

DATE ISSUED: September 15, 2004 REPORT NO. 04-205

ATTENTION: Honorable Mayor and City Council
Docket of September 21, 2004

SUBJECT: HILLSIDE DRIVE RESIDENCE, COASTAL DEVELOPMENT PERMIT
AND HILLSIDE REVIEW PERMIT, PROJECT NO. 37375. COUNCIL
DISTRICT 1, PROCESS 3 (UNDER OLD CODE)

REFERENCE: Cover Memo to City Council dated June 23, 1999, Appeal of Hillside
Residence CDP/HRP 96-7549, (Attachment 9) City Council Agenda of June
29, 1999. On that date, the City Council conducted a public hearing, and the
appeal was continued in part, and denied in part as follows (1) CDP/HRP
No. 96-7549 was approved for the construction of an interim access
road/driveway to allow further geotechnical testing under the terms and
conditions of the permit; and (2) the action of the appeal was continued as it
relates to the balance of the project until staff returns with a full
geotechnical analysis and recommendation. The applicant has completed
the requested information, and is returning to the City Council for their
review and decision on this matter.

OWNER/
APPLICANT: Matthew C. DiNofia, Managing Partner of La Jolla Development Group
LLC

SUMMARY

Issues – Should the City Council deny the balance of the appeal and approve the
remaining balance of an application for a Coastal Development Permit and Hillside
Review Permit, which proposes to construct a three-story, 9,840 square-foot, single
family residence on a vacant 3.8 acre property?

Staff's Recommendation:

1. STATE for the Record that the final Mitigated Negative Declaration No. 96-7549, has been reviewed and considered prior to approving the project; and
2. DENY the balance of the appeal and APPROVE Coastal Development Permit No. 125782 and Hillside Review Permit No. 125783.

Planning Commission Recommendation – On April 8, 1999, the Planning Commission denied an appeal and approved the subject project by a vote of 6 to 0, with one additional condition. A condition requiring the applicant to enter into a Hold Harmless Agreement with the City was added to the permit due to potential geologic hazards of the site.

Community Planning Group Recommendation – The La Jolla Community Planning Association voted 10-0-0 (Attachment 11) to recommend approval of the proposed project at their meeting of July 10, 1997.

Other Recommendations – On February 17, 1999, the Hearing Officer approved the proposed project at a public hearing.

Environmental Review - The City of San Diego as Lead Agency under CEQA has reviewed and considered a Mitigated Negative Declaration, LDR File No. 96-7549, dated January 23, 1999, covering this activity. Adopted June 29, 1999, by Resolution No. R-291885.

Fiscal Impact – All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact – None with this action.

Housing Impact Statement – None with this action.

Water Quality Impact Statement – This project was applied for and reviewed prior to the City of San Diego Storm Water Standards regulations effective December 2002. However, the drainage for the developed area was designed to collect and direct drainage internal to the developed area and carry it off-site through a drain pipe system.

BACKGROUND

The project site is a vacant 3.8 acre, flag shaped, single family lot, located at 7674 Hillside Drive (Attachment 1 & 3). The subject property has developed lots to the north and east with an established residential neighborhood of large custom homes, with vacant open space and park land to the south and west. The project site contains steep slopes with sensitive vegetation over approximately 98 percent of the property. The project site is also constrained with a geologic hazard, an ancient landslide underlies the site, a ravine traverses the site carrying the natural drainage and heavy brush dominates a majority of the property that is a potential fire hazard. The site is currently zoned RS-1-8 for the main portion of the lot and RS-1-12 for the narrow access

portion. However, at the time the project was deemed complete and reviewed the property was zoned R1-40,000, (Attachment 13) for the main portion, and R1-8,000 for the narrow access portion, with Hillside Review Overlay Zone over the entire property. The project site is located within the Multi-Habitat Planning Area (MHPA) boundaries of the City of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan. The La Jolla Community Plan designates the site for Open Space and Parks land use, which allows for low density residential development, in conformance with the R1-40,000 Zone development regulations.

The subject lot was created through a Tentative Map, TM 75-119 and related Final Map that was recorded on January 24, 1978. The history of the Tentative Map approval was fairly lengthy and controversial. On November 6, 1979, the City Council approved a Hillside Review Permit, HRP No. 126, which created a conceptual access plan for the lots involved with the Tentative Map. This permit approved a common driveway design to serve the four lot subdivision. The first segment of the driveway has been constructed as part of a previously approved Coastal Development/Hillside Review Permit No. 95-0312, known as the Gellens Residence.

On February 17, 1999, this proposed project was approved by the Hearing Officer at a public hearing.

The Hearing Officer's decision was appealed to the Planning Commission. On April 8, 1999, the Planning Commission of the City of San Diego considered CDP/HRP Permit No. 96-7549, and voted to approve the project by a vote of 6 to 0. The Commission added a condition that requires the applicant to enter into a Hold Harmless agreement with the City, due to the site's geologic hazards. The decision of the Planning Commission was appealed to the City Council.

On June 29, 1999, the City Council conducted a public hearing, and the appeal was continued in part, and denied in part as follows (1) CDP/HRP No. 96-7549 (Attachment 10) was approved for the construction of an interim access road/driveway to allow further geotechnical testing under the terms and conditions of the permit; and (2) the action of the appeal was continued as it relates to the balance of the project until staff returns with a full geotechnical analysis and recommendation. The applicant has completed the requested information, and has returned to the City Council for their review and decision on this matter.

DISCUSSION

Project Description

This project proposes a three-story, 9,840 square-foot single family residence (Attachment 5 & 6) with an attached garage and patio/pool all designed to comply with the R1-40,000 Zone development regulations (Attachment 13). The proposed structure utilizes an embedded design which fits the structure into the natural topography and minimizes the amount of grading outside the building footprint consistent with the recommended design methods from the Hillside Review Design Guidelines. The constraints of the property were analyzed through a slope analysis along with information regarding the geologic hazards, fire hazards, and sensitive biological resources were plotted on the project site. The proposed location of the residence was determined to be the most developable portion of the property, based on all the analyzed

constraints. Access to the site will be provided by a 16 foot wide shared driveway, in conformance with the previously approved HRP No. 126. The proposed driveway has been approved by the City's Fire and Engineering Sections of Development Services, subject to the permit conditions.

Appeal Issues

The past appeal to City Council (Attachment 9) focused primarily on issues concerning the geologic hazards of the site, adequacy of the submitted and reviewed Geologic Report, and public health and safety for down slope property owners related to the geologic hazards. At the City Council hearing of June 29, 1999, the concluding discussion by City Council Members centered on the adequacy of the geologic information in the submitted report. This report was prepared using geologic data and specific test information from adjacent properties as best as could be obtained, however, due to the subject property's steepness and coverage with sensitive vegetation, site specific test information was not available at that time and test could not be conducted.

Recent Geologic Study

Since the 1999 City Council hearing, the property was sold, and the new property owner/applicant hired Terra Costa Consulting Group Inc. to conducted site specific geologic testing and to prepare a comprehensive Geologic Report. That report was reviewed, and was found to be adequate by the City Geologist. The report indicates that the ancient landslide has likely not moved in the last 10,000 to 14,000 years. As a result, the existing factor of safety of this landslide likely ranges from 1.2 to 1.3. The proposed improvements will further increase the stability of the landslide and, in all cases, increase the factor of safety against a failure passing beneath the proposed improvements to the City required minimum of 1.5.

CONCLUSION

Staff has reviewed the most recently submitted geologic study and found it to be adequate. The report is based on site specific information and test results, and confirms much about the property's geologic condition as was thought at the time of the City Council Hearing of June 29, 1999. As a result, from the study, no new design modifications to the project are needed or recommended. Staff recommends that the City Council deny the balance of the appeal and approve the remaining balance of the Coastal Development Permit and Hillside Review Permit.

ALTERNATIVE

1. Approve Coastal Development Permit No. 125782, and Hillside Review Permit No. 125783, with modifications.
2. Deny Coastal Development Permit No. 125782, and Hillside Review Permit No. 125783, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Gary Halbert, Acting
Development Services Director

Approved: George I. Loveland
Assistant City Manager

Development Services Department/GRG

Note: Attachments 1, 3-6, and 9-13 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

1. Aerial Photograph
2. [Community Plan Land Use Map](#)
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Project Plans
7. [Draft Permit with Conditions](#)
8. [Draft Resolution with Findings](#)
9. Copy of Past City Council Report
10. Copy of Recorded Permit
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Copy of Relevant Municipal Code Sections

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