



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: March 16, 2017 REPORT NO. PC-17-009

HEARING DATE: March 23, 2017

SUBJECT: MCASD EXPANSION. Process Four Decision.

PROJECT NUMBER: [405930](#)

OWNER/APPLICANT: Museum of Contemporary Art San Diego (MCASD)/James Alcorn

### SUMMARY:

Issue: Should the Planning Commission grant approvals to demolish an existing single-family residence and add to an existing museum, including underground parking facilities, located at 636 and 700 Prospect Street within the La Jolla Community Planning area?

### Staff Recommendations:

1. ADOPT Mitigated Negative Declaration No. 405930 and ADOPT Mitigation Monitoring and Reporting Program; and
2. APPROVE Coastal Development Permit No. 1419240, Conditional Use Permit No. 1425481 and Planned Development Permit No. 1755238, (Amending Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 96-0257).

Community Planning Group Recommendation: On August 6, 2015, the La Jolla Community Planning Association voted 11-1-1 to recommend approval of the project and the proposed deviations with no conditions (Attachment 17).

Environmental Review: A Mitigated Negative Declaration No. 405930, was prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

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

Housing Impact Statement: The project proposes the demolition of one existing single-family residential unit at 636 Prospect Street and the construction of the Museum expansion and parking garage. The single-family residence is located in the Medium Density Residential (15-30 DU/AC) of the La Jolla Community Plan Land Use Map (Attachment 2). The proposed project is an addition to the Museum of Contemporary Art San Diego, an identified “community landmark” located in the Cultural Complex as identified by the La Jolla Community Plan. This project will result in the loss of one market rate dwelling unit. This project involves less than three dwelling units and thus is not subject to the City’s Inclusionary Affordable Housing Regulations and Coastal Overlay Zone Affordable Housing Replacement Regulations.

## BACKGROUND

The project is located at 636 and 700 Prospect Street and is comprised of the 2.28-acre existing Museum of Contemporary Art San Diego property and the 0.27-acre adjacent single family home site. The applicant proposes additions to the existing museum building and various site improvements. The museum site provides a surface parking area with a total of 24 off-street spaces located on the north side of the museum and a loading area located on the south side. The site is bounded by Prospect Street, Cuvier Street, and Coast Boulevard (Attachment 3). The irregularly shaped parcel is comprised of two legal lots, the larger museum lot is zoned Zone 6A: Cultural Zone of the La Jolla Planned District (LJPD); and the smaller lot containing the single-family home, is zoned ZONE 5A: Multi-Family Zone of the LJPD. The single-family lot is designated as Medium Residential (15-30 dwelling units per acre) and the museum lot is designated Medium High Residential (30-45 dwelling units per acre) within the Land Use Map of the La Jolla Community Plan (Attachment 2).

Surrounding developments along Coast Boulevard and Cuvier Street are primarily residential uses, both single-family and multi-family, and also hotel uses and a commercial residential care facility (Casa de Manana). Along Prospect Street there are Cultural Zone uses, with some multi-family residential uses and single-family residential uses. Coast Boulevard fronts the Pacific Ocean at Coast Boulevard Park, with the Children’s Pool to the north and Whalewatch Point to the southwest (Attachment 1).

The site is within the Coastal Overlay Zone (appealable to the California Coastal Commission), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone (Coastal and Beach), Transit Area Overlay Zone and the Residential Tandem Parking Overlay Zone.

The museum is currently permitted with Coastal Development Permit/La Jolla Planned District/Special Use Permit No. 96-0257 (Attachment 8), which is an amendment to Coastal Development/La Jolla Planned District/Special Use Permit No. 90-0747. The Amendment was approved by the City Council on June 3, 1997, and allowed the construction of the current Museum buildings which include Gallery and exhibit spaces, the Sherwood Auditorium, offices, workshops and storage spaces, and the Book Store and Café.

The museum building located at 700 Prospect Street would be modified. This structure is more than 45 years of age. Historic staff reviewed a Historical Resources Technical Report for the subject property, determined that it is not an individually designated resource, that it is not located within a designated historic district and concurred with the report that the property is not eligible for historical listing under any local or state criteria.

A Coastal Development Permit is required by the [San Diego Municipal Code \(SDMC\) Section 126.0702](#) for the proposed demolition and construction on property within the Coastal Overlay Zone. A La Jolla Special Use Permit processed as a Conditional Use Permit is required for development located within Cultural Use Zone 6A of the La Jolla Planned District per [SDMC Section 159.0210\(c\)](#) and for cultural development located within Zone 5A of the La Jolla Planned District per [SDMC Section 159.0302\(b\)](#). The applicant is requesting a Planned Development Permit to deviate from the 30-foot building height limit and the building setback development regulations of Zones 5 and 6 of the La Jolla Planned District.

## DISCUSSION

### Project Description:

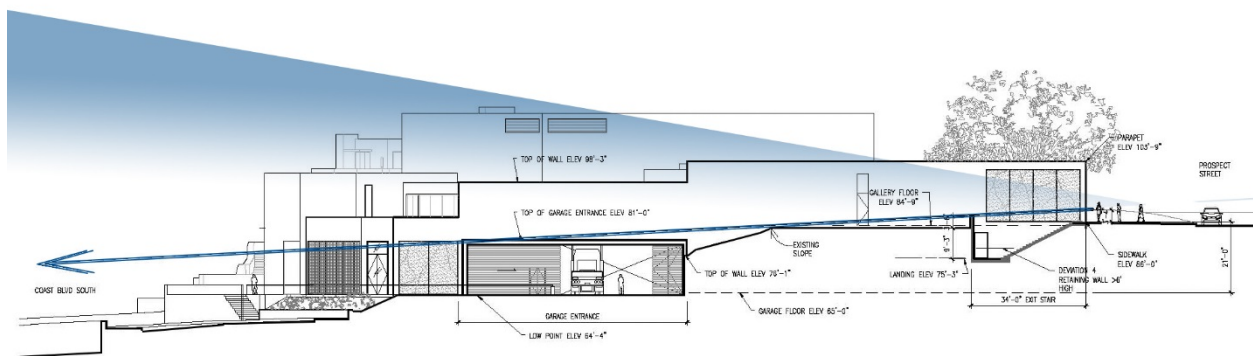
The project proposes to demolish the existing residence at 636 Prospect Street and construct a 49,444 square-foot addition/remodel to the existing 55,570 square-foot museum, resulting in a 105,014-square-foot facility. The museum will also expand exhibit space and gift shop area. All parking on the northern portion of the project site will be replaced with a new public plaza, a new pedestrian entrance and an additional book store. The front entrance to the Museum would be relocated from the north side of the facility to the east side along the Prospect Street frontage. The south side of the museum would be improved with a new underground parking garage to accommodate 41 cars, a portion via 19 parking lifts, and two motorcycle spaces; expanded office and workshop space, and an enclosed loading dock area in the garage. The garage ingress and egress driveway will remain on Cuvier Street.

Parking: Portions of the museum building were constructed in the 1950's, predating current off-street parking requirements. The previous 1997 approval required a minimum of 24 off-street parking spaces. This current proposal will expand the off-street parking from 24 spaces to 41 spaces and will also implement a Parking Management Plan (Attachment 16) to handle the expected parking demand for the proposed expanded facility and various events. Implementation and maintenance of the Parking Management Plan is required Condition No. 42 (Attachment 6) and valet parking must be provided for events with expected attendance of 320 people or greater (Condition No. 43, Attachment 6).

Demolition: The existing residence located at 636 Prospect Street would be demolished. This structure is more than 45 years of age; Historic Resources staff reviewed a Historical Resources Technical Report for the subject property, and determined that the structure is not an individually designated resource, that it is not located within a designated historic district and concurred with the report that the property is not eligible for historical listing under any local or state criteria.

**Landscaping:** Three street tree species alternatives are provided on the landscape plan from the City of San Diego's approved tree list to provide nursery stock selection flexibility. The project will provide a landscaped area measuring 31.4 percent of the total site area, where a minimum of 30 percent is required. Three recessed landscape areas would front Prospect Street; two existing landscape areas would be retained and enhanced, and a new landscape area would be created to the south of the new Museum entrance fronting Prospect Street. By providing these landscaped areas, the project meets the requirement of [SDMC 143.0460\(d\)](#), in that no wall parallel to the street exceeds 150 feet in length. An existing pine tree that overhangs into the Cuvier Street right-of-way will be moved farther north on the subject property to enhance the public view corridor through Cuvier Street. The project also includes the preservation of a large Ficus Rubiginosa tree at the entrance to Sherwood Auditorium located within the existing museum, a reconfigured Main entrance with trellis, and a canopy at the vehicle and delivery entrance fronting Cuvier Street.

**Coastal Public Views/Scenic Overlook:** An existing Scenic Overlook, (La Jolla Community Plan Figure E, page 149, Attachment 15), is maintained through the north end of the project site from Prospect Street, and satisfies a required Visual Access Corridor (10% of lot width or 43 feet wide). Due to the project's close proximity to the ocean, a second view corridor along the project's south side was recommended by the California Coastal Commission staff. To comply with this recommendation, the applicant will record view corridor easements on the property over both view corridors (Condition No. 36, Attachment 6). The northern view corridor easement will be approximately 43 feet wide and the southern view corridor easement will be an approximate five-foot wide. A section through the new southern Visual Access Corridor is shown:



Improvements underlying this Visual Access Corridor follow the ground surface closely, such that a sight line across the tops of the guard rail at the egress stair and the garage entrance align with the ground surface, and a view from the sidewalk at a height of 3 feet is unobstructed to the sky, as shown.

#### **Community Plan Analysis:**

The museum site is located principally in the area described as the Cultural Complex within the Cultural Zone (La Jolla Planned District Ordinance Zone 6A). The Museum of Contemporary Art San Diego is a listed community landmark in the Cultural Zone. The proposed project expands the

listed community landmark use by expanding that use into an abutting property that will be converted to the recommended use in the Cultural Zone.

The addition of the portion of land underlying the single-family residence at 636 Prospect Street (in Zone 5A - Multi-family Zone of the same LJPD), is consistent with the language and the intent of the La Jolla Community Plan (LJCP) in which the expansion for a higher use is recommended. The same LJCP has indicated that the boundary of the Cultural Complex could be adjusted over time (page 110), although that is not proposed in this application.

The Heritage Resources Element of the La Jolla Community Plan recommends protecting sites with significant archaeological value within the residential and commercial areas of La Jolla for their scientific, education and heritage values. The subject property has the potential to contain archaeological resources and the proposed development would provide for excavation to the quantity and depth that would likely encounter these resources, through archaeological monitoring during excavation as described in the Environmental Analysis below.

Appendix G, Coastal Access Subarea Maps of the Community Plan, identifies visual and pedestrian access for coastal areas.

- Figure E, page 148, "Subarea E: Coast Boulevard – Physical Access" identifies Prospect Street to the east of the site as an "Alternative Pedestrian Access", and the seaward side of Coast Boulevard is identified as a "Scenic Blufftop Walkway."
- Figure E, page 149, "Subarea E: Coast Boulevard - Visual Access" identifies Prospect Street to the east of the site as a "Scenic Roadway: Partially obstructed views over private properties and down public R.O.W.s" (Attachment 16). A "Scenic Overlook: View over private property (sic) from public R.O.W." is identified in an area that is the existing parking lot at the north portion of the Prospect Street frontage. This parking lot is to be converted in this project to a sculpture courtyard, with a Visual Access Corridor conforming to SDMC 159.0307.f.2. A "View Corridor: Unobstructed framed view down a public R.O.W." is identified at the northerly foot of Cuvier Street: this view corridor is maintained in the project design and landscape design with appropriate street tree plantings that frame the view down the public right-of-way.

As proposed, the project would implement the La Jolla Community Plan.

#### Environmental Analysis:

A Mitigated Negative Declaration was prepared for the project due to the potential to impact archaeological and paleontological resources. The site is underlain with potentially sensitive soils and the project proposes a total of 7,400 cubic yards of cut to a maximum depth of approximately 20 feet for site preparation and for the construction of the basements. As such, archaeological and paleontological monitoring is required. Although the cultural resources within the project area do not meet the criteria for significance under CEQA or the City's Historical Resources Guidelines,

mitigation measures have been incorporated which require that a qualified archaeologist and a Native American monitor be present during on-site grading activities in the zones with potential for archaeological resources. Implementation of the Mitigation, Monitoring and Reporting program will reduce impacts to Archaeological and Paleontology Resources to below a level of significance.

#### Project-Related Issues:

The applicant is requesting a Planned Development Permit to deviate from the 30-foot building height limit and the building setback development regulations of Zones 5 and 6 of the La Jolla Planned District.

#### Planned Development Permit Analysis:

The project deviates from development regulations by (1) exceeding 30-foot zoning height limit; (2) encroaching into the street side yard setback at Coast Boulevard South; (3) encroaching into the street side yard setback at Prospect Street; and (4) exceeding retaining wall height limit in an interior side yard setback. The Planned Development Permit (PDP) allows flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. The following information summarizes the analysis of the four proposed deviations.

- 1. Height exceeding the 30-foot Zoning Height Limit.** The existing museum building predates Proposition D and the Certified Local Coastal Plan [SDMC 113.0270\(a\)\(2\)\(B\)](#), and observes a height of 54 feet 5 inches, exceeding the maximum 30-foot height “plumb line” zoning height allowed today. Note that this is not a request for a deviation to Proposition D, which addresses a measurement taken at the exterior wall of the building. The maximum zoning height, which is the limit on structure height set by City Council for base zones throughout the City, is often confused with the 30 foot coastal height limit, a voter initiative (effective December 7, 1972). However, maximum zoning height and the coastal height limit are separate requirements that are calculated and measured in significantly different ways. Through the PDP process, the City has the flexibility to allow deviations to the base zone height limits, but is unable to modify the coastal height limit provisions (“Prop D”) without approval by City of San Diego voters. The proposed addition would be to south side of the existing museum building, where the existing home is to be demolished. This proposed deviation of 3 feet, 11 inches, to allow a total height of 33 feet, 11 inches, is located in a portion of the proposed addition that is directly south of the existing museum building, at an existing loading dock and truck apron area (see photo below).



**View looking north from Cuvier Street**

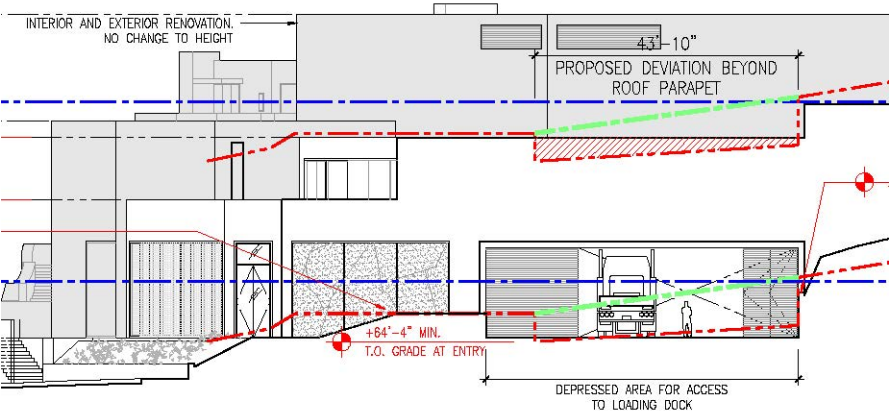
A key part of this project is the proposal to convert the existing parking area in the northern portion of the project site into a sculpture garden. The requested deviation is essential to maximize function of the new parking garage which will replace the parking lot, and provide for an interior loading area that will accept tractor trailers as well as bobtail trucks, with level access to other parts of the museum. This deviation is essential to enhance the aesthetic appeal of the Visual Access Corridor at the north side of the property, and the functionality of the garage and basement access in the addition.

The following exhibit shows the south elevation, with the estimated grade (green) at the time of construction of the existing museum building, with the lowered grade for the basement access. Existing grade (red) with zoning 30 foot height limit above (red) and Prop D Height Limit (blue).





Garage entrance area enlarged as follows:

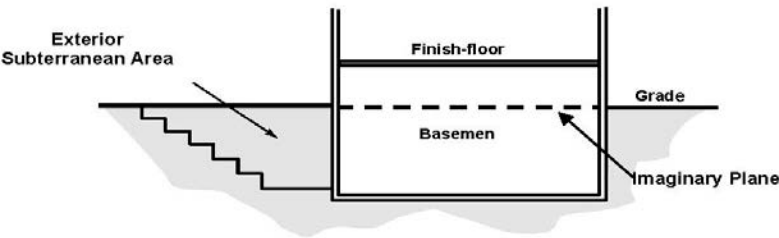


This existing truck loading area was created to provide basement access to the Museum workshops and offices, and the area excavated below the existing grade to create this access, which appears consistent with SDMC Diagram 113-0200.

- (ii) Exterior Subterranean Areas. The overall *structure height* measurement shall not include subterranean vehicular access, exterior subterranean pedestrian access or ventilation to a *basement*. Overall *structure height* shall instead be measured from an imaginary plane connecting to the lowest *adjacent grade* immediately above the exterior subterranean space, as shown in Diagram 113-0200.

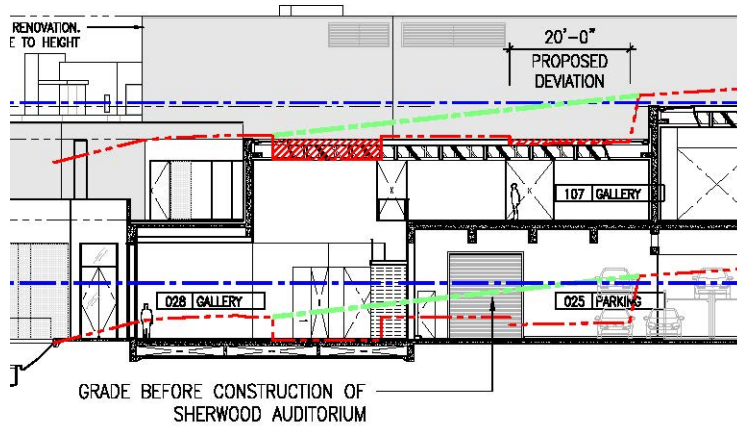
**Diagram 113-0200**

**Access and Ventilation to Basement**



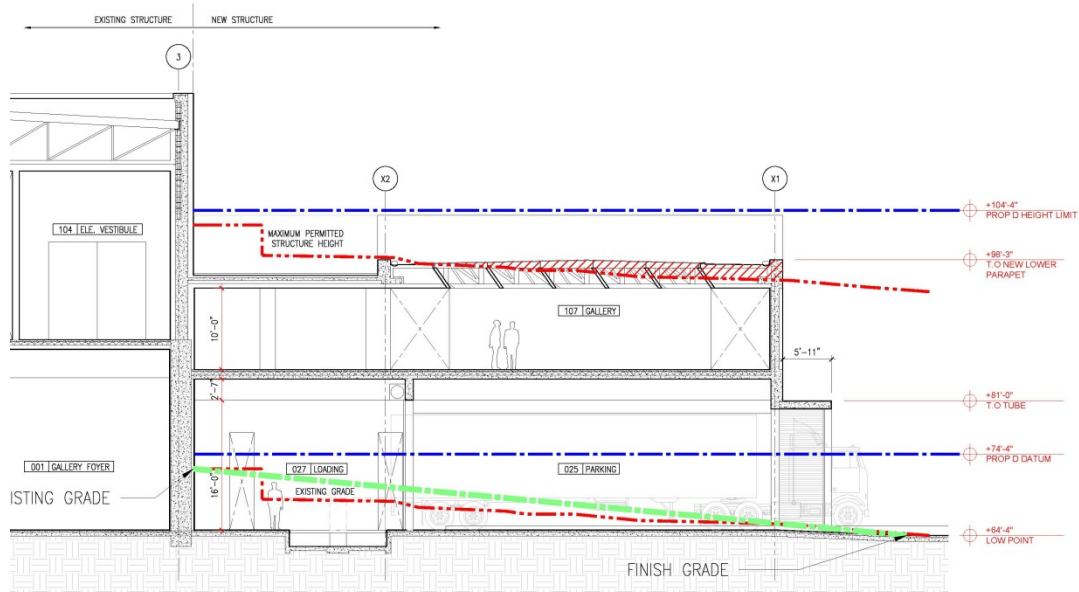


With a closer look at the affected area below:



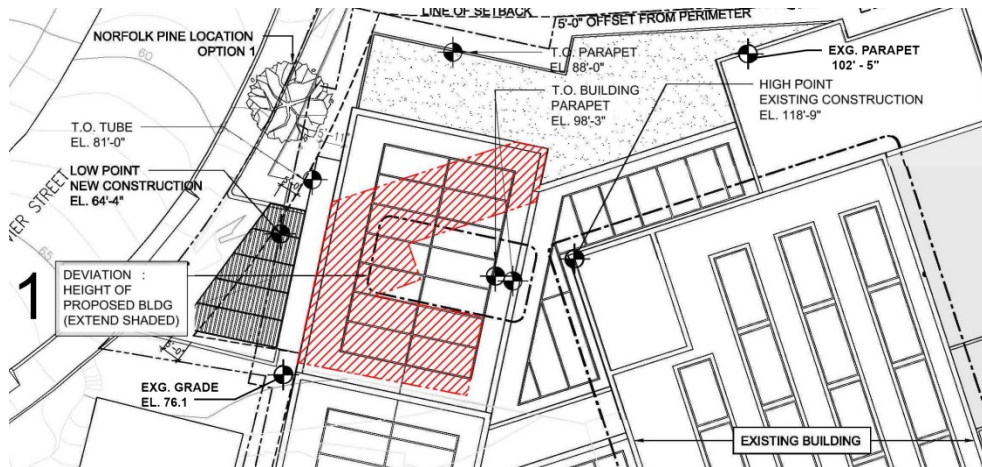
The following exhibit shows a section through the loading dock, looking east, showing the loading area in relation to the floor. Note that this is the minimum clearance for a tractor trailer, and the museum will be required to use a lift to provide access to the tractor trailer regardless. The museum is concerned about moving bulky art pieces in this area, and this is the minimum floor level that will allow the museum to do this and connect to the other floor levels in the building.

With a section in a different direction through the affected loading area shown below:



Note that the lower roof at the garage entrance, to the right in the above drawing, is 5'-11" from the face of the wall at Line X1.

The affected area at the roof is approximately 2,020 square feet: all of that area is within the building area, and at least 5 feet away from any perimeter walls of the building that would be subject to Proposition D height measurement. A detail of the affected area is as follows:



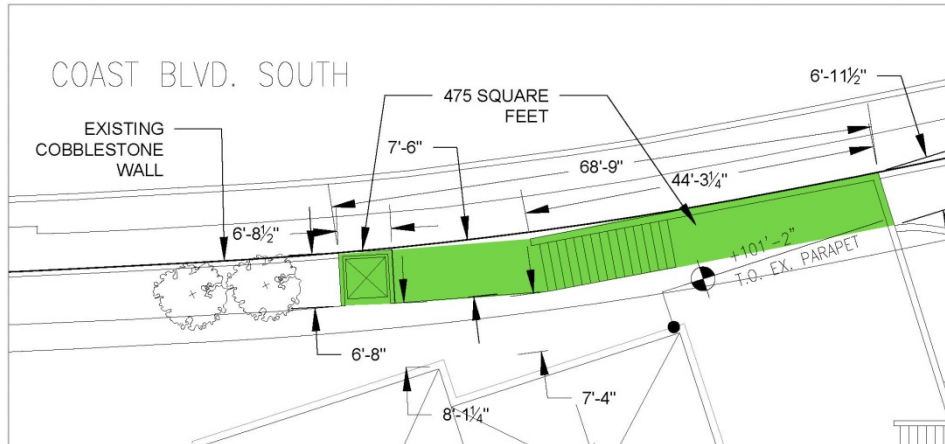
Roof Area of deviation – 2,020 square feet

With the approval of this deviation, the existing previously conforming height of the adjacent existing structure will be retained. The proposed new structure conforms to Proposition D, but the “plumb line” height in the interior of the addition does not conform to the zoning height limit at the area fronting the loading dock, as described above. It is noted that no change is proposed in the roof line in the area of the deviation. The deviation is needed to allow the drop in grade for the loading dock area. The deviation is necessary to make the proposed garage and loading area function properly with adequate ceiling to floor heights. The garage, in turn, is a valuable feature of the project because it makes possible the removal of all vehicles from the parking lot at the north side of the property to create the Visual Access Corridor on the north side of the property. The height deviation is needed to provide a uniform building height above the gallery spaces and the loading dock area of the garage. The loading dock is located in an area where the trucks can back into the garage area with enough clearance for a truck, and in which the transfer of art and equipment can adequately and safely be made indoors. The approval of this proposed deviation is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of this zone and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

2. **Accessible lift and stair encroachment within the Street Yard Setback fronting Coast Boulevard.** This deviation is to the 10-foot required Street Side Yard fronting Coast Boulevard South [SDMC 159.0307\(b\)\(2\)\(B\)](#), to permit an elevator lift and stairs.

The lift is an essential part of the disabled accessibility program to accommodate Museum ingress/egress and to meet ADA requirements.

The proposed lift and stairs are to be located in the south western portion of the site, leading directly to the existing elevator lobby at that side of the Museum. This location, will minimize the disruption to the existing slope and an existing cobblestone rock wall fronting Coast Boulevard, as well as minimize excavation. The lift and stairs would encroach into the street side yard 7.5 feet over a length of approximately 69 feet. The length of the side yard is approximately 240 feet.



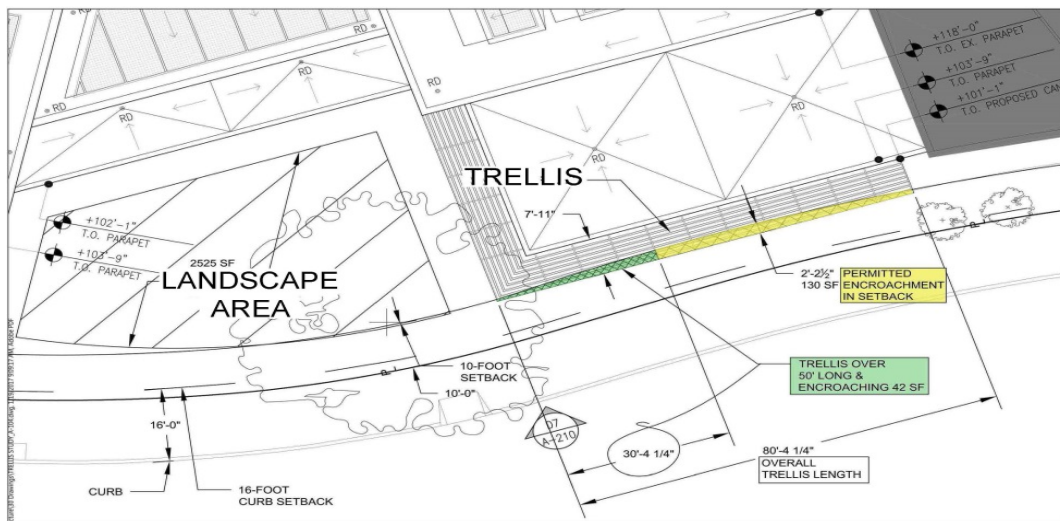
If this deviation is not approved, the accessibility path of travel to the Museum building will be located more than 80 feet to the east, and the existing walls in the sculpture garden that are not within the street side yard will be altered. The length of the accessible path of travel will be increased by roughly 150 linear feet.

The approval of this proposed deviation is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of this zone and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

- 3. Trellis encroachment into Prospect Street front setback.** Providing a Trellis over the entrance to the Museum is an essential design feature that relates the new entrance to the broad sidewalk and frontage on Prospect Street. The SDMC [159.0307\(b\)\(2\)\(B\)](#) permits an encroachment of up to three feet in width into the right-of-way parallel to the street up to a length of 50 feet, provided an equal yard area is provided nearby of an area that is also in front of the building that is at least the same length as the encroachment area. The project proposes an 80-foot long trellis parallel to Prospect Street. This is appropriate for the scale of the existing building and design, and the scale and location of this trellis. The following rendering shows the entrance with the trellis to the right and the offsetting landscaped area to the left.



The following shows the plan view of the trellis. With an encroachment of only 2'-2½", this trellis conforms to the 3-foot limit, but with an overall length of 80'-4¼", it is longer than the 50 feet permitted in the SDMC. The nearby offsetting yard area of 2,525 square feet is much greater than the required 42 square feet of equal area, and is immediately to the left. The offsetting yard also serves to preserve a large ficus rubiginosa tree.



This creates an appropriately proportioned entrance, and is needed to relate and provide a transition to the scale of the building immediately behind the entrance.

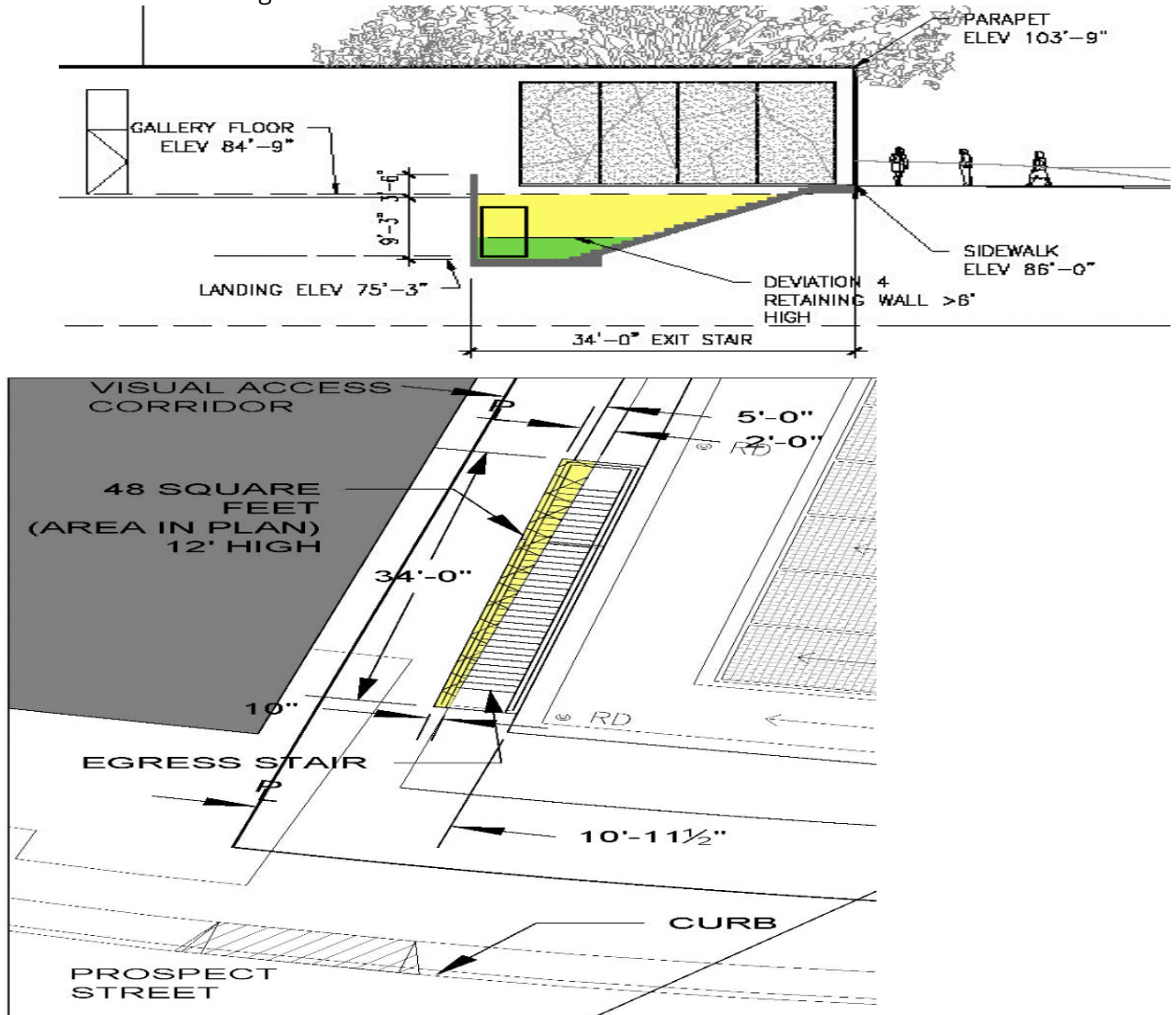


The approval of this proposed deviation is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of this zone and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

**4. Egress stair setback within the side yard, leading to Prospect Street.**

The maximum permitted height of a single retaining wall in a side yard is six feet, and above that height, multiple offset walls are required. This is ordinarily applied to a retaining wall that is oriented so that the face of the wall is outward toward adjacent properties, as shown in [SDMC Diagram 142-03H](#).

This stair is located in a seven-foot-wide interior side yard and is part of a stair case. The face of the wall exceeding height is only visible from the interior of the lot, and in a relatively narrow well of the egress serving the underground garage, as shown in the figures below.



The encroachment into the interior side yard varies from 10 inches to 2 feet over a length of 34 feet. Without this deviation, gallery and garage area would need to be reduced to accommodate the stairs. This deviation will make it possible to create an egress stair and preserve the width of the garage below and the galleries above. Note that this subject area will also become a part of the Visual Access Corridor.

A key part of this project is the ability to convert the existing parking area in the northern portion of the project site into a sculpture garden, and to make that area an enhanced part of the Visual Access Corridor. This deviation is essential to maximize the new parking garage that replaces that parking, both in terms of the number of parking spaces as well as the ability to maneuver in the garage. Furthermore, relocating the northern parking would enhance the Visual Access Corridor at the north side of the site.

The approval of this proposed deviation is appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of this zone and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

#### Historical Background:

The site currently conforms to two conditions of the existing entitlements (Coastal Development/La Jolla Planned District/Special Use Permit No. 96-0257 – Attachment 8). In those permits, two conditions address a garden at the north portion of the site:

##### Condition No. 3:

The Permittee shall mount a plaque where it can be readily viewed by garden passersby along the Coast Boulevard South side of the property honoring the memory of Ellen Browning Scripps, and explaining the significance of the garden as the site of her original garden. The Museum will consult with the La Jolla Historical Society on the design of the plaque.

##### Condition No. 5:

The Permittee shall allow free, public access to the sculpture garden during all hours when the museum is open to the public, provided that admission of such patrons is through the main entrance to the museum. Should an appeal to the California Coastal Commission or a civil action be filed in opposition to the granting of this permit, the Permittee's acceptance of this permit condition is predicated on the entire permit, as approved by the City Council on June 3, 1997, by Resolution No. R-288754, being unchanged either by future actions by the California Coastal Commission or by a court. Further the Trustees agree to put up a sign near the gate in the sculpture garden wall along Coast Boulevard South informing the public of the free, public access policy and directing people to the main entrance. This sign shall be installed concurrently with the relocation of the fence to the south west portion of



the sculpture garden near Coast Boulevard South.

Following the issuance of those permits in 1997, a sign conforming to Condition No. 3 was developed in consultation with the La Jolla Historical Society, and was placed near the gate. Another sign conforming to Condition No. 5 was placed near the gate and both signs exist near the gate today. No change to these conditions is proposed.

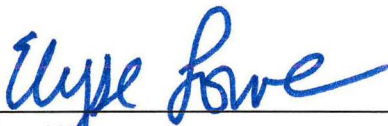
Conclusion:

The requested deviations are needed to provide flexibility in designing an addition on to an existing museum building, with an existing truck loading dock area on a project site that slopes downward approximately 32 feet from east to west. Staff has reviewed the proposed deviations and believes that these deviations will provide a better functioning museum facility for the public's use. The proposed deviations are the minimum necessary in the design of this project. This expanded facility will enhance public views to the ocean along the north and south sides of the project. Staff has provided draft findings to support approval of the project (Attachment 5) and draft conditions of approval (Attachment 6). Staff recommends approval of the project as proposed.

ALTERNATIVES

1. Approve Coastal Development Permit No. 1419240, Conditional Use Permit No. 1425481 and Planned Development Permit No. 1755238, (Amending Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 96-0257), with modifications.
2. Deny Coastal Development Permit No. 1419240, Conditional Use Permit No. 1425481 and Planned Development Permit No. 1755238, (Amending Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit No. 96-0257), if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Elyse W. Lowe  
Deputy Director  
Development Services Department



Glenn R. Gargas  
Development Project Manager  
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map

4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Environmental Resolution with MMRP
8. Copy of Recorded CDP, LJPDP & SUP No. 96-0257
9. Project Site Plan
10. Project Plans
11. Deviation Index and Height Deviation Location
12. Accessible lift and stair encroachment into Rear Yard Setback Deviation
13. Trellis encroachment into Front Yard Setback Deviation
14. Egress stair within Side Yard Setback Deviation
15. Visual Access, Figure E – La Jolla Community Plan
16. Parking Management Plan
17. Community Planning Group Recommendation
18. Ownership Disclosure Statement