



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: January 16, 2013 REPORT NO. HO 13-005

ATTENTION: Hearing Officer

SUBJECT: LEWIS RESIDENCE  
PTS PROJECT NUMBER - 262793

LOCATION: 1705 Valdes Drive

APPLICANT: Mr. Daniel Lewis, Owner (ATTACHMENT 9) / Mr. David Nevius, Terra  
Costa Consulting, Agent / Geology Consultant

### SUMMARY

Issue: Should the Hearing Officer approve a Variance Permit No. 925114 to construct a 12 foot high retaining wall within the front setback of an existing residence within the La Jolla Community Plan area?

Staff Recommendation – APPROVE Variance Permit No. 925114.

Community Planning Group Recommendation – The La Jolla Community Planning Association recommend approval of the project by a vote of 12-3-1, at their meeting of July 5, 2012 (ATTACHMENT 8). Their recommendation came with no conditions or additional comments.

Environmental Review: The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, 15303, as “New Construction or Conversion of Small Structures”. The exemption determination for this project was made on November 14, 2012, and the opportunity to appeal that determination ended on November 30, 2012.

### BACKGROUND

The project site is currently developed with an existing single-family, located toward the front half of the lot with a very steep uphill slope from the street rising upward approximately 50 feet in elevation towards the rear of the lot. The surrounding properties are fully developed and form a well established steep hillside single family residential neighborhood. The existing residence was built in 1980 with the aid of a variance, Variance Case No 16309, granted by the Zoning Administrator on October 12, 1979, to reduce the front setback to 5 feet for the structure where the minimum of 15 feet was required at that time. A majority of the other properties along

Valdes Drive were also developed with the aid of a variance to reduce the front setback to varying degrees due to the steep topography of this area. The project site is located at 1705 Valdes Drive, in the RS-1-5 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning Area. A Variance is being requested by the applicant for the proposed 12 foot high retaining wall located within the front setback area where a three foot maximum height is allowed, pursuant to the Land Development Code (Section 126.0802).

## DISCUSSION

The project proposes to construct a 12 foot high retaining wall within the front setback area on a property containing an existing residence with a two car garage and swimming pool on an 8,277 square-foot property. The proposed variance would allow a 12 foot high retaining wall where a maximum 3-foot height is allowed. The southern side Valdes Drive has a near vertical cut slope along much of the street frontage, which has experienced erosion, spilling, and sloughing over time, creating a debris pile that has encroached into the public right-of-way of Valdes Drive. Regular maintenance of the adjacent street is required to remove road cut material that has fallen into the street. The proposed 12 foot high retaining wall, which is a soil nail wall, is recommended by the geologic consultant to mitigate the existing slope erosion. In addition to the retaining wall, a "Tecco" mesh slope protection system will be installed above the wall, which will be hydroseeded with drought tolerant plant species and planted with vines and container plants along the top. During the project review with City staff, the applicant modified the project to conform to all of the development regulations of the RS-1-5 Zone, except for the proposed variance for wall height. Due to the existing steep topography of the property and the steep topography of the overall area, along with the ongoing erosion problems with the property, the related circumstances along the public right-of-way, City Staff determined that the proposed variance had merit and the required variance findings could be made in the affirmative.

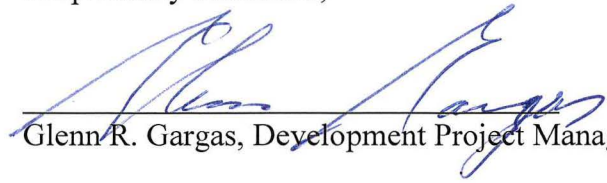
## CONCLUSION

Staff has reviewed the proposed Variance request and determined the project is in conformance with the RS-1-5 Zone development regulations, except for the proposed variance to wall height, the project is consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan. Staff has provided draft findings supporting the Variance approval (ATTACHMENT 6). Staff recommends the Hearing Officer approve the proposed Variance as proposed (ATTACHMENT 7).

## ALTERNATIVE

1. Approve Variance No. 925114, with modifications.
2. Deny Variance No. 925114, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Glenn R. Gargas, Development Project Manager

Attachments:

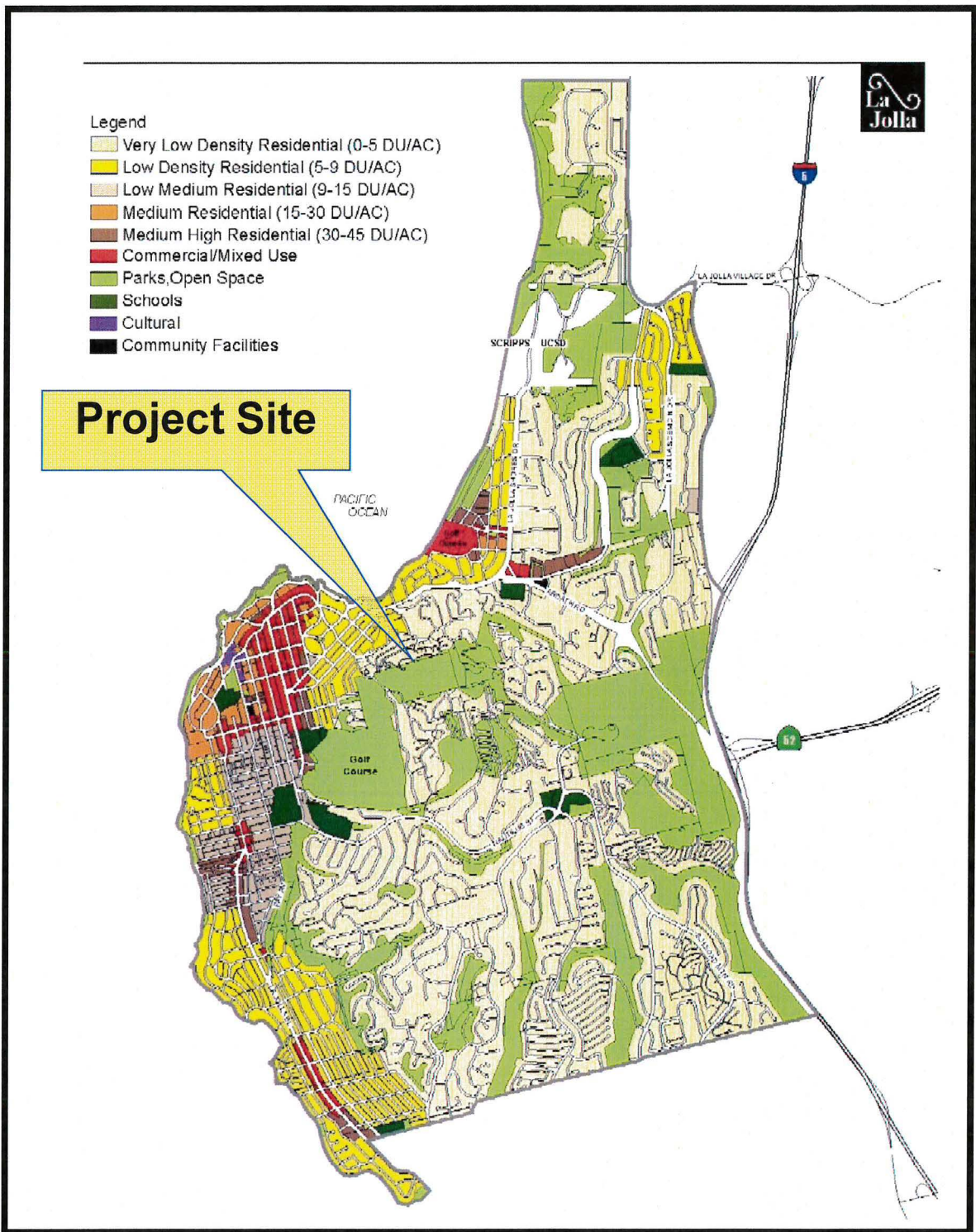
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan (Full set of plans to the Hearing Officer)
6. Draft Variance Resolution with Findings
7. Draft Variance Permit with Conditions
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Copy of Public Notice



## Aerial Photo

1705 VALDES DRIVE – LEWIS RESIDENCE  
PROJECT NUMBER 262793





## Land Use Map

1705 VALDES DRIVE – LEWIS RESIDENCE

PROJECT NUMBER 262793





## Project Location Map

1705 VALDES DRIVE – LEWIS RESIDENCE  
 PROJECT NUMBER 262793



## PROJECT DATA SHEET

<b>PROJECT NAME:</b>	Lewis Residence – Project No. 262793	
<b>PROJECT DESCRIPTION:</b>	Variance request to allow for a maximum 12-foot high retaining wall located within the front yard setback, where a maximum 3-foot wall height is allowed, for an existing single family residence on a 0.19-acre property.	
<b>COMMUNITY PLAN AREA:</b>	La Jolla	
<b>DISCRETIONARY ACTIONS:</b>	Variance	
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	Very Low Density Residential (0-5 DUs per acre)	
<b><u>ZONING INFORMATION:</u></b>		
<b>ZONE:</b> RS-1-5 Zone <b>HEIGHT LIMIT:</b> 30/24-Foot maximum height limit. <b>LOT SIZE:</b> 8,000 square-foot minimum lot size – existing lot approx. 8,277 sq. ft. or 0.19-acres. <b>FLOOR AREA RATIO:</b> 0.56 <b>FRONT SETBACK:</b> 20 feet <b>SIDE SETBACK:</b> 4 feet <b>STREETSIDE SETBACK:</b> 20 feet <b>REAR SETBACK:</b> 20 feet <b>PARKING:</b> 2 min. parking spaces required.		
<b><u>ADJACENT PROPERTIES:</u></b>	<b>LAND USE DESIGNATION &amp; ZONE</b>	<b>EXISTING LAND USE</b>
<b>NORTH:</b>	Very Low Density Residential; RS-1-5 Zone	Single Family Residence
<b>SOUTH:</b>	Parks & Open Space; OP-2-1 Zone	Vacant – Open Space Park
<b>EAST:</b>	Very Low Density Residential; RS-1-5 Zone	Single Family Residence
<b>WEST:</b>	Very Low Density Residential; RS-1-5 Zone	Single Family Residence
<b>DEVIATIONS OR</b>	As requested – 12 foot high retaining wall within the front	

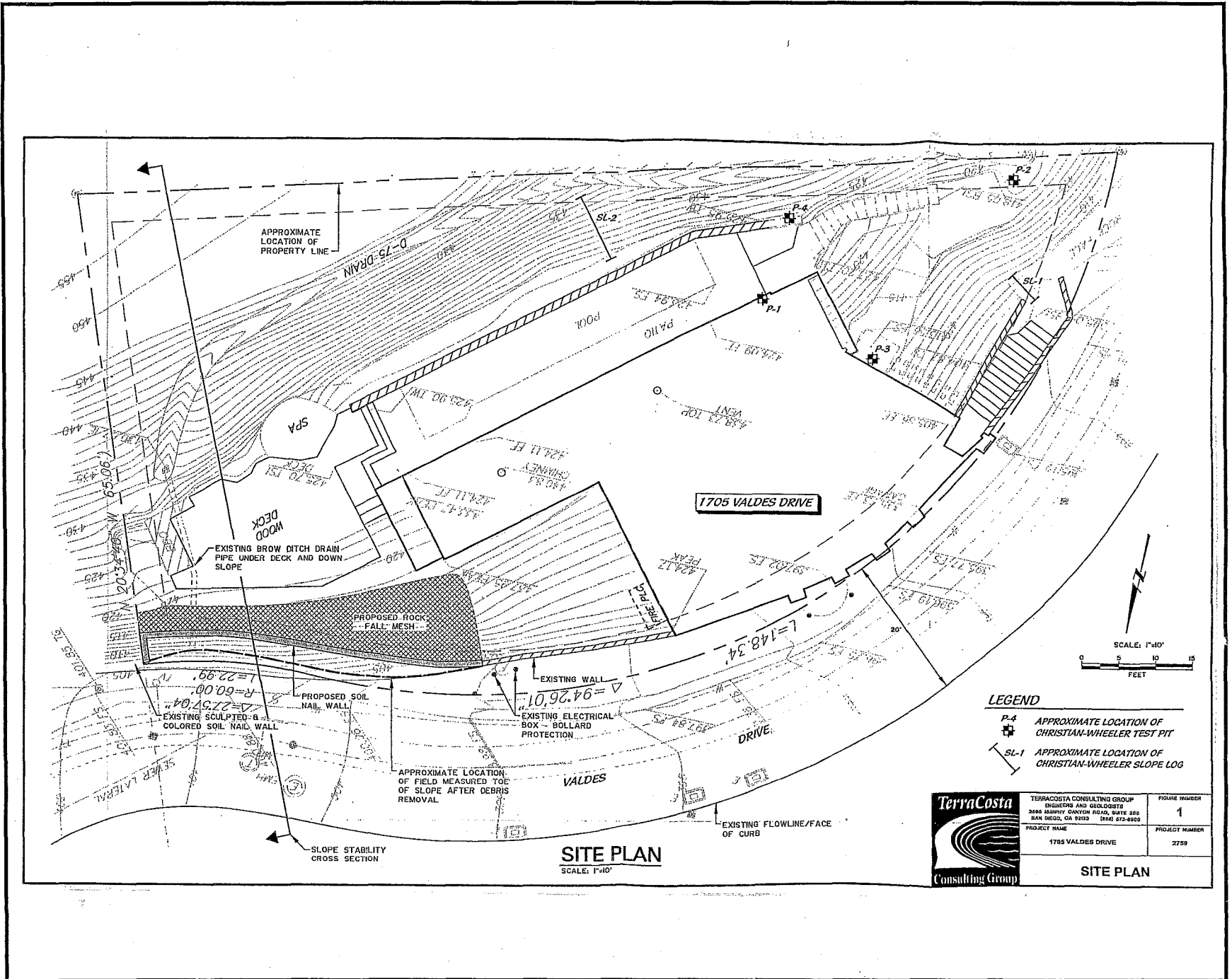
**ATTACHMENT 4**

<b>VARIANCES REQUESTED:</b>	setback area.
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	On July 5, 2012, the La Jolla Community Planning Association voted 12-3-1 to recommend approval of this project, stating that the findings can be made.





# SITE PLAN



- LEGEND**
- APPROXIMATE LOCATION OF CHRISTIAN-WHEELER TEST PIT
  - APPROXIMATE LOCATION OF CHRISTIAN-WHEELER SLOPE LOG

	TERRACOSTA CONSULTING GROUP ENGINEERS AND GEOLOGISTS 3885 HARBURY CANYON ROAD, SUITE 300 SAN DIEGO, CA 92123 (619) 573-6900	FIGURE NUMBER <b>1</b>
	PROJECT NAME 1705 VALDES DRIVE	PROJECT NUMBER 2759
<b>SITE PLAN</b>		

**SITE PLAN**  
SCALE: 1"=10'

**HEARING OFFICER RESOLUTION NO.  
VARIANCE NO. 925114  
LEWIS RESIDENCE - PROJECT NO. 262793**

WHEREAS, Daniel C. Lewis, Trustee of Daniel C. Lewis Trust, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a retaining wall up to 12 feet high within the front setback area (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 925114), on portions of a 0.19-acre property;

WHEREAS, the project site is located at 1705 Valdes Drive in the RS-1-5 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay and within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 19, Ludington Heights, Map No. 2023;

WHEREAS, on January 16, 2013, the Hearing Officer of the City of San Diego considered Variance No. 925114 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on November 14, 2012, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303, "New Construction" and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Hearing Officer of the City of San Diego as follows:

That the Hearing Officer adopts the following written Findings, dated January 16, 2013.

FINDINGS:

**Variance - Section 126.0805**

- 1. There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.**

The property is located on a narrow residential dead-end street that only serves the residents of Valdes Drive. The road is old and narrow, with grading for Valdes Drive some time before 1928, and does not meet existing City Street Standards for width. Subsequently, the constricted roadway impedes traffic to neighboring homes. The near-vertical cut slope has experienced erosion, spilling, and sloughing over the years, creating a talus pile that has encroached into the roadway easement for Valdes Drive, has impeded traffic, and created unsafe conditions .

A variance is being requested to construct a retaining wall up to 12 feet high within the front setback area. Due to the existing road cut, the proposed area of the variance is an existing nuisance

and periodic hazard. The near-vertical slope is adjacent to Valdes Drive, which is a very narrow street with limited off-street parking, and no sidewalks. The steep slope, because of its height and steepness, precludes reasonable use of the front yard and street frontage. The subject property contains an approximate 50 feet of rise in elevation of the existing topography from the front of the lot to the back of the lot. The steep slope periodically experiences surficial erosion resulting in the deposition of soil and plant material in the street, requiring substantial maintenance. This erosion threatens access for local traffic and emergency vehicles, as well as pedestrians, creating a safety risk. The conditions for which the variance is being requested are not a result of the property owner's development or use of the land but result from the original road design and the construction and natural steep topography of this hillside area.

**2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.**

The strict application of front yard setback and wall height requirements would deprive the applicant of reasonable use of the land. Currently, no safe parking for visitors exists on the property along the street frontage. The Land Development Code only allows for retaining walls of a maximum height of three feet within the front yard. The construction of a three-foot high wall would not adequately address the existing problem. The construction of terraced or stepped retaining walls would encroach into and threaten the stability of existing neighboring improvements on either side of the proposed wall, thereby preventing required sub-adjacent lateral support, as detailed in the Geotechnical Investigation Report prepared by Terra Costa Consulting Group, dated February 19, 2012. The proposed wall would be constructed to a height that is the minimum necessary to support the slope and to provide the minimum required factor of safety. As such, given the conditions of the original road design and the construction and natural steep topography of this hillside area, strict application of the regulations of the Land Development Code would deprive the applicant of the reasonable use of the land and the variance is the minimum variance that will permit the reasonable use of the land.

**3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.**

Allowing the variance for the proposed retaining wall (soil nail wall and erosion control system) will facilitate continued use of Valdes Drive by mitigating a hazard created by periodic erosion. The proposed wall alignment will enhance access for pedestrians as well as private vehicles, maintenance vehicles and emergency vehicles by providing a locally wider area to park vehicles outside the travel lane of the roadway. The proposed wall and erosion control system will improve public safety and welfare, as the existing bluff face currently does not have the benefit of structural support or erosion control. The granting of the variance will be in harmony with the purpose and intent of the regulations and will have no negative impact to the public health, safety, or welfare.

**4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan.**

The project as proposed would not adversely affect the land use plan as it is located in an area identified as very low density (0-5 DU/acre) residential in the La Jolla Community Plan and is consistent with that land use designation.

The design and exterior finish for the proposed retaining wall is aesthetically consistent with the existing residential development. Valdes Drive is a dead-end street, and is used only by street residents and their guests. Each home on Valdes Drive is unique in style, and reflects no consistent underlying theme, style or appearance, except that the lot improvements reflect the style of each individual home. There are a variety of surrounding structures and residences all with architectural features unique to those properties which have applied for and received variances to front, side, and rear yard setback requirements, due to this existing steep hillside topography.

The erosion control system above the proposed wall will facilitate landscaping, maintaining its existing character and land use and applicable regulations of the La Jolla Community Plan. Furthermore, the proposed project represents the minimum improvements necessary to effectively address the existing unsafe condition as well as allow reasonable use of the property. Finally, it should be noted that the proposed wall will not be visible from anywhere in La Jolla except on Valdes Drive immediately adjacent to the subject property.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Variance No. 925114 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 925114, a copy of which is attached hereto and made a part hereof.

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Glenn R. Gargas  
Development Project Manager  
Development Services

Adopted on: January 16, 2013

Internal Order No. 24002311

**RECORDING REQUESTED BY**  
 CITY OF SAN DIEGO  
 DEVELOPMENT SERVICES  
 PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002311

**VARIANCE NO. 925114**  
**LEWIS RESIDENCE - PROJECT NO. 262793**  
**HEARING OFFICER**

This Variance is granted by the Hearing Officer of the City of San Diego to Mr. Daniel C. Lewis, Trustee of Daniel C. Lewis Trust dated May, 29, 2001, Owner / Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0802. The approximate 0.19-acre site is located at 1705 Valdes Drive, in the RS-1-5 Zone, Coastal Overlay (non-appealable) Zone, Coastal Height Limitation Overlay and within the La Jolla Community Planning area. The project site is legally described as: Lot 19, Ludington Heights, Map No. 2023.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to construct a retaining wall within the front setback area of an existing single-family residence described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 16, 2013, on file in the Development Services Department.

The project shall include:

- a. Construction of a retaining wall up to 12 feet in height and approximately 47 feet in length within the front setback area of an existing single-family residence, intended to stabilize an eroding steep slope adjacent to a narrow road and to improve street access on an approximate 0.19-acre property;
- b. A variance to the height of a retaining wall, from the maximum allowed 3 feet within the front setback area to allow a proposed 12 foot high retaining wall;
- c. Existing and proposed Landscaping (planting, irrigation and landscape related improvements);

- d. Existing Off-street parking;
- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by January 31, 2016.
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 Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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 proposed 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.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

#### **ENGINEERING REQUIREMENTS:**

11. The project proposes to export 25 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2003 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

12. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
13. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
15. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
16. Prior to the issuance of any building permits, the Owner/Permittee shall construct a current City Standard G-5 Type D asphalt concrete dike along the south property line to a point five feet from the existing private electrical box protection bollard, adjacent to the site on Valdes Drive, satisfactory to the City Engineer.
17. Any party, on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within 90 days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code 66020.
18. The location of the retaining wall has been mitigated by the Owner/Permittee conditioned to construct a current City Standard G-5 Type D asphalt concrete dike along the south property line to a point five feet from the existing private electrical box protection bollard, adjacent to the site on Valdes Drive, satisfactory to the City Engineer.

**LANDSCAPE REQUIREMENTS:**

19. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit 'A' Landscape Development Plan.
20. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 square-foot area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.



21. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.
22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.
23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection.
24. Any required planting that dies within 3 years of installation shall be replaced within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.
25. Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation including hydro-seeding and irrigation shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance with Exhibit A (including Environmental conditions) on file in the Office of Development Service. The applicant shall provide the live seed germination percents in the Hydro-seed Mix.

**PLANNING/DESIGN REQUIREMENTS:**

26. Owner/Permittee shall maintain a minimum of two (2) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.
27. A topographical survey conforming to the provisions of the SDMC 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 regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
28. The Owner/Permittee shall maintain fences and retaining walls free from dilapidated or dangerous conditions.
29. The Owner/Permittee shall maintain fences and retaining walls in a graffiti-free condition.
30. Prior to the issuance of any construction permits, the Owner/Permittee shall execute a Notice of Hazardous Condition-Indemnification and Hold Harmless Agreement for Sensitive Coastal Bluffs in accordance with SDMC section 143.0143, in a form and content acceptable to

the Director of the Development Services Department, or designated representative, which shall provide: (a) that the Owner/Permittee understands that new accessory structures or landscape features customary and incidental to residential uses are prohibited within 5 feet of the Coastal Bluff Edge or on the face of the Bluff, as illustrated on approved plan Exhibit "A;" (b) that the Owner/Permittee understands that the site may be subject to extraordinary hazard from coastal bluff erosion, and the Owner/Permittee assumes all liability from such hazards; and (c) the Owner/Permittee 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 title to the property and shall run with the land, binding upon all successors and assigns.

31. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**GEOLOGY REQUIREMENT:**

32. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services prior to the issuance of any construction permit.

**INFORMATION ONLY:**

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on January 16, 2013, by Resolution No. \_\_\_\_\_.



P.O. BOX 889  
• LA JOLLA •  
CALIFORNIA 92038

**LA JOLLA COMMUNITY PLANNING ASSOCIATION**

P.O. Box 889 La Jolla CA 92038 Ph 858.456.7900

<http://www.LaJollaCPA.org> Email: [Info@LaJollaCPA.org](mailto:Info@LaJollaCPA.org)

**Regular Meeting – 05 July 2012**

**Attention:** Glenn Gargas, PM  
City of San Diego

**Project:** Lewis Residence  
1705 Valdes Drive  
PN: 262793

**Motion:** The findings for a Variance and Coastal  
Development Permit for an overheight wall in  
the front yard setback of an existing single  
family residence at 1705 Valdes Drive can be  
made.

**Vote:** 12-3-1

05 July 2012

**Submitted by:** Tony Crisafi, President  
La Jolla CPA

**Date**



City of San Diego  
 Development Services  
 1222 First Ave., MS-302  
 San Diego, CA 92101  
 (619) 446-5000

THE CITY OF SAN DIEGO

# Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment  Other \_\_\_\_\_

**Project Title** **Project No. For City Use Only**  
 Soil Nail Wall and Erosion Control 262793

**Project Address:**  
 1705 Valdes Drive, La Jolla

**Part I - To be completed when property is held by Individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached**  Yes  No

**Name of Individual (type or print):**  
 Daniel C. Lewis Trust 05-29-01  
 Owner  Tenant/Lessee  Redevelopment Agency  
**Street Address:**  
 1705 Valdes Drive  
**City/State/Zip:**  
 La Jolla, California 92037  
**Phone No:** 858-652-0224 **Fax No:**  
**Signature:** *Daniel C. Lewis* **Date:** 3/11/11

**Name of Individual (type or print):**  
 Owner  Tenant/Lessee  Redevelopment Agency  
**Street Address:**  
**City/State/Zip:**  
**Phone No:** **Fax No:**  
**Signature:** **Date:**

**Name of Individual (type or print):**  
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**Street Address:**  
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**Phone No:** **Fax No:**  
**Signature:** **Date:**

**Name of Individual (type or print):**  
 Owner  Tenant/Lessee  Redevelopment Agency  
**Street Address:**  
**City/State/Zip:**  
**Phone No:** **Fax No:**  
**Signature:** **Date:**



THE CITY OF SAN DIEGO

DATE OF NOTICE: (December 30, 2012)

# NOTICE OF PUBLIC HEARING

## HEARING OFFICER

DEVELOPMENT SERVICES DEPARTMENT

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DATE OF HEARING:	JANUARY 16, 2013
TIME OF HEARING:	8:30 A.M.
LOCATION OF HEARING:	Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California 92101
PROJECT TYPE:	VARIANCE, CEQA EXEMPTION, PROCESS 3
PROJECT NO:	<u>262793</u>
PROJECT NAME:	<u>LEWIS RESIDENCE</u>
APPLICANT:	David Nevius
COMMUNITY PLAN AREA:	La Jolla
COUNCIL DISTRICT:	District One
CITY PROJECT MANAGER:	Glenn Gargas, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5142 / ggargas@sandiego.gov

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As a property owner, tenant, or person who has requested notice, please be advised that the Hearing Officer will hold a public hearing to approve, conditionally approve, or deny an application for a **Variance request to allow for a maximum 12-foot high retaining wall located within the front yard setback, where a maximum 3-foot wall height is allowed, for an existing single family residence on a 0.19-acre property. The project site is located at 1705 Valdes Drive, in the RS-1-5 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Plan area.**

The decision of the Hearing Officer is final unless appealed to the Planning Commission. In order to appeal the decision you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Hearing Officer before the close of the public hearing. The appeal must be made within 10 working days of the Hearing Officer's decision. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services) or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101

The decision made by the Planning Commission is the final decision by the City.

This project was determined to be categorically exempt from the California Environmental Quality Act on November 14, 2012 and the opportunity to appeal that determination ended on November 30, 2012.

If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing. If you have any questions after reviewing this notice, you can call the City Project Manager listed above.

This information will be made available in alternative formats upon request. To request an agenda in alternative format or to request a sign language or oral interpreter for the meeting, call Support Services at (619) 321-3208 at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALD's) are also available for the meeting upon request.  
Internal Order Number: 24002311.

Revised 04/08/10 HRD