

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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## RECORD PACKET COPY

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49th Day: 12/23/98  
180th Day: 5/3/99  
Staff: LRO-SD  
Staff Report: 12/11/98  
Hearing Date: 1/12-15/98

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved With Conditions

APPEAL NO.: A-6-LJS-98-140

APPLICANT: DTC-RECP Opoc, c/o Desert Troon Investments, Inc.

PROJECT DESCRIPTION: Reuse and restoration of the existing two-story, 105,000 sq.ft. vacant historic Scripps Clinic building to include construction of 33 condominium units within the existing structure, construction of a new two- and three-story, 30-ft. high, 55,107 sq.ft. structure to house fourteen townhomes above an existing three-level subterranean parking garage, improvements to the public right-of-way, landscaping and other site improvements on a 2.75 acre site.

PROJECT LOCATION: 464 & 467 Prospect Street, La Jolla, San Diego, San Diego Co.  
APNS 350-300-23 & 350-300-27

APPELLANTS: 457 Coast Blvd. Homeowner's Association

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. In review of the City file and the certified LCP, staff has determined that the City accurately calculated the proposed building height and, therefore, finds that the appellants' contention raises no substantial issue.

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I. Appellants Contend That:

The proposed development is inconsistent with the policies of the certified LCP which pertain to calculation of building height. Specifically, the appellant asserts that the height of the proposed development (14 townhomes) should be calculated from the pre-existing

application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

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#### Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

Staff recommends that the Commission determine that NO SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603.

#### MOTION

Staff recommends a YES vote on the following motion:

I move the Commission determine that Appeal No. A-6-LJS-98-140 raises no substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

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#### Findings and Declarations.

1. Project Description/Permit History. Proposed is the adaptive reuse and restoration of the vacant historic Scripps-Clinic building to construct 33 condominium units and a new 55,107 sq.ft., 30-foot high, two- and three-story building housing 14 townhomes. The townhomes will range in size from 3,212 sq.ft. to 3,400 sq.ft. and are to be constructed above an existing three-level, subterranean parking garage. Also proposed are improvements to the public right-of-way, landscaping and other site improvements on

parking garage. The applicants vested that permit by doing the demolition work and constructed a 362 parking space garage; however, the 30 condominium units were never constructed. The Coastal Commission retained permit jurisdiction for this area in 1989 for the above-referenced permits because the downtown area of La Jolla, which was subject to the La Jolla Planned District Ordinance (PDO), remained an area of deferred certification until 1985 when the PDO was eventually certified by the Coastal Commission.

## 2. Discussion of Issues

a. Height/Community Character. As noted in the previous finding, the appellants contend that the City incorrectly calculated the height with regard to the proposed townhome structure that will be situated above an existing three-level subterranean parking garage. The appellants do not raise public view blockage as an issue, but are more concerned with the mass and bulk of the proposed structure in terms of its height. The appellants assert that the height of the townhome building should be determined from pre-existing grade that existed prior to the construction of the parking garage. The parking garage was constructed in 1982 pursuant to Coastal Commission CDP #6-82-454. The City has met with Commission staff and has explained how height was determined for the proposed structure. The subject site is located in the downtown commercial core area of La Jolla where development regulations are subject to the requirements of the certified La Jolla Planned District Ordinance (PDO). On page 33 of the PDO under Section 103.1206 C. addressing "Maximum Height", it is stated:

The height of any point on any structure shall not exceed 30 feet. The height of any point on any structure shall be defined as the vertical distance between such point and the preexisting grade or finished grade, whichever is lower, directly below it.

Preexisting grade is that grade level which existed prior to the start of any site preparation, grading or construction related to the project being proposed.

In addition, in the citywide Municipal Code, under Section 103.1206 entitled "Property Development Regulations", Paragraph C for "Maximum Height" states: "The maximum height of any point, on any structure shall be thirty (30) feet. Height shall be measured in accordance with Municipal Code section 101.0214(A) and (B)....

Section 101.0214 of the Municipal Code addressing "Maximum Height of A Building or Structure" then states the following:

The maximum height of a building or structure shall not exceed the permitted height limit of the applicable zone or district...as calculated in accordance with the definitions of Height of a Building or Structure and the provision of subsections A, B and C of this Section.

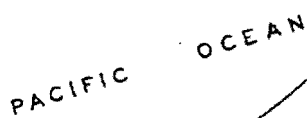
A. Where a basement, underground parking structure, interior court or other similar interior area is proposed to be completely within the perimeter of a structure or

conformity with the certified La Jolla-La Jolla Shores segment of the City of San Diego's certified LCP.

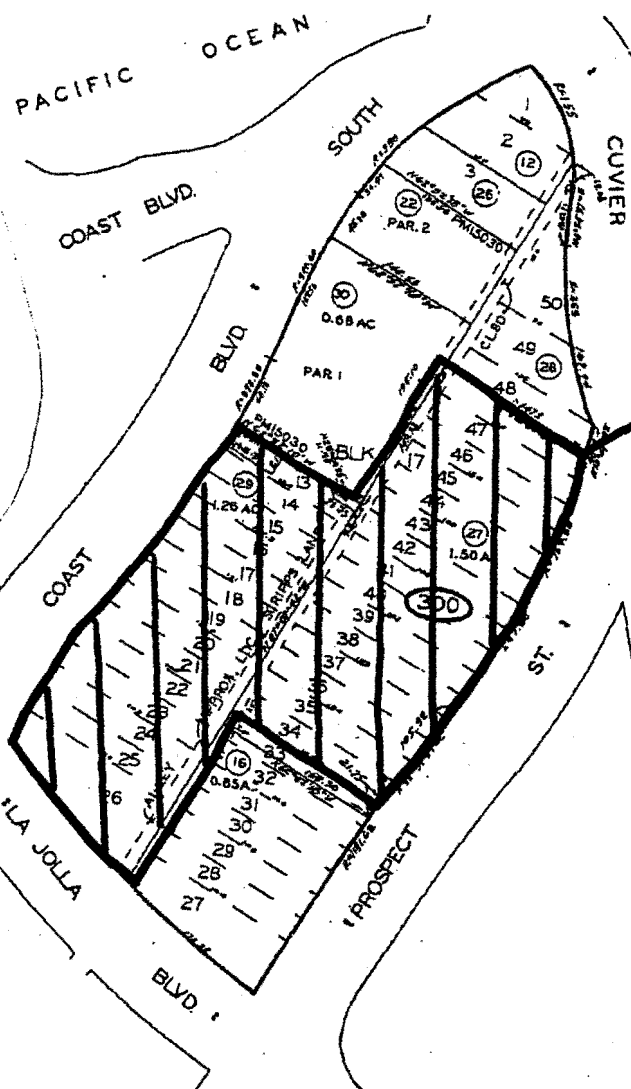
b. Public Views. Although the appellants' concern with the height of the structure relates to community character rather than public view blockage, the City's interpretation and application of the view protection policies of the LCP, and particularly the "view corridor" protection provisions is an important issue, which must be addressed in Commission review of this project. The subject property is bounded by Prospect Street to the east, Coast Boulevard to the west and La Jolla Boulevard to the south. Prospect Street is designated as a scenic roadway, and La Jolla Boulevard is designated as a Visual Access Corridor, in the certified La Jolla-La Jolla Shores LCP (ref. Exhibit No. 5). The portion of the site where the proposed townhomes will be located is in Zone 5A of the La Jolla PDO which has been identified because of its unique orientation to the ocean. The development standards for this subarea are intended to protect and enhance public ocean views. For this reason, the City did an extensive view analysis during the environmental review for the proposed project. In the environmental review (Mitigated Negative Declaration), it was stated that a view corridor is located adjacent to the site from the intersection of Prospect Street and La Jolla Boulevard looking west toward the Pacific Ocean. It was concluded that the proposed construction of the 14 townhomes over the existing underground garage would not create adverse impacts to this view corridor. The visual analysis include pictures from La Jolla Boulevard near Prospect Street looking west (ref. Exhibit Nos. 7 and 8). In addition, the City's findings for the coastal development permit state that the proposed development will not obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

The City's findings further state that the proposed project has been analyzed to confirm that views from public vantage points to and along the ocean and other scenic coastal areas will not be encroached upon by the proposed townhomes. However, the report did not reiterate that the subject site is situated adjacent to a public view corridor, as was noted in the environmental review. In the visual analysis that was completed, two of the photographs show the existing ocean horizon views that are visible from La Jolla Boulevard looking west from Prospect Street which is designated as a scenic road in the LCP. In the "before construction" and "after construction" photographs, it can be seen that the proposed townhomes atop the existing parking garage will result in a small encroachment into the viewshed associated with the public view corridor. The Commission finds that there are viewsheds associated with public view corridors and scenic roadways which should be considered in the review of any proposed development adjacent to a designated public view corridor or scenic road, as is the subject site. As has been noted in other past Commission actions addressing public views, the Commission has found that the symbol of an arrow shown in a westerly direction on the visual access maps of the certified LCP means more than "linear" view to the ocean. Wherever a view corridor exists, there is a "viewshed" associated with such a view corridor that extends out on either side of the view corridor. The Commission feels that such public views through designated view corridors or from designated scenic roadways should be protected.

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## Site



## Location Maps



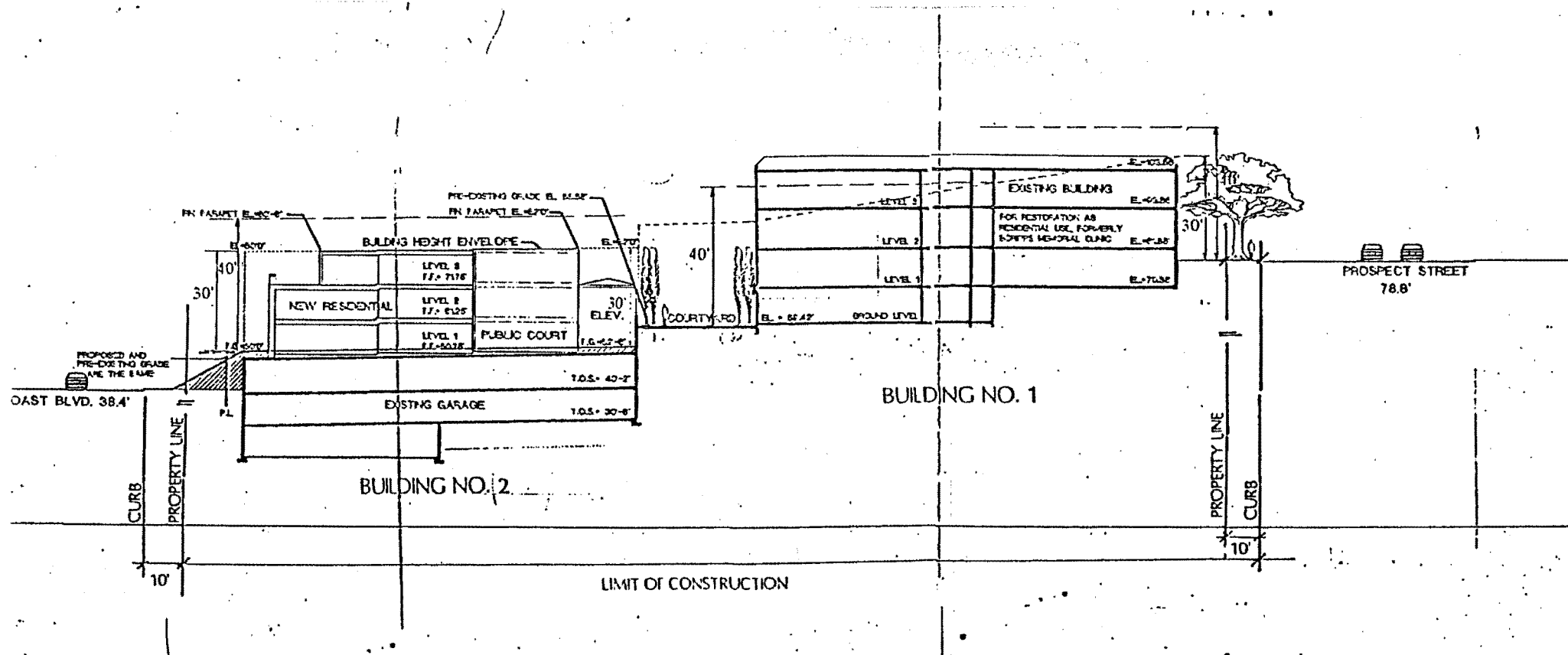


EXHIBIT NO. 5  
APPLICATION NO.  
**A-6-LJS-98-140**  
Building #2  
Cross-Section  
South Elevation  
(La Jolla Blvd.)



EXHIBIT NO. 7  
APPLICATION NO.  
A-6-LJS-98-140  
Visual Analysis  
Existing Condition  
Looking West

Environmental Analysis Section  
OF SAN DIEGO - DEVELOPMENT SERVICES

LDR No. 96-7888

UAL ANALYSIS

Existing Condition

Figure  
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