

**CITY OF SAN DIEGO
M E M O R A N D U M**

REPORT NO: PC-05-058

DATE: May 5, 2005

TO: Planning Commission, Agenda of May 12, 2005

FROM: Glenn Gargas, Development Project Manager

SUBJECT: Continuance of Rashid Residence, Project No. 5179, Staff response to Planning Commissions questions.

On March 10, 2005, the Planning Commission continued this item and directed staff to look in to a number of issues. One issue was a question regarding the methodology that staff used currently and in the past in determining the lot size conformance within the La Jolla Shores Planned District. In reviewing the history of cases in La Jolla Shores, the focus in determining lot size conformance has centered predominately around the average size lot within a 300 foot radius of the subject property. This was true with the cases that the appellant's representative referenced in their correspondence and at the Hearing on March 10th.

The "Report To The Planning Commission" stated the median lot size as a form of reference only, not as to how the project was found to conform to the Land Development Code. In this case, staff used all of the information provided to the City, which included the median (due to two lots were out of character), the average lot size and ultimately the density. Staff was able to support not only the lot split based on the density but also we determined that the lot split met the intent of the planned district and was in general conformity with the lots in the area.

The Land Development Code, Section 103.0304.1 (h), Dwelling Unit Density Regulation (Attachment 2, to Memo), does not state or reference average lot size, it states average dwelling unit density. City staff has been basing their determination on the average dwelling unit density regarding proposed lot splits over the past four or five years. Prior to that, it appeared that staff's focus was more on the average lot size within the 300 foot radius.

The other issue that Planning Commission directed staff to look into, was the issue of natural vs manufactured slopes within the La Jolla Shores Planned District, which will be responded to by the City Attorney's Office under a separate memo (Attachment 1 to this Memo).

DATE ISSUED: March 3, 2005

REPORT NO. PC-05-058

ATTENTION: Planning Commission, Agenda of March 10, 2005

SUBJECT: RASHID RESIDENCE - PROJECT NO. 5179. PROCESS THREE

REFERENCE: HEARING OFFICER AGENDA OF NOVEMBER 10, 2005, REPORT NO. HO-04-158

OWNER/

APPLICANT: Yusef and Janice Rashid

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of a Hearing Officer approval of a Coastal Development Permit No. 8856, Site Development Permit No. 8857, and Tentative Map No. 8478, to split a lot and construct a new two-story single family residence on the newly created vacant parcel with the existing single family residence to remain on the other parcel?

Staff Recommendation:

1. CERTIFY Negative Declaration, Project No. 5179, and
2. DENY the appeal and APPROVE Coastal Development Permit No. 8856, Site Development Permit No. 8857, and Tentative Map No. 8478.

Community Planning Group Recommendation - The La Jolla Community Planning Association voted 12-0-1 to recommend denial of the project at their meeting of March 7, 2009. The Sub Committee vote included two statements; that the project does not meet lot density requirements and violates PDO Section 103.0304.1 (h), and that the site is originally a steep slope and was graded to 25% manufactured slope per previously approved plan.

Other Recommendations: The La Jolla Shores Advisory Board voted 2-2-0(No Action) to recommend approval of the project at their meeting of July 20, 2004.

Environmental Review: A Negative Declaration (Project No. 5179), has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Based on the Initial Study, it was determined that the proposed project will not have significant effect on the environment.

Fiscal Impact Statement: None with this action. All cost associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: Currently the site is designated as Very Low Density Residential (0-5 du/acre) in the La Jolla Community Plan and contains one single family residence. This designation would permit the development of a maximum of three dwelling units for this 29,577 square-foot site. The project proposes to develop at a density of approximately 3 dwelling units per acre, resulting in a net increase of one dwelling unit on the site. The new dwelling unit, if sold would be at market-rate.

BACKGROUND

The project site is developed with an existing two-story residence within a fully developed residential area. The project site is located at 7194 La Jolla Scenic Drive South, within the SF Zone of the La Jolla Shores Planned District, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, and within the La Jolla Community Planning Area. The proposed grading and construction all constitute, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit. A Site Development Permit is required, by the Land Development Code (Section 103.0302.3), for the proposed development within the La Jolla Shores Planned District. A Tentative Map is required, by the Land Development Code (Section 144.0202), for the proposed lot split.

DISCUSSION

Project Description: The project proposes to split the existing 29,577 square-foot lot and construct a new two-story single family residence. The proposed residence is to total 3,796 square-feet of gross floor area, to be located on the newly created parcel two, a 14,986 square-foot property. The existing residence will remain on parcel one, a 14,591 square foot lot. During the project's review with City staff, the applicant modified the project to conform to all of the development regulations of the La Jolla Shores Planned District. Staff's analysis and recommendation differs from that of the La Jolla Community Planning Association. Staff's

analysis included a review of lot sizes of the surrounding lots (lots within a 300 foot radius from the project site) and found the proposed lot size comparable in size to the surrounding area. Lot sizes in the area ranged in size from 8,326 square feet to 32,670 square feet. The median lot size was found to be 14,004 square feet in area. Furthermore, a slope analysis determined the existing slopes to be disturbed and therefore not subject to the Environmentally Sensitive Lands Regulations. The San Diego Municipal Code, Section 103.0304.1 (h) applies to a “natural” slope ratio of 25 percent or greater, which is also consistent with the Environmentally Sensitive Lands Regulations.

The proposed building elevations indicate the use of off-white colored stucco for the exterior walls, marble tile, and vinyl clad windows with a red colored, flat concrete roof tile. Proposed grading would consist of 64 cubic yards of cut material to be exported offsite. Minimal landscaping will be added to the disturbed portions of the site with nearly all the existing landscape to remain, which was found by City staff to conform to the minimum landscape requirements of the La Jolla Shores Planned District. The project is designed to comply with the 30 foot height limit with the height of the new structure being approximately 30 feet high.

Community Plan Analysis: The site for the proposed lot split and new single dwelling unit is designated in the community plan as Very Low Density Residential (0-5 du/acre) and is also in the La Jolla Shores Planned District in the La Jolla Community Plan (LJCP). The proposed project is also located in an area identified as Single Family Residential in the La Jolla Shores Precise Plan (LJSPP) and is consistent with that land use designation. As the proposed project meets all other goals and policies of the plan, staff finds that the proposed total of four dwelling units implements the land use designation and the community plan.

Environmental Analysis: During the Environmental Initial Study, potentially significant impacts to biological resources and geology/soils were identified. Environmental staff requested that the applicant submit additional information related to potential biology impacts and geology impacts. The following technical studies were submitted: *A Biological Letter Report, La Jolla Scenic Drive South Property*, dated April 22, 2002 and prepared by Merkel and Associates; *Soils Investigation and Geologic Reconnaissance for Rashid Residence*, dated July 22, 1980; *Project Feasibility Review*, dated April 23, 2002, and an *Update Geotechnical Investigation, Rashid Residence*, dated April 14, 2003, were all prepared by GEOCON, Inc. All of these reports would provide substantial evidence to determine if identified impacts would be considered significant and if conditions would be required to mitigate impacts, if necessary.

According to the Biology Letter Report, the project site contains non-native exotic plantings and non native weeds in the area of the proposed development which includes the required brush management zones. The extreme northern portion of proposed parcel two contains a small area of native vegetation. However, the proposed development will not encroach into this area. Therefore, no mitigation for biological resources was required.

According to the geology reports, approved by City Geology staff, the proposed project is not

likely to have a significant geological constraint on the proposed construction. The reports recommended comprehensive site preparation, foundation excavation, and proper site drainage to be reviewed by an engineering geologist prior to design and construction. Provided the recommendations presented in the reports are followed, no mitigation for geology was required.

Based on the reports prepared and analysis conducted, potential impacts to biological resources and geology/soils were determined to be below a level of significance, no mitigation measures were required, and staff has prepared a Negative Declaration in conformance with the California Environmental Quality Act (CEQA).

Appeal Issues: - The appeal (Attachment 10) states that the site can not support two lots/two homes, and that the lot sizes would be substandard.

Based on the submitted geology reports, approved by City Geology staff, the proposed project is not likely to have a significant geological constraint on the proposed construction. The reports recommended comprehensive site preparation, foundation excavation, and proper site drainage to be reviewed by an engineering geologist prior to design and construction. These recommendations will be implemented as part of the construction documents prior to building or grading permit issuance.

The La Jolla Shores Planned District does not have a definitive or quantifiable minimum lot size. Instead, the planned district contains language in the General Design regulations which references the “character of the area and design principles”. Thus staff has interpreted the minimum lot size to be that of the average of the surrounding development area. Staff’s analysis included a review of lot sizes of the surrounding lots (lots within a 300 foot radius from the project site) and found the proposed lot size comparable in size to the surrounding area. Lot sizes in the area ranged in size from 8,326 square feet to 32,670 square feet. The median lot size was found to be 14,004 square feet in area. Staff concluded that the proposed lot sizes were consistent with the lot sizes and character of the surrounding development.

Conclusion: Staff has reviewed the request for a Coastal Development Permit, Site Development Permit, and Tentative Map for the proposed lot split and the development of a single dwelling unit, and found the project, in conformance with the applicable sections of the San Diego Municipal Code regulating Coastal Development, Site Development and the Tentative Map. Staff has determined that the development is consistent with the land use designation of La Jolla Community Plan and believes the required findings can be supported (Attachments 7 & 8). Therefore, staff recommends that the Planning Commission deny the appeal and Certify the Negative Declaration, and Approve the Coastal Development Permit, Site Development Permit, and Tentative Map.

ALTERNATIVE

1. Approve Coastal Development Permit No. 8856, Site Development Permit No. 8857, and

Tentative Map No. 8478, with modifications.

2. Deny Coastal Development Permit No. 8856, Site Development Permit No. 8857, and Tentative Map No. 8478, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Escobar-Eck/GRG

Attachments:

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