

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
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F14a

A-6-LJS-20-0008 (Abbott Residence)

NOVEMBER 19, 2021

EXHIBITS

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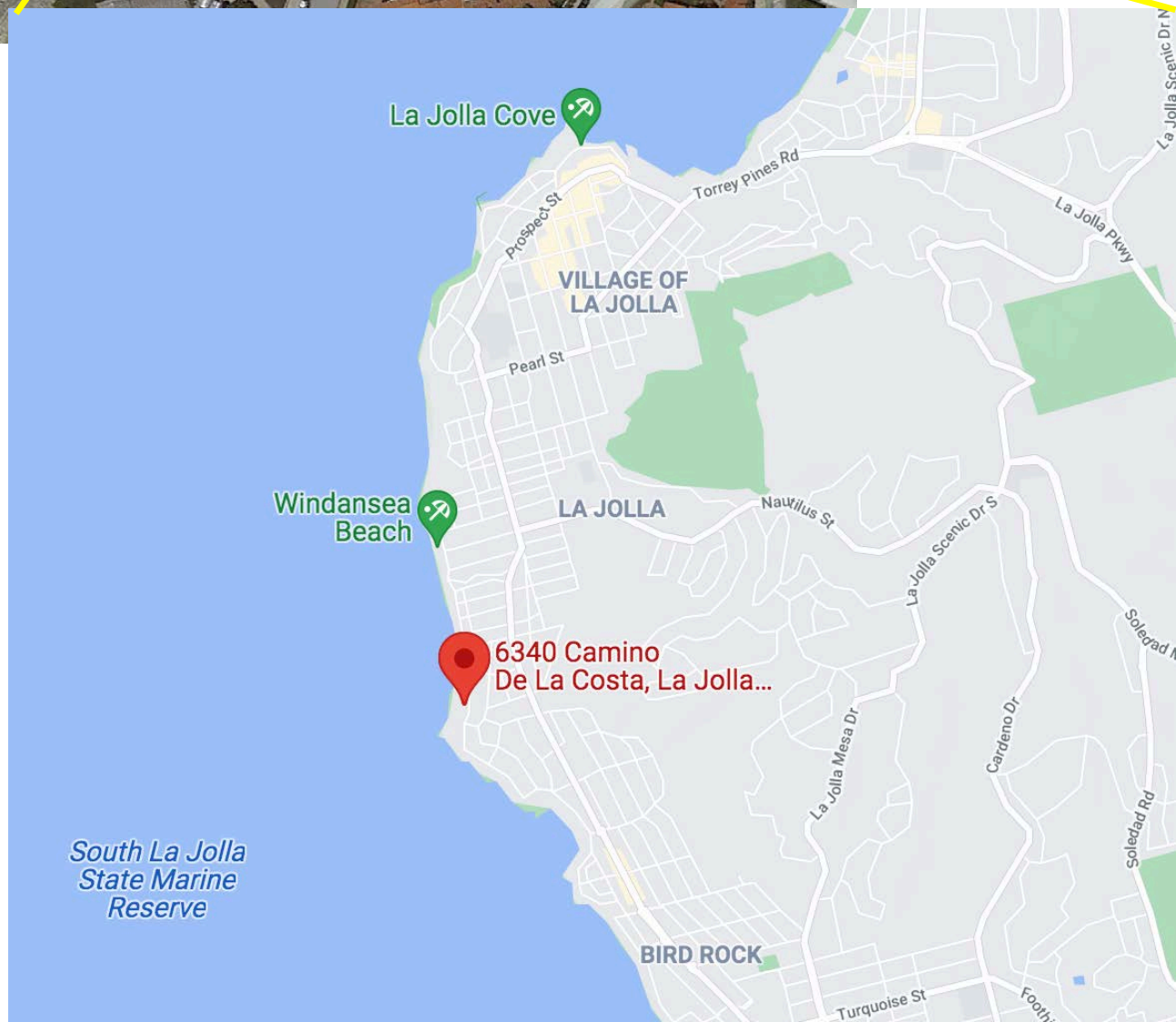
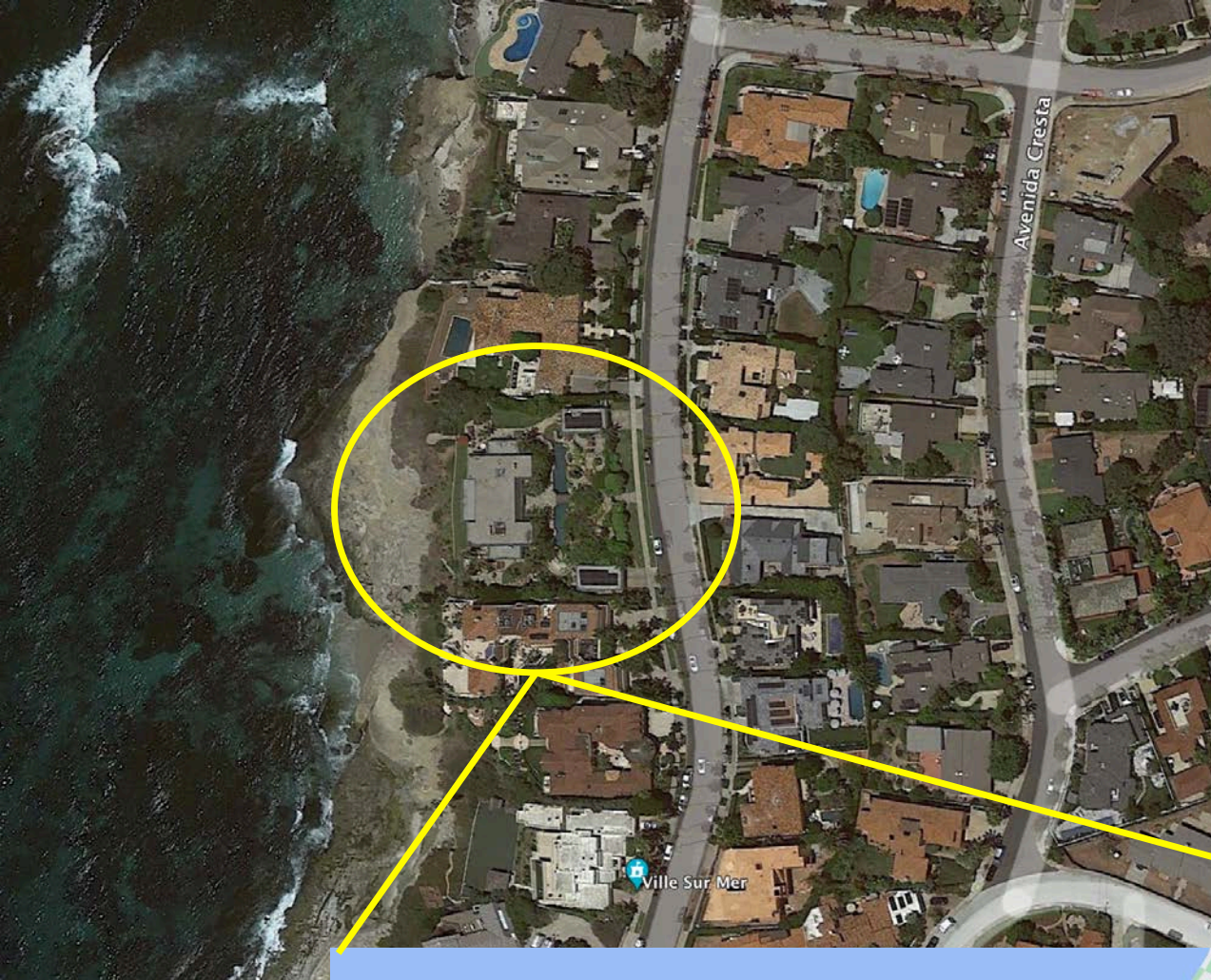


EXHIBIT NO. 1

APPLICATION NO.

A-6-LJS-20-0008

Location Map



California Coastal Commission



Current bluff edge 5ft blufftop setback 25ft blufftop setback 40ft blufftop setback

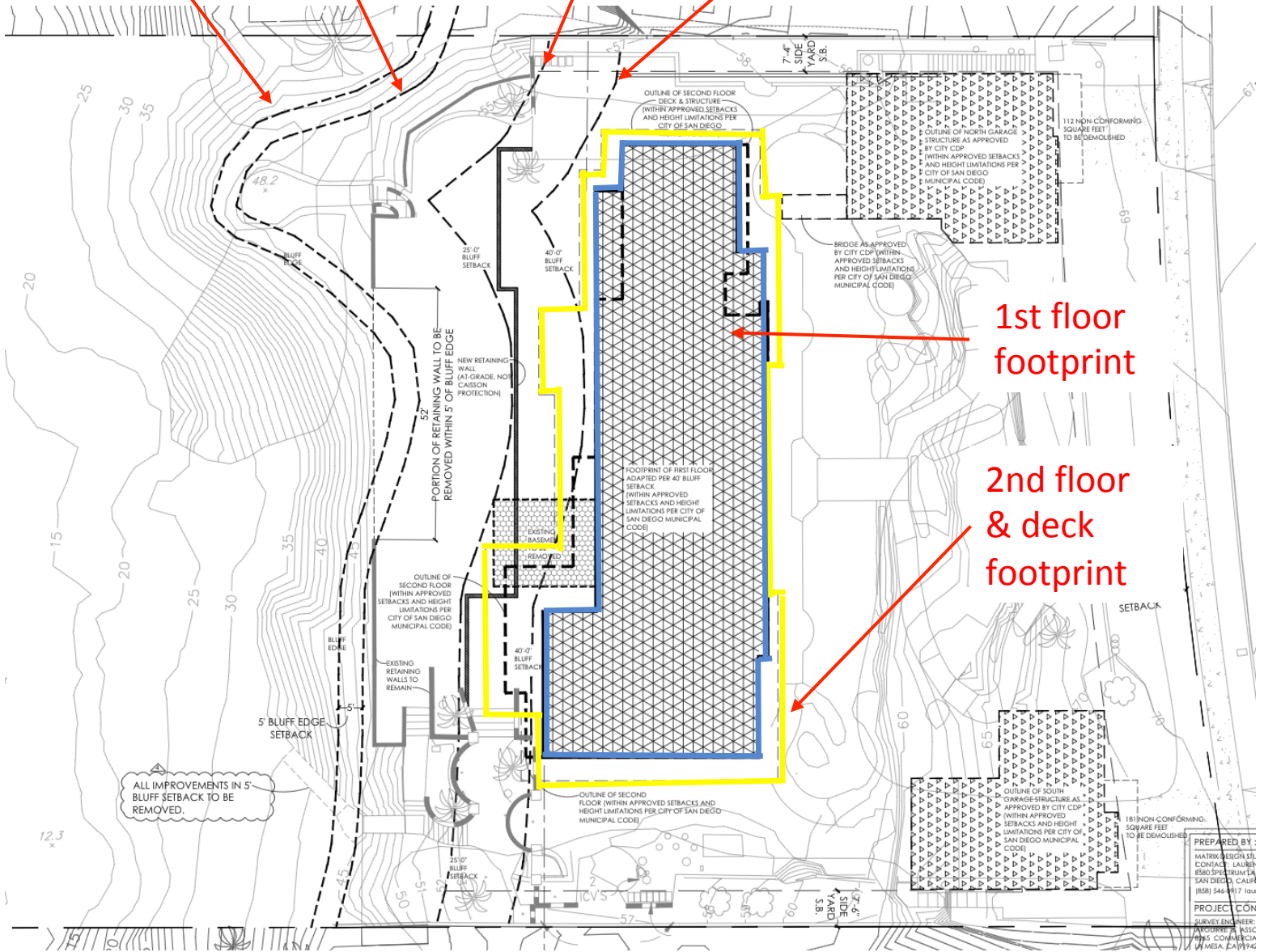


EXHIBIT NO. 4

APPLICATION NO.

A-6-LJS-20-0008

Bluff Edge Setbacks



California Coastal Commission

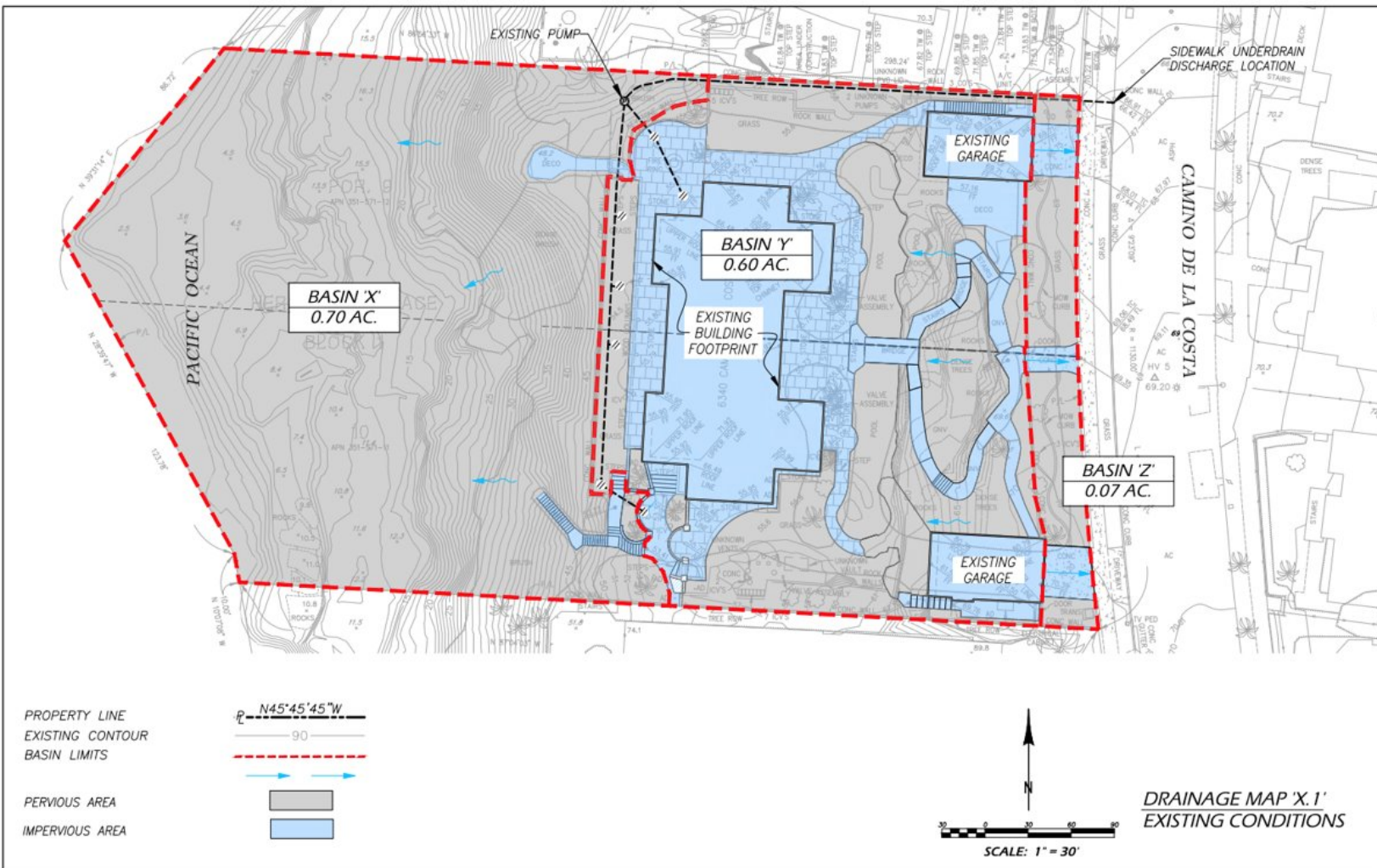


EXHIBIT NO. 5
APPLICATION NO.
A-6-LJS-20-0008
Existing Drainage
 California Coastal Commission

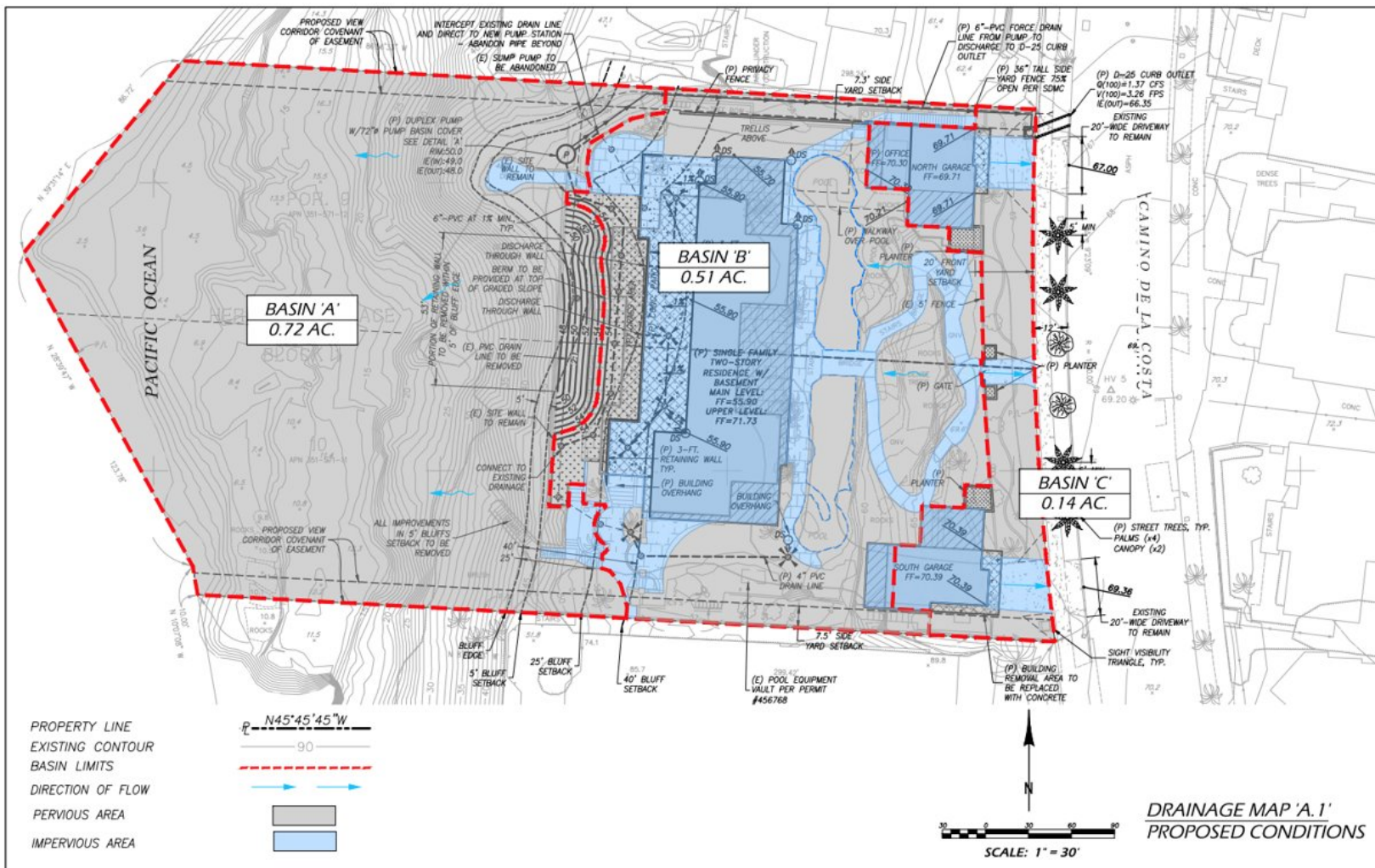


EXHIBIT NO. 6

APPLICATION NO.

A-6-LJS-20-0008

Proposed Drainage



California Coastal Commission

Drainage Basin Summary						
Pre - Construction Conditions						
Drainage Basin ID	Impervious Area	Pervious Area	Total (SF)	Total (AC)	C-Value	% Impervious
X (Discharges into Pacific Ocean)	516	29,775	30,291	0.70	0.36	2%
Y (Pumped to Camino De La Costa/ Drains to Bluff)	14,374	11,912	26,286	0.60	0.65	55%
Z (Sheet flows into Camino De La Costa)	752	2,443	3,195	0.07	0.48	24%
Total	15,642	44,130	59,772	1.37		
Post - Construction Conditions						
Drainage Basin ID	Impervious Area	Pervious Area	Total (SF)	Total (AC)	C-Value	% Impervious
A (Discharges into Pacific Ocean)	534	30,879	31,413	0.72	0.36	2%
B (Pumped to Camino De La Costa)	10,472	11,807	22,279	0.51	0.61	47%
C (Sheet flows into Camino De La Costa)	3,021	3,059	6,080	0.14	0.62	50%
Total	14,027	45,745	59,772	1.37		

EXHIBIT NO. 7

APPLICATION NO.

A-6-LJS-20-0008

Pre and Post Drainage
Comparison



California Coastal Commission

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EXHIBIT 8: City Approval

(The full set of attachments to the City permit can be found on the Commission's website (www.coastal.ca.gov) attached to the original substantial issue appeal)



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: July 31, 2019 REPORT NO. HO-19-070

HEARING DATE: August 7, 2019

SUBJECT: ABBOTT RESIDENCE CDP/SDP, Process Three Decision

PROJECT NUMBER: [538814](#)

OWNER/APPLICANT: Rodger Abbott, Owner/
Lauren Williams, Architect/Agent

SUMMARY:

Issue: Should the Hearing Officer approve an application to construct a first and second-floor addition/remodel to an existing single-family residence with two existing detached garages located at 6340 Camino de la Costa, within the La Jolla Community Planning area?

Staff Recommendation:

1. Adopt Negative Declaration No. 538814; and
2. Approve Coastal Development Permit No. 1901915 (Amending Coastal Development Permit No. 522763); and
3. Approve Site Development Permit No. 1901916.

Community Planning Group Recommendation: On November 7, 2017, the La Jolla Community Planning Association voted 11-0-2 to recommend approval of the project, with no conditions (Attachment 7).

Environmental Review: Negative Declaration No. 538814 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Based on the Initial Study, it was determined that the proposed project will not have a significant effect on the environment.

BACKGROUND

The 1.37-acre project site is located at 6340 Camino de la Costa, on the west side of Camino de la Costa, which is the First Public Roadway, and directly adjacent to the Pacific Ocean (Attachment 1). The existing two-story 7,361 square-foot home was built in 1962. The surrounding neighborhood is a mix of one and two-story single dwelling units that form a well-established residential neighborhood (Attachment 3). The project site is in the RS-1-5 Zone and is designated Low Density Residential within the La Jolla Community Plan (Community Plan). The site is also located in the Coastal Overlay Zone (Appealable Area), Sensitive Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Coastal and Beach Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone.

On August 13, 2008, the Hearing Officer approved Coastal Development Permit No. 522763 (Attachment 9). This permit allowed the addition of a 279 square-foot recreation room with bath and a 1,273-square-foot pool lanai with wet bar to the existing detached garage near the northern property line.

The proposed project requires a Coastal Development Permit per San Diego Municipal Code (SDMC) Section 126.0702 for the proposed construction on property within the Coastal Overlay Zone. A Site Development Permit is required per SDMC Section 143.0110 for development on a premise containing Environmentally Sensitive Lands (ESL) in the form of Coastal Bluffs. Per San Diego Municipal Code (SDMC) section 143.0212, all projects impacting a parcel that contains a structure older than 45 years must be reviewed to determine whether a potentially significant historical resource exists on site prior to issuance of a permit. City of San Diego Staff evaluated the project site and concluded it is not significant, nor eligible for historic designation under local, state or federal criteria.

DISCUSSION

The project proposes to construct a 214-square-foot addition to the main level, and a 3,488-square-foot addition to the second story of an existing single-family residence. The project site has two detached garages. The northern garage would be remodeled to include a 359-square-foot office, and 309 square feet would be added to the existing south garage. Both garages will remain single-story when viewed from the street or from the east. However, both garage structures have exposed lower levels when viewed from the west. There would be a total of 4,370 square feet of new construction, for a total of 11,731 square feet of development.

The Community Plan designates the site as Low Density (5-9 DU/acre) Residential land use (Attachment 2). The proposed residential use of the 1.37-acre property is consistent with that land use designation, however, it is below the density range with a density of less than one du/ac. The property is made up of two legal lots containing one existing single-family dwelling unit allowed within the RS-1-5 Zone.

SENSITIVE COASTAL BLUFFS

The site contains Sensitive Coastal Bluffs on the project's west side, which are considered Environmentally Sensitive Lands. SDMC Section 142.0340(f) requires that all proposed development, including buildings and accessory structures, be set back at least 40 feet or more from the coastal

bluff edge, with a possible reduction to a 25-foot setback when supported by the geotechnical analysis. The proposed development will occur within previously disturbed areas of the site and has been designed to observe a 25-foot bluff edge setback, as allowed by SDMC 143.0143(f)(1) ("Development Regulations for Sensitive Coastal Bluffs"). The proposed development includes the demolition of all portions of the existing single-family residence located closer than 25 feet to the bluff edge. The existing 110-ft rear yard wall will be retained in its current nonconforming configuration. Coastal Commission and City Staff acknowledge that the wall is a legal nonconforming use, and that the site has experienced relatively little erosion in the decades since the wall was constructed in 1962. A majority of the wall is located landward of the designated bluff edge, and the wall itself does not contain any deep footings or caissons either on or behind the bluff. The wall is not retaining any of the bluff material, but rather only supports the fill constituting of the rear yard area. This retaining wall was not constructed as a shoreline protective device. Finally, the existing residence, both in its current form and in the proposed project, is not expected to rely on the rear wall for geological support in the future. The applicant's geologic consultants have provided evidence that the existing residence does not depend of the wall for support. The site has historically experienced limited erosion and wave action. The project does not constitute demolition of the existing structure, and includes removal of portions of the structure that are most at risk from erosion.

A 25-foot coastal bluff edge setback can be supported for the project based upon evidence contained in the geologic investigation report. The submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate overall and the site was found to be suitable for the proposed development at the 25-foot bluff setback. The coastal bluff area will be protected with the recording of a Covenant of Easement, which is a condition of the permit (Attachment 5, Condition No. 26). All surface drainage run-off will be conveyed through an existing drainage system with the aid of an existing sump pump which will convey surface flow to Camino de la Costa. All new construction will be built on existing impervious surfaces, and new foundation work would be minimal and related grading quantities would also be minimal. The proposed residence will be approximately 29 feet, 1 inches in height, in compliance with the allowed 30-foot height limit.

PUBLIC VIEWS

There is a Scenic Overlook, a view over private properties from a public right-of-way identified along the southern edge to the project site, per the La Jolla Community Plan and Local Coastal Land Use Plan (Attachment 10). The proposed addition will not negatively impact this public view. The proposed addition to the existing residence is centered in the middle of the project site, having a side yard setback of 31.5-feet from the southern property line and the addition remodel of the residence stays within the allowed building envelope and under the maximum 30-foot height limit. The southern garage addition/remodel will remain at a 12-foot building height when viewed from the street. The project site is located along the west side of Camino de la Costa and there are intermittent views along that public right of way between the structures. Intermittent views down the north and south side setback areas, and running full depth of the premises are being preserved and enhanced through the recording of view easements along those side yard setback areas as a condition of the permit. The north view easement will be seven feet, four inches in width and the

south view easement will be seven feet six inches in width. All fencing, landscaping, and other improvements in the view corridors will be restricted by a recorded view easement to protect and maintain public views to the ocean in perpetuity (Attachment 5, Condition No. 27). This public view improvement along the south side of the site will also enhance the previously identified Scenic Overlook by removing existing vegetation along the southern property line. Currently both side yard setback view areas are significantly obstructed by a solid 6-foot high site wall and heavy landscaping. This project as proposed conforms to the protected public view regulations, goals, policies and public vantage point figures in the Land Development Code and La Jolla Community Plan and Local Coastal Program Land Use Plan.

PUBLIC ACCESS

Camino de la Costa is identified within the Community Plan and Local Coastal Program Land Use Plan as an Alternative Pedestrian Access (Attachment 11). City-standard sidewalks currently exist along the project frontage, providing a safe pedestrian environment and access for the public in conformance with the La Jolla Community Plan and Local Coastal Program Land Use Plan. In addition to the Alternative Pedestrian Access, there are other dedicated public access points to the Pacific Ocean that are located north of the site via a stairway at the foot of Palomar Ave and south via a pathway and stairs from Camino de la Costa.

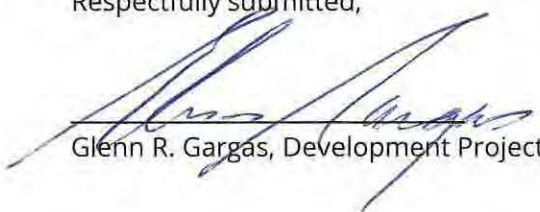
CONCLUSION:

This proposed project is designed to comply with the development regulations of the RS-1-5 Zone, the Environmentally Sensitive Lands regulations, the Beach Parking Impact Overlay Zone regulations and the public access and public views as identified by the La Jolla Community Plan and Local Coastal Program Land Use Plan. Staff supports a determination that the project is in conformance with the applicable sections of the San Diego Municipal Code and has provided draft findings and conditions of approval. Staff recommends the Hearing Officer approve Coastal Development Permit No. 1901915 and Site Development Permit No. 1901916, as proposed.

ALTERNATIVES

1. Approve Coastal Development Permit No. 1901915 (Amendment to Coastal Development Permit No. 522763) and Site Development Permit No. 1901916, with modifications.
2. Deny Coastal Development Permit No. 1901916 (Amendment to Coastal Development Permit No. 522763) and Site Development Permit No. 1901916, if the findings required to approve the project cannot be affirmed.

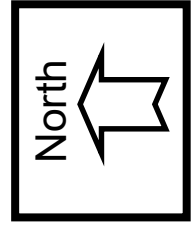
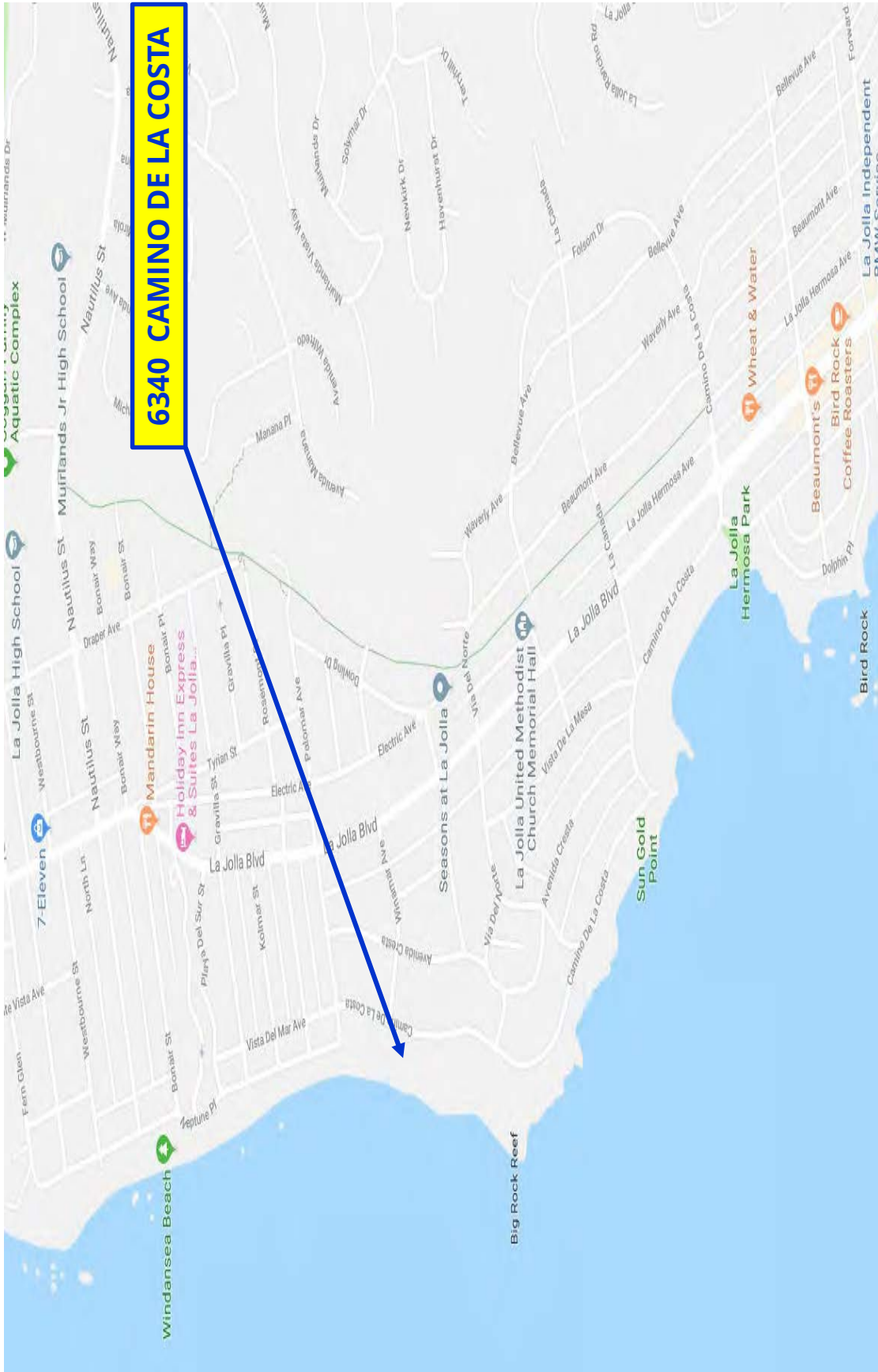
Respectfully submitted,



Glenn R. Gargas, Development Project Manager

Attachments:

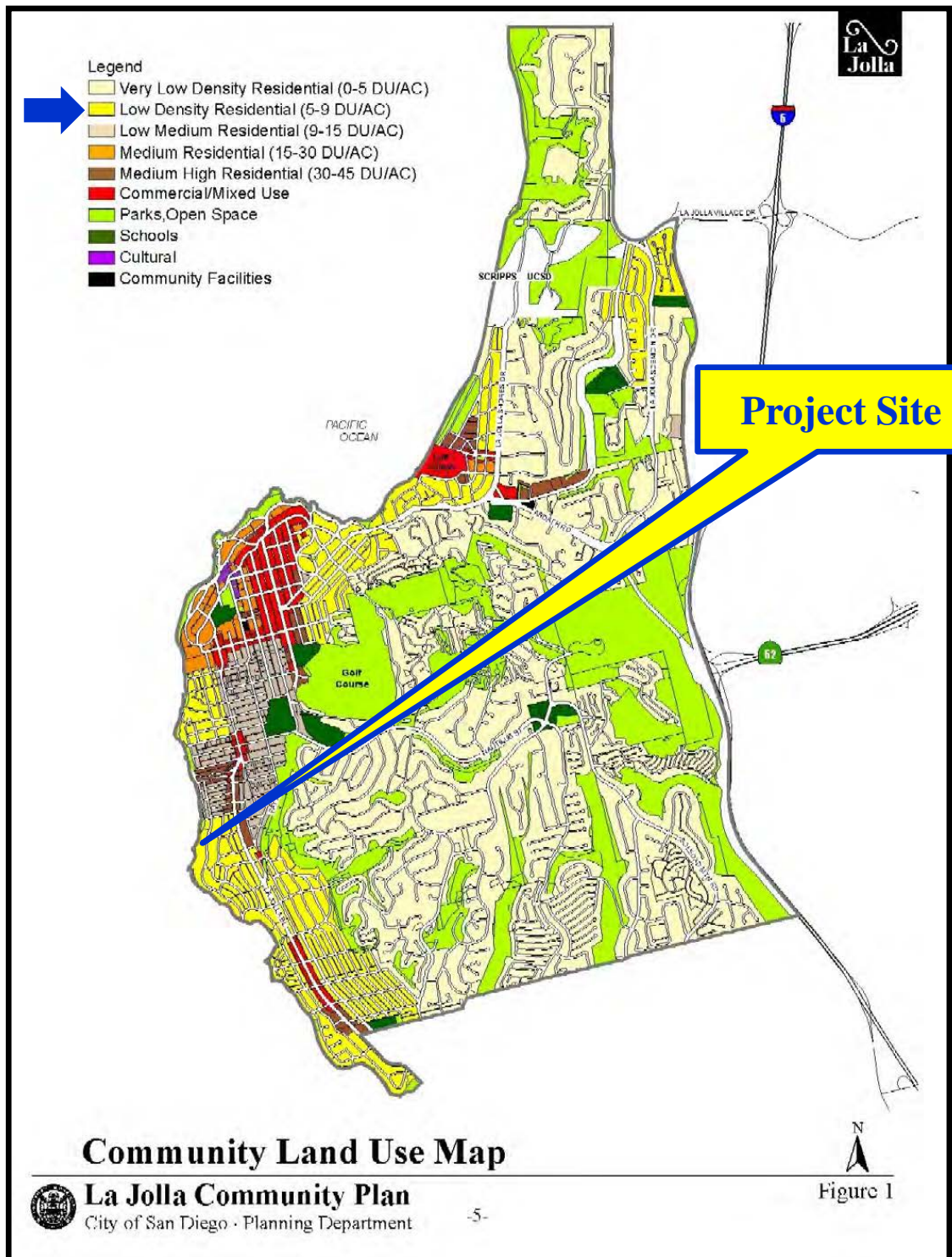
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Previously Approved Coastal Development Permit No. 522763
10. La Jolla Community Plan – Figure G – Subarea G La Jolla Hermosa – Visual Access
11. La Jolla Community Plan – Figure G – Subarea G La Jolla Hermosa – Physical Access
12. Project Plans



Project Location Map

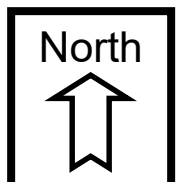
ABBOTT RESIDENCE CDP / SDP - 6340 CAMINO DE LA COSTA
PROJECT NO. 538814

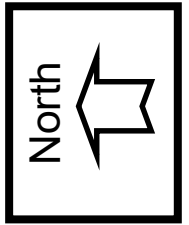




Land Use Map

ABBOTT RESIDENCE CDP / SDP - 6340 CAMINO DE LA COSTA
PROJECT NO. 538814 La Jolla





Aerial Photo

**ABBOTT RESIDENCE CDP / SDP – 6340 CAMINO DE LA COSTA
PROJECT NO. 538814**



**HEARING OFFICER RESOLUTION NO. ____
COASTAL DEVELOPMENT PERMIT NO. 1901915/
SITE DEVELOPMENT PERMIT NO. 1901916
ABBOTT RESIDENCE CDP/SDP - PROJECT NO. 538814
AN AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 522763**

WHEREAS, Rodger Abbott, Owner/Permittee, filed an application with the City of San Diego for a permit for an addition and remodel to an existing single-family residence with two existing detached two-car garages (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1901915 and 1901916), on portions of a 1.37-acre property;

WHEREAS, the project site is located at 6340 Camino de la Costa, in the RS-1-5 Zone, Coastal (appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, First Public Roadway, Parking Impact Overlay Zone (Beach Impact Area), Residential Tandem Parking Overlay Zone and within the La Jolla Community Plan area;

WHEREAS, the site is legally described as; The Southerly 90.00 feet of Lot 9, and all of Lot 10, Block 1 of Hermosa Terrace, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 2353, filed in the office of the County Recorder of San Diego County, September 20, 1946.

WHEREAS, on August 7, 2019, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 1901915, an amendment to Coastal Development Permit No. 522763, and Site Development Permit No. 1901916, pursuant to the Land Development Code of the City of San Diego; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 1901915, an amendment to Coastal Development Permit No. 522763, and Site Development Permit No. 1901916:

FINDINGS:

Coastal Development Permit – San Diego Municipal Code (SDMC) Section 126.0708

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The 1.37-acre site, located at 6340 Camino de la Costa and currently developed with an existing residence, is located within a well-developed residential neighborhood directly adjacent to the Pacific Ocean coastline. The site is located on the west side of Camino de la Costa and east of the Pacific Ocean. The project site is located within the RS-1-5 zone of the La Jolla Community Plan area within the Coastal Overlay Zone (appealable area), Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, First Public Roadway and within the La Jolla Community Plan area. The project proposes a first and second story addition to an existing single-family residence and additions to detached garages for a total of 4370 square feet of new construction. This project is designed to

ATTACHMENT 4

comply with the public access and public views identified for this site by the La Jolla Community Plan and Local Coastal Program Land Use Plan.

There is a Scenic Overlook located along the southern edge of the project site from the Camino de la Costa public right-of-way, as identified by the La Jolla Community Plan and Local Coastal Land Use Plan. A Scenic Overlook is a public view over private properties from a public right-of-way. A Scenic Overlook is not an unobstructed view, this public view over private property still anticipates that the private property can be developed within the allowed development regulations of the underlying zone. The proposed addition to the existing residence is centered in the middle of the project site, setback 31.5-feet from the southern property line and the addition and remodel of the residence stays within the allowed building envelope, complying with all of the required building setbacks, floor area ratio and under the maximum 30-foot height limit. There are no proposed deviations or variances to the RS-1-5 Zone's development regulations. Thus, the proposed addition will not negatively impact this identified Scenic Overlook.

There are intermittent views along the public right of way between the structures. Intermittent views down the north and south side setback areas are being preserved and enhanced through the recording of view easements along those setback areas as a condition of the permit. The permit has been conditioned to specify that all existing/proposed vegetation placed in the side yards shall not exceed the requisite three-foot height limit and that any proposed fencing in the side yards shall be a minimum of 75 percent open which will create, enhance, and protect public views. This public view improvement to the along the south side of the site will also enhance the previously identified Scenic Overlook by removing existing vegetation along the southern property line.

The west side of Camino de la Costa also contains an Alternative Pedestrian Access identified by the La Jolla Community Plan and Local Coastal Land Use Plan. The Alternative Pedestrian Access is along the project site's street frontage within the Camino de la Costa public right-of-way. This pedestrian access is existing in the form of a public sidewalk and it will remain open and available for public use. Thus, the proposed project as designed will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the La Jolla Local Coastal Program land use plan; and the proposed development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the La Jolla Community Plan and Local Coastal Program Land Use Plan.

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

The project proposes first and second story additions to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing residence, on a 1.37-acre lot. The project site is located within an urbanized area of La Jolla, was previously graded and has been developed with a residence since 1962. A review of resource maps, aerial and street level photography shows that the project site does not contain any sensitive biological resources. The project site does not contain any sensitive riparian habitat or other identified habitat community. Furthermore, the project site does not contain, nor is it adjacent to, Multi-Habitat Planning Area (MHPA)-designated lands.

The project site does contain environmentally sensitive resources in the form of coastal bluffs on the project's west side. Minor excavation will occur to implement the proposed project. The Geologic

ATTACHMENT 4

Studies prepared for the project indicates the site is underlain by relatively stable formational soils that are suited for the proposed structure and associated improvements. Incorporation of proper engineering design will ensure that the potential for geologic impacts from regional hazards will not be significant. No natural slopes, sensitive coastal or marine resources or other environmentally sensitive areas will be adversely affected by the proposed project.

The proposed development is not located on the coastal beach or within a special flood hazard area. The proposed development will occur within previously disturbed areas of the site and has been designed to observe a 25-foot bluff edge setback, as allowed by San Diego Municipal Code (SDMC) Section 143.0143(f)(1) ("Development Regulations for Sensitive Coastal Bluffs"). A 25-foot coastal bluff edge setback can be supported for the project based upon evidence contained in the geologic investigation report concluding that the project has been designed so that it will not be subject to or contribute to significant geologic instability. The submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate overall and the site was found to be suitable for the proposed development at the 25-foot bluff setback. The western portion of the site that contains the coastal bluffs area that will be protected with the recording of a Covenant of Easement, which is a condition of the permit. Site drainage currently exists and is designed to drain toward the Camino de la Costa public street right-of-way. The environmental review determined that this project will not have a significant environmental effect and the City prepared a Negative Declaration (ND), in accordance with the California Environmental Quality Act (CEQA). The project was previously graded and proposed addition does not propose any grading to the site.

The proposed development includes the demolition of all portions of the existing single-family residence located closer than 25 feet to the bluff edge. The existing 10 to 14-foot-high by 110-foot length rear yard wall will be retained in its current nonconforming configuration. Coastal Commission and City Staff acknowledge that the wall is a legal nonconforming use, and that the site has experienced relatively minimal amount of erosion in the decades since the wall was constructed in 1962. The wall was constructed as a retaining wall and was not engineered and designed to be a shoreline protective device. A majority of the wall is located landward of the designated bluff edge, and the wall itself does not contain any deep footings or caissons either on or behind the bluff. The wall is not retaining any of the bluff material, but rather only supports the fill constituting of the rear yard area. Finally, the existing residence, both existing and in the proposed project, is not expected to rely on the rear wall for geological support in the future. The applicant's geologic consultants have provided background research and evidence that the wall was intended to retain a small rear yard area and that the existing residence does not depend of the wall for support. The site has historically experienced limited erosion and wave action. The project does not constitute demolition of the existing structure, and includes removal of portions of the structure that are most at risk from erosion. Given these circumstances and the limited nature of the development, the project will not result in substantial adverse impacts to coastal resources. Given the uniqueness of the site's circumstances, the project has been conditioned that no work can be done to the rear wall as part of the proposed project. Barring routine repair and maintenance, no alteration, modification, or expansion of the rear wall shall be authorized by this permit and will require its own separate permit review. Thus, this proposed coastal development will not adversely affect Environmentally Sensitive Lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. The project is in an area identified as Low Density Residential (5-9 DU/AC) land use designation by the La Jolla Community Plan. The proposed development is consistent with the land use and conforms to all the requirements of the RS-1-5 zone, the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed project would adhere to community goals as it has been designed in a manner to not negatively impact any identified public views or public access. The proposed development has also been designed to achieve a harmonious visual relationship between the bulk and scale of the existing and the adjacent structures. The proposed development complies with all development regulations and will observe height and setback requirements.

The site is on the west side of Camino de la Costa which has an Alternative Pedestrian Access identified by the La Jolla Community Plan and Local Coastal Land Use Plan. The Alternative Pedestrian Access is along the project site's street frontage within the Camino de la Costa public right-of-way. This pedestrian access is existing in the form of a public sidewalk and it will remain open and available for public use.

The project site also has a Scenic Overlook, which is a view over private properties from a public right-of-way located along the southern edge to the project site, as identified by the La Jolla Community Plan and Local Coastal Land Use Plan. A Scenic Overlook is not an unobstructed view, this public view over private property still anticipates that the private property can be developed within the allowed development regulations of the underlying zone. The proposed addition to the existing residence is centered in the middle of the project site, setback 31.5-feet from the southern property line and the addition remodel of the residence stays within the allowed building envelope, complying with all of the required building setbacks, floor area ratio and under the maximum 30-foot height limit. There are no proposed deviations or variances to the RS-1-5 Zone's development regulations. Thus, the proposed addition will not negatively impact this identified Scenic Overlook.

There are intermittent views from the public right of way between the structures along the western side of the streetscape. Intermittent views down the north and south side setback areas of this project site are being preserved and enhanced through the recording of view easements along those setback areas as a condition of the permit. The permit has been conditioned to specify that all existing/proposed vegetation placed in the side yards shall not exceed the requisite three-foot height limit and that any proposed fencing in the side yards shall be a minimum of 75 percent open, which will create, enhance, and protect public views. This public view improvement to the along the south side of the site will also improve the previously identified Scenic Overlook by removing existing vegetation along the southern property line.

Portions of the existing residence currently do not conform to the requirements of the San Diego Municipal Code in terms of bluff edge setback and will be demolished. The proposed development

ATTACHMENT 4

will occur within previously disturbed areas of the site and has been designed to observe a 25-foot bluff edge setback, as allowed by San Diego Municipal Code (SDMC) Section 143.0143(f)(1) ("Development Regulations for Sensitive Coastal Bluffs"). A 25-foot coastal bluff edge setback can be supported for the project based upon evidence contained in the geologic investigation report concluding that the project has been designed so that it will not be subject to or contribute to significant geologic instability. The submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate overall and the site was found to be suitable for the proposed development at the 25-foot bluff setback. The project as designed and conditioned will ensure the coastal bluff will not be adversely impacted by the proposed development. The proposed addition/remodel to the residence will conform to all the applicable development regulations of the Municipal Code.

The proposed project is consistent with the recommended land use, and development standards in effect for the subject property per the adopted La Jolla Community Plan and Local Coastal Program Land Use Plan, and the City of San Diego's Progress Guide and General Plan, which recommend that the subject property be developed with single-family residential development in accordance with development regulations of the existing RS-1-5 zone. The proposed project will comply with all applicable provisions of the Municipal Code and the adopted La Jolla Community Plan and Local Coastal Program Land Use Plan, and no deviations or variances are requested. Thus, this 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.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The 1.37-acre site, currently developed with an existing residence, is located within a developed residential neighborhood directly adjacent to the Pacific Ocean coastline. The project site is located within the first public road (Camino de la Costa) and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The project site is in an area where there are intermittent views along that public right of way between the structures. Currently many of the intermittent view areas are significantly obstructed by mature vegetation. Intermittent views down the north and south side setback areas are being opened (reduce or remove mature vegetation), preserve and enhance through the recording of view easements along those setback areas as a condition of the permit. The project site is in an area identified as containing Alternative Pedestrian Access along the Camino de la Costa street frontage. City-standard sidewalks currently exist and will remain along the project frontage, providing a safe pedestrian environment and access for the public in conformance with the La Jolla Community Plan and Local Coastal Program Land Use Plan. In addition to the Alternative Pedestrian Access, there are other dedicated public access points to the Pacific Ocean that are located north of the site via a stairway at the foot of Palomar Ave and south via a pathway and stairs from Camino de la Costa. The proposed development is located completely on private property and will not obstruct or negatively impact public access or public recreation. Due to these factors the project is in conformance with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

Site Development Permit – Section 126.0504

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

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. The La Jolla Community Plan designates this lot for single-family residential development. The project site is within the RS-1-5 zone of the La Jolla Community Plan area within the Coastal Overlay Zone (appealable area), Coastal Height Limit, and the First Public Roadway and within the boundaries of the La Jolla Community Plan. The City of San Diego Progress Guide and General Plan, La Jolla Community Plan and LCP all apply to the land use designation for this site as low density residential with regulations for minimum lot size and dimensional criteria. The project entails the construction of additions and remodel of an existing single-family residence on a previously developed ocean front lot. The design of the home will be compatible with the appearance of the existing neighborhood and incorporate façade, articulation, and architectural details that will improve the aesthetic appeal when viewed from the street and along the coast.

There is a Scenic Overlook, a view over private properties from a public right-of-way identified along the southern edge to the project site, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. A Scenic Overlook is not an unobstructed view, this public view over private property still anticipates that the private property can be developed within the allowed development regulations of the underlying zone. The proposed addition will not negatively impact this public view. The proposed addition to the existing residence is centered in the middle of the project site, having a side yard setback of 31.5-feet from the southern property line and the addition remodel of the residence stays within the allowed building envelope and under the maximum 30-foot height limit. The southern garage addition/remodel will remain at a 12-foot building height when viewed from the street.

The project has been evaluated for compliance with the applicable land use plans and has been recommended for approval by the officially recognized Community Planning Group for the community. The proposed development plans will not conflict with these land use plans. Through the review of the proposed project, it was determined to be consistent with the plan's land use designation and the development regulations of the RS-1-5 Zone. Therefore, the proposed development will not adversely affect identified recreational or visitor-serving facilities or coastal scenic resources and will not adversely affect the applicable Land Use Plan.

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

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. This project has been designed to comply with all the applicable development regulations. The subject site is developed and zoned for, and surrounded by, single-family residential use. The permit controlling the development and

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continued use of the development proposed for this site contains conditions addressing project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

The project does include removal of portions of the structure that are most at risk from erosion. A 25-foot coastal bluff edge setback can be supported for the project based upon evidence contained in the geologic investigation report. The submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate overall and the site was found to be suitable for the proposed development at the 25-foot bluff setback. The proposed addition/remodeled structure will meet current safety standards to minimize risk from geologic hazards.

Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety, and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. All aspects of the development comply with the land use regulations so that the proposed development with the conditions of the permit, which include compliance with all applicable building codes, regulations, and standards, will not be detrimental to the public health, safety, and welfare.

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

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. This project complies with the development regulations of the RS-1-5 Zone, and the Local Coastal Program in the La Jolla. The scale, design and character incorporated into the proposed home are consistent with the scale, design and character of the existing single-family development in the surrounding area. The proposed home will incorporate building materials and colors consistent with existing homes in the vicinity. The proposed project will be visually compatible with the architectural materials and varied design themes of existing one and two story residential developments along this coastal zone.

There is a Scenic Overlook, a view over private properties from a public right-of-way identified along the southern edge to the project site, as identified within the La Jolla Community Plan and Local Coastal Land Use Plan. A Scenic Overlook is not an unobstructed view, this public view over private property still anticipates that the private property can be developed within the allowed development regulations of the underlying zone. The proposed addition to the existing residence is centered in the middle of the project site, having a side yard setback of 31.5-feet from the southern property line and the addition remodel of the residence stays within the allowed building envelope and under the maximum 30-foot height limit. The southern garage addition/remodel will remain at a 12-foot building height when viewed from the street. The proposed development complies with all development regulations and will observe height and setback requirements. The permit has been conditioned to specify that all existing/proposed vegetation placed in the side yards shall not exceed the requisite three-foot height limit and that any proposed fencing in the side yards shall be a

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minimum of 75 percent open, which will create, enhance, and protect public views. The proposed home will enhance the visual quality of the site and surrounding area.

With the adoption of the permit conditions, the proposed single-family residence will be in conformance with all relevant regulations including floor area ratio, setbacks, height, parking and all other relevant regulations. The development of the project has been designed to comply with the land use regulations of the City of San Diego and the La Jolla Community Plan and Local Coastal Program Land Use Plan. Therefore, the proposed development complies with the applicable regulations of the San Diego Municipal Code/Land Development Code.

Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

The project site is located within an urbanized area of La Jolla, which has been previously graded and has been developed with a residence since 1962. The project proposes a first and second story addition to an existing single-family dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing residential structures over existing basement, on a 1.37-acre lot. The proposed development includes the demolition of all portions of the existing single-family residence located closer than 25 feet to the bluff edge. The project site has previously been graded and this project a minimal amount of grading for building foundations only. A Geologic Report and addendums were prepared and reviewed that address geologic hazards for the Abbott Residence project site by Christian Wheeler Engineering, June 2018. It was determined that the project site is not located on a fault. The site was also determined to be outside the defined Sensitive Coastal Bluff Zone per the City of San Diego's Coastal Bluffs and Beaches and Steep Slopes Guidelines. Compliance with the City's Geology permit conditions will ensure that proposed coastal development will be built to reduce the potential for geologic impacts from regional hazards. The project is not within a flood overlay zone or a potentially sensitive area for fire hazards. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

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

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. This project has been designed to comply with all the applicable development regulations. The subject site is developed and zoned for, and surrounded by, single-family residential use. The permit controlling the development and continued use of the development proposed for this site contains conditions addressing project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area.

The project does not constitute demolition of the existing structure, but does include removal of portions of the structure that are most at risk from erosion. A 25-foot coastal bluff edge setback can be supported for the project based upon evidence contained in the geologic investigation report. The

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submitted Geotechnical Investigation Reports were prepared and reviewed to analyze bluff stability and any other potential geologic hazards. According to the reports, the project site's gross slope stability was found to be adequate overall and the site was found to be suitable for the proposed development at the 25-foot bluff setback. The proposed addition/remodeled structure will meet current safety standards to minimize risk from geologic hazards.

Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety, and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. All aspects of the development comply with the land use regulations so that the proposed development with the conditions of the permit, which include compliance with all applicable building codes, regulations, and standards, will not be detrimental to the public health, safety, and welfare.

3. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. The site is located at 6340 Camino de la Costa, RS-1-5 Zone, Coastal (appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, Sensitive Coastal Overlay Zone, First Public Roadway, Parking Impact Overlay Zone (Beach Impact Area), and the Residential Tandem Parking Overlay Zone.

A Geologic Report and addendums were prepared and reviewed that address geologic hazards for the Abbott Residence project site by Christian Wheeler Engineering, June 2018. It was determined that the project site is not located on a fault. The site was also determined to be outside the defined Sensitive Coastal Bluff Zone per the City of San Diego's Coastal Bluffs and Beaches and Steep Slopes Guidelines. Compliance with the City's Geology permit conditions will ensure that new structures will be built to reduce the potential for geologic impacts from regional hazards. The project is not within a flood overlay zone or a potentially sensitive area for fire hazards. Therefore, the proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot.

The project site contains Environmentally Sensitive Lands in the form of Coastal Bluffs along the project site's western edge. The proposed development will take place entirely within private property and not encroach on to the coastal bluffs or any environmentally sensitive lands. The western portion of the site that contains the coastal bluffs area that will remain and be protected with the recording of a Covenant of Easement, which is a condition of the permit. Site drainage currently exists and is designed to drain toward the Camino de la Costa public street right-of-way

with the aid of a sump pump. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Site drainage currently exists and is designed to drain toward the Camino de la Costa public street right-of-way. The project was previously graded and proposed addition does not propose any grading to the site. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

5. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot.

The site is not within, or adjacent to, the Multiple Species Conservation Program (MSCP) Multiple Habitat Planning Area (MHPA). Therefore, the project is not subject to the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The project site does not contain any vernal pools and is not subject to the VPHCP.

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

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. The proposed development takes place entirely within private property and stays within the area of existing development. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to storm water runoff, runoff during construction, and landscaping. All Uniform Building, Fire, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Site drainage currently exists and is designed to drain toward the Camino de la Costa public street right-of-way with the aid of a sump pump. The project site was previously graded and the residential addition proposes a minimal amount of grading for the building foundations only. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

7. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The project proposes a first and second story addition to an existing residential single dwelling unit and additions to detached garages for a total of 4,370 square feet of new construction to the existing single-family structures over existing basement, on a 1.37-acre lot. The City of San Diego conducted an Initial Study and determined that the proposed project would not have a significant environmental effect and the preparation of an Environmental Impact Report was not required. A Negative Declaration was prepared for the project as it was determined that the proposed development would not have a significant impact and no mitigation measures were required. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 1901915, amending Coastal Development Permit No. 522763, and Site Development Permit No. 1901916 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1901915 and 1901916, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: August 7, 2019.

Job Order No. 24007195

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24007195

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 1901915
SITE DEVELOPMENT PERMIT NO. 1901916
ABBOTT RESIDENCE CDP/SDP - PROJECT NO. 538814
AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 522763
HEARING OFFICER

This Coastal Development Permit No. 1901915 and Site Development Permit No. 1901916, an Amendment to Coastal Development Permit No. 522763, is granted by the Hearing Officer of the City of San Diego to Rodger Abbott and Rosalind Abbott, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708 and 143.0110. The 1.37-acre site is located at 6340 Camino de la Costa, in the RS-1-5 Zone, Coastal (Appealable) Overlay Zone, Sensitive Coastal Overlay Zone, Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Beach Impact Area), First Public Roadway, Residential Tandem Parking Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as: The Southerly 90.00 feet of Lot 9, and all of Lot 10, Block 1 of Hermosa Terrace, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 2353, filed in the office of the County Recorder of San Diego County, September 20, 1946.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for an addition and remodel an existing two-story, single-family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 7, 2019, on file in the Development Services Department.

The project shall include:

- a. Construction of a first and second story addition to an existing single-family dwelling unit and an addition to two detached garages for a total of 4,370-square-feet of new construction to the existing, 7,361-square-foot single-family residence over existing basement, resulting in a total of 11,731-square-feet of building floor area on a 1.37-acre lot;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;

- d. Existing site walls, retaining wall, fences, patio, and walkways; and
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by August __, 2022 (Pending California Coastal Commission Appeal Period).
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan

Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

13. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

14. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

15. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer for the sidewalk underdrains/curb outlets in the Camino De La Costa Right-of-Way.

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

17. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of any construction permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Development Services Department.

19. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square foot area around each tree, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed to prohibit the placement of street trees.

20. Prior to issuance of any construction permit, the Owner/Permittee shall submit complete landscape and irrigation construction documents for approval, which are consistent with the City's Landscape Standards. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square foot area around each tree that is unencumbered by hardscape and utilities, unless otherwise approved per §142.0403(b)5.

21. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind, and in an equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Final Inspection.

PLANNING/DESIGN REQUIREMENTS:

24. Owner/Permittee shall maintain off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the San Diego Municipal Code (SDMC) and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

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

26. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement, which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Coastal Bluffs, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area, and the Environmentally Sensitive Lands as shown on Exhibit "A."

27. Prior to the issuance of any construction permits, the Owner/Permittee shall record a seven-foot, six inch-wide View Corridor Easement along the south side yard setback area and a seven-foot, four inch-wide View Corridor Easement along the north side yard setback area, as shown on Exhibit "A," in accordance with SDMC section 132.0403. The construction of open fencing and landscaping may be permitted within the view corridors and visual access ways provided such improvements do not significantly obstruct public views of the ocean. Landscaping shall be planted and maintained to preserve public views. Responsibility for maintenance of said lands shall remain with the owner of

the fee title of said land, and nothing contained herein shall be construed to assign any maintenance responsibility to the City of San Diego, nor shall anything contained herein be construed to confer any rights to the general public.

28. Prior to the issuance of any construction permits, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement for Sensitive Coastal Bluffs in accordance with SDMC section 143.0143, in a form and content acceptable to the Director of the Development Services Department, or designated representative, which shall provide: (a) that the Owner/Permittee understands that new accessory structures or landscape features customary and incidental to residential uses are prohibited within 5 feet of the Coastal Bluff Edge or on the face of the Bluff, as illustrated on approved plan Exhibit "A;" (b) that the Owner/Permittee understands that the site may be subject to extraordinary hazard from coastal bluff erosion, and the Owner/Permittee assumes all liability from such hazards; and (c) the Owner/Permittee unconditionally waives any claim of liability against the City of San Diego and agrees to defend, indemnify, and hold harmless the City of San Diego and its advisors relative to the City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Conditions-Indemnification and Hold Harmless Agreement shall be recorded against title to the property and shall run with the land, binding upon all successors and assigns.

29. No future development shall be permitted on the coastal bluff face or within five feet of the coastal bluff edge. The existing stairs and improvements on the coastal bluff face and within 5 feet of the coastal bluff edge may remain in place and shall be allowed to naturally deteriorate in place. The stairs shall not be altered, repaired or replaced.

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

31. A reduction from the 40-foot bluff setback has been permitted. Therefore, the owner shall waive rights to protective devices associated with the subject property; in accordance with the Land Development Code Section 143.0143(f)(1). Prior to the issuance of any building permits, the Owner/Permittee shall record a Deed Restriction waving all future rights to shoreline protective devices associated with the subject property.

32. 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.

33. All terms and conditions of Coastal Development Permit No. 522763 and 41-0068, shall remain in effect as modified by this approval.

GEOLOGY REQUIREMENTS:

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

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on August 7, 2019, by Resolution No.

_____.

ATTACHMENT 5

Permit Type/PTS Approval No.: CDP No. 1901915 & SDP No. 1901916
Date of Approval: August 7, 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas
Development Project Manager

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

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

Owner/Permittee

By _____
Rodger Abbott

Owner/Permittee

By _____
Rosalind Abbott

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

RESOLUTION NUMBER R- _____

ADOPTED ON AUGUST 7, 2019

WHEREAS, on May 31, 2017, Roger Abbott submitted an application to Development Services Department for a COASTAL DEVELOPMENT PERMIT (CDP) AND SITE DEVELOPMENT PERMIT (SDP) for the ABBOTT RESIDENCE (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the HEARING OFFICER of the City of San Diego; and

WHEREAS, the issue was heard by the HEARING OFFICER on August 7, 2019; and

WHEREAS, the HEARING OFFICER considered the issues discussed in Negative Declaration No. 538814 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the HEARING OFFICER that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the HEARING OFFICER in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the HEARING OFFICER finds on the basis of the entire record, including the Initial Study and any comments received, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that DEVELOPMENT SERVICES STAFF is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: Glenn Gargas, Development Project Manager

By: _____
Glenn R. Gargas, DEVELOPMENT PROJECT MANAGER