

RESOLUTION NUMBER R-282112

ADOPTED ON JUNE 8, 1993

WHEREAS, Richard Smith, et al., appealed the decision of the Planning Commission in granting Coastal Development Permit/Sensitive Coastal Resource Permit No. 92-0316 submitted by Marian N. Harwell, Owner/Permittee, for the purpose of demolishing an existing single-family residence and constructing a new 7,632-square-foot, single-family residence with attached garages, new fencing and landscaping, and pool and deck area, located 6246 Camino de la Costa and described as Lot 2, Block 1, La Jolla Hermosa, Map No. 1810, in the La Jolla Community Plan area, in the R1-8000 Zone; and

WHEREAS, the matter was set for public hearing on June 8, 1993, testimony having been heard, evidence having been submitted, and the City 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/Sensitive Coastal Resource Permit No. 92-0316:

COASTAL DEVELOPMENT 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 ("LCP") Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. Although the project site is not located on any existing public accessway as identified in the LCP, the site will provide public access from the toe of the slope at the west end of the property seaward. In addition, the site will not interfere with any view corridors indicated in the La Jolla LCP Addendum. While the site is located at the end of Via del Norte Street, an identified visual access corridor in the LCP, the public views that now exist given current site conditions will be retained and/or minimally altered.

2. The proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources. The proposed development would replace an existing single family residence and garage. Although the development is adjacent to the ocean shoreline, the development would not encroach on or adversely affect these resources. The development will provide a 25-foot setback area from the upper termination of the coastal bluff.

3. The proposed development will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance (San Diego Municipal Code

section 101.0462) unless by the terms of the Resource Protection Ordinance, it is exempted therefrom.

4. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources. The project site is located adjacent to the Pacific Ocean. The project development provides four off-street parking spaces which exceeds the parking requirements and standards of The City of San Diego. In addition, the site shall provide public access. Therefore, the proposal would not adversely impact park and recreation areas.

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. Project development would occur on private property. The project development would not adversely impact environmentally sensitive habitats on scenic resources located in adjacent park and recreation areas.

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. The proposed development is located on a previously graded and developed lot. The proposed development proposes a minimal amount of grading. The Negative Declaration, DEP No. 92-0316, identified no geologic, erosional, flood or fire hazard.

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 project is located in an urbanized residential neighborhood with similar size and scale. The building's bulk, massing and setback conform to The City of San Diego Zoning Ordinance and are consistent with other development in the area. The proposed development will therefore be visually compatible with the character of surrounding area.

8. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs. The proposed development complies with the La Jolla Community Plan as well as conforms to the General Plan, La Jolla LCP Land Use Plan, and all the requirements of the Local Coastal Program.

SENSITIVE COASTAL RESOURCE FINDINGS:

1. The proposed development will be sited, designed and constructed to minimize, if not preclude, adverse impacts upon sensitive coastal resources and environmentally sensitive areas. As outlined above in paragraphs 1 through 5 of the Coastal Development Findings, the project will be sited, designed and constructed to minimize impacts upon sensitive coastal resources and environmentally sensitive areas.

2. 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 community plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points. As outlined in Finding 1 of the Coastal Development Findings listed above, the project will not encroach upon any public accessways, nor will it obstruct views of scenic coastal resources from public vantage points.

3. The proposed development will minimize the alteration of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards. The project will minimize the alteration of natural landforms and will not result in undue risk from geologic, erosional, flood or fire hazards. (See paragraph 6 of Coastal Development Findings).

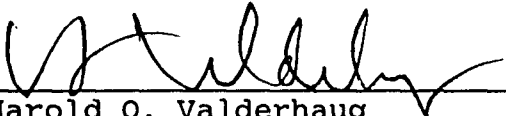
4. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. A geotechnical report has been reviewed and approved by the City Engineering Department which indicates that the project will not contribute to the erosion of public beaches nor will it impact local shoreline sand supply.

5. The proposed development will not adversely affect the General Plan, the Local Coastal Program, or any other applicable adopted plans and programs. The project conforms with all applicable plans, programs and policies (see paragraph 8 of Coastal Development Findings).

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 Richard Smith, et al., is denied; the decision of the Planning Commission is sustained, and Coastal Development Permit/Sensitive Coastal Resource Permit No. 92-0316 is hereby granted to Marian N. Harwell, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:lc
06/23/93
10/29/93 COR.COPY
Or.Dept:Clerk
R-93-2065
Form=r.permit

COASTAL DEVELOPMENT PERMIT ("CDP") AND
SENSITIVE COASTAL RESOURCE ("SCR") PERMIT NO. 92-0316

HARWELL RESIDENCE

CITY COUNCIL

This Coastal Development Permit and Sensitive Coastal Resource Permit No. 92-0316 is granted by the Council of The City of San Diego to MARIAN N. HARWELL, Owner/Permittee, pursuant to Section 105.0201 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to demolish an existing single-family residence and to construct a coastal development located at 6246 Camino de la Costa, described as Lot 2, Block 1, La Jolla Hermosa, Map No. 1810, in the La Jolla Community Plan area, in the R1-8000 Zone.
2. The facility shall consist of the following:
 - a. A 7,632-square-foot, single-family residence and garages, pool and deck area;
 - b. Landscaping;
 - c. Fencing (setback five feet from top of bluff);
 - d. Off-street parking; and
 - e. Incidental accessory uses as may be determined incidental and approved by the Planning Director.
3. Not fewer than two off-street parking spaces shall be maintained on the property in the location shown on Exhibit "A," dated June 8, 1993, on file in the office of the Planning Department. Parking spaces shall comply with San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking space dimensions shall conform to zoning ordinance 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 Permittee signs and returns the permit to the Planning Department; and
 - b. The Coastal Development Permit is recorded in the office of the County Recorder.

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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 June 8, 1993, on file in the office of the Planning Department. No changes, 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 June 8, 1993, 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 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 canceled 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 Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
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. All runoff from the site shall be collected and pumped away from the bluff towards Camino de la Costa.
13. The slope for the driveways may have a maximum 14% grade, without transitions, or a maximum 20% grade, provided that transitions of a minimum eight-foot length at half (1/2) of

the ramp slope are installed at both ends of the ramp. Curb-return access is not permitted. Standard City curb cut must be utilized with driveways located a minimum of six feet from side property lines extended and installed perpendicular to the street.

14. The northerly driveway (with the 20% grade) must be provided with eight-foot-long transitions at a 10% grade.
15. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the replacement of curb and sidewalk with new curb and sidewalk, adjacent to this site on Camino del la Costa, satisfactory to the City Engineer.
16. The applicant shall provide public access from the toe of the slope at the west end of the property seaward, in a manner satisfactory to the Park and Recreation Director and the City Engineer.
17. The applicant shall provide sight distance at the driveways, as stated in the CalTrans Traffic Manual.
18. The applicant shall direct the site drainage away from the coastal bluffs and redirect it to a public storm drain system or public street right-of-way, in a manner satisfactory to the City Engineer.
19. The developer shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping in the public right-of-way of Camino de la Costa.
20. 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).
21. This property may be subject to a building permit park fee in accordance with San Diego Municipal Code section 96.0401 et seq.
22. This community may be subject to impact fees, as established by the City Council at the time of issuance of building permits.
23. The roofing material shall be of a type that does not produce glare.

24. Roof penetrations including vents, fans and skylight curbs shall be of a color to match the roof.
25. No solar collectors or equipment other than required plumbing vents, and exhaust fans shall be placed on the roof.
26. A low maintenance landscape screening shall be provided along the southerly elevation.
27. Unless appealed this Coastal Development Permit shall become effective on the eleventh day following the decision of the City Council.
28. Unless appealed this Coastal Development Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action. This condition shall be included in all permits appealable to the California Coastal Commission.
29. 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 San Diego Municipal Code section 105.0216.
30. The permittee shall prior to the approval of the SCR permit, execute and record a waiver of public liability for the approved development.
31. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.

APPROVED by the Council of The City of San Diego on June 8, 1993, by Resolution No. R-282112.

AUTHENTICATED BY:

SUSAN GOLDING, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw SUSAN GOLDING known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

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

MARIAN N. HARWELL
Owner/Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack**

Passed and adopted by the Council of The City of San Diego on JUN 08 1993
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

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

By  Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-282112** JUN 08 1993
Number Adopted