

RESOLUTION NUMBER R- 301418

DATE OF FINAL PASSAGE MAY 2, 2006

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

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

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

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

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

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

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

1. Findings for all Coastal Development Permits:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Findings for all Site Development Permits:

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

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

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

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

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

2. Supplemental Findings--Environmentally Sensitive Lands

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

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

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

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

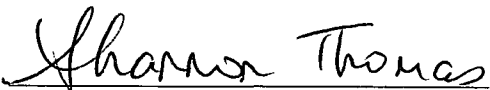
d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The development of the 13,452 square-foot, vacant RS-1-7 zoned lot at 1620 Torrey Pines Road, is not identified as being within the City of San Diego's Multiple Species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

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

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

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

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08/07/06 COR.COPY
08/09/06 COR.COPY.1
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R-2006-726
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Permit Resolution 09-20-05.doc

Passed by the Council of The City of San Diego on MAY 02 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 02 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By *Jerry Sanders*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-301418