

**DATE ISSUED:** May 8, 2008                      **REPORT NO. PC-08-051**

**ATTENTION:** Planning Commission, Agenda of May 22, 2008

**SUBJECT:** BIRD ROCK MIXED USE, PROJECT NO. 87287, PROCESS 4

**OWNER** Michael and Olga Krambs

**APPLICANT:** Mark D. Lyon & Associates

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and 7 commercial units, two levels of subterranean parking and a loading area, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area?

**Staff Recommendation:**

1.     **Certify** Mitigated Negative Declaration No. 87287 and **Adopt** associated Mitigation, Monitoring, and Reporting Program; and
2.     **Approve:** Coastal Development Permit No. 277553; and
3.     **Approve:** Site Development Permit No. 279442; and
4.     **Approve:** Planned Development Permit No. 546450; and
5.     **Approve:** Tentative Map No. 361919.

**Community Planning Group Recommendation:** On February 1, 2007, the La Jolla Community Planning Association (LJCPA) voted 8-1-2 “To deny the ‘old design’ because the findings for the P.D.P. (Planned Development Permit) cannot be made, and direct the applicant to go back to the Community to complete the ‘new design’ and bring it back to the C.P.A.” The LJCPA’s action was on an original design that was in accordance with the Planned District Ordinance. The LJCPA reviewed a draft of the new design and then asked that the new design be based on new “Form-Based” concepts. The Bird Rock community

subsequently rejected this new design in several meetings on the project. Furthermore, the “Form-Based” concepts have not been formally adopted. Therefore, as a result of the Bird Rock community rejection of the new, “Form-Based” design, and its non-adoption, the applicant has now completed a redesign that meets the requirements of the Land Development Code (LDC), and elected to not return for another recommendation vote from the LJCPA.

**Environmental Review:** The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared and completed a Mitigated Negative Declaration in accordance with the State of California CEQA Guidelines. Mitigation measures have been included for paleontological resources and transportation, which will reduce to below a level of significance, any potential adverse impacts to these resources.

**Fiscal Impact Statement:** None with this project.

**Code Enforcement Impact:** None with this project.

**Housing Impact Statement:** The proposed project will add an additional 11 residential units to the La Jolla Community Plan area. The applicant will be paying an in lieu fee to meet the Inclusionary Housing Ordinance requirements.

## **BACKGROUND**

The project is proposing to construct a 20,507 square-foot, three-story, mixed-use development consisting of 11 residential units and seven commercial units, two levels of subterranean parking, and a loading area on a 0.37-acre site, located at 5702 La Jolla Boulevard in Zone 4 of the La Jolla Planned District within the La Jolla Community Planning Area. The site is designated for Neighborhood Commercial land use. The project site is on the northwest corner of La Jolla Boulevard and Bird Rock Avenue, and has single family residential to the west, multi-family mixed-use to the north, and commercial to the south and east. The Pacific Ocean is three blocks to the west of the project site.

The project site was formerly developed with a retail gasoline service station, which included three underground storage tanks, one underground waste oil storage tank, an above-ground waste oil tank and two fuel pump islands. The oil storage tanks were removed and soil testing was conducted. No significant volume of remaining used oil-impacted soil was found. However, it is anticipated that excavation for the project will encounter pollutants associated with the underground gasoline storage tanks. Extensive monitoring, removal and disposal activities would occur if the project were to be approved and constructed. An Interim Remedial Action Plan has been received by the County of San Diego, Department of Environmental Health, Site Assessment Mitigation Program for the project, and was approved after a public participation process was completed. Staff has received a letter of concurrence on the project from the County Department of Health and has no further issues on the storage tank or soil contamination issues. The Mitigated Negative Declaration for the project discusses these issues in greater detail.

On December 11, 2005, the applicant submitted the project to Development Services for initial

review. On December 15, 2005, the applicant met with the Bird Rock Community Council to present the project and discuss community issues and concerns. The project was presented as a three-story, mixed-use project. The La Jolla Planned District Ordinance requires projects in the Bird Rock area not exceed two stories. Further presentations were then made to the Bird Rock Community Council and Coastal Development Permit subcommittee of the La Jolla Community Planning Association.

On January 30, 2007, the Coastal Development Permit Committee of the La Jolla Community Planning Association approved a design adhering to the La Jolla Planned District Ordinance. On February 1, 2007, the La Jolla Community Planning Association voted to deny the project and advised the applicant to redesign the project following “Form-Based Zoning” guidelines and return to the group for another vote. Form-Based Zoning is land development regulation that emphasizes the future physical form of the built environment, the design and form of the buildings and public space, with less emphasis on the uses inside the buildings. In a departure from design guidelines, Form Based Codes regulate rather than recommend or advise, prescribing what’s desired or needed rather than proscribing what is prohibited.

Before returning to the La Jolla Community Planning Association, the applicant returned to the Bird Rock Community Council for several meetings to gather input on a Form-Based project. On March 20, 2007, a community gathering of nearly 100 listened to a final presentation by the consultants. The applicant summarized the efforts of past several months and the meeting concluded with 28 in favor of the Form-Based project and 38 opposed to the Form-Based project.

As a result of the mixed input from the community, the applicant is now proposing a design meeting Land Development Code Requirements and the intent of some of the Form-Based concepts, while adhering as much as possible to the existing La Jolla Planned Development Ordinance. The resultant project is before the Planning Commission for consideration.

## **DISCUSSION**

### **Project Description:**

The proposed three-story, mixed-use, residential and commercial project would include balconies, archways, building articulation, open space for walkways, a varied roof line, and a public plaza space on the southeast corner of the site that would include a fountain, enhanced paving, benches and landscaped trellises (Attachment 5). The third story portions of the development are set back away from La Jolla Boulevard, presenting a two-story appearance at the sidewalk level. The three-story aspect of the project allows the proposed 1.27 Floor Area Ratio to be spread throughout the development, creating the opportunity for additional open spaces and added landscaping. The surrounding area is fully developed with residential and commercial uses. There is mixed-use, residential commercial to the north, east and south, and single family residential to the west. There are also Zone 4, three-story developments in the area, including immediately north of the project, built just before the 1988, two-story restriction in the PDO was approved. La Jolla Boulevard has also been undergoing improvements, including the installation of roundabouts at several intersections.

The project is located in the Coastal Overlay Zone and, therefore requires a Coastal Development Permit. Section 159.0205 of the San Diego Municipal Code also requires that projects subject to the requirements of a Planned District Ordinance such as the La Jolla PDO, obtain a Site Development Permit. Due to the requested deviations, the project is also required to obtain a Planned Development Permit.

### **Community Plan Analysis:**

The proposed Bird Rock Mixed Use project is located at 5702 La Jolla Boulevard, on a parcel that is designated for commercial use. The proposed project will include 11 residential units, and 7 commercial units on a 16,080 square-foot lot. The proposed use is consistent with the land use designation. The La Jolla Community Plan recommends for commercial uses developed along La Jolla Boulevard to be developed in a traditional boulevard manner with street trees and median landscaping. The community plan also recommends that new structures located along this retail district include mixed-use residential/commercial uses to provide opportunities for more affordable housing in La Jolla. The proposed project is not including affordable housing on site, and will be paying an in lieu fee to meet the Inclusionary Housing Ordinance requirements.

The community plan also recommends for new projects to enhance the sidewalks with decorative or uniform paving to enhance the streetscape. Median landscaping should also be included. La Jolla Boulevard is being enhanced to include median landscaping and sidewalk improvements to include additional landscaping and street lights. The community plan further recommends providing decorative lighting, street trees, benches and other pedestrian amenities to create a stronger pedestrian-oriented image to this commercial district. To implement Plan recommendations, the proposed project includes a public plaza at the corner of La Jolla Boulevard and Bird Rock Avenue. It includes a fountain, benches, trellises, and enhanced paving. The building facades are articulated with the upper stories set back from the ground floor façade and include balconies and archways integrated into the architecture. The community plan also recommends that the proposed project be designed in a pedestrian-oriented manner. The project includes jacaranda trees for street trees to be located adjacent to the curb.

The Community Plan also recommends that projects make available information on energy efficient appliances and technology in marketing materials and within sales offices in order to promote energy savings. For mixed-use projects, either provide or offer as an option, alternative energy technologies to be incorporated into the residences during construction in order to promote energy savings. The proposed project would include a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the proposed project's energy consumption, as established by Council Policy 900-14.

The La Jolla Community Plan identifies (in Appendix G on the Coastal Access Subarea Maps pages 183-5) physical and visual access to the ocean. This site is located on those maps and Bird Rock Avenue is identified as having a view corridor to the ocean, passing westward to the ocean on the south side of the site. The proposed development would not impair the visual access to the ocean as it respects the street yard setbacks as required by the Land Development Code. There is also a view cone identified in the Community Plan (Figure 9 Identified Public Vantage Points) at the westerly end of Bird Rock Avenue, but the view cone is not affected by the location of the

proposed new structure.

**Environmental Analysis:**

Environmental analysis of the project reviewed for possible impact to Paleontological Resources, Transportation, Human Health, Public Safety, Hazardous Materials, Geology and Visual Quality. Mitigation measures have been included to monitor construction activities that would reduce any of these potential impacts to Paleontological Resources to below a level of significance. Regarding Transportation impacts, conditions are included in the Mitigation, Monitoring and Reporting Program that would ensure the construction of a traffic signal at the intersection of La Jolla Boulevard and Forward Street, and the applicant would be required to provide a fair-share contribution along the project's frontage for the proposed roundabout at the intersection of La Jolla Boulevard and Bird Rock Avenue. No significant impacts are expected within the Human Health, Public Safety, Hazardous Materials, Geology and Visual Quality categories, and, therefore, no mitigation is proposed for those issue areas.

**Project-Related Issues:**

The project has applied for a Planned Development Permit for two deviations to the La Jolla Planned District Ordinance (LJPDO). The project is proposing a development with portions at three stories where the LJPDO calls for two, and the proposal includes taking parking access off of Bird Rock Avenue, where the LJPDO indicates the access should be taken from the abutting alley.

Discussion of Deviations

Number of Stories Deviation

As proposed, the project would deviate from the La Jolla Planned District Ordinance Zone 4 requirement to not exceed two stories. The LJPDO indicates a 30-foot height limit on any structure and then states:

“In addition to the height limit criteria above, the following areas within the planned district, as graphically depicted on Drawing No. C-766 on file in the office of the City Clerk, shall be limited to structures containing a maximum of two stories: ...All portions of Zone 4.”

As the project site is located in Zone 4, the restriction would apply. The applicant is proposing three stories for portions of the residential units included in the mixed used project. All of the proposed three-story element would be set back from the first two floors and not create a three-story wall at the front of the project. The project would not exceed the maximum 30-foot height limit. The project's proposed 1.27 Floor Area Ratio (FAR) would not exceed the maximum 1.30 FAR allowed for the site. The proposed design would distribute the project's FAR over three floors, allowing for better articulation and visual interest. As the FAR for this project would remain the same whether or not a third story is constructed, the inclusion of a third story would not result in traffic impacts. The project would include a public plaza space on the southeast corner of the site that would include a fountain, enhanced paving, benches and landscaped

trellises and a varied structural appearance. The development would also include varied structure heights, archways on the ground floor and balconies. If the project were held to the two-story limit, these features would not be possible to the same extent, and a more box-like, bulkier building would result. The proposed deviation also allows for more open spaces within and around the development, and also allows for more opportunities for landscaping treatments. These additions would soften blank walls and other bulky attributes.

The project meets the intent of the guidelines for the Coastal Overlay and Coastal Height Limitation Overlay zones. The proposed development would be consistent with the recommended residential density and multi-family land use prescribed by the La Jolla Community Plan. The proposed development would also comply with the applicable development regulations of the Land Development Code, including deviations permitted as a part of the discretionary entitlement process through a Planned Development Permit.

Page 104, of the La Jolla Community Plan, calls for the Bird Rock area to have mixed-use residential/commercial development, and enhanced sidewalks with decorative/uniform paving, street trees, benches and other amenities. The purpose is to create a stronger pedestrian-oriented image to the Bird Rock commercial district. The project is proposing a mixed-use development with 11 residential units and 7 commercial units. The proposed public plaza would include the enhanced sidewalk paving benches, trellises and landscaping as mentioned above, all helping to create a more pedestrian-oriented area.

#### Parking Access Deviation

Municipal Code Section 142.0560(j)(7) (Parking Access required off of the Alley) requires a project take access to parking from an abutting alley if one exists. The project site abuts an alley to the west between La Jolla Boulevard and Chelsea Avenue. The alley is substandard at 15 feet in width. As part of this permit application, the City has required that the applicant dedicate two and one half feet of land on the project side of the alley. This would bring the alley to 17.5 feet, but would still be substandard until a like dedication could occur on the west side of the alley and, therefore, project access is not as suitable at the alley location.

Turning movements would be compromised and could cause conflicts with adjacent residences using the alley for auto access to and from their homes. The LJPDO also prohibits a driveway on La Jolla Boulevard. The applicant is proposing the driveway on Bird Rock Avenue, but has located it as far west of La Jolla Boulevard as possible. This would reduce any potential parking access queue conflicts with La Jolla Boulevard.

#### Views

The La Jolla Community Plan identifies a public view corridor along Bird Rock Avenue, immediately south and to the west of the project site. The La Jolla Community Plan defines a View Corridor as an unobstructed frame view down a public right-of-way. The La Jolla Community Plan requires that public views to the ocean be protected. The westernmost end of Bird Rock Avenue is also identified as a View Cone, which is defined by a 90 degree angle radiating lines from a public vantage point (the centerline of the street) to the corners of the

buildable envelope as defined by the setbacks of each property closest to the ocean or shoreline. All View Cones are directed towards a coastal body of water. The identified View Cone is located three blocks east of the project site, and, therefore, would not be affected by the proposed development. Regarding the View Corridor, staff review of the project concluded that the proposed project would be in compliance with the requirements of the underlying zone regarding heights and setbacks, and the height, bulk and scale of the project would not impact the view corridor.

**Conclusion:**

The proposed development was analyzed for conformance with the relevant regulations of the underlying zone and found to be in compliance with those regulations as permitted through the Planned Development Permit process. Staff considered the requested deviations and determined that they contribute to a better overall project design and provide flexibility to include pedestrian and landscaping amenities consistent with the community plan goals. The proposed development would significantly improve the existing site conditions, and visually enhance the site and the immediate neighborhood. The project implements the goals of the La Jolla Community Plan and the Progress Guide and General Plan as described in this report. Staff recommends approval of the project.

The two Planned District Ordinance deviations requested are a curb cut and access along Bird Rock Avenue and the proposal to have three stories instead of two stories. Staff has reviewed the proposed project and reviewed for consistency with the La Jolla Community Plan, and including the two requested deviations, finds the project to implement the community plan.

**ALTERNATIVES**

1. **Approve** Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450, and Tentative Map No. 361919, **with modifications.**
2. **Deny** Coastal Development Permit No. 277553, Site Development Permit No. 279442, Planned Development Permit No. 546450, and Tentative Map No. 361919, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Mike Westlake  
Program Manager  
Development Services Department

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Morris E. Dye  
Project Manager  
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan(s)
6. Tentative Map
7. Draft Map Conditions and Subdivision Resolution
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Copy of Prior Permit
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology

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