

**DATE ISSUED:** June 9, 2005 **REPORT NO. PC-05-158**

**ATTENTION:** **Planning Commission, Agenda of June 16, 2005**

**SUBJECT:** HIGUERA RESIDENCE - PROJECT NO. 27061. PROCESS 2

**REFERENCE:** NOTICE OF DECISION dated February 8, 2005.

**OWNER/** Jose Higuera  
**APPLICANT:** Howard Sweatte, Chris Train/Howard Sweatte, AIA, A Joint Venture

**SUMMARY**

**Issue(s):** Should the Planning Commission approve or deny an appeal of the City Manager's decision to approve Coastal Development Permit No. 87540, for the Higuera Residence, Project No. 27061, for additions to the main level and lower level totaling 2,540 square-feet to an existing, two-story, 2,478 square-foot single family residence, resulting in a 5,018 square foot house; and the replacement of a 428 square foot garage with a 610 square foot three-car garage, for a total gross floor area of 5,628 square-feet on a 11,970square -foot lot located at 6514 Muirlands Drive?

**Staff Recommendation:** DENY the appeal and APPROVE Coastal Development Permit No. 87540.

**Community Planning Group Recommendation:** The La Jolla Community Planning Association considered the project on November 4, 2004, and voted 12-1-0 in favor of the project with no conditions (Attachment 11).

**Other Recommendations:** None with this action.

**Environmental Review:** A Negative Declaration No. 27061 was prepared for the project in accordance with the California Environmental Quality Act (CEQA).

**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:** The La Jolla Community Plan designates the subject property for Very Low Density Residential development at 0-5 dwelling units per acre. One residential unit is allowed on this site under this density range on the 11,970 square foot site. The project proposes to construct additions to the existing single family residence. The impact to the La Jolla community will be no net increase of residential units. The proposed project will result in no net increase in the housing supply for the City of San Diego.

## **BACKGROUND**

A Coastal Development Permit, in the non appealable area of the City of San Diego, is a Process Two, City Manager's decision per San Diego Municipal Code Section 126.0707(a). The Coastal Development Permit was approved by the City Manager on February 8, 2005. On February 25, 2005, Paula Linden, appealed the project to the Planning Commission.

The project site is 11,970 square-foot lot zoned RS-1-4 in the La Jolla Community Planning Area. The project is subject to the Coastal Overlay Zone (non appealable), and the Coastal Height Limit Overlay Zone. The property is addressed as 6514 Muirlands Drive and is an interior lot (Attachment 1). The site is surrounded by properties also zoned RS-1-4 and developed with single family residences (Attachment 2 and 3). The La Jolla Community Plan designates the site for residential development at a Very Low Density of 0-5 dwelling units per acre (Attachment 2)

The site is currently improved with a two-story, single family residence which is proposed to have additions built on as the first step in redeveloping the property. The topography of the project site is relatively flat with slopes in the northwestern portion of the lot where the property slopes downhill. Overall grade differential is approximately 42 feet.

The Coastal Development Permit is being processed for the additions to the existing residence within the Coastal Overlay Zone. City staff, in the review of the development plans for the site, has determined that the site is not subject to the Environmentally Sensitive Lands (ESL) Ordinance as the slopes on-site do not meet the definition of 'steep slopes' in the Land Development Code.

## **DISCUSSION**

### **Project Description:**

The applicant is requesting approval of a Coastal Development Permit for the proposed additions to the main level and lower level totaling 2,540 square-feet to an existing, two-story, 2,478 square-foot single family residence, resulting in a 5,018 square foot house; and the replacement of a 428 square foot garage with a 610 square foot three-car garage, for a total gross floor area of 5,628 square-feet.

The final house will contain a living room, family room, dining room, video room, kitchen, one bedroom and two bathrooms on the first floor. The second story will contain three bedrooms, three bathrooms, laundry room, and a studio. There is a balcony and deck area off of the bedrooms along the west elevation of the residence. The three (3) car garage will be located above the studio at street level with a deck on top of the garage.

Exterior elevations propose stucco walls, iron railings, windows and clay tile roofing. Site improvements will include a wood deck off the rear of the residence and landscaping.

### **Community Plan Analysis:**

The subject site is designated in the La Jolla Community Plan as Very Low Density Residential (0-5 du/acre). The proposed project is an addition to an existing single dwelling unit and conforms with the land use designation.

The proposed two-story residential addition is located in a single family residential neighborhood. The La Jolla Community Plan recommends that the site design incorporate the existing land form to create a more harmonious transition within the neighborhood as viewed from the public right-of-way. The plan also recommends that, in order to promote transition in scale between new and older structures, the design should offer visual relief through building articulation, roofline treatments and variations in the front yard setback.

The front elevation of the proposed project exhibits a decorative entry way, windows and roof variations. The front entry and the north side of the home are set back farther than the garage which is located on the south side of the property. In addition, a variation in the grade sets the garage at street level and above the entrance of the home which is a few feet below street level. Overall, the proposed project reduces the perceived bulk and scale from the right-of-way by utilizing the sloped topography, making only the garage and the second floor apparent from the street. The project site slopes down the length of the property from east to west (front to back) and the majority of the proposed structure takes advantage of this slope by stepping down the slope. The design of the project conforms to the policies of the La Jolla Community Plan.

The subject property is located outside of any Public Vantage Point identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan. There are two public vantage

points within the vicinity of the subject parcel that were examined. The first public vantage point is considered an “Intermittent or Partial Vista” and is located along Muirlands Drive between Nautilus Street and La Jolla Mesa Drive. The view shed identified along this public vantage point on Figure 9 of the La Jolla Community Plan (Attachment 4) is at a lower elevation and to the north of the subject property. The second public vantage point is identified as a “Scenic Overlook” and is along El Camino del Teatro which is southeast of the subject property. At a point along El Camino del Teatro the overlook is to the northeast and is at a significantly higher elevation than the subject property. Staff has determined that the proposed development does not impact public vantage points as identified in the community plan.

### **COMMUNITY PLANNING GROUP RECOMMENDATION**

On November 4, 2004, the La Jolla Community Planning Association voted 12-1-0 to approve the project with no conditions (Attachment 11).

### **ENVIRONMENTAL ANALYSIS**

During the initial review of the project application, Environmental staff requested more information in the area of geology. LDR-Geology staff reviewed the submitted geologic documents and determined that the geotechnical consultant had adequately addressed the soil and geologic conditions potentially affecting the proposed project for purposes of the Coastal Development Permits. Further staff review of available and submitted information identified no unmitigated impacts associated with geology and Negative Declaration No. 27061 was prepared. The geologic consultant has recommended methods for the construction of the proposed additions to the residence that will be implemented during construction and further reviewed by the City’s Geologist.

### **PROJECT-RELATED ISSUES**

City staff focus with the review of the proposed Higuera Residence was initially on the project design and determining if the project was retaining 50% of exterior walls. The project could be exempt from a Coastal Development Permit if 50% or more of the exterior walls remain. Upon further project review, staff determined that less than 50% of the exterior walls were remaining. Therefore, a Coastal Development Permit is required for the project. Staff review also evaluated the potential of Environmentally Sensitive Lands and all criteria for development. Staff determined that the site is not subject to the Environmentally Sensitive Lands (ESL) Ordinance as the slopes on-site do not meet the definition of ‘steep slopes’ in the Land Development Code.

Engineering staff reviewed existing public improvements in the neighborhood and the proposed new garage location and access. No issues were identified with the proposed new garage location.

All staff issues, comments, requests for additional material, corrections and responses from the applicant and their consultants were substantially accomplished with the review of the second resubmittal. Following the finalization of the Negative Declaration and resolution of minor outstanding staff comments, the project was approved by the City Manager on February 8, 2005.

The appellant has been in contact with the project manager numerous times since the initial project application to the Development Services Department. Ongoing discussions have occurred between the project manager and appellant via phone and email. The project manager has met with the appellant twice to discuss project issues. One meeting occurred during project review and one meeting occurred after the appeal was filed by the appellant.

### **APPEAL ISSUES**

The appellant, Paula Linden, received a copy of the Notice of Decision (NOD) dated February 8, 2004, via US Mail. Ms. Linden, a neighbor east of the project, contacted the project manager for additional information regarding the NOD issued for the project. The project manager addressed all of the Ms. Linden's project concerns regarding the NOD. Ms. Linden filed an appeal via Federal Express on February 25, 2005 (Attachment 10). The issues identified in the written appeal to the Planning Commission, can be categorized in the following:

1. Proposed home does not fit within the bulk and scale of neighborhood.

Staff's Response: The project has a total gross floor area of 5,628 square feet and a Floor Area Ratio (FAR) of 0.47. The RS-1-4 Zone allows for a maximum FAR of 0.53. The proposed project is under the maximum FAR. Project provides the required setbacks. Front setback is 20 feet, side setbacks are 6 feet and 14 feet, for a total side setback of 20 feet. The side setbacks are required to be 20% of lot width. The lot width average is 95.5 feet. 20% of 95.5 feet equals 19.1 feet. The total side setback is 20 feet and is over the minimum required side setback of 19.1 feet. The project is required to meet the angled building envelope. The angled building envelope is at the side and front setback, where the project at 24 feet vertical, slopes in a 45 degree angle. The proposed project meets this requirement. The project height is under the required Coastal Height Limit of 30 feet. The proposed project meets all requirements of the underlying RS-1-4 Zone.

The overall look of the residences along Muirlands Drive appears as one-story residences. The topography of the project site and the area along Muirlands Drive allows a two-story residence that has a one-story appearance from the street level. The proposed project has this one-story appearance from Muirlands Drive. The proposed project is keeping with the overall look of a one-story residence and therefore is within the bulk and scale of the neighboring properties.

2. Appellant owns property at 6515 Muirlands Drive and is concerned with potential hazardous vehicular ingress and egress.

Staff's Response: The proposed garage and driveway is located on the southern portion of the property at street level with Muirlands Drive. The current driveway is located at the northern portion of the property with the garage below street level. The garage is located approximately 30 feet from the western edge of Muirlands Drive. The proposed driveway is designed in accordance with the San Diego Municipal Code.

3. Muirlands Drive is a 'Scenic Drive' and the public vista of the Ocean and Shoreline is severely impacted.

Staff's Response: The proposed project is not within a 'Scenic Drive' or 'Public Vista'. The project is located outside of any Public Vantage Points identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan. There are two public vantage points within the vicinity of the subject parcel. The first public vantage point is considered an "Intermittent or Partial Vista" and is located along Muirlands Drive between Nautilus Street and La Jolla Mesa Drive. The view shed identified along this public vantage point on Figure 9 of the La Jolla Community Plan (Attachment 4) is at a lower elevation and to the north of the subject property. The second public vantage point is identified as a "Scenic Overlook" and is along El Camino del Teatro which is southeast of the subject property. At a point along El Camino del Teatro the overlook winds to the northeast and is at a significantly higher elevation than the subject property.

The project is complying with all required front, side and rear setbacks. Additionally, the project height at street level is approximately 19 feet 3 inches. Staff has determined that the proposed development does not impact public vantage points as identified in the La Jolla Community Plan.

## **CONCLUSION**

Staff has reviewed the proposed Coastal Development Permit application and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Coastal Development Permits and land use policies. Staff has determined that the required findings can be made as the project meets the applicable San Diego Municipal Code regulations and requirements. Staff recommends approval of the project as proposed.

## **ALTERNATIVES**

1. **DENY** the appeal and **APPROVE** Coastal Development Permit No. 87540 with modifications.
2. **APPROVE** the appeal and **DENY** Coastal Development Permit No. 87540 if the findings required to approve the project cannot be affirmed.

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Assistant Deputy Director, Customer**  
**Support and Information Division**  
**Development Services Department**

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**Laura C. Black, Project Manager**  
**Customer Support and**  
**Information Division**  
**Development Services Department**

JDS/LCB

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Community Plan Identified Public Vantage Points
5. Project Data Sheet
6. Project Site/Topographic Plans
7. Project Plans – Building Elevations
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Copy of Appeal
11. Community Planning Group Recommendation, November 4, 2004
12. Ownership Disclosure Statement
13. Project Chronology