

DATE ISSUED: June 2, 2005

REPORT NO. PC-05-192

ATTENTION: Planning Commission, Agenda of June 9, 2005

SUBJECT: WALTZ RESIDENCE - PROJECT NO. 34711. PROCESS TWO

OWNER/

APPLICANT: Thomas and Nell Waltz

SUMMARY

Issue(s): Should the Planning Commission deny an appeal of the City Manager approval of Coastal Development Permit No. 98020, to construct a new two-story single family residence on a 5,689 square foot property?

Staff Recommendation:

DENY the appeal and APPROVE Coastal Development Permit No. 98020.

Community Planning Group Recommendation - The La Jolla Community Planning Association voted 13-0-0 to recommend approval of the project at their meeting of July 1, 2004.

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

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

Code Enforcement Impact: None with this action.

BACKGROUND

This project was reviewed by City staff a year ago at this time and approved by the City Manager on August 24, 2004. However, in approximately March of this year and during construction of the project, an error in the original Notice of Future Decision was discovered. The error was that approximately half of the property owners within 300 feet of the project site were not included in the mailing list provided to the City by the applicant. On April 18, 2005, a Stop Work Order was issued on the project and the property owner was requested to provide a complete revised mailing list. A new Notice of Future Decision was sent out, using the corrected list. The project was approved by the City Manager on May 6, 2005. That approval was then appealed on May 23, 2005.

When the Coastal Development Permit was filed, the project site was a vacant 5,689 square foot property within a fully developed and established residential area, known as the Bird Rock area of La Jolla. The property is relatively flat with a mild drop in elevation from front to the back of the lot of approximately three and one half feet with an un-improved alley at the rear. The project site is located at 5646 Beaumont Avenue, within the RS-1-7 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, Coastal Parking Overlay Zone, and within the La Jolla Community Planning Area. The proposed construction constitutes, by definition, Coastal Development, which pursuant to the Land Development Code (Section 126.0702) requires a Coastal Development Permit.

DISCUSSION

Project Description: The project proposes to construct a new two-story single family residence. The proposed residence is to total approximately 3,354 square-feet of gross floor area, which includes an attached 450 square-foot two car garage on the 5,689 square-foot property. The proposed project has a Floor Area Ratio (FAR) of 0.59, and the RS-1-7 Zone allows a maximum FAR of up to 0.59. The project is designed to comply with the 30 foot height limit, with the height of the new structure being at 30 feet high. The structure, when viewed from the street has a proposed height of 26 feet 8 inches (Attachment 6). The La Jolla/La Jolla Shores Local Coastal Plan does not identify any public views associated with either the project site or the public street, Beaumont Avenue. During the project's review with City staff, the applicant modified the project to conform to all of the development regulations of the Land Development Code.

The proposed building elevations indicate the use of earth tone stucco for the exterior walls, with earth tone concrete roof tiles. The site plan does not propose any grading, however, re-compaction of soils under the foundation occurred during construction and approximately 30 to 35 cubic yards of excess soil is currently being stored in the rear portion of the property, which maybe exported off-site in the future.

Community Plan Analysis:

The subject site is designated in the La Jolla Community Plan as Low Density Residential (5-9

du/acre). The proposed project conforms with the identified use.

The proposed two-story residential project is located in a single family residential neighborhood. The plan recommends that in order to promote transition in scale between new and older structures the design should create visual relief through the use of diagonal or off-setting planes, building articulation, roofline treatment and variations within front yard setback requirements. The front elevation, viewed from the right of way, exhibits a two car garage, entry way, and multiple windows. The proposed project is consistent with the scale of adjacent development and addresses La Jolla Community Plan policies to create visual relief through building articulation and does not create an extreme and intrusive change to the residential scale.

Staff had originally suggested taking access from the alley, however the alley remains unimproved. Access to the property via the alley was not a viable option since the property is in the middle of the block and improvements to the alley would be required along a large portion of the alley. Like neighboring homes along Beaumont Avenue the proposed property takes access from the street. In addition, the property is located outside of any Public Vantage Point identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan. The proposed development in no way impacts public vantage points.

The proposed project is compatible with the surrounding neighborhood and conforms with the policies of the La Jolla Community Plan.

Environmental Analysis: During the Environmental Initial Study, no potentially significant impacts were identified. Staff determined that the proposed project was exempt from environmental review pursuant to Article 19, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).

Appeal Issues: - The appeal (Attachment 9) states a number of issues. The following is each stated issue followed by staff's response.

A. No prior notice of construction.

As stated earlier in the Background of this report, the original Notice of Future Decision was in error. That is why the Stop Work Order was put in place, the corrected mailing list was provided and the project was re-noticed in an effort to resolve this issue.

B. Design is not consistent with the La Jolla Community Plan and adversely affects character of community.

The project, as reviewed by the La Jolla Community Planning Group and approved by staff, meets all development regulations of the RS 1-7 zone. These regulations include gross floor area (GFA) and floor area ratio (FAR), as well as setbacks, height, and angled building envelope requirements. These regulations are intended to control bulk and scale in a manner consistent with smaller residential development. Furthermore, the design and sighting of the home is

consistent with the surrounding neighborhood, which includes a diverse mix of single family homes ranging from pre- to post-WWII periods and styles with varying sizes, number of stories, and garage configurations.

In regard to vehicular access, because the adjacent alley (running the length of the block) is not improved, the applicant is not required to access off-street parking via the alley. In addition, the proposed garage meets all setback requirements, and is located an additional 5 feet behind the required front yard setback of 15 feet.

As the project requires no variances or deviations; is in conformance with all requirements of the RS-1-7 zone; and is consistent with the diverse character of the surrounding neighborhood, staff finds that the project is consistent with all applicable regulations and land use plans, including the La Jolla Community Plan.

C. Safety Issues.

The proposed 15 foot wide driveway design was reviewed by the Development Services Engineering Review Section and found to comply with City standards. The driveway intersects the street at a 90 degree angle and the project site is level with open and unobstructed visibility. No safety issues were identified during project's review or through the environmental analysis.

D. Elimination of On Street Parking Space.

The proposed 15 foot wide driveway complies with the regulation of the RS 1-7 zone. The proposed project is located within Coastal Parking Impact Overlay Zone and not within the Beach Parking Impact Overlay Zone, and therefore no 12' curb-cut restriction exists at this location. Currently the minimum driveway width is 12 feet, with the maximum allowed width of 21 feet (maximum driveway width is 40 percent of the lot width, which is 53.39 feet). The proposed curb-cut would replace the existing, sub-standard 10 feet wide curb-cut and would result in a loss of 5 feet of curb length, or roughly one quarter of a parking space. In addition, existing site conditions prior to the demolition of the original structure provided only one off-street parking space. The new project would provide two off-street parking spaces, resulting in a net increase in on-street parking.

E. Non-Compliance with Permit.

Under the issued building permit, grading did occur in order to accommodate the required depth of footings for the structure and to re-compact the soil under the foundation as recommended by the soils report. Grading which occurs for the basement or footings of a building, authorized by a valid building permit, and does not require a grading permit. Some of the excess soil from the re-compaction was removed from the foundation area and may need to be exported from the site. Building Inspection has done frequent inspections of the property and has not found the construction in violation of its building permit.

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

ALTERNATIVES

1. Approve Coastal Development Permit No. 98020, with modifications.
2. Deny Coastal Development Permit No. 98020, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

**Marcela Escobar-Eck
Deputy Director, Customer Support and
Information Division
Development Services Department**

**Glenn Gargas, AICP
Customer Support and
Information Division
Development Services Department**

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
6. Project Plans – Building Elevations
7. Draft Permit with Conditions
8. Draft Resolution with Findings
9. Copy of Appeal
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology