

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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SAN DIEGO, CA 92108-1725

521-8036



W13b

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Hearing Date: 8/11-15/98

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved With Conditions

APPEAL NO.: A-6-LJS-98-85

APPLICANT: Douglas Holmes

PROJECT DESCRIPTION: Demolition of an existing one-story, 3,500 sq.ft. single family residence and removal of an existing swimming pool and construction of a new two-story, 8,326 sq.ft. single family residence with attached four-car garage, guest quarters, swimming pool and an approximately 410 sq.ft. detached exercise room on a .82 acre blufftop lot.

PROJECT LOCATION: 9536 La Jolla Farms Road, La Jolla, San Diego, San Diego County.  
APN 342-073-09

APPELLANTS: California Coastal Commissioners Sara Wan and Pedro Nava

STAFF NOTES:

The public hearing for the subject appeal was opened at the July 7-10, 1998 Commission meeting and continued to the August 11-14, 1998 Commission meeting.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed. Staff also recommends that the Commission approve the de novo permit with special conditions which require submittal of final revised plans for the south side yard setback to keep the area clear and create an unobstructed view from the street toward the ocean via: limiting the proposed firewall on the southern property line to the minimum vertical height and linear distance necessary for fire protection, installation of only open fencing along the

eastern property line, providing a minimum side yard setback of eight feet and limiting vegetation to height of three feet. A condition addresses landscaping/revegetation/brush management and requires a revised brush management program utilizing native vegetation to provide fire protection but also enhance the habitat value of the adjacent canyon.

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SUBSTANTIVE FILE DOCUMENTS: Certified City of San Diego LCP/La Jolla-La Jolla Shores segment; City of San Diego Coastal Development Permit No. 96-7901; Final Negative Declaration (LDR No. 96-7901) dated 4/22/98.

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I. Appellants Contend That:

The proposed development is inconsistent with the policies of the certified LCP which pertain to brush management and protection of public views to the ocean.

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II. Local Government Action.

The Coastal Development Permit was approved by the Development Services Director on 5/3/98. Several special conditions were attached which address engineering requirements related to the location of driveways, the drainage system, amount of parking, and landscaping and brush management requirements.

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III. Appeal Procedures.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas. The grounds for appeal are limited to the assertion that "development does not conform to the certified local coastal program." Where the project is located between the first public road and the sea or within 300 ft. of the mean high tide line, the grounds of appeal are limited to those contained in Section 30603(b) of the Coastal Act. Those grounds are that the development does not conform to the standards set forth in the certified local coastal program or the access policies set forth in the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo 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 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. 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.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

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

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#### Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

Staff recommends that the Commission determine that SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603.

#### MOTION

Staff recommends a NO vote on the following motion:

I move the Commission determine that Appeal No. A-6-LJS-98-85 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.

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### Findings and Declarations.

1. Project Description. Proposed is the demolition of an existing one-story, 3,500 sq.ft. single family residence and construction of a two-story, 8,326 sq.ft. single family residence with attached four-car garage, guest quarters, swimming pool and a detached approx. 410 sq.ft. "work out room" (exercise room) on a .82 acre triangular-shaped blufftop lot. The project site is located on the west side of La Jolla Farms Road in the La Jolla Farms area in the community of La Jolla in the City of San Diego. The area is characterized by large, single family residential estates. The proposed development received a Coastal Development Permit, Hillside Review Permit and a Conditional Use Permit (CUP) from the City of San Diego; the latter, was for the attached guest quarters.

The subject of the appeal is focused on the proposed project's inconsistency with the hillside review/brush management policies of the zoning code of the City's certified LCP. A second issue is with regard to the visual resource policies of the certified La Jolla-La Jolla Shores LCP.

2. Environmentally Sensitive Areas/Steep Slopes/Brush Management. The project site is located within the City of San Diego's Hillside Review (HR) Overlay Zone. The purpose of the HR zone is to assure that development occurs in a manner which protects the natural and topographic character and insures development does not increase the likelihood of erosion, runoff, severe cutting or scarring of steep naturally vegetated slopes. The HR ordinances provide that slopes of 25% grade and over shall be preserved in their natural state provided a minimum encroachment into such slopes may be permitted according to a sliding-scale table based on the amount of the site that contains steep slopes.

The proposed project raises issues with regard to siting of the residence on the lot to avoid the need for clear cut vegetation removal on steep naturally-vegetated hillsides. The subject site contains an existing one-story single family residence and swimming pool. The site consists of a large flat building pad except for the westernmost portion of the lot which contains steep slopes and is located within the City's HR overlay. Beyond the edge of the pad to the west, a small portion of the site contains steep slopes. Beyond the property line, the hillsides lead to a steep canyon which is natively vegetated. All of the steep slopes and canyon to the west of the property are located within the City's Multiple Habitat Planning Area (MHPA). However, no portion of the subject site is within the MHPA. According to the City's environmental review, the steep slope portion of the subject site within the City's Hillside Review Overlay zone contains mostly non-native vegetation (exotics) and is disturbed. The proposed residence will be situated on the flat portion of the site but will take up a much larger building footprint than the existing residence.

As noted in the City's Negative Declaration for the proposed development, brush management for Zone 1, pursuant to the City's Landscape Technical Manual, requires

creating a landscaped, irrigated zone consisting of exotic (horticultural ) species. This would involve removing existing vegetation and replacing it with mostly non-native species. Because this area would be irrigated, it functions as a significant fire break. In this particular case, all of Zone 1 is located within areas where the native biological resources have been previously disturbed. Since less than 0.1 acre of native vegetation would be directly impacted, the City considered this to be a de minimis impact and no mitigation was required for its removal.

Brush management is required for the upper portion of the canyon slopes on the west side of the lot. Typically, the Commission requires a 30 foot setback from naturally vegetated slopes to provide fire protection and to avoid the need for clear-cut vegetation removal on naturally-vegetated hillsides. However, in the subject project, the City's approval allowed for removal of both native and non-native vegetation for a distance of 60 feet from the residence as Zone 1, and a reduced setback by providing a firewall along the southern property line. The City's approval also included planting the steep hillside with non-native vegetation. The brush management is required to reduce fire hazards. By constructing the wall, the applicant was able to meet the brush management requirements through "alternative compliance" which minimizes the amount of vegetation that must be removed. According to City staff, without construction of a fire break wall, the structure would need to be set back 85 feet from the southern property line. With architectural adjustments and reductions, the setback could be decreased to a maximum of approx. 55 feet from the southern property line. However, this setback was not acceptable to the applicant as it restricted the siting of development on the lot. For this reason, alternative compliance requirements were considered and approved for the subject site. With construction of the fire break wall, the applicant was able to observe the standard side yard setback of 8 feet.

However, the Commission has historically been concerned about the adequacy of the residential setback from natural areas to both provide fire protection and preserve the habitat value and scenic quality of naturally vegetated hillsides. In this particular case, the brush management program approved by the City relies on a fire break wall to allow a reduced setback and allows for total removal of both native and non-native vegetation and replacement with non-native vegetation Zone 1. This encroachment was permitted in an area designated HR and subject to encroachment limitations in the certified LCP. Therefore, the Commission finds the project, as approved by the City, raises a substantial issue with regard to consistency with the HR provisions of the certified LCP.

3. Visual Impacts/Coastal Scenic Area/Public View Blockage. With respect to the proposed development's impact on public views to the ocean, Commission staff inspected the subject property and surrounding area to assess the site conditions and potential impacts to public views to and from the ocean. Presently, there is an existing ocean horizon view looking west across the southern portion of the subject site while driving and/or walking along La Jolla Farms Road, a major coastal access route. However, since the newly proposed residence is larger than the existing residence to be removed, the

building footprint is larger and the proposed residence extends much closer to its side yards, thus, eliminating the ocean views that would be visible across the site. Along this roadway, there is no sidewalk on either side of the road and many of the residences are far removed from the shoreline and situated atop coastal bluffs. La Jolla Farms Road extends north from La Jolla Shore Drive near its intersection with North Torrey Pines Road and forms a loop with Black Gold Road (reference Exhibit No. 1). The area is comprised of custom, estate-size single family residences. Most of the residential subdivision is built out but there are a few remaining vacant lots and properties continue to re-develop on an on-going basis, such as the subject site, where an existing older residence is proposed to be removed and replaced with a newer and larger residence.

There are two major visual access points in the immediate area. The closest one to the subject site consists of a designated public view corridor located two lots to the south of the site and identified in the certified LCP. However, presently, there is no ocean horizon views due to the presence of non-native vegetation which has grown tall and has obstructed views to the ocean from the street (La Jolla Farms Road). Views of both the UCSD Natural Reserve to the west and of the ocean horizon are potentially visible from this access point absent the vegetation which has obscured these views.

The second visual access point is La Jolla Farms Knoll, a portion of the UCSD Reserve which has an unimproved loop trail along the bluff edge to view the ocean, bluffs and Sumner or Blacks canyons. The Knoll is located nine lots to the south of the subject site. Although there are foottrails in this area where people have attempted to get down to the beach, the area is primarily an upland vista point. Public access is gained to the foottrail by parking along the street and walking a short distance to the start of the loop trail.

While driving along La Jolla Farms Road, some views of the ocean are visible in the side yard setbacks of various residences. Close to the northern loop where Black Gold Road meets La Jolla Farms Road, due to the topography of the lots which descend in elevation from east to west, some of the residences on the west side of the road are at a lower elevation than the street and ocean views are visible across the rooflines of the homes.

The certified La Jolla-La Jolla Shores LCP contains numerous policies which address the protection of public views to the ocean. In addition, the certified LCP contains maps of these designated public view corridors. The view corridors are depicted with an arrow across the site or towards the ocean. In this particular case, the view that exists across the site is not a designated public view corridor and is not shown on the visual access maps in the LCP. Nonetheless, the certified LCP contains policies which state, in part:

"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 steep slopes. Ocean views should be maintained....and open space retained wherever possible."

"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...."

Therefore, the Commission finds that given that the proposed residence will adversely affect an existing public view of the ocean and that the certified LCP calls for existing public views and view corridors to be protected through redevelopment, the proposed development raises a substantial issue regarding conformity with the certified La Jolla-La Jolla Shores segment of the City of San Diego's certified LCP.

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#### 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 Site Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, revised site and building plans approved by the City of San Diego Building Department designed to keep the southern side yard setback clear and create an unobstructed view corridor from the street toward the ocean. The final site and building plans shall be in substantial conformance with the plans approved by the City, except for the required revisions to the proposed improvements in the southern side yard setback, pursuant to Special Condition #1 and #2, of this permit. The revised plans shall specifically address the setback area extending from the proposed residential structure to the southern property line and shall incorporate the following:

- a) The proposed fire wall along the southern property line shall be permitted only adjacent to undeveloped portions of the lot to the south and shall be limited to the minimum vertical height and linear distance necessary for fire protection purposes, to be approved by the City of San Diego Fire Department;
- b) Installation of only open fencing consisting of wrought-iron or other similar open appearance shall be permitted along the eastern property line of the subject site adjacent to the street;
- c) A minimum side yard setback of eight feet as shown in Exhibit No. 2 shall be provided;
- d) All existing landscaping visible from the street, in the southern side yard setback and on slopes west of the building pad, that exceeds three feet above street elevation shall be removed;
- e) All proposed landscaping in the southern side yard setback and on slopes west of the building pad, shall not exceed a height of three feet above street elevation. Special emphasis shall be placed on the installation and maintenance of the vegetation so as to assure that neither during growing stages nor upon reaching maturity will such materials encroach into the area which would obstruct views toward the ocean in the established view corridor.

The revised plans for the south side yard view corridor shall be implemented in accordance with the approved plan. Additionally, PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shall reflect the requirements of Special Condition #1 of CDP #A-6-LJS-98-85. The recorded document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Landscaping/Revegetation/Brush Management. Prior to the issuance of the coastal development permit the applicant shall submit for the review and written approval of the Executive Director, detailed landscape/brush management plans for the site, approved by the City of San Diego Building and Fire Department which incorporate the following:

- a. Beyond the western edge of the building pad in that area proposed to be revegetated for brush management in Zone 1, all invasive and non-native exotic plant species (as indicated on the final plan) shall be identified and flagged by a qualified

biologist and then removed by cutting and use of herbicides (under the supervision of a California licensed pest control applicator). All existing native vegetation shall be maintained.

b. Within the area described in (a) above, where vegetation is removed, the area shall be replanted with native, fire resistant plant species (utilizing a combination of seeding and container plants) compatible with the surrounding native coastal sage scrub and mixed chaparral vegetation. All areas planted shall be stabilized with geotextile fabric and temporarily irrigated with drip irrigation.

c. The area on the slope shall be monitored annually and maintained as needed to assure the elimination of all invasive and non-native exotic plant species and the growth of native fire resistant plantings. Any dead or unhealthy plants shall be replaced.

Brush management/revegetation/landscaping shall be installed in accordance with the approved plans. Additionally, PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, which shall reflect the requirements of Special Condition #2 of CDP #A-6-LJS-98-85. The recorded document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Special Conditions of CDP/HR/CUP Permit #96-7901 Modified Through This Permit. The following conditions of the City's CDP/HR/CUP permit #96-7901 are modified herein and are a part of the subject coastal development permit: Special Condition #34. All other special conditions of the City of San Diego's HR/CUP permit #96-7901 shall remain subject to the City's jurisdiction as part of the City's Hillside Review/Conditional Use Permit.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Demolition of an existing one-story, 3,500 sq.ft. single family residence and removal of an existing swimming pool and construction of a new two-story, 8,326 sq.ft. single family residence with attached four-car garage, guest quarters, swimming pool and an approximately 410 sq.ft. detached exercise room on a .82 acre blufftop lot in the community of La Jolla 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 1-6 and is hereby incorporated by reference).

## 2. Discussion of Issues.

a) Brush Management/Revegetation/Landscaping. As noted in the findings for substantial issue section of this staff report, a portion of the subject site is within the City's Hillside Review (HR) overlay zone. Typically this area contains mapped sensitive steep slopes. The HR regulates development on sites which contain steep naturally vegetated slopes. While the proposed development will be located entirely within the flat buildable area of the site, there is a small portion of the site which contains steep slopes beyond the edge of the building pad (% of the site). It is this area that is within the HR overlay. As noted in the City's Negative Declaration for the proposed development, a small portion of the native vegetation (0.1 acres) is proposed to be impacted for purposes of brush management requirements.

In recent years, the issue of fire safety in areas of "wildland/urban interface" has become increasingly pertinent. Local governments and fire departments/districts have become increasingly aware of the need to either site new development away from fire-prone vegetation, or to regularly clear vegetation surrounding existing structures (ref. Section 4291 of the Public Resource Code). Since fire department requirements for vegetation thinning and clear-cutting can adversely effect coastal resources, the Commission has in past actions included a 30-foot brush-management zone around proposed structures when calculating the amount of proposed encroachment on steep, naturally vegetated-slopes, with the idea that vegetation at least 30 feet from any structure may have to be cleared to meet fire safety regulations. Brush management for fire safety needs to be addressed in review of the proposed residence.

The subject proposal, as approved by the City, is inconsistent with the City's certified LCP. Specifically, the HR regulations provide that all vegetated areas between 30-100 feet of existing or proposed structures which are selectively pruned, thinned or trimmed for brush management purposes are exempt from the encroachment limitations. The regulations also provide that selective clearing under this exemption does not allow wholesale clearing. However, in its approval, the City permitted wholesale clearance of the steep slopes on the subject property and replacement with non-native vegetation. Regardless of the nature of the type of vegetation on the steep slope, any clearance of vegetation on steep slopes should be defined as encroachment, subject to the requirements of the HR regulations.

In this particular case, the majority of the vegetation that is necessary to be cleared on the steep slope portion of the site is non-native although there are isolated patches of native vegetation. As approved by the City, all vegetation on the steep slope is proposed to be removed and replanted with non-native vegetation to create an irrigated zone which would function as a fire break. In addition, a fire break wall is proposed to be constructed along a portion of the southern property line. With construction of the fire break wall, the residence is able to be sited 8 feet away from the southern property line. Without the fire

wall, the residence would need to be sited a minimum distance of 55 feet from the southern property line. As presently proposed, the residence will be located 10 feet away from the edge of the building pad and steep slope portion of the site. Because the steep portion of the site contains mostly disturbed vegetation, the need for a large setback from this area was reduced. Also, the City was able to require an alternative compliance for brush management which included the construction of the fire break wall.

It is important to note that the certified La Jolla-La Jolla Shores LCP contains policies which address protection of La Jolla's valuable assets, one of which includes its steep naturally vegetated slopes and canyons. Some of the policies address the protection of its steep hillsides from land alteration. These policies include, in part, use of design methods such as pier supports, or split level foundations, and similar techniques to minimize grading on hillsides, designing structures in a manner that does not excessively alter the natural hillsides in order to reduce the amount of cut and fill grading and replanting of disturbed slopes with native vegetation, etc. The proposed brush management requirements would result in removal of isolated patches of native coastal sage scrub vegetation and would result in degradation of sensitive coastal resources and significant visual impacts as a result of scarring of the hillside which is inconsistent with policies contained in the certified La Jolla-La Jolla Shores LCP.

As will be noted in the subsequent finding, the subject site is also visible from the UCSD access road which loops down through the canyons and coastal bluffs to Black's Beach below. Thus, any grading and removal of vegetation beyond the edge of the building pad is highly visible to members of the public using this road for public access.

In this particular case, the proposed encroachment for brush management purposes is acceptable for a number of reasons. First, although the steep hillsides of the site that are proposed to be encroached upon for brush management are mapped HR, the vegetation on the hillside is mostly disturbed. As a result, adequate fire protection can be achieved through removal of the non-native vegetation and replanting with native, fire retardant vegetation which improves the habitat value and visual appearance of the slope. Thus, because the steep slope will be naturally vegetated, an adverse precedent will not be set by allowing encroachment into this area for brush management purposes.

With regard to potential impacts associated with drainage, all drainage from the subject site will be directed to the street frontage to avoid impacts to the sensitive coastal bluffs west of the site. This will also minimize any runoff and sedimentation in the MHPA.

Therefore, as conditioned, the Commission finds the proposed brush management, which enhances the steep slope area of the site, consistent with the policies of the certified LCP. Special Condition No. 1 calls for revised plans which require removal of all exotic vegetation on the steep slope portion of the site and replacement with native, fire-retardant species which contain comparable habitat value. Thus, as conditioned, the

Commission finds the proposed brush management is acceptable and consistent with the provisions of the HR overlay contained in the certified LCP.

2. Visual Impacts/Coastal Scenic Area/Public View Blockage. The proposed development for the demolition of a two-story, 3,500 sq.ft residence on a .82 acre blufftop parcel is not consistent with the policies contained in the certified LCP which address public views of, and to, the ocean. Specifically, the proposed project is inconsistent with the following policies and goals of the certified La Jolla-la Jolla Shores 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 steep slopes. Ocean views should be maintained....and open space retained wherever possible.”

“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....”

As noted earlier in the findings for substantial issue section of this report, presently there are ocean horizon views across the site in the south yard setback area from La Jolla Farms Road looking west. As noted earlier, the subject site is also visible from the UCSD access road to Black’s Beach looking east. The access road (AKA Black’s Canyon Road) is located approximately four lots to the north of the subject site. The UCSD access road is heavily used by surfers and beachgoers to get to Black’s Beach and other beaches west of the coastal bluffs in this area. This access road is visible from the subject site while standing in the back yard looking west. As such, the proposed project potentially impacts views from the public access road looking inland/east by members of the public who use it to gain access to the shoreline.

Given that the LCP contains policies which state that public views to the ocean should be protected and enhanced, preservation of ocean views across the subject site should be maintained. This can be achieved by a number of means. One way to preserve the view would be to relocate the proposed residence such that it observes a larger southern side yard setback. Presently, the setback proposed at the south elevation is 8 feet wide. Since the existing residence to be demolished is 3,500 sq.ft. in size and is being replaced with an 8,326 sq.ft. single family residence, the building footprint of the new home is larger than the old home and takes up more area on the lot. The existing southern sideyard setback of the current residence is 55 feet at its closest point to the southern property line, whereas

the setback of the newly proposed residence is eight feet at its closest point. Thus, with the proposed size and siting of the new residence, existing views across the southern part of the lot will be diminished.

Another alternative would be to remove the exotic and non-native vegetation on the slope and south yard setback area which presently includes a *Myoporum* tree/shrub. This plant presently blocks views of the ocean looking west from the street elevation. Recently, a representative from the City Fire Department indicated that a portion of the fire break wall is not necessary for brush management and can be eliminated. The Commission finds that by modifying the proposed improvements in the southern side yard setback, a view corridor can be maintained while looking west from the street elevation. Such a view corridor, while it may not protect the existing ocean view, would utilize the side yard setback in order to "avoid a continuous wall effect", consistent with the LCP policy.

Such design modifications include elimination of a portion of the fire wall that is not necessary, pursuant to the Fire Department, and limiting its linear distance and vertical height to the minimum amount necessary for fire protection. Also, removal of all tall vegetation in the southern side yard setback area and replacement with low-lying vegetation will also help to maintain unobstructed views to the ocean. An additional measure that can be implemented is to install open fencing (i.e., such as wrought-iron) only, along the eastern frontage of the property. Through incorporation of all these design measures, a "window" to the ocean in the side yard setback can be preserved while looking west from the street elevation, as is supported by the policies of the certified LCP referenced above. Even small glimpses of the ocean while driving or walking by give passersby the feel of being close to the ocean and eliminates a continuous wall effect. As noted in the earlier cited LCP policy language, "...Even narrow corridors create visual interest and allow for sea breezes to refresh passersby...."

A last option suggested by the applicant, is to instead, improve an existing designated public view corridor which exists two lots to the south of the subject site. In the certified LCP, this view corridor is depicted with an arrow to the west. The property is owned by UCSD and is part of the Reserve and is identified as "Scripps Coastal Reserve Biodiversity Trail - a self-guided ecological tour" by existing signage. The Reserve contains a loop trail used by pedestrians and is commonly referred to as "La Jolla Farms Knoll". The western portion of the loop trail leads to a designated major vista point (reference Exhibit No. 6). Presently, although this view is identified in the certified LCP, there is no ocean horizon view due to the presence of non-native vegetation which has grown tall and has obstructed views to the ocean from the street (La Jolla Farms Road). Views of both the Reserve and the ocean are presently obscured due to the presence of the tall vegetation. The applicant's offer to improve the views at this location is a positive effort and the concept is certainly supported by the Commission; however, given the degree of coordination between the University and a private property owner that would need to occur along with execution of agreements, this last alternative does not seem viable in connection with the proposed development on the subject property at this time.

Nevertheless, Commission staff will continue to work with the University in an effort to improve the designated view corridor via removal and/or pruning of the vegetation in the corridor, separately from review of the subject project.

While the view that exists across the subject site is not a designated public view in the certified LCP, all sites between the ocean and the first coastal roadway must be evaluated for potential public views that should be preserved and enhanced. It should be noted that the subject site is a triangular-shaped parcel and that no public views to the ocean or ocean horizon views exist across the northern part of the site due to the shape of the lot and the existence of other development and vegetation on the property to the immediate north (reference Exhibit #1). For this reason, providing a larger side yard setback at the north elevation or applying similar requirements to remove vegetation and install open fencing along this portion of the site would not enhance or improve views to the ocean in the same manner that would occur at the south elevation of the site.

Therefore, the Commission finds that by requiring the removal of vegetation in the south side yard setback that presently blocks views to the ocean and replacement with low-lying vegetation, eliminating a portion of the fire break wall that is not necessary, installation of open fencing and maintaining an 8-foot setback at the southern property line, that views toward the ocean will be maintained and a visual window created. In addition, through revegetation of the steep slope on the site with native plants, the visual character of the canyon will be maintained and visual impacts associated with views from the UCSD access road will be mitigated. As such, Special Condition #1 requires revised plans that require removal of all non-native vegetation along the southern property line and replacement with low-lying vegetation. Also, Special Condition #1 requires that the elimination of a portion of the fire break wall, that the proposed residence observe a minimum setback of eight feet from the southern property line and that only open fencing shall be permitted along the eastern elevation of the subject site. In so doing, views toward the ocean will be maintained. In addition, Special Condition #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 side yard setback area. Both conditions require recordation of a deed restriction such that future property owners will be notified of the site plan requirements for the southern side yard setback area to create a view corridor toward the ocean and the brush management requirements. Therefore, as conditioned, the proposed development can be found consistent with the policies of the certified LCP and applicable Chapter 3 policies of the Coastal Act.

4. 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. Physical access to the shoreline is limited in this residential area due to the presence of steep coastal bluffs to the west of the road. However, there is one major physical accessway in the area and it consists of the UCSD access road to Black's Beach, cited previously in this report. The road is heavily used by

surfers and beachgoers to get to Black's Beach, Torrey Pines City Beach Park, Torrey Pines State Beach located north of the city beach, and the San Diego-La Jolla Underwater Park. The access road is paved and represents the only improved accessway to the entire shoreline area. There are two other unimproved physical accessways in the Farms' area--one at Box Canyon near the top of the loop road where La Jolla Farm's Road meets Black Gold Road and another trail near La Jolla Farms Knoll. These accessways will remain unaffected by the subject proposal.

In addition, 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 (La Jolla Farms Road). As noted above, there is one improved physical access route to the beach (the UCSD access road) and two unimproved foottrails in the area which provide physical access to the shoreline. Given that there is existing vertical public access in the area, 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.

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. There is presently an ocean horizon view looking across the southern portion of the site. The proposed development consisting of demolition of an older, one-story, 3,500 sq.ft. single family residence and replacement with a newer, two-story, 8,326 sq.ft. single family residence, coupled with existing vegetation in this area, will diminish the view that exists across the site. However, as conditioned, for revised plans which eliminate the tall vegetation in the southern side yard setback, reduce the length and height of the fire break wall to the minimum amount necessary, require planting of low-lying vegetation in the southern side yard setback area, and installation of open fencing along the east elevation of the site, the Commission finds that public views to the ocean will be protected. Furthermore, with revegetation of the steep slope portion of the site with native plants, the visual quality of the natural canyon will be improved as viewed from the west looking east by members of the public using the UCSD access road. 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.

6. 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)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

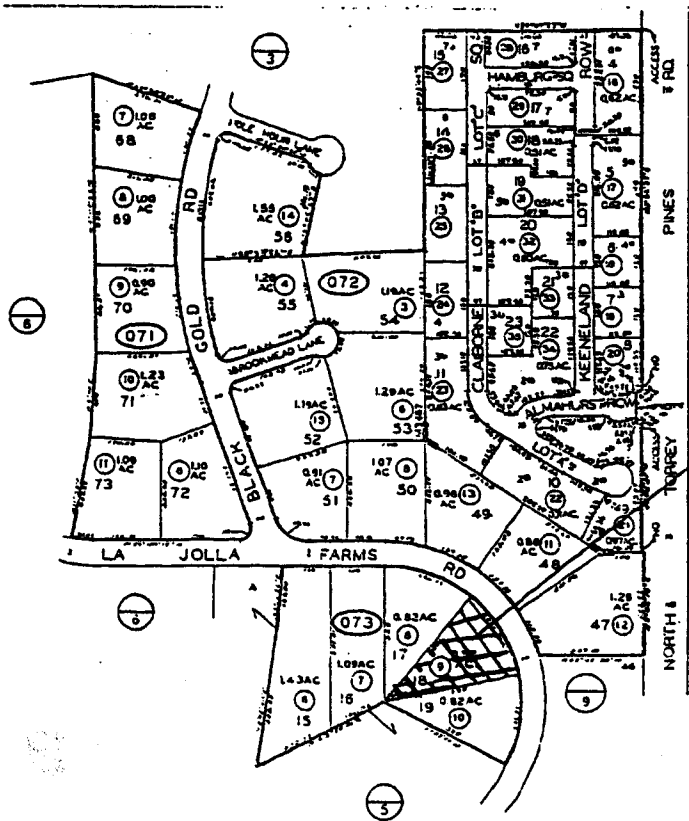
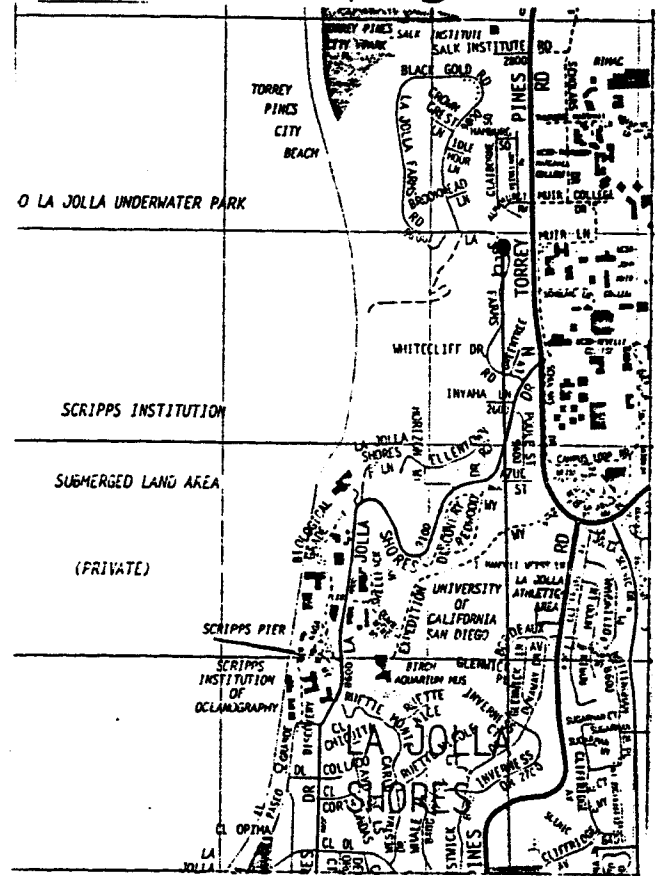
The proposed project has been conditioned in order to be found consistent with the visual resource and environmentally sensitive habitat policies of the Coastal Act. In this case, there are feasible alternatives available which can lessen the significant adverse impact the project will have on public views to the ocean. The proposed conditions addressing landscaping, fencing and building setback, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:


1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(Echo/8085AR.doc)



Site

EXHIBIT NO. 1
APPLICATION NO.
<b>A-6-LJS-98-8</b>
Location Maps
 California Coastal Commission

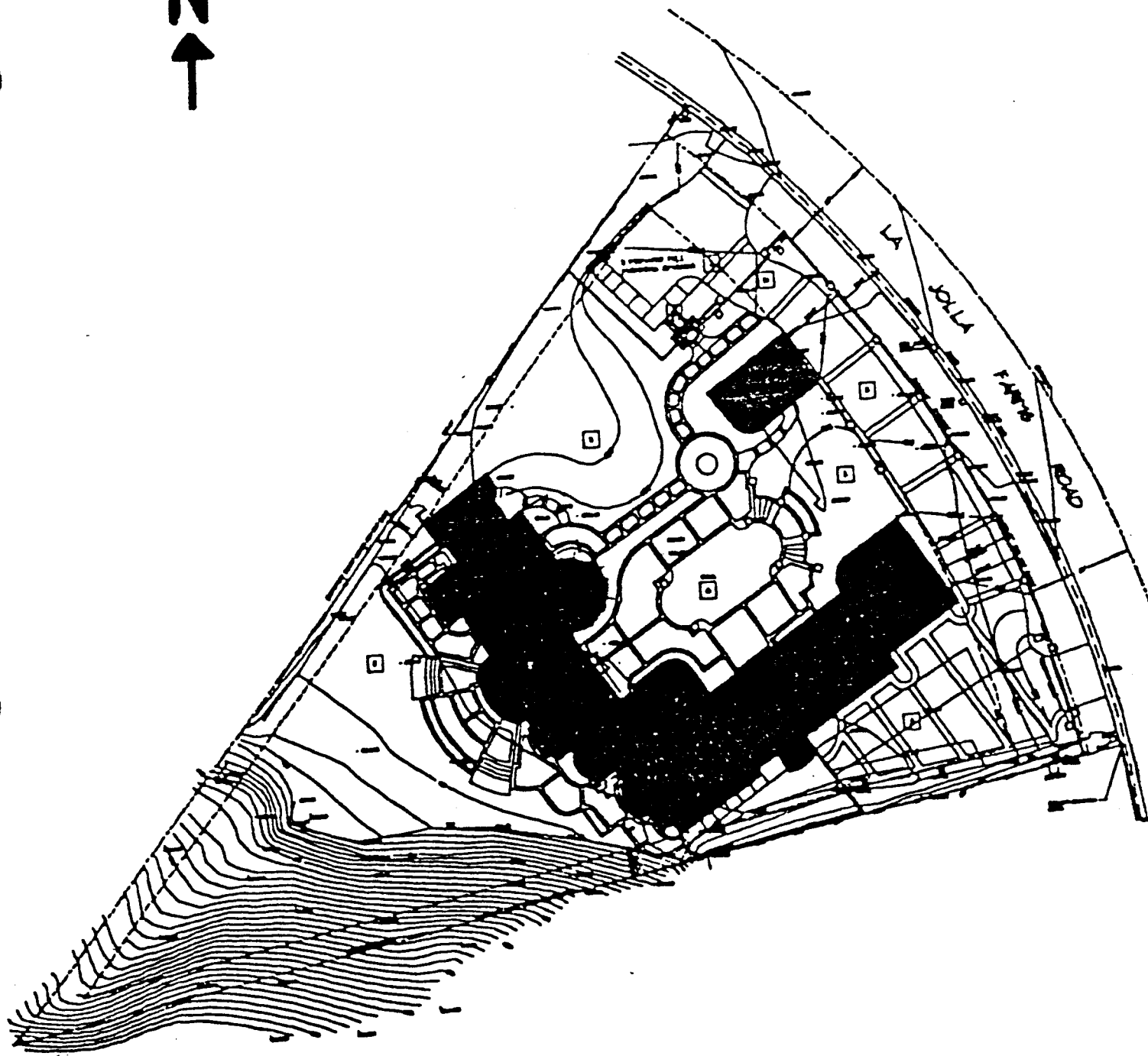


EXHIBIT NO. 2

APPLICATION NO.

**A-6-LJS-98-85**

Site Plan

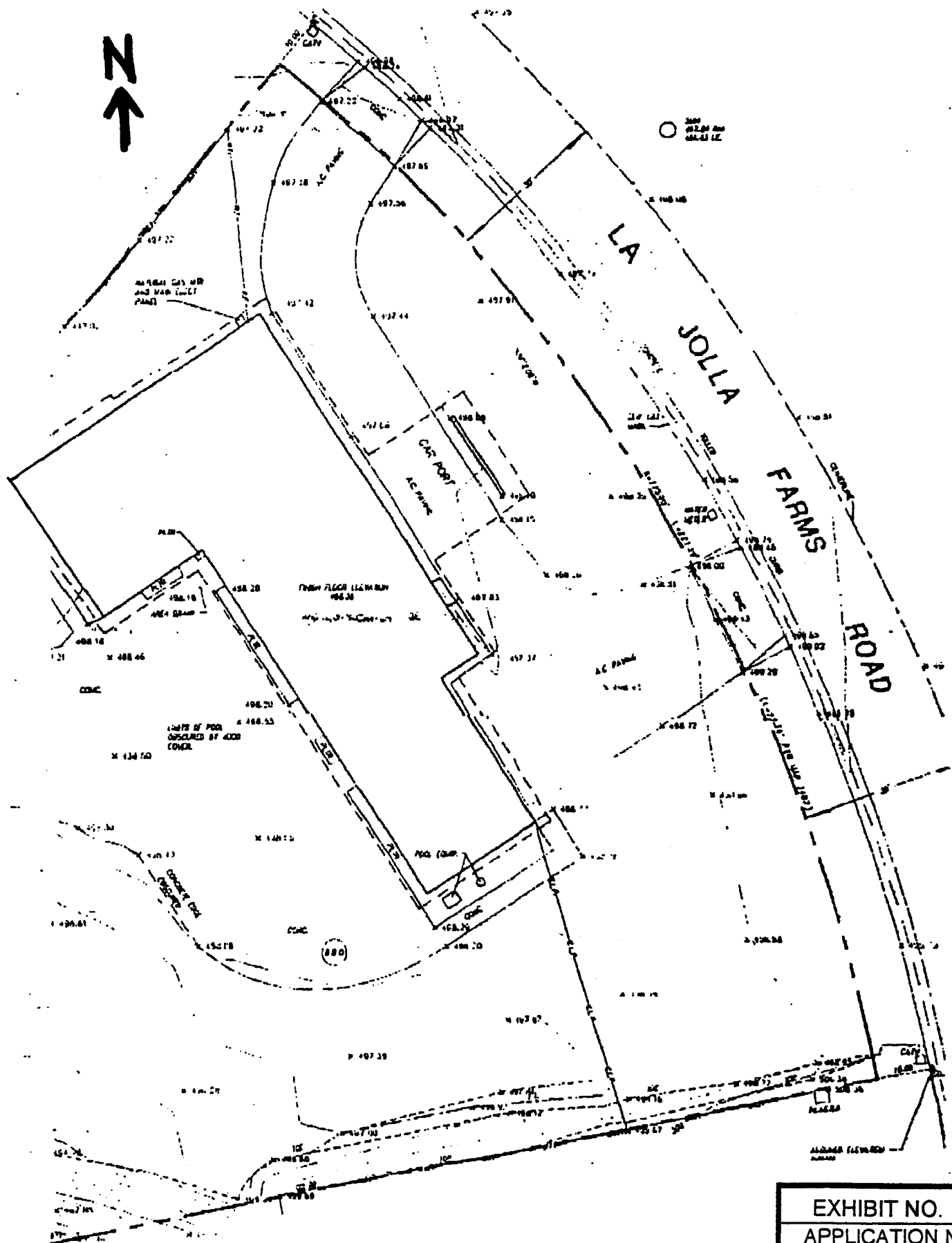
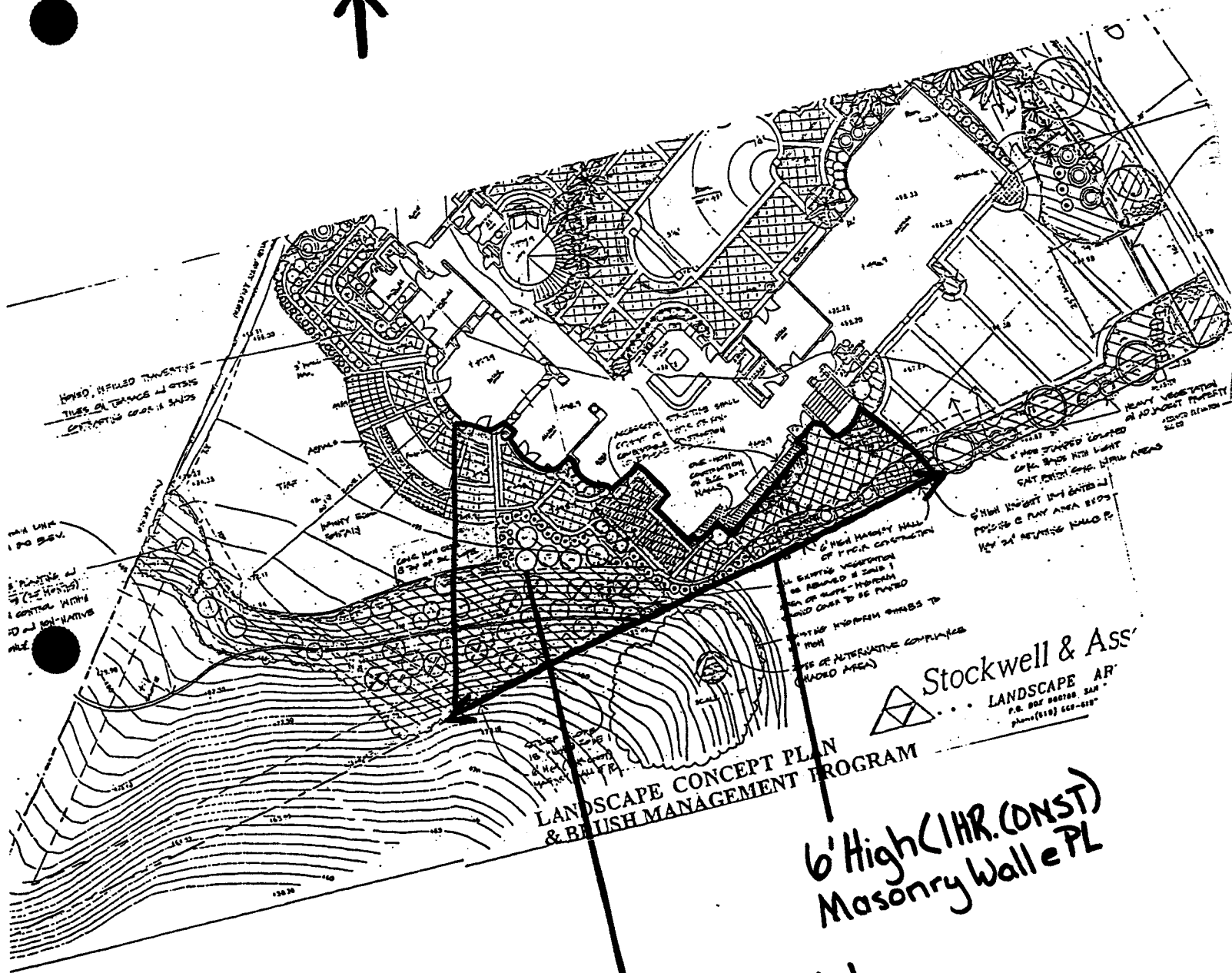



EXHIBIT NO. 3  
 APPLICATION NO.  
**A-6-LJS-98-85**  
 Existing Building  
 Footprint (Partial)  
 California Coastal Commission



Area Subject to  
Brush Management

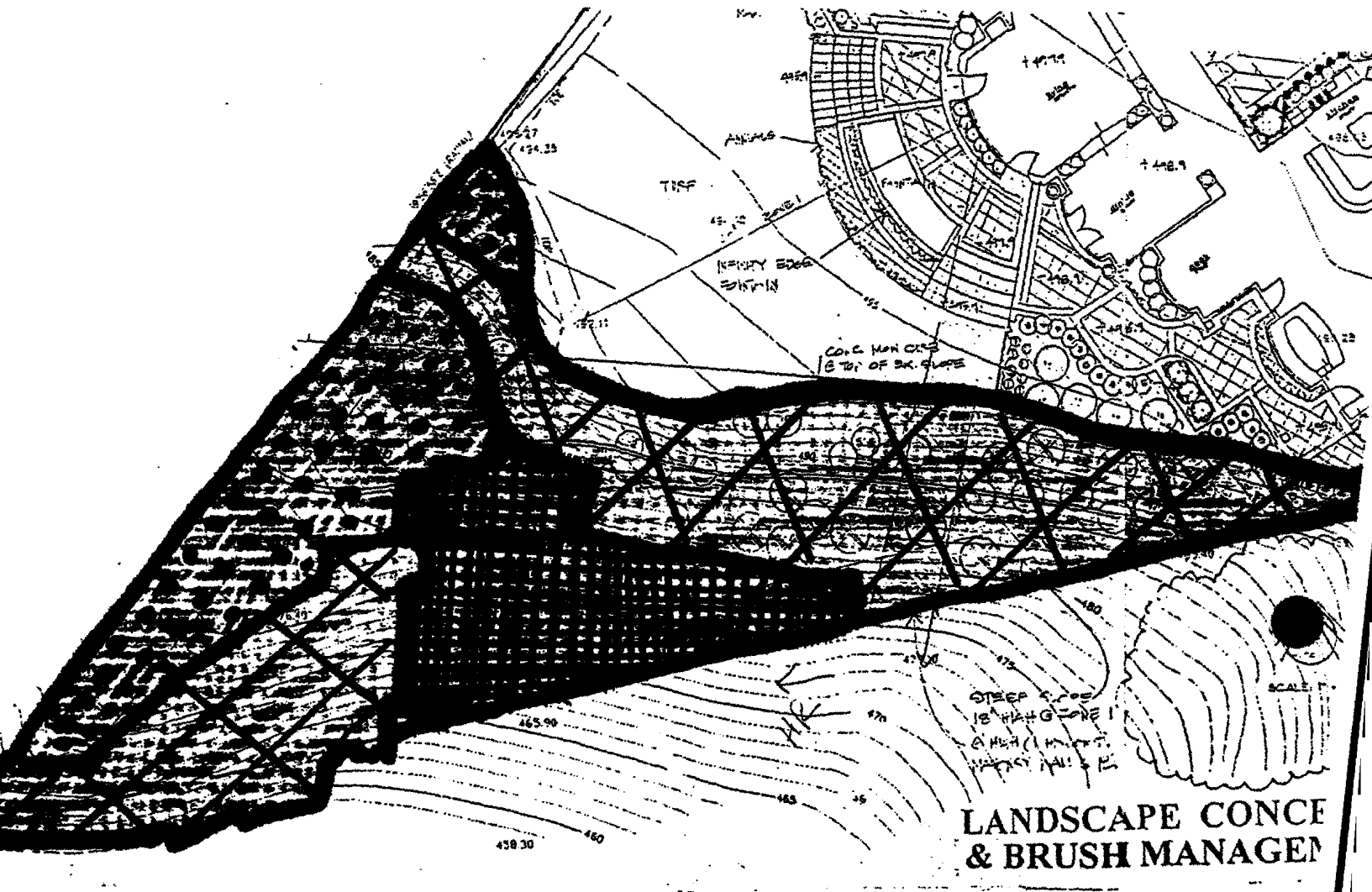
6' High (1 HR. CONST)  
Masonry Wall e PL

EXHIBIT NO. 4
APPLICATION NO.
<b>A-6-LJS-98-85</b>
Brush Management Plan
 California Coastal Commission

# SLOPE ANALYSIS LEGEND

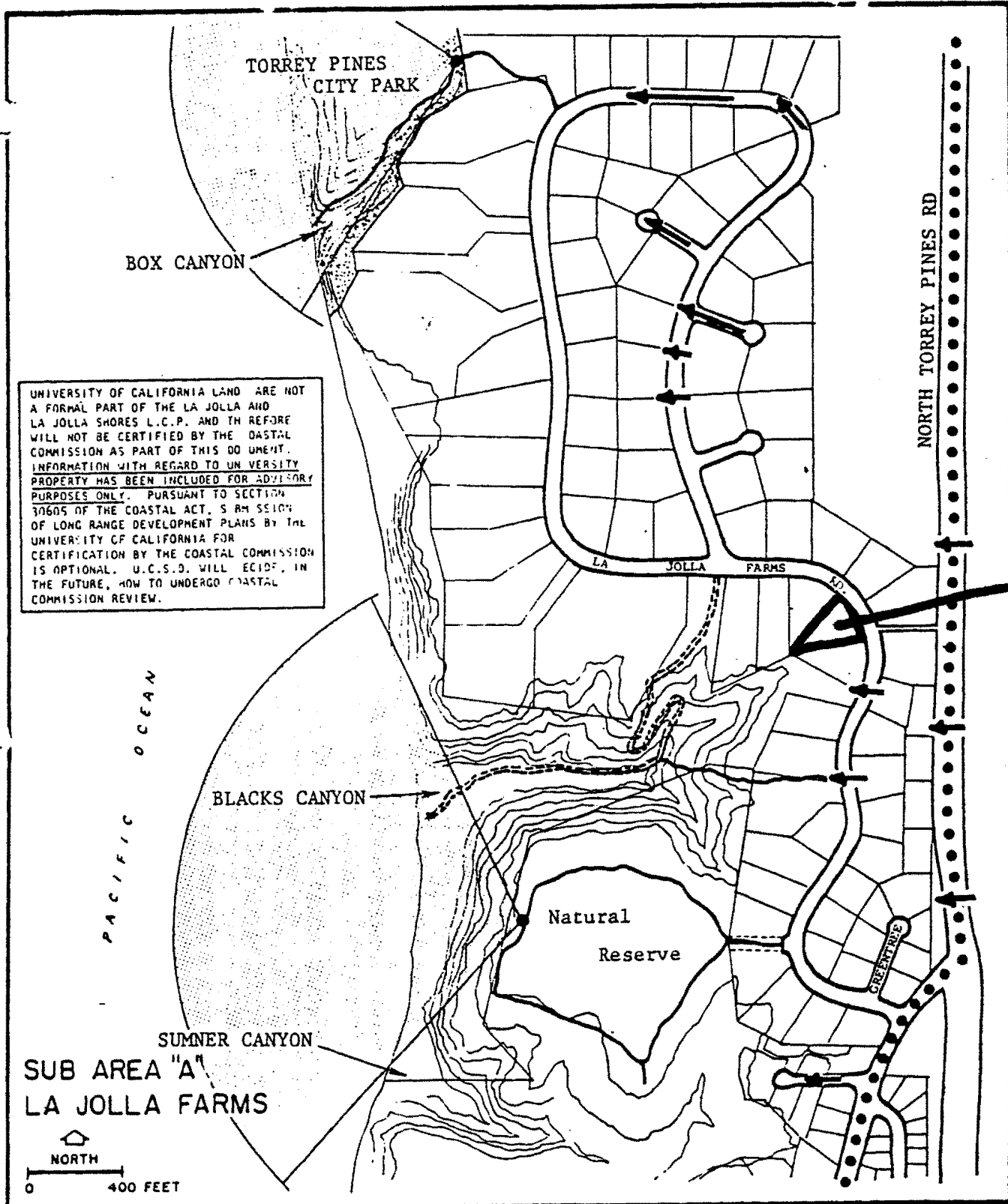


40% SLOPE OR GREATER (1:1)  
 26%-39% SLOPE (1½:1)  
 12%-25% SLOPE (2:1)  
 2-11% SLOPE (2½:1)



LANDSCAPE CONCE  
 & BRUSH MANAGEM

EXHIBIT NO. 5
APPLICATION NO.
<b>A-6-LJS-98-85</b>
Slope Analysis
California Coastal Commission



## La Jolla • La Jolla Shores

### LOCAL COASTAL PROGRAM • VISUAL ACCESS



CITY OF SAN DIEGO  
PLANNING DEPARTMENT

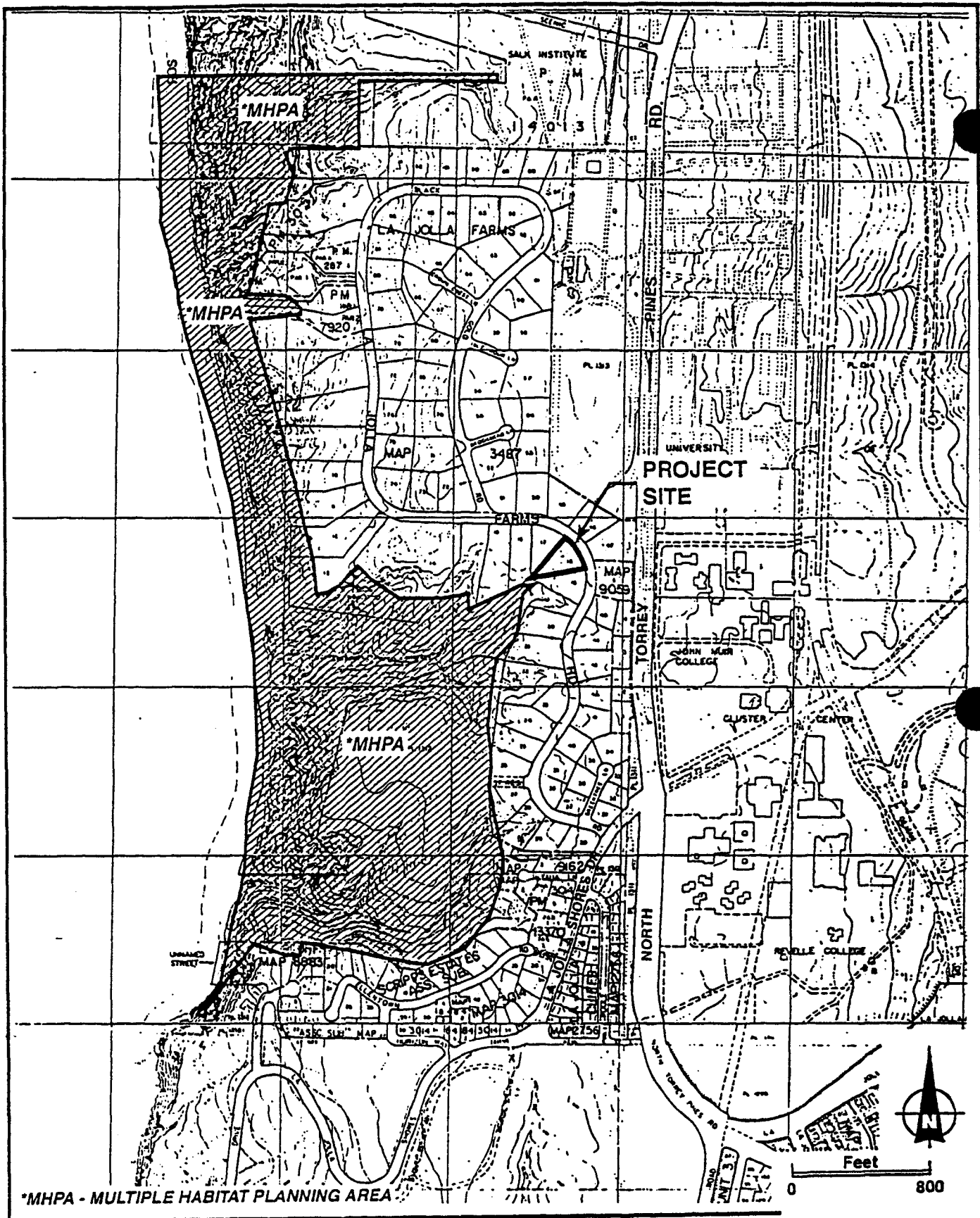
- MAJOR VISTA POINT
- EXISTING VIEW CORRIDOR
- SCENIC COASTAL ROADWAY

EXHIBIT NO. 6

APPLICATION NO.

**A-6-LJS-98-85**

LCP Visual Access  
Map



96-7901



# **PROJECT LOCATION**

Environmental Analysis Section

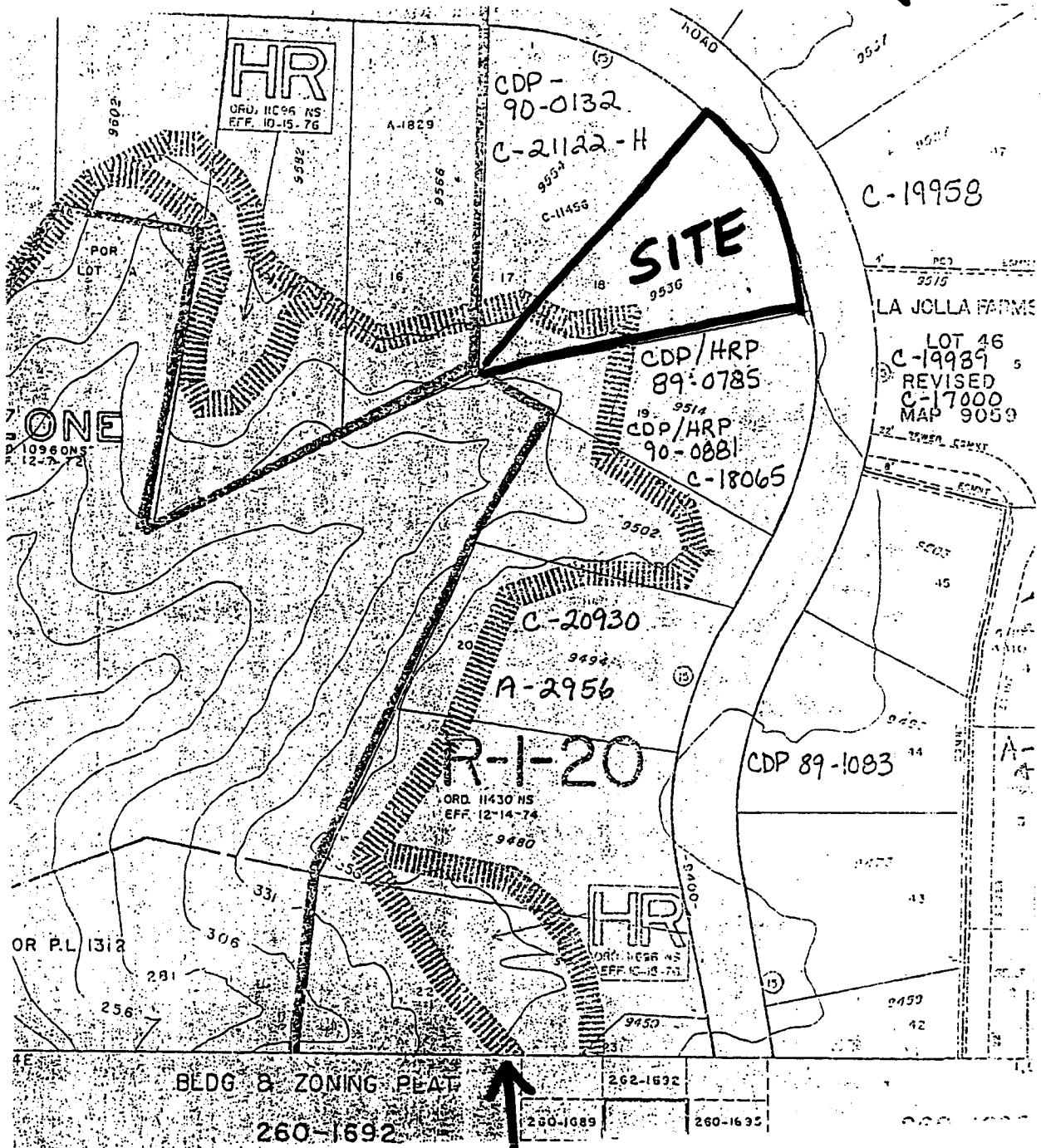
CITY OF SAN DIEGO • DEVELOPMENT SERVICES

EXHIBIT NO. 7

APPLICATION

**A-6-LJS-98-85**

Location of MHPA



HR Boundary Line

EXHIBIT NO. 8  
APPLICATION NO.  
**A-6-LJS-98-85**  
HR Map

LAW OFFICES OF  
C. S A M U E L B L I C K

462 STEVENS AVENUE, SUITE 206, SOLANA BEACH, CALIFORNIA 92075

(619) 755-9794 FAX (619) 755-6335

RECEIVED

JUL 08 1998

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

July 7, 1998

Cherilyn Saarb  
California Coastal Commission  
3111 Camino del Rio North  
Suite 200  
San Diego, CA 92108

RE: Holmes Residence-Conditional Use Permit 96-7901  
9536 La Jolla Farms Road, La Jolla, California

Dear Ms. Saarb:

As you are aware from our telephonic conversations, this firm has been retained to represent the interests of Mr. and Mrs. Douglas Holmes with regard to the appeal filed by the California Coastal Commission.

The appeal notice was a surprise to Mr. and Mrs. Holmes in that they had met and complied with every requirement of the City of San Diego as well as the local Planning Associations. Even the strict architectural requirements of the La Jolla Farms Homeowner Association were satisfied and exceeded.

There were no variances, exceptions, waivers nor special privileges requested nor received by the Holmes Family in securing the various permits from the City of San Diego, including the Coastal Development Permit. The extensive conditions attached to the Conditional Use Permit indicate that the City carefully scrutinized this project and received and considered substantial input provided by the local, La Jolla Community Groups. You may note that the approvals by the La Jolla Planning Groups and City Planning Department were unanimous.

EXHIBIT NO. 9
APPLICATION NO.
<b>A-6-LJS-98-85</b>
Letter from Applicant's Representative

Although we are unaware of all of your concerns, our telephonic conversation indicated that the principal issue was born of a sensitivity to the "environmentally sensitive resources." We would suggest that you carefully review the finding made in the Coastal Development/Hillside Review and Conditional Use Permit documents which support the granting by the City Manager of the City of San Diego of the appropriate permits.

On May 6, 1998, the City Manager of the City of San Diego adopted certain written findings that addressed every imaginable issue related to the project. Remembering that the "project" consists of a permit to demolish an existing single family residence and construct a new single family residence on the same location, it is not surprising that the environmental concerns were easily addressed.

Although you will certainly review the findings when you examine the City file, we urge you to note that the findings included unequivocal determination that the project "will not adversely affect identified marine resources, environmentally sensitive areas, or archaeological or paleontological resources."

The City also found that the project complied with all necessary requirements related to "biologically sensitive lands and significant prehistoric and historic resources." The staff report repeatedly notes that "the proposed single family home development is being contained within the previously disturbed portion of the site." In fact, the City reports restate on twelve different occasions that the site is "previously disturbed" and no adverse impacts to environmentally sensitive or scenic resources will occur.

The proposed single family dwelling is well within the "bulk, scale and design of the existing development in the area." These quotes are found in the City of San Diego

findings and are enthusiastically supported by the local La Jolla Planning Groups and La Jolla Farms Homeowners Association. You will receive additional written evidence from members of the Homeowners Association supporting this project and these endorsements are representative of the eagerness of the local planning groups to see completion of Mr. and Mrs. Holmes residence.

Specific findings were made that the "visual quality of the site, the esthetic quality of the area and the neighborhood characteristics" are retained by the proposed construction which has "a similar bulk, scale, and massing as neighboring development." These statements are not mere technical observations but represent the opinions of the neighborhood.

In summary, we urge you to consider the following:

1. The project has been unanimously approved by the City of San Diego in strict compliance with its certified Coastal Program and Coastal Development Hillside Review Conditions.
2. The Homeowners Associations as well as all La Jolla local planning groups have enthusiastically and unanimously approved this project.
3. The findings made by the City of San Diego address the environmental issues and resolve them in favor of the project.
4. The proposed development is located on a previously developed lot and would replace an abandoned residence which is an aesthetic detriment to the community.

5. Proposed construction is "similar in bulk, scale, and massing" as was detailed in the written findings of the City of San Diego.

Thank you for considering our arguments regarding dismissal of the appeal by the California Coastal Commission. Although we look forward to meeting with you next week at the site, we continue to urge you to withdraw this appeal and allow Mr. and Mrs. Holmes to proceed with the construction of their residence.

Sincerely,



C. Samuel Blick

CSB/sh

CC: Mr. and Mrs. Douglas Holmes  
Pedro Nava  
Sara J. Wan  
Christine Kehoe

**LJF La Jolla Farms**  
Property Owners Association

Val Arbab, chairperson  
La Jolla Farms Property Owners Association Architectural Committee  
9705 Blackgold Road  
La Jolla, CA 92037

July 9, 1998

Mr. Rusty Areias, Chairman  
State Coastal Commission  
1400 N. Street, Suite 9  
Sacramento, CA 95914

Re: Doug & Patti Holmes plans  
9536 La Jolla Farms Road  
Lot #18  
La Jolla, CA 92037

Dear Mr. Areias:

It has come to our attention that the Holmes residence plans for 9536 La Jolla Farms Road, lot #18 are being challenged by the State Coastal Commission. One of the reasons for the non-approval of these plans, as we understand it, has to do with the obstruction of the public view at the south end of the lot, the other, deals with the native plants.

The LJFPOA Architectural Committee approved Mr. & Mrs. Holmes plans several months ago. The subject of the public view was researched with the following results:

1. There is no designated view corridor or vista point at the Holmes's property, nor is there any view to be seen from the street at the south end of the lot.  
There is a wide designated existing view corridor one house south, between lots #19 and 20. SEE ENCLOSED MAP. This area was allowed to overgrow with non-native tall shrubs and trees which obliterate this designated vista point completely.  
Correction of this condition would be very much appreciated by the visitors and residents alike.
2. Any possible undesigned public view at the Holmes site has been blocked off by tall thick shrubs at the curb of the street along the property for many years. In addition, the tall Eucalyptus trees at the Soumakh's property across the canyon, 9566 La Jolla Farms Road, lot #16, have been blocking any open space vista view to the Holmes lot and the public for a long time.

As one looks at our neighborhood, one finds many oversized buildings, tall walls and fences, and thick tall hedges and trees which totally obliterate any vista or corridor views for blocks at the time. All of our community's appeals to the Coastal Commission to prevent such conditions have failed repeatedly.

EXHIBIT NO. 10
APPLICATION NO.
A-6-LJS-98-5
Letter from Interested Party (without attachment see exhibit 5)



# La Jolla Farms

Property Owners Association

Page 2

The issue of the native plants on the slope toward the canyon was also looked into by our committee. We found that the plants in the area are non-native; and the sloped area is made up of a landfill placed there at the time when the existing house was built, some thirty years ago.

Due to all of the above facts, the LJFPOA Architectural Committee feels that your request for a public view corridor and the issue of the native plants at Mr. Holmes's property is unreasonable and unfair, moreover, as a designated public view area is only one house away. We ask that you reconsider your decision in this matter.

Sincerely,

Val Arbab, chairperson  
LJFPOA Architectural Committee

cc. Laurinda Owens  
Penny Allen  
Christine Kehoe  
Pedro Nava  
Sara J. Wan

# Affinis

Shadow Valley Center • 847 Jamacha Road • El Cajon, California 92019 • (619) 441-0144

Via Facsimile

July 20, 1998

Mr. Doug Holmes  
4003 Emanuel Street  
San Diego, California 92109

RECEIVED

JUL 21 1998

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Mr. Holmes,

Per your request, Affinis performed a reconnaissance of your property at 9536 La Jolla Farms Road. The purpose was to determine adverse biological effects of brush management. A secondary purpose was to determine the condition of a nearby view corridor.

The property is a residential unit in an urban setting. The back of the property (away from the street) overlooks portions of the Scripps ecological preserve managed by the University of California. The house appears to not have been maintained for a while, and the majority of the extant vegetation on the property is remnant landscaping plants as well as ruderal vegetation. None of these are significant biological resources. Immediately off property and adjacent to the southern fence line, much of which has fallen down, is excellent quality coastal sage scrub. A small patch of coast sagebrush (*Artemisia californica*, roughly 20 plants) has encroached onto the property where the fence has fallen over. The only other native species growing on the property is the coast sunflower (*Encelia californica*); a fairly large patch of this attractive flowering plant is growing in the southwestern corner of the property. As long as all brush management activities are wholly contained within the property boundaries, no adverse impacts to biological resources are expected to occur.

It may be possible to enhance vegetation on the slope within the brush management zone by incorporating some native species into the plant palette. Plants which should be avoided for fire safety include coast sagebrush, buckwheat (*Eriogonum fasciculatum*), chamise (*Adenostema fasciculatum*), laurel sumac (*Malosma laurina*), manzanita (*Xylococcus* or *Arctostaphylos* sp.), and toyon (*Heteromeles arbutifolia*). Native plants recommended within the brush management zone include native bunch grasses (*Nassella* sp.), sea dahlia (*Coreopsis maritima*), and chalk lettuce (*Dudleya pulverulenta*). Also, if used sparingly, occasional lemonade berry (*Rhus integrifolia*) would be compatible. The landscaping plan designed for the project already incorporates a *Ceanothus* cultivar; other *Ceanothus* cultivars which do well in coastal environments include *C. gloriolus* "Point Reyes" and *C. maritimus*.

EXHIBIT NO. 11

APPLICATION NO.

A-6-LJS-98-8

Letter from  
Applicant's Biologist


California Coastal Commission

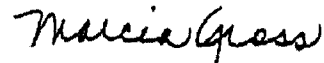
Mr. Doug Holmes

July 20, 1998

Page Two

The view corridor is choked with Myoporum, an exotic which both blocks views as it can reach heights of 10-20', and also is a threat to the adjacent preserve. Myoporum has been known to invade intact habitat and create monocultures where there is sufficient moisture to sustain them. Removal of these trees would be beneficial to both the corridor and the adjacent preserve.

  
Rod Dossey  
Biologist

  
Marcia Gross  
Biologist

