

DATE ISSUED: October 1, 2001

REPORT NO. 01-206

ATTENTION: Honorable Mayor and City Council
Docket of October 9, 2001

SUBJECT: Farshin Samimi Residence, Coastal Development Permit(CDP)/Hillside Review Permit (HRP) No. 99-1360. Council District 1, Process 3

REFERENCE: Report to the Planning Commission No. P-01-097

OWNER/
APPLICANT: Farschin Samimi and Kian Samimi

SUMMARY

Issue - Should the City Council approve or deny the appeal of the Planning Commission's decision to approve a Coastal Development/Hillside Review Permit for the construction of a 3,219 square foot, two-story residence above a 1,059 square foot finished basement with an attached two-car garage on a 0.22 acre vacant lot located at 7666 Hillside Drive?

Manager's Recommendation -

1. **DENY** the appeal. Uphold the Planning Commission's decision which results in an approval of the project.
2. **CERTIFY** Mitigated Negative Declaration No. 99-1360.
3. **ADOPT** Mitigation, Monitoring and Reporting Program No. 99-1360.
4. **APPROVE** CDP/HRP No. 99-1360, subject to conditions (Attachment 5).

Planning Commission Action - The Planning Commission denied the appeal of the Hearing Officer's April 4, 2001 decision and approved the project, with a revision to condition no.18 (see Background information below), by a vote 5-0 (Commissioners Anderson and Brown not present).

Community Planning Group Recommendation - The La Jolla Community Planning Association voted 7-0-1 to recommend approval of the project on February 2, 2001 (Attachment 12).

Environmental Impact - Mitigated Negative Declaration No. 99-1360 has been prepared for this project in accordance with State CEQA guidelines. A Mitigation, Monitoring and Reporting Program has been prepared which contains mitigation that would reduce the potential for impacts to Historical Resources to a level below significance by archeological monitoring.

Fiscal Impact - The cost of processing this project is paid for by the applicant.

Code Enforcement Impact - None with this action.

Housing Affordability Impact - None with this action. The proposed project is exempt from Council Policy 600-03.

BACKGROUND

Project Description:

The Farshin Samimi Residence project proposes to construct a 3,219 square foot, two-story residence above a 1,059 square foot finished basement with an attached two-car garage on a vacant 0.22 acre vacant lot. The project site, located at 7666 Hillside Drive, lies within the R1-8000, Coastal Overlay (Nonappealable Area 1), Hillside Review Overlay and the Proposition "D" 30-foot Coastal Height Limit zones of the La Jolla Community Plan area. The project is required to obtain a Coastal Development Permit (SDMC Section 111.1202) for the construction of the proposed single family residence on the existing vacant lot and is located in the Hillside Review Overlay Zone and requires a Hillside Review Permit (SDMC Section 101.0454).

The La Jolla Community Plan designates this site for single-family (0-4 du/ac) residential development. Surrounding land uses include single-family development and open space.

On April 4, 2001, the Hearing Officer approved the Farshin Samimi Residence project. The Hearing Officer determined that findings could be made that the proposed development was in conformance with the Coastal and Hillside Review Overlay zones and the design was sensitive to the hillside and conformed with the Hillside Development Guidelines. Testimony at the hearing included a neighbor, who expressed concerns about conformance and potential impacts to the access road. Additional testimony was given by Joanne Pearson, representing the La Jolla Town Council, with concerns about the change in the amount of impact to the site based on the applicant's consultants findings of non-natural slopes on site, and therefore a reduced impact area into sensitive slopes. Ms. Pearson also submitted a letter from the La Jolla Town Council outlining these issues (Attachment 6).

On June 7, 2001, the Planning Commission denied the appeal of the Hearing Officer's decision and approved the proposed project. Although the testimony by the appellant included concern over staff's interpretation of natural slopes, the majority of the discussion centered on the widening of Hillside Drive adjacent to the subject property and condition no. 18 which was revised to:

Prior to the issuance of any building permits, the applicant shall assure by permit and bond, widening of Hillside Drive with enough pavement, and curb and gutter, along the property frontage, addressing public health and safety, and drainage issues, while maintaining the rural character of the neighborhood, satisfactory to the City Engineer.

PERMIT HISTORY

On September 14, 1984, the Planning Director approved HRP No. 84-0535 on the subject property. This permit allowed grading (700 cu. yds. of cut, and 170 cu. yds. of fill - 530 cu. yds. being exported) associated with the development of a two-story, 4,700 sq. ft., single-family residence. The development included vehicular access via a driveway across adjacent Parcels 2 and 3, a lap pool, and associated retaining walls. HRP No. 84-0535 was never utilized and therefore expired. The California Coastal Commission also issued a Coastal Development Permit for the project, Permit No.6-84-612.

On July 1, 1998, the Hearing Officer denied the Dowlatshahi Residence, CDP/HRP/VAR No. 96-0585. The application proposed to construct a 5,859 sq. ft. multi-level residence with retaining walls and vehicular access via the recorded access easement which included a Variance for a 35% encroachment into slopes 25% gradient or greater where 20% is permitted. On October 15, 1998, the applicant's appeal was heard by the Planning Commission, who denied the appeal of the Hearing Officer's decision and denied the project. The project was denied due to the size of the structure in relation to the size of the lot and the excess encroachment over the permitted amount. The former project resolution has been provided as an attachment for review (Attachment 11).

DISCUSSION OF ISSUES

The subject property is a portion of a 71 lot subdivision approved in 1912. In 1978, a lot line adjustment among four of these R1-8000 Zoned lots (Lots 63, 64, 65 and 66), resulted in their current configuration as Parcels 1 through 4 (Parcel Map 7723). The vacant 9,586 sq. ft. site (Parcel 4), slopes steeply upward from an elevation of 284 feet at Hillside Drive, southward a distance of approximately 169 feet, to an elevation of 348 feet at the southerly property line, a difference of approximately 64 feet.

The site is located on the northwest facing slope of Mount Soledad, overlooking La Jolla Shores. Ninety-one percent (91%) of the property contains slopes which exceed a 25 percent gradient, and is zoned Hillside Review Overlay. Fifty-four percent (54%) of the site retains natural 25 percent or greater slopes. The project proposes to grade 40% of the site, with 940 cubic yards of cut and 120 cubic yards of fill. The project site will contain retaining walls with a maximum height of 8 feet. A geotechnical report has been reviewed and approved by the City Engineering staff.

The site has frontage on Hillside Drive from which vehicular access is provided. Due to topographic constraints, the property is too steep to afford direct access to required off-street parking. Access would be provided to the site via a recorded easement across Parcels 2 and 3, located immediately adjacent to the east.

The proposed project is a 3,219 square foot, two-story single family residence above a 1,059 square foot finished basement with an attached two-car garage. The proposed home would be partially embedded into the hillside with a three-story appearance from the street. The remainder of the lot would be partially landscaped with a large area to remain in it's natural state through recorded open space easements.

The proposed home is a contemporary style with a flat roof and stucco finish. The project is located in a residential neighborhood composed of homes with a variety of designs of similar size and scale to the proposed home. The existing homes in the immediate vicinity are large custom designed homes on lots in excess of 8,000 square feet.

The principal difference between this project and the project denied in 1998, is that the applicant

hired a soils testing engineering firm to do a complete Geologic Reconnaissance with borings to determine the extent of fill slopes on the site. The outcome of the testing proved that the natural slopes were significantly less than originally thought and therefore the project has a significantly lower level of encroachment into natural 25 percent or greater gradient slopes.

As identified with Mitigated Negative Declaration 99-1360, the entire site is covered by Diegan Coastal Sage Scrub. The project would impact .0979 acres, below the level of significance and no mitigation is required. In addition, approximately 3,000 square feet of the lot is located within the City's Multiple Species Conservation Program, Multi-Habitat Planning Area (MSCP/MHPA). The project is consistent with the City's Multiple Species Conservation Program Subarea Plan.

The project site also may contain significant archeological resources. Although a portion of the site is considered disturbed, any remaining prehistorical/historical resources are considered potentially significant and monitoring is required.

APPEAL TO THE PLANNING COMMISSION

On June 7, 2001, The Planning Commission heard the appeal of the project by Joanne Pearson, representing the La Jolla Town Council (Attachment 7). The concerns raised by Ms. Pearson in her appeal are discussed in detail in Attachment 8. In summary, her concerns were related to :

- Incorrect finding used for Brush Management
- Use of the term "natural " slopes
- Encroachment analysis for Hillside Review
- Coastal Zone Sensitive Slope classification
- Need to preserve sensitive slopes as open space
- Illegal clearing and grubbing on site
- Failure to analyze items in the MND
- Application of regulations not certified by the Coastal Commission

Staff analyzed and addressed Ms. Pearson's concerns in Attachment 8.

APPEAL TO THE CITY COUNCIL

On June 20, 2001, the La Jolla Town Council appealed the Planning Commission's approval of the project with the same or similar concerns as addressed prior in Attachment 8.

On July 24, 2001, the City Council continued the request for extraordinary appeal hearing for City staff to meet with California Coastal Commission staff regarding Map C-720 and the City's determination of sensitive slopes. The joint meeting took place on September 5, 2001, with no agreement being reached regarding the difference in interpretation (Attachment 19).

Coastal Commission staff asserts that a Local Coastal Program Amendment would be required if slopes of twenty-five percent or greater gradient identified in Map C-720 as sensitive, are later determined to be not natural or sensitive by a site specific study, and therefore developed in accordance with encroachment limits provided in the Hillside Review Overlay Zone. City staff asserts that Map C-720 is an indicator which requires the site specific study, after which the encroachment limits apply to the sensitive slopes identified, as outlined in the Hillside Review Overlay Zone regulations. Staff further believes that a Local Coastal Program Amendment is only required if portions of a property are taken out of Map C-720. The proposed project site lies entirely within Map C-720, however site specific studies have determined there are sensitive slopes both at the front and rear of the property. Staff asserts that the encroachment limits pertain to these sensitive areas and that the current interpretation by the Coastal Commission

staff would not protect actual resources.

Staff analysis continues to support the findings for approval of the project.

It should be noted that the project can not be appealed to the California Coastal Commission.

ALTERNATIVES

1. DENY the appeal and APPROVE Coastal Development Permit/Hillside Review Permit No. 99-1360 with modifications.
2. APPROVE the appeal and DENY Coastal Development Permit/Hillside Review Permit No. 99-1360.

Respectfully submitted,

Tina P. Christiansen, AIA
Development Services Director

Approved: George I. Loveland
Assistant City Manager

CHRISTIANSEN:JT

The attachments are not available in electronic format. A copy is available for review in the Office of the City clerk.

- Attachments:
1. Project Location Map(s)
 2. Project Data
 3. Project Site Plans approved under Process 3
 4. Revised Project Site Plan with correct centerline of Hillside Drive
 5. Draft Permit Conditions and Findings
 6. Letter from Joanne Pearson dated April 4, 2001
 7. Appeal to the Planning Commission
 8. Summary of Appeal and Staff Response
 9. Fire Inspection Worksheet
 10. Stop Work Notice
 11. Prior Denied Permit CDP/HRP/VAR 96-0585
 12. Community Planning Group Recommendation
 13. Ownership Disclosure Statement
 14. Project Review Timeline
 15. Appeal to the City Council
 16. Letter from California Coastal Commission dated July 23, 2001.
 17. Letter from Rebecca Michael dated September 6, 2001
 18. Letter from Bejan Arfaa dated September 7, 2001
 19. Letter from California Coastal Commission dated September 14, 2001
 20. Traffic Generation Analysis