

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

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W206

RECORD PACKET COPY

49th Day: November 4, 1998
Filed: December 23, 1998
180th Day: May 3, 1999
Staff: LRO-SD
Staff Report: December 8, 1998
Hearing Date: January 12-15, 1999

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved With Conditions

APPEAL NO.: A-6-LJS-98-143

APPLICANT: John Miller

PROJECT DESCRIPTION: Remodel and construction of 3,730 sq.ft. addition to an existing two-level, 20'4" ft. high, 6,000 sq.ft. single-family residence resulting in a three-level, 26-ft. high, 9,730 sq.ft. single family residence on a .68 acre coastal blufftop lot.

PROJECT LOCATION: 6292 Camino de la Costa, La Jolla, San Diego, San Diego County. APN 351-571-07

APPELLANTS: Joseph Lasensky and James Snody

STAFF NOTES:

The public hearing for the subject appeal was opened at the December 10, 1998 Commission meeting and continued to the January 12-15, 1998 Commission meeting.

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.

SUBSTANTIVE FILE DOCUMENTS: Certified La Jolla-La Jolla Shores LCP; City of San Diego Coastal Development Permit No.98-0375; City of San Diego Report to the Planning Commission dated 9/2/98; Appeal Forms dated 11/4/98 and 11/18/98.

I. Appellants Contend That:

The proposed development is inconsistent with the policies of the certified LCP which pertain to the provision of visual access to the ocean for properties located between the shoreline and the first public roadway because the street on which the proposed development is located is specifically called out in the certified LCP as having partial or intermittent views to the shoreline. The appellants contend that the proposed development is inconsistent with the certified LCP pertaining to the visual compatibility of new development to the surrounding area in terms of height, mass and bulk. As such, the appellants contend that the proposed development will impact public views to the west.

II. Local Government Action.

The Coastal Development Permit was initially approved by the Hearing Officer on 9/24/97, and subsequently appealed to the Planning Commission. On September 2, 1998, the Planning Commission denied the appeal and approved the project. The project was then appealed to the City Council on October 20, 1998. The City Council heard the appeal and approved the project subject to several special conditions.

III. Appeal Procedures.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas. The grounds for appeal are limited to the assertion that "development does not conform to the certified local coastal program." Where the project is located between the first public road and the sea or within 300 ft. of the mean high tide line, the grounds of appeal are limited to those contained in Section 30603(b) of the Coastal Act. Those grounds are that the development does not conform to the standards set forth in the certified local coastal program or the access policies set forth in the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit 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.

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-98-143 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.

Findings and Declarations.

1. Project Description. Proposed is the remodel of an existing two-level, 20 ft., 4" ft. high, 6,000sq.ft. single family residence and construction of 3,730 sq.ft. addition resulting in a three-level, 26-ft. high, 9,370 sq.ft. single-family residence on a .68 acre ocean blufftop lot. Presently, the residence consists of two levels. The site slopes downward from east to west. The residence is terraced into the slope. As a result, when viewed from the street to the east of the house, the residence appears to be a one-story residence. When viewed from the beach to the west of the house, the residence appears as a two-story residence. (ref. Exhibit No. 3). In addition, after remodeling, the residence will appear as a two-story residence from the street (with one-story elements along the southern portion of its street frontage) and will be 26 feet high. The project site is located on the west side of Camino de la Costa in the La Jolla community of the City of San Diego. The subject of the appeal is focused on the proposed project's impact on coastal views of the ocean and its incompatibility with the established community character. A second issue is with regard to the proposed project's inconsistency with the surrounding development in terms of bulk and scale, and therefore, its incompatibility with the established community character relative to bulk and scale.

2. Visual Impacts/Coastal Scenic Area

a. Public View Blockage. The certified La Jolla-La Jolla Shores LCP contains several policies addressing protection of public views. In part, these policies state the following:

"La Jolla's relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved."

"La Jolla's physical assets should be protected in future development and redevelopment; particularly with respect to the shoreline....Ocean views should be maintained, beach access provided, and open space retained wherever possible."

"View corridors utilizing side yard setbacks, should be encouraged along shoreline and bluff top areas, in order to avoid a continuous wall effect. Even narrow corridors create visual interest and allow for sea breezes to refresh passersby...."

With respect to the appellant's assertion that the proposed development will adversely impact coastal views of the ocean to the west, Commission staff inspected the subject property and surrounding area to assess the site conditions and potential impacts to public views to and from the ocean as a result of the proposed development. Presently, there are no public views that exist across the subject site while driving or walking along Camino de la Costa, a major coastal access route, looking west towards the ocean. This situation will remain unchanged upon completion of the proposed development. Although intermittent views are currently available either in the side yards of existing developed residences or across properties that slope to the west along other portions of

Camino de la Costa, both south and north of the site, none currently exist across the subject site. This is due to the presence of the existing home and extensive landscaping on the site. Furthermore, the subject site is not designated as a public view corridor in the certified La Jolla-La Jolla Shores LCP (ref. Exhibit No. 4). The closest designated public view corridor is located one lot to the north of the subject site and two lots to the south of the subject site. The development on the subject property will not affect either of these two designated public view corridors. Thus, the proposed development will not impede any existing public views to the ocean as viewed from Camino de la Costa looking west.

Both appellants cite in their appeals that the street is called out as having an intermittent or partial vista in the Local Coastal Plan (LCP). However, the appellants are referring to Figure 9 in the draft La Jolla Land Use Plan (dated 1995) which was approved by the Commission in May, 1995, but has not yet been certified by the Commission. The LUP was approved with suggested modifications but those modifications were not accepted by the City so the 1985 version of the LUP never became effectively certified. The certified La Jolla-La Jolla Shores LCP does not identify the site as possessing either a major vista point, potential visual access or visual access corridor. Through the update of the plan that occurred in 1985, the City was attempting to accurately reflect all current public views to the ocean. Since public views of the ocean are currently available along portions of Camino de la Costa, through the plan update, it was being modified to reflect these views by identifying them as "intermittent or partial vista points".

The new residence will be three levels; however, as earlier noted, as viewed from the street elevation the residence will appear as a two-story residence with the second level only comprising a portion of the residence as opposed to a full second story as viewed from the east. Presently, the existing one-story residence (as viewed from the street) attains a height of 20'4" at the top of the chimney. After remodeling and the addition of a second level to the east elevation, the residence will attain a height of 26 feet at the top of the parapet consistent with the certified LCP which allows a maximum height of 30 feet for this type of development.

The certified La Jolla-La Jolla Land Use Plan encourages view corridors in sideyard setbacks to prevent a "walled off" effect and indicates existing visual access to the shoreline and ocean should be protected and improved. However, in this particular case, the proposed development consists of remodeling to an existing residence as opposed to the demolition and construction of a new single family residence on the site. The proposed remodeling does not result in the demolition of more than 50% of the exterior walls and as such, is not regarded as "new development". If existing development were being removed, it would create the opportunity to site a residence in such a manner as to establish view corridors in the side yard setbacks. In the subject case, there is an existing hedge located in the south side yard setback and other existing vegetation existing in the north sideyard setback. Other improvements and landscaping exist along the entire length of the sideyard setbacks that obstructs any views to the ocean from the street

looking west. Removal of any vegetation along the street elevation would not provide public views to the ocean due the presence of other vegetation and improvements in the interior of the lot.

Even if all landscaping were removed in the side yard setbacks, public views to the ocean would be marginal. The side yard setback at the north elevation of the residence will be decreased from approx. 8-9 ft. to 5 feet as a result of a small addition to the home at this elevation. The addition involves an expansion to the existing garage, laundry room and kitchen. The setback at the south elevation will essentially remain unchanged and remain 5-feet wide. The required side yard setback for this residential zone is 5 feet; thus, the proposed development remains consistent with this requirement. It should be noted where it is feasible to restore or enhance public views of the ocean from scenic roadways in remodeling projects, the LCP policies encourage that be done. However, as noted previously, because the sideyards are so fully landscaped along the entire depth of the property, a substantial amount of vegetation would have to be removed to restore a marginal ocean view; therefore, it is not required in this particular case, to conform to the LCP policy. Currently, there are no existing public views to the ocean across the subject property. Thus, the Commission finds the City's approval of the proposed residence does not raise a substantial issue with regard to conformity with public view protection policies in the certified LCP.

b. Community Character. The appellants contend that the proposed development will be incompatible with the community character of the surrounding area. The City, in its review of this issue determined that the height, bulk and scale of the new residence upon completion of the proposed development will be visually compatible with the character of the surrounding neighborhood which contains a variety of one, two and three-story homes. As noted previously, the proposed three-level residence will appear as a two-level structure from the street.

In order to assess the appellants' contentions related to community character, Commission staff reviewed the TRW records (1998) to obtain the square footages and sizes of the residences in the subject block (both the ocean side and inland side of the street). Within the subject block, the sizes of the existing residences range from 2,032 sq.ft. to 9,970 sq.ft. in size (ref. Exhibit No. 4). Commission staff also surveyed the surrounding area to determine the number of stories of the existing homes in the subject block. On six of the lots on the west side of the subject block, the residences (excluding the existing residence on the subject site) appear as one-story from the street. Two appear as a two-level residence from the street. Across the street, eight of the properties contain single-family residences that appear as one-story from the west street) elevation and two lots contain single family residences that appear as a two-story residence from the street elevation. While driving or walking along the street, there is a variety of one, two, and three-story structures with different designs and architectural styles. It is important to note that the predominant character of the area is one- and two-story homes, as viewed from the street. Although there are no three-story structures in the subject

block along this street, there are a few located further south along Camino de la Costa. It should be noted, however, that the lots on the inland side of the street are significantly smaller in size and the pattern of development is smaller in scale than that on the west side of the street (ref. Exhibit No. 1).

As stated, the proposed residence itself, will appear as a two-story residence from the street. The proposed residence is also within the required floor area ratio (F.A.R.) for the existing zone and attains an F.A.R. of .32 where .60 maximum is permitted. The residences surrounding the site are a mix of sizes, as well as architectural styles. The proposed remodeled residence will appear as a two-level residence from its street elevation which will be in keeping with the community character of the area. Thus, the Commission finds that the City's determination that the proposed three-level residence is compatible with the scale and character of the community and with the pattern of redevelopment for the area does not raise a substantial issue of conformity with the LCP.

Furthermore, the newly proposed residence will be sited within the stringline of development on the lots to the immediate north and south where other residences encroach much further west toward the coastal bluffs. The residence will maintain a 25-foot setback from the coastal bluff edge, consistent with the SCR requirements of the certified LCP.

The Commission finds that the proposed development does not raise a substantial issue with regard to its compatibility in design and scale with the surrounding development in this area and that the proposed development is consistent with the policies of the certified La Jolla-La Jolla Shores LCP. The proposed residence will not adversely affect public views to the ocean. As such, the proposed development is consistent with the LCP policies concerning protection of public views in this area.

In conclusion, the Commission finds that given that currently no views to the ocean are available across the site from the Camino de la Costa, the proposed residence will not adversely affect public views to the ocean. In addition, given that there are already similar sized structures in terms of square footage and number of stories in the surrounding area, the City's approval of the proposed residence does not raise a substantial issue of conformity with the community character policies of the LCP. The issue of community character is one that is more appropriately addressed at the local government level, unless it raises other concerns such as public view blockage or adverse impacts to public access, etc. as a result of siting of a structure on a particular site. However, it should be noted that the Commission will continue to review projects on a case-by-case basis. There may be other instances where changes in the overall community character of the development lying between a major coastal access route and the ocean, will have an adverse impact on public views. However, with regard to the proposed development, such is not the case and therefore, the proposed development does not raise a substantial issue regarding conformity with the certified La Jolla-La Jolla Shores segment of the City of San Diego's certified LCP.

(A-6-LJS-98-143 Miller SI stfrpt)

Wed 20b

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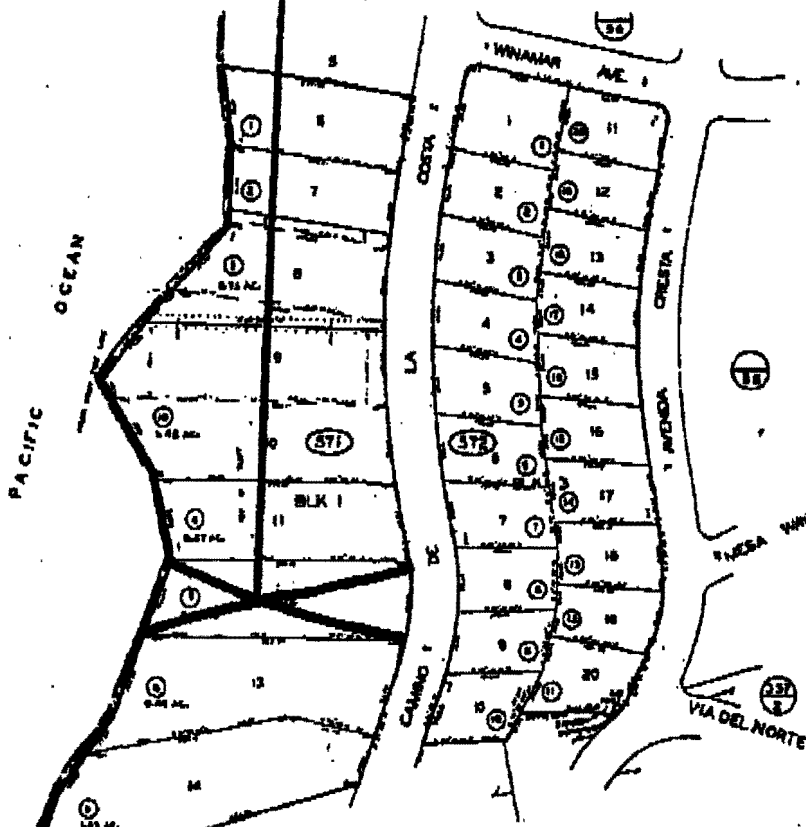
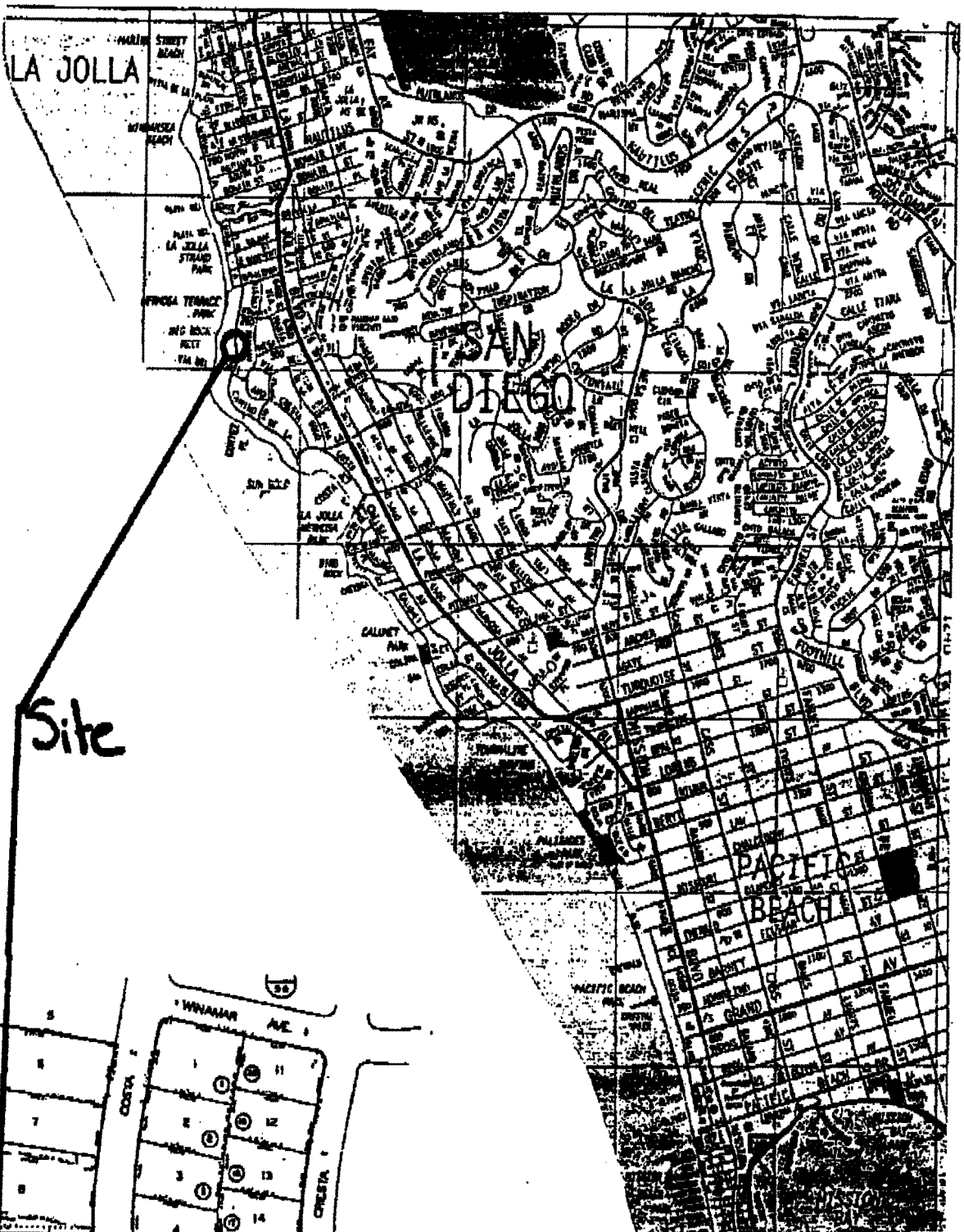
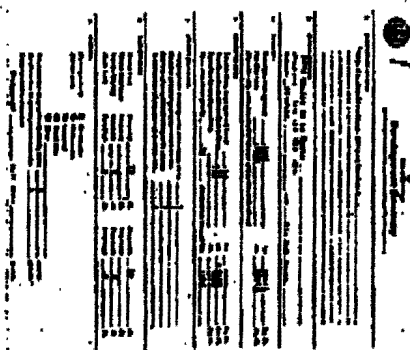


EXHIBIT NO. 1
APPLICATION NO.
A-6-LJS-98-143
Location Maps

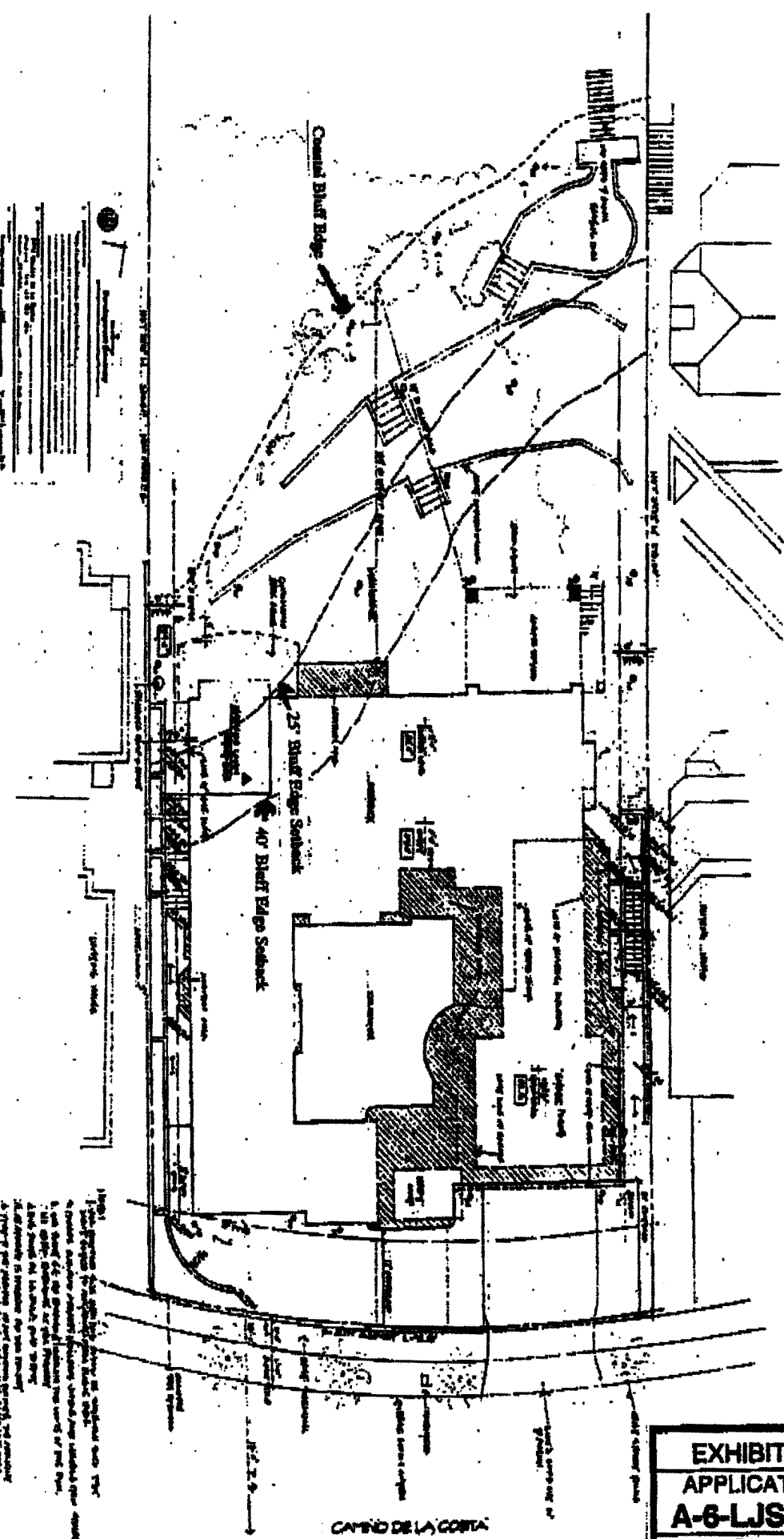


LEGAL DESCRIPTION

FOR IS IN ORDER: I DO HEREBY CERTIFY, in
and sign this of Oath, according to the laws of the
State, that I am the duly elected member of the
County Board of Supervisors, and I will
discharge my duties as such.

SITE PLAN, AREA CALCULATIONS

THE UNIVERSITY OF CHICAGO



CAMINO DE LA COSTA

EXHIBIT NO. 2
APPLICATION NO.
A-6-LJS-98-143
Site Plan

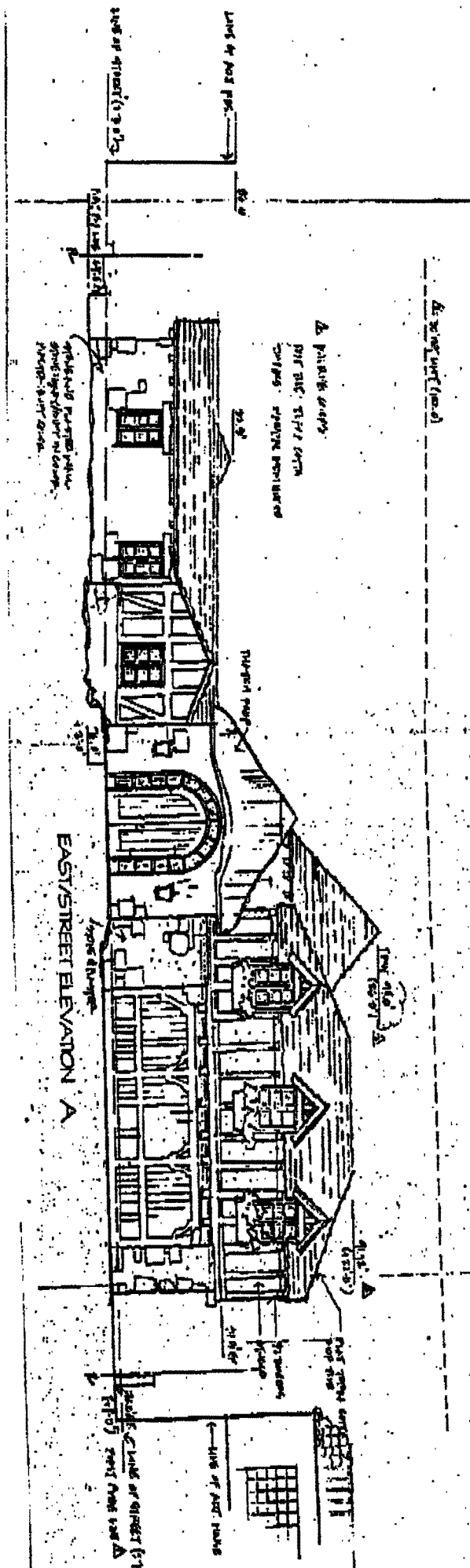
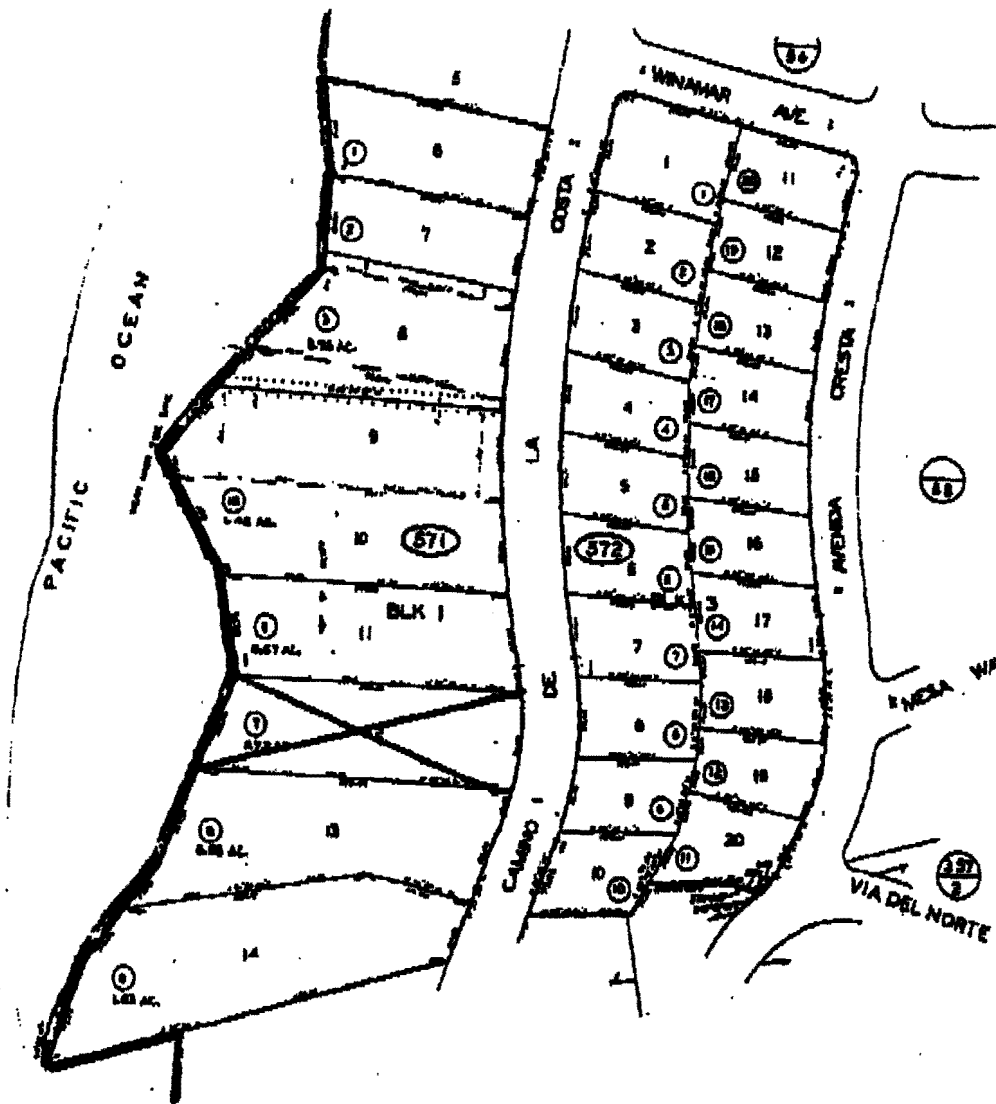
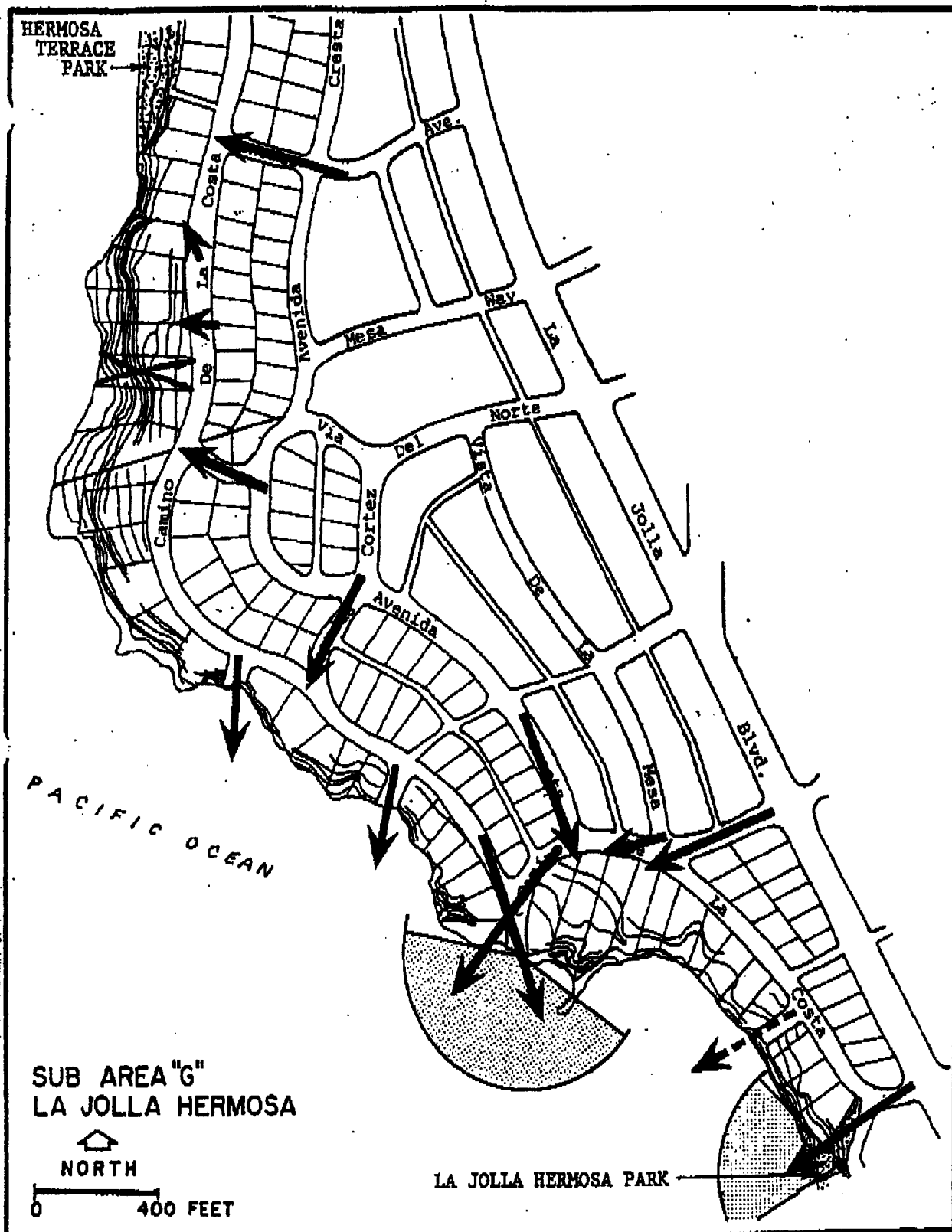


EXHIBIT NO. 3
APPLICATION NO.
A-6-LJS-98-143
East Elevation



<u>APN #</u>	<u>Sq.Ft.</u>	<u># of Stories</u> <u>(east elevation)</u>	<u>APN #</u>	<u>Sq.Ft.</u>	<u># of Stories</u> <u>(west elevation)</u>
351-571-01	6,375	1	351-572-01	2,763	1
351-571-02	2,990	1	351-572-02	3,581	2
351-571-03	7,760	1	351-572-03	3,302	1
351-571-10	5,216	1	351-572-04	2,309	1
351-571-06	9,970	2	351-572-05	4,757	2
351-571-07	4,159	1	351-572-06	2,072	1
351-571-08	7,371	2	351-572-07	2,032	1
351-571-09	6,338	1	351-572-08	2,945	1
			351-572-09	2,248	1
			351-572-10	2,913	1

EXHIBIT NO. 4
APPLICATION NO.
A-6-LJS-98-143
Size and Number of
Stories of SFR's in
Subject Block



La Jolla • La Jolla Shores **LOCAL COASTAL PROGRAM • VISUAL ACCESS**



CITY OF SAN DIEGO
 PLANNING DEPARTMENT

- MAJOR VISTA POINT
- POTENTIAL VISUAL ACCESS
- VISUAL ACCESS CORRIDOR (existing)

EXHIBIT NO. 5
APPLICATION NO.
A-8-LJS-98-143
View Corridor
Locations