



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: November 14, 2018 REPORT NO. HO-18-111

HEARING DATE: November 21, 2018

SUBJECT: DOW SLOPE STABILIZATION, Process Three Decision

PROJECT NUMBER: [593074](#)

OWNER/APPLICANT: Dow Family Trust, Owner/Robert Trettin, Geotechnical Consultant/Applicant.

SUMMARY

Issue: Should the Hearing Officer approve a Variance to allow the construction of a 22-foot-high shotcrete retaining wall within the rear yard of an existing residence located at 7001 Fairway Road within the La Jolla Community Plan area?

Staff Recommendation: APPROVE Variance No. 2095578.

Community Planning Group Recommendation: On July 5, 2018, the La Jolla Community Planning Association voted 15-0-1 to recommend approval of the proposed project without conditions (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA section 15303, New Construction. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 24, 2018, and the opportunity to appeal that determination ended October 8, 2018 (Attachment 6).

BACKGROUND

The project site is located at 7001 Fairway Road, in the RS-1-4 Zone, Coastal (Non-Appealable) Overlay Zone, and Coastal Height Limitation Overlay Zone within the La Jolla Community Planning area. The site is developed with an existing single-family dwelling built in 1965. An addition and remodel occurred under Coastal Development Permit No. 92-0210, approved by the Planning Director on September 2, 1992. The surrounding properties are fully developed and form a well-established single family residential neighborhood. Topography on the subject site is steep, rising upward from the residential pad approximately 30 feet in elevation toward the rear property line (Attachment 9, Site Plan). At the top of the slope, a City storm drain and a drainage brow ditch run north and south, within a nine-foot-wide easement, parallel to the rear property line.

In 2016, a sudden slope failure occurred that extended downslope to the northeastern exterior wall of the dwelling unit on the subject property. The applicant's geotechnical consultant (consultant) determined that the slope failure was due, in part, to water inundating soils in an area where the slope was comprised of fill material. It was further determined by the consultant that the surficial stability of this undocumented fill placed near the top of the slope had a 1.1 factor of safety, below the City of San Diego's minimum 1.5 factor of safety. According to the consultant, additional slope failure is projected to occur. The adjacent property and the City's storm drain line is at higher risk of undergoing additional settlement due to the headward (in the direction toward the dwelling unit) retreat of the existing slope failure. The consequential effects of settlement resulting from continued headward retreat of the existing slope failure may include, but not necessarily be limited to, loss of the existing brow ditch and rupture of the existing sewer main.

Without addressing the existing substandard conditions, the City sewer line and dwelling unit are threatened by slope failures. The minimum solution recommended by the consultant is the construction of a reinforced shotcrete retaining wall, retained by either tiebacks or soil nails.

DISCUSSION

Project Description:

The project proposes to construct a 22-foot-high shotcrete retaining wall engineered to stabilize the failed slope back to its pre-failed state. The resultant shotcrete wall exceeds the maximum wall height in rear yards of 12 feet, pursuant to San Diego Municipal Code (SDMC) section 142.0340.

Project-Issue:

Pursuant to SDMC Section 142.0340(d) (1), two, six-foot-high retaining walls with an equal six-foot-pad spacing between the walls are permitted. The steepness of the failing slope, and the location of the city sewer line and drainage culvert prohibits creating a six-foot pad between two, separate, six-foot-high walls. According to the consultant, any attempt to create such a pad would result in significant slope failure. Further, a maximum wall height of 12 feet would not prevent continued slope failure.

Due to the unique circumstances noted above, the applicant has requested a Variance, pursuant to San Diego Municipal Code Section 126.0802. The proposed variance would allow a 22-foot-high retaining wall where a maximum 12-foot height is allowed. The proposed retaining wall face will be near the existing residence, varying approximately four to six feet away from the base of the wall of the structure. Although the wall exceeds the regulations by 10 feet, the retaining wall will predominately be seen only from the subject property and will not be visible from any of the surrounding properties or other off-site vantage points. To reduce the visual impact of the height, the shotcrete retaining wall will be color-treated and hand-sculpted to provide a natural sloped appearance (Condition No. 16, Attachment 5). According to the consultant, the proposed retaining wall solution would also reduce the potential for settlement of adjacent properties and the City sewer line above the affected slope area.

The applicant modified the project to conform to all the development regulations of the RS-1-4 Zone, except for the proposed variance for wall height. Due to the slope failure history of the site, the low

factor of safety, existing steep topography and the location of the existing City storm drain and brow ditch, City Staff determined that the proposed variance had merit and the required variance findings could be made in the affirmative.

Community Plan Analysis:

The 0.47-acre project site is designated Very Low Density Residential (0-5 DU/acre) within the La Jolla Community Plan and the existing dwelling unit is consistent with that land use designation. The Plan has specific goals for steep hillside development and even though this slope is less than 50 feet in height, not qualifying as a steep hillside, the design incorporates many of the recommended design features to restore the natural topographic character of the site. The design and exterior finish for the proposed retaining wall is aesthetically consistent with the existing residential development, meeting the intent of the community plan recommendations. The shotcrete retaining wall will be color-treated and hand-sculpted to provide a natural slope appearance. The proposed retaining wall face will predominately be in the view of the property owner and will not be highly visible from any of the surrounding properties or other off-site vantage points. The variance is solely to address a failed slope, and to provide an erosion control protective measure that will restore an acceptable level of safety to an existing residence and existing public infrastructure. The granting of the proposed variance complies with the recommendations of the La Jolla Community Plan.

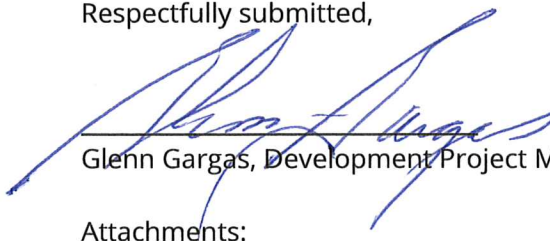
CONCLUSION

Staff has reviewed the proposed Variance request and supports a determination that the project is in conformance with the RS-1-4 zone development regulations. With the approval of the proposed variance to wall height, staff supports a determination that the project is consistent with the La Jolla Community Plan and Local Coastal Program Land Use Plan. Staff has provided draft findings and conditions of approval (Attachments 4 and 5). Staff recommends the Hearing Officer approve the proposed Variance No. 2095578, as proposed.

ALTERNATIVES

1. Approve Variance No. 2095578, with modifications.
2. Deny Variance No. 2095578, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

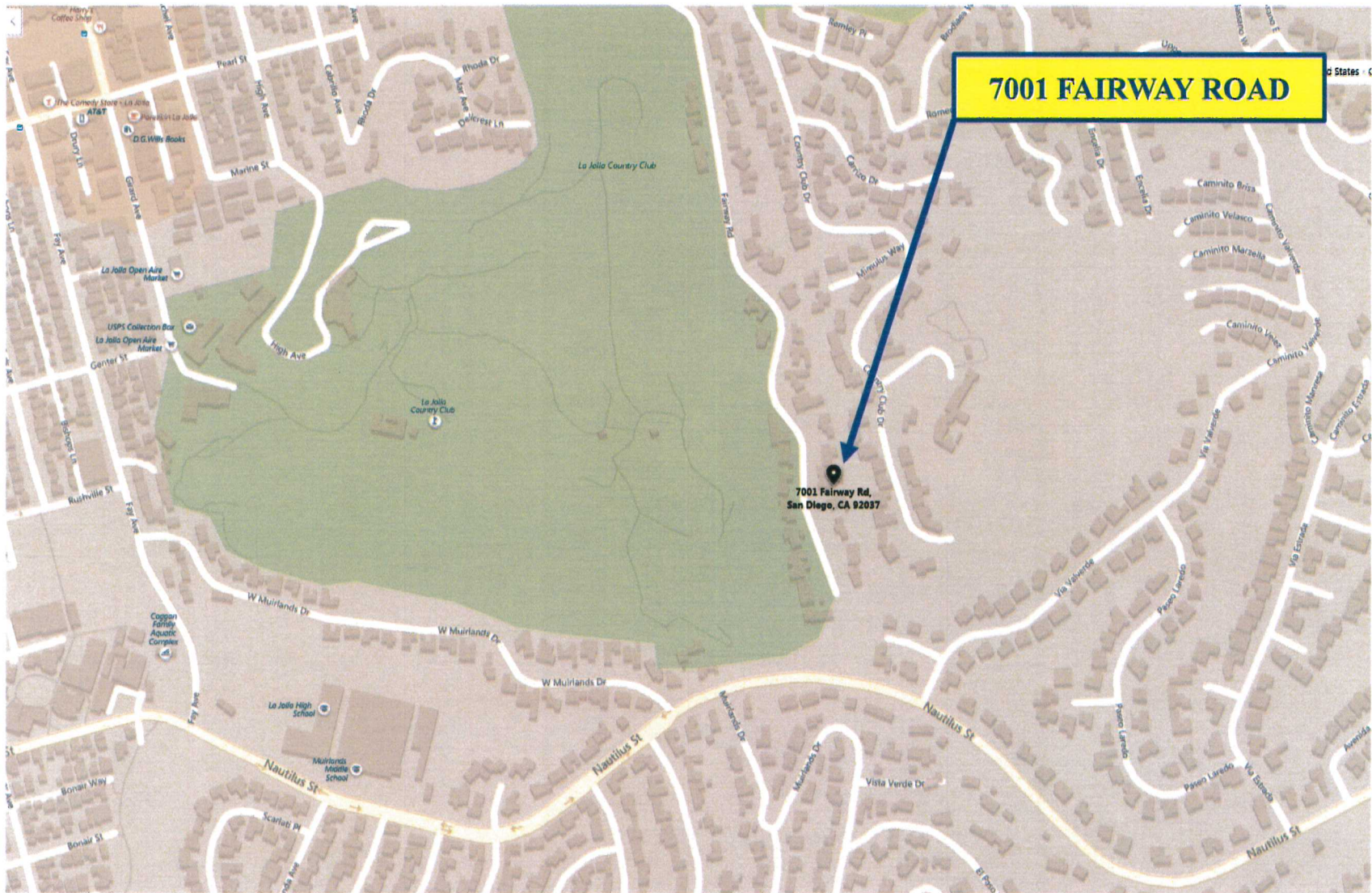


Glenn Gargas, Development Project Manager

Attachments:

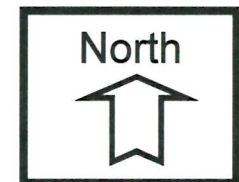
1. Project Location Map
2. Community Plan Land Use Map

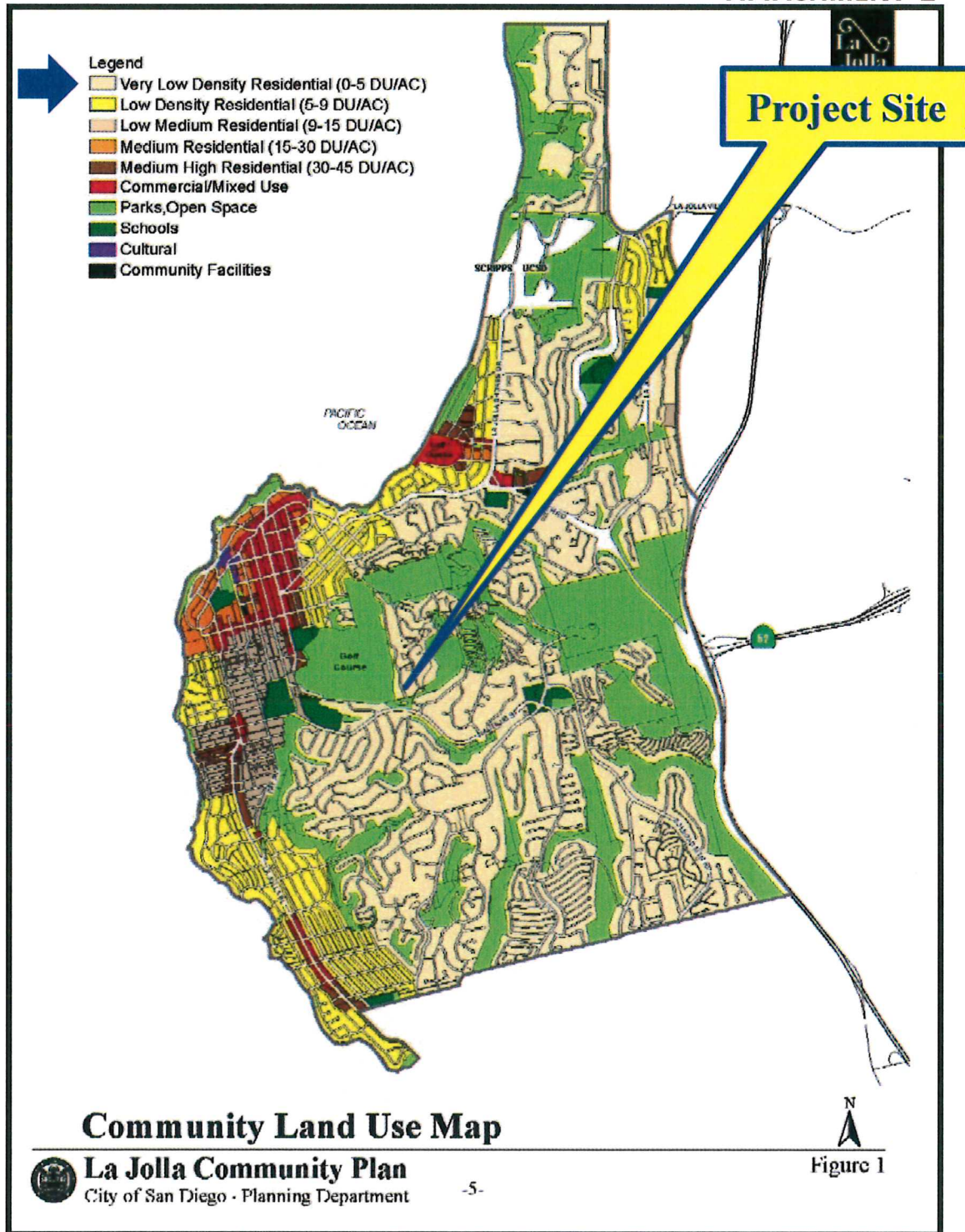
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Environmental – Notice of Exemption
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans



Project Location Map

DOW SLOPE STABILIZATION VARIANCE - 7001 FAIRWAY ROAD
PROJECT NO. 593074





Land Use Map

DOW SLOPE STABILIZATION VARIANCE - 7001 FAIRWAY ROAD
PROJECT NO. 593074





Aerial Photo

DOW SLOPE STABILIZATION VARIANCE - 7001 FAIRWAY ROAD
PROJECT NO. 593074



HEARING OFFICER RESOLUTION NO. _____
VARIANCE NO. 2095578
DOW SLOPE STABILIZATION - PROJECT NO. 593074

WHEREAS, KAREN B. DOW, Trustee of Dow Family Trust dated February 19, 1992, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a shotcrete retaining wall to stabilize a rear yard on a residential property containing an existing dwelling unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 2095578), on portions of a 0.47-acre property; and

WHEREAS, the project site is located at 7001 Fairway Road, within the RS-1-4 Zone, Coastal (Non-Appealable) Overlay Zone, and Coastal Height Limitation Overlay Zone within the La Jolla Community Plan area; and

WHEREAS, the project site is legally described as, Lot 18 of La Jolla Country Club Knolls, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4039, filed in the Office of the County Recorder of San Diego, December 8, 1958, and all that portion of Lots 19 of La Jolla Country Club Knolls, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4039, filed in the Office of the County Recorder of San Diego, December 19, 1958; and

WHEREAS, on September 24, 2018, 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 Guidelines 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;

WHEREAS, on November 21, 2018, the Hearing Officer of the City of San Diego considered Variance No. 2095578, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Variance No. 2095578:

A. VARIANCE [SDMC Section 126.0805]

1. Findings for all Variances:

- a. 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 project site is located at 7001 Fairway Road, in the RS-1-4 Base Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone and within the La Jolla Community Planning Area. The site is currently developed with an existing single-family dwelling unit built in 1965. The subject site has a steep uphill slope located in the rear yard, rising upward from the graded pad approximately 30 feet in elevation towards the rear of the lot. Additionally, within the rear yard a city sewer line and drainage culvert traverses the eastern boundary. In 2016, the rear yard slope on the property had a slope failure that extended downslope to the northeastern exterior wall of the residential structure on the subject property. The applicant's geotechnical consultant determined that the existing failure was due, in part, to water inundating soils in an area where the upper third of the slope was comprised of fill material established at some prior time. It was further determined by the applicant's geotechnical consultant that the surficial stability of the undocumented fill portions of the slope had a 1.1 factor of safety, which is below the City of San Diego's 1.5 minimum standard factor of safety. According to the geotechnical consultant, additional slope failure is projected to occur, the subject property and residence, the existing City sewer line and upslope property are all threatened with impact absent some form of repair being provided to the existing failure site. The minimum solution recommended by the geotechnical consultant was that the slope receive a reinforced shotcrete facing, restrained by either tiebacks or soil nails.

A variance is being requested to construct a shotcrete retaining wall up to 22 feet high within the rear yard of the existing residence, the minimum design solution as recommended by the geotechnical consultant. Due to the existing failed slope, the proposed area of the variance is a potential safety hazard. 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 as a result from the water inundated soils and the construction and natural steep topography of this hillside area. Continued, unabated failure of the slope is projected and will impact the residence. Additionally, a city sewer line and drainage culvert traverses the eastern boundary of the subject property. This line is located just north of the top of the proposed stabilization wall. Unless the ongoing failure is contained to a height of approximately 22 feet along the northern segment of the wall, the city sewer line and the upslope neighbor's property will experience failure. These special circumstances as stated here do not apply generally to the land or premises in the neighborhood, and these stated topographic and slope stability conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.

- b. 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 maximum retaining wall height of twelve feet would leave the applicant's residence at risk to further slope failure and deprive the applicant of reasonable use of the land. In 2016, the rear yard slope on the property had a sudden slope failure that extended downslope to the northeastern exterior wall of the residential structure on the subject property. The applicant's geotechnical consultant determined that the existing failure was due, in part, to water inundating soils. It was further determined by the applicant's geotechnical consultant that the surficial stability of the undocumented fill portions of the slope had a 1.1 factor of safety, which is below the City of San Diego's 1.5 minimum standard factor of safety. According to the geotechnical consultant, additional slope failure is projected to occur, the subject property and residence, the existing City sewer line and upslope property are all threatened with impact absent some form of repair being provided to the existing failure site. The minimum solution recommended by the geotechnical consultant was that the slope receive a reinforced shotcrete facing, restrained by either tiebacks or soil nails.

The city code allows for two (2) six-foot-high walls with an equal 6-foot pad between the walls. The steepness of the failing slope, and the location of the city sewer line and drainage culvert prohibits creating a 6-foot pad between separate walls. According to the applicant's geology consultant, any attempt to create such a pad would result in significant failure of the slope. Further, a maximum height of 12 feet, as allowed in city code, would not prohibit continued failure of the slope above such a limited height wall, which would result in adverse impacts to the residence at 7001 Fairway Road and significant damage to the city sewer line.

The Land Development Code only allows for retaining walls of a maximum height of twelve feet within the rear yard, outside of a required setback area. The construction of a twelve-foot high wall would not adequately address the existing problem. 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. The combination of the condition of the failed slope area, the existing low factor of safety and the natural steep topography are such that the strict application of the regulations of the Land Development Code would deprive the applicant of the reasonable use of the land. The proposed variance is the minimum variance that will permit the reasonable use of the land.

- c. 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 shotcrete retaining wall (soil nail wall and erosion control system) will facilitate continued use of the existing residence by mitigating a hazard created by water inundated soils and periodic erosion. The proposed wall and erosion control system will improve public safety and welfare, as the existing slope 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.

Absent the granting of the variance, the city sewer line will be impacted by ongoing slope failure and there is a potential that the upslope property will be impacted, and could slide into the residential structure at 7001 Fairway Road. The requested slope stabilization project is in the owner/applicant's rear yard and will not be generally visible to any surrounding neighbors. The variance will allow full containment of a failure occurring on a steep slope and can be determined to be in harmony with the general purpose and intent of the regulations as it will provide significant benefit to the public's health safety and welfare, via the prevention of a significant sewer line failure and the prevention of continued upslope failure that would impact upslope properties.

- d. 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 proposes to construct a shotcrete retaining wall up to 22 feet high within the rear yard of the existing residence. This slope stabilization 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 by the La Jolla Community Plan and is consistent with that land use designation.

The Community Plan has specific goals for steep hillside development and even though this slope is less than 50 feet in height, not qualifying as a steep hillside, the design incorporates many of the recommended design features to restore the natural topographic character of the site. The design and exterior finish for the

proposed retaining wall is aesthetically consistent with the existing residential development, meeting the intent of the community plan recommendations. The shotcrete retaining wall will be color-treated and hand-sculpted to provide a natural slope appearance. The proposed retaining wall face will predominately be in the view of the property owner and will not be highly visible from any of the surrounding properties or other off-site vantage points.

Furthermore, the proposed project represents the minimum improvements necessary to effectively address the existing unsafe condition as well as to allow reasonable use of the property. The variance is solely to address a failed slope, and to provide an erosion control protective measure that will restore an acceptable level of safety to an existing residence and existing public infrastructure. The grading quantity involved with this proposal is minimal and does not require the processing of a Coastal Development Permit. Thus, this Variance is not being sought in conjunction with any proposed coastal development. The granting of the proposed variance will not adversely affect the La Jolla Community Plan.

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 the findings hereinbefore adopted by the Hearing Officer, Variance No. 2095578 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. 2095578, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: November 21, 2018

IO#: 24007687

fm 7-17-17

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: 24007687

SPACE ABOVE THIS LINE FOR RECORDER'S USE

VARIANCE NO. 2095578

DOW SLOPE STABILIZATION - PROJECT NO. 593074

HEARING OFFICER

This Variance No. 2095578 (Permit) is granted by the Hearing Officer of the City of San Diego to KAREN B. DOW, Trustee of Dow Family Trust dated February 19, 1992, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0802. The 0.47-acre project site is located at 7001 Fairway Road, within the RS-1-4 Zone, Coastal (Non-Appealable) Overlay Zone, Coastal Height Limitation Overlay Zone, and within the La Jolla Community Plan area. The project site is legally described as: Lot 18 of La Jolla Country Club Knolls, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4039, filed in the Office of the County Recorder of San Diego, December 8, 1958, and all that portion of Lots 19 of La Jolla Country Club Knolls, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4039, filed in the Office of the County Recorder of San Diego, December 19, 1958.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a shotcrete retaining wall within the rear yard on a residential property containing an existing dwelling unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 21, 2018, on file in the Development Services Department.

The project shall include:

- a. Construction of a shotcrete retaining wall varying from 9 feet to 22 feet in height, to stabilize a steep slope within the rear yard on a property containing an existing single-family dwelling unit on a 0.47-acre property;
- b. Variance to allow a retaining wall height of 22 feet, where a 12-foot-high retaining wall would normally be the maximum height allowed;
- c. Off-street parking; and

- d. 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 7, 2021.
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.

CLIMATE ACTION PLAN REQUIREMENTS:

10. 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:

11. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 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 incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

14. 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.

PLANNING/DESIGN REQUIREMENTS:

15. 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.

16. Prior to the issuance of any construction permit, the construction documents shall illustrate that the exterior surface of the proposed shotcrete retaining wall slope face be irregular in shape, colored, textured, and hand sculpted to match the natural appearance of the adjacent slope materials, to the satisfaction of the Development Services Department.

17. 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:

18. Prior to the issuance of any construction permits, a City approved and County recorded Encroachment Maintenance and Removal Agreement (EMRA) must be obtained by the owner for the purpose of obtaining authorization for any existing or proposed private improvements within the limits of the existing and proposed public sewer easement.

19. Prior to the issuance of any construction permits, the Owner/Permittee is required to provide to the satisfaction of the Public Utilities Director, and record, an additional nine foot (9') wide public sewer easement contiguous to the existing four foot (4') wide public sewer easement so as to increase to thirteen feet (13') the total public sewer easement width along the subject property's entire eastern property line.

GEOLOGY REQUIREMENTS:

20. Prior to the issuance of any construction permits, the Owner/ Permittee shall submit a geotechnical investigation report or update letter prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

21. The Owner/ Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

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.

- 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 November 21, 2018, by Resolution No. HO-_____.

ATTACHMENT 5

Variance No.: 2095578
Date of Approval: Nov. 21, 2018

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Glenn R. Gargas
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.

Dow Family Trust
Owner/Permittee

By _____
Karen B. Dow
Trustee of Dow Family Trust dated
February 19, 1992

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

NOTICE OF EXEMPTION

(Check one or both)

TO: ☒ Recorder/County Clerk
 P.O. Box 1750, MS A-33
 1600 Pacific Hwy, Room 260
 San Diego, CA 92101-2400

FROM: City of San Diego
 Development Services Department
 1222 First Avenue, MS 501
 San Diego, CA 92101

☐ Office of Planning and Research
 1400 Tenth Street, Room 121
 Sacramento, CA 95814

Project Name/Number: Dow Slope Stabilization VAR / 593074

SCH No.: N.A.

Project Location-Specific: 7001 Fairway Road, La Jolla, CA, 92037

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: The proposed project is a variance to allow a retaining wall to exceed allowed height ranging from 9 feet to 22 feet. The project site is located at 7001 Fairway Rd within the La Jolla Community Plan. The site is zoned RS-1-4 with overlay zones including Coastal Height Limit Overlay Zone, Coastal Overlay Zone (City), Fire Brush Zones, and High Fire Severity Zone. Development regulations are governed by a Coastal Development Permit 92-0210. A condition of approval has been included that will require proposed wall slope facing shall be irregular in shape, colored, textured, and hand sculpted to match adjacent slope materials.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: Karen Dow, 7001 Fairway Road, La Jolla, CA 92037, 858-204-1446

Exempt Status: (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- ☒ Categorical Exemption: Section 15301 (Existing Facilities) Section 15303 (New Construction).
- ☐ Statutory Exemptions:

Reasons why project is exempt: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15303, New Construction. Section 15303 allows for the construction and location of limited numbers of new, small facilities or structures including accessory structures. Since the project is the construction of a retaining wall that will not result in an expansion of use beyond the retaining wall the exemption is appropriate. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply because no cumulative impacts were identified; no significant effects on the environment were identified; the project is not adjacent to a scenic highway; nor is the project identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

Lead Agency Contact Person: Holowach


Telephone: 619-446-5187

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

ATTACHMENT 6

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA



Signature/Title

10/26/18

Date

Check One:

☒ (X) Signed By Lead Agency

☐ () Signed by Applicant

Date Received for Filing with County Clerk or OPR:



La Jolla Community Planning Association

July 23, 2018

To *Tim Daly*

cc. *Bob Trettin*

Subject: La Jolla Community Planning Association Vote

RE: Dow Slope Stabilization

On July 5, 2018 at the Regular Meeting of the La Jolla Community Planning Association (LJCPA) Trustees reviewed this project as part of the consent agenda.


Findings can be made to approve a variance to construct a slope retention wall at an existing single dwelling unit located at 7001 Fairway Road, that exceeds height requirements in the residential base zone in the RS-1-4 and Coastal (Non-appealable) Overlay Zones within the La Jolla Community Plan area, Council District 1.

The LJCPA made a motion to approve this project on consent. Vote: 15-0-1.

Sincerely,

Bob Steck, President

La Jolla Community Planning Association

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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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: DOW SLOPE STABILIZATION PROJECT

Project No. For City Use Only: 593074

Project Address: 7001 FAIRWAY ROAD, LA JOLLA, CA 92037

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General - What State? _____ Corporate Identification No. _____
☐ Partnership ☒ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter 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), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. 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.

Property Owner

Name of Individual: KAREN B. DOW ☒ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: 7001 FAIRWAY ROAD

City: LA JOLLA State: CA Zip: 92037

Phone No.: (858) 204-1446 Fax No.: _____ Email: Karenbdow@yahoo.com

Signature: Karen B Dow Date: 12/14/17

Additional pages Attached: ☐ Yes ☒ No

Applicant

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

Other Financially Interested Persons

Name of Individual: _____ ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: ☐ Yes ☐ No

FAILED SLOPE STABILIZATION

CONSTRUCTION OF TIED-BACK SHOTCRETE SLOPE FACING

PREPARED FOR:

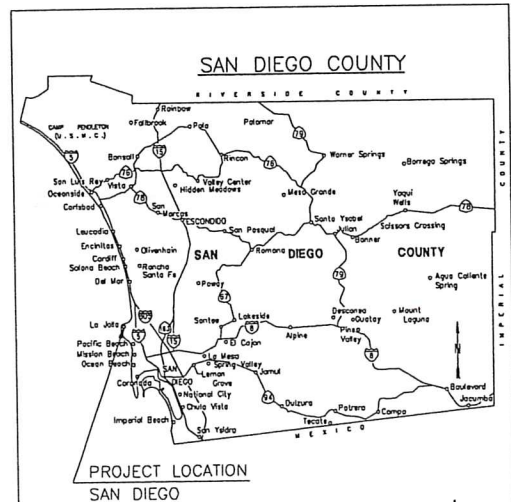
**MS KAREN DOW
7001 FAIRWAY ROAD,
LA JOLLA, CALIFORNIA 92037**

PROJECT ADDRESS:

**7001 FAIRWAY ROAD,
LA JOLLA, CALIFORNIA 92037
APN: 352-200-40-00**

SHEET INDEX:

1. LOCATION MAP, VICINITY MAP, PROJECT CONTACTS/CONSULTANTS AND NOTES
2. SITE PLAN-PROPOSED WORK
3. GEOLOGIC CROSS SECTION A-A'
4. SHOTCRETE SLOPE FACING, TIEBACK ANCHOR TABLE "A", SECTIONS AND DETAILS
5. PROJECT NOTES, STANDARD TABLES AND STANDARD WALL DRAIN DETAILS
6. EROSION CONTROL AND STORM WATER POLLUTION PREVENTION PLAN
7. STATEMENT OF SPECIAL INSPECTIONS-2016 CBC, STORM WATER REQUIREMENTS APPLICABILITY CHECKLIST



LOCATION MAP
SCALE: N.T.S.

PROPOSED SHOTCRETE SLOPE FACING TOTAL IMPERVIOUS AREA:

$(70')(25'+12'/2=18.5')=1,300 \text{ SF} \pm$

PROPOSED SHOTCRETE SLOPE FACING:

$(70')(25'+12'/2=18.5')+(70')(4')+(70')(1.5')=1,700 \text{ SF} \pm$
NOTE: THIS INCLUDES PROPOSED 1'-6" HIGH CURB ABOVE DOWNHILL SIDE OF BROW DITCH AND 4'-0" (MIN.) EMBEDMENT AT TOE OF SLOPE FACING.

PROJECT CONTACTS/CONSULTANTS:

OWNER:
MS. KAREN DOW
7001 FAIRWAY ROAD,
LA JOLLA, CALIFORNIA 92037

APPLICANT:
SOIL ENGINEERING CONSTRUCTION, INC.
(760) 633-3470

LAND SURVEYOR:
COFFEY ENGINEERING, INC.
JOHN S. COFFEY, L.L.S., SUITE 102
10860 SCRIPPS RANCH BLVD.,
SAN DIEGO, CALIFORNIA 92131
(619) 831-0111

CIVIL ENGINEER:
SOIL ENGINEERING CONSTRUCTION, INC.
ROBERT D. MAHONY, R.C.E., C.E.G., R.C.E.
560 N. HIGHWAY 101, SUITE #5,
ENCINITAS, CALIFORNIA 92024
(760) 633-3470

SOIL ENGINEER:
GEOSOLS, INC.
DAVID W. SKELLY, R.C.E.
JOHN P. FRANKLIN, C.E.G.
5741 PALMER WAY,
CARLSBAD, CALIFORNIA 92010
(760) 438-3155

SOIL ENGINEER OF RECORD:

GEOSOLS, INC.
DAVID W. SKELLY, R.C.E.
JOHN P. FRANKLIN, C.E.G.
5741 PALMER WAY, CARLSBAD, CALIFORNIA 92010
(760) 438-3155

SPECIAL INSPECTION REQUIRED-
SEE SHEET 7.

OWNER/APPLICANT

OWNER: MS. KAREN DOW,
7001 FAIRWAY ROAD, LA JOLLA, CA 92037
APPLICANT: (SEC), PHONE NUMBER: (760) 633-3470

SITE ADDRESS

7001 FAIRWAY ROAD, LA JOLLA, CALIFORNIA 92037

TOPOGRAPHY SOURCE

TOPOGRAPHIC SURVEY MAP BY COFFEY ENGINEERING, INC.,
JOHN S. COFFEY, L.L.S., DATE OF SURVEY 4/20/2017.

BENCHMARK

NBP, CORNER OF FAIRWAY ROAD & VIA VALVERDE,
ELEV = 351.032 ; DATUM: NGVD29 ; CITY OF SAN DIEGO BENCHMARK BOOK.

TOTAL DISTURBED AREA

TOTAL SITE DISTURBED AREA APPROX. : 0.10 ACRES

GRADING QUANTITIES

GRADED AREA 0.10 [ACRES] MAX. CUT DEPTH 4'± [FT]
CUT QUANTITIES 10 [CYD] MAX CUT SLOPE RATIO (2:1MAX) N/A
FILL QUANTITIES 0 [CYD] MAX. FILL DEPTH N/A [FT]
IMPORT/EXPORT 0 [CYD] MAX FILL SLOPE RATIO (2:1MAX) N/A

ASSESSORS PARCEL NUMBERS

APN: 352-200-40-00

EXISTING LEGAL DESCRIPTION

LOT 18 AND PORTION OF LOT 19, MAP 4039, IN THE CITY OF SAN DIEGO,
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY
RECORDER, DECEMBER 19, 1958.

CONSTRUCTION STORM WATER PROTECTION NOTES

1. TOTAL SITE DISTURBANCE AREA (ACRES) 0.10 ACRES

HYDROLOGIC UNIT / WATERSHED HYDROLOGIC: _____

HYDRAULIC SUB AREA NAME AND NUMBER: _____

2. THE PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE

☒ WPCP

THE PROJECT IS SUBJECT TO MUNICIPAL STORM WATER PERMIT NUMBER
R9-2013-0001
AND SUBSEQUENT AMENDMENTS..

☐ SWPPP

THE PROJECT IS SUBJECT TO MUNICIPAL STORM WATER PERMIT NUMBER
R9-2013-0001
AND CONSTRUCTION GENERAL PERMIT ORDER NUMBER 2009-009-DWG AS
AMENDED BY ORDER 2010-0014 DWG AND 2012-0006-DWG

TRADITIONAL: RISK LEVEL ☐ 1 ☐ 2 ☐ 3
LUP RISK LEVEL ☐ 1 ☐ 2 ☐ 3

3. CONSTRUCTION SITE PRIORITY

☐ ASBS ☐ HIGH ☐ MEDIUM ☒ LOW

WDID NO: _____

WORK TO BE DONE

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO
THESE PLANS AND THE SPECIFICATIONS AND STANDARD DRAWINGS OF THE CITY OF
SAN DIEGO.

STANDARD SPECIFICATIONS:

DOCUMENT NO.

PWP1070116-01

PWP1070116-02

PWP1092816-04

PWP1092816-07

PWP1092816-05

DESCRIPTION

STANDARD SPECIFICATIONS FOR PUBLIC WORKS
CONSTRUCTION (GREEN BOOK), 2015 EDITION
CITY OF SAN DIEGO STANDARD SPECIFICATIONS FOR
PUBLIC WORKS CONSTRUCTION (WHITE BOOK),
2015 EDITION
CITYWIDE COMPUTER AIDED DESIGN AND DRAFTING
(CADD) STANDARDS
CALIFORNIA DEPARTMENT OF TRANSPORTATION
MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES,
2014 EDITION
CALIFORNIA DEPARTMENT OF TRANSPORTATION U.S.
CUSTOMARY STANDARD SPECIFICATIONS, 2015 EDITION

STANDARD DRAWINGS:

DOCUMENT NO.

PWP1070116-03

PWP1092816-06

DESCRIPTION

CITY OF SAN DIEGO STANDARD DRAWINGS FOR
PUBLIC WORKS CONSTRUCTION, 2016 EDITION
CALIFORNIA DEPARTMENT OF TRANSPORTATION
U.S. CUSTOMARY STANDARD PLANS, 2015 EDITION

LEGEND

PROPOSED IMPROVEMENTS

IMPROVEMENT

PROPOSED SHOTCRETE
SLOPE FACING (PVT)

PROPOSED TIEBACK (PVT)

STANDARD DWGS.

SYMBOL

----- T

SCOPE OF WORK

INSTALLATION OF APPROX. 1,700 SF OF NEW SHOTCRETE SLOPE FACING,
APPROX. 70'-0" LONG, FACING HEIGHT RANGING FROM 10'-0" @ SOUTH END TO 25'-0"
AT NORTH END (MEASURED VERTICALLY), WITH TOTAL 3 ROWS OF TIEBACKS, SLOPE FACING
TO BE COLORED AND HAVE HAND SCULPTED FINISH.

ENCROACHMENT DATA				
APPROVAL TYPE	DESCRIPTION	APPROVAL	DOCUMENT	SHEET NUMBER(S)
ENR	TIEBACKS LOCATED WITHIN		593074	4 OF 7
	EXISTING SEWER EASEMENT			

NOTE:
THIS SET IS BEING SUBMITTED
FOR BUILDING PERMIT.
SEPARATE SET WILL BE SUBMITTED
FOR GRADING PERMIT.

DESIGN AND CONSTRUCTION AS PER 2016 CBC

ENGINEERING PERMIT NO: _____
COASTAL COMMISSION PERMIT NO: _____
RETAINING WALL PROJECT NO: _____
CONSTRUCTION SITE
STORM WATER PRIORITY: LOW
PRIVATE CONTRACT

0 1' 2' 3'
ORIGINAL DRAWING MEASURE

SOIL ENGINEERING CONSTRUCTION, INC.
REGISTERED PROFESSIONAL ENGINEER
NO. 616459
EXPIRATION DATE 06-30-18
560 N. HIGHWAY 101, SUITE 5, ENCINITAS, CA 92024
PHONE (760) 633-3470 FAX (760) 633-3472

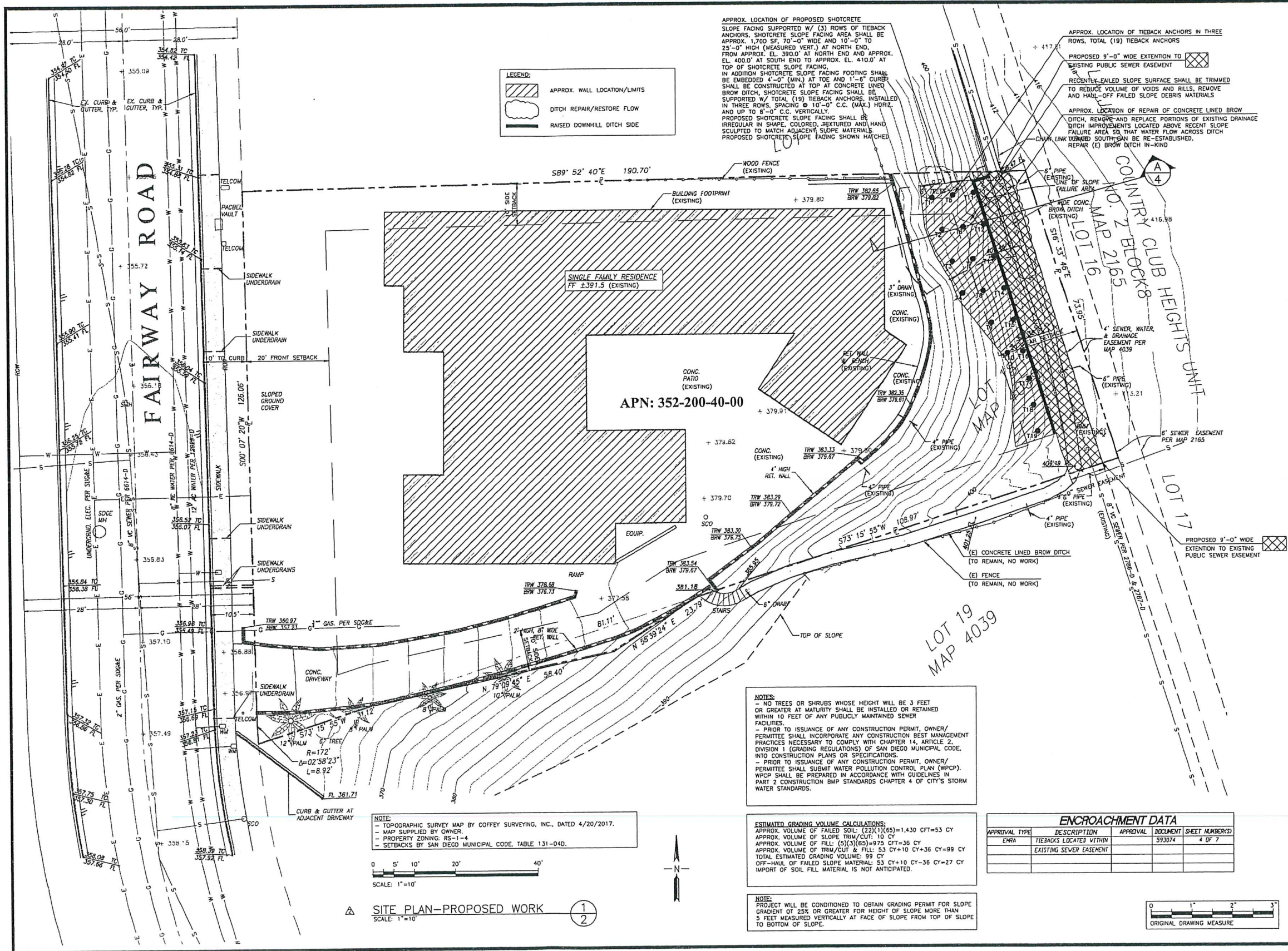


LOCATION MAP, VICINITY
MAP, PROJECT
CONTACTS/CONSULTANTS
AND NOTES

FAILED SLOPE
STABILIZATION

MS. KAREN DOW
7001 FAIRWAY ROAD,
LA JOLLA, CALIFORNIA 92037

FILE NO.	
DATE	09-08-17
PROJECT	17-046
DWG. NO.	Fairway Rd-01
REVISION	
REVISION	
REVISION	
REVISION	
REVISION	
DESIGNED BY:	RM
CHECKED BY:	ROM



SOIL ENGINEERING CONSTRUCTION, INC.
ENGINEERING
CONSTRUCTION

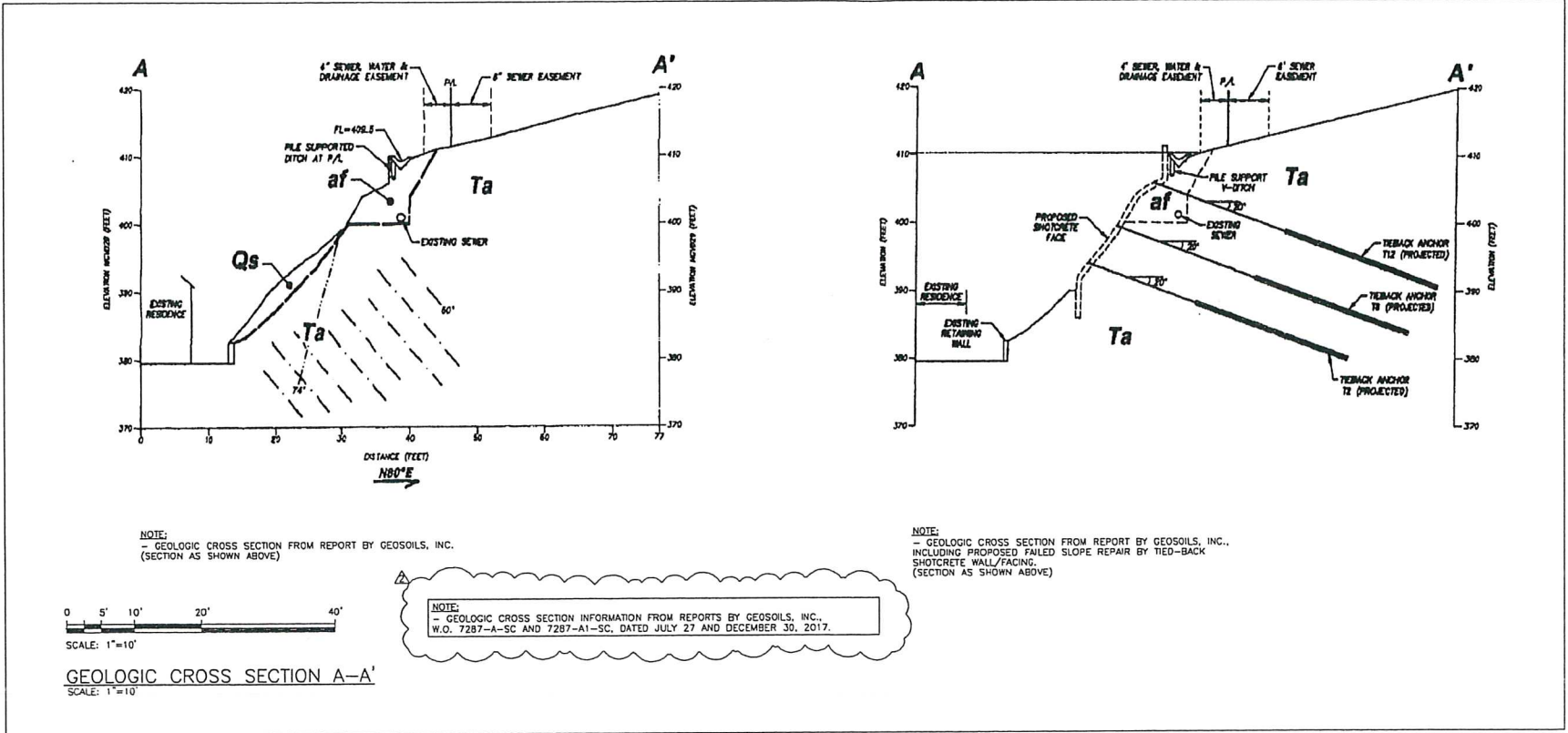


SITE PLAN-PROPOSED
WORK

FAILED SLOPE
STABILIZATION

MS. KAREN DOW
7001 FAIRWAY ROAD,
LA JOLLA, CALIFORNIA 92037

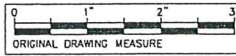
FILE NO.
DATE: 08-08-17
PROJECT: 17-048
DWC NO.: Fairway Rd-02
REVISION: 04-30-18
DESIGNED BY: RM
CHECKED BY: RM



GSI LEGEND

- af - EXISTING ARTIFICIAL FILL
- Qs - RECENT SLUMP DEBRIS
- Ta - TERTIARY EOCENE ARGATH FORMATION
- - - - - APPROXIMATE LOCATION OF GEOLOGIC CONTACT
- - - - - BEDDING ATTITUDE, WITH APPARENT DIP IN DEGREES
- - - - - JOINT ATTITUDE, WITH APPARENT DIP IN DEGREES

- ABBREVIATIONS:**
- C.C. - CENTER TO CENTER
 - C.O. - CLEAN OUT
 - E.W. - EACH WAY
 - (E), (N) - EXISTING, NEW
 - N.I.C. - NOT IN CONTRACT
 - P.T.D.F. - PRESSURE TREATED DOUGLAS FIR
 - T.O.G.B. - TOP OF GRADE BEAM
 - T.O.W. - TOP OF WALL
 - T. & B. - TOP AND BOTTOM
 - U.N.O. - UNLESS NOTED OTHERWISE
 - V.I.F. - VERIFY IN FIELD
 - B.O.W. - BOTTOM OF WALL
 - G.B.W. - GRADE BELOW OF WALL
 - B.O.P. - BOTTOM OF PIER
 - T.O.G. - TOP OF GRADE
 - E.F. - EACH FACE
 - T.O.C. - TOP OF CONCRETE



SOIL ENGINEERING CONSTRUCTION, INC.

500 N. HIGHWAY 101, SUITE 5, ENGLEWOOD, CA 92024
PHONE (760) 533-3470 FAX (760) 533-3472

REGISTERED PROFESSIONAL ENGINEER
ROBERT D. MATHIAS
No. C. 15459
No. GE 554
EXP. 06-30-19
STATE OF CALIFORNIA

GEOLOGIC CROSS SECTION A-A'

FAILED SLOPE STABILIZATION

MS. KAREN DOW
7001 FAIRWAY ROAD,
LA JOLLA, CALIFORNIA 92037

FILE NO. _____

DATE 01-08-17

PROJECT 17-046

DWG. NO. Fairway Rd-02

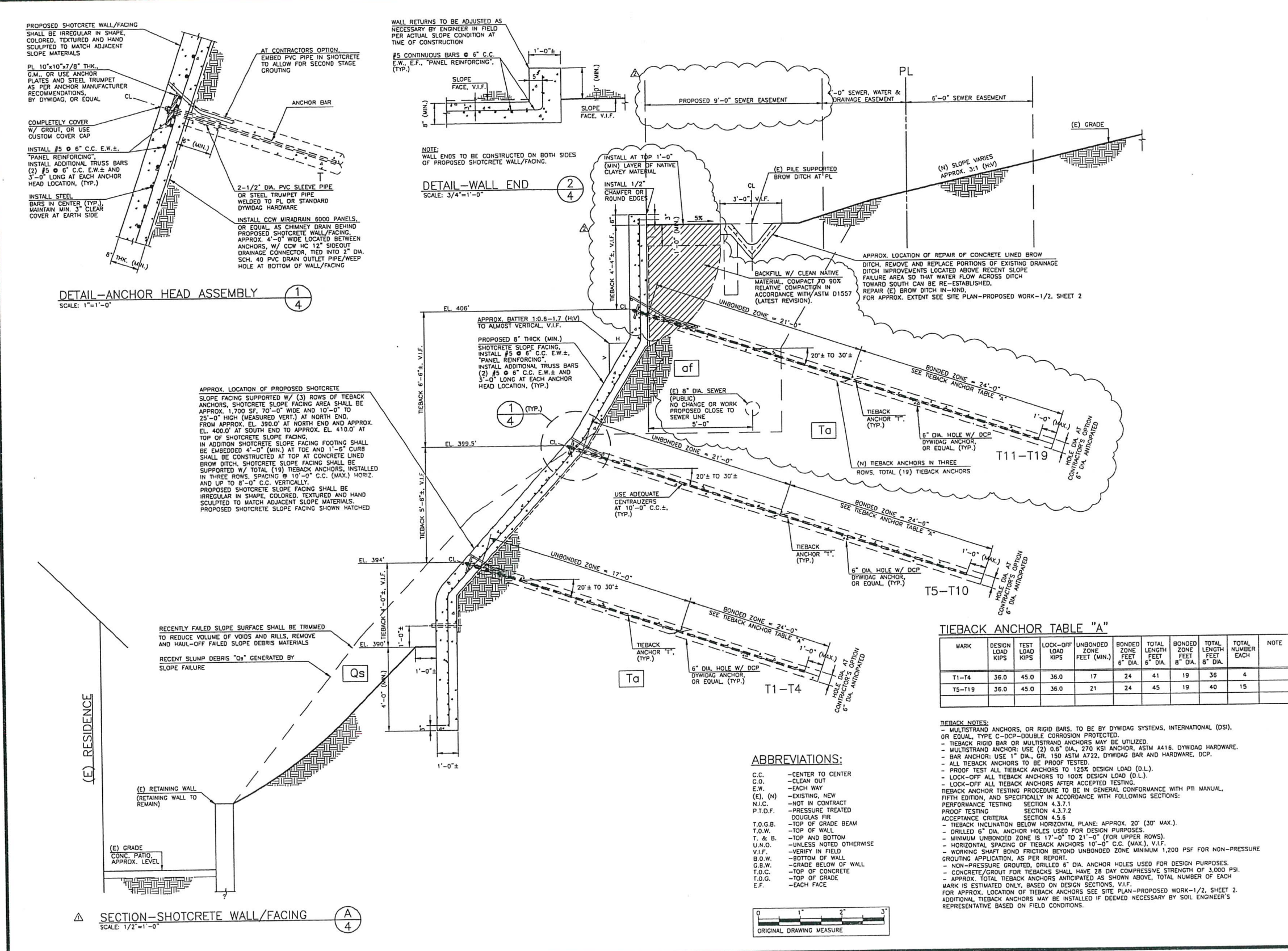
REVISION 11-03-17

REVISION 04-20-18

DESIGNED BY: RM

CHECKED BY: RM

3 OF 7



SOIL ENGINEERING CONSTRUCTION, INC.
10000 S. HIGHWAY 101, SUITE 5, DANA POINT, CA 92629
PHONE (714) 433-3070 FAX (714) 433-3072

REGISTERED PROFESSIONAL ENGINEER
ROBERT D. MATHIAS
No. C. 16459
No. GE 554
Exp. 06-30-18
STATE OF CALIFORNIA

SHOTCRETE SLOPE
FACING, TIEBACK
ANCHOR TABLE "A",
SECTIONS AND DETAILS

FAILED SLOPE
STABILIZATION

MS. KAREN DOW
7001 FARWAY ROAD,
LA JOLLA, CALIFORNIA 92037

FILE NO.
DATE 08-08-17
PROJECT 17-046
SHEET NO. 17-046
REVISION 11-03-17
REVISION 04-30-18
DESIGNED BY: RD
CHECKED BY: RDW

4 OF 7

