

DATE ISSUED: March 9, 2006 **REPORT NO. PC-06-051**

ATTENTION: **Planning Commission, Agenda of March 16, 2006**

SUBJECT: ARMSTRONG RESIDENCE - PROJECT NO. 3511.
PROCESS 2 APPEAL

REFERENCE: NOTICE OF DECISION DATED NOVEMBER 17, 2005
(Attachment 13)

**OWNER/
APPLICANT:** Tom Armstrong and David Ferradino
Thomas Armstrong Construction, Inc.

SUMMARY

Issue(s): Should the Planning Commission approve or deny an appeal of Staff's decision approving CoastalDevelopment Permit No. 5782, for construction of a two-story, 2,883 square-foot single family residence, with an attached 483 square foot, two-car garage?

Staff Recommendations:

1. CERTIFY Negative Declaration No. 3511
2. DENY the appeal
3. APPROVE CoastalDevelopment Permit No. 5782.

Community Planning Group Recommendation: The La Jolla Community Planning Association considered the project on November 3, 2005, and voted 12-0-0 to deny the project as presented within Attachment 10.

Environmental Review: A Negative Declaration No. 3511 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 for 0 to 5 dwelling units per acre. The project proposes to construct one single family residence. The impact to the La Jolla community will be a net increase of one residential unit. The proposed project will result in one net residential unit increase in the housing supply for the City of San Diego.

BACKGROUND

The project site is a 7,812-square -foot lot zoned RSI-5 in the La Jolla Community Plan Area. The property is addressed as 5746 La Jolla Mesa Drive and is an interior lot (Attachment 1). The site is surrounded by properties also zoned RS-1-5 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 vacant. The topography of the site slopes west -northwest along Fairway Road and throughout the property. The site has an overall grade differential of approximately 76 feet.

A Coastal Development Permit, in La Jolla that is outside the appealable area to the California State Coastal Commission, is a Process Two, Staff level decision per San Diego Municipal Code Section 112.0503. The Coastal Development Permit was approved by Staff on November 17, 2005 (Attachment 13). On December 7, 2005, Ahmed Salem and Brian Tremblay appealed the project to the Planning Commission.

DISCUSSION

Project Description:

The applicant is requesting approval of a Coastal Development Permit for the proposed construction of a two-story, 2,883-square -foot single family residence, with attached 483 square foot, two-car garage. The proposed residence will include four bedrooms, three bathrooms and a laundry room in the lower level; a family room, dining room, living room, kitchen, and one bathroom on the main level.

Exterior elevations propose stucco walls, wood windows, columns and a flat roof. Site improvements will include fencing, retaining walls and landscaping.

Community Plan Analysis:

The site for the proposed new single dwelling unit is designated in the 1975 La Jolla Community Plan as Very Low Density Residential (0-5 du/acre). This project conforms with that land use designation. The proposed two story residence that appears as a one-story residence from the public right-of-way is located in a single family residential neighborhood on a vacant lot. The La Jolla Community Plan and the La Jolla – La Jolla Shores Local Coastal Program recommends that site design provide a gradual transition within a neighborhood. The plan also recommends that in order to promote transition in scale between new and older structures new development should compliment the scale, form and proportion of older development and minimize extreme contrasts in color, shape and architectural elements.

The surrounding neighborhood is characterized by both single-story and two-story residences and is architecturally eclectic using a variety of exterior materials and colors. The front elevation of the proposed project presents a single-level façade with an entry way, windows and a two-car garage. The exterior of the residence includes stucco walls, glass windows and a flat roof. The project site slopes down the length of the property from front to back and the majority of the proposed structure takes advantage of this by stepping down the slope. 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 main floor apparent from the street.

The subject property is located along La Jolla Mesa Drive which is identified as a Scenic Alternative Route in the La Jolla – La Jolla Shores Local Coastal Program to help facilitate access into the coastal zone from outside La Jolla. The LJCP recommends streets within the community be visually rewarding to pedestrians, cyclists and drivers. The proposed residence maintains a low profile as viewed from the right of way and observes six-foot side yard setbacks. Staff has determined that the proposed development does not significantly impact the scenic roadway as identified in the community plan.

Environmental Analysis:

The City of San Diego conducted an Initial Study and determined that the proposed project could have a significant environmental effect. The project, as revised, now avoids potentially significant environmental effects previously identified. A Negative Declaration No. 3511, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines.

A biological survey report for the proposed project, titled “Biological Survey of a Proposed Residential Development at 5732 La Jolla Mesa Drive”, dated October 7, 2003, and revised September 7, 2005, was prepared by Tierra Environmental Services. The project site is located outside of the City of San Diego Multi-Habitat Planning Area (MHPA). The closest MHPA occurs approximately 0.25 mile to the east, associated with a canyon that separates La Jolla Mesa Drive from Cardeno Drive. The upper portion of the property was found to be completely

disturbed and vegetated with exotic plant species. The steep portion of the lot was found to be almost completely barren of vegetation. A single lemonade berry (*Rhus integrifolia*) was observed. No other native plant species were observed. The entire site is considered ruderal habitat. No sensitive plant or animal species were observed during the survey. The proposed project would not impact any sensitive biological resources.

Three geotechnical reports were prepared for the project during the initial study. The reports, titled “Engineering Geologic Investigation, 5732 La Jolla Mesa Drive, La Jolla Area, City of San Diego”, dated May 5, 2001; “Geologic Reconnaissance, 5732 La Jolla Mesa Drive, La Jolla Area, City of San Diego”, dated August 12, 2003; and “Response to City of San Diego Review Sheet Dated: 4/10/2004, Regarding 5732 La Jolla Hermosa, Proposed Residential Structure”, dated September 23, 2004. All reports were prepared by James R. Evans.

The reports were prepared to examine the proposed project impacts to the existing site conditions and potential soil issues with the project. The report determined that the proposed project will have a factor of safety of 1.5 or greater with respect to gross and surficial slope stability at the completion of the project. Based on the slope’s current factor of safety of less than 1.5, a “Notice of Geologic and Geotechnical Conditions” has been recorded against the property. It is the opinion of the geologic consultant that the project can be built in a geologically safe and stable manner. Proper engineering design of all new structures would ensure that the potential for geologic impacts from regional hazards would not be significant.

Based on the biology survey report and geotechnical reports, no significant impacts would be associated with the proposed project; therefore, no biology or geotechnical mitigation is required and a Negative Declaration was prepared in accordance with CEQA.

COMMUNITY PLANNING GROUP RECOMMENDATION

On November 3, 2005, the La Jolla Community Planning Association voted 12-0-0 to deny the project based on two reasons (Attachment 10). The two reasons for denial are as follows:

1. Retaining walls in the side yard exceed the maximum height allowed.
2. Building height exceeds the maximum allowed by the 45 degree side yard building envelope.

City Staff has determined that the proposed retaining walls to the east and west of the residence are required for light and access/egress to the lower level of the residence pursuant to SDMC section 113.0270(a)(6). Staff has also reviewed the proposed height of the residence. The project meets the height requirements within the SDMC and the area that isn’t angled 45 degrees is considered a dormer pursuant to SDMC section 131.0461(a)(9)(B). The project meets all requirements within the Land Development Code.

APPEAL ISSUES

The appellants, Ahmed Salem and Brian Tremblay, filed an appeal on November 17, 2005 (Attachment 9). The issues identified in the written appeal to the Planning Commission, can be categorized in the following:

1. Structure Height.

Staff's Response: The proposed project is a two-story, 2,883 square foot single family residence with a proposed overall height of 27'-4" (top of roof); this height is under the maximum 30 foot height limit allowed within the coastal zone.

Structure height is measured three ways. First, the structure is measured from the top of the highest point of the building or to the top of any appurtenance, whichever is higher, to grade directly below it. If at any point that measurement exceeds 30 feet, the structure is over height. The second part of the height measurement can be considered a determination of the maximum overall building height. This measurement is the difference in elevation, within the building footprint, between the highest point of the building and lowest point of grade within five feet of the building perimeter (building wall, balcony, bay window, or similar architectural projection), or the property line, whichever is closer. In addition, this project is subject to Proposition "D" height requirements. This height requirement is the third way in which height is measured for the proposed development. Proposition "D" limits the height of buildings and structures to 30 feet. This height is measured to the highest point of the roof, equipment, antenna, or any other projection from the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet from said wall.

The proposed development complies with all development regulations within the San Diego Municipal Code.

2. Privacy and Private Views.

Staff's Response: The City of San Diego does not protect private views. The La Jolla Community Plan does not designate any public view shed areas within the proposed project site. La Jolla Mesa Drive is identified as a Scenic Alternative Route in the La Jolla – La Jolla Shores Local Coastal Program to help facilitate access into the coastal zone from outside La Jolla. The La Jolla Community Plan recommends streets within the community be visually rewarding to pedestrians, cyclists and drivers. The proposed residence maintains a low profile as viewed from the right of way and observes six-foot side yard setbacks. Staff has determined that the proposed development does not significantly impact the scenic roadway as identified in the community plan.

CONCLUSION

Staff has reviewed the proposed CoastalDevelopment Permit application and found it to be in conformance with both the La Jolla Community Plan and the applicable sections of the San Diego Municipal Code regulating CoastalDevelopment Permit s 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** CoastalDevelopment Permit No. 5782 with modifications.
2. **Approve** the appeal and **Deny** CoastalDevelopment Permit No. 5782 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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

Laura C. Black, Project Manager
Customer Support and
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JDS/LCB

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 Permit with Conditions
8. Draft Resolution with Findings
9. Copy of Appeal
10. Community Planning Group Recommendation, November 3, 2005
11. Ownership Disclosure Statement
12. Project Chronology
13. Notice of Decision, dated November 17, 2005