

(R-92-990)

RESOLUTION NUMBER R-279167 ✓

ADOPTED ON DECEMBER 10, 1991

WHEREAS, Norman B. Blumenthal, Esq., attorney for Bruce Steinberg, et al., appealed the decision of the Planning Director in approving Coastal Development Permit/Hillside Review Permit (CDP/HRP) No. 89-1215 submitted by Christopher D. and Karen M. Sickels, individuals, Owners/Permittees, for the construction of a single-family home with a floor area totaling 11,834 square-feet, located directly behind 7510 Hillside Drive, south and west of Hillside Drive, east of Castellana Drive and north of Caminito Bassano and is described as Lots C-D, Parcel 1, Map No. 2087, in the La Jolla Community Plan area, in the R1-40 zone; and

WHEREAS, on October 10, 1991, the Planning Commission voted 3-2 to deny the project; however, due to a lack of affirmative votes, the decision of the Planning Director to approve the permit with conditions is sustained; and

WHEREAS, the matter was set for public hearing on December 10, 1991, testimony having been heard, evidence having been submitted, and the Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Coastal Development Permit/Hillside Review Permit No. 89-1215:

COASTAL FINDINGS:

1. The proposed development will not encroach upon any existing physical accessway legally utilized by the public or any proposed public accessway identified in an adopted Local Coastal Program Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. The project site is not located on or adjacent to any existing public accessway. Project development would not obstruct views to nearby open space park area or other scenic coastal areas from public vantage points.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The proposed development is located on a previously disturbed lot with adjacent residences to the north, east and west. Undeveloped land is located to the south. As identified in Environmental Negative Declaration No. 89-1215, the project site does not contain marine, archaeological or paleontological resources. Thus, the proposed development will not adversely affect these resources.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in Section 101.0462 of the San Diego Municipal Code, unless by the terms of the Resource Protection Ordinance, it is exempted therefrom. The project site has been previously disturbed by the development of a garden and trail system. The site was not found

to contain significant biologically sensitive land, prehistoric and historic resources. The project has been designed to retain much of the site in its existing state by limiting encroachment to 20 percent of the site.

4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources. The La Jolla Community Plan and the La Jolla Local Coastal Plan do not designate this site for any current or future recreational or visitor-serving facilities or coastal scenic resources. Thus, the proposed development will not adversely affect these resources.

5. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources. The project is designed with a narrow driveway and the home is to be depressed into the hillside in an effort to reduce its encroachment on the site. La Jolla Heights Park is located 300 to 500 feet to the south and west and is not directly adjacent to the park. Thus, the project will not adversely affect these resources.

6. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. No grading is proposed outside of the area for the driveway and building pad. The site is geotechnically rated a moderate risk due to slide prone formation. No remedial measures were required

by the geotechnical report. The landscape/brush management plan is designed using an alternative compliance approach to prevent or reduce the risk from fire.

7. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas. The proposed development is located in an existing residential neighborhood with steep vacant land to the southwest. The neighborhood has a mix of older more moderate homes with larger newer homes. With the large lot size the proposed development is similar in scale and design to existing development in the area.

8. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs. The single-family home proposal will conform with the open space designation of the General Plan and the La Jolla Local Coastal Program.

HILLSIDE REVIEW FINDINGS:

1. The site is physically suitable for the design and siting of the proposed development. The proposed development will result in minimum disturbance of sensitive areas. The site is a steep sloping lot with the home designed to be depressed into the hillside. The home itself is designed with rounded edges and step back as it goes up the hill in an effort to be sensitive to the existing topography.

2. The grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other

geological instability which would affect health, safety and general welfare as approved by the City Engineer. Disturbed slopes are planted with native and self sufficient vegetation. The site is geotechnically rated a moderate risk due to slide prone formation. No remedial measures were required by the geotechnical report. There is no grading proposed outside the building footprint and the driveway.

3. The proposed development retains the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and appropriate plant material. The neighboring homes vary in size, age and architectural style. The proposed home is large and uses architectural treatments and techniques to round corners, step the home back and blend it into the hillside in an effort to maintain the visual quality of the area.

4. The proposed development is in conformance with the Open Space Element of the General Plan, the Open Space and Sensitive Land Element of the community plan, any other adopted applicable plan, and the zone. The applicant has discussed the feasibility of open space dedications of easements with appropriate City staff. The site is located within the open space designated area, but is not rated a high priority acquisition site for purchase. The applicant is required to record a non-building easement on the remainder of the lot in an effort to limit the total encroachment onto the site.

5. The proposed development is in conformance with the qualitative development guidelines and criteria as set forth in Document No. RR-262129, "Hillside Design and Development Guidelines," and, if the property is within the HR Overlay Zone areas adjacent to Tecolote Canyon, San Clemente Canyon and all other designated open space areas in Clairemont Mesa, the proposed development is also in conformance with Document No. RR-267476, "Tecolote Canyon Rim Development Guidelines." The proposed structure is designed to be depressed into the hillside which is a method recommended and illustrated by the hillside review guidelines.

BRUSH MANAGEMENT ALTERNATIVE COMPLIANCE FINDINGS:

1. The proposed development complies with the intent of providing an effective fire break by means of a 10 (ten) foot setback from the property line. Measures incorporated into the structure, existing landscape and irrigation, and site planning provide for a fire resistive project. Therefore, the proposed brush management program will meet the purpose and intent of Appendix II A of the Uniform Fire Code.

2. Conditions incorporated into the permit eliminate the need to encroach into the adjoining native vegetation. Additionally, the existing use of low-flow irrigation and existing plant material reduces the potential erosional factors from affecting the adjoining hillsides and preserves the visual character of the slopes. Therefore, the proposed brush management program will not be detrimental to the health, safety and welfare of persons residing or working in the area.

3. The architectural features outlined in Section 6.6-2 of the City of San Diego Landscape Technical Manual have been incorporated into the project. Other fire resistive features, site design elements, and alternative compliance conditions as indicated on Exhibit "A," dated December 10, 1991 were required by the Fire Chief.

4. Literal compliance with the provisions of Appendix II A of the Uniform Fire Code would require encroachment into the adjoining native vegetation thereby increasing the impacts generated by this project. Compliance with the provisions of the Hillside Review Ordinance, the Coastal Development Regulations and the Brush Management Ordinance would preclude reasonable development on the site. However, granting this site alternative compliance to the brush management regulations allows reasonable development of this site without causing unnecessary encroachment into adjoining property.

5. A negative declaration was completed for this project by the Planning Department on December 10, 1991. Therefore, the proposed brush management program does not adversely affect floodplains, biologically sensitive lands, hillsides, significant prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance.

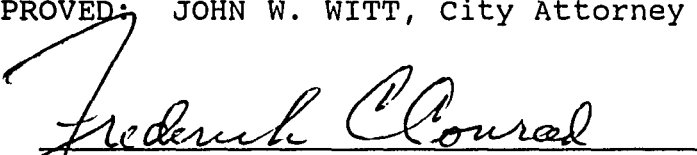
6. The proposed brush management program eliminates the need to clear or thin the vegetation on the adjoining properties' native vegetation. Therefore, minimizing the alterations of vegetation and not resulting in undue risks from erosional forces.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Norman B. Blumenthal, Esq., attorney for Bruce Steinberg, et al., is denied; the decision of the Planning Director is sustained, and Coastal Development Permit/Hillside Review Permit No. 89-1215 is hereby granted to Christopher D. and Karen M. Sickels, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that this permit is granted with the condition that Mrs. Atti Hughes be issued a bond guaranteeing lateral support.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
01/10/92
Or.Dept:Clerk
R-92-990
Form=r.permit

COASTAL DEVELOPMENT PERMIT/HILLSIDE REVIEW PERMIT NO. 89-1215

SICKELS PROPERTY

CITY COUNCIL

This Coastal Development/Hillside Review Permit is granted by the Council of The City of San Diego to CHRISTOPHER D. and KAREN M. SICKELS, individuals, Owners/Permittees, pursuant to Sections 101.0454 and 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owners/Permittees to construct a coastal development located directly behind 7510 Hillside Drive, commonly known as 7512 Hillside Drive, south and west of Hillside Drive, east of Castellana Drive and north of Caminito Bassano, described as Lots C-D, Parcel 1, Map No. 2087, in the R1-40 zone.
2. The facility shall consist of the following:
 - a. One (1), two-story, single-family home over a garage totaling 11,834 square feet of floor area;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than two (2) off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated December 10, 1991, on file in the office of the Planning Department. Parking spaces shall comply with Chapter X, Article 1, Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to zoning standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittees sign and return the permit to the Planning Department;
 - b. The Coastal Development Permit is recorded in the office of the County Recorder.
5. Before issuance of any building permits, complete grading and working drawings shall be submitted to the Planning

Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated December 10, 1991, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated December 10, 1991, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and the planting is to be maintained in a disease, weed and litter free condition at all times.
7. The property included within this coastal development shall be used only for the purposes and under the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.
8. This coastal development permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
9. This coastal development permit is a covenant running with the subject property and shall be binding upon the Permittees 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.
10. The use of texture or enhanced paving shall be permitted only with the approval of the City Engineer and Planning Director, and shall meet standards of these departments as to location, noise and friction values, and any other applicable criteria.
11. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
12. A colors and materials board (maximum size 8½" x 11") showing all proposed exterior materials shall be submitted for Planning Department approval prior to issuance of building permits.

13. Final pad elevations shall be within one foot ± of preliminary pad elevations shown on the approved preliminary grading plan, Exhibit "A," dated December 10, 1991.
14. A detailed native vegetation restoration and enhancement program shall be submitted for those disturbed portions of the site in 25 percent or greater slopes prior to issuance of grading permit. The restoration program shall be prepared by a biologist, registered landscape architect, or other qualified professional in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service.
15. A "Nonbuilding Area" easement designation shall be granted and recorded on the grant deed for all areas not shown as building area. Such areas shall be coupled with the severalty interests of the owners of the dwelling unit(s) and shall be maintained as open space.
16. Assumption of Risk. Prior to issuance of building permits or grading permits, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Planning Director, or designated representative, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslide and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the City and agrees to indemnify and hold harmless the City and its advisors relative to the City's approval of the project for any damage due to natural hazards.
17. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens which the Planning Director or designated representative determines may affect the interest being conveyed, and free of any other encumbrances which may affect said interest.
18. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the construction of the private drive, the necessary retaining walls, and grading within the access easement to serve this project, satisfactory to the City Engineer. Any grading or construction outside of the easement shall require a Letter of Permission from the affected property owner(s), satisfactory to the City Engineer.
19. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code (UFC) 10.208).

- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
20. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
21. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
22. Prior to building permit issuance the final construction plans shall conform to the 30-foot zoning height limit and the Coastal Proposition "D" height limit to the satisfaction of the Planning Director.
23. Prior to building permit issuance a lot line adjustment shall be recorded, adjusting the northwest property line, correcting the encroachment of any existing building from the subject property.
24. Prior to the issuance of a grading or building permit for the proposed driveway the plans shall be reviewed and approved by a civil, structural and soils engineer and secured by bond to prevent any property damage to the adjacent property owner.
25. The applicant shall implement the modified Brush Management Program in accordance with the brush management plan for this site Exhibit "A," dated December 10, 1991 on file in the Planning Department, based on a Fire Department Severity Classification of "LOW" and including the following measures:
 - a. Prior to the issuance of any grading or building permits, a complete set of brush management construction documents, shall be submitted to the Planning Director and the Fire Marshal for approval.

The plans shall be in substantial conformity to Exhibit "A," dated December 10, 1991, on file in the office of the Planning Director and shall comply with the applicable provisions of the City of San Diego Landscape Technical Manual (Landscape Technical Manual), Document No. RR-274506 on file in the office of the City Clerk.

The approved brush management program shall be implemented before issuance of any occupancy permit on any building.

Such brush management shall not be modified or altered unless this permit has been amended, and is to be

maintained, at all times, in accordance with the guidelines of the Landscape Technical Manual.

- b. All structures shall be setback from the westerly property line a minimum of 10 (ten) feet.

In this area existing vegetation and irrigation shall be maintained effectively to comply with the requirements of Zone One per the Landscape Technical Manual.

- c. These conditions shall be in addition to those architectural features outlined in Section 6.6-2 of the Landscape Technical Manual.
 - d. Combustible accessory structures are NOT permitted within the designated brush management zones (or areas of existing planting), including but not limited to: wood trellises, gazebos, etc. Noncombustible accessory structures may be approved within the designated Zone One area subject to approval by the Fire Marshal and the Planning Director.
 - e. The Fire Department may consider deviations from these conditions at the time of final inspection if it is deemed that eminent health and safety risk still exists.
 - f. All requirements for fire resistive construction and other architectural features, shall conform to any applicable City and regional building codes, standards, and ordinances.
26. This coastal development permit shall become effective on the eleventh day following the decision of the City Council.
27. This coastal development permit must be utilized within 36 months after the effective date. Failure to utilize the permit within 36 months will automatically void the permit unless an extension of time has been granted as set forth in Section 105.0216 of the Municipal Code.
28. In the event that any condition of this permit, on a legal challenge by the Owners/Permittees of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

APPROVED by the Council of the City of San Diego on December 10, 1991, by Resolution No. R-279167.

Passed and adopted by the Council of The City of San Diego on **DEC 10 1991**
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **279167** Adopted **DEC 10 1991**