

DATE ISSUED: September 7, 2006 **REPORT NO. PC-06-248**

ATTENTION: **Planning Commission, Agenda of September 14, 2006**

SUBJECT: HAIN RESIDENCE – PROJECT NO. 75379. PROCESS THREE

**OWNER/
APPLICANT:** MCGW, LLC, a Delaware Limited Liability Company;
By Mr. Thomas Hain

SUMMARY

Issue(s): Should the Planning Commission deny an appeal and approve a Coastal Development Permit and a Site Development Permit (La Jolla Shores Planned District) to construct a new detached, 3-story over basement, single-family residence and accessory uses on a vacant lot within the La Jolla Community Plan area?

Staff Recommendation:

DENY the appeal and APPROVE Coastal Development Permit No. 235331 and Site Development Permit No. 235332.

Community Planning Group Recommendation: On October 6, 2005, the La Jolla Community Planning Association voted 11-0-2 to approve the proposed project with no conditions.

Other Recommendations: On July 18, 2006, the La Jolla Shores Planned District Advisory Board considered this application and voted 6-0 to recommend denial to the Hearing Officer citing concerns with a 3-story structure within a neighborhood development almost exclusively with 1- and 2-story structures. The Board also had concerns regarding the visual impact of the bulk and scale of the proposed residence created by the 3-story structure.

Environmental Review: The proposed activity is exempt from CEQA pursuant to Section 15303 (New construction or conversion of small structures) of the State CEQA Guidelines.

Fiscal Impact Statement: All costs associated with the processing of this project application are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action

Housing Impact Statement: The subject property is designated and zoned for single-family residential use. A new single-family residence is requested for this vacant site.

BACKGROUND

The project site is located at 8468 La Jolla Shores Drive in the SF (Single-family) Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Overlay Zone (non-appealable area), and the Coastal Height Limit. The 5,494 square-foot site is vacant and surrounded by similarly sized lots developed with detached single-family residences to the north, west and south. SF zoned lots across La Jolla Shores Drive to the east are larger lots also developed with detached residences. The site measures roughly 50-feet in width by 110-feet in depth. There is a 55-foot curb-to-propertyline distance with a non-contiguous sidewalk at the front propertyline. There is a moderate slope from the front to the rear of the site.

The requested Coastal Development Permit is required for the construction of a new building within the Coastal Overlay Zone boundary and the Site Development Permit is required for the evaluation of the building for compliance with the La Jolla Shores Planned District.

DISCUSSION

Project Description:

The requested approvals are for the construction of a new 3-story over basement, 5,221 square-foot, detached single-family residence (3,535 square-feet for Floor Area Ratio) with a swimming pool and small bath house in the rear yard and new walls and fencing enclosing the site. The structure will be slightly under 29-feet in height where 30-feet is the maximum height allowed. Setbacks of 25-feet for the front yard, 4-feet interior side yard on the north, 29-foot rear yard for the residence (5-feet for the bath house) and 6-foot side yard on the interior south are proposed. The La Jolla Shores Planned District uniquely does not have a Floor Area Ratio limitation but does require a maximum 60% building lot coverage and 30% landscape requirement, with the proposed structure covering 33% of the lot and the 30% landscape requirement being met.

The 1,485 square-foot basement will contain three off-street parking spaces accessed by a car lift (elevator) and a personal elevator, and a laundry room, workshop and stairway to the main level of the residence. The main level of the house contains a single-car garage with the floor being the car lift to the basement garage, a 1,205 square-foot area for the living, dining, kitchen, restroom, pantry and stair and elevator areas. A 60 square-foot pool house will be sited in the rear yard with a swimming pool and a one-car carport will be next to the garage in the front accessed by a new driveway to La Jolla Shores Drive.

The second floor of 1,116 square-feet includes two bedrooms and baths, a gym, elevator and stairway, a front balcony and rear terrace with an outdoor stairway to the third floor. The third floor of 919 square-feet includes the master bedroom and bath, an office and terraces on the rear and northeast corner.

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 to the identified land use and density.

The proposed three-story single family home is located on a currently undeveloped lot in a single family residential neighborhood. The surrounding neighborhood consists primarily of one- and two story residences. While no three-story residences are immediately adjacent to the proposed structure, within the La Jolla Shores neighborhood there are other three-story residences. The Residential Element of the La Jolla Community Plan (LJCP) identifies Community Character as common development patterns and streetscape themes throughout the neighborhood. Elements of character are illustrated through bulk and scale as viewed from the public right of way, street and site fixtures, and materials and colors used in pavement and in structural design.

The LJCP recommends maintaining the existing 30-foot height limit and stepping back structures that exceed one-story. In addition, the LJCP 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 LJCP does not address the number of stories permitted in single family neighborhoods and the proposed three-story residence is within the 30-foot height limit. The second floor is not stepped back however the design uses the porch and carport elements to achieve a similar affect. Viewed from the right of way, the proposed residence exhibits a one car garage with adjacent carport, an entry way, windows and balconies on the second and third stories. The project proposes a craftsman-like architectural style and incorporates a selection of materials including a stone veneer, wood siding and stucco with a shingle roof.

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 provides a generous setback from the public right of way and is consistent with the scale of adjacent development. The proposed residence is setback 25 feet from the side walk and approximately 70 feet from La Jolla Shores Boulevard and, like neighboring homes along La Jolla Shores Boulevard, the residence proposes to takes access from the street. The density and design of the project conform to the policies of the La Jolla Community Plan for residential development.

Environmental Analysis:

The proposed activity is exempt from CEQA pursuant to Section 15303 (New construction or conversion of small structures) of the State CEQA Guidelines.

Project-Related Issues:

The La Jolla Shores Planned District recognizes that the area encompassed is primarily single-family detached homes and that the character of the area is the perception of the homes that intermingle within the neighborhoods. 'Character' in this 1974 Ordinance, describes a low, rambling silhouette while the single-family lots are varied from steep hillsides, flat estate sized, beach front, subdivision tracts, and individually developed varied topography lots. The 'Design Principle' theme is 'unity with variety', directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of an area. Unity and variety should not become monotonous or chaotic. In this regard, City staff reviewed the Hain application and determined that the 'findings' for approval could be made by the decision-maker.

The appeal of the Hearing Officer's decision of approval, specifies 'factual error' and that the 'findings are not supported'. The factual error cited is that the Lot Coverage figure stated in the Findings and the Project Data Sheet differed and this is true. The lot coverage maximum for the La Jolla Shores PDO is 60% while the correct lot coverage for the Hain Residence is 33%.

The appellant believes that that Finding No. 3 of the Coastal Development Permit (CDP) and Finding No. 1 of the Site Development Permit (SDP / La Jolla Shores PDO) cannot be made.

Finding No. 3 of the CDP requires that 'the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program'. The appellant postulates that the proposed three-story residence on this relatively flat lot is not compatible with the one- and two-story residences on adjacent lots and that the bulk and scale with 'its busy slenderness' does not fit in with existing development as required by the La Jolla Community Plan and Local Coastal Program.

Staff Response: The property is identified in all land use documents of the City of San Diego and by its SF zoning for single-family residential development. Except for the 30-foot height limit, 60% lot coverage, and 30% minimum landscape restrictions and requirements of the La Jolla PDO, all other design regulations are general and guidelines. The La Jolla Community Planning Association voted to recommend approval while the La Jolla Shores Planned District Advisory Board voted to deny. Development trends in the beach area have seen residences of two- and three-stories attaining the 30-foot height limitation while floor area ratios have reached the maximums. La Jolla Shores has seen two story residences of varied heights become prevalent and third story elements being introduced. The Hain Residence is a three-story residence approaching the 30-foot height limit but only occupies 33% of the lot area where 60% is permitted, and the 30% landscape requirement is being satisfied. Residences adjoining on the south and north are one and two story residences, representing the older very low FAR's and the newer larger FAR's, and a residence on the adjoining rear lot is three-stories in height facing Paseo Del Ocaso. The Hain residence is on an interior lot not compromising any public view corridors of the coast. The uniqueness of the excessive curb to propertyline distance

along La Jolla Shores Drive, combined with the front yard setback, sets this residence 70-feet off the street. The residential elements of the residence will dominate the street presence of the structure as required parking is provided in the basement accessed by a one-car garage entry in the front along with an additional space under a carport.

City staff believes that this residence complies with the intent of the Local Coastal Program and Implementation Program.

Finding No. 1 of the SDP requires that ‘the proposed development will not adversely affect the applicable land use plan’. The appellant cites that the La Jolla Shores Planned District Advisory Board recommended denial as the third floor proposal presents a bulk and scale out of character with the neighborhood, and this residence will stand out among the existing homes in the area. Privacy elements of the guidelines are cited as alleged conflicts for this three story residence with outdoor decks and windows offering views into neighbor’s yards and spaces.

Staff response: The citations of the general setting of the area along the coast and of the preferred building materials do not conflict with the proposed development. The low-rambling silhouette of this PDO comes with the 30-foot maximum height permitted for the SF zone, and no conflict is cited for two-story structures that approach 30-feet in height, or those that do not represent the low-rambling silhouette of a one-story ranch style residence. Historical photos of the residential area along the west side of La Jolla Shores Drive show original homes of a two-story Spanish design with upper floor decks and balconies, but successive development created a one-story dominated development that existed until the 1970’s when second floor additions, remodels and reconstruction started to change the character of this area. More recently, third-story elements and designs have been introduced and approved. The Hain residence occupies only 33% of the lot which leaves a floor area equivalent to the two-story residence adjoining to the north on a much smaller footprint with larger yards and less impact on the street and pedestrian sidewalk. The lot is 5,494 square-feet in area which is typical of other lots surrounding this site. The lot size, in combination with only one-story residences, would not offer ‘privacy’ beyond what fences would accord. Any combination of grade differentials and two-story structures makes a term like ‘privacy’ difficult to define in presenting arguments against the proposed project.

Conclusion:

The La Jolla Community Planning Association considered this project when the request accessed the basement parking by a driveway proposing a slope which required a variance. City staff did not support the variance and the project was redesigned, basically maintaining the project design without the necessity for the driveway. City staff believes the requested project conforms to the design and locational criteria of the La Jolla Shores Planned District Ordinance, La Jolla Community Plan, Local Coastal Program and the Land Development Code.

ALTERNATIVES

1. **DENY the appeal** and APPROVE Coastal Development Permit No. 235331 and Site Development Permit No. 235332, **with modifications.**
2. **APPROVE the appeal** and DENY Coastal Development Permit No. 235331 and Site Development Permit No. 235332, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Robert Korch
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
6. Project Plans
7. Draft Coastal and Site Development Permit with Conditions
8. Draft Coastal and Site Development Resolution with Findings
9. Copy of Appeal(s)
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology