



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: December 2, 2024
TO: Duke Fernandez, Senior Planner, Development Services
FROM: Robin MacCartee, Development Project Manager, Development Services
SUBJECT: Department Correspondence

Please accept this Memo as notice of changes to the Permit and Resolution presented for Hearing Officer consideration on December 4, 2024.

The Permit and Resolution did not disclose that Coastal Development Permit No. PMT-3187194 was being amended from a previous CDP No. NO. 98-0005. The Staff Report is accurate in its description of previous entitlements, but the Permit and Resolution were not. The items have been updated for review.

Robin MacCartee
Development Project Manger

Attachments: 1. Permit
2. Resolution

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

INTERNAL ORDER NUMBER: 24009208

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3187194
SITE DEVELOPMENT PERMIT NO. PMT-3187195
(AMENDING COASTAL DEVELOPMENT PERMIT NO. 98-0005)
9860 LA JOLLA FARMS ROAD PROJECT NO. PRJ-1055647

This Coastal Development Permit No. PMT-3187194 (Amending Coastal Development Permit No. 98 0005), and Site Development Permit No. PMT-3187195 is granted by the Hearing Officer of the City of San Diego to David Gilbert and Jaime Melissa Gilbert, as Trustees of the Gilbert Family Trust dated July 30, 2008, and Amended on February 12, 2014, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0708, and section 126.0505 respectively. The 0.80-acre site is located at 9860 La Jolla Farms Road, also known as Assessor's Parcel Number 342-031-21-00, in the Residential Single-Unit (RS-1-2) zone, Coastal Overlay (Appealable) Zone, Coastal Overlay Zone First Public Roadway, Parking Impact Overlay Zone, Transit Priority Area, and Environmentally Sensitive Lands (Sensitive Biological Resources and Steep Hillsides), of the La Jolla Community Plan area. The project site is legally described as:

PARCEL 1 AS SHOWN ON PARCEL MAP NO. 16819, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED APRIL 3, 1992, AS FILE NO. 192-0192733 OF OFFICIAL RECORDS.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to amend the previously approved Coastal Development Permit (CDP) No. 98-0005 recorded with the San Diego County Recorder's Office on January 25, 1999, as Document No. 1999-0039076, and to demolish an existing pool to construct an Accessory Dwelling Unit (ADU), pool , and minor renovations to the existing single dwelling-unit as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 4, 2024, on file in the Development Services Department.

The project shall include:

- a. Amend the previously approved Coastal Development Permit (CDP) No. 98-0005 recorded with the San Diego County Recorder's Office on January 25, 1999, as Document No. 1999-0039076.

- b. Demolish existing pool, including pool deck and jacuzzi;
- c. Construct new, 712 square-foot (SF) ADU;
- d. Construct new pool, jacuzzi, wine cellar and hallway on southwest portion of site;
- e. Minor renovations to existing single dwelling unit, including the demolition of existing walls, new windows, and replacement of the existing stairwell; and
- f. 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 December 18, 2027.
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.
3. 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.
4. 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.
5. 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.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. 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.).
8. 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.
9. 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.
10. 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.

11. 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.

CLIMATE ACTION PLAN REQUIREMENTS:

12. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

13. 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 Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

14. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA), from the City Engineer, for the landscape/irrigation, mailbox, and non-standard driveway in La Jolla Farms Road right-of-way.

15. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

16. The Brush Management Program shall consist of a modified Zone One of 80 feet in width with no Zone Two required, extending out from the structure towards the native/naturalized vegetation, consistent with §142.0412, and utilizing alternative compliance measures set forth under §142.0412(i) for the expanded Zone One area.

17. Prior to issuance of any construction permit for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

18. Prior to issuance of any construction permit for building, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

19. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

20. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

21. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

22. 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.

23. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

24. Prior to the issuance of any building permits, if it is determined during the building permit review process the existing water and sewer service will not be adequate to serve the proposed project, the Owner/Permittee shall, assure by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

25. Prior to the issuance of any building permit Owner/Permittee shall install appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

26. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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.

ATTACHMENT 3

- 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 December 4, 2024, and HO- 24-055 .

COASTAL DEVELOPMENT PERMIT NO. PMT-3187194
SITE DEVELOPMENT PERMIT NO. PMT-3187195
Date of Approval: December 4, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Robin MacCartee
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**David Gilbert and Jaime Melissa Gilbert
Trustees of the Gilbert Family Trust**
Owner/Permittee

By _____
DAVID GILBERT
TRUSTEE

By _____
JAIME MELISSA GILBERT
TRUSTEE

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.

HEARING OFFICER RESOLUTION NO. HO- 24-055
COASTAL DEVELOPMENT PERMIT NO. PMT-3187194
SITE DEVELOPMENT PERMIT NO. PMT-3187195
(AMENDING COASTAL DEVELOPMENT PERMIT NO. 98-0005)
9860 LA JOLLA FARMS ROAD - PROJECT NO. PRJ-1055647

WHEREAS, David Gilbert and Jaime Melissa Gilbert, as Trustees of the Gilbert Family Trust dated July 30, 2008 and Amended on February 12, 2014, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing pool, including pool deck and jacuzzi, and construct a new, 712 square foot (SF) Accessory Dwelling Unit (ADU) under the existing pool deck, with a new pool and jacuzzi to be constructed on the southwest portion of the site. In addition, minor renovations to the existing single dwelling-unit will include a new wine cellar and hallway (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. PMT-3187194 (Amending Coastal Development Permit No. 98-0005), and PMT-3187195), on portions of a 0.8-acre site;

WHEREAS, the project site is located at 9860 La Jolla Farms Road, also known as Assessor's Parcel Number 342-031-21-00, in the Residential Single-Unit (RS) 1-2 zone, Coastal Overlay (Appealable) Zone, Coastal Overlay Zone First Public Roadway, Parking Impact Overlay Zone, Parking Standards Transit Priority Area, Transit Priority Area, and Environmentally Sensitive Lands (Sensitive Biological Resources & Steep Hillsides), of the La Jolla Community Plan area.;

WHEREAS, the project site is legally described as;
Parcel 1 as Shown on Parcel Map No. 16819, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed April 3, 1992, as File No. 192-0192733 of Official Records.

WHEREAS, on December 4, 2024, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. PMT-3187194 (Amending Coastal Development Permit No. 98-

0005), and Site Development Permit No. PMT-3187195 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on December 4, 2024, the Hearing Officer of the City of San Diego, considered the CEQA Guidelines Section 15162 consistency evaluation with the previously certified Pike Residence ND (92-0733) and the Addendum ND (98-0005);

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. PMT-3187194 (Amending Coastal Development Permit No. 98-0005), and Site Development Permit No. PMT-318719:

A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]

1. Findings for all Coastal Development Permits:

- a. The proposed coastal development will not encroach upon any existing physical accessway 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 proposed project is located at 9860 La Jolla Farms Road. La Jolla Farms Road is the first public roadway from the Pacific Ocean, which is located approximately 1,000 feet west of the project site. Coastal bluffs and steep hillsides surround the project site to the west, separating it from coastal beach below. Figure 6 (pg. 23) of the La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan) identifies the project site within Subarea A, which describes the location as having, "Public access to the coastal bluff and Scripps (La Jolla Farms Knoll) Natural Reserve is available through pedestrian trails and open space easements that are located along La Jolla Farms Road and Black Gold Road. Below the coastal bluffs, unrestricted public access is available along the beach area from Box Canyon to Sumner Canyon. Spectacular vistas of the ocean and shoreline can be seen from the pedestrian trails that lead down to the beach, to Box Canyon and to the Natural Reserve (pg. 25)." The project site is not located within any of the identified access points or public views within the Community Plan, specifically stated as:

Appendix G, Figure A of the Community Plan identifies the specific locations of each public access point within the vicinity of the project location.

- Torrey Pines City Park. A 12.39-acre portion of the park within the La Jolla Farms area contains the mouth of Box Canyon. Several trails feed into Box

Canyon, a unique, remote beach area, from public and private parcels on La Jolla Farms Road.

- Torrey Pines City Park is approximately 0.37 miles north of the project site. The trails leading down Box Canyon originate from Salk Institute Road (0.1 mile north) and La Jolla Farms Road, as stated. The trail entrance on La Jolla Farms Road is approximately 150 feet north of the project site and will not be affected by the proposed development.
- The northwestern-most lot of the La Jolla Farms subdivision provides the entrance of a beach access trail which winds through Box Canyon to the only portion of Torrey Pines Beach still within City ownership. The lot has been developed and some on street parking is available.
 - The beach access trail entrance is approximately 150 feet north of the project site and will not be affected by the proposed development.

The Community Plan notes that, "La Jolla is a community of significant visual resources (pg. 31)." Figure 9 of the Community Plan identifies several Public Vantage Points in the vicinity of the project site. The proposed project will enhance and protect the listed resources specifically stated as:

- View Cone - Figure 9 identifies one view cone within the vicinity of the project. Located approximately 0.83 mile south of the project site, the view cone is oriented north, south and west towards the Pacific Ocean. The view cone follows the lines of the Coastal Bluffs which orient north to south. With the project site located approximately 1000 feet east of the Pacific Ocean, the proposed development will not interfere with the view cone.
- View Corridor – The nearest view corridor designated in Figure 9 of the Community Plan is located approximately 1.47 miles south of the project site. The view corridor is defined as an unobstructed framed view down a public right-of-way. The public-right of-way is identified as El Paseo Grande after it turns east, orienting the framed view west towards the Pacific Ocean. This view is obstructed to the north and south. As such, the project site is not visible within the view corridor.
- Viewshed – Figure 6 defines a viewshed as being, "usually from high elevations looking down over large areas." There are two viewsheds within the project's vicinity. One viewshed to the north is identified as Torrey Pines City Park, and one viewshed to the south is identified as the Scripps Nature Reserve.
 - Torrey Pines City Park - Torrey Pines City Park is approximately 0.37 mile north of the project site. The viewsheds identified are oriented

from east to west towards the Pacific Ocean, including views towards the north and south as it pertains to following the coastal bluffs along the shoreline. The project site sits directly south of the viewsheds and approximately 1,000 feet east of the shoreline. As such, no viewshed would be interfered with from the proposed development.

- Scripps Nature Reserve - Scripps Nature Reserve is approximately 0.41 mile south of the project site. The viewsheds identified are oriented from east to west towards the Pacific Ocean, including views towards the north and south as it pertains to following the coastal bluffs along the shoreline. The project site sits directly south of the viewsheds and approximately 1,000 feet east of the shoreline. As such, no viewshed would be interfered with from the proposed development.
- Intermittent or Partial Vista – An intermittent or partial vista is identified along La Jolla Farms Road, immediately to the east of the project site. The vistas are maintained through openings in the existing residential developments. The orientation of the vistas is from east to west and north to south towards the Pacific Ocean. With the proposed development of a subterranean ADU under the existing pool deck and the addition of a pool on the southeast portion of the property, no existing site lines would be affected as no vertical development is being proposed. The proposed improvements to the existing building would be on the west side of the building which would be encompassed within the current building envelope and not interfere with any vistas oriented from east to west or north and south.
- Roads from which Coastal Body of Water Can Be Seen – The nearest road identified in the Community Plan (Figure 9) is La Jolla Shores Drive, where it meets Horizon way. This view is blocked by residential development to the north and primarily orients to the southwest. The project site is approximately .91 miles to the north of the road and would not interfere with any of the bodies of water which could be seen from La Jolla Shores Drive.

A second road which is identified in Figure 9 is where La Jolla Shores Drive meets La Jolla Shores Lane. This vista has a much more open perspective of the Pacific Ocean, with views to the west and south. Views to the north are blocked by steep hillsides and the University of California San Diego. The project site is approximately 0.96 mile to the north of the road and would not interfere with any of the bodies of water which could be seen.

- Scenic Overlook – A scenic outlook is defined as a view over private property from a public right-of-way. Figure 9 identifies a scenic outlook immediately to the north and east of the project site from La Jolla Farms Road, where it turns into Blackgold Road, looking west towards the Pacific Ocean. The scenic outlook provides intermittent views primarily through the established residential side yard setbacks separating the properties along the road. With

the proposed development of a subterranean ADU under the existing pool deck and the addition of a pool on the southwest portion of the property, no existing site lines would be affected as no vertical development is being proposed. The proposed improvements to the existing building would be on the west side of the building which would be encompassed within the current building envelope and not interfere with any side yard setbacks providing the east to west overlooks.

The proposed project located at 9860 La Jolla Farms Road complies with all the identified visual and access resources within the Community Plan. As such, the proposed coastal development will not encroach upon any existing physical accessway 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.

b. The proposed coastal development will not adversely affect environmentally sensitive lands.

The proposed project is located at 9860 La Jolla Farms Road. La Jolla Farms Road is the first public roadway from the Pacific Ocean, which is located approximately 1,000 feet west of the project site. Coastal bluffs and steep hillsides surround the project site to the west, separating it from coastal beach below. In addition, the site contains Diegan Coastal Sage Scrub, a sensitive biological resource. The entire site is located within the Multiple Species Conservation Program (MSCP), and the Coastal Overlay Zone which require compliance with Environmentally Sensitive Lands (ESL) regulations. The project site is also located within an area designated as ESL (Steep Hillside and Sensitive Biological Resources) and therefore ESL regulations are applicable.

The proposed development will occur within existing landscaped and hardscaped areas, which are currently maintained outside of identified ESL areas.

The proposed project has been designed to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines. No mitigation measures are required, and the Biological Resources Technical Report (BTR) determined that no direct permanent impacts to ESL resources (Diegan coastal sage scrub) would occur as a result of project implementation. In addition, any temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Guidelines Section 15310) to environmental resources within the region of the project site.

The project site was analyzed within the Pike Residence Negative Declaration (ND) No. 92-0733 dated October 11, 1993, and the Alleyne Residence ND Addendum No. 98-0005 dated October 15, 1998. A CEQA Guidelines Section 15162 consistency evaluation was conducted and determined the project would not require major revisions, result in new impacts or changed circumstances that would require a new environmental document consistent with the previously certified and adopted

environmental documents, and that none of the three criteria listed under CEQA Guidelines Section 15162 has occurred. The evaluation determined that the previously identified approved environmental document covers the action being proposed.

Therefore, the proposed 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 Community Plan identifies La Jolla as a Special Community of regional and state-wide importance. The Community Plan presents the coastal issues that have been identified for the community. Several of the referenced coastal issues are not applicable to the project site due to location, use or zoning, as noted below. The issues within the vicinity of the project site are:

- *Public Access to the Beaches and Coastline:* The project location is approximately 1,000 feet east of the Pacific Ocean in a built out residential neighborhood. The project site is not within any physical access points as identified in Appendix G, Figure A of the Community Plan (see Finding A(1)(a), incorporated here by reference). The project is located in the coastal Subarea A, with the nearest access point being at the northwestern-most lot of the La Jolla Farms subdivision which provides the entrance to a beach access trail which winds through Box Canyon to the only portion of Torrey Pines Beach still within City ownership. The lot has been developed and some on street parking is available. The beach access trail entrance is approximately 150 feet north of the project site and will not be affected by the proposed development.
- *Environmentally Sensitive Habitat Areas and Marine Resources:* The proposed project is located at 9860 La Jolla Farms Road. La Jolla Farms Road is the first public roadway from the Pacific Ocean, which is located approximately 1,000 feet west of the project site. There are no marine resources on or to be encroached upon by the proposed development.

The proposed project has been designed to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines. No mitigation measures are required, and the Biological Resources Technical Report (BTR) determined that no direct permanent impacts to ESL resources (Diegan coastal sage scrub) would occur as a result of project implementation. In addition, any temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Guidelines Section 15310) to environmental resources within the region of the project site.

- *Recreation and Visitor Serving Retail Areas:* The issue is not applicable as the closest recreation and visitor area is at Torrey Pines City Park, which is approximately 0.37 miles north of the project site.
- *Preservation or Conservation of Historic Resources:* The issue is not applicable as the closest historic resource is the G.H. Scripps Marine Biological Laboratory, which is approximately 1.4 mile south of the project site.
- *Provision of Parks and Recreation Areas:* The issue is not applicable as the project site is in residential zone and no parks or recreations areas are present.
- *Provision of Affordable Housing:* The issue is not applicable to the private residence.
- *Coastal Bluff, Hillside Development and Preservation:* The project site is located next to coastal bluffs and hillsides are prevalent in the project vicinity. The proposed development will not interfere or encroach on any coastal bluff or hillside. The project is designed to meet ESL regulations and will use existing roof drains and install additional floor drains that flow away from the bluffs towards the street drainage facilities to prevent bluff erosion.
- *Nonpoint Source Pollution in Urban Runoff:* All Best Management Practices and required regulations will be followed in regard to source pollution and urban runoff as required in the Building Permits.
- *Seismic Risk Areas:* Figure 5 of the Community Plan designates two fault lines, one north of the project and one south of the project, as well as unstable bluffs to the west of the project site. The project prepared a geotechnical investigation for the proposed development reviewed and accepted by staff that found the proposed development is feasible from a geotechnical standpoint, provided the recommendations presented in the following sections are adopted and incorporated into the project plans and specifications:

Recommendations the project plans on incorporating into the design include proper site preparation, grading and excavation, deep foundation design, lateral loading for piers in slope influence zones, retaining walls, and proper site drainage. With the design proposals incorporated into the project, the development will meet the standards for mitigating seismic risk.

- *Impact of Buildout on Residential Development:* The issue is not applicable as the project is in a residential zone with no potential for mixed use development.

- *Visual Resources:* The project will not obstruct any views as illustrated in Figure 9 of the Land Use Plan and identified in detail in Finding A(1)(a), herein incorporated by reference.
- *Public Works:* The issue is not applicable to the private residence.
- *Facilitating Public Access:* The issue is not applicable to the private residence.

Issues in the Community Plan not applicable to the project site include the following due to location, use or zoning: *Provision of Parks and Recreation Areas; Provision of Affordable Housing; Impact of Buildout on Residential Development; Public Works; Facilitating Public Access*

By meeting the criteria for issues identified in the Community Plan, the proposed project is in conformity with the certified Local Coastal Program Land Use Plan.

The Implementation Program (pg. 9) recommends a number of actions for the City and the La Jolla community to pursue in order to implement the policies and recommendations of the plan. The Implementation Program includes some of the following actions along with the corresponding relationship to the proposed project as follows:

- Proposal for changes in the current zoning of the community: to protect and enhance beach access, both visually and physically.
 - The project site is in a residential zone that already allows for beach access as well as coastal views as identified in detail in Finding A(1)(a) herein incorporated by reference.
- Improvements to existing circulation patterns and public facilities.
 - The proposed project for improvements and additions to the existing site will not interfere with improvements to the existing circulation patterns or public facilities.
- Preparation of a Public Facilities Financing Plan identifying present and future community needs and the capital improvements necessary to accommodate future development.
 - The proposed project for improvements and additions to the existing site will not interfere with a Public Facilities Financing Plan.

By meeting the issues within the Community Plan and actions within the Implementation Program, 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.

- 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 proposed project is located at 9860 La Jolla Farms Road. La Jolla Farms Road is the first public roadway from the Pacific Ocean, which is located approximately 1,000 feet west of the project site.

The project is in conformity with Article 2, *Public Access*, within Chapter 3 of the Coastal Act. As stated in Finding A(1)(a) herein incorporated by reference, the project meets the Community Plan guidelines for public access. In addition, the project meets the following sections of the Coastal Act Article 2 applicable to the site:

Public Resources Code Section 30211 Development not to interfere with access.

- *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The proposed development will not interfere with the public's right of access to the sea acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. The project site does not have direct access to the sea and does not encroach on the access points to the north of the project site.

Public Resources Code Section 30212 New development projects provides in pertinent part:

- *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*
 - *It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.*
 - *Adequate access exists nearby.*
 - *Agriculture would be adversely affected.*
- *For purposes of this section, "new development" does not include:*
 - *Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public*

access, and which do not result in a seaward encroachment by the structure.

As previously stated, the project does not have direct access to the sea, access to the sea from the project site would be unsafe and inadequate to meet the needs of the public, there is an existing public access point to the sea just north of the project site, and the project will not interfere with agriculture. The project is not “new development” as defined.

Public Resources Code Section 30212.5 Public facilities; distribution.

- *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

It is not appropriate nor feasible for public facilities, including parking areas or facilities, to be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The project is in conformity with Article 3, *Recreation*, within Chapter 3 of the Coastal Act. As stated in Finding A(1)(a), the project meets the Community Plan guidelines for public access. In addition, the project conforms to the following provisions of Article 3:

Public Resources Code Section 30221 Oceanfront land; protection for recreational use and development.

- *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

The project site is not suitable for recreational use as it is located 300 feet above sea level. Coastal bluffs and steep hillsides surround the project site to the west making it inaccessible to the sea. The project site is zoned Residential, and commercial uses would not be applicable. In addition, commercial recreational activities that could be accommodated on the property are already adequately provided for in the area.

Public Resources Code Section 30222 Private lands; priority of development purposes.

- *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

The project site does not contain private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation. The project is in a built out, residential neighborhood.

The proposed project is within the first public roadway and meets all the criteria of Coastal Act Chapter 3, Article 2 and Article 3, and therefore, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan.

The 0.80-acre site is located at 9860 La Jolla Farms Road, also known as Assessor's Parcel Number 342-031-21-00, in the Residential Single-Unit (RS-1-2) zone, Coastal Overlay (Appealable) Zone, Coastal Overlay Zone First Public Roadway, Parking Impact Overlay Zone, Transit Priority Area, and Environmentally Sensitive Lands (Sensitive Biological Resources and Steep Hillides), of the La Jolla Community Plan area.

The proposed project is in conformity with the First Public Roadway requirements, as illustrated in Finding A(1)(a) and A(1)(d) herein incorporated by reference, and the project meets the regulations for ESL (Steep Hillides and Sensitive Biological Resources) as illustrated in Finding A(1)(b) herein incorporated by reference.

Figure 1 of the Community Plan identifies the project within the Very Low-Density Residential area, with 0-5 dwelling units per acre allowed. The project site is 0.80-acres, which would equate to four units allowed. With one existing unit and an ADU unit not subject to density limitations proposed, the project is in conformity with the Community Plan density regulations.

The Community Plan identifies several General Community Goals (pg. 5). The proposed development meets these goals, with two specific to the project:

- Maintain La Jolla as a primarily residential and recreational oriented community by protecting its residential areas and historic resources, maintaining its public recreational areas, and enhancing its commercial districts.
 - The proposed development will protect the residential area and maintain public access to recreational areas as identified in Finding A(1)(a) herein incorporated by reference.
- Conserve and enhance the natural amenities of the community such as its views from identified public vantage points, (as identified in Figure 9), open

space, hillsides, canyons, ocean, beaches, water quality, bluffs, wildlife and natural vegetation, and achieve a desirable relationship between the natural and developed components of the community.

- The project meets the Community Plan guidelines for vantage points as identified in Finding A(1)(a) herein incorporated by reference. In addition, the project site preserves existing ESL, hillsides, and coastal bluffs. As such, the project meets the intent of the Community Goal.

The Community Plan identifies several goals to preserve Natural Resources and Open Space. By preserving existing ESL, the proposed project conforms to these goals, specifically to the following:

- Preserve the natural amenities of La Jolla such as its open space, hillsides, canyons, bluffs, parks, beaches, tidepools and coastal waters.
 - The project design avoids impacts to the natural landforms.
- Maintain the identified public views to and from these amenities in order to achieve a beneficial relationship between the natural or unimproved and developed areas of the community.
 - The project design maintains current views and will not impact identified public views.
- Preserve all designated open space and habitat linkages within La Jolla such as the slopes of Mount Soledad and the sensitive ravines of Pottery Canyon.
 - The project design avoids impacts to the natural landforms and will preserve open space and habitat linkages.
- Protect the environmentally sensitive resources of La Jolla's open areas including its coastal bluffs, sensitive steep hillside slopes, canyons, native plant life and wildlife habitat linkages.
 - The project design protects the ESL by adherence to the ESL regulations and avoiding ESL areas.

Lastly, the proposed project is helping the Community Plan meet the stated goals by incorporating some of the Plan Recommendations (pg. 44), specifically the Open Space Preservation and Natural Resource Protections and Visual Resources as identified:

- Limit encroachment of new development in sensitive resource areas by implementing the Environmentally Sensitive Lands regulations of the Land Development Code.

- The project design protects the ESL by adherence to the ESL regulations and avoiding ESL areas.
- Implement the City of San Diego's MSCP Subarea Plan which ensures a system of viable habitat linkages between the existing open space areas to the canyons and hillsides throughout La Jolla's open space system.
 - The project does not encroach into, or impact ESL and ESL regulations were applied. By not impacting ESL, the project preserves the MSCP and supports the Subarea Plan.
- Protect public views to and along the shoreline as well as to all designated open space areas and scenic resources from public vantage points as identified in Figure 9 and Appendix G.
 - See Finding A(1)(a), herein incorporated by reference.
- Implement the regulation of the building envelope to preserve public views through the height, setback, landscaping, and fence transparency regulation of the Land Development Code that limit the building profile and maximize view opportunities.
 - The project design does not change the building envelope and will preserve the current building profile.
- Where existing streets serve as public vantage points, as identified in Figure 9 and Appendix G including, but not limited to, view corridors and scenic overlooks and their associated viewsheds, set back and terrace development on corner lots and/or away from the street in order to preserve and enhance the public view provided from the public vantage point to and along the ocean.
 - See Finding A(1)(a), herein incorporated by reference.
- Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance, or restore existing or potential view corridors within the yards and setbacks by adhering to setback regulations that cumulatively, with the adjacent property, form functional view corridors and prevent an appearance of the public right-of-way being walled off from the ocean.
 - See Finding A(1)(d), herein incorporated by reference.

As demonstrated, the proposed development is in conformity with several Goals and Plan Recommendations of the Community Plan and by doing so will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project has been designed to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines. No mitigation measures are required, and the Biological Resources Technical Report (BTR), issued April 22, 2024, and revised August 7, 2024, determined that no direct permanent impacts to ESL resources (Diegan coastal sage scrub) would occur as a result of project implementation. In addition, any temporary direct and/or indirect impacts of the project would not result in significant cumulative Impacts (CEQA Guidelines Section 15310) to environmental resources within the region of the project site.

Project conditions will protect the public's health and safety in regard to: Engineering oversight of water pollution control (Permit Condition No. 3), and work in the public right-of-way (Condition No. 14). Brush Management regulations for zones, alternative compliance measures and adherence to the Landscape Regulations and Standards (Conditions Nos. 16, 17, 18). Public Utility conditions will ensure fire water lines (Condition No. 25), sewer facilities (Conditions Nos. 24, 26), and water service (Condition No. 24), is built and maintained to City standards in the best interest of public health, safety, and welfare.

The project will be constructed to applicable City standards, including all California Building, Fire, Plumbing, Electrical, Mechanical, California Green Building Standards Code (CGBSC), and City regulations governing the construction and continued operation of the development. These regulations mitigate any potential for adverse effects on those persons or properties in the vicinity of the project. As such, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project meets the zoning requirements of the RS-1-2 zone. The purpose of the RS zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types, and which promote neighborhood quality, character, and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties.

The RS-1-2 zone allows for a maximum density of one dwelling unit per lot, with one existing unit and an ADU unit not subject to density limitations proposed, the project site is in conformity with the density requirements. SDMC Section 141.0302(2)(B),

states that ADUs and Junior Accessory Dwelling Unit (JADUs) are not subject to the density limitations for the premises. The project conforms to the SDMC regulations for FAR, at 41%, where 45% is the maximum. The proposed development meets the requirements for setbacks, at 25 for the front, where 25 feet is the minimum, 8 feet at the sides, where 8 feet is the minimum, and approximately 33 feet at the rear, where 33 feet is required as 10% of the lot depth. Lastly, the project meets the regulations for height at 27 feet, where 30 feet is allowed.

The project does not seek any allowable deviations and therefore will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the 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.

Coastal bluffs and steep hillsides surround the project site to the west, separating it from the coastal beach to the west. In addition, the site contains Diegan Coastal Sage Scrub, a sensitive biological resource. The site is located completely within the Multiple Species Conservation Program (MSCP), and the Coastal Overlay Zone which requires compliance with Environmentally Sensitive Lands (ESL) regulations. The project site is also located within an area designated as Steep Hillsides and ESL regulations are applicable.

The project proposes to demolish an existing pool, including pool deck and jacuzzi, and construct a new, 712 square foot (SF) Accessory Dwelling Unit (ADU) under the existing pool deck, with a new pool and jacuzzi to be constructed on the southwest portion of the site. In addition, minor renovations to the existing single dwelling-unit will include a new wine cellar and hallway. The proposed development will occur within existing landscaped and hardscaped areas, which do not encroach into coastal bluffs or steep hillsides and are currently maintained outside of identified ESL areas.

The project's Biology Technical Report (BTR), dated April 22, 2024, and revised August 7, 2024, states the following as it relates to the sensitive biological resource in question:

- No permanent impacts to ESL resources would occur as a result of project implementation.

Furthermore, in a letter addressed to the California Coastal Commission, dated June 22, 2024, the qualified Biologist states:

- as referenced in the biological report, no Diegan coastal sage scrub, lemonadeberry scrub, or coastal bluff scrub will be directly impacted. The current property currently possesses hardscaping and landscaping to the edge of this vegetation community.
- The proposed project was analyzed to be consistent with the ESL and Environmentally Sensitive Habitat Areas (ESHA) requirements of a similar project approved by the CCC and City of San Diego in 2021, Project No. 643954, B-West Residence, 9872 La Jolla Farms Road, San Diego, California (2021 Project). Similar with the 2021 project, the proposed action would occur adjacent to an ESL and ESHA and incorporate construction and post-construction avoidance measures to ensure indirect impacts do not result from project approval and implementation. Also, both project impact areas are not located adjacent to a Multi-Habitat Planning Area (MHPA).

The project site has been analyzed for geotechnical stability including site conditions and fault implications. Figure 5 of the Community Plan designates two fault lines, one north of the project and one south of the project, as well as unstable bluffs to the west of the project site. A geotechnical investigation for the proposed development reviewed and accepted by staff found the project to be feasible from a geotechnical standpoint, provided the recommendations presented are adopted and incorporated into the project plans and specifications:

- Recommendations the project proposes on incorporating into the design include proper site preparation, grading and excavation, deep foundation design, lateral loading for piers in slope influence zones, retaining walls, and proper site drainage. With the design proposals incorporated into the project, the development will meet the standards for mitigating seismic risk.

A Geotechnical Report Addendum was prepared for the project on March 5, 2024, with the following statements as it pertains to the project site:

- From a geotechnical standpoint, the site is considered suitable for the intended residential use.
- If constructed in conformance with the project plans, specifications and soils report, the proposed development is not expected to destabilize or result in settlement of adjacent property or the Right-of-Way.
- Literature indicates geologic bedding dipping towards the northeast or generally into slope and is considered favorable. In addition, our recommendations for the top of slope improvements includes a deepened caisson foundation system. Adverse geologic structure is not expected to have a negative impact on the proposed project.

The project site contained two previous Environmental analysis: Pike Residence Negative Declaration (ND) (92-0733), adopted on January 5, 1994, and the Alleyne

Residence Addendum to the Pike Residence ND (98-0005), adopted November 18, 1998. The Alleyne Residence ND concluded that there would be no significant impacts to landform alteration with project implementation. The western portion of the property contains steep slopes leading down to the beach. Based on a slope analysis prepared for the parcel, project development would be primarily confined to the flat mesa top with minimal allowable encroachment into the slope area.

Minimal project grading would be required and confined to the building footprint. No mitigation measures were required.

The proposed project has been designed to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines. No mitigation measures are required, and the Biological Resources Technical Report (BTR), issued April 22, 2024, and revised August 7, 2024, determined that no direct permanent impacts to ESL resources (Diegan coastal sage scrub) would occur as a result of project implementation. In addition, any temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Guidelines Section 15310) to environmental resources within the region of the project site.

The project site has been deemed appropriate for the proposed development by a registered professional geologist and the project will not have any direct permanent impacts to ESL resources pursuant to the BTR prepared for the project. As such, 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.

b. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

The proposed development will occur within existing landscaped and hardscaped areas, which are currently maintained outside of identified ESL areas.

As stated in Finding (B)(2)(a), herein incorporated for reference, the project site is suitable for the intended residential use from a geotechnical/geological perspective and there would be no significant impacts to landform alteration with project implementation.

A drainage study prepared for the project was done on October 10, 2022. The study states the following in regard to erosion controls:

- The portion of site to be developed, in its existing, pre-construction condition, drains to the west and to La Jolla Farms Road. No offsite runoff flows onsite from abutting properties.
- Following construction, the onsite drainage pattern remains essentially the same with greater runoff being abstracted.

- Runoff to the existing drain system increases.
- Runoff to the westerly slope will decrease.
- There will be no negative impacts over the existing condition by the proposed improvements.

The project site sits at approximately 300 feet above sea level with adequate drainage and no known flood hazards.

The Brush Management Plan prepared for the project site consists of a modified Zone One of 80-ft. in width with no Zone Two required, extending out from the structure towards the native/naturalized vegetation, consistent with SDMC Section 142.0412, and utilizing alternative compliance measures set forth under SDMC Section 142.0412(i) for the expanded Zone One area. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards per Condition No. 18 of the permit. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards pursuant to Condition No. 20.

The proposed development will occur within existing landscaped and hardscaped areas, which are currently maintained outside of identified ESL areas. The project site is suitable for development and will comply with the recommendations of the geotechnical report and will not result in undue geologic risks. The development will not create any new runoff, and will decrease runoff to the westerly slopes, which will lower erosion forces. There are no flood hazards and a Brush Management Plan in accordance with City regulations and standards will mitigate any fire hazards. As such, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The proposed project has been designed to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines. No mitigation measures are required, and the Biological Resources Technical Report (BTR), issued April 22, 2024, and revised August 7, 2024, determined that no direct permanent impacts to ESL resources (Diegan coastal sage scrub) would occur as a result of project implementation. In addition, any temporary direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Guidelines Section 15310) to environmental resources within the region of the project site. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

Regarding consistency with the MSCP Subarea Plan, please refer to Finding B(2)(c) herein incorporated by reference. The project site does not contain vernal pools and is not subject to the VPHCP.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

Please refer to Finding B(2)(a) and B(2)(b) herein incorporated by reference.

The proposed development will occur within existing landscaped and hardscaped areas, which are currently maintained outside of identified ESL areas.

A drainage study prepared for the project was done on October 10, 2022. The study states the following in regard to erosion controls:

- The portion of site to be developed, in its existing, pre-construction condition, drains to the west and to La Jolla Farms Road. No offsite runoff flows onsite from abutting properties.
- Following construction, the onsite drainage pattern remains essentially the same with greater runoff being abstracted.
- Runoff to the existing drain system increases.
- Runoff to the westerly slope will decrease.
- There will be no negative impacts over the existing condition by the proposed improvements.

The project site sits at approximately 300 feet above sea level with adequate drainage and no known flood hazards.

The project as proposed will increase runoff to the drain systems and decrease westerly slope runoff. The project is not a flood hazard. Therefore, the project 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.

The project does not require any mitigation reasonably related to, and calculated to alleviate, negative impacts created by the proposed development as a condition of the permit. This determination was made by the following analysis:

The proposed development will occur within existing landscaped and hardscaped areas, which are currently maintained outside of identified ESL areas, as noted in Finding B(2)(a) above, herein incorporated by reference. The project will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards as noted in Finding B(2)(b) above, herein incorporated by reference. The project completed a California Environmental Quality Act (CEQA) Guidelines Section 15162, Subsequent Environmental Impact Reports (EIRs) and Negative Declarations consistency evaluation analysis based on the Pike Residence Negative Declaration (ND) (Project No. 92-0733), adopted on January 5, 1994, as well as the Alleyne Residence Addendum ND (Project No. 98-0005), adopted on November 18, 1998, and found that the project would not result in new or substantially more severe impacts than what was previously analyzed.

In addition, the Section 15162-consistency evaluation identified three issue areas that were examined in more detail than the previous documents. They included Geology/Soils, Landform Alteration and Cultural Resources. This analysis noted the following:

- Geology/Soils: The current project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the ND result.
- Landform Alteration: The current project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the ND result.
- Cultural Resources: The current project would not create any new significant impact, nor would a substantial increase in the severity of impacts from that described in the ND result.

The BTR prepared for the project on August 7, 2024, states the following:

- The proposed project has been designed to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines. No mitigation measures proposed.

The project is outside identified ESL, has been evaluated for CEQA Guidelines Section 15162 consistency and determined no new impacts or changed circumstances would require a new environmental document, including mitigation measures. The project will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. In addition, the BTR prepared for the project found it has been designed to remain in compliance with all MSCP and City of San Diego MSCP Subarea Plan conservation goals and guidelines, and no mitigation measures would need to be proposed. For those reasons, the project was not conditioned to require mitigation reasonably related to, and calculated to alleviate, negative impacts created by the proposed.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on these findings adopted by the Hearing Officer, Coastal Development Permit No. PMT-3187194 (Amending Coastal Development Permit No. 98-0005), and Site Development Permit No. PMT-3187195 are hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3187194 (Amending Coastal Development Permit No. 98-0005), and No. PMT-3187195, a copy of which is attached hereto and made a part hereof.

Robin MacCartee
Development Project Manager
Development Services

Adopted on: December 4, 2024

IO#: 24009208