



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: December 22, 2004 REPORT NO. HO 04-195

ATTENTION: Hearing Officer

SUBJECT: KEISER RESIDENCE  
PTS PROJECT NUMBER 3095

LOCATION: 405 Westbourne Street

APPLICANT: Mr. Jerry Stephen

### SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit No. 8179 and Variance No. 8181 (Old Code)?

Staff Recommendation - Approve Coastal Development Permit No. 8179 to demolish four existing units and two garages and reconstruct two units with attached garages and approve Variance No. 8181 to remove an existing curb cut and replace with a new curb cut to allow access to off-street parking from the street.

Community Planning Group Recommendation - The La Jolla Community Planning Association has met five (5) times on this project but has not made a recommendation to date of the requested Coastal Development Permit and Variance. The most recent meeting was on December 14, 2004 with the subcommittee and the unofficial vote was a recommendation of denial.

Environmental Review - Categorically exempt per California Environmental Quality Act (CEQA), Section 15302 (replacement or reconstruction).

### BACKGROUND

The proposed project was deemed complete on February 5, 1999 and is regulated by the Municipal Code in effect at that time. The project is on a site located at 405 Westbourne Street in the RM-1-1 Zone (old R-3000 Zone) within the La Jolla Community Planning Area. The

property is designated for low-medium density residential use (10-14 du/ac) within the La Jolla Community Plan. The site is located within the Coastal Zone, Non-appealable Area 2, and within the Beach Impact Area. The site is located on the south side of Westbourne St., west of La Jolla Blvd. Westbourne Street is a 60'-0" wide public right-of-way with a 10'-0" curb to property line distance. The subject property is a rectangular shaped, legal, level lot. The lot is 6,750 square feet in area, allowing two units to be constructed on the property per the zoning which allows one lot per 3000 square feet of lot area.

This project was started in 1999 under the old San Diego Municipal Code (SDMC) and complies with most of the development regulations. The one deviation is the request for a variance to access two of the five required off-street parking from the street instead of accessing it all from the alley. The project complies with all other development regulations such as, but not limited to, floor area ratio, setbacks, height, lot coverage, landscaping, and the amount of required off-street parking. The prior R-3000 zone allowed an additional .10 percent floor area ratio if additional development regulations for offsetting planes and setbacks were provided. The applicant designed the project with these additional requirement was allowed the additional floor area ratio, making a total of .84 floor area ratio.

## DISCUSSION

A Coastal Development Permit is required for the demolition of four units and two garages and the construction of two new units with attached garages. A Variance is also being requested to remove an existing curb cut and replace with a new curb cut to allow access to off-street parking from Westbourne Street. The existing 23'-0" wide curb cut would be replaced with a new 12'-0" wide curb cut. Section 101.0410 P.5 of the prior Chapter 10 of San Diego Municipal Code, in effect at the time of the application for the Coastal Development Permit/Variance states "new curb cuts shall not be permitted and existing curb cuts shall be removed where safe and efficient access is available from an abutting alley."

The current Local Coastal Program states that off-street parking should be accessed via the alley where feasible. Five parking spaces cannot be provided on this subject property off the alley as the parking dimensions would require 45'-0" feet wide for five parking spaces, maintaining the 4'-0" setback for the garage and also the width of the garage and carport structures, and the lot is only 50 feet wide. A curb cut must be maintained on Westbourne Street in order to provide not only efficient access, but necessary to provide access to the required parking for the project. The project as designed requires that one residence access required their off-street parking from Westbourne Street and the other residence access their required off-street parking from the alley. Also, by reducing the existing curb cut from 23'-0" wide to 12'-0" it provides additional on-street parking for the neighborhood.

The applicant has chosen to provide six off-street parking spaces since there is room for one additional parking space beside the carport off the alley, there are four parking spaces off the alley and two accessed from Westbourne Street. The sixth space is not a required parking space.

There are currently several properties on Westbourne Street, between La Jolla Boulevard to the east and Del Mar Avenue to the west, that have existing driveways off the street. Coastal Development Permit No. 98-0040, dated June 3, 1998, approved a variance for a new curb cut located at 363-365 Westbourne Street. There are 22 curb cuts, including this site, for the 44 properties in this block of Westbourne Street.

Staff is recommending approval of the requested Coastal Development Permit and Variance. The La Jolla Community Planning Association has met several times over the past five years. The applicant met with them beginning November 4, 2002, and the last time was December 14, 2004. Between November 4, 2002 and November 15, 2004, the group still had not made a recommendation on the project. During the meeting on November 9, 2004, the La Jolla group now added that they didn't like the additional floor area ratio that the old code's R-3000 zone allowed and asked the applicant to come back with the old code verbage to the November 15, 2004 meeting. At the November 15, 2004 meeting, the La Jolla Community Planning Association, after reading the old code presented to them at the last meeting, asked the applicant to redesign and eliminate 300 square feet of the project and present it to the subcommittee again at the December 14, 2004. As the project had been ongoing since 1999, and the project is in compliance with the old code's development regulation regarding floor area ratio, the applicant decided to pursue the Hearing Officer's decision and go to a public hearing without a formal recommendation from the La Jolla Association. The applicant attended the meeting on December 14, 2004, and the subcommittee made a recommendation of denial.

#### ALTERNATIVES

1. Approve Coastal Development Permit No. 8179 and Variance No. 8181, with modifications.
2. Deny Coastal Development Permit and Variance Numbers 3095 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Kathy Henderson, Development Project Manager

#### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
9. Ownership Disclosure Statement

10. Project Chronology
11. Copy of Old Code Section

Job Order Number 99-0507