

DATE ISSUED: January 5, 2006 **REPORT NO. PC-06-001**

ATTENTION: **Planning Commission, Agenda of January 12, 2006**

SUBJECT: LAI RESIDENCE - PROJECT NO. 17873. PROCESS THREE

**OWNER/
APPLICANT:** Grace Lai, an Individual

SUMMARY

Issue(s): Should the Planning Commission approve an appeal of the Hearing Officer's decision approving actions to remodel an existing residence and construct a new residence at 2037 Torrey Pines Road within the La Jolla Shores Planned District and La Jolla Community Plan area?

Staff Recommendation:

1. CERTIFY Negative Declaration No. 17873; and
2. DENY the appeal and APPROVE Coastal Development Permit No. 40871 and Site Development Permit No. 40872 for the Lai I development; and
3. DENY the appeal and APPROVE Coastal Development Permit No. 51302 and Site Development Permit No. 51303 for the Lai II development; and
4. DENY the appeal and APPROVE Lot-Line Adjustment Parcel Map No. 165689 and 165690.

Community Planning Group Recommendation: A subcommittee of the La Jolla Community Planning Association approved the project by a 3-0 vote on October 26, 2004. The La Jolla Community Planning Association heard this item on November 3, 2004 and approved it on their consent calendar. No vote was given.

The La Jolla Shores Planned District Advisory Board considered this project application on July 19, 2005, and on three separate motions to consider the (1) Lot-Line Adjustment, (2) Lai I Residence, and (3) Lai II Residence; failed to adopt an official recommendation as all three motions to deny failed on a 3-1 vote.

Other Recommendations: None

Environmental Review: A Negative Declaration, LDR No. 17873, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact Statement: The processing of this application is paid for through a deposit account established by the applicant.

Code Enforcement Impact: None

Housing Impact Statement: The subject properties being developed are two existing legal building sites zoned for single-family residential use. One lot currently has a residence proposed for remodeling while the second lot is vacant and proposed for a new single-family residence. One residence is therefore being added to the available housing stock within the La Jolla Community Plan area.

BACKGROUND

The proposed project consists of two existing legal parcels of land legally described as Portions of two Pueblo Lots. The proposed Lai I project site has street frontage, and is addressed as 2037 Torrey Pines Road while the Lai II project site is landlocked to the rear of the Lai I site and physically accessed by a driveway within an access easement. An existing single-family residence with an attached garage is located on Lai I, and Lai II is currently vacant.

Both sites are zoned SF (Single-Family) within the boundaries of the La Jolla Shores Planned District and boundaries of the La Jolla Community Plan. The sites are also located within the boundary of the Coastal Overlay Zone (non-appealable area), Coastal Height Limit and Beach Parking Impact Overlay Zone. The site topography ranges from a low point of 82-feet mean sea level (MSL) to a high point of 144-feet on the most southerly point of the sites. Surrounding properties are similarly zoned and developed with single-family residences. An elementary school site and a small commercial site with a gas station and eating facilities are located farther to the east.

Physically, the Lai I site is the low point with adjacent properties on both sides, and the Lai II site to the rear is at a higher elevation.

DISCUSSION

Project Description:

The project proposes to demolish the 418 square-foot, two-car garage attached to the existing 1,781 square-foot single-family residence on the Lai I site. This garage is at the rear of the residence, adjacent to the vacant Lai II site. In order to enhance the development potential of the Lai II site, a Lot-Line Adjustment Parcel Map is proposed to increase the Lai II site from 7,694 square-feet to 10,053 square-feet, which decreases the size of the Lai I site from 12,247 square-feet to 9,888 square-feet.

The Lai I site proposes to add a new three-car, 677 square-foot garage on the lower level of a two story, 1,196 square-foot guest quarters on the portion of the site closest to Torrey Pines Road. This addition is attached to the existing residence, which will also be upgraded in appearance by remodeling and landscape improvements.

The Lai II site proposes a new three-story, 4,295 square-foot single-family residence with an attached two-car garage. This structure would be built into the hillside and appear as a one and a half story structure from the south and east (rear hillsides), and a three-story structure from the west and north. The front elevation on the north would be screened by the existing residence and new construction. This site is accessed by a private driveway easement across the Lai I site for off-street parking, with both sites accessing Torrey Pines Road near the Roseland Drive intersection.

Grading to accommodate these developments consists of 700 cubic yards of cut to a maximum depth of 16-feet, and 100 cubic yards of fill to a depth of 2.5 feet, with the balance of 600 cubic yards exported. Retaining walls, decorative stonework, landscaping and brush management either compliment or are required to allow this development to be accomplished on this site.

While the La Jolla Community Planning Association approved this proposed project, the La Jolla Shores Planned District Advisory Board failed to adopt any official recommendations when three separate motions to deny did not pass on 3-1 votes. The Board expressed concerns with the developability of the rear lot, worried that the 30-foot height limit might be exceeded, and believed that the view of the proposed residence from the street and the neighbors to the west was imposing. A retaining wall for the trash storage area has been modified in conjunction with the Board's recommendation for this rear lot. The Board also felt the bulk and scale of the front residence was not consistent with the area. The Lot-Line Adjustment map was opposed for creating a rear lot and not leaving enough area for a sufficient setback for the residences.

Community Plan Analysis:

The lots are existing legal building sites with one single-family residence existing and one new residence proposed. The sites are located within the boundaries of the La Jolla Shores Planned

District and within the La Jolla Community Planning area with both plans designating the site for low density single-family use. The surrounding land use is similarly zoned and designated and the proposed development is consistent with the Community Plan land use development guidelines.

Environmental Analysis:

A Negative Declaration, LDR No. 17873, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. There are no environmental issues with the project requiring mitigation.

Appeal Issues:

The appellant, who attended the Hearing Officer hearing on October 5, 2005, has cited their position that the Hearing Officer, “failed to adequately consider potential for flooding and landslides due to inadequate grading and drainage issues being properly and timely addressed before approval of the Application”.

Staff Response:

Development Services staff reviewed the documents submitted by registered Geologic consultants, and based on those reviews, determined that the geotechnical consultant had adequately addressed the soil and geologic conditions potentially affecting the proposed development for the purposes of environmental review. Engineering staff required grading to show the direction of water flow on-site directed toward drainage facilities and also required a Post-construction BMP Report consistent with the City of San Diego's Storm Water Standards. This report includes, but is not limited to, how source control and site design have been incorporated into the project, BMP maintenance schedules and maintenance costs and the party responsible for future maintenance and associated costs.

Additionally, draft conditions in the development permit include the following:

1. The drainage system proposed for this development, as shown on the approved plans, is subject to approval by the City Engineer.
2. Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
3. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the closure of the existing driveway on Torrey Pines Road with restoration to full-height curb and gutter, and the installation of a 24-foot driveway, 35 feet of 6" PVC drain

pipe and a D-25 curb outlet in the right-of-way of Torrey Pines Road. This work shall be shown on the grading plan and included in the grading permit.

4. Prior to the issuance of any building permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, from the City Engineer, for a non-standard driveway, a non-standard slope between the property line and the curb, landscaping and a D-25 curb outlet in Torrey Pines Road.

At the public hearing by the Hearing Officer, the appellant (represented by legal counsel) and another adjacent neighbor, raised these issues which were fully addressed by the Project Manager, City Engineer and City Attorney's representative to the satisfaction of the Hearing Officer.

The discussion of these issues led to the disclosure that the second neighbor to the east has a drainage pipe collecting surface water on their site that discharges unto the Lai II site and has caused some sloughing /erosion of the slope. The applicant stated that they have connected a flexible pipe to the discharge point to carry the water down the site to their drain system. Additionally, the applicant is going to backfill the area eroded and plant erosion control landscaping to repair the slope.

Conclusion:

The project has been fully reviewed in the normal course of project review by City staff for the same concerns that the appellant has raised. With the approved 'Exhibit A' plans, the conditions of the permit and the subsequent review of construction documents by the City staff prior to any permits for improvements to the site, the appellants concerns are fully addressed and the appeal should be denied and project approval confirmed by the Planning Commission.

ALTERNATIVES

1. **Approve** Coastal Development Permit No. 40871, Site Development Permit No. 40872 and Lot-Line Adjustment Parcel Map No. 165689 (Lai I), and Coastal Development Permit No. 51302, Site Development Permit No. 51303, and Lot-Line Adjustment Parcel Map No. 165689 (Lai II), **with modifications.**
2. **Deny** Coastal Development Permit No. 40871, Site Development Permit No. 40872 and Lot-Line Adjustment Parcel Map No. 165689 (Lai I), and Coastal Development Permit No. 51302, Site Development Permit No. 51303, and Lot-Line Adjustment Parcel Map No. 165689 (Lai II), **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Deputy Director, Customer Support and
Information Division
Development Services Department

Robert Korch, Project Manager
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Attachments:

1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Maps
4. Project Data Sheet
5. Project Site Plan
6. Project Plans
7. Draft Permits for Lai I with Conditions
8. Draft Permits for Lai II with Conditions
9. Draft Resolution with Findings
10. Copy of Appeal
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology