

(R-99-502)

RESOLUTION NUMBER R-290893

ADOPTED ON OCTOBER 20, 1998

WHEREAS, Joan D. Glatthorn, et al., appealed the decision of the Planning Commission in approving Coastal Development Permit/Sensitive Coastal Resource [CDP/SCR] Permit No. 98-0375 submitted by John R. Miller, Owner/Permittee, to remodel an existing 6,000 square-foot single-family residence and to construct a 3,730 square-foot addition on portions of a 0.68 acre site, located at 6292 Camino de la Costa and legally described as Lot 12 in Block 1 of Hermosa Terrace, Map No. 2353, in the La Jolla Community Plan area, in the R1-8,000 Zone; and

WHEREAS, the matter was set for public hearing on October 20, 1998, 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 CDP/SCR Permit No. 98-0375:

**COASTAL FINDINGS:**

**A. 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 LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.**

The proposed development, to remodel an existing 6,000 square-foot single-family residence and construct a 3,730 square-foot addition, is not located near any existing physical accessway legally utilized by the public nor any proposed public accessway identified by the adopted La Jolla Community Plan and La Jolla-La Jolla Shores Local Coastal Program. Neither

the project site, nor Camino de la Costa fronting the project site, is identified in the adopted La Jolla Community Plan and La Jolla-La Jolla Shores Local Coastal Program as a Public Vantage Point. Additionally, the project site is not identified by the La Jolla Community Plan and La Jolla-La Jolla Shores Local Coastal Program as having any existing visual access to the coast. All proposed development will be contained within the existing disturbed portion of the site. Therefore, 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 LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

**B. 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 developed lot within the Hermosa Terrace Subdivision. Drainage from the developed portion of the site will be directed toward the street and away from the sensitive coastal bluffs. This development does not propose to encroach any further into undisturbed areas. A Negative Declaration was prepared for this project in accordance with California Environmental Quality Act (CEQA) Guidelines. The Negative Declaration concluded that the proposed project will not have a significant effect on the environment. Therefore, the proposed development will not adversely affect marine resources, environmentally sensitive areas, or archaeological or paleontological resources.

**C. 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.**

The proposed development is located on a previously disturbed portion of the lot. The site does not contain wetlands, wetland buffer areas, or other sensitive resources which would make this site subject to the Resource Protection Ordinance.

**D. The proposed development will not adversely affect recreational or visitor-serving facilities or coastal scenic resources.**

The proposed development is located adjacent to the coastline, approximately 800 feet to the south of Hermosa Terrace Park, the closest recreational or visitor serving facility. All development will be contained on a previously disturbed lot. The proposed development will not encroach on any access way or alter any on-street parking currently used by the public in their use of nearby visitor-serving facilities or coastal scenic resources.

**E. 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 proposed development is located 25 feet back from the coastal bluff edge. It is located adjacent to the coastline, approximately 800 feet to the south of Hermosa Terrace Park, the closest recreational or visitor serving facility, and includes sensitive landscape and drainage plans. Therefore, the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in nearby parks and recreation areas, and will provide adequate buffer areas to protect such resources.

**F. 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.**

There is no grading associated with the proposed development. All drainage on the site is directed into a private storm drain system from which it is pumped back to the public right-of-way. A Geologic Reconnaissance was conducted and a report prepared for the site to identify and assess the geologic conditions at the site. The report found that the proposed remodel and addition would not create a significant impact and no mitigation is required. All drainage is directed into a private storm drain system from which it is pumped back to the public right-of-way. The project site is adjacent to the coastal bluff edge, approximately 60 feet above the beach below, so hazards from flooding would be very remote. Therefore, 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.

**G. 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 proposes to remodel an existing 6,000 square-foot single-family residence and construct a 3,730 square-foot addition on a 0.68 acre lot. The development is located within a neighborhood of large, 2- and 3-story custom homes on lots with an abundance of landscape material. The proposed 3-story development was carefully designed to match the existing streetscape theme. The view from the street will be that of a 2-story single-family home. The lower level will be terraced below the street level to the rear of the development and will not be visible from the street. Therefore, the proposed development will be similar in bulk, mass, and character to surrounding development and will be visually compatible with the character of the surrounding area.

**H. The proposed development will conform with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.**

The proposed addition and remodel are consistent with the La Jolla Community Plan land use designation of low density residential (5-8 du/acre). The proposal also conforms with other community plan recommendations regarding visual resources and community character. The development is consistent with the development standards of the R1-8,000 Zone. This site is not identified by the Plan as having any existing visual access to the coast. Therefore, the proposed development conforms with the General Plan, the Local Coastal Program, and any other applicable adopted plans and programs.

**SENSITIVE COASTAL RESOURCE FINDINGS:**

**A. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive coastal resources and environmentally sensitive areas.**

The western portion of the site contains a coastal bluff. The proposed development, to remodel an existing 6,000 square-foot single-family residence and construct a 3,730 square-foot addition, will be located on the eastern portion (street-side) of the site, 25 feet back from the edge of the coastal bluff. The proposed development is sited so that it would not encroach into any sensitive slopes or sensitive biological resource areas. All drainage is directed into a private storm drain system from which it is pumped back to the public right-of-way. Therefore, the proposed development will not result in impacts to sensitive coastal resources or environmentally sensitive areas.

**B. The proposed development will not encroach upon any existing physical 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.**

The proposed development is not located near any existing physical accessway legally utilized by the public nor any proposed public accessway identified by the adopted La Jolla Community Plan and La Jolla-La Jolla Shores Local Coastal Program. Neither the project site, nor Camino de la Costa fronting the project site, is identified in the adopted La Jolla Community Plan and La Jolla-La Jolla Shores Local Coastal Program as a Public Vantage Point. Additionally, the project site is not identified by the La Jolla Community Plan and La Jolla-La Jolla Shores Local Coastal Program as having any existing visual access to the coast. All proposed development will be contained within the existing disturbed portion of the site. Therefore, 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 LCP Land Use Plan; nor will it obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

**C. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. Shoreline protective works will be designed to be the minimum necessary to adequately protect existing principal structure, to reduce beach consumption and to minimize shoreline encroachment.**

The proposed development will be setback 25 feet from the coastal bluff edge and the development is designed to drain away from the coastal bluff edge. Project development would occur on the eastern (street-side) portion of the site, which is currently developed, with no grading being proposed as a part of this project. All drainage is directed into a private storm drain system from which it is pumped back to the public right-of-way. Therefore, shoreline protective works will be designed to be the minimum necessary to adequately protect the existing principal structure, to reduce the beach consumption, and to minimize shoreline encroachment.

**D. The proposed development will not adversely affect the General Plan, the Local Coastal Program, or any other applicable adopted plans and programs.**

The proposed addition and remodel are consistent with the La Jolla Community Plan land use designation of low density residential (5-8 du/acre). The proposal also conforms with other community plan recommendations regarding visual resources and community character. The development is consistent with the development standards of the R1-8,000 Zone. This site is not identified by the Plan as having any existing visual access to the coast. Therefore, the proposed development will not adversely affect the General Plan, the Local Coastal Program, or any other applicable adopted plans and programs.

**E. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces and/or flood and fire hazards.**

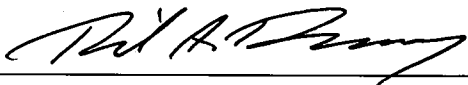
There is no grading associated with the proposed development. All drainage on the site is directed into a private storm drain system from which it is pumped back to the public right-of-way. A Geologic Reconnaissance was conducted and a report prepared for the site to identify and assess the geologic conditions at the site. The report found that the proposed remodel and addition would not create a significant impact and no mitigation is required. All drainage is directed into a private storm drain system from which it is pumped back to the public right-of-way. The project site is adjacent to the coastal bluff edge, approximately 60 feet above the beach below, so hazards from flooding would be very remote. Therefore, 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 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 Joan D. Glatthorn, et al., is overruled, and Coastal Development Permit/Sensitive Coastal Resource Permit No. 98-0375 is hereby

granted to John R. Miller, Owner, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

RAD:lc  
10/27/98  
Or.Dept:Clerk  
R-99-502  
Form=permitr.frm  
Reviewed by Dan Stricker

**RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT/SENSITIVE COASTAL RESOURCE  
PERMIT NO. 98-0375  
MILLER RESIDENCE  
CITY COUNCIL**

This Coastal Development/Sensitive Coastal Resource Permit is granted by the Council of The City of San Diego to John R. Miller, Owner and Permittee, pursuant to Sections 105.0202 and 101.0480 of the Municipal Code of the City of San Diego. The 0.68 acre site is located at 6292 Camino de la Costa in the R1-8,000 Zone of the La Jolla Community Plan. The project site is legally described as Lot 12 in Block 1 of Hermosa Terrace, Map No. 2353.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to remodel an existing 6,000 square-foot single-family residence and construct a 3,730 square-foot addition, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated October 20, 1998, on file in the Office of Development Services. The facility shall include:

- a. The remodel of an existing 6,000 square-foot single-family residence and the construction of a 3,730 square-foot addition;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to Development Services; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

3. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. Issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

5. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

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

7. Before issuance of any building or grading permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated October 20, 1998, on file in the Office of Development Services. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.



8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the 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.

9. This Coastal Development/Sensitive Coastal Resource Permit shall become effective on the eleventh working day following receipt by the Coastal Commission of the Notice of Final Action, following all appeals.

10. Title Restrictions. Prior to the commencement of any work or activity authorized by this permit, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement, in a form and content acceptable to the Development Services Director, or designated representative which shall provide: a) that the applicant understands that no new accessory structures and landscape features customary and incidental to residential uses shall be developed within five feet of the Bluff Top (as illustrated on approved plan Exhibit "A," dated October 20, 1998, on file in the Office of Development Services) or on the face of the Bluff; b) that the applicant understands that the site may be subject to extraordinary hazard from coastal bluff erosion and the applicant assumes the liability from such hazards; and c) the applicant unconditionally waives any claim of liability against The City of San Diego and agrees to defend, indemnify and hold harmless The City of San Diego and its advisors relative to The City of San Diego's approval of the project and for any damage due to natural hazards. This Notice of Hazardous Conditions-Indemnification and Hold Harmless Agreement shall be recorded against the title to the property and shall run with the land, binding upon all successor and assigns.

11. All drainage from the improvement of the site shall be directed away from any bluff and either into an existing or newly improved public storm drain system or onto a street developed with a gutter system or right of way designated to carry surface drainage run-off in accordance with the approved preliminary drainage plan Exhibit "A," dated October 20, 1998, on file in the Office of Development Services. All surface drainage from the unimproved area of the site shall be appropriately collected or conveyed and discharged in order to effectively reduce, control or mitigate any identified erosion problem in an appropriate manner.

**ENGINEERING REQUIREMENTS:**

12. Prior to building occupancy, the applicant shall conform to the San Diego Municipal Code Section discussing, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

13. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Removal Agreement, from the City Engineer, for existing landscaping in Camino de la Costa.

**PLANNING/DESIGN REQUIREMENTS:**

14. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

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

16. A topographical survey conforming to the provisions of the San Diego Municipal Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

17. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

**LANDSCAPE REQUIREMENTS:**

18. Prior to issuance of any building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated October 20, 1998, on file in the Office of Development Services. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

19. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

20. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner, shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual. Temporary irrigation systems shall be removed within 25 months from the issuance of the building permit.

21. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the Council of The City of San Diego on October 20, 1998, by Resolution No. R-290893.

10/27/98

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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.

**JOHN R. MILLER**  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

10/27/98

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