

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Staff: LRO-SD
Staff Report: 8/19/04
Hearing Date: 9/8-10/04

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: A-6-LJS-02-68-A1

Applicant: Sunset View Properties, LLC Agent: Golba Architecture

Original Description: Demolition of an existing single family residence and swimming pool and the construction of a new, approximately 5,790 sq.ft., two-story single family residence with attached two-car garage, pool, hardscape and landscape improvements on a 0.30 acre blufftop lot.

Proposed Amendment: Modifications to the building footprint, setbacks and architecture of proposed single-family residence resulting in a two-story, 5,756 sq.ft. single family residence with attached three-car garage, pool, hardscape and landscape improvements on a 0.30 acre blufftop lot.

Site: 5490 Calumet Avenue, La Jolla, San Diego, San Diego County.
APN 357-60-01

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, with special conditions. The proposed amendment involves modifications to the building footprint and architecture of a previously-approved single family residence on a blufftop lot. The residence will observe the same general building footprint, number of stories, size and configuration as the originally approved residence but will be slightly lower in height, will encroach up to 10 ft. further seaward, and will observe a greater setback adjacent to the designated public view corridor along Midway Street. The proposed changes to the residence will not alter the project's consistency with geologic stability or protection of public views. With the special conditions, the proposed amendment is consistent with all applicable Coastal Act policies.

Substantive File Documents: A-6-LJS-02-068; Certified La Jolla Community Plan and Local Coastal Program Land Use Plan (2004); Certified La Jolla-La Jolla Shores LCP Addendum (1983); Certified City of San Diego LCP Implementation Plan; Geological Reconnaissance Report by Michael W. Hart, Engineering Geologist dated 7/25/00 and updated 9/20/01; Letter from Skelly Engineering dated 4/24/01; Update to Geologic Reconnaissance Report by Michael W. Hart dated 7/25/04;

Update to Preliminary Geotechnical Report by Geotechnical Exploration, Inc.
dated 1/15/04.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-6-LJS-02-68-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development, as amended and subject to conditions, will be in conformity with the policies of the certified Local Coastal Program and the public access policies of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

The following condition replaces Special Condition #1 of the original permit in its entirety.

1. **Final Revised Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the proposed development including a site plan that has been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans prepared by Golba Architecture, Inc. dated 6/29/04, (the revision to this condition is limited only to the reference to the date and architect of the new plans) submitted with the first amendment application, except that they shall be revised to include the following:

- a. All existing and proposed accessory improvements shall be identified. All accessory improvements (including, but not limited to, patios, decks, walkways, and open shade structures) proposed within the 25 ft. geologic setback area must be "at-grade" and located no closer than 5 ft. from the edge of the existing bluff, as delineated on Exhibit No. 3 to the May 21, 2003 staff report.
- b. No maintenance of the existing non-conforming wooden retaining structures on the bluff face shall be permitted.
- c. The property owner shall be responsible for monitoring the condition of the non-conforming wooden retaining structures over time. If the monitoring reveals that the wooden structures pose a threat to public safety or that the structures can be safely removed without destabilizing the bluff, the applicant shall apply for a coastal development permit to remove the structures or portions thereof and shall undertake the development approved in that permit.

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

The following condition replaces Special Condition #2 of the original permit in its entirety.

2. Revised Landscape/Yard Area Fence Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, revised landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the plans as submitted by Golba Architecture, Inc. dated 6/29/04, except for the revisions cited below. The plans shall be revised to keep the north and south yard areas (or setbacks) clear to enhance public views from the street toward the ocean. Specifically, the plans shall be revised to incorporate the following:

- a. A view corridor a minimum of 10 ft. wide shall be preserved along both the north and south yard areas. All proposed landscaping in the north and south yard areas shall be maintained at a height of three feet or lower to preserve views from the street toward the ocean.
- b. All landscaping shall be drought-tolerant native or non-invasive plant species. Specifically, the proposed planting of Agapanthus (Lily-of-the-Nile) accent shall be replaced. No permanent irrigation shall be permitted on the site.
- c. A written commitment by the applicant that all required plants on this site shall be maintained in good growing condition and whenever necessary, shall be

replaced with new plant materials to ensure compliance with the approved landscape requirements.

- d. Any fencing in the yard areas shall permit public views and have at least 75 percent of its surface area open to light.

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

3. Prior Conditions of Approval. All other terms and conditions of Coastal Development Permit No. A-6-LJS-02-68, not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed project is an amendment to CDP #A-6-LJS-02-68, approved on 6/12/03, which was for demolition of an existing single family residence and swimming pool and the construction of a new, approximately 5,790 sq.ft., two-story single family residence with attached two-car garage, pool, hardscape and landscape improvements on a 0.30 acre blufftop lot.

The proposed amendment largely consists of changes to the building architecture and building footprint resulting in the residence being sited approximately 10 ft. further seaward. Whereas, the previous building footprint resembled a rectangular-shaped residence, the newly proposed residence will have architectural recesses along the east façade that are curvilinear in shape to eliminate a "boxy" look and will have a substantial amount of glass along the western facade to create more of an "open" appearance. In addition, the other proposed changes include a slight reduction in square footage from 5,790 sq.ft. to 5,756 sq.ft., a reduction in height (from elevation +75.5 ft. to +72.2 ft. resulting in a difference of approximately three feet for the east elevation) of the new residence from the previous design, an increase in the width of the north yard setback area (approximately 1 ½ feet greater) adjacent to the designated public view corridor of Midway Street, and a change to the roofline of the residence eliminating a curved and projecting roofline and replacement with a flat roof which does not overhang or intrude into the public view corridor.

With regard to the changes to the floor plans, as approved, the first floor (lower level) consisted of a living room, dining room, office and two-car garage. The revised first floor plan consists of a living room, kitchen, dining area, bathroom, bar and a three-car garage. The previously-approved second floor (upper level) consisted of a master bedroom with bath, three bedrooms with baths and a gallery. The amended second floor

plan consists of a master bedroom with bath, two bedrooms with baths and a laundry room. The new residence is proposed to be sited a distance of 40 ft. from the bluff edge and the new swimming pool is proposed to be sited a distance of 25 ft. from the bluff edge, the same distance as originally approved. Special Condition No. 1 requires submittal of final plans in substantial conformance with the submitted plans to reflect the newly proposed design and other miscellaneous changes to the proposed residence through the proposed amendment. This is the only change to the condition.

The subject site is located at the southwest corner of Midway Street and Calumet Avenue in the community of La Jolla in the City of San Diego. The residences along the seaward side of Calumet Avenue are situated on blufftop lots. There is a paper street (Sea Rose Lane) at the toe of the coastal bluff seaward of the site which provides lateral public access during low tide conditions. Although there is an unimproved foot trail which descends to the beach from Calumet Park about three lots south of the subject site, access to the beach is somewhat difficult due to the steepness of the trail which sometimes becomes wet and slippery, as well. The closest improved vertical accessway is two blocks to the north at the end of Bird Rock Avenue.

The subject site is within the City's permit jurisdiction but in this particular case, the City's approved coastal development permit was appealed to the Coastal Commission. On June 12, 2003, the Commission found the appeal to raise a substantial issue(s) and approved the permit de novo with several special conditions. The subject project represents an amendment to the Commission-approved coastal development permit, and as such, it is reviewed by the Commission, utilizing the certified LCP and the public access policies of the Coastal Act as the standard of review.

2. Shoreline Hazards. Specifically, Section 143.0143 addressing Development Regulations for Sensitive Coastal Bluffs of the City of San Diego's certified LCP Implementation Plan states the following:

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

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

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

Under the LCP, swimming pools are not considered accessory structures, and therefore must observe the same setbacks that other structures are required to observe on a coastal blufftop site. However, the City allowed the new swimming pool to be located a distance of 25 feet from the bluff edge.

In addition, the City's certified Coastal Bluffs and Beaches Guidelines contain the above same citation but have a footnote at the end of Section 104.0143(f) which states the following:

[Note: If a seawall (or other stabilization/erosion control measure) has been installed due to excessive erosion on a premises, that premises shall not qualify for a reduction of the required 40-foot distance to the coastal bluff edge. Since the instability of the coastal bluff necessitated the installation of the seawall, the coastal bluff would not be considered stable enough to support development within the 40-foot bluff edge setback.] [Emphasis added]

In addition, the certified La Jolla Community Plan and Local Coastal Program Land Use Plan (2004) contains the following applicable recommendations/policies with regard to protection of the geologic integrity of coastal bluffs:

“Set back new development on property containing a coastal bluff at least 40 feet from the bluff edge so as to not impact the geology and visual quality of the bluff. This setback may be reduced to not less than 25 feet if evidence is provided that indicates the site is stable enough to support the development at the proposed location without requiring construction of shoreline protective measures throughout the economic lifespan of the structure (not less than 75 years). Require applicants to accept a deed restriction to waive all rights to protective devices associated with new development on coastal bluffs....” (Plan Recommendation 4b., p. 59)

“Require indigenous, native, non-invasive and drought tolerant plants in all new developments and significant additions along coastal bluffs, to reduce the need for underground irrigation systems that contribute to the erosion of the bluff face due to water runoff over the bluff.” (Plan Recommendation 4f., p. 59)

Based upon input by the Commission’s coastal geologist and engineer, The Commission found in its review and approval of the original project that the small wooden structures on the bluff face are not stabilization or erosion control structures (i.e., shoreline protection devices). As such, the presence of those structures does not constitute evidence that coastal bluff is not stable enough to support the proposed swimming pool at a distance of 25 feet from the bluff edge or that it is required to be sited a minimum distance of 40 ft. from the bluff edge, which is consistent with the certified LCP.

No changes are proposed to the siting of the swimming pool on the subject site and it is proposed to remain located a minimum distance of 25 ft. from the bluff edge, which the previously reviewed geotechnical report and the Commission found to be an acceptable setback from a geologic safety aspect. Although through the proposed changes to the building footprint the ground floor of the proposed residence will result in the proposed residence being sited from 1 ½ feet to 11 feet further seaward than the originally approved home, the proposed residence will still observe a minimum distance of 40 ft. from the bluff edge, which the previous geotechnical reports found to be an acceptable setback from a geologic safety aspect. In addition, the geotechnical report completed for the original project found that the residence was adequately set back from the bluff edge and that the swimming pool located at 25 ft. from the bluff edge will not have an adverse effect on the stability of the bluff provided proper drainage is provided for the deck areas and that the structures would be adequately set back from the bluff edge. The applicants have also submitted updates to the two previous geotechnical reports (ref. Exhibit #5) which maintain that the geologic conditions of the property are the same as that described in the first reports and that the development, as currently proposed, may rely upon those findings. As such, the redesigned residence, by maintaining a minimum 40 ft. blufftop setback will continue to be adequately set back from the bluff edge for its estimated life. In addition, to somewhat offset the seaward encroachment of the first floor plan, the architect has designed the second floor such that its mass is significantly reduced.

There are existing timber retaining structures on the bluff face of the site but no changes are proposed to these structures. As noted in the original staff report for the original project, the structures are non-conforming structures which were placed on the bluff face

by the previous owner after the Coastal Act took effect but absent a coastal development permit. The original permit was conditioned such that the structures are to remain and deteriorate over time and cannot be repaired or maintained. Given that the project represents a significant design change, Special Condition No. 1 requires submittal of final revised plans by the new property owner and new project architect for the proposed residence. The condition replaces Special Condition No. 1 of the original permit in its entirety.

In addition, the newly submitted plans include a conceptual landscape plan. The plan indicates that Agapanthus commonly known as "Lily-of-the-Nile" will be planted in the geologic setback area near the bluff edge. However this plant species is not a native, drought-tolerant species. Planting of such a species on the site and specifically within the geologic setback area, could lead to excessive watering which could result in adverse impacts to bluff stability. Therefore, Special Condition No. 2 requires the applicant to submit revised landscape plans which indicate that the proposed Agapanthus is replaced with an appropriate drought-tolerant species to assure that the geologic integrity of the coastal bluffs is maintained, consistent with the certified LCP.

The applicant has also previously documented that the existing wooden bluff structures are neither existing shoreline protection devices nor are they needed to provide stability to the project site in association with any proposed development. Therefore, the proposed residence, as revised, which will be sited a distance of 40 feet from the bluff edge, and the proposed swimming pool, which will be sited a distance of 25 feet from the bluff edge, are not dependent on the existing wooden structures for structural support or stability. The applicants have adequately demonstrated that the newly proposed residence and swimming pool will be adequately set back from the bluff edge (40 feet and 25 feet, respectively) and that the existing wooden structures on the bluff face are not necessary to support the new development. The Commission's coastal engineer has reviewed the project and determined that the structures may damage the bluff if removed and that they should be abandoned in place and not be maintained. As noted above, aside from the change to the type of landscaping permitted in the geologic setback area, no further revisions are proposed to the original Special Condition No. 1. The revised condition requires that the existing non-conforming wooden retaining structures on the bluff face not be maintained; that the all structures within the 25 ft. geologic setback area be "at-grade" and located no closer than 5 ft. the bluff edge; and that the property be responsible for monitoring the condition of the non-conforming wooden structures time (and if they become unstable or a potential threat to public safety the applicant must apply for a coastal development permit to remove them, if necessary). Therefore, the proposed development is consistent with the provisions of the certified LCP addressing geologic hazards and blufftop setbacks.

3. Public Views. The certified LCP Implementation Plan contains numerous policies regarding protection of public views in the side yards, planting of low level vegetation to protect views toward the ocean and open fencing in side yards on project sites located between the first coastal road and sea or sites that have been identified in the local community plan as containing a significant public view to be protected.

Specifically, Section 132.0403 of the Land Development Code states the following:

- (a) If there is an existing or potential public view and the site is designated in the applicable *land use plan* as a public view to be protected,
 - (1) The applicant shall design and site the *coastal development* in such a manner as to preserve, enhance or restore the designated public view, and
 - (2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.
- (b) A visual corridor of not less than the side *yard* setbacks or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a deed restriction as condition of Coastal Development permit approval whenever the following conditions exist [emphasis added]:
 - (1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and
 - (2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable *land use plan*.
- (c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a land use plan as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required side yard setback areas to cumulatively form functional view corridors and preventing a walled off effect from authorized development.

[...]
- (e) *Open fencing* and landscaping may be permitted within the view corridors and visual accessways, provided such improvements do not significantly obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views.

In addition, the City's certified implementation plan defines open fencing as "a fence designed to permit public views that has at least 75 percent of its surface area open to light." Given that the proposed development is located between the first coastal road and sea, it is subject to the above-cited LCP policies and ordinances that protect visual resources. In addition, the subject site is also located on a designated public view corridor, Midway Street.

The following policies of the certified La Jolla Community Plan and Local Coastal Program LCP Land Use Plan are also applicable to the subject project:

“Public views to the ocean from the first public roadway adjacent to the ocean shall be preserved and enhanced, including visual access across private coastal properties at yards and setbacks”. (p. 50).

“Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G (Coastal Access Subarea maps). Public views to the ocean along public streets are identified in Appendix G. Design and site proposed development that may affect an existing or potential public view to be protected, as identified in Figure 9 or in Appendix G, in such a manner as to preserve, enhance or restore the designated public views.” (Plan Recommendation 2.c., p. 56)

“Implement the regulation of building envelope to preserve public views through the height, setback, landscaping and fence transparency regulation of the Land Development code and that limit the building profile and maximize view opportunities.” (Plan Recommendation 2d., p. 56)

“Where existing streets service as public vantage points, as identified in Figure 9 and Appendix G including, but not limited to, view corridors and scenic overlooks and their associated viewsheds, set back and terrace development on corner lots and/or away from the street in order to preserve and enhance the public view provided from the public vantage point to and along the ocean....” (Plan Recommendation 2e, p. 56)

“Plant and maintain landscaping or vegetation so that it does not obstruct public views of coastal resources from identified public vantage points as identified in Figure 9.” (Plan Recommendation 2g., p. 57)

“Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance or restore existing or potential view corridors within the yards and setbacks by adhering to setback regulations that cumulatively, with the adjacent property, form functional view corridors and prevent an appearance of the public right-of-way being walled off from the ocean.” (Plan Recommendation 2h., p. 57)

As noted above, the City's certified implementation plan requires low level landscaping and open fencing in the side yards to protect and enhance public views to the ocean. In this particular case, as noted in the original permit findings, the subject site is located at the southwest corner of Midway Street and Calumet Avenue. Midway Street is a designated public view corridor in the certified La Jolla Community Plan Local Coastal Program Land Use Plan. Midway Street runs in an east-west direction and is perpendicular to the subject site.

As noted in the certified La Jolla Community Plan, the Midway Street streetend is a dedicated blufftop view point which provides visual access to the ocean. While traveling in a westerly direction along Midway, there are existing horizon ocean views looking west and there is a viewshed associated with the view corridor at the end of the street. All structural development (with the exception of the bluff retaining devices) is proposed to be removed from the subject property including some of the landscaping improvements in order to construct the new proposed development.

The subject site is a corner lot, with more frontage along Calumet Avenue than on Midway Street. As such, "side yards" as defined by the City's certified implementation plan (i.e., Land Development Code) and as referenced in the La Jolla-La Jolla Shores LCP Land Use Plan and the newly certified La Jolla Land Use Plan and Local Coastal Program Land Use Plan (2004) are actually on the west and east sides of the residence which are areas that would not provide public views to the ocean. Instead, it is the north and south areas of the site that are the actual "side yards" that provide the potential views to the ocean. Specifically, the south yard area is 13 feet wide and the north yard area is 15 feet wide. Through the proposed redesign of the residence, no reduction in width to either yard is proposed; in fact, the contrary will occur. The newly proposed redesign will result in a greater setback from the street along its northern frontage adjacent to the designated public view corridor by approximately 1 ½ feet which will open up views to a greater degree than the former and previously-approved design. In this case, the south side yard was conditioned in the original coastal development permit to be preserved as a view corridor, consistent with the certified LCP.

In addition, with regard to the proposed landscaping, landscaping and fencing in the north and south yard areas of the house have the potential to obstruct public views of the ocean. However, as noted in the language of the certified LCP, because the subject site is located between the first public road and sea and it is also designated as public view corridor in the certified land use plan, the proposed development is required to preserve, enhance or restore the designated public view. Special Condition No. 2 requires the north and south yard areas be restricted for purposes of ensuring public views in this location are maintained. The condition requires that the proposed fence in the north yard be composed of open materials to assure any existing public views are maintained and potentially enhanced. As such, both the north and south yard areas are to be maintained free of vegetation (no greater than 3 ft. in height), such that no trees or a tall hedge is planted, in order to preserve views of the ocean along this corridor.

Presently, there are views on the north side of the residence looking west along Midway Street toward the ocean. However, there are no views in the south yard as it is obstructed by existing landscaping. In this particular case, all existing development is being removed from the subject site. As such, there is an opportunity to improve and enhance public views toward the ocean in both the south and north yard setback areas of the subject site through requirements to include low-level (no higher than 3 ft.) landscape elements in these areas and that fencing contain open materials as well. Through the proposed amendment, no changes to the height of the proposed planting in the yard area

setbacks are proposed. Through the proposed redesign to the residence, with an increased setback from the northern frontage which is the designated view corridor, public views toward the ocean will be enhanced moreso than in the originally designed and previously approved residence. The reduced setback adjacent to Midway Street will significantly improve public views along the designated public view corridor. Furthermore, since the street slopes downward in elevation, views over and across the proposed residence toward the ocean will also be increased.

The original conditions of approval included revised landscape/yard area fence plans to assure that a view corridor of a minimum of 10 ft. wide will be preserved along both the north and south yard areas and that fencing in the yard area be composed of at least 75 percent open materials. As described in the previous finding, through the proposed amendment, this special condition has been revised and superseded with a new condition which specially calls out that the proposed planting of a non-drought tolerant plant species be replaced with an appropriate drought-tolerant or non-invasive plant species. All other aspects of the language of the original special condition remain the same.

In addition, the change in architecture from modern to "bold and dynamic" (as described by the project architects) has also resulted in a significant change to the roof of the proposed residence. Whereas, the original roof was arched in shape and protruded into the designated public view corridor while looking west and southwest, the new roofline is completely flat and eliminates all projections in the ocean horizon or blue sky view across the subject site.

Also, the newly proposed design to the proposed two-story residence will remain visually compatible in scale and size with the character of the surrounding community, consistent with Section 30251 of the Coastal Act. The applicant has also provided several letters from the surrounding property owners who have agreed to the design change and support the change in architecture of the proposed residence on the subject site (ref. Exhibit No. 6). As conditioned, the project is consistent with the certified LCP.

4. Public Access. Sections 30210 and 30212 of the Coastal Act are applicable and state:

Section 30210.

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

Section 30212.

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

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

Upon reliance of these policies of the Coastal Act, the certified La Jolla Community Plan Local Coastal Program also contains numerous policies to protect public access. The subject site is located on a blufftop property at the southwest corner of Calumet Avenue and Midway Street—which is between the first public road and the sea. Sea Rose Lane, a paper street, is located at the toe of the coastal bluff. There is no improved accessway at the streetend of Midway Street and the bluffs are steep and dangerous. Adequate vertical access exists in the area and access at this location is not necessary, consistent with Section 30212, cited above. The safest vertical access to the ocean is two blocks to the north at the streetend of Bird Rock Avenue which contains a vertical access stairway. In addition, approximately three lots south of the subject site, adjacent to Calumet Park, the bluffs are lower in height and access to the beach below is possible through an unimproved foot trail. In summary, the proposed project, as amended, will not adversely affect public access opportunities in this area and is consistent with the certified LCP and the public access and recreation policies of the Coastal Act.

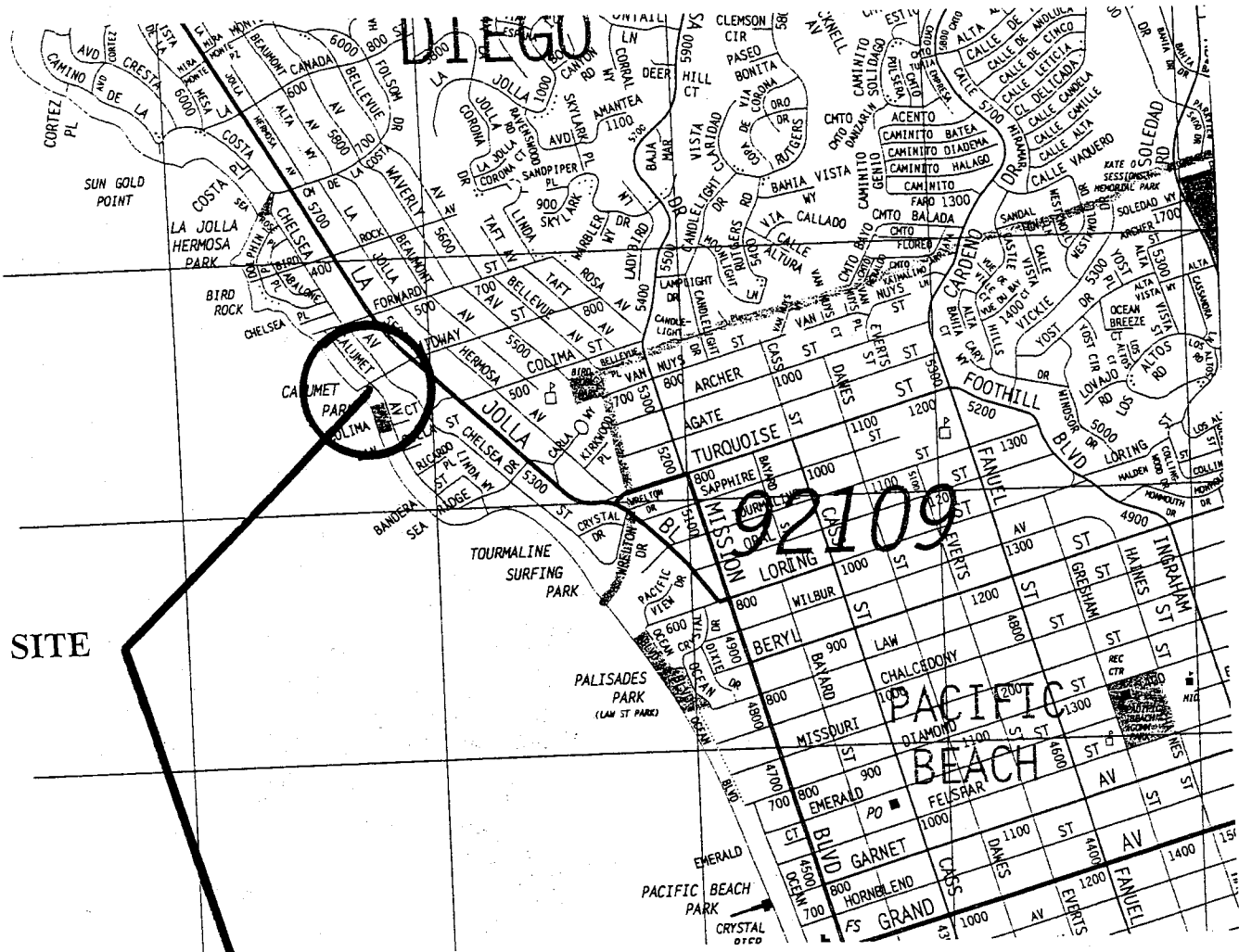
5. Local Coastal Planning. The subject site is zoned RS-1-7 and is designated for residential use in the certified La Jolla Land Use Plan. The proposed project is consistent with that zone and designation. The subject site consists of a *sensitive coastal bluff* as identified in the City's certified LCP. The Environmentally Sensitive Lands (ESL overlay) regulations of the City's implementation plan are thus applicable to the subject site. The proposed residence, as conditioned, is consistent with the ESL overlay.

The certified La Jolla Community Plan and Local Coastal Program Land Use Plan contains policies which address shoreline protective devices, protection and improvement of existing visual access to the shoreline and that ocean views should be maintained in future development and redevelopment. With regard to the proposed siting of the proposed residence, it has been documented that the proposed development will not be dependent on the existing gunitite on the bluff face nor the rip rap at the toe of the coastal bluff seaward of it. In addition, the certified LUP calls for opening up of yard areas (or setbacks) to enhance visual access to the sea. Therefore, as previously conditioned such that all new proposed plantings within the yard setback (south and north yards) be low level vegetation so as to not obstruct views toward the ocean in the yard setback areas, the proposed development is consistent with the public access policies of the Coastal Act and the certified LUP. Therefore, the proposed development, as conditioned, is consistent with the certified LCP and the public access policies of the Coastal Act.

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 geologic hazard and visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing final plans and revised landscape plans, 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, as conditioned, is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.



SITE

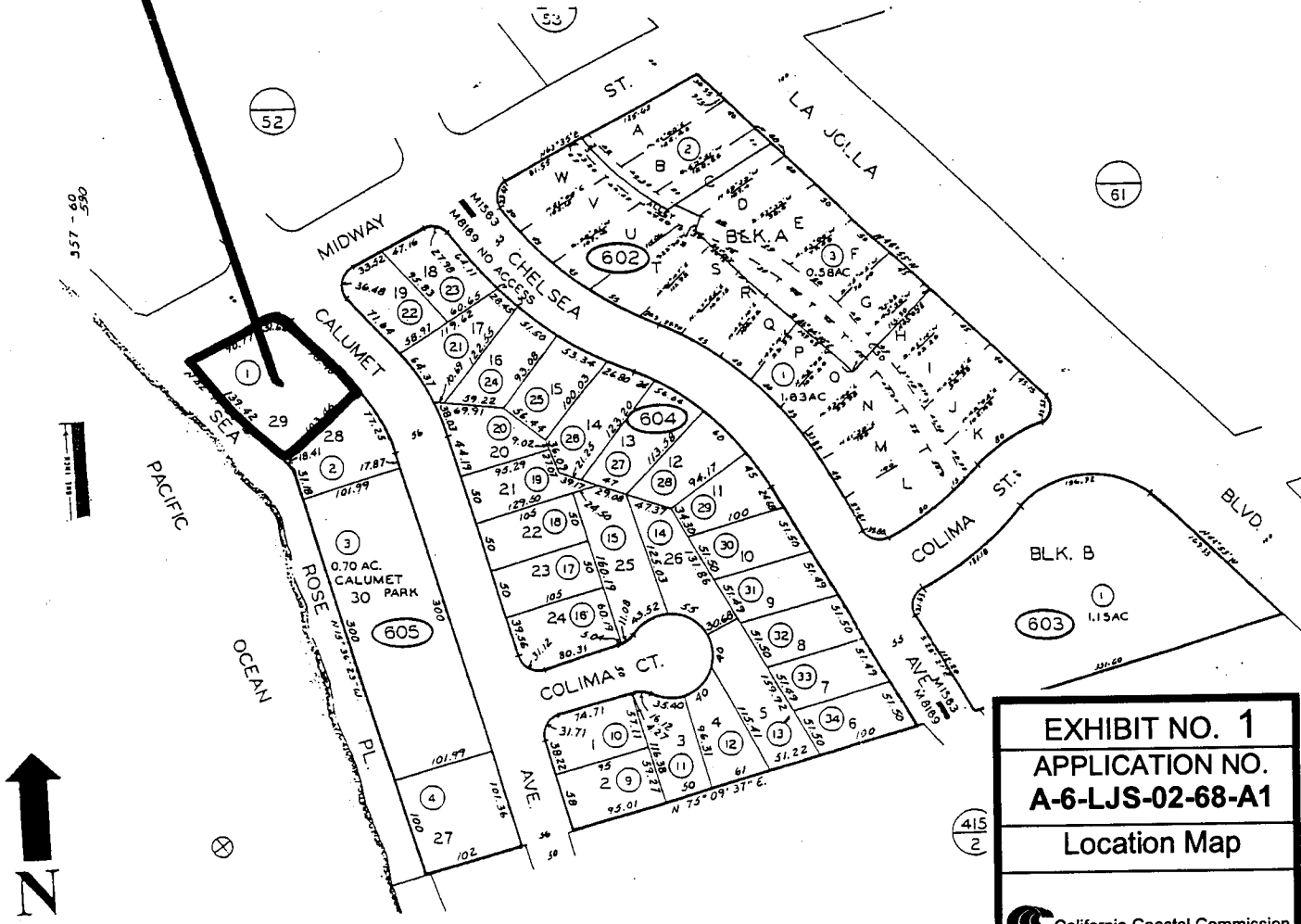
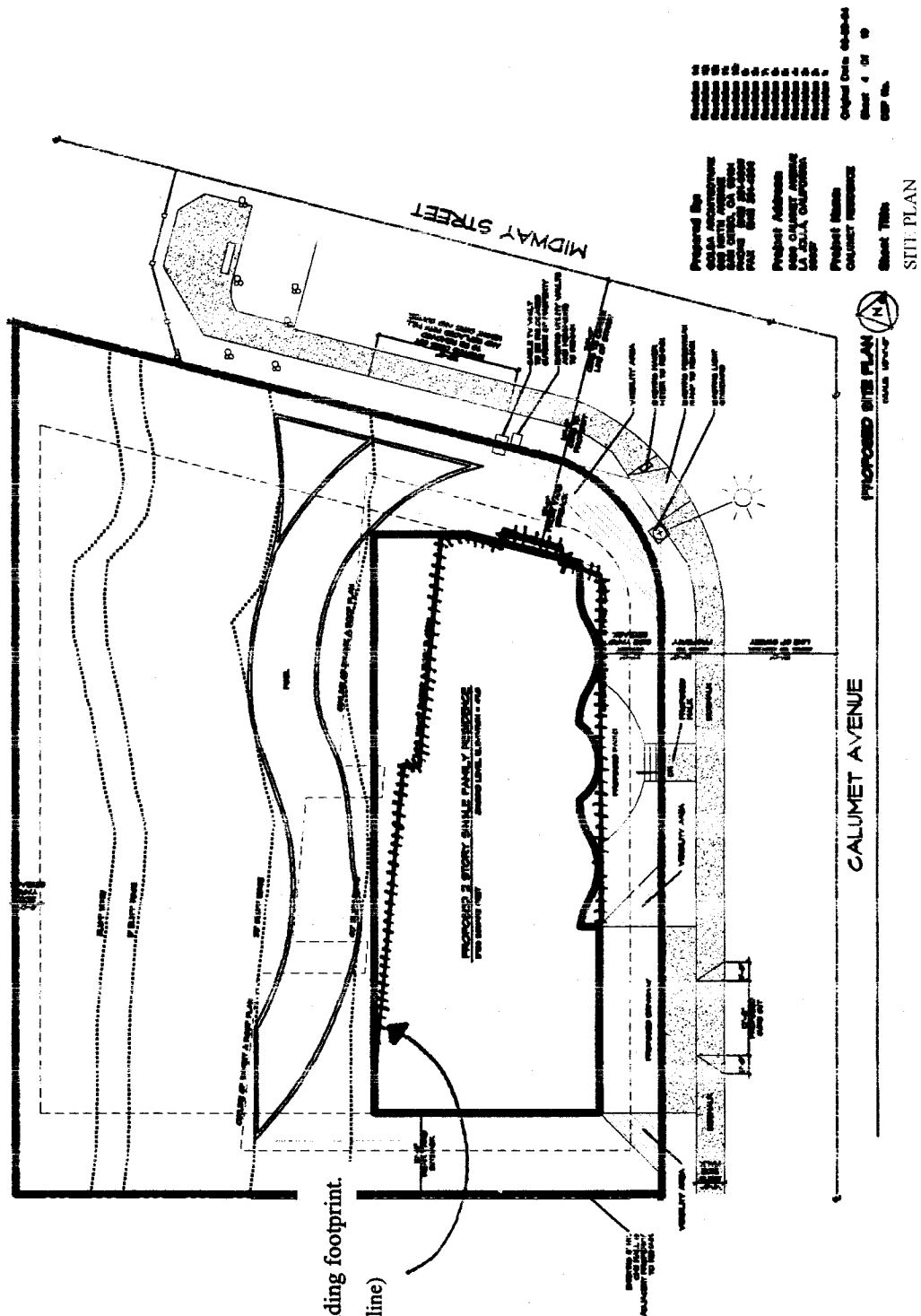


EXHIBIT NO. 1
APPLICATION NO.
A-6-LJS-02-68-A1
Location Map



Outside of previous building footprint.
 (Cross-hatched line)

EXHIBIT NO. 2
APPLICATION NO.
A-6-LJS-02-68-A1
Site Plan
California Coastal Commission

A-6-LJS-02-068-A1

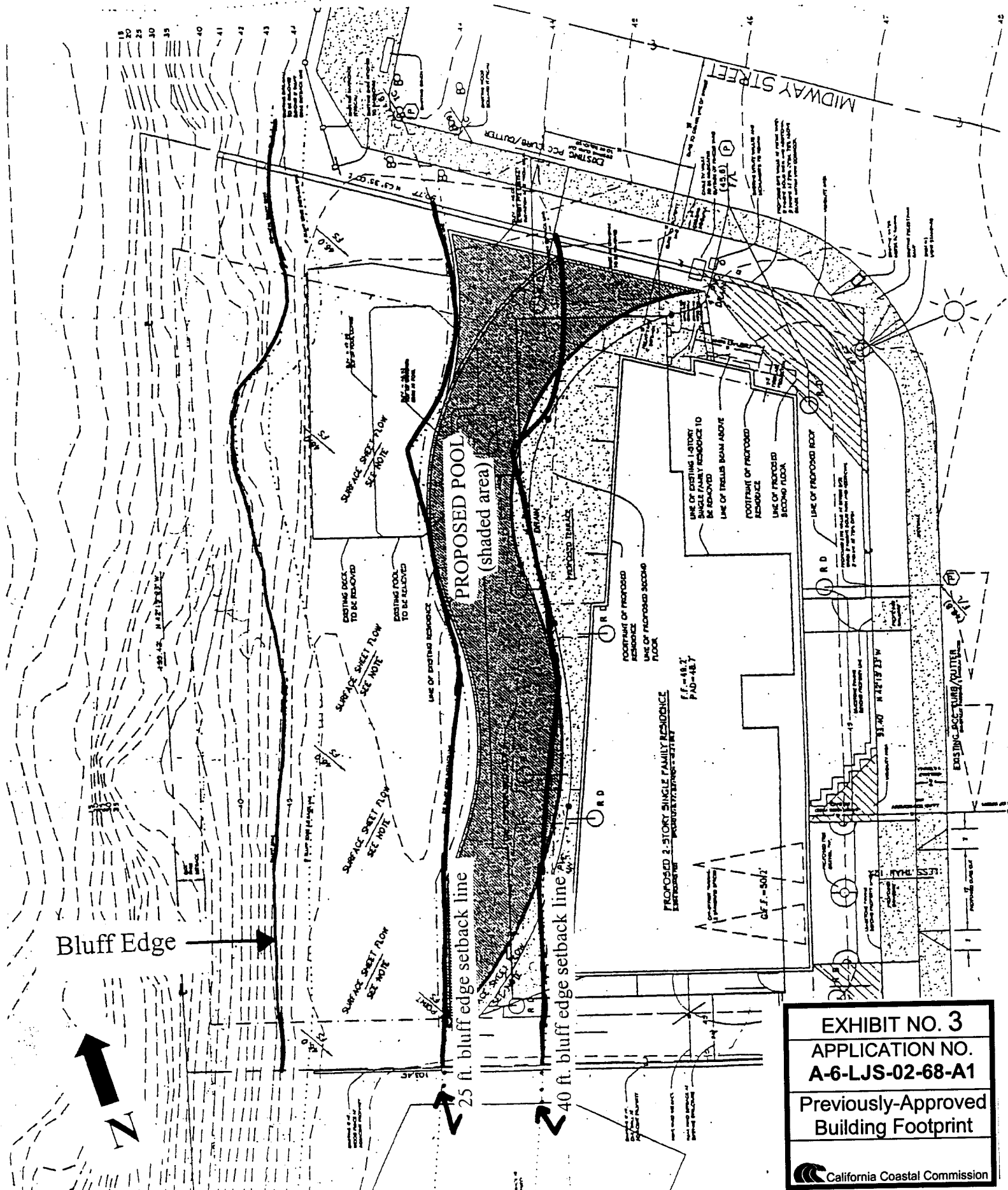


EXHIBIT NO. 3

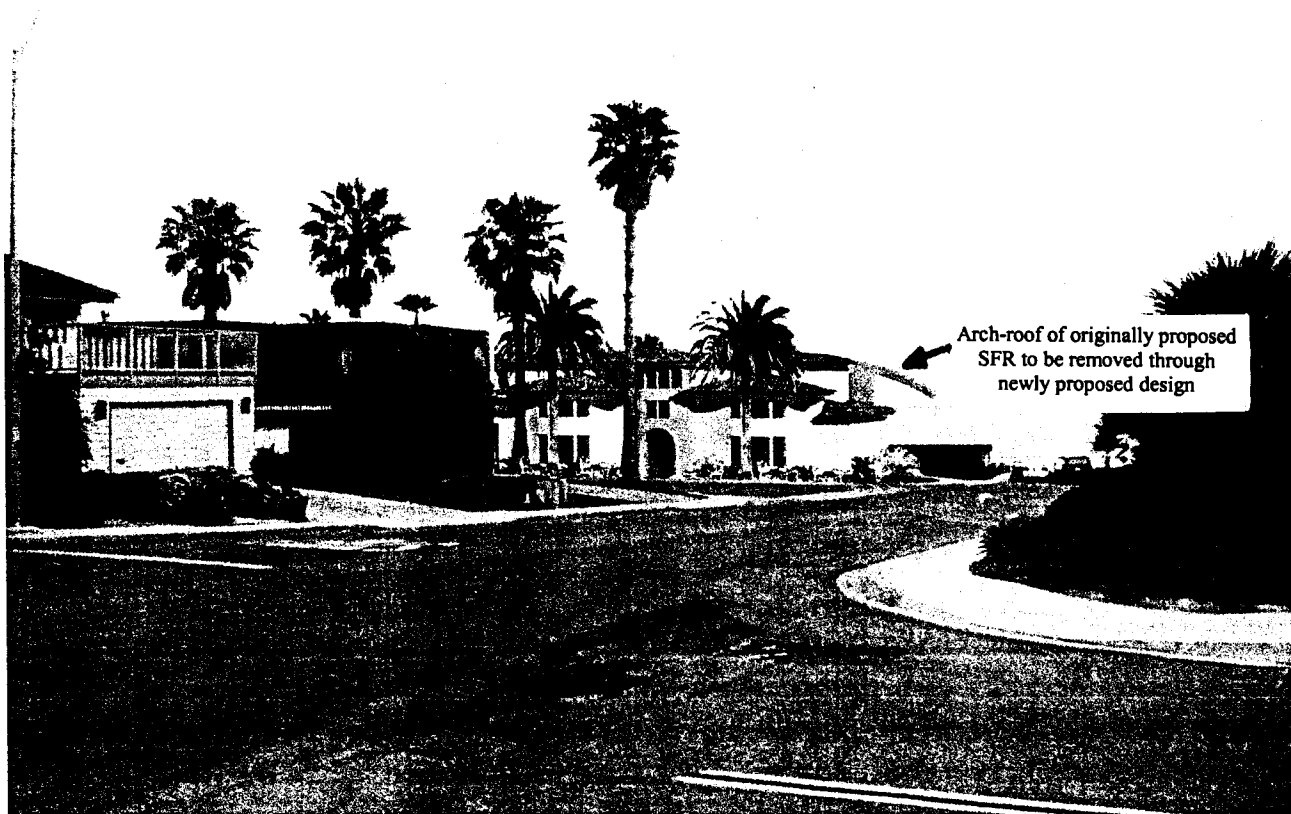
APPLICATION NO.

A-6-LJS-02-68-A1

Previously-Approved

Building Footprint

 **California Coastal Commission**



Proposed SCR Model ~ View B



EXHIBIT NO. 4
APPLICATION NO. A-6-LJS-02-68-A1
Comparison of Revisions to roof design
 California Coastal Commission

A-6-LJS-02-68-A1

MICHAEL W. HART
ENGINEERING GEOLOGIST
P.O. Box 261227 • SAN DIEGO • CALIFORNIA • 92196 • 858 578-4672

January 8, 2004
File No. 446-2000

Mr. Sam Montgomery
Golba Architecture
656 Ninth Avenue
San Diego, California
92101

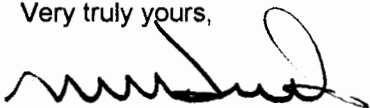
Subject: 5490 Calumet Avenue
La Jolla, California
UPDATE OF GEOLOGIC RECONNAISSANCE
DATED July 25, 2001
(Project #: CDP/SDP/VAR 41-0495. P2K#: 96005065)

Dear Mr. Montgomery:

In accordance with your request I have reviewed the report of geologic reconnaissance for the site dated July 25, 2001 and a Reply to Environmental Analysis dated September 20, 2001. I have also revisited the property to observe current geologic conditions. It is my opinion after performing the review and site visit that the geologic conditions on the property and adjacent sea-bluff are substantially the same as described in the referenced report of geologic reconnaissance and response to the environmental analysis. Accordingly, it is concluded that the findings and recommendations of these documents remain valid and may be relied upon for development.


If you have any questions regarding my review of the project, please call at your convenience.

Very truly yours,



Michael W. Hart,
Engineering Geologist, CEG 706



EXHIBIT NO. 5
APPLICATION NO. A-6-LJS-02-68-A1
Updated Letters from Geologists
 California Coastal Commission



GEOTECHNICAL EXPLORATION, INC.

SOIL & FOUNDATION ENGINEERING • GROUNDWATER
HAZARDOUS MATERIALS MANAGEMENT • ENGINEERING GEOLOGY

A-6-LSS-02-068-A1

12 January 2004
(Revised 15 January 2004)

Mr. David Kahn
c/o GOLBA ARCHITECTURE
656 Ninth Avenue
San Diego, CA 92101
Attn: Mr. Sam Montgomery

Job No. 04-8571

Subject: **Retention for Geotechnical Services -- Update of Preliminary
Geotechnical Site Observations and Geotechnical Review of
Project Plans**
Kahn Residential Project
5490 Calumet Avenue
La Jolla, California

Dear Mr. Kahn:

Based on our discussions with Mr. Sam Montgomery of Golba Architecture, and in accordance with our work agreement dated December 23, 2003, **Geotechnical Exploration, Inc.** agrees to provide the geotechnical services that will be required by the City of San Diego for development of your proposed two-story residence located at 5490 Calumet Avenue, La Jolla, California. Upon your request, we will provide proposed scope of work and cost estimates for the various geotechnical tasks that will be required during the planning and construction process.

In accordance with our current assignment, we have reviewed our previously issued report entitled "Preliminary Geotechnical Site Observations" dated July 21, 2000. In addition, we have reviewed the new design plan prepared by Golba Architecture, dated December 31, 2003. This plan depicts a proposed new two-story residence and associated improvements to be constructed following demolition of the existing residential structure. We also visited the property on January 9, 2004, and observed no significant changed conditions since our prior visit on July 18, 2000.

We therefore consider the July 18, 2000, report to be updated and valid for use on the current project.

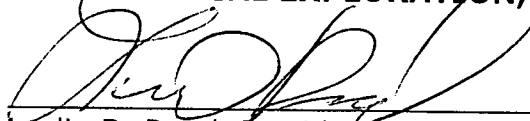
As stated in the July 18, 2000, report, the property lies within Zones 44 and 53 of the City of San Diego Geologic Hazard Maps. Zone 44 is a coastal bluff (sea cliff) category of low to moderate risk described as "*moderately stable*." Zone 53 is defined as a low to moderate risk area with "*sloping terrain*" and/or "*nonfavorable geologic structure* ." In our opinion, the "sloping terrain" classification is most applicable to the subject property due to the sea cliff topography on the west side of the lot.

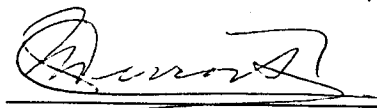
Based on the Zone 44 and 53 classifications, a soil investigation and geologic reconnaissance will be required by the City of San Diego. Upon your request and following review of additional site development plans, we will prepare a scope of work and cost estimates for providing the required geotechnical work.

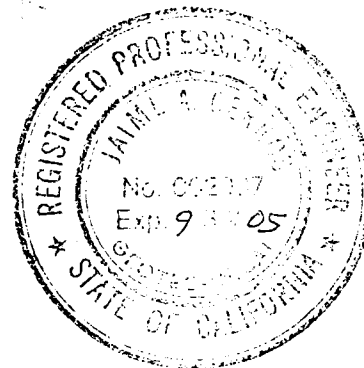
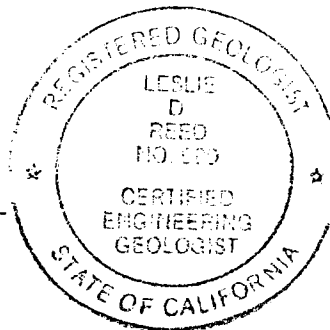
This opportunity to be of service is sincerely appreciated. Should you have any questions regarding this matter, please feel free to contact our office. Reference to our **Job No. 04-8571** will help to expedite a response to your inquiries.

Respectfully submitted,

GEOTECHNICAL EXPLORATION, INC.


Leslie D. Reed, President
C.E.G. 999[exp. 3-31-05]/R.G. 3391


Jaime A. Cerros, P.E.
R.C.E. 34422/G.E. 2007
Senior Geotechnical Engineer



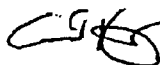
A-6-LJS-02-068-A1

To Whom It May Concern:

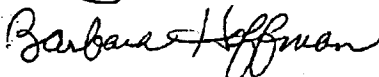
We, Clem and Barbara Hoffman, reside at 5503 Calumet Avenue and have reviewed the Substantial Conformance Drawings designed by Golba Architecture for the property at 5490 Calumet Avenue in La Jolla, (approved Coastal Development Permit # A-6-LJS-02-068 on June 12, 2003).

We understand that the Substantial Conformance Drawings are equal to or less than the approved Coastal Development Permit design by Wallace Cunningham in size, height and massing and present a more Mediterranean look to the design and is more consistent with the neighborhood, and as such, we support this Substantial Conformance Review (SCR) through the City of San Diego,

Respectfully,



12-10-03



12-10-03

Clem and Barbara Hoffman

5503 Calumet Avenue

La Jolla, Cal 92037

Dec 10, 2003

EXHIBIT NO. 6**APPLICATION NO.****A-6-LJS-02-68-A1****Letters of Support
from Neighbors**

To Whom It May Concern:

We, Kate and John Pifer, reside at 5436 Calumet Avenue and have reviewed the Substantial Conformance Drawings designed by Golba Architecture for the property at 5490 Calumet Avenue in La Jolla, (approved Coastal Development Permit # A-6-LJS-02-068 on June 12, 2003).

We understand that the Substantial Conformance Drawings are equal to or less than the approved Coastal Development Permit design by Wallace Cunningham in size, height and massing and present a more Mediterranean look to the design and is more consistent with the neighborhood, and as such, we support this Substantial Conformance Review (SCR) through the City of San Diego,

Respectfully,

A handwritten signature in black ink that reads "Kate Pifer". The signature is written in a cursive, flowing style. Below the main signature, there is a smaller, less legible signature that appears to be "John C. Pifer".

Kate and John Pifer

5436 Calumet Avenue

La Jolla, Cal 92037

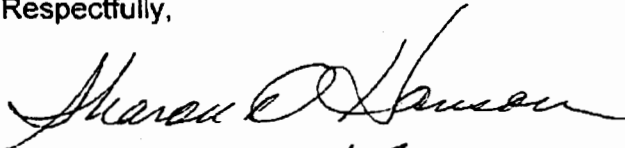
Dec 10, 2003

To Whom It May Concern:

We, Wayne and Sharon Hanson, reside at 5485 Calumet Avenue and have reviewed the Substantial Conformance Drawings designed by Golba Architecture for the property at 5490 Calumet Avenue in La Jolla, (approved Coastal Development Permit # A-6-LJS-02-068 on June 12, 2003).

We understand that the Substantial Conformance Drawings are equal to or less than the approved Coastal Development Permit design by Wallace Cunningham in size, height and massing and present a more Mediterranean look to the design and is more consistent with the neighborhood, and as such, we support this Substantial Conformance Review (SCR) through the City of San Diego,

Respectfully,



Wayne and Sharon Hanson

5485 Calumet Avenue

La Jolla, Cal 92037

Dec 10, 2003

To Whom It May Concern:

We, James and Margeret Lawless, reside at 5502 Calumet Avenue and have reviewed the Substantial Conformance Drawings designed by Golba Architecture for the property at 5490 Calumet Avenue in La Jolla, (approved Coastal Development Permit # A-6-LJS-02-068 on June 12, 2003).

We understand that the Substantial Conformance Drawings are equal to or less than the approved Coastal Development Permit design by Wallace Cunningham in size, height and massing and present a more Mediterranean look to the design and is more consistent with the neighborhood, and as such, we support this Substantial Conformance Review (SCR) through the City of San Diego,

Respectfully,

We are signing this assuming that the view corridor will not be obstructed by structure or vegetation.

Margaret Lawless JFL

James and Margeret Lawless

5502 Calumet Avenue

La Jolla, Ca 92037

Dec 10, 2003

To Whom It May Concern:

I Linda Wong-Kerberg reside at 5495 Calumet Avenue and have reviewed the Substantial Conformance Drawings designed by Golba Architecture for the property at 5490 Calumet Avenue in La Jolla, (approved Coastal Development Permit # A-6-LJS-02-068 on June 12, 2003).

I understand that the Substantial Conformance Drawings are equal to or less than the approved Coastal Development Permit design by Wallace Cunningham in size, height and massing and present a more Mediterranean look to the design and is more consistent with the neighborhood, and as such, I support this Substantial Conformance Review (SCR) through the City of San Diego.

Respectfully,

A handwritten signature in cursive script, reading "Linda Wong-Kerberg".

Linda Wong-Kerberg
5495 Calumet Avenue
La Jolla, CA 92037
January 14, 2004