



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: July 27, 2023 REPORT NO. PC-23-029

HEARING DATE: August 3, 2023

SUBJECT: 735 Nautilus Street, Process 2 Appeal Decision

PROJECT NUMBER: [693284](#)

OWNER/APPLICANT: 735 Nautilus LLC, Owner / Stosh Thomas Architects, Applicant

### SUMMARY

Issue: Should the Planning Commission grant or deny an appeal of the Development Services Department approval of a Coastal Development Permit to demolish an existing single-family residence and construct two new 3,121-square-foot single-family dwelling units with basements that will include a 310-square-foot accessory dwelling unit within each unit and associated site improvements at 735 Nautilus Street within the La Jolla Community Plan and Local Coastal Program Land Use Plan area?

Proposed Action: Deny the appeal and uphold the Development Services Department decision to approve Coastal Development Permit No. 2566456.

Fiscal Considerations: None with this action. This flat fee project was required to open a deposit account that was funded by the applicant to pay for the costs associated with processing the project to a final decision.

Housing Impact Statement: The project will result in demolishing an existing single-family residence and constructing two new 3,121-square-foot single-family dwelling units that will include a 310-square-foot accessory dwelling unit within each unit. The project is consistent with the Community Plan goal of promoting the development of a variety of housing types and styles in La Jolla. The inclusion of an accessory dwelling unit within each single-family dwelling unit also promotes the Community Plan goal of developing housing that meets the needs of all income levels.

Community Planning Group Recommendation: On May 5, 2022, the La Jolla Community Planning Association voted 12-3-1 to deny the project citing that findings cannot be made (Attachment 10).

Environmental Impact: The project was determined to be exempt (Attachment 9) from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New Construction or

Conversion of Small Structures). There were no appeals to the environmental determination.

## BACKGROUND

The project site is located at 735 Nautilus Street just south of La Jolla High School and approximately one half mile east of the Pacific Ocean within the La Jolla community. The 0.15-acre site is in the RM-1-1 Zone, Coastal Overlay Zone (Non-Appealable Area), Coastal Height Limit Overlay Zone, and Transit Priority Area within the La Jolla Community Plan and Local Coastal Program Land Use Plan (Community Plan) areas (Attachments 1-3).

The existing structures are more than 45 years old, requiring City staff to evaluate the development proposal and existing structure for historic significance. Staff determined that the property does not meet the local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

On September 7, 2022, Ordinance No. 21477 was certified as a Local Coastal Program amendment by the California Coastal Commission which authorized multiple accessory dwelling units in multiple dwelling unit zones (SDMC Section [141.0302](#)).

Pursuant to SDMC Section [112.0504](#), a Coastal Development Permit in the Coastal Overlay Zone (Non-Appealable Area) shall be made in accordance with a Process Two decision by the Development Services Department which is appealable to the Planning Commission.

## DISCUSSION

### Project Description:

The proposed project (Attachment 12 – Project Plans) includes demolishing an existing single-family residence and constructing two new 3,121-square-foot single-family dwelling units with basements that will include a 310-square-foot accessory dwelling unit within each unit, and associated site improvements. The project was designed to comply with the development regulations of the underlying RM-1-1 Zone, including building height (29 feet 11 inches) that does not exceed the 30-foot height limit, density, setbacks, and floor area ratio (.65) that is below the .75 maximum allowed. No deviations or variances are required.

The Community Plan designates the site as Low Medium Density Residential (9 to 15 dwelling units/acre), and the project is consistent with the prescribed density (2.3 units allowed / 2 units proposed on-site). The Community Plan states that the character of La Jolla's residential areas shall be maintained by ensuring the preservation of existing streetscape themes to allow a harmonious visual relationship to exist between the bulk and scale of new and older structures. The Community Plan also promotes the development of a variety of housing types and styles in La Jolla, including developing housing that meets the needs of all income levels.

The project complies with the above-referenced Community Plan goals by providing a design that is compatible with the bulk and scale of the surrounding neighborhood. The project design provides

visual relief by incorporating earth tone colors and materials, building articulation, and off-setting planes. The inclusion of an accessory dwelling unit within each unit also promotes the development of housing that meets the needs of all income levels.

There is no public view or coastal access from the project site, as identified in the Community Plan. The project site does not contain sensitive vegetation or biological resources and is not within or adjacent to the City's Multiple Species Conservation Plan/Multiple Habitat Planning Area. Staff has also reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

On April 25, 2023, the Development Services Department issued a Notice of Decision (Attachment 5) approving Coastal Development Permit No. 2566456. The appeal period for the decision ended on May 9, 2023.

On May 9, 2023, Harry Bubbins, President of the La Jolla Community Planning Association (Appellant) filed a project appeal (Attachment 6) to the Notice of Decision citing that findings cannot be made.

#### Legal Standard for Appeal of Department of Development Services Decision

Pursuant to SDMC Section [112.0504](#), an appeal of a Process Two decision may only be granted with evidence supporting one of the following findings:

1. Factual Error: The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate; or
2. New Information: New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
3. Findings Not Supported: The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
4. Conflicts: The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.

The Planning Commission can only deny the appeal and uphold approval of the project if none of the above-mentioned findings are supported by sufficient evidence or grant the appeal and deny approval of the project if the Planning Commission finds that one of the above-referenced findings is supported by sufficient evidence.

## PROJECT APPEAL DISCUSSION

The Appellant's appeal issues (Attachment 6) are repeated below along with staff's evaluation and response.

Appeal Issue: Findings cannot be made, the project does not comply with municipal code plumb line height measurement as it pertains to the roof deck on the western edges of the structure nor does it apply to the angled set back at the eastern edge of the building.

Staff Response: The project complies with SDMC Section [132.0505](#) for Coastal Height Limit which is 30 feet and the height for the proposed structure is 29 feet 11 inches (at the highest point). The structure also complies with the height measurement requirements for plumb line and overall height at 29 feet 11 inches, pursuant to SDMC Sections [113.0270\(a\)\(2\)\(A\)](#) and [113.0270\(a\)\(2\)\(B\)](#), respectively. The roof deck and breezeway of the project complies with the plumb line height measurement of 29 feet 11 inches as required per SDMC Section [113.0270\(a\)\(4\)\(B\)](#), which allows for the grade to be measured to an imaginary plane through the building that connects the adjacent grade elevations on both sides when the development includes an underground parking structure (project includes an underground two-car parking garage for each unit). In addition, to ensure compliance with all applicable height regulations, a height certification of the structure is required during the inspection phase of construction.

### Conclusion:

Staff has reviewed the proposed project, analyzed the appeal issues, and determined that the project is in conformance with regulations of the Land Development Code and the Community Plan. There were no inaccurate statements or insufficient evidence presented to the City staff upon which the Development Services Department relied when approving the project. The Development Services Department believes the findings for the project can be made based on the evidence provided. All information was disclosed and shared to interested parties during the review and decision process.

The project is located within previously developed portions of the property and conforms with all of the development standards required by the underlying RM-1-1 Zone. The project is consistent with the Community Plan and the findings can be made for a Coastal Development Permit. The appellant does not have sufficient evidence to support any of the four findings that are grounds for appeal. Therefore, City staff recommends that the Planning Commission deny the appeal and uphold the Development Services Department decision to approve the project.

## ALTERNATIVES

1. Deny the appeal and uphold the Development Services Department decision to approve Coastal Development Permit No. 2566456, with modifications.
2. Grant the appeal and deny the Development Services Department decision to approve Coastal Development Permit No. 2566456 in accordance with SDMC Section [112.0504](#).

Respectfully submitted,



---

Renee Mezo  
Deputy Director  
Development Services Department



---

Xavier Del Valle  
Development Project Manager  
Development Services Department

MEZO/XAD

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Notice of Decision
6. Appeal Application
7. Draft Resolution with Findings
8. Draft Permit with Conditions
9. CEQA Exemption
10. La Jolla Community Planning Association Recommendation
11. Ownership Disclosure Statement
12. Project Plans