

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with conditions

APPEAL NO.: A-6-LJS-06-79

APPLICANT: CWS, Inc.

PROJECT DESCRIPTION: Construction of a 8,559 sq. ft., three-story single-family residence with an attached 455 sq. ft. 2-car garage on a vacant 13,452 sq. ft. blufftop lot. Also proposed is the abandonment of an existing storm drain easement across the site and the construction of new 36-inch storm drain within a new easement with an approximately 350 sq. ft. riprap energy dissipater on the beach.

PROJECT LOCATION: 1620 Torrey Pines Road, La Jolla, San Diego, San Diego County. APN 350-141-16

APPELLANTS: Commissioners Sara Wan & Patrick Kruer

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 application with several special conditions. The primary issues raised by the subject development relate to adequate blufftop setbacks, protection of public access, visual resources and water quality. The proposed home will be setback 40 ft. from the bluff edge (with the exception of a small cantilevered portion), which has been determined to be adequate to assure safety of the home for its 75 year economic life. The home has also been designed to preserve view corridors to the ocean along both its side yards as well as cut into the site to allow views of the ocean from the sidewalk along Torrey Pines Road over portions of the home. As identified in the Substantial Issue section of the report, a lot line adjustment between the subject site and the adjacent property to the west was approved

by the City of San Diego in 2001. However, the lot line adjustment has never been authorized pursuant to a coastal development permit. As such, on de novo review, the applicant has requested that the project be revised to also consider after-the-fact approval of the lot line adjustment. Staff has reviewed the lot line adjustment and has determined that it is consistent with all relevant LCP provisions.

In addition, the project includes relocation of an existing storm drain easement and the present public storm drain pipe on the property, which will outlet on the beach. A large riprap structure is proposed on the beach to dissipate the pipes discharge. However, the energy dissipater, which covers approximately 350 sq. ft. of the beach, will result in significant impacts on public access. Therefore, staff recommends the riprap be eliminated and the applicant submit plans for some other form of outfall/dissipater structure that minimizes impacts on public access and the beach.

As conditioned, the proposed development is consistent with the certified LCP and the public access policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Certified City of San Diego Local Coastal Program; Appeal forms; Report of Geologic Reconnaissance Proposed Single-Family Residence, 1600 Torrey Pines Road by Christian Wheeler Engineering dated August 5, 2002; Response to Geotechnical Review of Documents Proposed Single-Family Residence, 1600 Torrey Pines Road by Christian Wheeler Engineering dated July 31, 2003; Report on Bored Storm Drain Construction, Proposed Single-Family Residential Site, 1600 Torrey Pines Road by Christian Wheeler Engineering dated September 2, 2003; Foundation Recommendations and Design Criteria, Proposed Single-Family Residence, 1620 Torrey Pines Road by Christian Wheeler Engineering dated March 15, 2004; Response to 2nd Geotechnical Review of Documents, Proposed Single-Family Residence, 1600 Torrey Pines Road by Christian Wheeler Engineering dated June 30, 2004; Slope Stability Analysis, Proposed Single-Family Residence, 1620 Torrey Pines Road by Christian Wheeler Engineering dated April 6, 2004; Report of Geotechnical Investigation – 1620 Torrey Pines Road by Christian Wheeler Engineering dated July 23, 2004; Response to 5th Cycle Review of Documents, Proposed Single-Family Residence, 1620 Torrey Pines Road by Christian Wheeler Engineering dated February 23, 2005; Response to 6th Cycle Review, Proposed Single-Family Residence, 1620 Torrey Pines Road by Christian Wheeler Engineering dated April 4, 2005; Response to 7th Cycle Review of Documents, Proposed Single-Family Residence, 1620 Torrey Pines Road by Christian Wheeler Engineering dated May 16, 2005; Supplemental Response to 7th Cycle Review of Documents, Proposed Single-Family Residence, 1620 Torrey Pines Road by Christian Wheeler Engineering dated June 3, 2005; Review of Revised Bored Storm Drain Construction Plans, Proposed Single-Family Residential Site, 1620 Torrey Pines Road by Christian Wheeler Engineering dated October 18, 2006; Drainage Analysis Storm Drain East of Coast Walk and Torrey Pines Road dated November 7, 2006 by Stuart Engineering; Coastal Hazard and Wave Runup Study

for Proposed Storm Drain Outfall Near 1620 Torrey Pines Road, La Jolla dated November 8, 2006 by GeoSoils, Inc.

I. Appellants Contend That: The project is inconsistent with the provisions of the certified LCP which pertain to geologic stability and blufftop setbacks for new development and protection of public views.

II. Local Government Action: The project was approved by San Diego City Council on May 2, 2006. Conditions of approval address brush management, landscaping, view corridors along the side yard setbacks, open fencing, bluff edge setbacks for buildings and accessory improvements, and drainage and runoff.

III. Appeal Procedures: After certification of a municipality's Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permit applications. One example is that the approval of projects within cities and counties may be appealed if the projects are located within mapped appealable areas. The grounds for such an appeal are limited to the assertion that "development does not conform to the standards set forth in the certified local coastal program or the [Coastal Act] public access policies." Cal. Pub. Res. Code § 30603(b)(1).

After the local government has taken final action on an appealable project, it must send a notice of that final action (NOFA) to the Commission. Cal. Pub. Res. Code § 30603(d); 14 C.C.R. § 13571. Upon proper receipt of a valid NOFA, the Commission establishes an appeal period, which runs for 10 working days. Cal. Pub. Res. Code § 30603(c); 14 C.C.R. § 13110 and 13111(b). If an appeal is filed during the appeal period, the Commission must "notify the local government and the applicant that the effective date of the local government action has been suspended," 14 C.C.R. § 13572, and it must set the appeal for a hearing no later than 49 days after the date on which the appeal was filed. Cal. Pub. Res. Code § 30621(a).

Section 30625(b)(2) of the Coastal Act requires the Commission to hear an appeal of the sort involved here unless the Commission 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 either immediately or at a subsequent meeting. 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 Coastal Act requires that, for a permit to be granted, a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

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.

IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-LJS-06-79 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

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

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. *A-6-LJS-06-79* presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Findings and Declarations.

1. Project Description/Permit History. The project approved by the City involves the construction of a 8,559 sq. ft., 3-story single-family residence with an attached 455 sq. ft. 2-car garage on a vacant 13,452 sq. ft. blufftop lot. The City also approved the

abandonment of an existing storm drain easement across the site and the construction of new 36-inch storm drain within a new easement along the eastern property boundary. To prepare the site for development, approximately 11,800 cubic yards of cut and 700 cubic yards of fill are required.

The site is located at 1620 Torrey Pines Road, just east of Coast Walk in the La Jolla community of the City of San Diego. There is no direct access to the site from Torrey Pines Road and the applicant has obtained an easement from the adjacent property owner to the west to gain access to the site. The subject site is comprised of a steeply sloping hillside that extends north from Torrey Pines Road, then down the coastal bluff to the beach. Surrounding development includes single-family homes to the east and west, Torrey Pines Road to the south and the Pacific Ocean to the north.

In the year 2000, a lot line adjustment was approved by the City of San Diego affecting the subject site and the adjacent lot to the west. Subsequently the lot line adjustment was recorded. However, the development was never authorized pursuant to a coastal development permit and thus constitutes a violation of the Coastal Act.

The subject review is appeal of a City approved coastal development permit. As such, the standard of review is the certified City of San Diego Local Coastal Program. Because the subject site is located between the first public road and the sea, the standard of review also includes the public access and recreation policies of the Coastal Act.

2. Geological Stability. The appellants contend that the project as approved by the City is inconsistent with the geologic stability provisions of the certified LCP with regard to the location of the bluff edge and necessary blufftop setbacks to assure the home will be safe over its expected economic life.

The policies and guidelines of the certified La Jolla Community Plan and Local Coastal Program Land Use Plan, dated February 2004, address coastal blufftop development and state:

The shoreline bluffs are one of La Jolla's most scenic natural resources...Over time, as the bluffs continue to recede, existing developments will become increasingly susceptible to bluff hazards. In many cases, seawalls, revetments, and other types of erosion control structures will be required to stabilize the bluff. Such structures, while necessary to protect private property, are poor substitutes for adequate site planning....

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

Set back new development on property containing a coastal bluff at least 40 ft. from the bluff edge so as to not impact the geology and visual quality of the

bluff....Require applicants to accept a deed restriction to waive all rights to protective devices associated with new development on coastal bluffs....

Require a geotechnical report for all bluff top development to document that the site is stable enough to support the proposed development in accordance with the Environmentally Sensitive Lands regulations....

In addition, the certified Land Development Code (LCP Implementation Plan) contains the provisions address coastal bluff development. Specifically, Section 143.0143 addressing Development Regulations for Sensitive Coastal Bluffs states the following:

- (f) All *development* including buildings, *accessory structures*, and any addition to existing *structures* shall be set back at least 40 feet from the *coastal bluff edge*, except as follows:
- (1) The City Manager may permit *structures* to be located between 25 and 40 feet from the bluff edge where the evidence contained in a geology report indicates that the site is stable enough to support the *development* at the proposed distance from the *coastal bluff edge* and the project can be designed so that it will not be subject to or contribute to significant geologic instability throughout the anticipated life span of the primary *structures*, and no shoreline protection is required. Reductions from the 40-foot setback shall be approved only if the geology report concludes the *structure* will not be subject to significant geologic instability, and not require construction of shoreline protection measures throughout the economic life span of the *structure*. In addition, the applicants shall accept a deed restriction to waive all rights to protective devices associated with the subject property. The geology report shall contain:
 - (A) An analysis of bluff retreat and coastal stability for the project site, according to accepted professional standards;
 - (B) An analysis of the potential effects on bluff stability of rising sea levels, using latest scientific information;
 - (C) An analysis of the potential effects of past and projected El Nino events on bluff stability;
 - (D) An analysis of whether this section of coastline is under a process of retreat.
 - (2) *Accessory structures* and landscape features customary and incidental to residential uses shall not be closer than 5 feet to the *coastal bluff edge* provided, however, that these shall be located at *grade*. *Accessory structures* and features may be landscaping, walkways, unenclosed patios, open shade *structures*, decks that are less than 3 feet above grade,

lighting standards, *fences* and wall, seating benches, *signs*, or similar *structures* and features, excluding garages, carports, building, pools, spas, and upper *floor* decks with load-bearing support *structures*.

In addition, the City's certified Land Development Code includes a number of guidelines that have been adopted to help interpret the code. Pertinent to the subject development is the Coastal Bluffs and Beaches Guidelines dated June 6, 2000. These guidelines include the following relative to defining a coastal bluff edge:

The coastal bluff edge is the upper termination of a coastal bluff face where the downward gradient of the top of bluff increases more or less continuously until it reaches the general gradient of the bluff face....The coastal bluff edge is a continuous line across the entire length of the coastal bluff on the premises from which all bluff setbacks shall be measured....

Where a site is bounded on at least one side by a coastal canyon (a large, established regional drainage course that traditionally accepts runoff from off-site), the coastal bluff edge is defined as the portion of the site which drains directly into the ocean....

As noted, the appellants have asserted that there is a question as to the location of the bluff edge. The subject site is an irregularly shaped parcel of land that contains an existing northeasterly trending coastal canyon. The northern-most portion of the site drops steeply to the ocean with a coastal bluff that ranges in height from 55 ft. to 95 ft. Because of the presence of the coastal canyon and differing topography on the site, it is unclear as to the location of the bluff edge. Based on a topographic survey of the site, it appears the actual bluff edge may be further inland than the bluff edge utilized by the City.

In addition, according to City's resolution, the home approved by the City will observe a 40 ft. setback from the bluff edge and such a setback is supported by a geotechnical report that concludes the property can be safely developed. However, Special Condition #42 of the City's permit states the following:

42. All development, including buildings and accessory structures, shall be setback at least 25 feet from the coastal bluff edge.

Thus, this special condition seems to contradict the statement in the City's resolution and there are no findings to support a reducing the setback from 40 ft. to 25 ft.

In discussing this issue with City staff, it was stated that this condition contains a typographic error – that in fact, the condition should state that the buildings will be setback **40** feet from the coastal bluff edge not 25 feet. To address this concern, City staff has administratively changed the special condition and issued a “corrected” coastal development permit.

Also, as noted above, the LCP requires that with approval of new blufftop development, the applicants must also accept a deed restriction waiving all rights to future shoreline protection. The City, in its action, failed to impose such a requirement. However, similar to the 40 ft. requirement noted above, when City staff was made aware of this concern upon filing of the appeal, they administratively revised the coastal development permit and added this requirement as a special condition. While the City staff did revise the coastal development permit administratively to address some of the issues raised by the appeal, there still appears to be inconsistencies with the project relative to adequate blufftop setbacks. Therefore, the Commission finds that that a substantial issue exists with respect to the project's consistency with the City's certified Local Coastal Program.

3. Public Views. The appellants also assert that the proposed development is inconsistent with the certified LCP in that it will not protect public views of the ocean. The subject site is identified in the certified LCP as a public view corridor overlooking the Pacific Ocean. Currently the site is undeveloped and includes a solid fence along the Torrey Pines Road frontage and as such, no public ocean views are currently available. However, the certified LCP includes provisions that address the protection of existing or potential public views. The certified La Jolla Community Plan and Local Coastal Program Land Use Plan, dated February 2004, contains numerous policies addressing the protection of public views toward the ocean which are applicable to the development and state:

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

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....

Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points...Design and site proposed development that may affect an existing or potential public view to be protected...in such a manner as to preserve, enhance or restore the designated public view....

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

View corridors utilizing side yard setbacks, should be encouraged along shoreline and blufftop areas, in order to avoid a continuous wall effect. Even narrow corridors create visual interest and allow for sea breezes to refresh passersby....

- Setbacks and view corridors should be kept clear of trash receptacles, utility boxes, storage materials, untrimmed landscaping or any other obstructions which may interfere with visual access.

In addition, the certified Land Development Code contains similar provisions. 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.

While no public ocean views are currently available across the subject site due to the existing solid fence, the site is designated as a public view corridor in the certified LCP and as such, potential public views need to be protected. The City, in its review, did include deed restricted side yard visual corridors of 4 ft. and 10 ft. where no buildings are permitted, landscaping is limited to a height of no greater than 3 ft. and fencing must be open. However, it is not clear if this requirement extends to the Torrey Pines Road frontage. The landscape plans approved by the City show two large “street” trees along the Torrey Pines Road frontage that are sited directly in front of the two side yard view corridors. Thus, while the City did require the side yard areas to remain open as view corridors, the trees are not in the side yard areas, but within the sidewalk adjacent to the street. With installation of these two large trees, it is not clear if the view corridors will actually provide public ocean views as the views could potentially be blocked by the trees. In addition, the proposed 3-story home will extend approximately 6 ft. above the street elevation for most of the street frontage (except for the side yard areas), thus blocking any potential public ocean views that may be available from Torrey Pines Road. Thus, it is not clear if the project, as approved by the City, will protect public ocean views across the site, inconsistent with the above-cited LCP. Therefore, the Commission finds that that a substantial issue exists with respect to the project’s consistency with the City’s certified Local Coastal Program.

I. STAFF RECOMMENDATION ON THE COASTAL PERMIT

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. A-6-LJS-06-079 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following special conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site, building, foundation and grading plans for the proposed development that have been approved by the City of San Diego. Said plans shall be in substantial conformance with the plans submitted by Marengo Morton Architects dated 9/27/05 and shall include the following:

- a. The proposed residential structure will be set back a minimum of 40 ft. from the bluff edge, except for a small portion of the home that cantilevers to within 32-feet 2-inches of the bluff edge.
- b. Foundation plans that document that no portion of the structure shall extend beyond 40 ft. from the bluff edge, except for the small area that cantilevers to within 32-feet 2-inches of the bluff edge and that cast-in-place concrete caissons are utilized for the foundation as detailed in the report by Christian Wheeler Engineering dated March 15, 2004 entitled "Report of Foundation Recommendations and Design Criteria for the Proposed Single-Family Residence at 1620 Torrey Pines Road.
- c. The proposed residential structure shall not exceed 122.1' above Mean Sea Level (MSL) at its highest point as depicted on the approved plans.
- d. 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 40 ft. geologic setback area must be "at-grade" and located no closer than 5 ft. from the edge of the existing bluff.

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.

2. Revised Final 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 final landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the plans as submitted by Marengo Morton Architects

dated 10/27/05, except for the revisions required by this condition. 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 4 ft. wide shall be preserved along the west side yard setback area and 13 ft. 7-inches along the east side yard setback area. All proposed landscaping in the front, west and east yard areas shall be limited to species with a growth potential not to exceed three feet at maturity and shall be maintained at a height of three feet or lower (including raised planters) to preserve views from the street toward the ocean. No street trees along Torrey Pines Road are permitted.
- b. All landscaping shall be (1) drought-tolerant and native or (2) non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
- c. No new permanent irrigation system may be installed.
- d. Any fencing in the front, west and east yard areas shall permit public views and have at least 75 percent of its surface area open to light.
- e. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

The 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. Runoff/Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, final drainage and runoff control plans that have been approved by City of San Diego. The plans shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plans shall document that at a minimum, the stormwater runoff from the roof and other impervious surfaces, for the 24 hour 85th percentile storm event or 0.6 inches of precipitation, shall be collected for onsite treatment, without allowing water to percolate into the bluff face, prior to being conveyed off-site in a non-erosive manner. Until the low flow diversion is completed by the City of San Diego for the public storm drain that occurs on the site, appropriate BMPs shall be incorporated into the project such that there is no runoff from the site to the storm drain during dry weather. These BMPs should include, but not be limited to, sweeping instead of hosing off impervious surfaces and direct supervision of any landscape irrigation to ensure that there is no runoff to the storm drain during dry weather. In addition, the plans shall document that all runoff be directed away from the bluff.

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

4. Assumption of Risk, Waiver of Liability and Indemnity.

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, bluff retreat and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

5. Other Special Conditions of the CDP 10577/SDP No. 10582. Except as provided by this coastal development permit, this permit has no effect on conditions

imposed by the City of San Diego pursuant to an authority other than the Coastal Act. The conditions contained in this coastal development permit are in addition to the conditions imposed and required by the City of San Diego. In case of conflict, the conditions contained in the subject coastal development permit shall be controlling.

6. No Future Bluff or Shoreline Protective Device

- A(1) By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. A-6-LJS-06-079 including, but not limited to, construction of a new, approximately 8,559 sq.ft., three-story single family residence with an attached 455 sq. ft. 2-car garage, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2) By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including construction of a new, approximately 8,559 sq.ft., three-story single family residence with an attached 455 sq. ft. 2-car garage, if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

7. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

8. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval final grading and erosion control plans that have been approved by the City of San Diego. The approved plans shall incorporate the following requirements:

- a. No grading activities shall be allowed during the rainy season (the period from October 1st to March 31st of each year). All disturbed areas shall be replanted immediately following grading and prior to the beginning of the rainy season.
- b. The permittees shall submit a grading schedule to the Executive Director demonstrating compliance with the above restriction.
- c. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction.
- d. Landscaping shall be installed on all cut and fill slopes prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

The permittee shall undertake development in accordance with the approved grading and erosion control plans. Any proposed changes to the approved grading and erosion control plans or grading schedule 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.

9. Disposal of Graded Material. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission.

10. Revised Final Storm Drain Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director final revised plans for the relocated storm drain on the property that have been approved by the City of San Diego. Said plans shall

be in substantial conformance with the plans submitted with this application by Stuart Engineering date stamped received November 13, 2006, but shall be revised as follows:

- a. No riprap is permitted on the beach.
- b. Any necessary energy dissipater (other than riprap) on the beach shall meet all of the following parameters:
 - (1) Not extend any further than 2 ft. above bedrock;
 - (2) Extend no further seaward than 5 ft. from the toe of the bluff;
 - (3) Not exceed 25 sq. ft in area; and
 - (4) Be colored and textured to reduce its visibility and closely resemble the adjacent natural bluff/beach.

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project involves the construction of an 8,559 sq. ft., 3-story single-family residence with an attached 455 sq. ft. 2-car garage on a vacant 13,452 sq. ft. blufftop lot. The project as approved by the City was to construct a 6,869 sq. ft. home. However, subsequent to the City's review, the applicant has modified the application to increase the size of the home to 8,559 sq. ft. To prepare the site for development, approximately 11,800 cubic yards of cut and 700 cubic yards of fill are required. As the disposal site for the excess graded material has not been identified, Special Condition #9 has been attached and requires that prior to issuance of the permit, the applicant identify the disposal site. The home is proposed to be constructed utilizing a combination of a shallow conventional spread foundation and cast-in-place concrete piers with reinforced grade beams.

The project also includes the abandonment of an existing storm drain easement that extends across the middle of the site and re-alignment of the easement along the eastern property boundary. The existing 36-inch public storm drain pipe extends onto the subject site from under Torrey Pines Road and empties into the southern portion of the property. The drainage that empties onto the site then flows across the site in a natural swale and into a small basin located just inland of the coastal bluff edge. From the basin, the drainage enters two pipes that extend out of the bluff edge and drainage flows from the pipes onto the face of the bluff and onto the beach below. The system will be removed and a new 36-inch storm drain will be constructed within the new easement along the eastern property boundary partly buried (along the street) and then micro-tunneled

through the bluff to outlet on the beach. An approximately 350 sq. ft. riprap energy dissipater will be constructed on the beach at the storm drain outlet. The energy dissipater will be constructed utilizing 5-ton stones and is proposed to be approximately 8 ft. high and will extend approximately 17 ft. seaward from the toe of the bluff onto the beach.

The site is located at 1620 Torrey Pines Road, just east of Coast Walk in the La Jolla community of the City of San Diego. There is no direct access to the site from Torrey Pines Road and the applicant has obtained an easement from the adjacent property owner to the west to gain access to the site. The subject site is comprised of a steeply sloping hillside that extends north from Torrey Pines Road, then down the coastal bluff to the beach. Surrounding development includes single-family homes to the east and west, Torrey Pines Road to the south and the Pacific Ocean to the north.

In the year 2000, a lot line adjustment was approved by the City of San Diego affecting the subject site and the adjacent lot to the west. The two sites were adjusted such that the subject site was increased from a non-conforming approximately 3,600 sq. ft. to 13,460 sq. ft. Subsequently the lot line adjustment was recorded. However, the development was never authorized pursuant to a coastal development permit and thus constitutes a violation of the Coastal Act. To address this issue, the applicant has revised the project description to include an after-the-fact request for approval of the lot line adjustment.

The subject review is the appeal of a City approved coastal development permit. As such, the standard of review is the certified City of San Diego Local Coastal Program. Because the subject site is located between the first public road and the sea, the standard of review also includes the public access and recreation policies of the Coastal Act.

2. Shoreline Hazards/Development on the Beach. The subject development includes two main components – construction of the new single-family home on the blufftop and, relocation and construction of a public storm drain pipe through the bluff with a riprap energy dissipater proposed on the beach below the storm drain outlet. Each will be discussed separately below.

a. Single-Family Home.

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

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

In addition, the policies and guidelines of the certified La Jolla-La Jolla Shores LCP also contains the following related provisions:

“The shoreline bluffs are one of La Jolla’s most scenic natural resources...Over time, as the bluffs continue to recede, existing developments will become increasingly susceptible to bluff hazards. In many cases, seawalls, revetments, and other types of erosion control structures will be required to stabilize the bluff. Such structures, while necessary to protect private property, are poor substitutes for adequate site planning....”

The LCP then goes on to cite the following guidelines:

[...]

“The geotechnical report...should document that the “area of demonstration” is stable enough to support the proposed development and that the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the estimated lifespan of the project structures....”

The subject site is a vacant irregularly shaped lot located along Torrey Pines Road, just east of Coast Walk, in La Jolla community of the City of San Diego. The site includes a coastal bluff that ranges in height from approximately 55 ft. on the eastern portion of the lot, extending to approximately 95 ft. on the western portion of the lot. A large portion of the site extending from Torrey Pines Road has been previously filled to accommodate the construction and widening of Torrey Pines Road and for the installation of the public storm drain pipe on the site. The fill ranges up to approximately 20 ft. in depth.

To find a proposed blufftop home consistent with the above-cited provisions of the LCP, the Commission must find that it will be stable throughout its useful life and that it will not require a seawall or other shoreline protective device throughout its useful life. To evaluate a development setback, one must consider the setback necessary to assure safety from landsliding at the present time, and the way that coastal erosion will affect that setback over the life of development. First, it must be determined whether the coastal bluff meets minimum slope stability standards. Normally, this will be a factor of safety of 1.5 (static) or 1.1 (pseudostatic). If the answer to this question is “yes,” then no setback is necessary to assure slope stability. If the answer is “no,” then it is necessary to determine the position on the bluff top where the minimum slope stability standards are attained. This position, as measured relative to the bluff edge, is the setback necessary for slope stability.

The Christian-Wheeler geotechnical report dated 23 July 2004 includes slope stability analyses that indicate that the overall factor of safety for the bluff is between 1.06 and 1.36, depending on the line of cross section examined and the type of slope failure. The report also locates the position on the bluff top where a factor of safety of 1.5 is obtained; this location varies from approximately 31 to 39 feet from the bluff edge, as scaled from plates 11-13 of the report.

The next step in evaluating a proposed development is to determine the expected bluff retreat over the design life of the structure. The Christian-Wheeler report cites previous studies on nearby lots and the potential flattening of the terrace deposits at the top of the bluff to estimate that 75 years of erosion could result in approximately 12 feet of bluff recession in the eastern portion of the lot, but as much as 35 or 40 feet of recession in the western portion of the lot.

Given that the current conditions require a setback of 31 to 39 feet, and that as much as 40 feet of bluff recession may occur, it is clear that the default 40-foot setback in the LCP

is insufficient to assure stability of the structure for the 75-year expected life of the development if the structure is founded on conventional footings. However, the applicant is proposing to found the structure on drilled piers. The Christian-Wheeler report provides design parameters for these piers. As proposed, the piers will be approximately 2 ft. in diameter, spaced no greater than 8 ft. on center and drilled to a depth of approximately 15 ft. deep. The Commission's staff geologist has reviewed the applicant's technical reports and has determined that sited on such piers, the proposed residential structure will be safe for its anticipated 75-year expected life, consistent with the LCP requirements cited above.

While the applicant has proposed the use of caissons for a portion of the foundation for the proposed residence, engineered plans have not yet been submitted. Therefore, Special Condition #1b requires the applicant to provide engineered foundation plans for the home that documents the use of a caisson foundation system which will support the residence over 75 years despite ongoing bluff sliding and erosion such that shoreline protection will not be required. In addition, since the applicant has assured the Commission that the proposed residence can be constructed without requiring shoreline protection in the future, Special Condition #6 requires the applicant to waive all rights to future protection for new development on the blufftop. Such a condition will assure that the bluff will be protected to the maximum extent possible from unnatural alteration of the bluff, consistent with the certified LCP.

Because erosion and landslides are caused by a variety of factors including over watering on the blufftop and inappropriate drainage, Special Condition #2c and 3 require the applicant to not have permanent irrigation devices on top of the bluff and to direct all runoff away from the bluffs to the street.

In addition, although the applicant asserts that the proposed development can be constructed safely despite ongoing erosion and the potential of landslide, the bluffs along the San Diego shoreline are known to be hazardous and unpredictable. Given that the applicant has chosen to construct a residence despite these risks, the applicant must assume the risks. Accordingly, Special Condition #4 requires the applicant to acknowledge the risks and indemnifying the Commission against claims for damages that may occur as a result of its approval of this permit. In addition, Special Condition #7 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property.

b. Relocated Public Storm Drain.

The project also includes the relocation of a 36-inch public storm drain easement and pipe outlet on the property. According to the technical reports completed for the project, the proposed storm drain and outfall are to replace an existing public storm drain that currently outlets on the subject site and then spills over the blufftop to the beach below. The study indicates that the existing older drain system has been damaged and the outfall at the mid bluff is exacerbating the erosion of the bluff. As such, the new drain will be tunneled into the bluff and outlet at approximately +15 Mean Sea Level (MSL) near the

base of the bluff. The outlet is at this elevation (+15 MSL) to avoid wave runup from flowing into the outfall pipe. While the pipe diameter is to remain at 36 inches, the boring for the pipe will be approximately 46 inches in diameter to accommodate the 36-inch pipe. Once the pipe is installed, the void around the pipe will be filled with grout. To dissipate flow velocities so that storm water does not erode the beach, an approximately 350 sq. ft. quarry stone structure is proposed on the beach below the pipe outlet.

According to the geotechnical analysis for the pipe submitted with this application, the “installation of the proposed corrugated polyethylene pipe in the bored hole is a suitable method of installing the storm drain pipe.” The Commission staff geologist has reviewed the project and the technical reports and concurs that the proposed storm drain tunneled into the bluff is acceptable. From a geotechnical standpoint, the proposed storm drain relocation will result in a better situation, as it will eliminate the current situation of water flowing uncontrolled over and onto the face of the bluff and beach below.

However, the City’s certified LCP contains provisions for development on the beach. Specifically, Section 143.0144 of the Land Development Code (LDC) states:

Development Regulations for Coastal Beaches

The following development regulations apply to *development* proposed on a *premises* containing a *coastal beach*, as identified on Map Drawing No. C-713, filed in the office of the City Clerk under Document No. 00-17062, and *coastal development* is subject to the following regulations and the Coastal Bluffs and Beaches Guidelines in the Land Development Manual.

- (a) No *development* is permitted on the site containing the *coastal beach*, *except as permitted in Section 143.0130(b)*.

[...]

Section 143.0130 of the LDC states, in part:

Uses allowed within *environmentally sensitive lands* are those allowed in the applicable zone, except when limited by this section.

[...]

- (a) *Coastal Beach Areas*. Permitted uses and activities in *coastal beach* areas, as identified on Map Drawing No. C-713, are limited to the following:

- (1) Lifeguard towers and stations and associated life and security facilities;
- (2) Public comfort stations;
- (3) Public piers;
- (4) Safety and public information signs;

- (5) Shoreline protective works when necessary to prevent bluff and beach erosion and to protect coastal dependent uses, public beach roadways, or existing primary structures in danger from wave action and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply;
- (6) Public stairways, ramps and other physical access structures, as proposed within an applicable land use plan; and
- (7) Public recreational equipment.

In addition, the certified La Jolla-La Jolla Shores LUP also contains a provision to protect public bluffs and beaches from erosion:

...Where street drainage systems erode bluffs, the drainage system should be redesigned to prevent bluff erosion.

While the proposed storm drain relocation is acceptable from a geotechnical standpoint, it also proposes the construction of a riprap energy dissipater on the beach. As cited above, the City's LCP strictly limits development on coastal beaches and specifically identifies the types of developments that can occur on a coastal beach. In the case of the proposed development, the only development proposed on the beach is the approximately 350 sq. ft. riprap energy dissipater below the outlet to the relocated storm drain pipe. For the proposed energy dissipater to be permitted on the beach pursuant to the above cited LCP provisions, it must be determined to be one of the seven identified permitted uses. Of the seven identified uses, only #5 could be considered as applicable to the proposed project. Based on the various technical reports submitted for the project, the riprap on the beach is not proposed to "protect" the storm drain outlet pipe itself, but is proposed to protect the beach from erosion from the drainage water exiting the pipe. Thus, the riprap is a type of shoreline protective device proposed to prevent "beach erosion". In addition, in this particular case, the proposed storm drain pipe qualifies as a coastal dependent use.

While the certified LCP does not define a coastal dependent use, Section 30101 of the Coastal Act does and states:

"Coastal-dependent development or use" means any development or use which requires a site on, or adjacent to the sea to be able to function at all.

Because the LCP does not specifically define a coastal dependent use, the Commission, in this particular case, is using the Coastal Act definition as guidance. In discussing this project with City engineering staff, it was indicated that the City of San Diego discharges its storm water runoff into the Ocean at various storm drain outlets throughout the City. Other than diversion of dry weather flows to the public sewer system at some locations, the City does not have the capacity or the infrastructure to treat all storm water flows collected by the City's various storm drain systems; thus, storm water runoff continues to be discharged to the ocean. In order to discharge storm water flows to the ocean, the storm drain outlets must be located on a site, on or adjacent to, the sea in order to function. Thus, a storm drain outlet can be considered a coastal dependent use.

However, in the case of the subject development, even if the proposed relocated storm drain can be considered to be a coastal dependent use, the Commission must be assured that there are no other feasible alternatives available that would avoid the need for a storm drain outlet on this site and the necessary energy dissipater on the beach. To address this concern, the applicant's engineer looked at several alternatives (ref. Exhibit #11 attached). These alternatives include realigning the storm drain pipe to connect to an existing storm drain to the east of the subject site, construction of a detention basin, the use of multiple pipes on the subject site to reduce the velocity of the runoff, sheet flow across the property, the construction of a mechanical dissipating structure on the beach, the proposed project and the no project alternative. Based on this analysis, each of the identified alternatives, other than the proposed project, was determined to be infeasible. Specifically, the applicant's engineer determined that each of the alternatives reviewed would not be feasible because they would either: 1) result in a greater concentration of runoff and increased potential for bluff erosion; 2) not help in reducing the velocity or quantity of runoff; 3) would not be able to be accommodated on the subject site; or 4) be more intrusive on the beach than the proposed riprap. The Commission has reviewed the alternatives analysis and concurs that in this particular case, none of the identified alternatives would result in lesser impacts than the proposed storm drain pipe that outlets on the beach. Therefore, in this particular case, the proposed storm drain pipe can be considered a coastal dependent use and the project, that includes an energy dissipater on the beach, is an allowable use on the beach pursuant to above cited provisions of the certified LCP. However, as will be discussed in the following section of this report (Public Access), the proposed riprap energy dissipater structure on the beach will result in significant impacts on public access and is therefore required to be revised pursuant to Special Condition #10.

The proposed home on this bluff top site will be setback sufficient distance to assure it is safe from the threat of erosion. In addition, to assure the home achieves an adequate factor of safety of 1.5 or greater, the home will be constructed utilizing drilled piers and grade beams. As conditioned, the Commission is assured that the proposed home will not require shoreline protection during its projected economic lifespan. Therefore, the proposed development is consistent with the provisions of the certified LCP addressing geologic hazards and blufftop setbacks.

3. Public Views/Community Character. The certified La Jolla LUP contains numerous policies addressing the protection of public views toward the ocean which are applicable to the development and state:

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

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....

Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points...Design and site proposed development that may affect an existing or potential public view to be protected...in such a manner as to preserve, enhance or restore the designated public view....

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

View corridors utilizing side yard setbacks, should be encouraged along shoreline and blufftop areas, in order to avoid a continuous wall effect. Even narrow corridors create visual interest and allow for sea breezes to refresh passersby....

- Setbacks and view corridors should be kept clear of trash receptacles, utility boxes, storage materials, untrimmed landscaping or any other obstructions which may interfere with visual access.

In addition, the certified Land Development Code contains similar provisions. 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." The intent of the above-cited language in the certified LCP is to enhance or maintain any potential public views across a property between the first coastal road and sea.

As noted, the subject site is located on the west side of Torrey Pines Road, just east of Coast Walk Boulevard in La Jolla. Torrey Pines Road at this location is designated as the first continuous public road. Torrey Pines Road is also designated as a scenic roadway in the certified La Jolla Community Plan and Local Coastal Program Land Use Plan (LUP). Given that the proposed development is located along a scenic roadway and is between the first coastal road and sea, it is subject to the above-cited LCP policies and ordinances that protect visual resources.

Currently, the subject site is vacant and an approximately 6 ft. high wooden fence exists along the Torrey Pines Road frontage. As such, there are currently no public views available across the site. However, the La Jolla LUP designates the subject site as a scenic overlook where views of the ocean are identified over private property from the public right-of-way. In reviewing the site however, it is clear that if the existing fence were removed, public views of the ocean would be available across the subject site from the Torrey Pines Road Right-of-Way. To address this concern, the applicant has incorporated a number of design features into the proposed development. First of all, the applicant is proposing to remove and replace the existing 6 ft. high wooden fence along Torrey Pines Road with a 5 ft. high fence that will be solid for 1-1/2 ft. at its base, then open (rod iron design) for the remaining 3-1/2 ft. Thus, with the proposed fence, views to the ocean will now be made available from the public right-of-way where none currently exists.

However, having an open fence will not benefit the public if the proposed home is situated such that it blocks views of the ocean from the street. To address this concern, the applicant has designed the home so that it will be cut into the site adjacent to Torrey Pines Road. As proposed, only some minor roof peaks will extend above the elevation of sidewalk and Torrey Pines Road. Based on site lines provided by the applicant, as viewed from the sidewalk along Torrey Pines Road, the home will project above the sidewalk approximately 7ft. along its western frontage tapering to approximately 2-1/2

feet along its eastern frontage. In addition, the proposed home maintains a 4 ft. side yard setback along its west and a 13 ft. 7-inch setback along the east. With the setbacks, the open fencing and the home set into the site, public views of the ocean from the public right-of way will be made available across a good portion of the site's Torrey Pines Road frontage, where none currently exists.

In this particular case, the proposed development meets and actually exceeds required setbacks for the east and west side yards. The certified LCP requires that the side yard setbacks be 4 ft. minimum. As noted above, the proposed development includes a 4 ft. side yard setback along its western side yard and 13 ft. 7-inches along its eastern side yard. While the side yard setback areas will be free of development, there remains the potential that landscape improvements within these setback areas could result in an obstruction of views from Torrey Pines Road to the ocean. In fact, the proposed landscaping does just that. While the landscape plans submitted with this application do include plants that will not exceed 3 ft. in height for both the side yard setback areas, there are two street trees proposed along Torrey Pines Road that will result in impacts to views of the ocean across the site. As noted above, only portions of the proposed home will extend into and affect views from Torrey Pines Road. The remaining areas along Torrey Pines Road will offer public views to the ocean. As such, any landscaping, and especially street, could block such views. Therefore, Special Condition #2 requires that a revised landscape plan be submitted which documents that all proposed landscape and hardscape features in the front and side yard setback areas consist of only low-level materials (3 ft. in height or less) that do not impede views to the ocean. The condition also requires that the plans assure that proposed fencing remain 75% open such that views through the fencing are not impeded.

In addition, Special Condition #1 requires that final plans be submitted that have been approved by the City of San Diego. This condition requires, among other things, that the plans document that the proposed home not exceed the maximum height depicted on the plans submitted with this application to assure that public views remain available across the top of the residence from the adjacent public right-of-way. In order to assure that future owners of the subject site are informed of the restrictions on the project to preserve public views to the ocean, Special Condition #7 requires that a deed restriction be recorded.

The project also includes a request for after-the-fact approval of a boundary lot line adjustment between the subject site and the adjacent site to the west. As noted previously, the City of San Diego approved a boundary lot line adjustment in 2001. At the time, the subject site which was approximately 3,600 sq. ft. in size, did not meet the minimum lot size for the RS-1-7 Zone of 5,000 sq. ft. As such, the City administratively authorized a boundary lot line adjustment expanding the subject site to its current size of 13,460 sq. ft. While the lot line adjustment did result in a significantly larger development site, the revised lot size is consistent in size with other lots in the surrounding area. Also, the larger development site allows for the construction of a larger home on the site. Again, while a larger home can now be accommodated on the subject site as a result of the lot line adjustment, the proposed home is in scale both in

bulk and size with development in the surrounding area and the proposed home has been designed to minimize impacts on coastal resources. In addition, prior to the lot line adjustment, the lot was a legal lot that likely would have been developed, even in its smaller size

In addition, if the lot line adjustment were not approved and the lot in its current configuration were developed, only a much smaller home could be accommodated on the lot. However, because of the configuration of the lot, the home would have to be constructed much closer to the street and there may not be the opportunity to set the home into the site and open up public views as proposed with the current design. Thus, while the proposed lot line adjustment results in a larger lot that can accommodate a larger home on the site, impacts on public views to the ocean would be less. Therefore, the Commission finds that the proposed boundary lot line adjustment is consistent with the applicable provisions of the certified LCP.

As noted previously, the project also includes the relocation of a public storm drain on the site that will outlet on the beach. To dissipate energy from storm drainage, an approximately 350 sq. ft. energy dissipater will be constructed on the beach. The energy dissipater will be constructed utilizing 5-ton stones and is proposed to be approximately 8 ft. high and will extend approximately 17 ft. seaward from the toe of the bluff onto the beach. Aside from the significant public access impacts resulting from this structure, the Commission is also concerned with the significant visual impacts that will result. Specifically, the subject site is a blufftop property that is located along the shoreline of La Jolla Bay. La Jolla Bay is also part of the San Diego-La Jolla Underwater Park and Ecological Reserve. The beach along this area is comprised of cobbles with seasonal sands. This area of shoreline is backed by steep natural bluffs and is completely void of structures on the beach. The proposed riprap energy dissipater will be the first “man-made” structure on this otherwise natural shoreline and will be highly visible, resulting in an adverse visual impact. As will be discussed in a subsequent section of this report (Public Access), there are other alternatives available to dissipate the storm water drainage that will not result in such a large visible structure. As such, Special Condition #10 requires the riprap be eliminated and some other means for dissipating the energy of the storm water be designed that reduces not only its visual impact, but also its impacts on public access.

Other than the proposed riprap energy dissipater, the proposed development is in scale and character with the surrounding community that includes mostly large single-family residential structures. The proposed home meets the 30 ft. height limit and no variances from any LCP provisions are proposed. As conditioned, the proposed development is consistent with the visual resource and public view protection policies of the Coastal Act.

4. Public Access. Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea “shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3.” The proposed project is located seaward of the first through public road and a portion occurs on the beach.

Coastal Act Sections 30210 through 30213, as well as Sections 30220 and 30221 specifically protect public access and recreation, 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 30211: Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a): Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...

Section 30220: Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221: Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Upon reliance of these policies of the Coastal Act, the certified La Jolla-La Jolla Shores LCP contains policies to protect public access as well, which include the following:

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....

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

The City should ensure that new development does not restrict or prevent lateral, vertical or visual access to the beach on property that lies between the shoreline and first public roadway....

New development should not prevent or unduly restrict access to beaches or other recreational areas....

The City's beach and parkland along the shoreline should be expanded wherever possible....

Construction, grading, or improvements of any sort, except those mentioned in this plan, should be discouraged at beach areas. Public access to the shoreline should be increased (or improved) wherever possible... [emphasis added]

a. Single-Family Home

The subject site is located along Torres Pines Road, just east of its intersection with Coast Walk in La Jolla. Torres Pines Road at this location is the designated first coastal road. As noted previously, the subject site is located along a coastal bluff that ranges in height from 55 ft. to 95 ft. above the beach. No access to the beach is currently available at the subject site nor would it be feasible to provide public beach access at the site due to the steep coastal bluff. The certified La Jolla LUP includes provisions for public access within the La Jolla community. The subject site is not identified as providing public access, other than pedestrian access along the sidewalk on Torres Pines Road. In addition, public access, in the form of a blufftop trail, exists just west of the subject site at Coast Walk Boulevard. The Coast Walk trail is a continuous trail that extends along the bluffs from the terminus of Coast Walk Boulevard, west to Coast Boulevard. The trail includes vista points and benches as well as two public parking spaces at the terminus of Beach Walk Boulevard. The subject development will have no impact on continued use of the Coastal Walk trail. In addition, the proposal includes two parking spaces within an enclosed garage to accommodate the subject development, consistent with the parking provisions of the certified LCP.

b. Storm Drain Relocation.

As noted previously, the proposed project also includes relocation of an existing 36-inch public storm drain pipe that currently outlets on the blufftop property, flows across the site through a natural drainage area and then is directed in pipes that extend over the edge of the bluff (at approximately 55 ft. above the beach). The new 36-inch storm drain will be partly buried (along the street) and then micro-tunneled through the bluff to outlet approximately 15 ft. above the beach. An approximately 350 sq. ft. riprap energy dissipater will be constructed on the beach at the storm drain outlet.

As discussed previously, the beach in this location is relatively narrow and is comprised of cobbles with seasonal sands. This area of shoreline is backed by steep natural bluffs and is completely void of man-made structures on the beach. The La Jolla-La Jolla Shores LUP includes detailed public access provisions for this section of the San Diego coast. Specifically, the LUP contains an exhibit (Ref. Exhibit #10 attached) which identifies the various public access opportunities for the Coast Walk area that encompasses the subject site. This exhibit identifies the beach fronting the subject site as having "limited or intermittent lateral access" that connects to La Jolla Shores beach to the north.

The proposed riprap energy dissipater below the outlet of the storm drain pipe will extend approximately 17 ft. out from the toe of the bluff onto the beach (to approximately +4.5 MSL) and cover almost 350 sq. ft. of beach area. Because the beach in this location is relatively narrow, construction of the proposed energy dissipater will result in a significant impact on public access as it will essentially block lateral access along the beach except at the lowest of tides. However, the applicant has indicated that some form of energy dissipation is necessary to “reduce flow velocities so that the storm water does not erode the littoral material...” In addition, as discussed previously, the applicant has completed an alternatives analysis which concludes that the proposed storm drain pipe must be located as proposed herein. Thus, the storm drain outlet is necessary at this location and some form of energy dissipater is necessary. Given that the proposed riprap energy dissipater will result in significant public access impacts, but some form of energy dissipater is necessary, Special Condition #10 is proposed. This condition requires the applicant to revise the project to eliminate the riprap and instead, submit revised plans (which have been approved by the City of San Diego) for an outlet and/or dissipater structure that minimizes impacts on public access by not extending any greater than 2 ft. above the bedrock and no further than 5 ft onto the beach from the toe of the bluff. With this condition, the Commission can be assured that impacts on public access will be minimized.

In summary, as conditioned, the proposed project 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. Water Quality/Drainage Control. The certified La Jolla-La Jolla Shores LCP Addendum contains the following policies which are applicable to the subject development:

The ocean and submerged lands within the jurisdictional limits of San Diego should be preserved in their natural state. Plant and marine life in tidepools and offshore waters should be protected from environmental degradation.

...To protect the natural beauty of the coastline while allowing the natural shoreline retreat process to continue, the City and the state aggressively regulate coastal development to prevent activities such as misdirected drainage from increasing natural erosion. Only appropriate erosion control measures that maintain the natural environment, yet allow for the effective drainage of surface water shall be permitted. Surface water drainage shall not be allowed to drain over or near the bluff, but rather shall be directed towards the street or directed into subterranean drainage facilities with energy dissipating devices.

The proposed development will occur atop a coastal bluff adjacent to the ocean and the San Diego-La Jolla Underwater Park and Ecological Reserve. The San Diego- La Jolla underwater park is a dedicated City park consisting of almost 6,000 acres of tidal and submerged lands located between La Jolla Cove and the northern boundary of the City of San Diego. The park was established in 1970 to protect and conserve all aspects of the

marine environment including marine plants and animals, geologic formations and scenic resources. As the proposed development is located adjacent to this park, potential impacts to water quality may occur as a result of sedimentation caused by erosion, runoff carrying contaminants and direct discharge of other pollutants. Drainage directed towards the bluff could also result in impacts to water quality. As any runoff that discharges from the subject site enters into the ocean and the San Diego La Jolla Underwater Park and Ecological Reserve, impacts on water quality could be significant.

In the case of the proposed development, two concerns are raised relative to water quality. The first is the relocation of the public storm drain and its discharge on the beach and the second is the quality of the runoff from the developed site. Relative to the proposed storm drain relocation, as noted previously, there is an existing 36-inch public storm drain that outlets onto the subject site and then drains across the site and into two pipes which direct drainage over the edge of the bluff. According to the drainage analysis completed for the project, the public storm drain that outlets on the subject site collects runoff water from an area of about 62 acres. The proposed project does not alter this drainage area; the project is intended only to relocate the storm drain on the site and tunnel through the bluff to direct runoff more appropriately to the beach. According to the various technical reports prepared for the project, the proposed relocated drainage system will correct the erosion problems created by the existing drain at the top of the bluff. The Commission staff coastal engineer has reviewed the drainage analysis for the project and has concurred with the conclusions of the analysis that the relocated storm drain is sized appropriately to accommodate the existing approximately 62 acre drainage area.

While the proposed project includes construction of a new storm drain on the subject site, the project does not include any measure to treat the quality of the runoff from the new pipe before it is discharged onto the beach and into the ocean. In discussing this issue with City of San Diego storm water staff, it was indicated that the project is not a new storm drain, just relocation of an existing storm drain and no new discharges are proposed. In other words, the proposed relocated storm drain pipe will accommodate the same drainage that currently exists; it will just be discharged at a different location. In any case, City storm water staff has indicated that the subject storm drain is planned and funded for installation of a low flow storm water diversion. This upgrade would allow all dry weather and "first flush" flows entering the pipe to be diverted to the City's sewer system. Since it is typically these dry weather or "first flush" flows which contain most of the pollutants associated with storm drain discharges, this will result in a significant benefit relative to water quality improvements. While City storm water staff have not provided the Commission with a schedule on when this upgrade will take place, the applicants engineer has indicated that there is adequate area within the public right-of-way adjacent to the subject site to install the necessary low flow diversion and the proposed storm drain relocation project will in no way hinder such a project to occur in the future; such a project is beyond the scope of the subject development and will be completed by the City of San Diego.

However, for the proposed residential development, runoff generated from the developed site could contain pollutants that could result in offsite water quality impacts. To address this concern, Special Condition #3 has been attached which requires submittal of a drainage plan which documents that runoff from the roof, driveway and other impervious surfaces will be directed away from the coastal bluff and treated, without allowing water to percolate into the bluff, prior to being discharged off site into the City storm drain system. In addition, the condition requires that until the City constructs the storm drain low flow diversion, appropriate BMPs shall be incorporated into the project such that there is no runoff from the site to the storm drain during dry weather. These BMPs should include measures such as sweeping instead of hosing off impervious surfaces and direct supervision of any landscape irrigation to ensure that there is no runoff to the storm drain during dry weather. As conditioned, the final drainage plan will serve to reduce the potential for impacts to water quality from the project to insignificant levels.

In addition, the proposed development involves approximately 11,800 cubic yards of grading on a site directly adjacent to the ocean. Because grading for the proposed development during the winter rainy season could result in water quality impacts due to sedimentation transported offsite, Special Condition #8 is attached. This condition requires the submittal of final grading plans that have been approved by the City of San Diego and that restrict grading to the non rainy months of April through October of any year. In this way, the Commission can be assured that off-site sedimentation impacts will be reduced to the maximum extent feasible. Therefore, the Commission finds the proposed project is consistent with policies addressing water quality of the certified LCP.

6. Unpermitted Development. Development has occurred on the site without the required coastal development permits. The unpermitted development consists of a boundary lot line adjustment between the subject site and the adjacent site to the west. The City of San Diego administratively approved the lot line adjustment in 2000 and the approved documents have been recorded. The applicant has revised the project description to include after-the-fact authorization of the boundary lot line adjustment.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the certified City of San Diego LC and the public access provisions of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

7. Local Coastal Planning. The City of San Diego has a certified LCP and has been issuing coastal development permits for its areas of jurisdiction, including the La Jolla area, since 1988. The subject site is designated for residential use in the certified La Jolla Land Use Plan. The proposed single-family residence is consistent with that zone and designation. The subject site is also located within the Sensitive Coastal Bluffs overlay zone of the City's implementation plan. The proposed residence, as conditioned, can be found consistent with the ESL overlay.

The certified La Jolla Land Use Plan contains policies which address adequate setbacks for blufftop development, 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 be safe for its 75 year economic life with the proposed 40 ft. blufftop setback. In addition, the certified LUP calls for opening up of yard areas (or setbacks) to enhance visual access to the sea. As 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 and that fencing be 75% open, the proposed development is consistent with all applicable provisions of the certified LCP as well as with the public access provisions of the Coastal Act. Therefore, approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the La Jolla community.

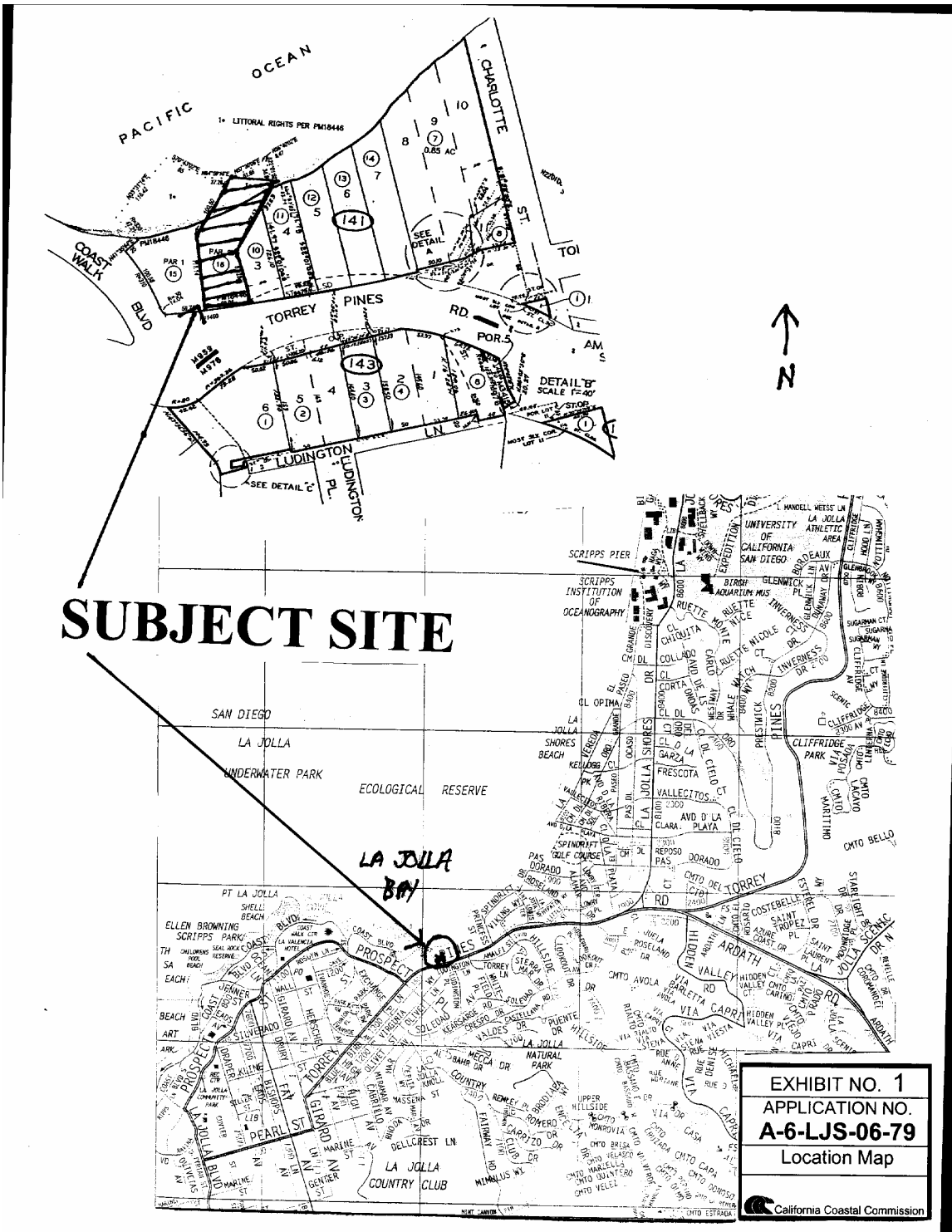
8. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental 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, visual resource, water quality, and public access and recreation policies of the certified LCP as well as with the public access policies of the Coastal Act. Mitigation measures, include conditions addressing geologic setback, public access and landscaping and fencing to enhance public views to the ocean, 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

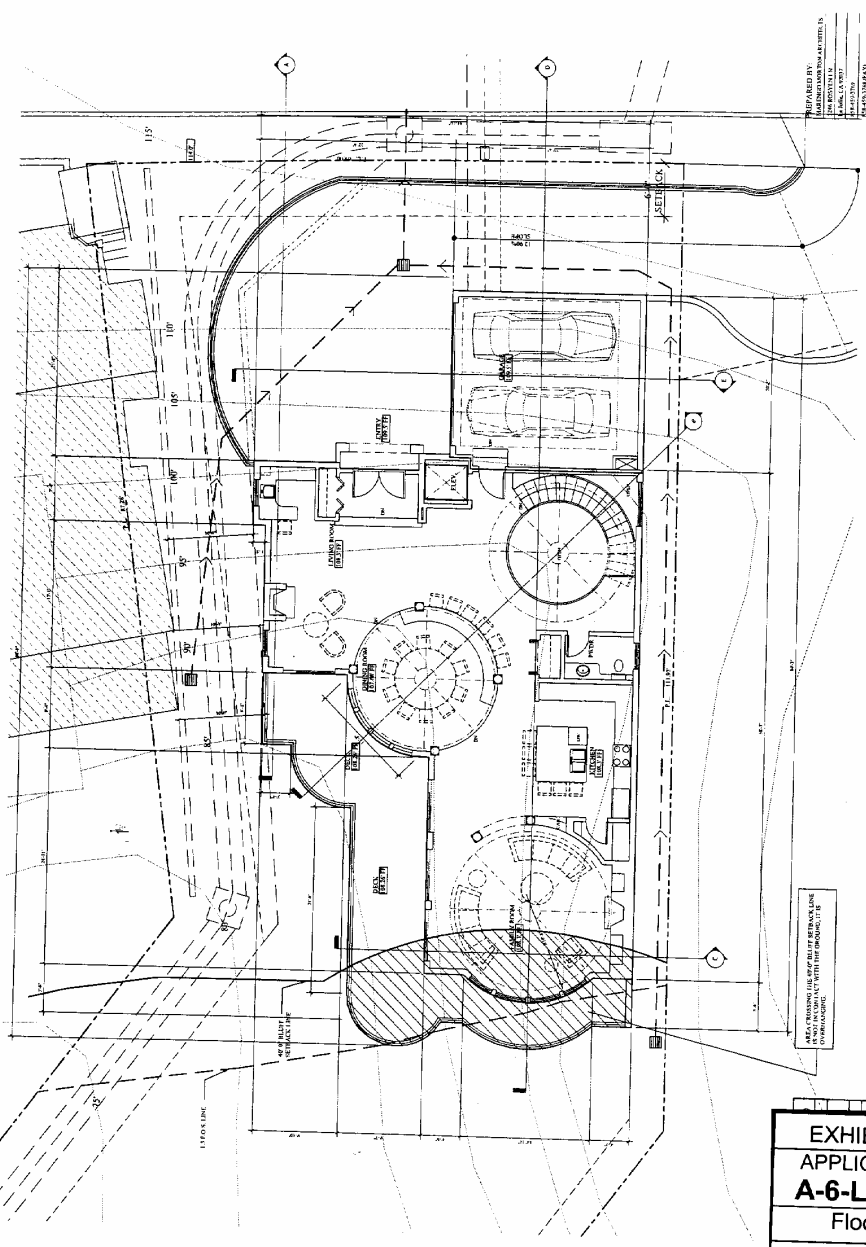
STANDARD CONDITIONS:

- 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



 <p>Morton Architects 2855 Embury Ave Suite 110 La Jolla, CA 92037 Tel (858) 559-3369 Fax (858) 559-3368 Michael Morton, AIA Linda Morton, Manager</p>	<p>CWS RESIDENCE 1620 TORREY PINES ROAD LA JOLLA, CA 92037</p>		<p>COASTAL DOCUMENTS PROJECT NO. 2006-09 DATE 02/01/07 DRAWING NO. 1000 SCALE 1/4" = 1'-0"</p>	<p>A-2.1 SHEET # OF 15</p>
	<p><small>THIS DOCUMENT IS THE PROPERTY OF MORTON ARCHITECTS AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF MORTON ARCHITECTS.</small></p>			<p><small>FOR A COMPLETE LIST OF PROJECTS AND CONTACT INFORMATION, VISIT OUR WEBSITE AT www.mortonarchitects.com</small></p>



DESIGNED BY	MORTON ARCHITECTS
PROJECT NAME	CWS RESIDENCE
DATE	02/01/07
SCALE	1/4" = 1'-0"
DRAWN BY	MORTON ARCHITECTS
CHECKED BY	MORTON ARCHITECTS
APPROVED BY	MORTON ARCHITECTS
DATE	02/01/07
SCALE	1/4" = 1'-0"
DRAWN BY	MORTON ARCHITECTS
CHECKED BY	MORTON ARCHITECTS
APPROVED BY	MORTON ARCHITECTS
DATE	02/01/07
SCALE	1/4" = 1'-0"
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CHECKED BY	MORTON ARCHITECTS
APPROVED BY	MORTON ARCHITECTS
DATE	02/01/07
SCALE	1/4" = 1'-0"

EXHIBIT NO. 3
APPLICATION NO.
A-6-LJS-06-79
Floor Plans
1 of 3
California Coastal Commission

M
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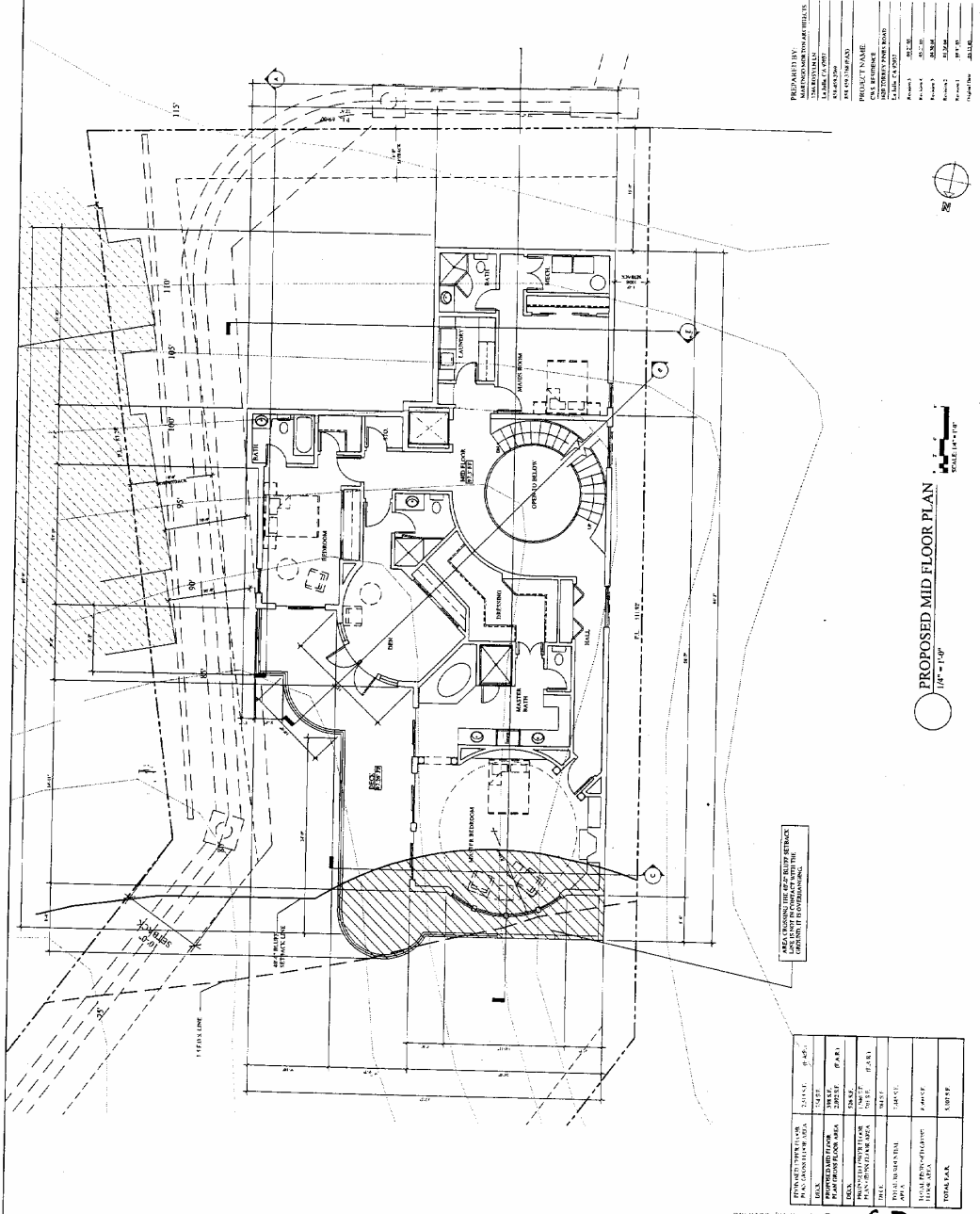
CWS RESIDENCE
1420 TORREY PINES ROAD
LA JOLLA, CA 92037

CONTRACT INFORMATION

DATE	08/11/06
PROJECT NO.	06-001
CLIENT	WILLIAM & JUDITH WOOD
DESIGNER	MARENGO MORTON ARCHITECTS
DATE	08/11/06

PROJECT INFORMATION

PROJECT NAME	1420 TORREY PINES ROAD
PROJECT ADDRESS	1420 TORREY PINES ROAD
PROJECT CITY	LA JOLLA, CA 92037
PROJECT STATE	CALIFORNIA
PROJECT ZIP	92037
PROJECT TYPE	RESIDENCE
PROJECT PHASE	CONCEPTS
PROJECT STATUS	PRELIMINARY
PROJECT DATE	08/11/06
PROJECT SCALE	1/4" = 1'-0"
PROJECT SHEET	A-2.2
PROJECT SHEET TOTAL	10




PREPARED BY: MARENGO MORTON ARCHITECTS
DATE: 08/11/06
PROJECT NAME: 1420 TORREY PINES ROAD
PROJECT ADDRESS: 1420 TORREY PINES ROAD
PROJECT CITY: LA JOLLA, CA 92037
PROJECT STATE: CALIFORNIA
PROJECT ZIP: 92037
PROJECT TYPE: RESIDENCE
PROJECT PHASE: CONCEPTS
PROJECT STATUS: PRELIMINARY
PROJECT DATE: 08/11/06
PROJECT SCALE: 1/4" = 1'-0"
PROJECT SHEET: A-2.2
PROJECT SHEET TOTAL: 10

PROPOSED MID FLOOR PLAN
1/4" = 1'-0"
SCALE 1/4" = 1'-0"

ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
ALL FLOORS ARE 4" THICK UNLESS NOTED OTHERWISE.

NO.	DESCRIPTION	DATE	BY	CHKD.
1	PROPOSED MID FLOOR PLAN	08/11/06	MM	MM
2	REVISION			
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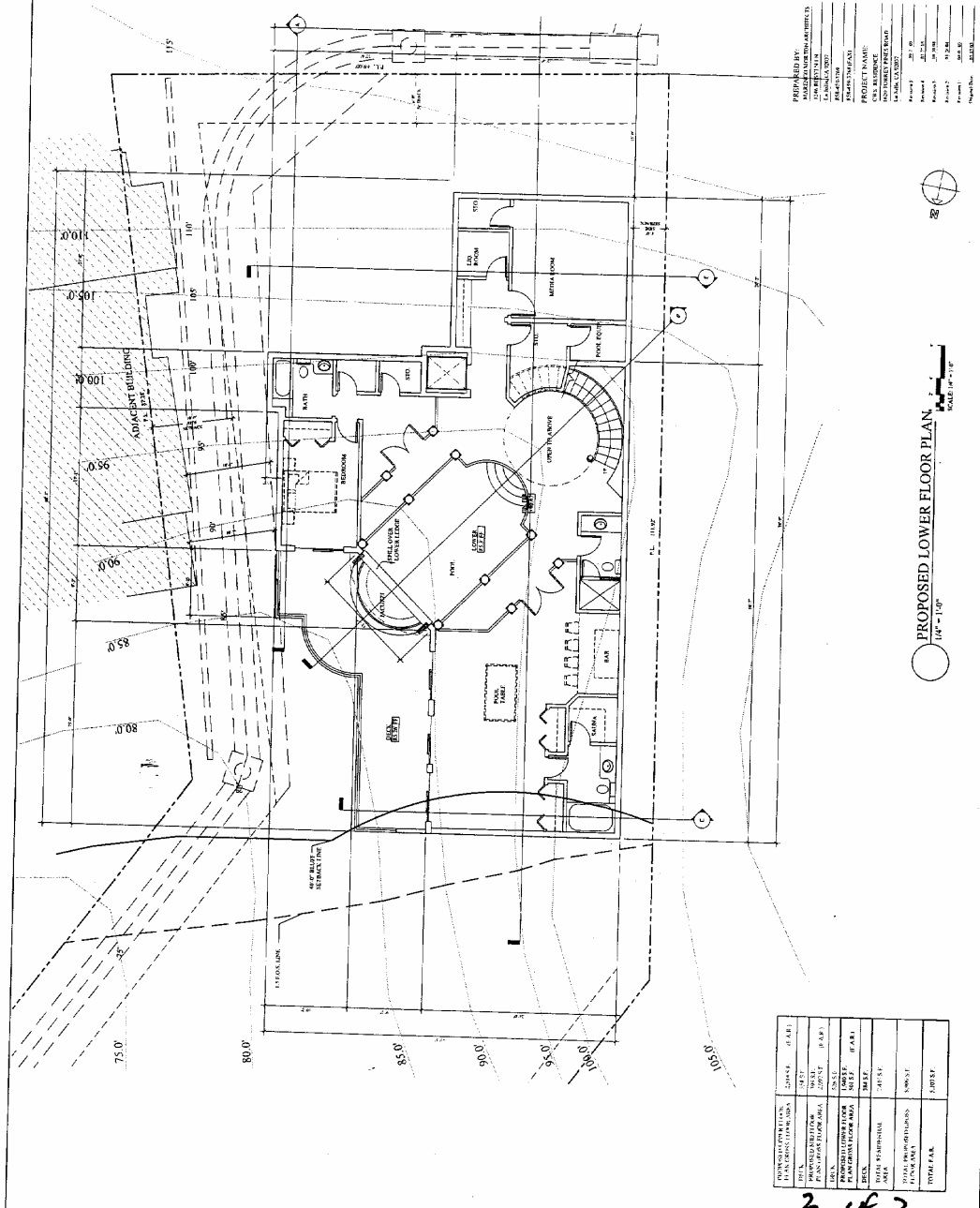
2 of 3



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 Charles Morton, Principal

CWS RESIDENCE
 1529 TORREY PINES ROAD
 LA JOLLA, CA 92037


REVISIONS	
NO.	DATE
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2	2005.05
3	2005.05
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PROPOSED LOWER FLOOR PLAN
 SCALE: 1/4" = 1'-0"

NO.	DATE	DESCRIPTION	BY	CHKD.
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67	2005.05	ISSUED FOR PERMITS	JLS	JLS
68	2005.05	ISSUED FOR PERMITS	JLS	JLS
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99	2005.05	ISSUED FOR PERMITS	JLS	JLS
100	2005.05	ISSUED FOR PERMITS	JLS	JLS

343



Morton Architects
 7855 Normandie Ave.
 Suite 110
 La Jolla, CA 92037
 Tel: (619) 452-0800
 Fax: (619) 452-1348
 Website: www.mortonarchitects.com
 Coastal Architect/Planner/D-Design

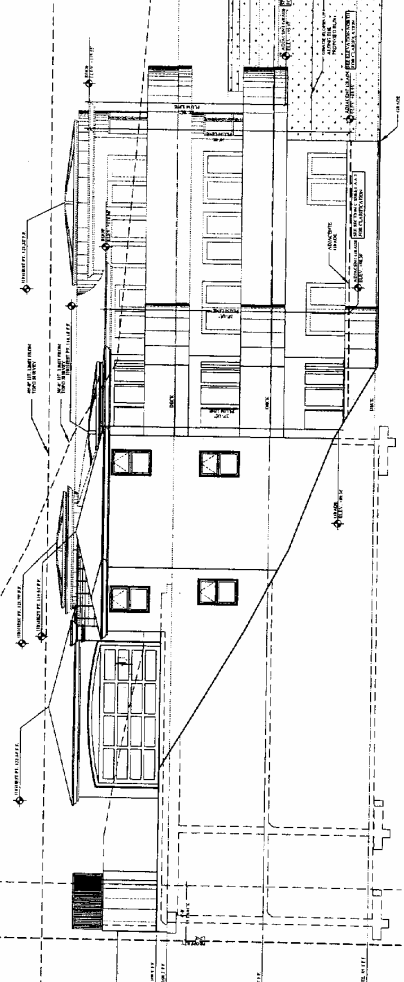
CWS RESIDENCE
 1620 TORREY PINES ROAD
 LA JOLLA, CA 92037

COASTAL PERMITS	
NO.	DATE

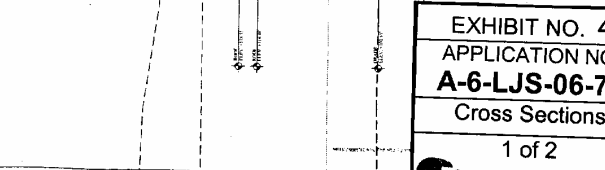
GENERAL EXTERIOR ELEVATION NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. FINISHES TO BE SPECIFIED BY THE ARCHITECT.
 3. MATERIALS TO BE SPECIFIED BY THE ARCHITECT.
 4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.
 5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.
 6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CONTRACTOR.
 7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE SUBCONTRACTOR.
 8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE SUPPLIER.
 9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE MANUFACTURER.
 10. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE DISTRIBUTOR.
 11. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE RETAILER.
 12. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE END USER.
 13. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE INSTALLER.
 14. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE MAINTENANCE PERSONNEL.
 15. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE USER.

EXTERIOR FINISH NOTES:
 1. ALL FINISHES TO BE SPECIFIED BY THE ARCHITECT.
 2. MATERIALS TO BE SPECIFIED BY THE ARCHITECT.
 3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER PROFESSIONALS.
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 14. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE USER.

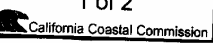
PROJECT INFORMATION	
DESCRIPTION	DATE



1 EAST ELEVATION
 1/8" = 1'-0"



2 WEST ELEVATION
 1/8" = 1'-0"

EXHIBIT NO. 4
 APPLICATION NO.
A-6-LJS-06-79
 Cross Sections
 1 of 2


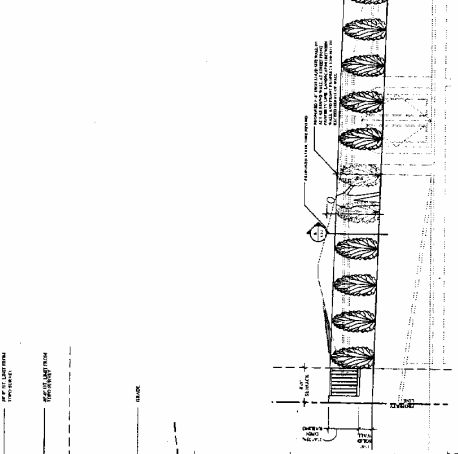
M

Marengo Morton Architects
 7855 Vanline Ave.
 Suite 110, CA 92037
 Tel: (619) 459-3769
 Fax: (619) 459-3768
 Michael Morton AIA
 Client: Anthony Morgan/Di Leo

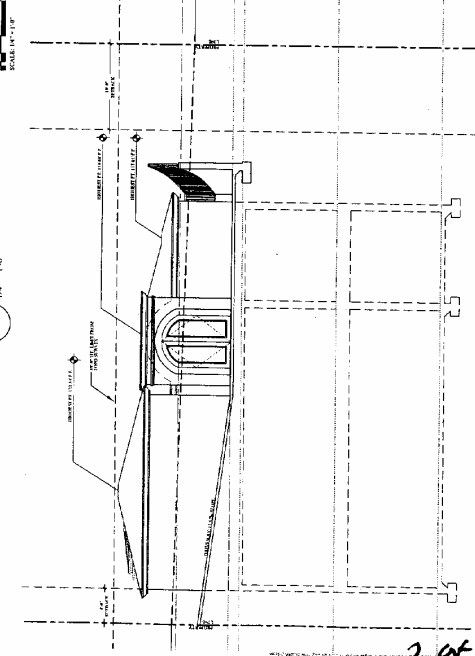
CWS RESIDENCE
 620 TORREY PINES ROAD
 LA JOLLA, CA 92037

DATE	06/11/06
PROJECT	CWS RESIDENCE
ARCHITECT	MARENGO MORTON ARCHITECTS
SCALE	1/4" = 1'-0"
NO.	5
TITLE	STREET / SITE WALL ELEVATION

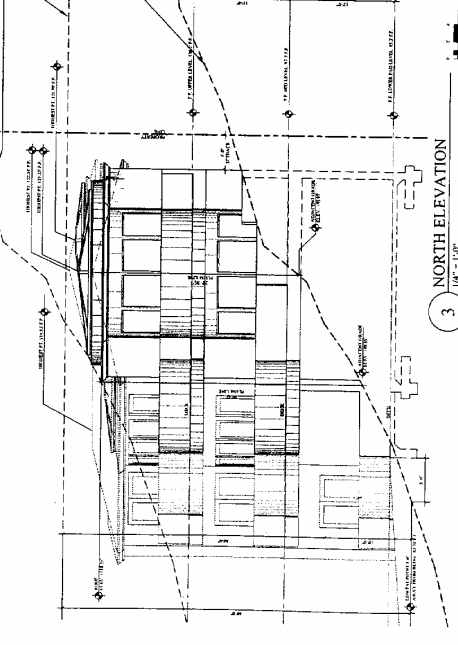
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 2. FINISHES AND MATERIALS TO BE DETERMINED BY THE ARCHITECT AND CLIENT.



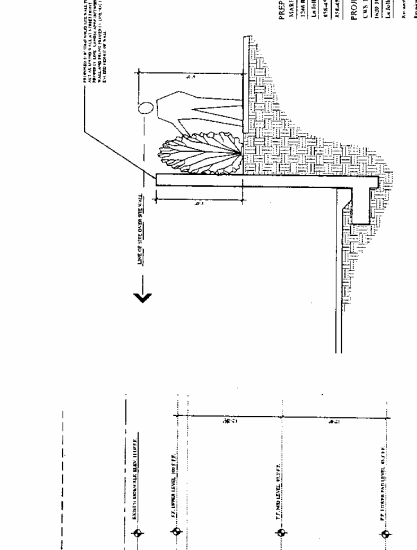
3 NORTH ELEVATION
 1/4" = 1'-0"



4 SOUTH ELEVATION
 1/4" = 1'-0"



5 STREET / SITE WALL ELEVATION
 1/4" = 1'-0"



6 SITE WALL SECTION
 1/4" = 1'-0"

PREPARED BY: ANTHONY MORGAN/DI LO
 620 TORREY PINES ROAD
 LA JOLLA, CA 92037

DESIGNED BY: MARENGO MORTON ARCHITECTS
 7855 VANLINE AVE.
 SUITE 110, LA JOLLA, CA 92037

DATE: 06/11/06

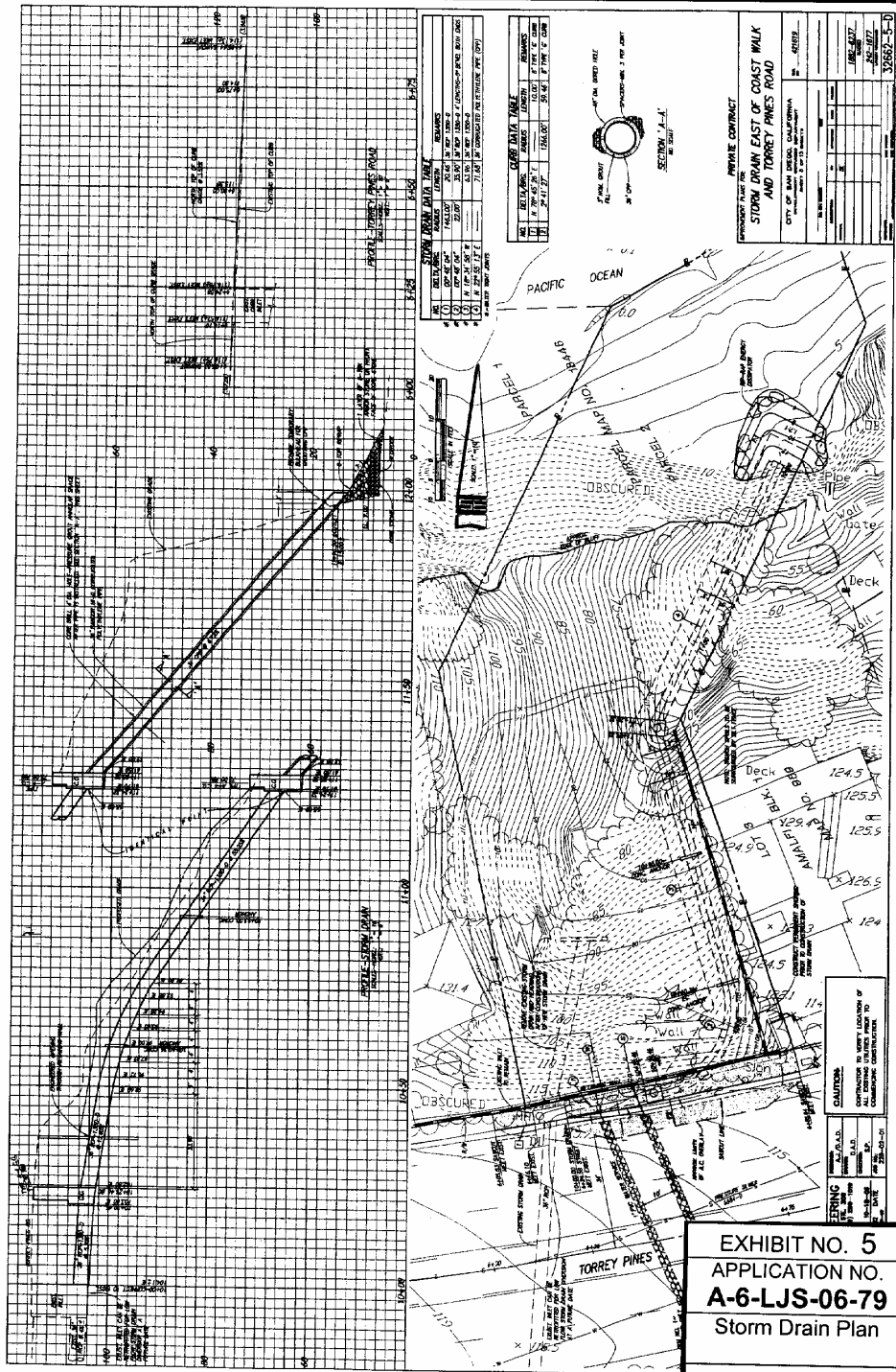
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

2 of 2



STORM DRAIN DATA SHEET	
NO.	1
DATE	2-11-77
BY	J. L. JONES
CHECKED BY	J. L. JONES
APPROVED BY	J. L. JONES
SCALE	AS SHOWN
PROJECT	STORM DRAIN EAST OF COAST WALK AND TORREY PINES ROAD
LOCATION	71.84' TO 71.85' TO 71.86' TO 71.87' TO 71.88' TO 71.89' TO 71.90' TO 71.91' TO 71.92' TO 71.93' TO 71.94' TO 71.95' TO 71.96' TO 71.97' TO 71.98' TO 71.99' TO 72.00'

LEAKY MANHOLE	
NO.	1
DATE	2-11-77
BY	J. L. JONES
CHECKED BY	J. L. JONES
APPROVED BY	J. L. JONES
SCALE	AS SHOWN
PROJECT	STORM DRAIN EAST OF COAST WALK AND TORREY PINES ROAD
LOCATION	71.84' TO 71.85' TO 71.86' TO 71.87' TO 71.88' TO 71.89' TO 71.90' TO 71.91' TO 71.92' TO 71.93' TO 71.94' TO 71.95' TO 71.96' TO 71.97' TO 71.98' TO 71.99' TO 72.00'

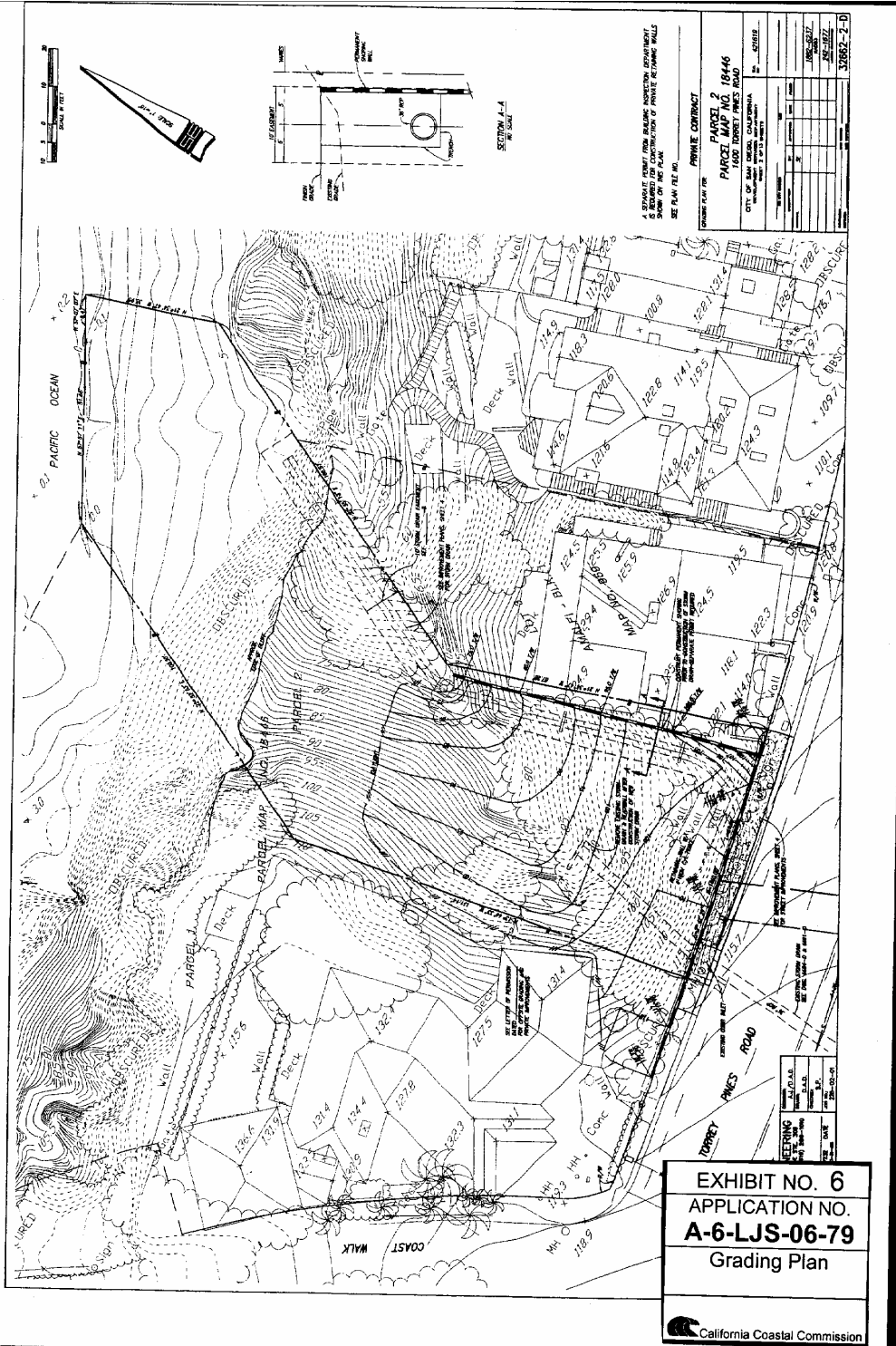


PRIVATE CONTRACT	
PROJECT NAME	STORM DRAIN EAST OF COAST WALK AND TORREY PINES ROAD
CITY	CITY OF SAN DIEGO, CALIFORNIA
ADDRESS	71.84' TO 71.85' TO 71.86' TO 71.87' TO 71.88' TO 71.89' TO 71.90' TO 71.91' TO 71.92' TO 71.93' TO 71.94' TO 71.95' TO 71.96' TO 71.97' TO 71.98' TO 71.99' TO 72.00'
DATE	2-11-77
BY	J. L. JONES
CHECKED BY	J. L. JONES
APPROVED BY	J. L. JONES
SCALE	AS SHOWN
PROJECT	STORM DRAIN EAST OF COAST WALK AND TORREY PINES ROAD
LOCATION	71.84' TO 71.85' TO 71.86' TO 71.87' TO 71.88' TO 71.89' TO 71.90' TO 71.91' TO 71.92' TO 71.93' TO 71.94' TO 71.95' TO 71.96' TO 71.97' TO 71.98' TO 71.99' TO 72.00'

STORM DRAIN DATA SHEET	
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DATE	2-11-77
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SCALE	AS SHOWN
PROJECT	STORM DRAIN EAST OF COAST WALK AND TORREY PINES ROAD
LOCATION	71.84' TO 71.85' TO 71.86' TO 71.87' TO 71.88' TO 71.89' TO 71.90' TO 71.91' TO 71.92' TO 71.93' TO 71.94' TO 71.95' TO 71.96' TO 71.97' TO 71.98' TO 71.99' TO 72.00'

EXHIBIT NO. 5
APPLICATION NO.
A-6-LJS-06-79
Storm Drain Plan

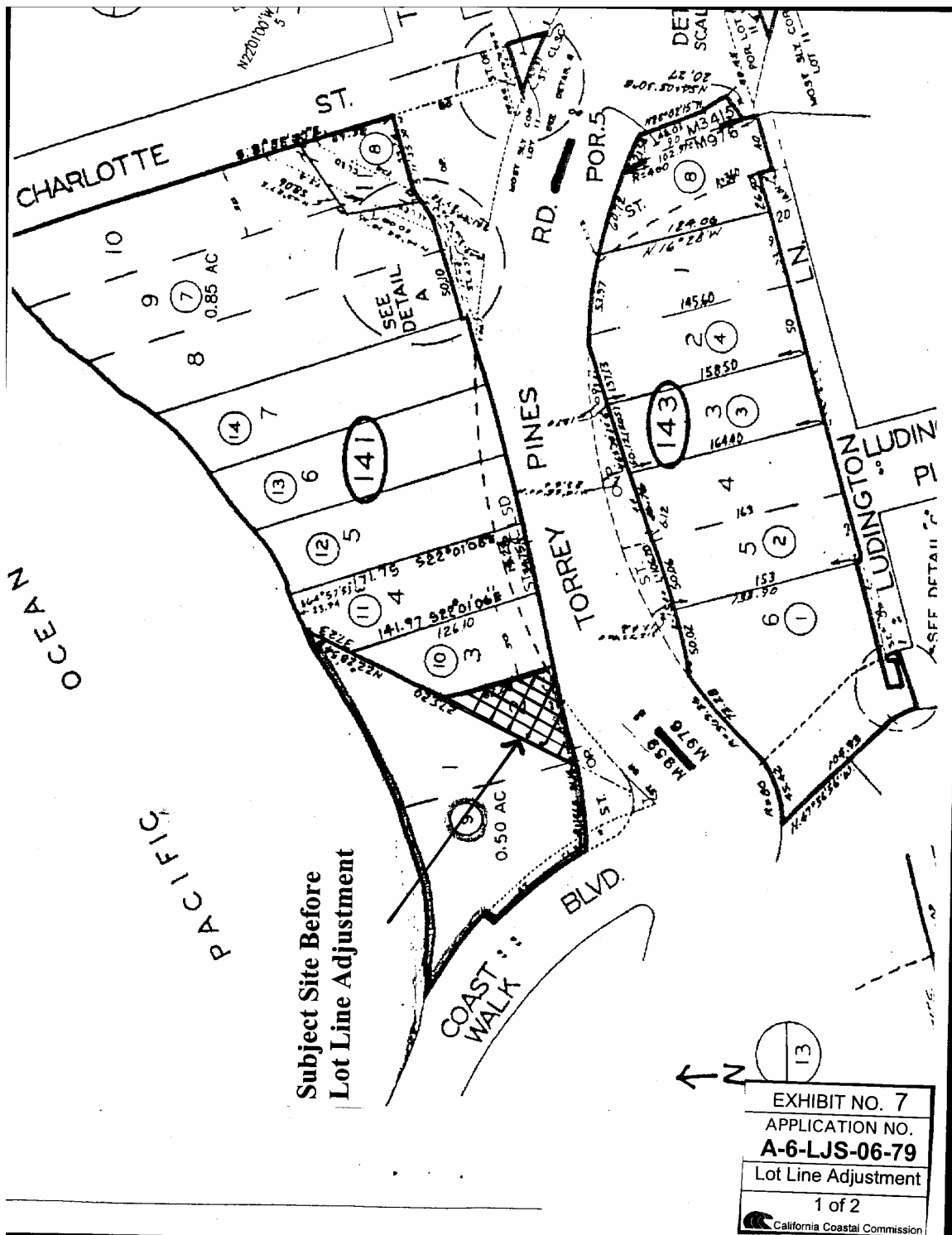
California Coastal Commission



DRAWING PREPARED FOR: **PRIME CONTRACT**
PARCEL NO. 18446
1800 TORREY PINES ROAD
 CITY OF SAN DIEGO, CALIFORNIA
 SHEET NO. 18 OF 22
 DATE: 08/20/06

EXHIBIT NO. 6
APPLICATION NO.
A-6-LJS-06-79
Grading Plan





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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON AUG 23, 2006
DOCUMENT NUMBER 2006-0600989
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 9:12 AM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-1341

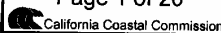
CORRECTED
COASTAL DEVELOPMENT PERMIT NO. 10577
SITE DEVELOPMENT PERMIT NO. 10582
CWS RESIDENCE -- PROJECT NO. 6400 [MMRP]
CITY COUNCIL

This Coastal Development Permit No. 10577/ Site Development Permit No. 10582 is granted by the City Council of the City of San Diego to CWS Inc., a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0701 and 126.0501. The 13,452 square-foot site is located at 1620 Torrey Pines Road in the RS-1-7 zones, Coastal Overlay Zone (appealable area), Coastal Height Limit and First Public Roadway, all within the boundaries of the La Jolla Community Plan area. The project site is legally described as Parcel 2, Parcel Map No. 18446.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a new 6,869 square-foot, 3-story single-family residence with an attached 448 square-foot 2 car garage on an existing vacant lot, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated MAY 02 2006, on file in the Development Services Department.

The project or facility shall include:

- a. Construction of a new 6,869 square-foot, 3-story single-family residence with an attached 448 square-foot 2-car garage; and
- b. Landscaping (planting, irrigation and landscape related improvements) and Brush Management; and
- c. Two off-street parking spaces; and
- d. The abandonment of an existing storm drain easement and the installation of a new 36-inch storm drain along the east property-line within a new easement; and

EXHIBIT NO. 8
APPLICATION NO.
A-6-LJS-06-79
City Permit & Resolution
Page 1 of 20
 California Coastal Commission

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

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Permittee the

status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO 18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

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

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

11. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Commission of the Notice of Final Action following all appeals.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

14. As conditions of Coastal Development Permit No. 10577/Site Development Permit No. 10582, the mitigation measures specified in the MMRP, and outlined in the Mitigated Negative Declaration, LDR No. 6400 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in the Mitigated Negative Declaration, LDR No. 6400 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archaeology)
Paleontological Resources

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

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

17. Brush Management shall consist of a 30-foot zone one and a 20-foot zone two in accordance with Exhibit "A," landscape regulations and landscape standards.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the replacement of the damaged curb, gutter and sidewalk, along the project frontage on Torrey Pines Road, per Standard Drawings G-2, G-7, G-9 and SDG-100, satisfactory to the City Engineer.
19. Prior to the issuance of any building permits, the applicant shall assure by permit and bond the installation of a City standard 12-foot wide driveway, on Torrey Pines Road, per Standard Drawing G-14C, G-16 and SDG-100, satisfactory to the City Engineer.
20. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
21. Prior to the issuance of any construction permit the applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
22. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
23. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
24. Prior to building occupancy, the applicant shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
25. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
26. No landscaping and hardscaping (including walls and fences) more than 36 inches in heights shall be placed in the visibility area as shown on Exhibit "A."
27. Prior to the issuance of the first building permit, applicant shall assure by permit and bond, reconstruction of the damaged curb, gutter and sidewalk along project frontage on Torrey Pines Road, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

28. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be the responsibility of the Permittee/Owner, to assure that it shall be repaired and/or replaced in kind and equivalent size per the approved plans within fifteen days.

29. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," and note provided on the Landscape Development Plan.

30. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation including hydroseeding and irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit "A" and notes on the landscape plans (including Environmental conditions).

31. The Permittee or subsequent Owner(s) shall be responsible for the installation and maintenance of all landscape improvements consistent with the Landscape Regulation and Landscape Standards. Invasive species are prohibited from being planted adjacent to any canyon, water course, wet land or native habitats within the city limits of San Diego. Invasive plants are those which rapidly self propagate by air born seeds or trailing as noted in section 1.3 of the Landscape Standards.

32. Prior to the issuance of any construction permit, the owner/permittee shall record a deed restriction preserving a visual corridor of a minimum 4 feet wide along the west side yard setback and 10 feet along the East side yard set back in accordance with San Diego Municipal Code/Land Development Code [SDMC/LDC] section 132.0403 (B). Open fencing and landscaping (3-feet in height maximum) may be permitted within the visual corridor, provided such improvements do not significantly obstruct the public view of the ocean. Landscaping shall be maintained to preserve public views.

PLANNING/DESIGN REQUIREMENTS:

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

34. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition

(including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

35. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

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

37. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

38. No building additions, including patio covers, shall be permitted unless approved by the homeowners association and the City Manager. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.

39. Prior to the issuance of construction permits, the Owner/Permittee shall record a Deed Restriction preserving a visual corridor a minimum 4 feet wide along the west side setback and 10 feet wide along the east setback in accordance with the requirements of the SDMC section 132.0403(b).

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

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

42. All development, including buildings and accessory structures, shall be setback a minimum of 40-feet from the coastal bluff edge except for that portion of the proposed residence that cantilevers to within 32-feet 2-inches as shown on Exhibit "A," Sheet No. A-1.1.

By acceptance of this Permit, the applicant agrees, on behalf of itself, and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 10577 including but not limited to, the proposed residence, foundations, decks, driveways, or drainage facilities, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to

construct such devices that may exist under Public Resources Code Section 30235 or the City of San Diego's certified LCP.

By acceptance of this Permit, the applicant agrees, on behalf of itself, and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including, but not limited to, the residence, if any government agency has ordered that the structures are not to be occupied due to any hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

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

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

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

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

WASTEWATER REQUIREMENTS:

47. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

48. On sheet A-1, location of the existing sewer main is wrongly depicted. It is located much further to the south. Also, "Site Plan Notes" Nos. 9 & 10 must be switched.

49. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:


50. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of the appropriate private back flow prevention device on the new water service, in a manner satisfactory to the Water Department Director and the City Engineer.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on MAY 02 2006, 2006,
by Resolution No. R- 381415.

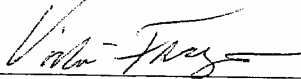
AUTHENTICATED BY THE CITY MANAGER

By  _____

KELLY BROUGHTON, DEPUTY DIRECTOR

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

CWS INC.,
Owner/Permittee

By  _____

President

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

PERMIT/OTHER - Permit Shell 11-01-04

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of SAN DIEGO } ss.

On AUGUST 17, 2006 before me, JOANNA PATRICIA SANTILLAN, NOTARY PUBLIC
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared KELLY BROUGHTON

Name(s) of Signer(s)
 personally known to me
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/s/he/they executed the same in his/hisr/their authorized capacity(ies), and that by his/hisr/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Joanna Santillan
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer is Representing: _____



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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

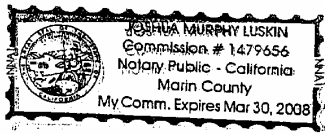
STATE OF CALIFORNIA

COUNTY OF San Diego } SS.

On 8-21-06 before me, the undersigned, a Notary Public in and for said State personally appeared

Victor Fargo
Name(s) of Signer(s)

Personally known to me OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

Joshua Murphy Lusk
Signature of Notary
Joshua Murphy Lusk
Name (Typed or Printed)

(Area above for official notarial seal)

Capacity Claimed by Signer	Description of Attached Document
<input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporate Officer(s) - Title(s) _____ <input type="checkbox"/> Partner(s) <input type="checkbox"/> Attorney-in-Fact <input type="checkbox"/> Trustee(s) <input type="checkbox"/> Guardian/Conservator <input type="checkbox"/> Other: _____ Signer is Representing: Name of person(s) or Entity(ies) _____ _____ _____	(Although this information is optional, it could prevent fraudulent attachment of this certificate to another document.) This certificate is for attachment to the document described below: Title or type of document <u>Costal development Permit</u> Number of pages <u>8</u> Date of document <u>May 2 2006</u> Signer(s) other than named above _____ _____ _____

(R-2006-726)
(COR.COPY.1)

RESOLUTION NUMBER R- 301418

DATE OF FINAL PASSAGE MAY 2, 2006

WHEREAS, CWS, Inc., a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit/site development permit (environmentally sensitive lands), and an easement abandonment (drainage) necessary to construct a new 6,869 square-foot total (5,107 square-feet for Floor Area Ratio [FAR]), multi-level single family residence on a 13,452 square-foot lot known as the CWS Residence Project, located at 1620 Torrey Pines Road, and legally described as Parcel 2, Parcel Map No. 18446, in the La Jolla Community Plan area, in the RS-1-7 zones; and

WHEREAS, on January 19, 2006, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 10577/Site Development Permit [SDP] No. 10582, and pursuant to Resolution No. 3936-1-PC voted to recommend City Council approval of the Permits; and

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

WHEREAS, the matter was set for public hearing on May 2, 2006, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

(R-2006-726)
(COR.COPY.1)

WHEREAS, after the Council approved Resolution No. R-301418 on May 2, 2006, California Coastal Commission has requested that Condition No. 42 of the permit be modified to clarify an important setback from the coastal bluff top and applicant has agreed to the condition; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit [CDP] Permit No. 10577/Site Development Permit [SDP] Permit No. 10582:

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

1. **Findings for all Coastal Development Permits:**

a. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The subject property is a 13,452 square-foot, vacant RS-1-7 zoned lot within the Coastal Overlay Zone (appealable area), Coastal Height Limit, the First Public Roadway and within the boundaries of the La Jolla Community Plan. The lot has no direct physical access to Torrey Pines Road but is accessed by an easement across the adjoining site to the south to Coast Walk. A drainage easement on the site will be abandoned to remove a barrier to an unrestricted building pad and the drain pipe relocated outside the building footprint.

There is no physical accessway legally used by the public on this property or any proposed public accessway as identified in the Local Coastal Program land use plan. Torrey Pines Road is identified as a Scenic Roadway and the goal of preserving or enhancing public views of the ocean and other scenic vistas is a requirement and goal of adopted plans. Open fencing, limitations on planting and vegetation, and observation of building setbacks will maintain and enhance the ability of the public to view the Pacific Ocean and ocean vistas.

b. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The subject 13,452 square-foot, vacant RS-1-7 zoned site, contains sensitive coastal bluffs, coastal beaches, and steep hillsides. A Mitigated Negative Declaration with a Mitigation, Monitoring and Reporting Program [MMRP], has been prepared for impacts to Historical Resources (archaeology) and Paleontological Resources. Through redesign and conditions to monitor development and restrict grading to the building footprint, any potential significant impacts to environmentally sensitive lands have been reduced to a level of insignificance.

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(COR.COPY.1)

Additionally, the Geologic stability of the site and establishment of the coastal bluff and blufftop setback has been addressed and defined in relation to the request to construct a new single-family residence on the site. New development will observe a 40-foot setback from the blufftop and all new drainage will be collected and deposited in the public street gutter through a collection system and sump pump. With these features and issues addressed, this coastal development will not adversely affect environmentally sensitive lands.

c. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The construction of a new 6,869 square-foot, 3-story single-family residence with an attached 2-car garage on the vacant 13,452 square-foot RS-1-7 zoned site within the Coastal Overlay Zone (appealable area) at 1620 Torrey Pines Road, is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The property contains sensitive coastal bluffs and beaches and steep hillsides while shown on all development land use plans for single-family residential development. An environmental Mitigated Negative Declaration has been prepared and geologic review has been completed showing that the property can safely be developed in accordance with the land use plans. The proposed structure will observe the required 40-foot setback from the blufftop and on-site water from the development will be collected and pumped to the Torrey Pines Road right-of-way away from the coastal bluffs.

d. **For every coastal development permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The 13,452 square-foot vacant RS-1-7 zoned site is located between the waters of the Pacific Ocean and Torrey Pines Road, which is the nearest public road from the sea and shoreline of these resources located within the Coastal Overlay Zone. The proposed development of a new 6,869 square-foot, 3-story single-family residence, is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. There are no identified public accessways across this site existing or proposed and there is no access to the beach and shoreline from the building pad and yard areas of the site due to the coastal bluffs on the site. The site is identified as a public view corridor overlooking the Pacific Ocean. The proposed development of the site is primarily below the adjoining street and sidewalk grades with portions of the garage and upper floor slightly less than 6 feet above these public vantage points. The project is conditioned to limit fencing and landscape materials to preserve views of the ocean. Additionally, the structure will observe sideyard setbacks of 4 feet and 13 feet 7 inches.

2. **Supplemental Findings-Environmentally Sensitive Lands Within the Coastal Overlay Zone**

a. Based on the economic information provided by the applicant, as well as any other relevant evidence, each use provided for in the Environmentally Sensitive Lands Regulations would not provide any economically viable use of the applicant's

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property. The development of a single-family residence on this vacant RS-1-7 zoned site containing sensitive coastal bluffs and beaches and steep hillsides, is permitted by the Environmentally Sensitive Lands Regulations. The project is designed to observe required setbacks from the blufftop and is not disturbing the site outside the footprint of the residence. The structure is located on prior disturbed areas of the site between two existing residences and adjacent to the Torrey Pines Road street frontage. More intense uses are not permitted in the RS-1-7 zone and this proposed development is compliance with all zoning and land development regulations.

b. Application of the Environmentally Sensitive Lands Regulations would not interfere with the applicant's reasonable investment-backed expectations. Application of the Environmentally Sensitive Lands Regulations does not interfere with the applicant's reasonable investment-backed expectations. The applicant is proposing to build a new single-family residence on this vacant 13,452 square-foot RS-1-7 zoned site in compliance with the La Jolla Community Plan., Local Coastal Program and all zoning and land use regulations. The residence will not disturb areas outside the footprint of the building and the proposed siting is within areas previously disturbed.

c. The use proposed by the applicant is consistent with the applicable zoning. The subject site is a vacant, 13,452 square-foot, RS-1-7 zoned lot within the appealable area of the Coastal Overlay Zone and is between the Roadway and coastal bluff and beach of the Pacific Ocean. The development of a single-family residence is consistent with the land use zone and complies with all zoning requirements with no deviations or variances required.

d. The use and project design, siting, and size are the minimum necessary to provide the applicant with an economically viable use of the premises. The project site addressed as 1620 Torrey Pines Road, is zoned RS-1-7 for single-family residential development and is situated between the Pacific Ocean and Torrey Pines Road with similar existing residential development on the two adjoining lots. The property is a vacant 13,452 square-foot site with coastal bluffs dropping to the shoreline of the Pacific Ocean. The new residence is designed to observe a 40-foot setback from the blufftop and observe all required setbacks of the zone. The structure is slightly limited in siting by an existing stormdrain and easement which will be relocated but still impact the design. The house will be 3-stories in height and leave much of the lot in natural conditions. The site contains sensitive steep hillsides, coastal bluffs and beaches. The site is physically suitable for the design and siting of this proposed residence and the development proposal will result in minimum disturbance of the existing environmentally sensitive lands.

This design permits the applicant to develop an economically viable use of the premises based on the zoning, lot size, neighborhood compatibility, pattern of existing development and compliance with all land use regulations and designations.

e. The project is the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program with the exception of the provision for which the deviation is requested. A Mitigated Negative Declaration environmental report has been issued and completed for the proposed development of a new single-family residence on this vacant RS-1-7 zoned site. The siting of the structure complies

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with the required 40-foot setback from the blufftop and is within areas previously disturbed. The site contains steep hillsides, sensitive coastal bluffs and beaches. The project is designed to be the least environmentally damaging alternative and is consistent with all provisions of the certified Local Coastal Program.

B. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION] 126.0504

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The subject property is a 13,452 square-foot, vacant RS-1-7 zoned lot within the Coastal Overlay Zone (appealable area), Coastal Height Limit, the First Public Roadway and within the boundaries of the La Jolla Community Plan. The lot has no direct physical access to Torrey Pines Road but is accessed by an easement across the adjoining site to the south to Coast Walk. A drainage easement on the site will be abandoned to remove a barrier to an unrestricted building pad and the drain pipe relocated outside the building footprint.

The City of San Diego Progress Guide and General Plan, La Jolla Community Plan and Local Coastal Program all apply to the land use designation for this site as low-density residential with regulations for minimum lot size and dimensional criteria. The coastal bluffs on the rear of the site and the property location between the sea and first public roadway add significance to the regulations for development. A drainage easement is being relocated to allow for a building pad area nearest to the street and access to the lot while correcting existing problems with the flow of drainage waters on the site. The project has been evaluated for compliance with the adopted and applicable land use plans and has been recommended for approval by the officially community planning group for the community. The proposed development plans will not conflict with these land use plans.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The subject 13,452 square-foot site is vacant while zoned for, and surrounded by, single-family residential use. An existing drainage easement exists on the property and the existing drain system experiences problems that the applicant proposes to correct with the proposal to construct a new single-family residence on the site. Off-street parking will be provided through an easement across the adjacent site and the building footprint is located close to Torrey Pines Road and away from the sensitive coastal bluffs and seashore of the Pacific Ocean below. The house is 3-stories in height to maximize development potential while shrinking the development footprint. View corridors are being preserved across the site from the public right-of-way by limiting fencing and planting of landscape materials. All other aspects of the development comply with the land use regulations so that the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the applicable regulations of the San Diego Municipal Code/Land Development Code. The development of a new 6,869 square-foot, 3-story single-family residence with an attached 480 square-foot 2-car garage on a vacant 13,452 square-foot, RS-1-7 zoned lot, has been designed to comply with the

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land use regulations of the City of San Diego and the adopted Local Coastal program and La Jolla Community Plan. An environmental Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act [CEQA] with a MMRP for impacts to historical resources (archaeology) and paleontological resources. With modifications and redesign of the original proposal and conditions applied to the accompanying permit, this project will comply with the applicable regulations of the San Diego Municipal Code/Land Development Code.

2. Supplemental Findings--Environmentally Sensitive Lands

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The project site addressed as 1620 Torrey Pines Road, is zoned RS-1-7 for single-family residential development and is situated between the Pacific Ocean and Torrey Pines Road with similar existing residential development on the two adjoining lots. The property is a vacant 13,452 square-foot site with coastal bluffs dropping to the shoreline of the Pacific Ocean. The new residence is designed to observe a 40-foot setback from the blufftop and observe all required setbacks of the zone. The structure is slightly limited in siting by an existing stormdrain and easement which will be relocated but still impact the design. The house will be 3-stories in height and leave much of the lot in natural conditions. The site contains sensitive steep hillsides, coastal bluffs and beaches. The site is physically suitable for the design and siting of this proposed residence and the development proposal will result in minimum disturbance of the existing environmentally sensitive lands.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The proposed new single-family residence on this 13,452 square-foot site will require grading and landform modification for the footprint of the residence and lands outside will be retained in their existing state. Water collected from the development will be collected and pumped to the public right-of-way through a sump pump and not flow across the site and over the coastal bluffs. Geology staff of the City of San Diego has reviewed materials submitted by the applicant's consultants that have established any geologic risks of the development and requirements for the development to not be at risk from geologic and erosional forces. The development will observe a required 40-foot setback from the blufftop. An existing drainpipe and easement for the pipe, are being relocated on the site and this existing system will continue to serve the existing drainage basin of the neighborhood and avoid risking the property to flood hazards and fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed 3-story, 6,689 square-foot residence and attached 480 square-foot garage on a vacant 13,452 square-foot, RS-1-7 zoned lot located within the appealable area of the Coastal Overlay Zone, is sited and designed to prevent adverse impacts on any adjacent environmentally lands. This site contains a coastal bluff and steep hillsides which adjacent similarly developed properties have in common. The development is planned at the Torrey Pines Road frontage where roadway development, improvements on adjacent properties and a drain-pipe previously constructed, have disturbed this

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site. Grading is limited to the footprint of the structure and driveway improvements and the structure will observe the required 40-foot setback from the top of bluff. All water falling on the development will be collected and sump pumped to the gutter on Torrey Pines Road.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan.** The development of the 13,452 square-foot, vacant RS-1-7 zoned lot at 1620 Torrey Pines Road, is not identified as being within the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan and the proposed development of a single-family residence is not subject with requirements of this plan.

e. **The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** This 13,452 square-foot vacant site lies between Torrey Pines Road and the coastal bluff overlooking the Pacific Ocean. An existing drain easement and drain pipe within the easement drain from a canyon basin on the south side of Torrey Pines Road with additional collection from curb inlets within the roadway. This water then falls from the pipe onto the beach and shoreline below. This system of drainage in this older established community was established prior to newer standards designed to protect the coastal resources of the City and State. New water generated by the development will be collected on site and sump pumped to be deposited on Torrey Pines Road and not add to the further erosion of the lot area between the residence and blufftop. The water deposited into the roadway will flow to a public drainage system and the Pacific Ocean. To the extent possible, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

f. **The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** A Mitigated Negative Declaration No. 6400 and a MMRP has been prepared and finalized for this proposed development of a new single-family residence on a vacant 13,452 square-foot lying between Torrey Pines Road and the blufftop of the cliffs overlooking the Pacific Ocean. The environmental document has identified sensitive areas of Historical Resources (archaeology) and Paleontological Resources which require mitigation as conditions of the permit for the development of the site. These conditions are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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BE IT FURTHER RESOLVED, by the Council of the City of San Diego that Coastal Development Permit No. 10577/Site Development Permit No. 10582 is granted to CWS Inc., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
02/27/06
08/07/06 COR.COPY
08/09/06 COR.COPY.1
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R-2006-726
MMS#3062

Permit Resolution 09-20-05.doc

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: _____ Patrick Krueer
Mailing Address: _____ 7727 Herschel Avenue
_____ LaJolla, CA 92037

Phone Number: _____ 858-551-4390

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Construction of a 6,869 sq. ft. single-family home with an attached 448 sq. ft. 2-car garage on a vacant 13,452 sq. ft. blufftop lot.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 1620 Torrey Pines Road, La Jolla, San Diego, San Diego County
4. Description of decision being appealed:
 - a. Approval; no special conditions:
 - b. Approval with special conditions:
 - c. Denial:

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-LJS-06-79

DATE FILED: 7/12/06

DISTRICT: San Diego

RECEIVED

JUL 12 2006
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO OFFICE

EXHIBIT NO. 9
APPLICATION NO. A-6-LJS-06-79
Appeals
1 of 16
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 2

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

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other

Date of local government's decision: May 2, 2006

Local government's file number (if any): CDP 10577

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

CWS, Inc.
Attention: Virginia King
1055 Torrey Pines Road, Suite 202
La Jolla, CA 92037

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

Not Known

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

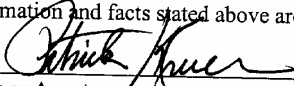
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A" dated July 12, 2006

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

Signed: 
Appellant or Agent

Date: 7/12/06

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

Signed: _____

Date: _____

(Document3)

Attachment A
CWS Appeal – 1620 Torrey Pines Road, La Jolla
July 12, 2006

The proposed project involves the construction of a 6,869 sq. ft., 3-story single-family residence with an attached 448 sq. ft. 2-car garage on a vacant blufftop lot. The 13,452 project site is located at 1620 Torrey Pines Road, one lot east of Coast Walk Boulevard in the La Jolla community of the City of San Diego. There is no direct access to the site from Torrey Pines Road and as such, the applicant has obtained an easement across the adjacent property to gain access to the site. The project site slopes steeply to the north down from Torrey Pines Road to the Pacific Ocean. The proposed home will be “cut” into the sloping hillside. It is not clear how much grading is necessary to prepare the site for development.

As noted, the subject site is a blufftop property that extends from Torrey Pines Road to the Pacific Ocean. Pursuant to the City’s certified LCP, all proposed development on a coastal bluff must observe a required setback of 40 feet from the bluff edge unless a site-specific geology report is completed which makes findings that a lesser setback can be permitted.

The policies and guidelines of the certified La Jolla Community Plan and Local Coastal Program Land Use Plan, dated February 2004, address coastal blufftop development and state:

The shoreline bluffs are one of La Jolla’s most scenic natural resources... Over time, as the bluffs continue to recede, existing developments will become increasingly susceptible to bluff hazards. In many cases, seawalls, revetments, and other types of erosion control structures will be required to stabilize the bluff. Such structures, while necessary to protect private property, are poor substitutes for adequate site planning....

Set back new development on property containing a coastal bluff at least 40 ft. from the bluff edge so as to not impact the geology and visual quality of the bluff.... Require applicants to accept a deed restriction to waive all rights to protective devices associated with new development on coastal bluffs....

Require a geotechnical report for all bluff top development to document that the site is stable enough to support the proposed development in accordance with the Environmentally Sensitive Lands regulations....

In addition, the certified Land Development Code (LCP Implementation Plan) contains the provisions address coastal bluff development. Specifically, Section 143.0143 addressing Development Regulations for Sensitive Coastal Bluffs states the following:

CWS Appeal – Attachment A
July 12, 2006
Page 2

- (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*.

According to City's resolution, the proposed home will observe a 40 ft. setback from the bluff edge and such a setback is supported by a geotechnical report that concludes the property can be safely developed. However, Special Condition #42 of the City's permit states the following:

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CWS Appeal – Attachment A
July 12, 2006
Page 3

42. All development, including buildings and accessory structures, shall be setback at least 25 feet from the coastal bluff edge.

Thus, this special condition seems to contradict the statement in the City's resolution and there are no findings to support a reducing the setback from 40 ft. to 25 ft. In addition, there is a question as to the location of the bluff edge. Based on a topographic survey of the site, it appears the actual bluff edge may be further inland than the bluff edge utilized by the City and thus, it is not clear if the home will be safe for its expected economic life or if the home, as approved by the City, is sited consistent with the above cited LCP provisions and the Coastal Bluffs and Beaches Guidelines.

Also, as noted above, the LCP requires that if a reduction in the minimum 40 ft. setback is approved, the applicants must also accept a deed restriction waive all rights to future shoreline protection. The City did not impose such a requirement.

The subject site is identified in the certified LCP as a public view corridor overlooking the Pacific Ocean. Currently the site is undeveloped and includes a solid fence along the Torrey Pines Road frontage and as such, no public ocean views are currently available. However, the certified LCP includes provisions that address the protection of existing or potential public views. The certified La Jolla Community Plan and Local Coastal Program Land Use Plan, dated February 2004, contains numerous policies addressing the protection of public views toward the ocean which are applicable to the development and state:

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 whenever possible.

View corridors utilizing side yard setbacks, should be encouraged along shoreline and blufftop areas, in order to avoid a continuous wall effect. Even narrow corridors create visual interest and allow for sea breezes to refresh passersby....

- Setbacks and view corridors should be kept clear of trash receptacles, utility boxes, storage materials, untrimmed landscaping or any other obstructions which may interfere with visual access.

In addition, the certified Land Development Code contains similar provisions. Specifically, Section 132.0403 of the Land Development Code states the following:

CWS Appeal – Attachment A
 July 12, 2006
 Page 4

- (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.

As noted above, while no public ocean views are currently available across the subject site due to the existing solid fence, the site is designated as a public view corridor in the

CWS Appeal – Attachment A
July 12, 2006
Page 5

certified LCP and as such, potential public views need to be protected. The City, in its review, did include deed restricted side yard visual corridors of 4 ft. and 10 ft. where no buildings are permitted, landscaping is limited to a height of no greater than 3 ft. and fencing must be open. However, because of the unique shape and configuration of the project site, it is not clear if protection of the side yard view corridors will protect ocean views. In addition, the proposed 3-story home will extend approximately 6 ft. above the street elevation for most of the street frontage (except for the side yard areas), thus blocking any potential public ocean views that may be available from Torrey Pines Road. Thus, it is not clear if the project, as approved by the City, will protect public ocean views across the site.

CALIFORNIA COASTAL COMMISSION

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



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: _____ Sara J. Wan
Mailing Address: _____ 22350 Carbon Mesa Road
_____ Malibu, California 90265
Phone Number: _____ 310-456-6605

SECTION II. Decision Being Appealed

1. Name of local/port government: City of San Diego
2. Brief description of development being appealed: Construction of a 6,869 sq. ft. single-family home with an attached 448 sq. ft. 2-car garage on a vacant 13,452 sq. ft. blufftop lot.
3. Development's location (street address, assessor's parcel no., cross street, etc.): 1620 Torrey Pines Road, La Jolla, San Diego, San Diego County
4. Description of decision being appealed:
 - a. Approval; no special conditions:
 - b. Approval with special conditions:
 - c. Denial:

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-LJS-06-79

DATE FILED: 7/12/06

DISTRICT: San Diego

RECEIVED

JUL 12 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

9 of 10

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 2

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

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other

Date of local government's decision: May 2, 2006

Local government's file number (if any): CDP 10577

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

CWS, Inc.
Attention: Virginia King
1055 Torrey Pines Road, Suite 202
La Jolla, CA 92037

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

Not Known

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

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

See Attachment "A" dated July 12, 2006

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

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

Signed: *Sean J. Wain*
Appellant or Agent

Date: 7/12/06

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

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Date: _____

(Document3)

Attachment A
CWS Appeal – 1620 Torrey Pines Road, La Jolla
July 12, 2006

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CWS Appeal – Attachment A
July 12, 2006
Page 2

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CWS Appeal – Attachment A
July 12, 2006
Page 3

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CWS Appeal – Attachment A
July 12, 2006
Page 4

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- (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.

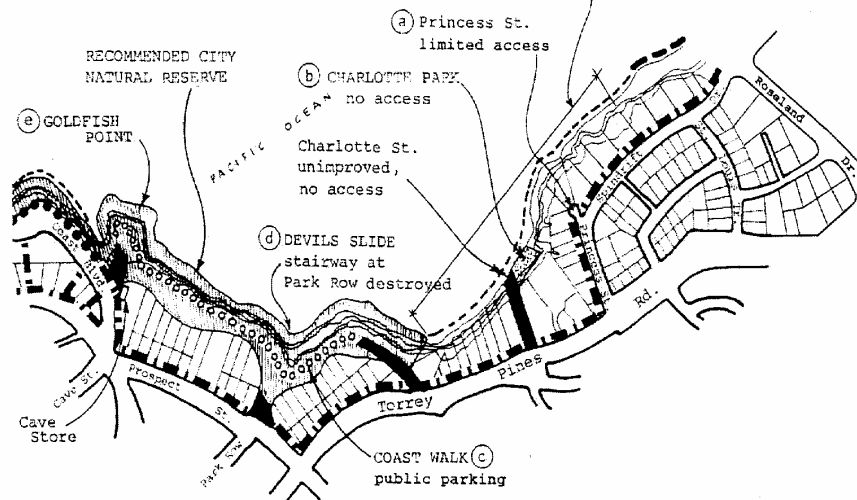
As noted above, while no public ocean views are currently available across the subject site due to the existing solid fence, the site is designated as a public view corridor in the

CWS Appeal – Attachment A
July 12, 2006
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To be analyzed for potential future public access from public r.o.w. to shoreline across private property.



- | | |
|--|---|
| CITY PARKS & BEACHES | OTHER SHORELINE PROPERTY
(Dedicated or owned in fee by City) |
| SCENIC BLUFFTOP TRAIL | VERTICAL ACCESS
(Dedicated street or easement) |
| LIMITED OR INTERMITTENT LATERAL ACCESS | UNRESTRICTED LATERAL ACCESS |
| SCENIC BLUFFTOP WALKWAY | ALTERNATIVE PEDESTRIAN ACCESS |
- 0 400 FEET

Subarea D: Coast Walk - Physical Access



La Jolla Community Plan
City of San Diego - Planning Department

EXHIBIT NO. 10
APPLICATION NO.
A-6-LJS-06-79
LUP Identified Public Access
California Coastal Commission



Civil Engineering/Surveying/Planning

STUART ENGINEERING

PEACE ENGINEERING, INC.,

A CALIFORNIA CORPORATION

7525 Metropolitan Drive, Suite 308

San Diego, California 92108

(619) 296-1010

FAX (619) 296-9276

**RESPONSE TO CALIFORNIA COASTAL
COMMISSION LETTER DATED OCTOBER 26, 2006**

CWS RESIDENCE

1620 Torrey Pines Road, San Diego, CA

The Drainage Analysis originally prepared by Stuart Engineering dated July 2, 2003 has been revised, November 7, 2006, to incorporate current design standards, a revisions to the original storm drain profile and to include a discussion of alternative designs. These revisions are minor in scope and do not alter the original design precepts. This report was prepared by a professional engineer in accordance with professional design standards and it reflects best engineering and best management practices. The Drainage Analysis dated July 2, 2003 was submitted to the City of San Diego and has received one review cycle. The November 7, 2006 Drainage Analysis as well as the July 2, 2003 Drainage Analysis conclude that the proposed storm drain design (alternative #2) is the best and least environmentally damaging alternative.

Design alternative #1 includes realigning the existing 36-inch RCP and constructing a new 36-inch RCP in Torrey Pines Road to connect to the existing storm drain in Charlotte Street. Charlotte Street is a "paper" street which has not been constructed. However, there is an existing natural drainage channel in Charlotte Street (See Drainage Map). This channel drains storm water from approximately 34.5 acres from the surrounding areas to the beach. The main environmental drawback from this alternative is that storm water will be diverted from its existing drainage pattern and create greater concentration of runoff on Charlotte Street and therefore a potential for bluff erosion.

Design alternative #2, which proposes realigning the 36-inch RCP and adding new pipes so that the storm water is released at the base of the bluff for the property in question (See Improvement Plan) is the scheme selected. This scheme will substantially reduce the erosion on the bluff. An energy dissipator is located at the outlet of the realigned storm drain to reduce the flow to non-erosive velocities.

Design alternative #3, which is a "No Project" design alternative would allow the existing conditions to remain. As is evident, by allowing the current storm drain to remain, considerable hazards will be created and considerable degradation will occur along the shoreline. As can be seen in Plate 1, under storm conditions, the majority storm waters do not travel through the pipe. Instead they travel along the ground adjacent to the pipe. In the process, considerable scouring occurs and sizeable volumes of dirt and silt are cast onto the beach. Plate 2 depicts the effects of this discharge.


EXHIBIT NO. 11
APPLICATION NO.
A-6-LJS-06-79
Alternatives Analysis
1 of 5
 California Coastal Commission



PLATE 1
STORM CONDITION AT OUTFALL

245



PLATE 2
STORM DISCHARGE ONTO BEACH
NOTE: DIRT DEPOSITS ARE SEDIMENT SCOURED FROM SITE

- Alternative designs listed on the California Coastal Commission's letter dated October 26, 2006 such as *detention basins, multiple pipes, sheet flow and mechanical dissipating structures* onsite were found not to be the best feasible designs because:
 1. *Detention basins*: There is insufficient space for a properly sized detention basin on site. The peak flow of 81 cubic feet per second (cfs) for a 6-hour duration storm would produce about 1.7 million cubic feet of water which cannot possibly be stored on site. However, onsite runoff will be treated onsite and will be pumped up to the existing street inlet in Torrey Pines Road. This inlet can be modified at a future date to comply with dry weather flow diversion into the sanitary sewer system.



2. *Multiple pipes* will not help in reducing the velocity or quantity of runoff discharging on the beach. Multiple pipes will just occupy more space. Multiple pipes would require additional tunneling and would still result in the need for a rip rap energy dissipator. The proposed project minimizes the alteration of natural landforms (ie. The bluff).
 3. *Sheet flowing.* Sheet flow is not feasible since the site is not a plane. Sheet flowing the drainage over the bluff would cause significant erosion.
 4. *Elimination of the storm drain* at the proposed location and connecting to the closest existing storm drain (in Charlotte Street) would be diversion of storm water. It is against City of San Diego policy, against accepted engineering practice and violates case law (see Heier v. Krull, 160 Cal. 441 [117 P. 530]) to promote diversion of storm water from historical discharge points.
 5. *Mechanical Dissipating Structures.* A concrete energy dissipater at the discharge point at the base of the bluff would be too intrusive on the beach and would not be visually pleasant. The concrete energy dissipator would appear as more of a man made permanent structure than the rip rap and would require excavation of a footing into the base of the bluff. The rip rap can be more easily removed than the concrete dissipater in the event that the storm drain is no longer needed on the future.
- The Drainage Analysis prepared by Stuart Engineering dated July 2, 2003 shows hydrology, sizing of pipes and hydraulic calculations. Additionally, the November 7, 2006 Drainage Analysis includes hydraulic analysis for the proposed storm drain system. These calculations show that storm water will not back up at the bends and/or structures.
 - There are no 90° bends in the proposed pipe, nor has there ever been. The greatest deflection occurs at the Torrey Pines Road inlet structure where we have an approximately 75° angle.
 - The installation of the 5-ton stones will be accomplished from above via a crane. Stuart Engineering has had communication with Western Foundation and Shoring, Inc. which has experience in this type of construction at the Point Loma treatment plant as well as other similar jobs.
 - An analysis of wave forces acting on the rip-rap structure called "Coastal Hazard and Wave Runup Study for Proposed Storm Drain Outfall Near 1620 Torrey Pines Road, La Jolla, CA" has been prepared by GeoSoils, Inc., dated November 9, 2006. This analysis recommends 5-ton stones for the rip rap dissipator. The proposed outfall will not contribute to the instability of the adjacent shoreline. Additionally, the proposed



rip rap will not impede public lateral access along the shoreline except under very infrequent times when the water levels are above +4.5 feet MSL.

Stuart Peace 11-10-06
Stuart Peace, R.C.E. 27232 Date

FADMIN/228/CL5177.DOC



5 of 5