



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: July 11, 2007 REPORT NO.: 07-118  
ATTENTION: Council President and City Council  
Docket of July 17, 2007  
SUBJECT: HILLSIDE DRIVE RESIDENCE – EASEMENT AGREEMENT:  
PROJECT NO. 87275. COUNCIL DISTRICT ONE. PROCESS 5.

REFERENCE: Hillside Drive Residence, Coastal Development Permit and Hillside Review Permit, Project No. 37375, Approved by City Council on November 3, 2005.

REQUESTED ACTION: Should the City Council approve an Easement Agreement for the installation of a Tie Back anchor system, with a portion of the Tiebacks located within adjacent dedicated City Park Land, for the foundation of a single-family residence?

STAFF RECOMMENDATION: APPROVE the Easement Agreement for the installation, maintenance and repair of the proposed Tieback anchor system associated with the development of the Hillside Drive Residence, Coastal Development Permit and Hillside Review Permit, Project No. 37375.

SUMMARY:

This is a request for approval of an Easement Agreement for the installation, maintenance and repair of a proposed tie back anchor system for the foundation of a single-family residence, with a portion of the tie back anchor system to be located within adjacent dedicated City Park Land. This single-family home was previously approved by City Council through Coastal Development Permit and Hillside Review Permit, Project No. 37375.

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.

Background:

The Coastal Development Permit and Hillside Review Permit, Project No. 37375, was approved on appeal by City Council on October 5, 2004, by Resolution No. 299734. The project has been in for review of the ministerial grading and building plans over the past year and a half, during which time it was discovered that the proposed tie-back system for the foundation crossed over into City Park Land. The applicant approached the Park and Recreation Department for a Right of Entry Permit, which was denied on the bases of a request for private use of dedicated park land (Council Policy 700-06 Encroachments on City Property). The proposed Easement Agreement was drafted to create an agreement

which would allow the applicant to encroach approximately 0.429 acres onto city dedicated park land and construct their tie-back foundation system. The subject tiebacks would be drilled in a manner so that no visual or functional aspect of the city's property would be disrupted. All of the entry holes for drilling for the tiebacks will occur or originate within the building footprint of the proposed house. Those tiebacks would be between 20-60 feet underground at the beginning of the encroachment on City land. The tiebacks would be undetectable above ground.

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 dedicated 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. 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 (the Zone of the property at the time the permit application was deemed complete) development regulations.

#### Project Description:

This project proposes a tie-back system, to retain an ancient landslide area, for a three-story, 9,840 square-foot single family residence with an attached garage and patio/pool, all designed to comply with the R1-40,000 Zone development regulations (Attachment 4). The proposed residential 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. The proposed location of the residence was determined to be the most developable portion of the property, based on all the analyzed constraints.

#### Community Plan Analysis:

The project application was submitted in 1997 and is subject to the 1975 La Jolla Community Plan (LJCP) and La Jolla – La Jolla Shores Local Coastal Program. The subject property is designated as Open Space and Parks land use, which allows for low density residential development, in conformance with the R1-40,000 Zone development regulations.

The proposed single-family home project conforms with the policies of the La Jolla Community Plan. The property is located outside of any Public Vantage Point identified in

the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed development in no way impacts public vantage points and the proposed project is consistent with the scale of adjacent development. The existing development in the area is varied in scale, character and contains predominately single-family residential uses. The project is therefore compatible with the surrounding neighborhood.

Environmental Analysis:

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.

Project-Related Issues:

At the time that the City Council approved Coastal Development Permit and Hillside Review Permit, Project No. 37375, the Geotechnical Report provided two different foundation options that would meet the geology requirements. It included both the proposed tieback system and a caisson system. Due to a substantial difference in cost, the applicant is requesting the use of the tie-back system over the caisson system. However, the Parks and Recreation Department of the City supports the caisson system in order to avoid any private encroachment onto City dedicated Park Land, which is also Pueblo Lands subject to Charter Section 219, and to avoid a precedence being set by allowing the encroachment. Over all City Staff supports the proposal based primarily on the City Geologist's belief that the proposed tie-back retaining system is considered a superior construction method and the belief that this system will offer some benefit to the City by stabilizing a portion of potentially unstable slope located on City property.

FISCAL CONSIDERATIONS: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: The Coastal Development Permit and Hillside Review Permit, Project No. 37375, was approved on appeal by City Council on October 5, 2004, by Resolution No. 299734.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: The La Jolla Community Planning Association voted 10-0-0 to recommend approval of the proposed project at their meeting of July 10, 1997.

KEY STAKEHOLDERS (& Projected Impacts if applicable):

Matthew C. DiNofia, Managing Partner of La Jolla Development Group LLC

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Marcela Escobar-Eck  
Director  
Development Services Department

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James T. Waring  
Deputy Chief of Land Use and  
Economic Development

ATTACHMENTS:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Site Plan
5. Easement Plot Plan
6. Project Cross Sections of Tiebacks
7. Draft Easement Agreement