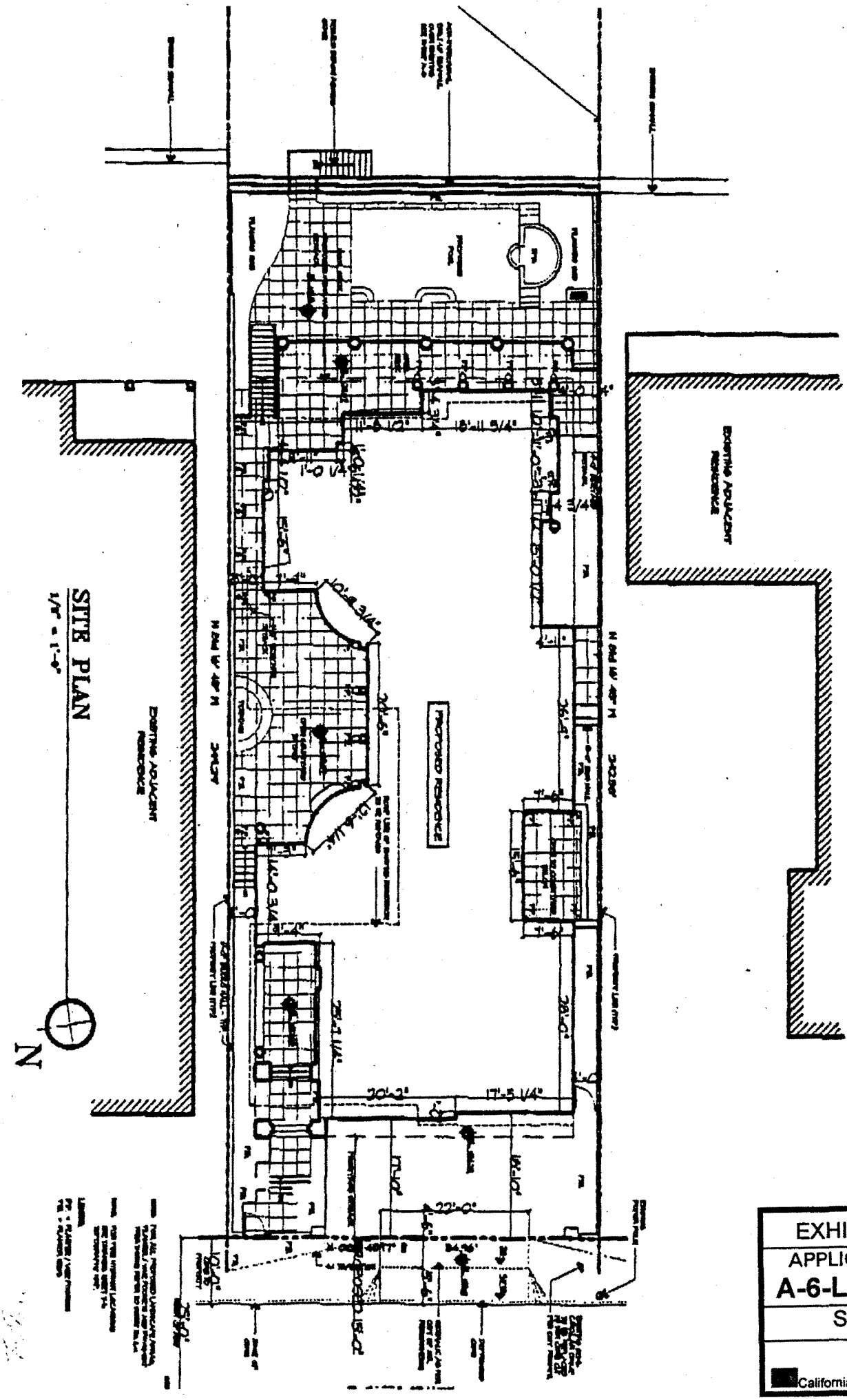
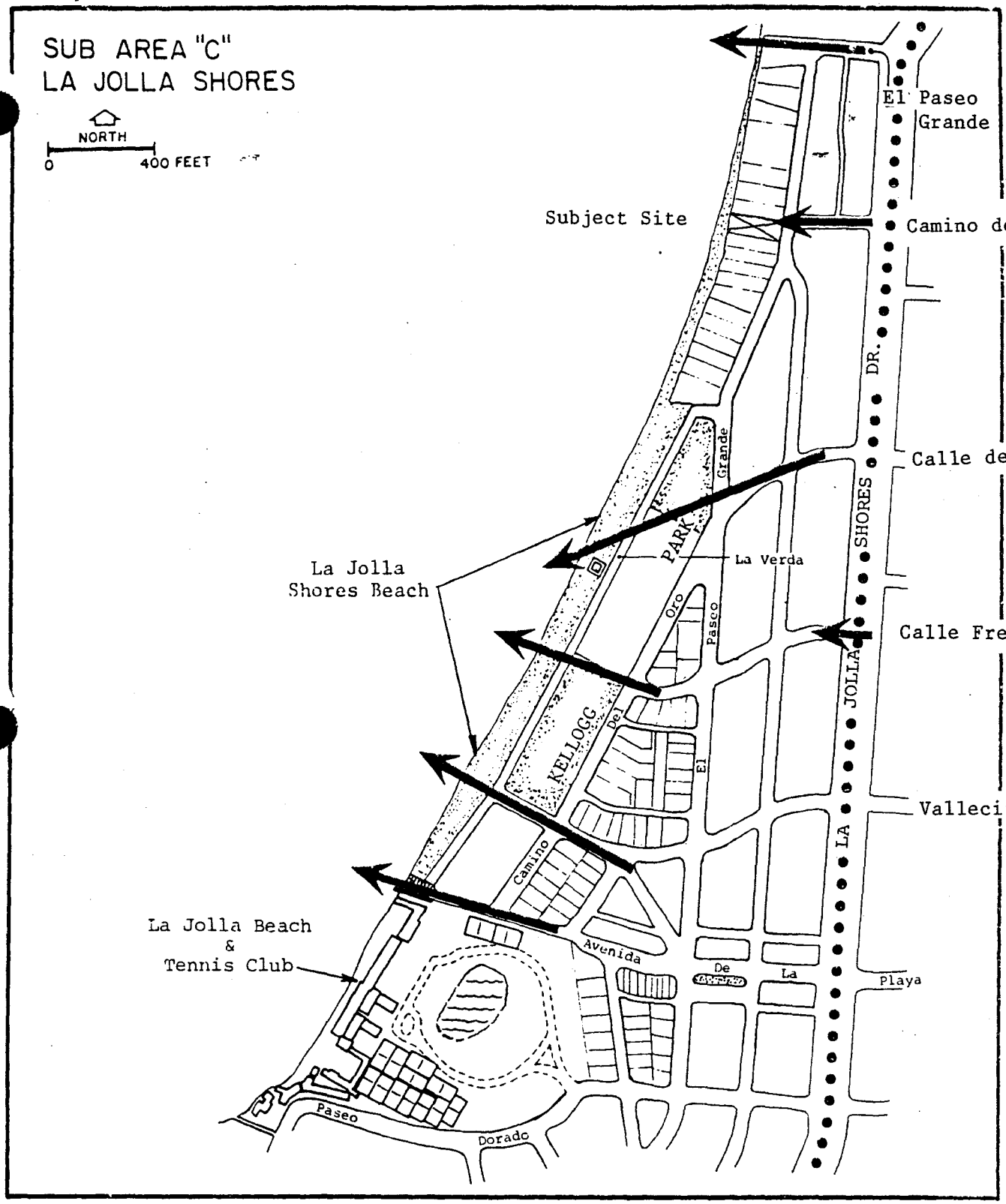


EXHIBIT NO. 4
APPLICATION NO.
A-6-LJS-96-162
Site Plan

California Coastal Commission



La Jolla • La Jolla Shores

LOCAL COASTAL PROGRAM • VISUAL ACCESS

●●●●●● SCENIC ROADWAY

VISUAL ACCESS CORRIDOR (existing)

CITY OF SAN DIEGO
PLANNING DEPARTMENT

EXHIBIT NO. 5
APPLICATION NO.
A-6-LJS-96-162
Existing View Corridor/Certified LCP

California Coastal Commission

In response to the Planning Commission, the following changes have been made

- Street side roof line has been lowered another 1'-0"
- Beach side roof line and chimneys have been lowered 3'-0"
  - Pool deck and west 2/3's of basement have been lowered 1'-0"
  - Basement to main floor height has been reduced by 14" (Main level lowered 26" overall)
  - Garages have been lowered 3" (the maximum allowed to maintain needed clearances)
  - Main level to upper level height has been reduced 10" at the west side, 9" in the garages (west upper level lowered 36" overall, east upper level lowered 12" overall)
- The north living room wall, roof and eave has moved 2'-3" south, completely out of the extended view corridor (reduced 46 sq. ft.)

Additionally, the following revisions were made to adjust the design to accommodate the reductions:

- 90 sq. ft. of non-countable basement space has been added for mechanical room due to offset of the floor levels and the loss in usable ceiling spaces
- Interior courtyard at the basement level was reduced to accommodate above mentioned mechanical room
- The south living room wall moved 1'-0" south to reduce loss of width in the living room due to previously mentioned reduction (add 4 sq. ft.)
- Western most deck edge has moved east 1'-0"
- The floor level offsets from east to west have increased, therefore additional steps have been added at all levels to accommodate the offset created by the lowering of the west end
- On the upper level, the west wall of the stair hall has extended west into the courtyard area to accommodate the needed additional risers necessary to connect floor level differences while not encroaching upon the head height at the entry below
- Entry has been reduced by 26 sq.ft.
- Stair alcove roof ridge has lowered 6"
- Stair alcove roof eave has extended toward the courtyard to cover the area of additional stairs
- The chimney adjacent the stair alcove roof has lowered 2'-0"
- The foyer turret roof has been flattened and a skylight added, thus the high point has dropped 5'-6"
- A balcony was added at Bedroom 2, facing west
- A window has been added in the Master Bedroom south wall
- Pool has been narrowed by 1'-0" and moved west 9"
- Deck-to-pool stair has been shortened due to reduced floor-to-floor height and shifted 2'-6" east
- Subterranean mechanical room has moved east under the stairs

EXHIBIT NO. 6
APPLICATION NO.
A-6-LJS-96-16
Revisions to design made by applicant at city level
Page 1 of 2
California Coastal Commission

HICKS RESIDENCE

Changes made during 1995 in response to community and neighbor input:

- Deleted a portion of the second floor and stepped the second floor back to create a one story element at the street
- Lowered the entrance porch roof by 30"
- Moved the street side balcony back from the street
- Added a dormer window to break up the street elevation
- Changed the beach side to one story at the north side to enhance the view corridor
- Undulated the north side with varied setbacks to improve the view corridor
- Changed the landscaping:
    - Added a water feature to the south courtyard
    - Added a water feature on the north side to enhance neighbor privacy and improve the view corridor
    - Changed all plants in 25' setback to drought tolerant plants
    - Added vines on all beachside columns
- Changed shape and location of pool to balance neighbor privacy
- Deleted auto gates
- Changed sidewalk design to facilitate off-street parking
- Changed landscaping on the east side to accommodate the new sidewalk design
- Eliminated the stairs down from the dining area to the pool deck from the northwest side
- Eliminated the stairs from the sideyard to the courtyard on the north side
- Enclosed the north courtyard with a retaining wall and added landscaping at previous stair location

Additional changes made in 1996 prior to the 3-27-96 submittal:

- Lowered the ridge of the south street side by 12"
- Lowered the ridge of the north street side by 18"
- Lowered and flattened courtyard turret by 24"
- Lowered the east/west ridge above the northern courtyard by 18"
- Lowered the east/west ridge on the northwest side by 6"
- Lowered the porch side ridges and walls by 12"
- Building height was reduced from 24'-0" to 22'-6" as measured from the street

Attachment 5

Exhibit No. 6 cont.

MAP SHOWING LOCATION OF PAST CDP's APPROVED BY COASTAL COMMISSION IN SUBJECT BLOCK (Reference Table in Report on Page 14)

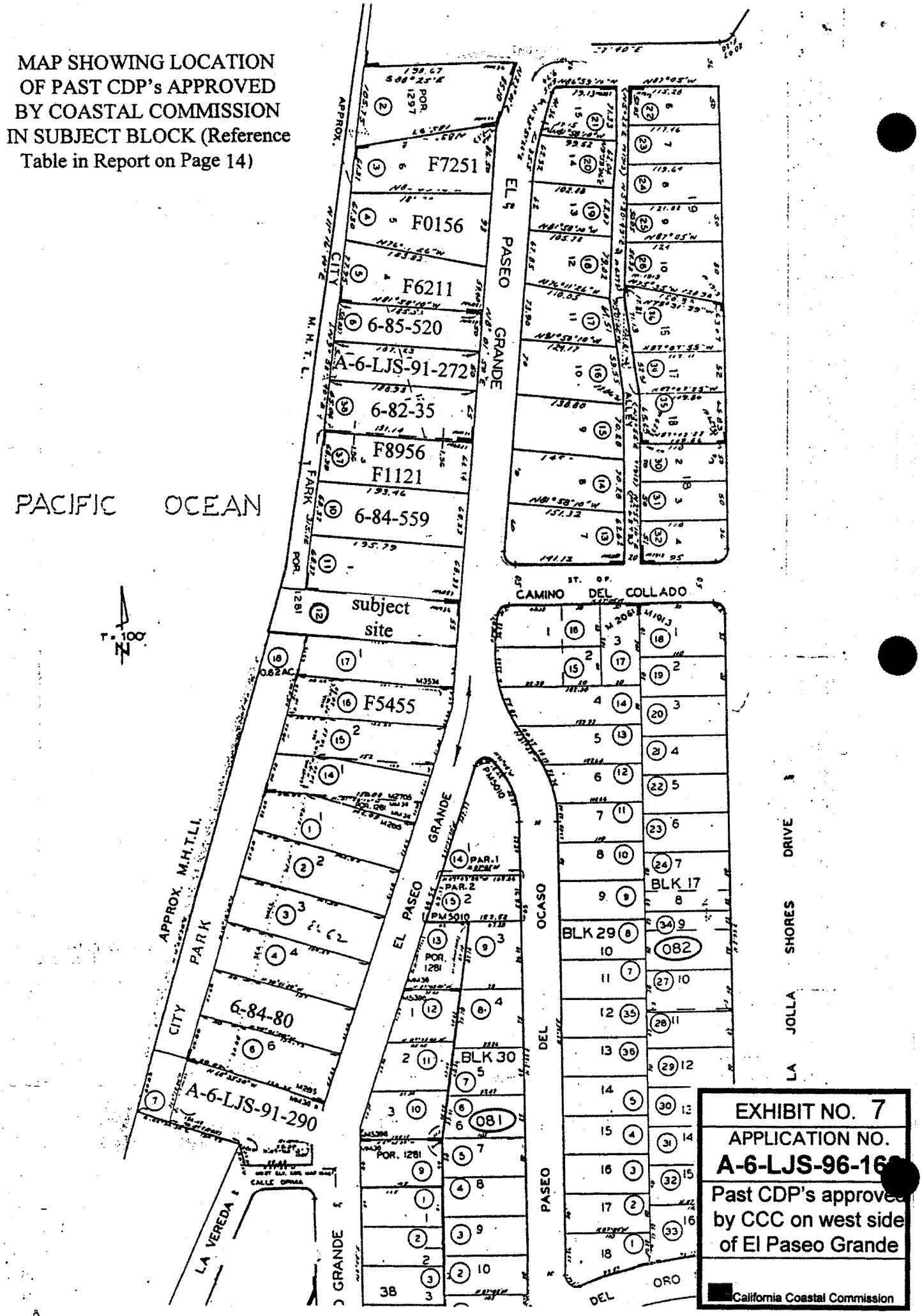


EXHIBIT NO. 7
APPLICATION NO.
A-6-LJS-96-16
Past CDP's approved by CCC on west side of El Paseo Grande
California Coastal Commission

ASSESSOR's MAP OF AREA ILLUSTRATING COMPARATIVE SIZES OF EXISTING RESIDENCES BASED ON PROPERTY RECORDS

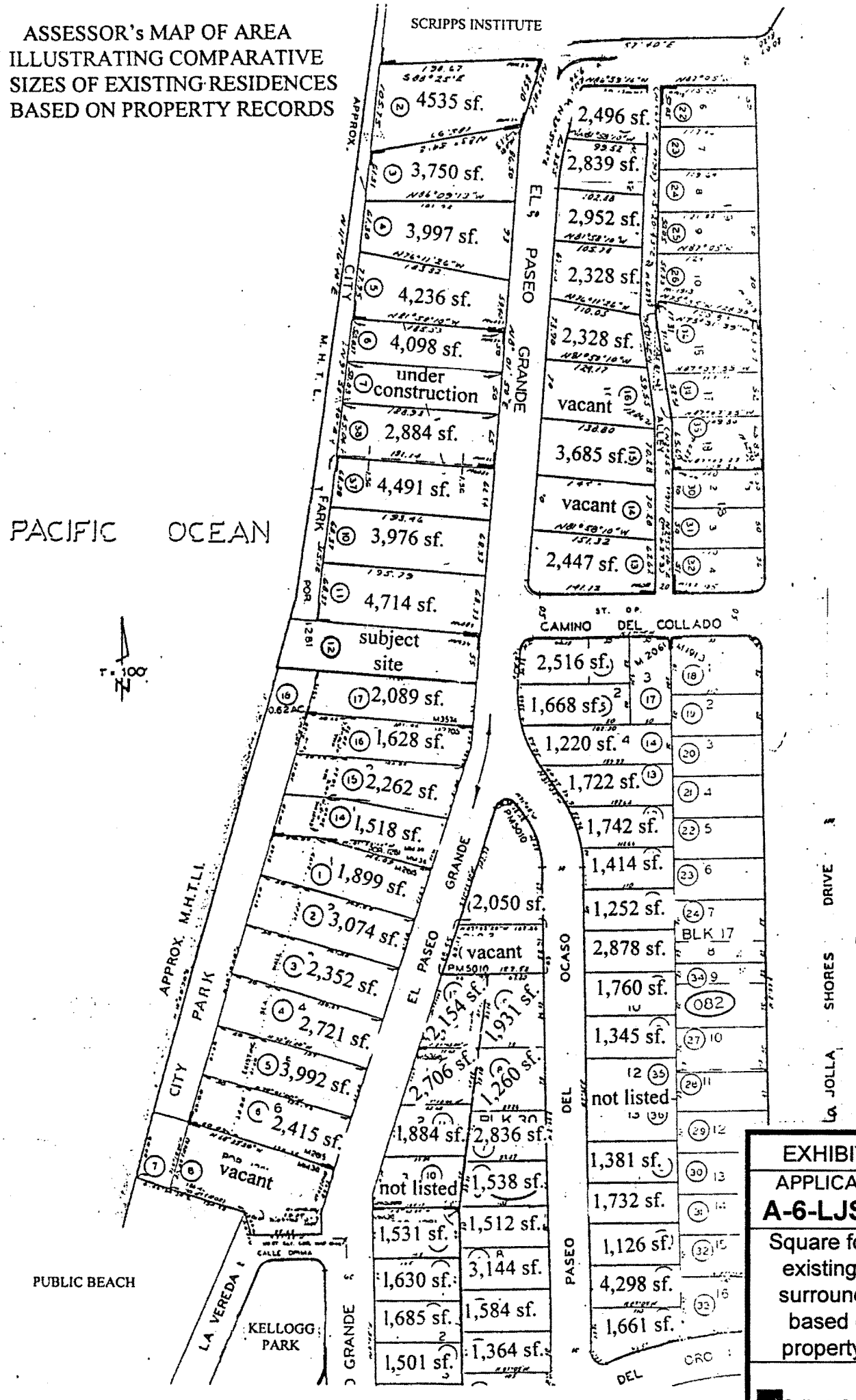


EXHIBIT NO. 8

APPLICATION NO. A-6-LJS-96-162

Square footages of existing SFRs in surrounding area based on TRW property records

California Coastal Commission

ASSESSOR MAP SHOWING
OF STORIES OF EXISTING
RESIDENCES FROM WEST &
EAST ELEVATIONS IN
SURROUNDING AREA

* = Deed Restricted to
a limit of 12 ft. high

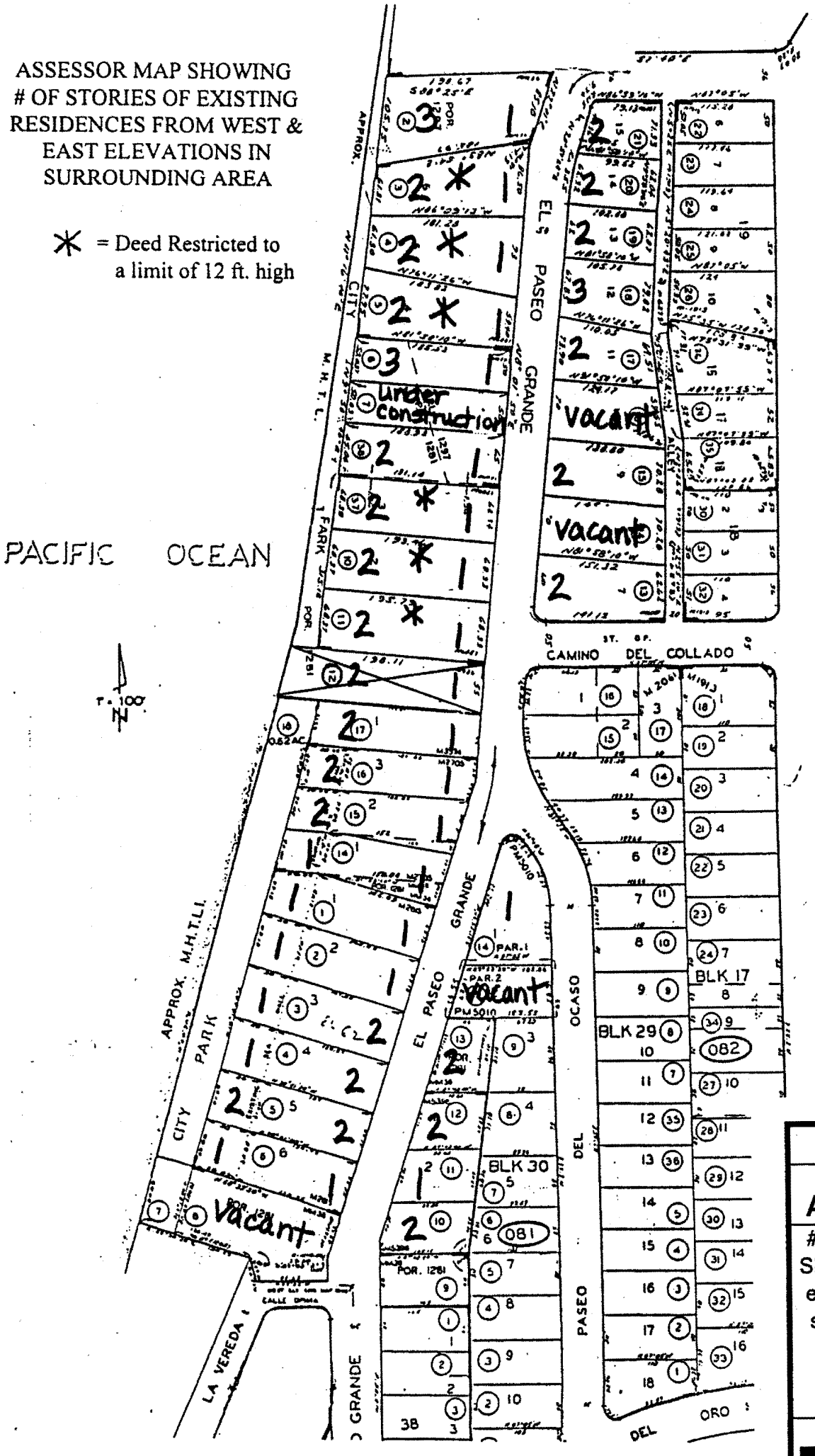


EXHIBIT NO. 8
APPLICATION NO.
A-6-LJS-96-162
stories of existing SFR's from west and east elevations near subject site & sites which are deed restricted to a 12-foot height limit

California Coastal Commission

THE CITY OF
SAN DIEGO
CITY ADMINISTRATION BUILDING • 202 C STREET • SAN DIEGO, CALIFORNIA 92101
PHONE (619) 236-6611 • FAX (619) 236-6999 • EMAIL harry@cd1.sannet.gov

HARRY MATHIS
COUNCILMEMBER
FIRST DISTRICT

December 31, 1996

Ms. Deborah Lee
California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Hicks Residence, 8504 El Paseo Grande; Permit No. 95-0348

Dear Ms. Lee:

I understand that the City Council's unanimous decision on November 12, 1996 to approve the subject residence has been appealed to the Coastal Commission. As you know, I am the Councilman representing the district in which the project is located.

I have not seen the appeal and am not aware of the specific grounds. However, in formulating your recommendation on the appropriate action for the Commission to take regarding the appeal, I thought it might be helpful for you to have the attached summary of my rationale which formed the basis for my comments and motion to the City Council to approve the proposal. If you have any questions, please do not hesitate to call John Barlow in my office. Thank you.

Sincerely,

Harry Mathis
Councilmember, District One

cc: Peter Douglas

Conclusions and recommendations regarding the Hicks residence as heard on appeal from the decision of the Planning Commission before the San Diego City Council, November 12, 1996

A case like this one which pits neighbor against neighbor is never an easy one to resolve. Both sides are intense and sincere in their feelings.

This has been a controversial project because of its proposed size and location on the beachfront at La Jolla Shores. Initally denied by the Planning Commission on a 4-3 vote, the applicants elected to make design changes to the proposed house to address concerns raised at Commission and resubmit. The resultant redesign was subsequently approved by a 4-3 vote by the Planning Commission. The nature of the controversy has been highlighted by the opposition of the La Jolla Shores PDO Advisory Committee and La Jolla Shores Association, and the approval of the La Jolla CPA and La Jolla Town Council. In their denial, the PDO Advisory Committee has testified that the redesign is "not enough" without defining what "enough" is.

What I'm hearing from the appellants is that the proposed house is simply "too big." The underlying theme appears to be a desire to maintain the status quo; but some change is inevitable if the interests and desires of property owners are to be fairly considered.

There are no variances requested by the applicant. All dimensions are within the prescribed limits of both the La Jolla Community Plan and the La Jolla Shores PDO including height, all setbacks, and lot coverage. A height limit at the front of 20 feet is proposed where 24 feet is allowed. On the beachside, the proposed height is about 27 feet where 30 feet is allowed. As noted in the Manager's Report, the Proposition "D" height is proposed at 38 feet where 40 feet is allowed. However, the maximum height of the proposed house would be almost 6 feet higher than its northern neighbor and almost 5 feet higher than its southern neighbor.

The lot is unusual because its back line is at the mean high tide line while the back lines of the adjacent properties fall shorter. However, even if the back line were hypothetically adjusted to coincide with its neighbors, the proposed coverage is calculated at .34 where the PDO allows .60. .34 is generally comparable to the adjacent neighbors. The PDO does not prescribe an FAR limit. As a matter of interest, the FAR for the actual lot size is .52. For a hypothetically reduced property size to coincide with its neighbors, the FAR would be .65.

The La Jolla Shores PDO can be interpreted to favor both sides of this issue. There is a clear allowance for houses of different heights to comingle, just as there is for a "variation in setbacks and changes in scale." The appellant cites the PDO as stating that "a typical home is characterized by...a low rambling silhouette;" and that "no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." However, in practice not all houses are required to be"typical" as can clearly be seen by examining the significant differences in height, scale and architectural style along El Paseo Grande alone. Nor is there a demonstrable disruption in architectural "unity" by the quality, form, materials, etc. chosen by the applicant.

Impact on view has been raised as an issue. The public is well aware by now that we cannot guarantee the continued existence of private views. We offset that by prescribing and protecting public views designated in the Community Plan. There is no impact here on a designated public view.

A-6-LJS-96-162

Representatives of the La Jolla Shores Association assert that approval will do irreparable harm to the neighborhood character and result in a wall of taller residences lining the shore. For pedestrians on El Paseo Grande and the residences behind the beachfront properties, that wall already exists. I cannot discern any requirement in the PDO or other applicable ordinances which mandates beachfront owners to keep some undefined distance below established height limits to accommodate residents further back who have already obstructed in many cases residents behind them. Ultimately, the beach itself is open to public access so that anyone who desires may avail themselves of an unobstructed view of the ocean and coastline.

I submit that the concept of "neighborhood" includes houses on both sides of the street and on adjacent streets. This existing "neighborhood" is an indefinable mix of varying height structures with a broad diversity of bulk, scale and architectural styles. A look at the community of La Jolla Shores at large reveals a diverse and extreme range of homes in bulk, scale and architectural styles. The essence of community character or even neighborhood character cannot reasonably be distilled to a level alignment of rooflines on one side of one street alone even though they might be on the beach front.

From a precedent standpoint, the Hicks have a large family and have fashioned a house which they believe best suits their personal needs. The house must be judged on its merits. The applicant should not be expected to assume the burden of responsibility for what neighbors might or might not do with their homes in the years ahead, or how any of their proposals might be viewed by a future City Council.

When an applicant comes before the City Council having met all ordinance dimensional requirements, it shifts the burden of proof to opponents to show that the proposal is in violation of the PDO, or, as an alternative, will cause significant harm to the community. Since the PDO can be interpreted as favoring both parties, the essence of the appellants' arguments here is that any added height of the house at the beachfront above that of the existing houses is unacceptable even though the proposed height is well within the height limits spelled out in the PDO and the La Jolla Community Plan. The question is: does a difference in maximum height of between 5 and 6 feet above its neighbors in fact create sufficient harm to the community to warrant denial?

The bulk and scale of this house relative to its neighbors is noteworthy but not overwhelming. Its potential prominence appears greater because the property happens to rest on a high point along the street. However, reducing the height of one's house to compensate for modest variations in the height of the street is not a customary practice. As sympathetic as I might be to the concerns of the appellants, I cannot recommend requiring a property owner who meets all the standards to empower his neighbors to design his home for him. Especially when he has demonstrated a reasonable effort to modify his plans in an attempt to appease his critics.

In other words, I do not feel that it is fair or appropriate to impose artificial and arbitrary constraints more restrictive than allowed by ordinance on a relatively small set of property owners along the shore which have not been applied to other residents in the same neighborhood, indeed on the same street. We have height limits which set a standard for all to observe, and this proposal is well within the ordinance height limits.

The fact is that neighborhood character is not solely defined by houses having the same elevation or roofline or architectural characteristics, especially since this particular neighborhood is already home to existing structures of all sizes and descriptions. Where design and scale diversity already exists, character becomes more defined by the way

A-6-LJS-96-162

people invest in and take care of their properties, and how they relate to one another including welcoming newcomers in a spirit of community.

In reaching my conclusion and recommendation to my colleagues, I have studied the issues carefully and weighed the arguments. I have also visited the site several times to gain a firsthand understanding of the proposal before us. I have concluded that the appellants have not been able to convincingly show that this proposal will change the character of or cause harm to the entire community or, as alleged, that it will "destroy " the architectural unity of the area, or that it is significantly in violation of any reasonable interpretation of the provisions of the PDO. I am also comfortable that the issues raised regarding the adequacy of the Mitigated Negative Declaration have been satisfactorily addressed by Staff.

Accordingly, I will move to deny the appeal and approve the current redesign and the associated environmental document with the following condition:

1) That no finding of substantial conformance shall be made for any design modifications which may occur prior to the completion of the house which would result in any increase in the volume or height of the structure or any decrease in the proposed setbacks.

In making this motion, I take no pleasure in going against the recommendations of both the La Jolla Shores PDO Advisory Committee and the La Jolla Shores Association. The members are people I know and respect, and I know they sincerely believe that they are acting in the best interests of their community. However, I must act on the facts and arguments as presented, and have done so to the best of my ability.

Harry Mathis
City Councilmember, District One

A-6-LJS-96-162

Wed 9a

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001

Assembly
California Legislature

HOWARD WAYNE
ASSEMBLYMEMBER, SEVENTY-EIGHTH DISTRICT

February 25, 1997

California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108
Attn: Laurinda Owens

Dear Ms. Owens:

Please find enclosed the statement a member of my staff intended to read at the recent Coastal Commission hearings.

I understand that testimony is being deferred until April. However, as the statement was not read, I respectfully request that you place the statement in the updated records from the hearing.

I appreciate your timely assistance in this matter. If you have any further questions please call me or my Chief of Staff, Gayl Jaaskelainen, at 234-7878.

Sincerely,

Howard Wayne

HOWARD WAYNE
Assemblymember
78th District

cc: Cary Sarnoff

A-6-LJS-96-162

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001

Wed 9a

Assembly
California Legislature

HOWARD WAYNE
ASSEMBLYMEMBER, SEVENTY-EIGHTH DISTRICT

Statement of Assemblymember Howard Wayne
In Opposition to Project located at 8504 El Paseo Grande

As the Member of the Assembly who represents La Jolla, I urge the Coastal Commission to reject the construction of a nearly 11,000 square foot house which would overlook La Jolla Shores. The project violates the Local Coastal Plan and is inconsistent with the neighborhood in which it would be located.

The City of San Diego has adopted the La Jolla Shores Planned District ordinance as its Local Coastal Plan for the La Jolla Shores area. That LCP provides that the "height and bulk of new buildings should be consistent with that of other buildings in the surrounding neighborhood." In the block where the project is located, buildings appear to be in the 2000 to 2500 square foot range, and approximately 12 feet high as seen from El Paseo Grande. The project, on the other hand, is more than four times the square footage of surrounding houses, and nearly twice its height. This inconsistency with the LCP mandates rejection of the project.

Moreover, approval of this project would jeopardize the nature of La Jolla Shores. The west side of El Paseo Grande is the last block before the beach and the shoreline. From the street the homes appear to be a level line of low-rise houses, giving a view of the ocean. Approval of this project would be precedent for the similar modification of other homes on that block, creating a "Miami-ization" of the La Jolla Shores. The voters, in approving Proposition 20 in 1972, and the Legislature in passing the Coastal Act, were looking to retain the unique appearance of the California shoreline. We should profit by the mistakes of other areas, not replicate them. The project should be rejected.

A-6-LJS-96-162

Wed 9a

California State Senate

SENATOR
DEDE ALPERT
THIRTY-NINTH SENATORIAL DISTRICT

STATE CAPITOL
SACRAMENTO, CA 95814
(916) 445-3952
FAX (916) 327-2188

DISTRICT OFFICE
1557 COLUMBIA STREET
SAN DIEGO, CA 92101
(619) 645-3090
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INTERNET ADDRESS
SENATOR.ALPERT@SEN.CA.GOV

COMMITTEES
CHAIR, REVENUE AND TAXATION
APPROPRIATIONS
APPROPRIATIONS SUBCOMMITTEE ON FISCAL OVERSIGHT
EDUCATION
ENVIRONMENTAL QUALITY
NATURAL RESOURCES AND WILDLIFE

SELECT COMMITTEES
CHAIR, EDUCATIONAL STANDARDS AND TEACHER TRAINING
GENETICS AND PUBLIC POLICY
CALIFORNIA'S WINE INDUSTRY
COMMUNITY DEVELOPMENT
CRITICAL THINKING AND PROBLEM SOLVING IN OUR SCHOOLS
ECONOMIC DEVELOPMENT

April 3, 1997

California Coastal Commission
Mr. Peter Douglas, Executive Director
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: Appeal # A-6-LJS-96-162 - 8504 El Paseo Grande, La Jolla

Dear Mr. Douglas,

I am writing to my voice my concerns regarding the proposed 11,000 sq. ft. residence at 8504 El Paseo Grande. This project appears to be in conflict with both the Sensitive Coastal Resource Ordinance and the provisions of the La Jolla Shores Planned District Ordinance. Further, the project's bulk and scale, coupled with the assault on visual resources, would establish a risky precedent for the scale and character of future redevelopment in the community.

The Commission's San Diego staff is to be commended for its thorough analysis of the project. As the State Senate member who represents the residents of La Jolla, I wholeheartedly concur with the staff recommendation to impose specific conditions as outlined. The caveat that no setback or height limit variances for this project be granted without written approval from the Executive Director of the Coastal Commission is notable.

Of additional concern is the City of San Diego's proposed adoption of "a one size fits all" ordinance for environmentally sensitive lands in the City. Clearly, the single ordinance proposal would force the reduction of coastal regulations standards to meet a city-wide level.

The City further proposes to categorically exclude from Coastal Review all demolition and new development throughout the entire non-appealable portion of the San Diego Coastal zone. The code update proposes "a permit only" process, with limited public review and limited reference to community plans.

A-6-LJS-96-162

The City' zoning code update also proposes the elimination of the two Sensitive Coastal Resource Ordinance findings which dictated protection of the visual qualities and community character on El Paseo Grande.

I urge the Commission's adoption of the staff recommendation for the El Paseo Grande project. I also ask that the Commission remain attentive to the zoning code update and the City's adherence to the provisions of Coastal Act.

Sincerely,

Dede

SENATOR DEDE ALPERT
39th District

DA:mam

Wed 9a

Received at Commission Meeting

FEB - 5 1997

From: _____

To: The California Coastal Commission

From: La Jolla Shores PDO Advisory Board, Sara Moser, Chair (619-453-1237)

Date: February 6, 1997

Re: **Hicks Residence, 8504 El Paseo Grande, La Jolla** CDP/SCR/LJS 95-0348

The La Jolla Shores Planned District Advisory Board voted unanimously (6-0) to recommend denial of the Hicks project at its July, 1997 meeting because this vacation home, although handsomely designed, does not comply with the PDO in two areas: (1) it blocks the public view from a public right-of-way and (2) lacks neighborhood compatibility because of the dwelling's height, bulk and scale.

The PDO states that "to preserve the seaside character of the community each building shall be cited and designed as **to protect public views from public rights-of-way and public places and provide for see-throughs to the ocean.**" *(#103.0303.4 General Design Regulations, (C) Design Requirements)* This home encroaches on the Camino del Collado view corridor from La Jolla Shores Drive. This view corridor is also referenced in the "La Jolla Community Plan and Local Coastal Program Land Use Plan" 1994 (Sub-area C: La Jolla Shores, Figure C).

Height, bulk & scale and community character: Instead of tailoring this home to the neighborhood character, Island Architects West* designed the home to fill the 30' high building envelope. Several hearings over a year's time brought small incremental reductions. The most recent reductions include sinking the dwelling into the ground a foot and shaving about 2 feet off the side of the top story along the view corridor. These adjustments are still inadequate. This proposed vacation home will dominate the neighborhood as the largest and highest home along the oceanside of the street. It will be a full story higher at the street than the other 21 homes on the oceanside of El Paseo Grande.

It will appear to be four-stories high from the beach, hardly a" low rambling silhouette" encouraged by the La Jolla Shores PDO to help preserve the "distinctive residential character and open seascape orientation of the La Jolla Shores Area." (*Purpose and Intent # 103.0300.*)

We urge you to deny this application until further reductions are made.

---

* This architectural firm clearly understands "height limits, bulk and scale, and community character." See attached appeal made by Island on Dec. 4, 1996 about the Zogob residence (8,153 sq ft) across the street from another Island project, the Geranium residence (12,596 sq ft) in the La Jolla Shores PDO about two miles from the Hicks project.

A-6-LJS-96-162

ISLAND ARCHITECTS WEST

DREXEL PATTERSON, AIA TONY CRISAFI, AIA

12/4/96

Wed 9a

Mr. Bill Mackey
Senior Planner
Development Services Dept. / Land Use Section
1222 First St., 5th floor
San Diego CA 92101

Re: Appeal of 92-0679
CDP-LJSPDO

Dear Mr. Mackey:

Please accept this letter as an appeal of Coastal Development Permit 92-0679 for the Zogob Residence at 8347 Calle del Cielo, La Jolla, California.
The following are the reasons for the appeal:

1.) Height Limit

The third story viewing deck appears to be above the height limit based on the existing grades. The drawings are inadequate to fully determine the heights of each of the roof elements because the dimensions aren't on the plans. From the information that is on the plans, we estimate the height to be 31'-0", using the municipal code.

2.) Bulk and Scale

The home on the North side of the Zogob home are one story approximately 12' in height and the south side home is two stories, approximately 20' in height. The subject house has 3 stories. There are no homes on this street or the surrounding streets with this condition. Over 2/3 of the front elevation is 26' above grade and approximately 40' above the street level. Also, there is a "telescoping of arches" from the front door to the street - they are 12' in height and are very imposing on the street They do not follow the architectural character of the neighborhood. This house exceeds the scale of the surrounding homes by at least ten feet in height and by 25% FAR. It is very inconsistent with the neighborhood.

3.) Community Character

Following the guidelines of the La Jolla Shores Design Manual, the following are inconsistent features:

A.) Create privacy for each house and protect its outdoor spaces from view and noise

(OVER)

7632 Herschel Avenue La Jolla California 92037
Tel:619/459-9291 FAX:619/456-0351

A-6-LJS-96-162

The third story will preclude any privacy from the surrounding neighbors.

B.) Create harmonies, form relationships among houses. Groups of houses should appear related to one another rather than jumbled together without pattern.

The street scene is primarily single story on the street side with second stories following the terrain. A three story home in this location is not harmonious and this house has no relationship to the homes on the street.

C.) Strive for consistency within groups through use of recurring shapes and materials. All the houses in one eye span should be designed to tie together and relate to one another

The houses surrounding this home are low profile/California Ranch Style or Spanish design - none with protruding elements to the street. The streets all contain landscaping with well placed driveways. The materials used in existing homes are primarily wood and stucco. None of the homes have arches and rock decorating their windows.

Therefore, we are recommending that a detailed analysis of the existing grades/proposed finished grades be plotted with cross sections and heights of each roof element calculated by municipal code. Serious re-consideration of the arches and rock treatments around the windows and the third story should be analyzed for possible deletion from the design. Attached is a copy of a letter from neighbors directly north and south of the subject property voicing their concerns with the proposed residence.

Please consider these inconsistent design issues and analyze all height and setbacks per the municipal code. Thank you for your consideration of this matter.

Sincerely,

Tony Crisafi
Principal
Island Architects West

Reggie Reyes
Project Manager
Island Architects West

December 18, 1996

Wed 9a

Th

Received at Commission Meeting

FEB - 5 1997

From: _____

Mayor Susan Golding
San Diego City Council
202 C Street
San Diego, CA 92101-3862

Dear Mayor Golding

I received your requests for two of the recent certificates and two comments in particular stood out.

One comment was "I want the best for San Diego." The second, "San Diego needs elected officials who put people ahead of politics."

I couldn't agree more with both of your statements. I, too, want the best for the area I live in, La Jolla Shores, and the people in the area should come first.

The City Council and Planning Commission continue to allow self-centered homeowners to overbuild small lots with hotel-like homes at the expense of not just a neighbor or two but entire neighborhoods.

The proposed Hill's Residence at 8504 Paseo Dorado is an

A-6-LJS-96-162

this project is almost 11,000 square feet, and while the additional 3,900 square feet doesn't exist under a particular code, the fact remains the project is nearly 15,000 square feet on a small lot.

Once again, using the median line, we are led to believe the project fits appropriately on the lot. The rest of us cannot use the public street in front of our residences in figuring allowable square footage yet you allow this artificial thinking on ocean-front properties!

Of course the City reaps the benefit of the property taxes gained by allowing these neighborhood monstrosities.

What about "putting people ahead of politics"? Allowing the Hicks residence to be built puts a home out of character with the neighborhood and, more importantly, the domino effect will quickly take place. Do you all want to be responsible for totally ruining this lovely coastline area?

A-6-LJS-96-162

Look what happened to the adequate public view corridor along the Coronado shoreline by allowing inappropriate building.

Passing this project will put a cement wall of homes taking away views as you walk along the beach and look inland. This is not progress, but the selfish act of one family who spends a few weeks a year in La Jolla. It is my understanding the owner has paid. Still get this project no matter what. His project will ultimately ruin the entire coastal area.

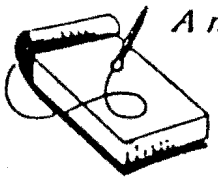
If "people" and not one person are truly what you meant, do not allow this mini-hotel to be built. Do what is best for San Diego.

Sincerely,
Marcia Robinson
La Jolla Shores

C.C.
San Diego
City Council
members

A-6-LJS-96-162

Wed 9a



A note from

LAWRENCE HABER
1890 VIKING WAY
LA JOLLA, CA 92037
619-459-1846

CALIFORNIA COASTAL COMMISION:
SAN DIEGO CA. 92108-1725

GENTLEMEN: Ref:
Permit # A-6-LJS 96-162
Appl. THOMAS GUIDA HILKS

I AM A RESIDENT HERE 23 YEARS.

I AM OPPOSED TO THE ABOVE APPLICANTS PERMIT!

I LIVE IN THE ABOVE ADDRESS AND WALK THIS AREA QUITE FREQUENTLY. THE HEIGHTH OF THIS BUILDING WOULD NOT BE CONGRUOUS TO THE OTHERS ADJACENT TO IT ON THE SAME SIDE OF THE STREET. THEREFORE IT WOULD TAKE AWAY FROM THE BEAUTY OF THOSE WALKING BY. PLEASE DO NOT ALLOW THE HEIGHT. THANK YOU

A-6-LJS-96-162

Wed 9a

Mrs. Edythe H. Scripps
2442 Calle del Oro
La Jolla, California 92037

Mar. 22. 1997

Gentlemen,

Regretfully, I cannot attend the April 9th meeting, as I'm confined to my home, but I do want to voice my vehement objections to the monstrous edifice, some out of towners, are trying to push through, slated to be built at 8504 El Paseo Grande. They have been informed of the restrictions, yet they are still trying to "put one over" on all of us who live in La Jolla Shores.

A-6-LJS-96-162

It is totally out of character for this little town to raise such an architectural monstrosity, disregarding the feelings of neighbors, and obliterating their view.

In closing, I must confess that I find it most peculiar that the meeting has suddenly been moved to Huntington Beach, making it very inconvenient, if not totally impossible, for many La Jolla residents to attend.

Very truly yours,

Ephraim H. Scripps

Wed 9a

Walter Savitch
8432 Paseo del Ocaso
La Jolla, CA 92037

March 25, 1997

California Costal Commission
San Diego Coast Area
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Hearing on Permit Number A-6-LJS-96-162
8504 El Paseo Grande, La Jolla

Due to work obligations I am unable to attend the hearing on the proposed construction at 8504 El Paseo Grande in La Jolla Shores. However, I wish to express my very strong opposition to the size of the prosed project. In both height and square footage it represents a serious departure from the guidelines and common practice that gives La Jolla Shores a character that allows it to be both a pleasant place to live and pleasant place for all to visit the Pacific coast.

A building of the proposed height would seriously obstruct the view of some residents (and I hasten to add that I am not one of the residence whose view would be blocked.) These residence built with the understanding that while construction and remodeling might take place, they could reasonable expect the character of any new construction to be in keeping with the character of existing buildings and guidelines. In particular, they could count on only reasonable heights to a maximum of two stories. The proposal to replace a one story (east elevation) home with a three story (east elevation) home seriously violates the trust of these residents. The square footage also is well beyond what can reasonable be accommodated or expected.

In addition to the blocked view of some residents, the house would adversely change the character of the neighborhood in a number of ways that would effect all residents and visitors to the La Jolla Shores area. It would block sun and wind. It would change the charming village esthetics of the area. This house alone would do very serious damage in this way, but an even greater problem is the dangerous precedence it would create. If the La Jolla Shores area were to see a series of such projects, the character of the area would be completely ruined for both residences and visitors.

A citizen has the right to remodel his or her residence. He or she has the right to live in as large a house as he or she can afford. However, he or she has no right to do so at the expenses of destroying his neighbors environment and the coastal environment. The applicants should either drastically scale back the size of the proposed residence or else build it in some other area which could reasonably accommodate a house of that size. I strongly urge you to not approve this project unless and until it is severely scaled back and the revised, scaled back project has had a full hearing in the same way that this plan is receiving.

Sincerely yours,

Walter Savitch,
La Jolla Shores Resident

A-6-LJS-96-162

Wed 9a

March 27, 1997

Laurinda Owens
Coastal Program Analyst
San Diego Coast Area
3111 Camino Del Rio North, Ste 200
San Diego, CA 92108-1725

Permit Number A-6-LJS-96-162
Thomas & Cinda Hicks, applicants
In response to a notice of the "decision being appealed" meeting in Huntington Beach.

I presume the Commission has previously given permission for the building of one more story on the El Paseo Grande 8504 location.

View is very important to all of us that purchase property in this area, one might say the reason we purchase here, the same house would cost far less elsewhere.

Why do we have to keep fighting for that view? One more story for one house means within a limited time all the houses will be requesting and apparently receiving permission to increase their height.

We are not directly blocked as we are a long way away but even one house will rob some ocean view. In the end only one row of houses will enjoy the view, the hundreds (and there are hundreds) that live behind will only see houses.

All the houses close to the ocean (in fact, each of us) must keep the height of our houses the same so that we may all share the ocean scene that was there when we purchased our property. We arrived in the U.S. 6 years ago and were told that there were building codes to protect our view.

Sincerely,

A-6-LJS-96-162

Wed 9a

8493 Prestwick Drive
La Jolla, CA 92037-2023
March 27, 1997

Laurinda Owens, Coastal Program Analyst
California Coastal Commission
San Diego Coast Area
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

RE: Permit No. A-6-LJS-96-162. 8504 El Paseo Grande, La Jolla, CA 92037.

Dear Ms. Owens:

I am sorry that I cannot be present at the Public Hearing on the above appeal, as I have to be out of the country on April 9, 1997, so I must tell you my concerns in this letter. I have been a resident of La Jolla Shores for over 20 years and live on the hill overlooking the Shores area.

I am writing to tell you how surprised and upset I am at the decision to allow a three-story building totalling 10,920 square feet to be constructed on a 13,511 sq. ft lot on the ocean side of El Paseo Grande. A 2,300 sq. ft. house now sits on the lot and fits in well with the rest of the houses on that block. The plan is to demolish that house and build a three-story mansion on the same lot which is far too small for such a massive edifice. It seems to me that the new out-of state owners are planning to destroy our La Jolla Shores neighborhood. If they get their way, it won't be long before other similar monstrous houses will be built in the area, that will dominate their surroundings and change the whole ambience of the Shores area.

I find it hard to believe that a Planning Commission would allow such an out-of-character building in that location and I wonder what their rationale could be for approving such construction. **If such inappropriate decisions can be made by a Planning Commission, what is the point of having a Planning Commission at all?**

I would hope very much that the California Coastal Commission will realize the seriousness of this matter, will look at the location of the proposed new building and deny the permit to Thomas and Cinda Hicks.

Thanking you,

Yours sincerely,

Estelle Shabetai

Estelle Shabetai

A6-LJS-96-162

Wed 9a

California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio N. Suite 200
San Diego, CA.

April 1, 1997

RECEIVED
APR 0 ? 1997
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Commission Members,

This letter is in regards to the "Hecks Project" located at 8504 El Paseo Grande La Jolla, CA. 92037.

If their permit is approved, a full 1/4 of our remaining ocean view would be removed.

We are asking the commission to DENY the building permit.

We are part of the public view corridor west on 2202 Camino Del Collado, and would be adversely affected.

We are opposed to the bulk and scale as proposed. It would also be incompatable with the other homes along the beach,

Thank you,

R. S. and Stephanie Ran

2202 Camino Del Collado
La Jolla, CA. 92037

A-6-LJS-96-162

RECEIVED
APR 02 1997
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Wed 9a

To California Coastal Commission

From Barbara Groce

Re A-6-LJS-96-162

I feel that the Hicks' plans for 8504 El Paseo Grande are NOT in keeping with the neighborhood. I feel the permit should be denied because of the bulk and scale of the project - ie 3-story; excessive square footage; etc.

B. Groce
8243 Prestwick Drive
La Jolla, CA 92037
619 454 5521

A-6-LJS 96-162

Wed 9a

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-2112
FAX (916) 445-4001

DISTRICT ADDRESS
1350 FRONT STREET, SUITE 6013
SAN DIEGO, CA 92101
(619) 234-7878
FAX (619) 233-0078

Assembly
California Legislature

HOWARD WAYNE
ASSEMBLYMEMBER, 78TH DISTRICT

CHAIR:
ENVIRONMENTAL SAFETY
AND TOXIC MATERIALS

MEMBER:
EDUCATION
NATURAL RESOURCES
TRANSPORTATION

March 31,1997

Lanna Lewin
8481 Paseo Del Ocaso
La Jolla, CA 92037

Dear Ms. Lewin:

As you may be aware, there is a concern in your neighborhood about the construction of a three-story 10,920 square foot single-family residence at 8504 El Paseo Grande in La Jolla.

This project has been appealed by the La Jolla Shores Association to the Coastal Commission. The California Coastal Commission has the authority to review coastal area concerns and mandate appropriate action. I visited the site personally and plan to read the enclosed statement at a Coastal Commission hearing on April 9 in Huntington Beach.

If you have any further questions or comments on this or any other state issue, please contact me at 234-7878.

Sincerely,

Howard Wayne

HOWARD WAYNE
Assemblymember
78th District

TO:

California Coastal Commission, 3111 Camino del Rio Norte, Suite 200,
San Diego, CA 92108.

1 April 1997

Dear Sirs,

I have read Assemblyman's argument about the petition for construction of a large building at 8504 El Paseo Grande, here in La Jolla (within 100 yards of my own home, where I have resided for 27 years), and I fully agree that this petition should be denied. A building of the sort described in the petition would be a dinosaur quite out of keeping with other residences in our neighbourhood.

A-6-LJS-96-162

Yours sincerely,
Lanna Lewin
Lanna Lewin

Wed 9a NRO

DELIA CONSTANT
2556 AZURE COAST DRIVE
LA JOLLA, CA 92037

1 April 1997

California Coastal Commission
San Diego Coast Area
3111 Camino del Rio North Suite 200
San Diego CA 92108-1725

Dear Coastal Commission:

REF: PERMIT # A-6-LJS-96-162

Regarding the above permit number for the residence of Thomas and Cinda Hicks, I wish to voice my objection to the proposed project. The bulk and scale of the new building is not consistent with the neighborhood. To build a house that is almost 4 times the size of the others in the neighborhood, and to have it be almost twice as high as the neighboring houses will be a detriment to the neighborhood. It also sets a precedent for others to follow if this is approved.

I am unable to attend the meeting in Huntington Beach on April 9, 1997, but wish to express my opinion. I ask you not to approve this application as it stands.

Sincerely,

Delia Constant

Delia Constant

A-6-LJS-96-162

Wed 9a

8475 Paseo del Ocaso
La Jolla, CA 92037
1 April 1997

California Coastal Commission
SanDiego Coast Area
3111 Camino del Rio North,Suite 200
San Diego, CA 92108-1725

Re: Permit Number A-6-LJS-96-162
Location; 8504 El Paseo Grande,La,Jolla

Dear Sirs;

We have been resident property owners on Paseo del Ocaso for 44 years. During these years we have seen much building and remodeling.

Most of it has been compatible with the rest of the neighborhood. This project at 8504 El Paseo Grande is the most blatant departure from the rest of the neighborhood ocean front residences. It's size and height will not only deny people traveling west on Camino de la Collado any view of the ocean it will also interfere with the circulation of the ocean breezes.

It will set a precedent for a 30ft."wall"of houses to be erected on the ocean front.

We strongly urge the Commission to reverse the decision allowing this new construction.

Thank you for your consideration of this matter.

Yours truly,
Richard S. Wentink
Ann W. Wentink
Richard S.Wentink
Ann W.Wentink

A-6-LJS-96-162

Wed 9a

8481 Paseo del Ocaso, La Jolla, CA 90237-3024.

California Coastal Commission,
3111 Camino del Rio Norte,
Suite 200,
San Diego, CA 92108-1725.

Subject: Permit Number A-6-LJS-96-162 re. Hicks application.

Plea for rejection

I have been to a coastal town in Texas where rich developers, riding rough-shod over public opinion and good taste, sometimes succeed in erecting monstrous buildings along the shore. I am proud to think that in San Diego County, in California, where I have resided since 1960, the good taste and expressed public opinion of my neighbours will prevail over selfish interests.

Although I cannot attend the meeting on 9 Apr 97, I had planned to write to you to express my personal views about the a/q application. In doing so now, I heartily endorse the arguments presented by Assemblyman Howard Wayne (copy attached). I could not have expressed them better myself.

Yours sincerely, Ralph A. Lewin

Ralph A. Lewin, Professor, UCSD.

A-6-LJS-96-162

STATE CAPITOL
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Wed 9a

Assembly California Legislature

HOWARD WAYNE
ASSEMBLYMEMBER, 78TH DISTRICT

CHAIR:
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

MEMBER:
EDUCATION
NATURAL RESOURCES
TRANSPORTATION

Statement of Assemblymember Howard Wayne
In Opposition to Project located at 8504 El Paseo Grande

As the Member of the Assembly who represents La Jolla, I urge the Coastal Commission to reject the construction of a nearly 11,000 square foot house which would overlook La Jolla Shores. The project violates the Local Coastal Plan and is inconsistent with the neighborhood in which it would be located.

The City of San Diego has adopted the La Jolla Shores Planned District ordinance as its Local Coastal Plan for the La Jolla Shores area. That LCP provides that the "height and bulk of new buildings should be consistent with that of other buildings in the surrounding neighborhood." In the block where the project is located, buildings appear to be in the 2000 to 2500 square foot range, and approximately 12 feet high as seen from El Paseo Grande. The project, on the other hand, is more than four times the square footage of surrounding houses, and nearly twice its height. This inconsistency with the LCP mandates rejection of the project.

Moreover, approval of this project would jeopardize the nature of La Jolla Shores. The west side of El Paseo Grande is the last block before the beach and the shoreline. From the street the homes appear to be a level line of low-rise houses, giving a view of the ocean. Approval of this project would be precedent for the similar modification of other homes on that block, creating a "Miami-ization" of the La Jolla Shores. The voters, in approving Proposition 20 in 1972, and the Legislature in passing the Coastal Act, were looking to retain the unique appearance of the California shoreline. We should profit by the mistakes of other areas, not replicate them. The project should be rejected.

cc: Cary Sarnoff

A-6-LJS-96-162

Wed 9a

Christa M. McReynolds
2316 Calle Chiquita
La Jolla, CA 92037
Tel 454-5385, FAX 454-5304
5 April 1997

California Coastal Commission
San Diego Area
FAX 521-9672

re: Hicks Residence, 8504 El Paseo Grande, La Jolla Shores, Permit # A-6-LJS-96-162

To Whom It May Concern:

We* attended the Coastal Commission Hearing regarding the Hicks Residence at Mission Bay and was disappointed that the City of San Diego was not prepared to go through with this item on the Agenda.

Since we cannot go to the hearing in Huntington Beach wwe wish to make the following points regarding the Hicks Residence:

- the proposed residence is far to big in scale and bulk for the location.
- additionally it would set a very bad precedence for other inappropriately large houses
- it would seriously damage the public view corridor, one of the few we have left in in the La Jolla Shores area.

We strongly urge the Coastal Commission to deny a permit to construct the residence in its present plans.

Thank you for your consideration.

Sincerely yours,

Christa McReynolds

*not all of the people having signed the letter had attended the Mission Bay Hearing.

Marjorie Jackson	455-0026	Mr. and Mrs.Howard Hunt	454-4529
Marcella Davis	452-7595	Mr. and Mrs. A. Marshall	454-1946
Dr. & Mrs. Robert Hamburger	453-3210	Mr. & Mrs. Howard Robbins	454-9372
Marianne Burkenroad	454-5931	Dr. & Mrs. George Masek	454-7419
Mr. & Mrs. R. Kurkchubasche	459-6981	Sally Wegner	454-1450
Zella Brown	453-0340	Dr. & Mrs. John Sottosanti	459-1247
Pat Axelrod	453-2294	Louise Schmidt	459-0367
Mary Breon	459-6604	Sally Kroll	459-1322
Mr. & Mrs. Ed Jones	459-8381		
Maria Rothchild	459-7526		

A-6-LJS-96-162

Wed 9a

Mrs. Robert W. Hammond
2416 Avenida de la Playa
La Jolla, California 92037

March 31, 1997

Re: 8506 El Paseo Grande

California Coastal Commission
3111 Camino del Rio N.
San Diego, CA 92108-1725

Dear Ms. Owens:

We cannot attend the hearing on the above matter, on April 9th, but would like to have our opinions considered. We have resided in the La Jolla Shores area for 32 years.

The absurdity of an almost 11,000 sq. ft. house onthe El Paseo Grande propert is not to be believed. This can only open floodgates for more of the same, creating a wall obstructing ocean views, breezes, and public access. Isn't this the reason for the formation of the Coastal Commission, to prevent this from happening?

The Kellogg Family, who originally developed this acreage, chose to preserve the natural landscape of this area, while accommodating the wish of people to reside near the ocean.

What insanity has taken hold here? Because people can afford to build monuments to their

A-6-LJS-96-162

egos, they ruin the very communities they covet. As so often happens, they do their damage and move on, leaving the long-time residents with the results of their folly.

Sincerely yours,

Helen M. Hammond

Helen M. Hammond

Wed 9a

SIERRA CLUB, SAN DIEGO CHAPTER
San Diego and Imperial Counties
3820 Ray Street
San Diego, CA 92104-3623

Office (619) 299-1743
Conservation (619) 299-1741
Fax (619) 299-1742
Voice Mail (619) 299-1744
EBBS (619) 299-4018

California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

April 4, 1997

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: SAN DIEGO CHAPTER, SIERRA CLUB

SUBJECT: A-6-LJS-96-162

RECOMMENDATION: The San Diego Chapter of the Sierra Club supports Staff recommendation of a NO vote on the motion regarding Substantial Issue. The Club further supports Staff findings and special conditions for the Coastal Permit.

DISCUSSION: While the Sierra Club does not normally address single family homes, the issues raised by this project merit comment. As recently noted at the California and World Ocean Conference, degradation of California's sensitive coastal resources has resulted, in many places, from incrementalism in development patterns.

PUBLIC VIEW PROTECTION: Thus, the incremental loss of this protected public view from La Jolla Shores Dr., with the potential of cumulative impacts from future redevelopment of other oceanfront properties, leads us to strongly support the Special Conditions attached to this permit. Staff's strong, clear analysis of the project's impact is particularly welcome at a time when the City of San Diego is proposing to delete, through its Zoning Code Update, findings and standards that protect coastal scenic resources.

We also note with approval the overall import of staff's analysis, which confirms the principle that a project's mere compliance with the maximum building envelope for the zone in no way insures compliance with the applicable sensitive resource findings. Nor would the Special Conditions in any way deny the applicant reasonable use of his property.

Sincerely,

Joanne H. Pearson

Joanne H. Pearson
Coastal Sub-committee, San Diego Chapter

A-6-LJS-96-162

SEA
Save Everyone's Access
P.O. Box 620
La Jolla, CA 92038-0620

April 6, 1997 Wed 9a

Chairman and Commissioners
California Coastal Commission
3111 Camino del Rio North, Ste. 200
San Diego Ca 92180

re: Appeal No. A-6-LJS-96-162: Applicants Thomas and Cinda Hicks

Save Everyone's Access endorses the Staff Report on the referenced appeal. The proposed project clearly fails to conform to the standards for new development in existing neighborhoods in the City of Sand Diego General Plan, particularly the requirement that new development be compatible in height bulk and scale with existing development. Please accept the staff recommendations on this project.

An accurate determination of the mean high tide line in this area is long overdue. It appears that here the city is using the line shown on the subdivision map, which is surely suspect and appears to have the line well to seaward of its actual location. An accurately determined line will probably result in the lot being smaller than it is currently shown, there by reducing the size building that can be built on this lot.

Sincerely,

Richard Smith
By Direction

A-6-LJS-96-162

Wed 9a

Ms. Deborah Lee
California Coastal Commission
San Diego Coast Area
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

VIA FAX
April 4, 1997

RE: HICK'S RESIDENCE STAFF REPORT: PERMIT NUMBER 95-0348
CALENDAR DATE: WEDNESDAY APRIL 9, 1997, 9:00 A.M.

Dear Ms. Lee:

At its April 1, 1997, regular meeting, the La Jolla Town Council's Land Use Committee unanimously passed a motion to clarify the record on the Hick's Project in La Jolla Shores. Accordingly, please note the following two points.

First, we would like to correct a statement found in Councilman Mathis' December 31, 1996, correspondence to the Commission on the above project: the La Jolla Town Council has *not* reviewed the Hick's Project. For your reference, Councilman Mathis' letter appeared as an attachment to the Commission's March 7, 1997, Staff Report.

Second, the Town Council reaffirms its support for strict adherence to Local Coastal Programs and implementing ordinances including: Coastal Development Permits, Sensitive Coastal Resource Permits, and Planned District Ordinances (PDOs), such as the La Jolla Shores PDO.

We ask that this letter be made part of the record for this hearing. Thank you for the opportunity to comment on this matter.

Respectfully,

Courtney Ann Coyle, Chair

cc: Coastal Commission, San Francisco
Paul Kennerson, President, LJTC
La Jolla Shores Association

A-6-LJS-96-162

Wed 9a

Christa M. McReynolds
2316 Calle Chiquita
La Jolla, CA 92037
Tel 454-5385, FAX 454-5304
5 April 1997

California Coastal Commission
San Diego Area
FAX 521-9672

re: Hicks Residence, 8504 El Paseo Grande, La Jolla Shores, Permit # A-6-LJS-96-162

To Whom It May Concern:

We* attended the Coastal Commission Hearing regarding the Hicks Residence at Mission Bay and was disappointed that the City of San Diego was not prepared to go through with this item on the Agenda.

Since we cannot go to the hearing in Huntington Beach wwe wish to make the following points regarding the Hicks Residence:

- the proposed residence is far to big in scale and bulk for the location.
- additionally it would set a very bad precedence for other inappropriately large houses
- it would seriously damage the public view corridor, one of the few we have left in in the La Jolla Shores area.

We strongly urge the Coastal Commission to deny a permit to construct the residence in its present plans.

Thank you for your consideration.

Sincerely yours,
Christa McReynolds
Christa McReynolds

*not all of the people having signed the letter had attended the Mission Bay Hearing.

Marjorie Jackson	455-0026	Mr. and Mrs.Howard Hunt	454-4529
Marcella Davis	452-7595	Mr. and Mrs. A. Marshall	454-1946
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Zella Brown	453-0340	Dr. & Mrs. John Sottosanti	459-1247
Pat Axelrod	453-2294	Louise Schmidt	459-0367
Mary Breon	459-6604		
Mr. & Mrs. Ed Jones	459-8381		
Maria Rothchild	459-7526		

A-6-LJS-96-162

Wed 9a April 3, 1997 NRO

California Coastal Commission
3111 Camino del Rio No. Suite 200
San Diego, Ca. 92108-1725

Dear Commissioners,

Regarding the Hicks Residence at 8504 El Paseo Grande, La Jolla, Ca. I am terribly concerned about our neighborhood, the long-term effect on the environment, and the destruction of our beautiful coastline.

To begin with, and in reality, the house is not 10,920 sq. ft. The "storage room" adds 3,900 sq. ft. or a real square footage of 14,820 sq. ft. This is larger than the lot of 13,511 sq. ft. Forget the mean tide line, it can't be built on anymore than I can use the street in front of my home as a "mean" line.

This "monster" will not affect just one or two homes on either side, but an entire neighborhood as the domino-effect takes place. Mr. Hicks, a Texas resident, couldn't care less whether we like it or not.

A-6-LJS-96-162

2.

He wants to be comfortable while he visits six weeks a year.

I believe you have the ultimate responsibility to protect our community, the neighborhood, and our beautiful coastline for residents and visitors alike.

Sincerely,
Marcia Robinson.

c. c.
Mayor Golding
Harry Mathis
L. J. Shores Assoc.
Howard Wayne