

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

## RECORD PACKET COPY

**Tue 9a**

Filed: 5/23/00  
49th Day: 7/11/00  
180th Day: 11/19/00  
Staff: LRO-SD  
Staff Report: 6/21/00  
Hearing Date: 7/11-14/00

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-LJS-00-67

APPLICANT: Chart House Enterprises, Inc.

PROJECT DESCRIPTION: Rehabilitation, remodel and the addition of 1,821 sq. ft. to an existing three-level 7,506 sq.ft. restaurant on a .91 acre site. Also proposed is ten (10) off-site parking spaces.

PROJECT LOCATION: 1270 Prospect Street, La Jolla, San Diego, San Diego County.  
APN 350-050-17

APPELLANTS: La Jolla Town Council

---

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 Planned District Ordinance; Certified La Jolla-La Jolla Shores LCP Addendum Land Use Plan; Appeal Forms; City of San Diego Manager's Report dated 3/21/00; City of San Diego Memorandum to City Council dated 4/21/00; Mitigated Negative Declaration LDR No. 98-0755 dated 11/16/99.

---

I. Appellants Contend That:

The proposed development is inconsistent with several provisions of the certified LCP. Specifically, the appellants contend that: 1) the proposed remodeling of and addition to

an existing 7,506 sq.ft. restaurant should be considered "new development" and not retain its status as a heritage structure because it involves substantial demolition of the exterior walls of the structure and the City should not have calculated the exterior walls of an adjoining retail leasehold attached to the subject restaurant for purposes of determining extent of demolition; 2) the proposed development is inconsistent with the parking requirements of the La Jolla Planned District Ordinance (PDO) in that as "new development", the City should have required 47 off-street parking spaces (instead of ten off-site spaces) to conform with current parking standards; 3) the City incorrectly approved the proposed development as a "minor addition" which is exempt from the parking requirements of the La Jolla PDO; 4) the proposed development is inconsistent with the requirements of the La Jolla PDO addressing visual access which requires provision of a visual access corridor equivalent to ten percent of the lot width from the front to rear property line of a site; 5) the pedestrian accessway which was removed from the subject property under a previous permit on the property (i.e. A-6-LJS-91-161/Green Dragon Colony) should be incorporated into the proposed development; 6) the piecemeal development of the Green Dragon Colony site prevents the planning of future development on the overall site in a manner that is consistent with the certified LCP.

---

## II. Local Government Action.

The proposed development was initially approved by the Planning Commission on December 16, 1999. The project was subsequently appealed to, and approved by, the City Council on May 2, 2000. The conditions of approval address, in part, the following: landscaping, historical resources, building height, drainage, off-site parking requirements and maximum permitted seating capacity of the existing restaurant.

---

## 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.

---

IV. **MOTION:**        *I move that the Commission determine that Appeal No. A-6-LJS-00-67 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

**STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. A-6-LJS-00-67 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## V. Findings and Declarations.

1. Project Description/Permit History. Proposed is the rehabilitation, remodel and addition of 1,821 sq. ft. to an existing three-level 7,506 sq.ft. restaurant on .91 acre site. The rehabilitation will consist of demolition of approximately 44% of the exterior walls of the main level of the restaurant, reconstruction of the demolished portions in the same footprint and various interior remodeling. A portion of the demolition and remodeling is proposed by the applicant to bring the building into conformance with the requirements of the Uniform Building Code. The proposed addition to the restaurant will be at its southeastern side at the main level (refer to Exhibit Nos. 3 and 4). In addition, the applicants also propose a 535 sq.ft. dining deck at the western portion of the main level of the restaurant and 742 sq.ft. outdoor dining deck at the upper level of the restaurant. After the proposed rehabilitation, remodel and addition, the restaurant will still remain as a three-level structure. The proposed levels will consist of the following: Lower Level - 1,626 sq. ft. consisting of kitchen, office, employee room, service entrance, freezer and janitor's room; Main Level - 5,290 sq.ft. of dining area and a 535 sq.ft. outdoor dining deck; Upper Level - 1,152 sq.ft. of dining area and a 724 sq.ft. outdoor dining deck. Presently, there is no on-site parking for the existing restaurant. The City's action on the permit required the provision of ten off-site parking spaces in conjunction with the subject proposal.

The site is also known as the "Green Dragon Colony" site as portions of the site previously contained the historic Green Dragon Colony cottages which were demolished in the early 1990's. The building that houses the restaurant was originally constructed in 1904. On 7/24/96, the City's Historical Site Board designated several of the Prospect Street-facing buildings, including that occupied by the Chart House restaurant, as heritage structures in accordance with the certified La Jolla Planned District Ordinance. The designation is based on the HSB finding that the structures designed by architect, Robert Mosher, at the Green Dragon Colony site are: an integral part of a neighborhood development style; an important "part of the scene" of urban development; and are worthy of preservation.

The subject restaurant is located on a sloping site that consists of three lots (Lots 30-32) which are bounded by Prospect Street to the southeast and Coast Boulevard to the northwest. The Chart House restaurant (subject of this appeal) is largely situated on Lot 32 with a portion of the restaurant extending towards the south onto Lot 31 of the site. The Green Dragon Colony previously existed at the far northern portions of Lots 30 and 31 of the subject site. Coast Boulevard is the first public road in the area. Due to the configuration of the coastal bluffs and shoreline in this area, the ocean is northwest of the subject site. The site is located in the commercial core area ("village") of downtown La Jolla in the City of San Diego which is a major visitor destination point. The site contains retail and restaurant leaseholds. The subject restaurant is located on the northernmost lot (Lot 32) of the site, fronts on Prospect Street and overlooks La Jolla Cove, La Jolla Caves, Goldfish Point and Ellen Scripps Browning Park. The restaurant is

a split level structure (three levels) with its upper level fronting on Prospect Street. Additional retail shops are located at a lower level.

The standard of review is the certified City of San Diego Local Coastal Program (La Jolla/La Jolla Shores Land Use Plan and the La Jolla Planned District Ordinance).

2. Response to Appellants Contentions. The appellants have raised a number of issues related to consistency with the certified LCP as well as other issues which are unrelated to consistency with the LCP. Those issues that address consistency with the certified LCP include the retention of heritage structure status (rehabilitation vs. new development), the provision of adequate on-site parking and visual access corridors through the site.

A. Rehabilitation/New Development. The appellants contend that the proposed modifications to the existing restaurant are substantial such that the proposal should be considered "new development" and not "rehabilitation" of an existing structure as it is not being "preserved" or "rehabilitated" pursuant to the regulations of the PDO. The appellants further contend that as "new development", the proposal should meet current development standards. Specifically, the appellants contend that because the proposal involves demolition of approximately 44% (or more) of the exterior walls of the structure and an 1,821 sq.ft expansion, it is no longer rehabilitation, but new development. As "new development", the structure should not retain its "heritage structure" status and instead must conform to the current development standards of the La Jolla PDO. The appellants contend that the heritage structure designation could be applied to either an existing building or to a new building after it is constructed, but not to a building which does not yet exist (in this case, the subject building which will be substantially demolished and reconstructed).

The first exemption provided in the LCP applies to structures designated by the City of San Diego Historical Sites board as a heritage structure. The subject restaurant structure (Chart House) has been designated as a heritage structure as provided in the LCP. Section 103.1203(B)(17) of the La Jolla PDO defines a heritage structure as:

#### 17. Heritage Structure

A heritage structure shall be defined as any building or structure which is found by the City of San Diego Historical Sites Board as worthy of preservation.

The Commission finds that the City's action to designate the restaurant structure as a heritage structure is consistent with the provisions of the La Jolla PDO. Specifically, according to the City's Manager's Report, dated 3/21/00, the City of San Diego Historical Sites Board (HSB) concluded in 1996 that the structure was a heritage structure. The City also determined that the existing structure was historically significant due to several factors that include the association of the structure with Anna Held (Anna Held was governess to U.S. Grant Jr. in the late 1800's and early 1900's), the significance of several interior elements, and the designation by the HSB of the building

as a heritage structure. This is consistent with the Historical Site Board findings in 1996. As is noted in the background findings of the City's report, the original structure was first constructed in 1904 and was the last cottage constructed by Anna Held as part of the Green Dragon Colony. The structure was named "Wahnfried" and was modeled after a cottage of the same name owned by composer Richard Wagner. The previous Green Dragon cottages were an internationally known retreat for some of the greatest known artists and writers at the turn of the century and became the social and cultural core of the community and a significant center of the Arts and Crafts movement.

On 7/24/96, the HSB designated several of the buildings fronting on Prospect Street and on the Green Dragon property, including the building occupied by the Chart House, as heritage structures, consistent with the regulations of the La Jolla PDO. The heritage structure designation was based on the HSB's findings that these structures designed by Robert Mosher at the Green Dragon Colony site are "an integral part of a neighborhood development style; an important "part of the scene" of urban development; and are worthy of preservation." Thus, the Commission concurs that the City's designation of the structure as a heritage structure is consistent with the PDO.

Relative to the appellants contentions, the LCP provides that the City's designation of a structure as a heritage structure is final. There are no provisions in the La Jolla PDO that would provide for the removal of the heritage designation once it has been made. Thus, once the City has made that designation, the PDO certified by the Commission does not provide that changes to a heritage structure, such as demolition, renovation or other improvements to the structure, would render it no longer a heritage structure. There are also no provisions which state that to retain the heritage status, certain criteria must be met such as retention of 50% of the exterior walls of structure, etc. In fact, the La Jolla PDO specifically allows for rehabilitation of structures of historic, architectural and cultural importance to the community. Specifically, Section 103.1203(B)(29) of the La Jolla PDO defines rehabilitation, in part, as :

#### 29. Rehabilitation

Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. [...] The distinguishing original qualities or character of a building structure, or the site and its environment shall not be destroyed. The removal of any historic material or distinctive architectural features should be avoided.

The Commission finds that in this particular case, the proposed heritage structure is being rehabilitated through the proposed demolition and the reconstruction of 44% of its perimeter walls. The purpose of the demolition of the exterior walls is to bring the existing restaurant into conformance with the Uniform Building Code (UBC) with regard to interior building height, electrical wiring and other matters related to fire safety. The proposal to bring the building up to the structural code requirements of the UBC are

totally elective on the part of the applicant and were not required by the City of San Diego as a result of any type of code violation or citation, etc. The existing walls that are being removed will be replaced in the same location thus maintaining the building footprint of the restaurant (except for the area of the new addition).

Also, based upon review of the colored elevations of the remodeled restaurant in the City file, it can be seen that, for the most part, the exterior architectural style and character of the restaurant is being retained through the proposed modifications to the restaurant. In addition, as further noted by the City, the HSB specifically designated the proposed remodeled building based on the fact that it would be designed by Robert Mosher and would reflect the site's vernacular style. The HSB endorsed the proposed locations and designs of all historic features, and required that a visual display of the history of the site be provided to educate the public to the site's history. Specifically, as required by the HSB, the City required the following mitigation measures for the approved development:

- a. reconstruction of the original Wahnfried interior fireplace with mantle (in the original location if possible);
- b. incorporation of the carved beam which is currently above the windows near the southwest corner of the existing dining area into the new construction;
- c. incorporation of the inscribed wood which is currently located above the windows along a south portion of the first floor;
- d. provision of appropriate signage and/or informational plaques explaining the significance of the retained elements and the history and association of the Wahnfried building with Anna Held.

In summary, in this particular case, while substantial demolition of exterior walls is proposed, there are no provisions in the La Jolla PDO which would require that such modifications to a heritage structure be considered new development. With the above considerations, the structure will remain a "heritage structure" after it is rehabilitated and remodeled and the La Jolla PDO allows for rehabilitation of heritage structures as long as those portions and features of historic, architectural and cultural significance are maintained. Therefore, the Commission finds that because the City previously designated the restaurant as a heritage structure, the rehabilitation approved by the City does not raise a substantial issue with regard to consistency with the certified LCP.

B. Nonconforming Structure. The appellants also contend that the proposed addition to the existing restaurant is inconsistent with the certified LCP because the La Jolla PDO does not allow additions or enlargements to be made to a nonconforming *structures*. [Emphasis added]

Specifically, Section 103.1205A(10) of the La Jolla PDO states:

#### 10. Nonconforming Uses

The lawful use of land which existed on the effective date of this Division and which does not conform with this Division may be continued, except when explicitly prohibited, provided that no enlargement or addition to such *use* are made, consistent with regulations contained in Chapter X, Article I, Division 3 of the San Diego Municipal Code. Any change in building facade, materials or colors shall conform to the provision of this Division. [Emphasis added]

As noted, the provisions of the PDO only address nonconforming uses and do not address nonconforming structures. Because the existing and proposed use will remain a restaurant, which is a permitted use on this site in the La Jolla PDO, this provision does not apply. There are no other provisions in the certified PDO that address nonconforming structures. In any case, as discussed in the previous section of this report, the existing structure is only nonconforming in that there is no off street parking provided and related to UBC requirements. All other applicable provisions of the La Jolla PDO are met with the existing structure. Thus, the Commission finds that the proposal does not raise a substantial issues with regard to consistency with the certified LCP.

C. Parking. The appellants further assert that heritage structure designation under the provisions of the La Jolla PDO "...is being used questionably to avoid providing parking for the project, even though the La Jolla PDO says that a heritage structure may be exempted from parking requirements." The Commission interprets this assertion to mean that the heritage structure designation may render a building exempt from parking but that such exemptions are discretionary and subject to the City's approval as opposed to an automatic exemption. The appellants contend that if the City had addressed the proposed development as new development as opposed to a remodel, that a total of 47 new off-street parking spaces would need to be provided for the proposed 9,327 sq.ft. restaurant. Currently, there is no off-street parking spaces provided for the restaurant. The structure that houses the restaurant was constructed in 1902 and the restaurant has not had any off-street parking since it opened in this structure. The requirements of the La Jolla Planned District Ordinance provide that one space per each 200 sq.ft of gross floor area must be provided for restaurant uses.

As a way to encourage the adaptive re-use of heritage structures without damaging the integrity of the site, the La Jolla PDO allows heritage structures and minor additions to heritage structures to be exempted from the parking requirements of the PDO. Specifically, Section 103.1207(D) of the La Jolla PDO states, in part:

#### REHABILITATION PARKING REQUIREMENTS

Parking requirement exemptions shall be provided for rehabilitation projects and heritage structure rehabilitation proposals which are consistent with the use requirements of this Division (SEC. 103.1205), or do not involve a change in use as



defined in SEC. 103.1203 of this Division, provided that the existing number of on-site parking spaces is maintained.

In addition, Section 103.1207 (E) of the La Jolla PDO addresses parking exemptions for minor addition and states, in part:

#### MINOR ADDITION PARKING REQUIREMENT

“Parking requirement exemptions shall be provided for minor additions or enlargements (including those made to heritage structure) provided, however, that such additions or enlargements do not involve a change in use.”

The appellants also assert that the City incorrectly determined that the proposed development is a minor addition. As a minor addition, the La Jolla PDO allows exemptions to parking requirements. However, the PDO defines a minor addition as follows:

Any building expansion that does not exceed 30 percent of the gross floor area of the existing building or 3,000 gross square feet, whichever is less.

In its findings for the permit, the City determined that the subject development qualifies as a minor addition because the existing square footage of the restaurant is 7,506 sq.ft. Thirty percent of this total equals 2,252 sq.ft. which is the maximum square footage that could be added to the building. Through the proposed remodeling of the restaurant, 1,852 sq.ft. is being added to the restaurant resulting in a 9,758 sq.ft restaurant. Since this is less than 30% or 2,252 sq.ft., the City determined it qualified as a minor addition and the Commission concurs with the City's finding.

In this case of the proposed development, no change in use is proposed, the proposed addition is a minor addition and the structure has been determined to be a heritage structure. Thus, based on these provisions, the proposed development is exempted from providing any additional parking.

The Commission acknowledges that based on past Commission action on coastal development permits that were reviewed and approved by the Commission before the City's LCP was certified, that parking shortages and traffic circulation congestion were well documented in the downtown La Jolla area. In this particular case, however, the City did require the provision of ten off-site parking spaces in connection with the proposed remodel of the restaurant. Off-site parking is permitted pursuant to the La Jolla PDO among a number of other parking measures to achieve parking requirements including in-lieu fee parking and shared parking. In addition, while the applicants also proposes a 535 sq.ft. dining deck at the western portion of the main level and a 742 sq.ft. deck at the western portion of the upper level of the restaurant, the City required, through a condition of the permit, that seating capacity be maintained at the existing level (maximum 294 seats). The City has confirmed that this condition is applicable to all

dining areas of the restaurant including the proposed outdoor dining decks. As such, the proposed addition to the restaurant will not result in an increase of seating capacity of the restaurant to a greater degree than presently exists. Furthermore, the addition to the restaurant should not result in adverse impacts to parking or public access since the seating capacity is not being increased and ten off-site parking spaces are provided. Therefore, the Commission does not concur with the appellants contentions and finds that the City adequately addressed the issue of minor additions and parking.

D. Public Views. The appellants further contend that if the proposed project was new development, that visual access from Prospect Street would need to be provided pursuant to the PDO. The appellants assert that the PDO requires that visual access be provided in connection with the proposed development. Specifically, Section 103.1206 F.1. of the La Jolla PDO states the following:

In Subareas 1A, 5A and 6A on the seaward side of Prospect Street, in order to provide for visual access corridors to the ocean, buildings shall be located so that the major axis of the structure will generally be at a right angle to the shoreline. An open visual access corridor of ten percent of the lot width shall be maintained open to the sky and free from all visual obstructions from the front property line to the rear property line of the project.

Refuse collection and loading areas shall not be located in any way that interferes into the visual access corridor. (see Appendix B).

Although the restaurant is exempt from providing parking due to its heritage structure designation and under the minor addition provisions of the La Jolla PDO, the City required that the development provide visual access in accordance with the requirements of the La Jolla PDO. According to information contained in the City file regarding the subject project, consistent with the PDO requirements, an open visual access corridor of five feet is currently located along the eastern property line and near the lot lines of Lots 31 & 32 between the Chart House and the existing retail building to the west which will not be affected by the proposed development. Given that the lot widths of Lots 31 and 32 are 51 and 52 feet, respectively, 10% would result in five feet for each lot. As noted previously, the restaurant is largely situated on Lot 32 but a small portion of it extends south onto Lot 31. Generally, as one drives down Prospect Street, views toward the ocean looking northwest are obstructed by the presence of existing development. Looking across the subject site while driving south of Prospect Street, there is a small glimpse of the ocean at the eastern side of the restaurant. This existing visual accessway is five feet wide and is proposed to be retained. To the west of the restaurant there is an area between the restaurant and the existing retail leasehold to the south that the applicant proposes to enhance by removal of a solid wall/fence. Through the proposed improvements, this area will become a viewing area looking west out towards the ocean. The proposed visual accessway will be seven feet wide. The City found that that with provision of the two visual access corridors, the proposed development met the requirements of the PDO pertaining to visual access. In addition, the City cited findings from the La Jolla-La Jolla Shores LCP Addendum which states the following:

## B. 1) Urban Design

In this section, several urban design guidelines have been developed for general application to the entire core of La Jolla including, commercial areas, and where applicable, the adjacent R-3 residential areas. These guidelines will be used as the basis for the development of a design overlay zone or planned district as discussed in the section on implementation.

### Guidelines

#### (1) The Natural Environment

- Structures should be designed to incorporate views of La Jolla's natural scenic amenities—especially the ocean, shoreline, and hillsides. Developments in prime view locations which are insensitive to such opportunities, diminish visual access and compromise the natural character of the community. Large windows, observation areas, outdoor patios, decks, interior courtyards, elevated walkways, and other design features can be used to enhance visual access and increase the public's enjoyment of the coast.... [Emphasis added] (p. 120)

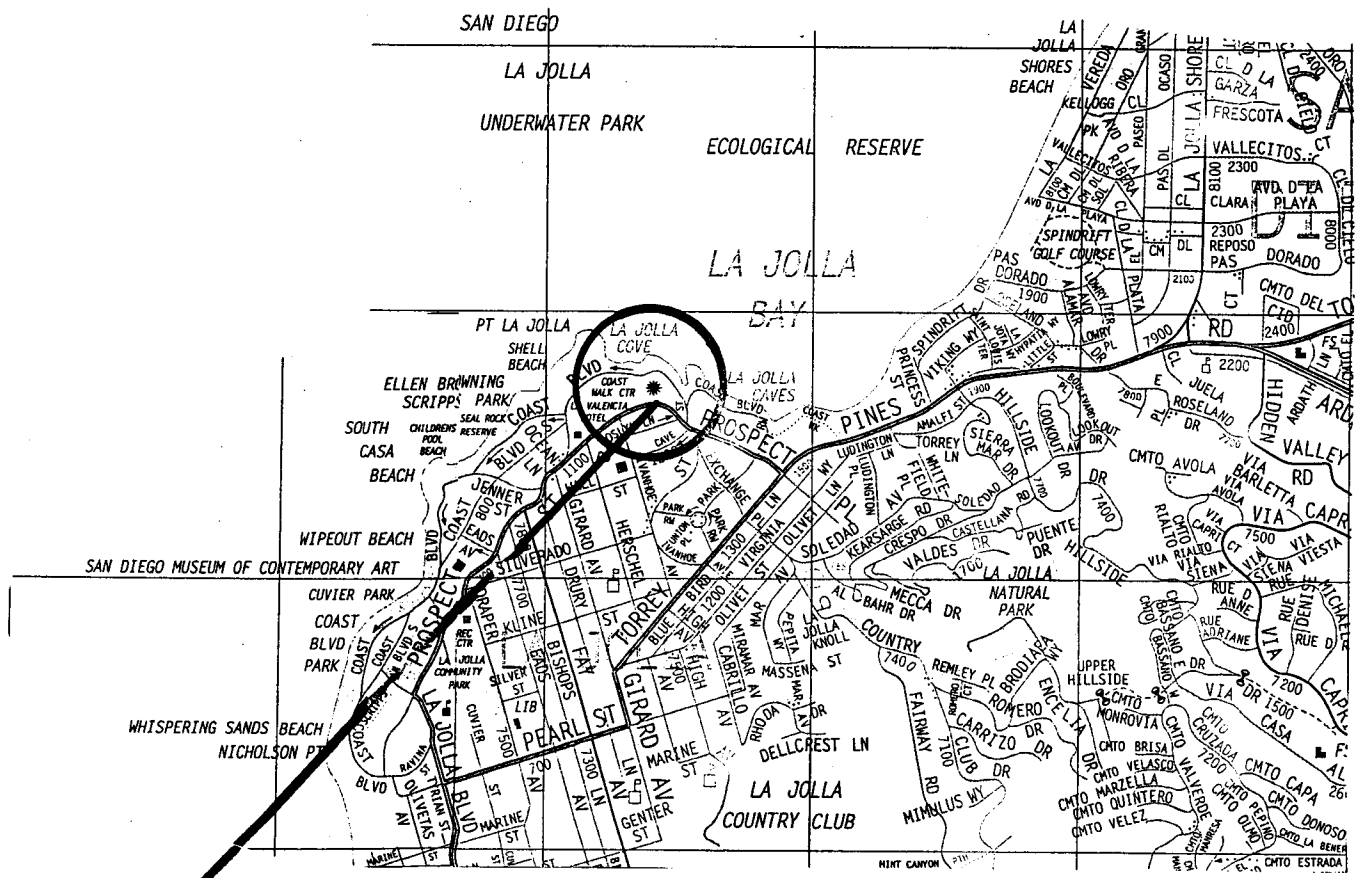
The entrance to the restaurant from Prospect Street is proposed to be constructed with post and beam technique and will include clear glass to assure visual access through the building toward the ocean and coastal bluffs northwest of the site. The City found that these modifications would result in a greater visual transparency through the building than currently exists and determined that this is consistent with the current policies of the certified La Jolla-La Jolla Shores LCP. In addition, by constructing outdoor dining decks, patrons of the restaurant will be able to look out towards La Jolla Cove and the other coastal resources in this nearshore area. From the west side of the Chart House, views toward La Jolla Cove, Ellen Browning Scripps Park, La Jolla Caves and Goldfish Point are visible. As such, views toward this popular recreation and scenic area will be enhanced through the proposed development. Given that the La Jolla PDO contains requirements for the provision of a visual access corridor and such a corridor is being provided, including implementation of special design features such as clear glass windows at the southeast corner of the structure, the proposed development can be found consistent with the certified LCP. Thus, the Commission finds that the proposed development does not raise a substantial issue with regard to protection of visual resources or public views.

E. Other Issues Raised by the Appellants. The appellants also state that the piecemeal redevelopment of the Green Dragon site is being used to obscure what is being done to the whole site and that this precludes the development of on-site parking. While it is acknowledged that the provision of adequate parking is a concern for the downtown merchants of La Jolla due to past history related to traffic circulation and congestion, the development of the remainder of the subject site is not part of the subject coastal

development permit. This issue will be addressed in the future when the owner proposes to redevelop the remainder of the site. There is no requirement in the certified LCP that would necessitate that the owner develop all of the portions of the property at one time. Thus, the Commission finds that this matter does not raise a substantial issue.

The appellants also contend that the applicant should restore a pedestrian accessway that existed on the Green Dragon property through the subject development proposal. With regard to the provision of an accessway on the site, the accessway that the appellants are identifying is one that existed in the vicinity of the previously existing Green Dragon cottages which is southwest of the Chart House leasehold. The subject site consists of three contiguous parcels (Lots 30-32) with Lot 32 being the northernmost lot. The previously existing accessway associated with the Green Dragon Colony was a straight vertical wooden stairway that was identified to be one of the historical design elements of the previous Green Dragon Colony. The stairway was situated on Lot 30, whereas, the Chart House is situated on Lot 32. As such, the proposed remodeling and additions to the Chart House Restaurant will not interfere with the location of a future pedestrian accessway on the part of the site where the Green Dragon Colony previously existed. The provision of that accessway shall be required in any future redevelopment of the portion of the site where the Green Dragon Colony existed pursuant to the special conditions of CDP #A-6-LJS-91-168 which required that the historical design elements of the Green Dragon Colony be incorporated into any future development on the subject property. As such, the provision of the pedestrian accessway is not required as a condition of development in connection with the subject restaurant leasehold.

Nevertheless, there is an existing public accessway across the subject site just north of the Chart House. Access is gained through the existing retail/commercial center from Prospect Street which leads down a stairway to the lower level of the retail center and northwest through the Crab Catcher restaurant. This accessway is identified as "alternative pedestrian access" in the certified La Jolla-La Jolla Shores LCP Addendum. The proposed development will not interfere with the public's continued use of this public accessway. As such, the Commission does not concur with the appellant's contention that the proposed development should provide a pedestrian accessway on the site of the Chart House similar to that which previously existed on the Green Dragon Colony site. As such, the Commission finds that the proposed development does not raise a substantial issue with regard to the provision of public access.



Project Site

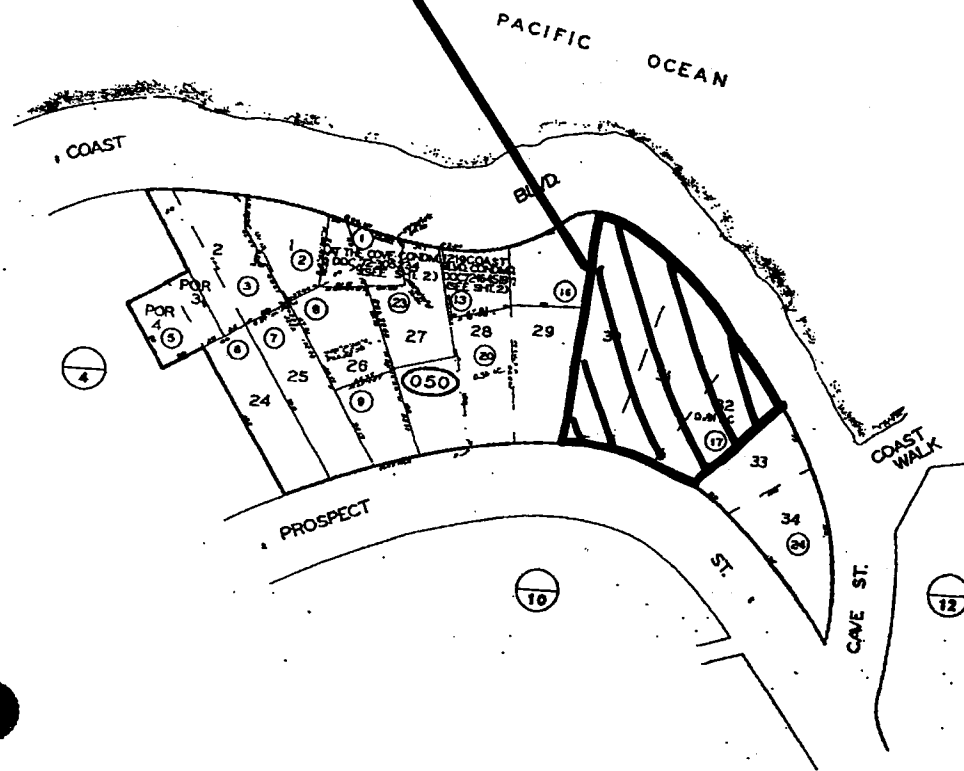







EXHIBIT NO. 1
APPLICATION NO.
<b>A-6-LJS-00-67</b>
Location Map
 California Coastal Commission



LEGEND

- NEW CONSTRUCTION 
- EXISTING BUILDING TO REMAIN 
- EXISTING BUILDING TO BE REMOVED 
- EXISTING FOOTPRINT 

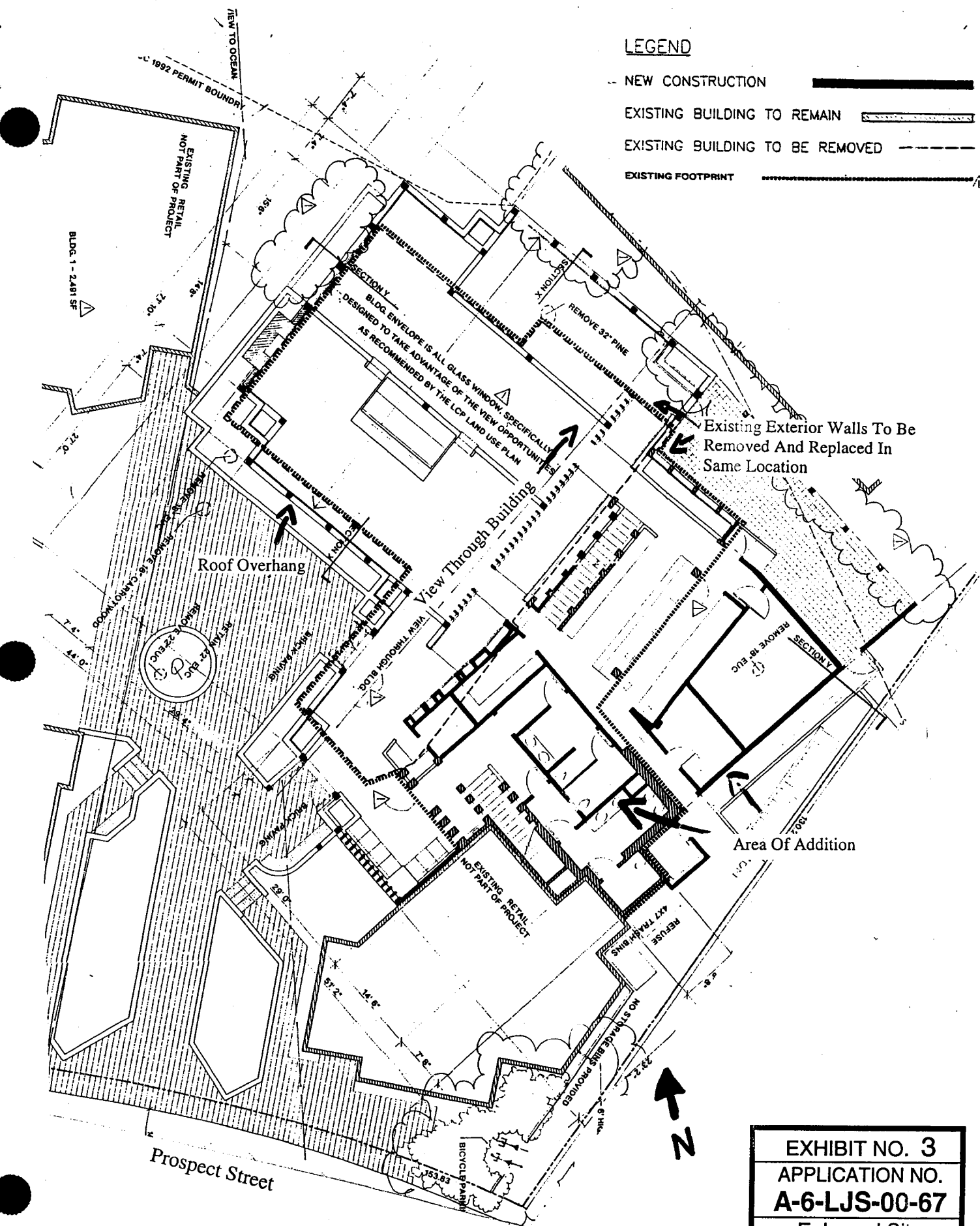
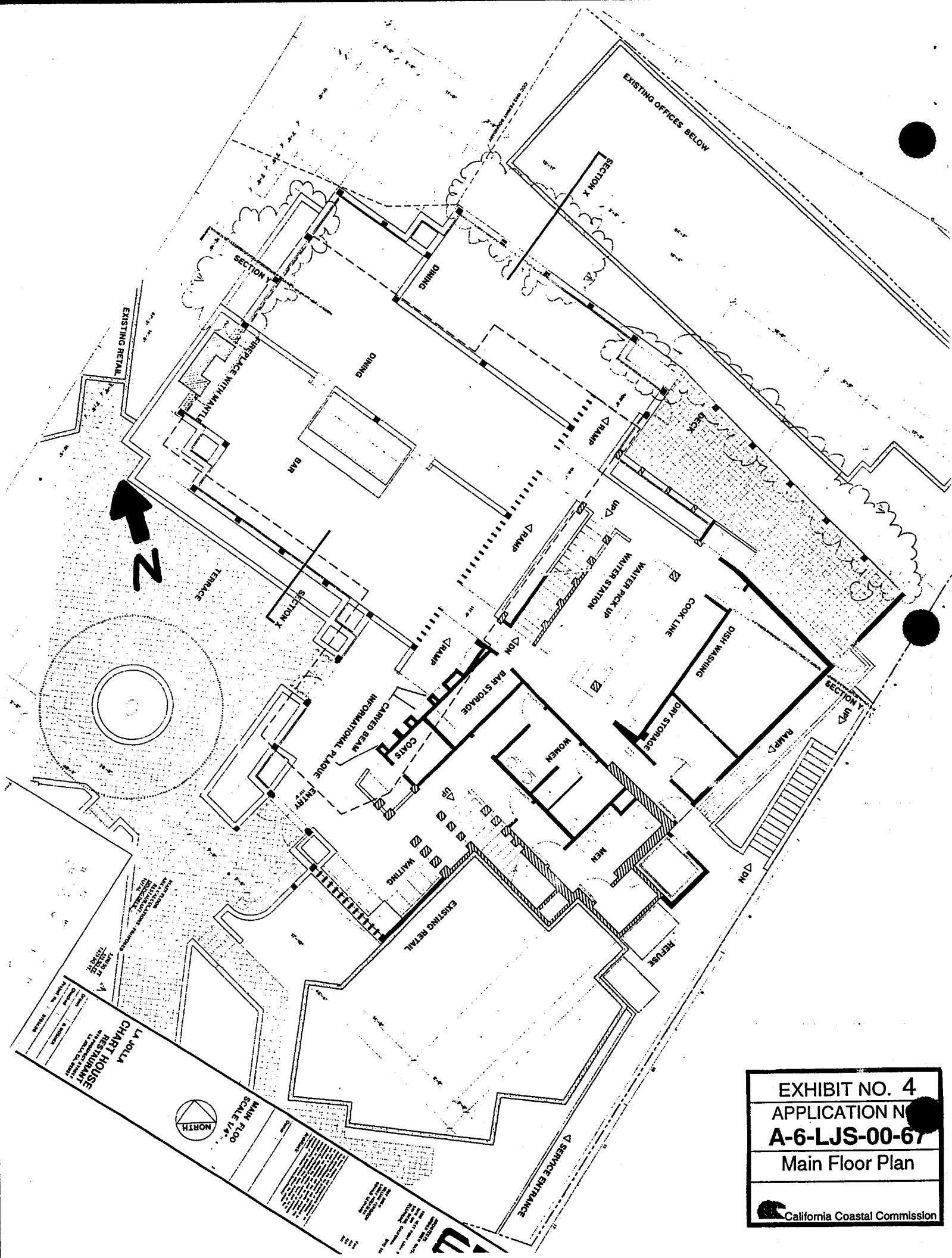


EXHIBIT NO. 3
APPLICATION NO.
<b>A-6-LJS-00-67</b>
Enlarged Site Plan/Main Level



California Coastal Commission

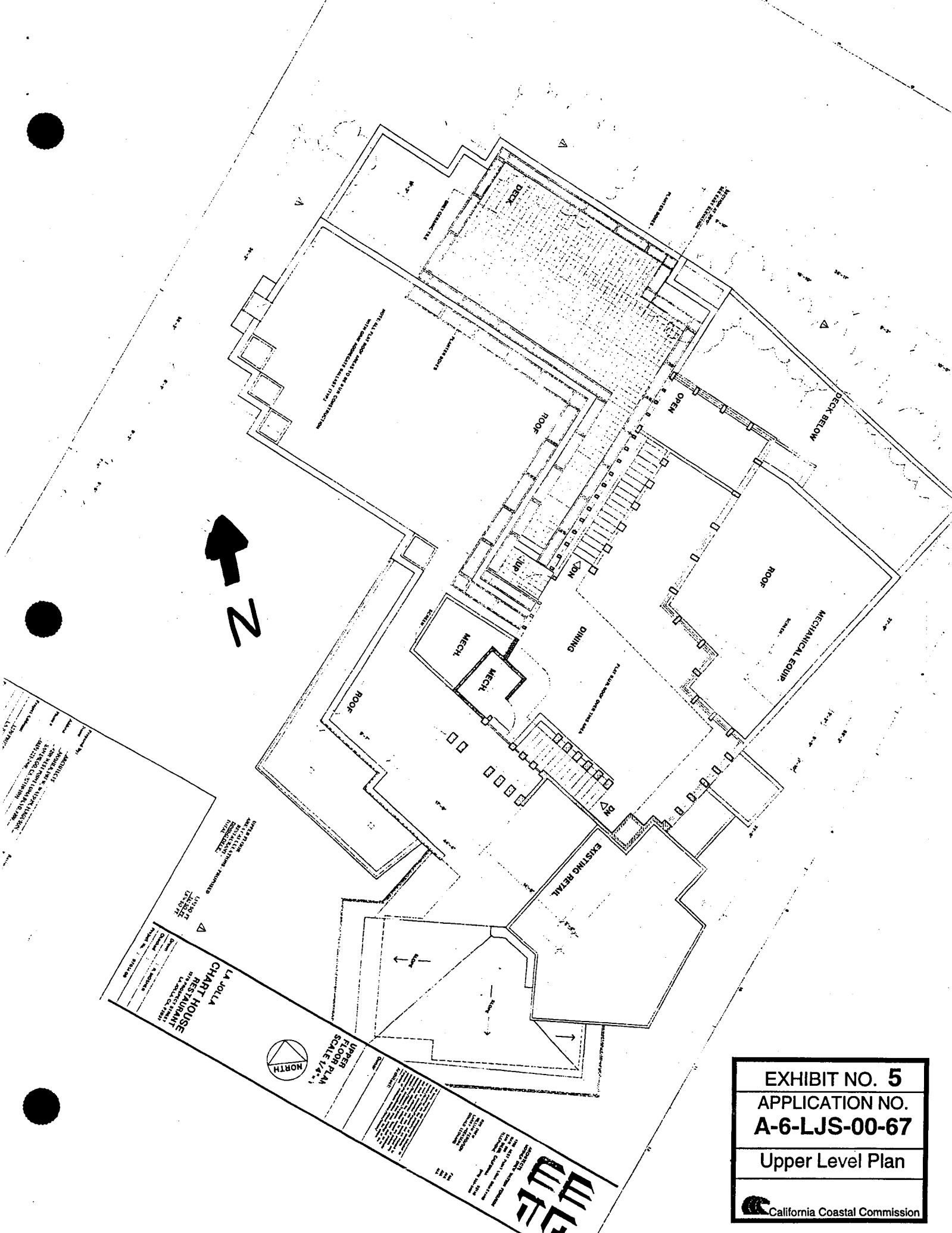


**LA JOLLA CHART HOUSE RESTAURANT**  
 12345 LA JOLLA BLVD  
 SAN DIEGO, CA 92037  
 (619) 555-1234  
 OWNER: J. SMITH  
 ARCHITECT: A. BROWN  
 SCALE 1/4" = 1'-0"

**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**A-6-LJS-00-67**  
**Main Floor Plan**

California Coastal Commission






Prepared by:  
 ARCHITECTS  
 JAMES H. HARRIS & ASSOCIATES  
 2001 14th St., Suite 100  
 San Francisco, CA 94103  
 (415) 774-1100

**L.A. JOLLA CHART HOUSE RESTAURANT**  
 UPPER FLOOR PLAN  
 SCALE 1/4" = 1'-0"  
 PROJECT NO. 1001-0001  
 SHEET NO. 1001-0001-01



UPPER FLOOR PLAN  
SCALE 1/4" = 1'-0"

**WELLS**  
 ARCHITECTS  
 1001-0001-01  
 UPPER FLOOR PLAN  
 SCALE 1/4" = 1'-0"  
 PROJECT NO. 1001-0001  
 SHEET NO. 1001-0001-01

EXHIBIT NO. 5
APPLICATION NO. A-6-LJS-00-67
Upper Level Plan
 California Coastal Commission

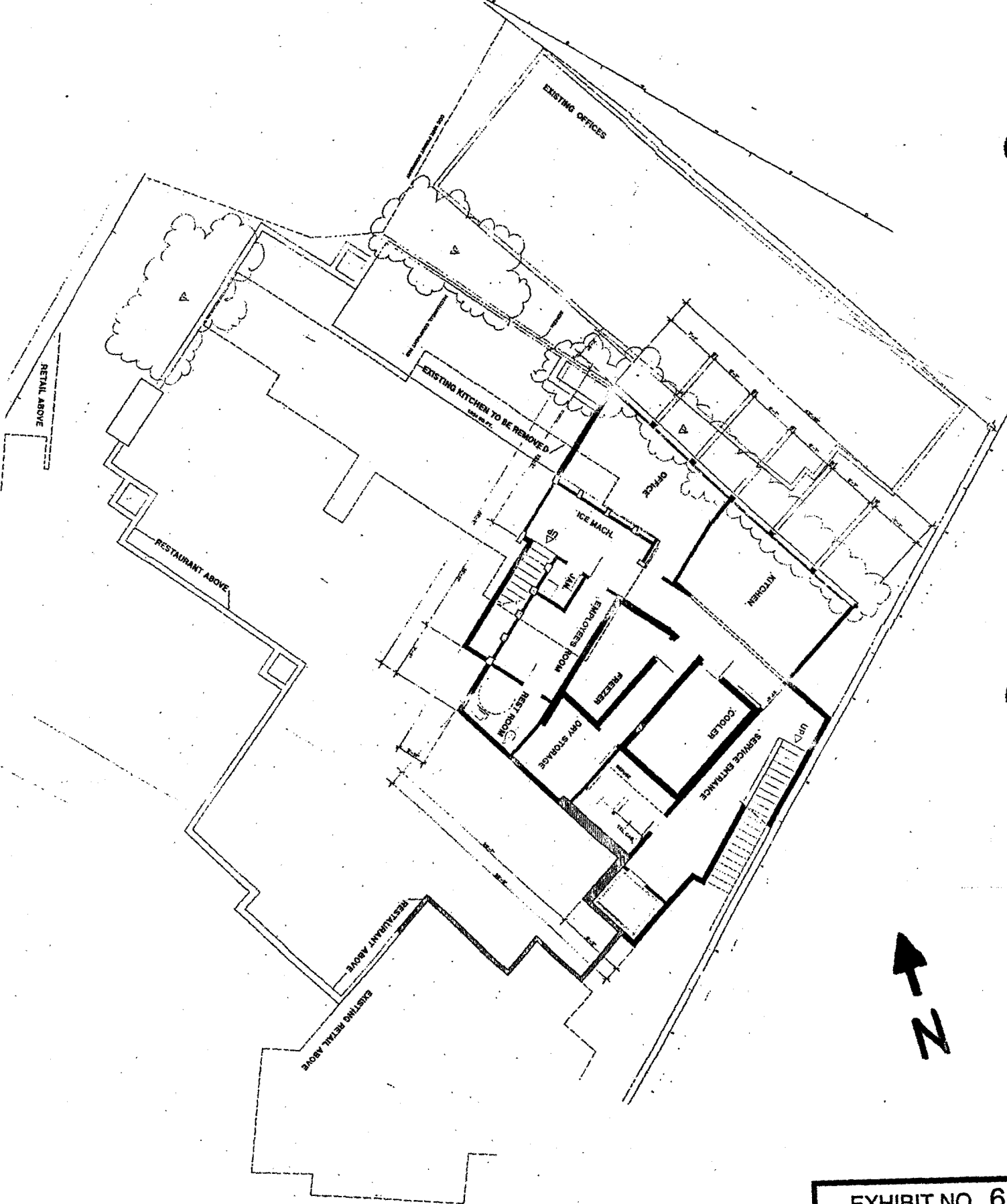

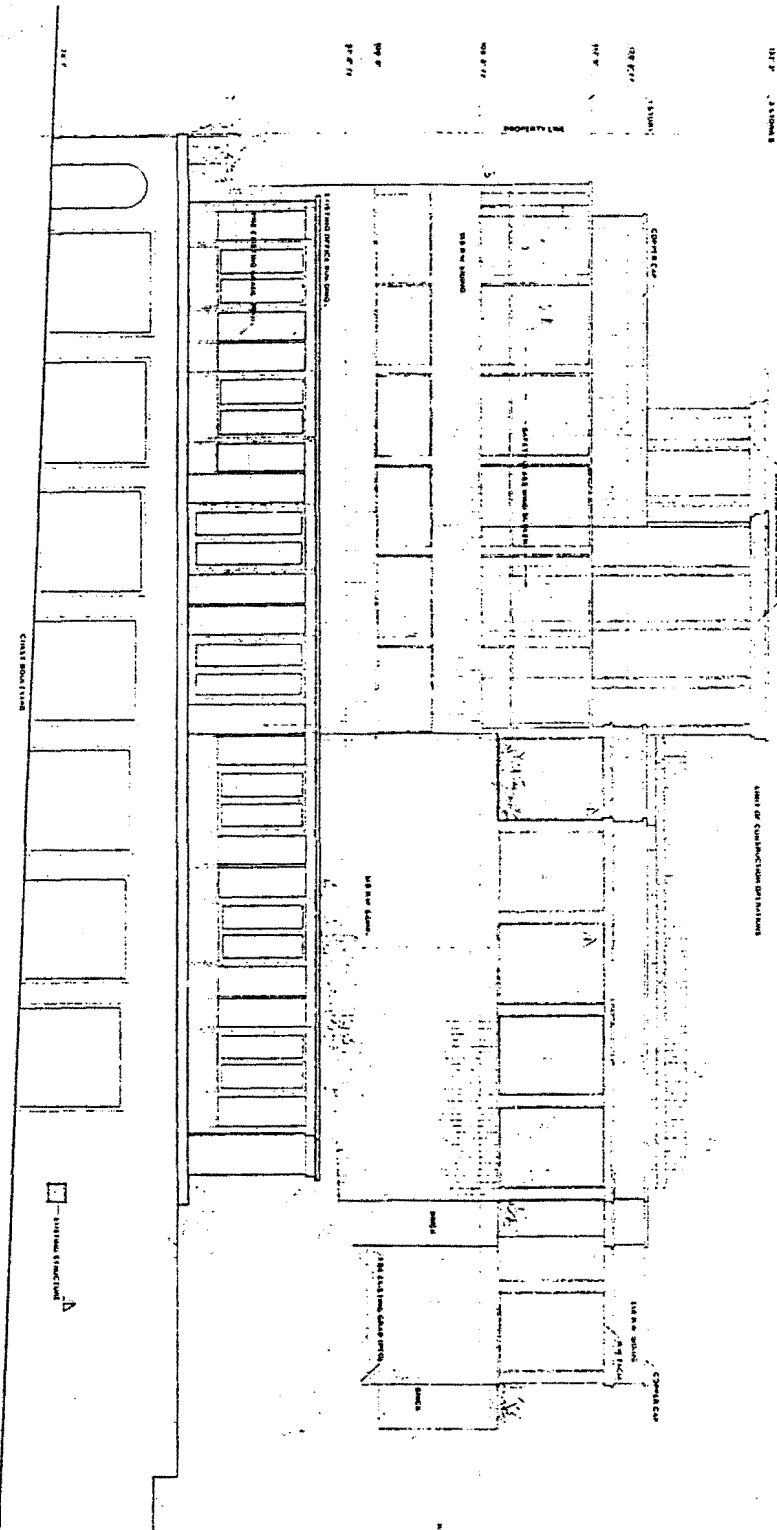


EXHIBIT NO. 6  
 APPLICATION NO.  
**A-6-LJS-00-67**  
 Lower Level Plan  
 California Coastal Commission

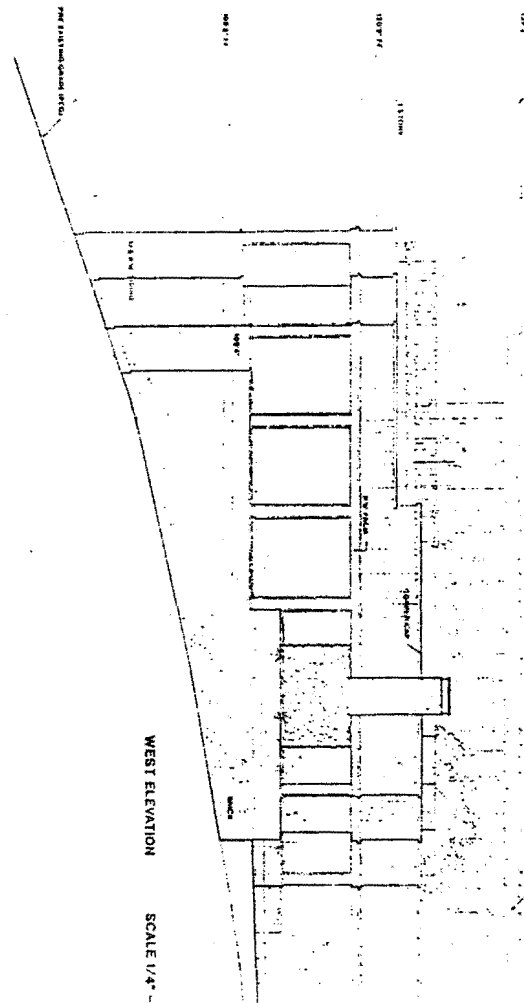
NORTH ELEVATION

SCALE 1/4" = 1'-0"



WEST ELEVATION

SCALE 1/4" = 1'-0"



Project No.	ACTIVITY 13
Client	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY
Address	1000 N. MISSION BLVD. #1000, SAN ANTONIO, TX 78205
Phone	(512) 221-2244
Project Name	CHART HOUSE RESTAURANT
Project Address	1000 N. MISSION BLVD. #1000, SAN ANTONIO, TX 78205
Project Phone	(512) 221-2244
Project Architect	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY
Project Engineer	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY
Project Designer	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY
Project Contractor	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY
Project Subcontractor	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY
Project Material Supplier	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY
Project Other	MANUELA S. VILLAS, VIKING LINDSAY, JENNIFER LINDSAY

NOT TO SCALE. DRAWING FOR INFORMATION ONLY.

**LA JOLLA CHART HOUSE RESTAURANT**

WEST AND I ELEVATIONS

Project No. 13-00000

Scale: 1/4" = 1'-0"

Author: [Name]

Checked: [Name]

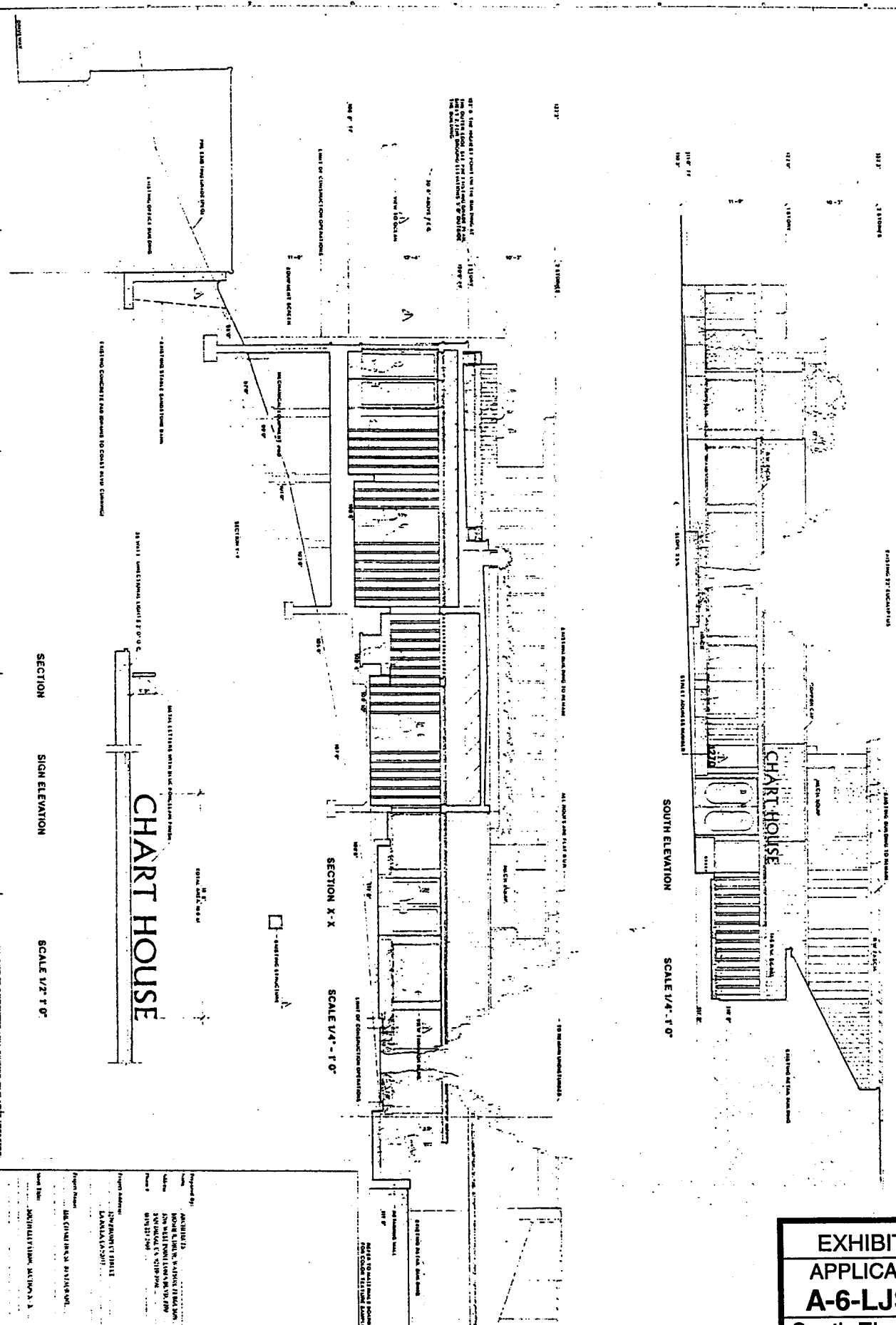
Date: [Date]

**EXHIBIT NO. 7**

**APPLICATION NO. A-6-LJS-00-67**

**West and North Elevations**

California Coastal Commission



SECTION SIGN ELEVATION SCALE 1/2" = 1'-0"

SECTION X-X SCALE 1/4" = 1'-0"

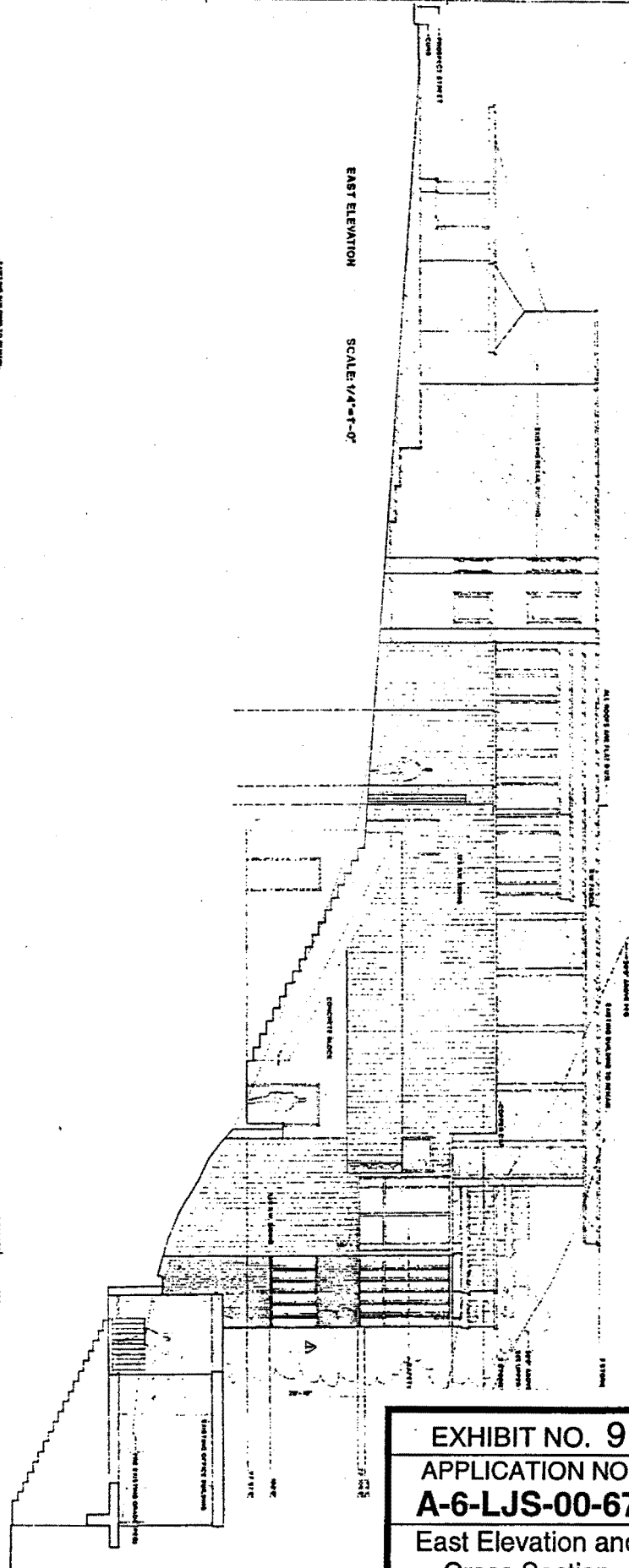
SOUTH ELEVATION SCALE 1/4" = 1'-0"

**EXHIBIT NO. 8**  
**APPLICATION NO.**  
**A-6-LJS-00-**  
**South Elevation and**  
**Cross-Section**

<p><b>LA JOLLA</b>  <b>CHART HOUSE</b>  <b>RESTAURANT</b>          1700 WILSON AVENUE          LA JOLLA, CALIFORNIA 92037</p>	
<p><b>Project Name:</b> CHART HOUSE RESTAURANT  <b>Project Address:</b> 1700 WILSON AVENUE, LA JOLLA, CA 92037  <b>Project Number:</b> A-6-LJS-00-  <b>Project Date:</b> MAY 18, 1994</p>	<p><b>Architect:</b> ARCHITECTURAL SOLUTIONS, S.A.  <b>Architect's Address:</b> 1700 WILSON AVENUE, LA JOLLA, CA 92037  <b>Architect's Phone:</b> 619-451-1111  <b>Architect's Fax:</b> 619-451-1112  <b>Architect's E-mail:</b> ARCHITECT@ARCHSOL.COM</p>
<p><b>Client:</b> MICHAEL J. BROWN  <b>Client Address:</b> 1700 WILSON AVENUE, LA JOLLA, CA 92037  <b>Client Phone:</b> 619-451-1111  <b>Client Fax:</b> 619-451-1112  <b>Client E-mail:</b> MICHAEL@CHARTHOUSE.COM</p>	<p><b>Engineer:</b> MICHAEL J. BROWN  <b>Engineer's Address:</b> 1700 WILSON AVENUE, LA JOLLA, CA 92037  <b>Engineer's Phone:</b> 619-451-1111  <b>Engineer's Fax:</b> 619-451-1112  <b>Engineer's E-mail:</b> MICHAEL@CHARTHOUSE.COM</p>
<p><b>Contractor:</b> MICHAEL J. BROWN  <b>Contractor's Address:</b> 1700 WILSON AVENUE, LA JOLLA, CA 92037  <b>Contractor's Phone:</b> 619-451-1111  <b>Contractor's Fax:</b> 619-451-1112  <b>Contractor's E-mail:</b> MICHAEL@CHARTHOUSE.COM</p>	<p><b>Permit Number:</b> A-6-LJS-00-  <b>Permit Date:</b> MAY 18, 1994  <b>Permit Status:</b> PENDING</p>

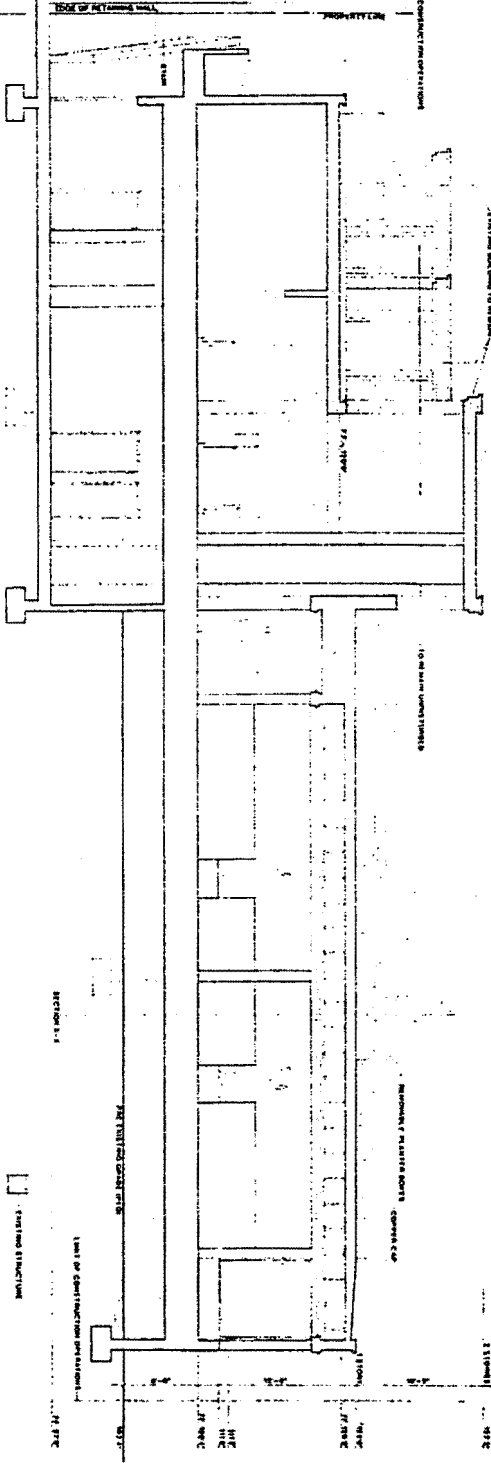
EAST ELEVATION

SCALE: 1/4"=1'-0"




SECTION Y-Y

SCALE: 1/4"=1'-0"



**EXHIBIT NO. 9**  
**APPLICATION NO.**  
**A-6-LJS-00-67**  
**East Elevation and**  
**Cross Section**



California Coastal Commission

Prepared By: ARCHITECT  
 JOSHUA L. J. JARVIS, ARCHITECT  
 1000 WEST 10TH AVENUE, SUITE 200  
 ANAHEIM, CALIFORNIA 92801  
 Phone: (714) 771-1111

Project Name: THE CHARTERED MASTHEAD  
 Project Address: 1000 WEST 10TH AVENUE, SUITE 200  
 ANAHEIM, CALIFORNIA 92801

Sheet Title: EAST ELEVATION SECTION Y-Y

Scale: 1/4" = 1'-0"

Drawn: J. L. Jarvis  
 Checked: J. L. Jarvis  
 Date: 11/11/04

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036



RECEIVED

MAY 23 2000

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

La Jolla Town Council  
P.O. Box 1101  
La Jolla, CA 92038 ( 858 ) 454-1444  
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: San Diego

2. Brief description of development being  
appealed: La Jolla Chart House demolition and reconstruction with major  
modifications.

3. Development's location (street address, assessor's parcel  
no., cross street, etc.): 1270 Prospect Street in the Zone 1A and Coastal Zones of the  
La Jolla Planned District. Lots 30, 31 and 32 in Block 59 of La Jolla Park per Map No.  
352.

4. Description of decision being appealed:

- a. Approval; no special conditions: CDP/SCR/LJPD Permit No. 98-0755
- b. Approval with special conditions: \_\_\_\_\_
- c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial  
decisions by a local government cannot be appealed unless  
the development is a major energy or public works project.  
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-LJS-00-067

DATE FILED: 5/23/00

DISTRICT: San Diego

D/86

EXHIBIT NO. 10
APPLICATION NO. A-6-LJS-00-67
Appeal w/ Attachments (p. 1 of 20)
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a.  Planning Director/Zoning Administrator      c.  Planning Commission
- b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: MAY 2, 2000

7. Local government's file number (if any): \_\_\_\_\_

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
ALLISON - ZONGKER, L.P. (owner) / CHART HOUSE ENTERPRISES, INC.  
c/o Marie Burke Lia  
427 C Street, Suite 416

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) ORRIN GABSCH  
6105 LA JOLLA SCENIC DRIVE, SOUTH  
LA JOLLA, CA 92037

(2) JACK HOLZMAN  
P.O. BOX 1104  
LA JOLLA, CA 92038

(3) SHERRI LIGHTNER  
8551 LA JOLLA SHORES DRIVE  
LA JOLLA, CA 92037

(4) LA JOLLA TOWN COUNCIL  
P.O. BOX 1101  
LA JOLLA, CA 92038

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

PLEASE SEE THE ATTACHMENTS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed [Signature] as President  
Appellant or Agent and for the  
La Jolla Town  
Council.

[Signature] as First Vice  
President and  
for the La Jolla  
Town Council.

Date 5-23-2000

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed \_\_\_\_\_  
Appellant

Date \_\_\_\_\_



The City's action on the proposed development raises "a substantial issue" regarding nonconforming structures in a coastal area and the "heritage" designation as applied in La Jolla. The City's action also raises concerns with respect to its implementation and consistency with the visual and physical access policies and the sensitive coastal resources of the certified LCP. The project is located on the parcel commonly known as "The Green Dragon Colony," which is subject to a 1991 Coastal Commission post demolition permit. The City's decision, to allow the demolition and redevelopment of approximately 74% of the structure located on this portion of the Green Dragon site in advance of redevelopment plans for the entire site, raises issues under the California Environmental Quality Act, as well as the certified Land Use Plan, LCP implementing ordinances, and Chapter 3 of the Coastal Act.

More specifically, the City's decision to approve the demolition and redevelopment of this "heritage" designated, nonconforming leasehold raises questions of conformance with current zone requirements for parking, and assurance of public physical and visual access. Under the City's theories, the cumulative impacts from allowing new commercial development to enjoy exemptions granted to older, nonconforming structures in order to insure their preservation, would create an unprecedented interpretation of the LCP, that will result in unacceptable traffic and parking impacts on public access to and along the coast, as well as the community's ability to protect significant manmade resources. Policies at issue include the following:

1. The policies of the LUP, regarding "Conservation of Community Resources," pages 115 and 145ff, which address "the need to protect the natural and manmade qualities which contribute to the special character and charm of La Jolla."
2. The La Jolla Planned District Ordinance Purpose and Intent clause 103.120.G; and implementing regulations Sections 103.1205.A.10, "Non-conforming Uses;" 103.1203.B.17 "Heritage Structure;" 103.1203.B.23, definition of Minor Addition; 103.1203.B.29, definition of Rehabilitation; 103.1208.A. Special Use Permit; and 103.1208.B. "Heritage Structure Preservation and Re-Use;" 103.1206.F.1: "Siting of Buildings, regarding visual access; and 103.1207.A.5, regarding parking requirements. The City's approval would allow ordinance exemptions, intended to insure the conservation and preservation of existing architecturally, historically, and culturally significant existing community resources to be extended to wholly new construction.
3. Public visual and physical access policies of the Land Use Plan, the LCP, and Chapter 3 of the Coastal Act.
4. Without further conditions addressing construction staging, timing, site access and construction runoff, the project would adversely impact findings of the CDP and SCR Ordinances addressing siting, design, and construction "to minimize if not preclude, adverse impacts upon sensitive coastal resources and environmentally sensitive areas."
5. Piecemeal site development would defeat California Environmental Quality Act provisions addressing the need for initial identification of all site impacts and required mitigations prior to project approval. Commission review is needed to address the City's failure to consider these impacts.

The sections of the PDO, LCP and the SDMC, which have been questionably used are those related to parking requirement exemptions, nonconforming uses, minor addition, heritage structure, rehabilitation, public visual access requirements and sensitive coastal resource protection. Each of these will be addressed briefly below and in more detail in the attachments.

1. The proposed "modifications" of the Chart House are substantial. City staff claimed that "the proposed project will maintain fifty-six percent if the exterior walls of the existing building, including a separate tenant space not related to the Chart House tenancy." The applicant has

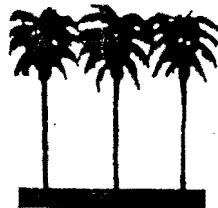
taken credit for walls, which are not a part of the project. From the drawings, at least 74% of the Chart House will be demolished. It may be more, once demolition begins, in order to meet new building code requirements. The implications of the Chart House being classified as "redevelopment" instead of the claimed "remodel" are:

- The pedestrian access indicated on Figure 11 of the LCP and discussed in Section VIII.A. of the LCP would need to be restored. The pedestrian access on the adjacent property is not the same as the one, which existed prior to the removal of the cottages on Coast Boulevard.
  - Visual access from Prospect Street would need to be improved in accordance with the LJPDO and the LCP. Enhancement of the public visual access cannot be achieved "through the building." The requirement from the LJPDO is from Section 103.1206.F.1. It requires that the major axis of the building shall be located "so that the major axis of the structure will generally be at a right angle to the shoreline," and an open visual access corridor of ten percent of the lot width shall be maintained open to the sky and free from all visual obstructions from the front property line to the rear property line of the project."
  - Adequate **new**, off-street parking would need to be provided. At least 47 **new** spaces per Section 103.1207.A.5.
  - Piecemeal redevelopment of the Green Dragon site is being used to obfuscate what is being done to the whole site. It also precludes the development of on-site parking. Tyrolean Terrace was required to submit development plans for the entire site prior to approval of their project.
  - We believe that the project is redevelopment and that the requirements for redevelopment should be respected.
  - The minor addition rule should not have been used, because the existing Chart House is a nonconforming structure. It provides no parking for its 265 guests nor its estimated employees. Section 103.1205.A.10 of the LJPDO says that no additions or enlargements can be made to a nonconforming structure in accordance with Section 103.0303 of the San Diego Municipal Code (SDMC).
2. The City has assigned a "Heritage Structure" designation to the new building, although it is not yet built. This violates the LJPDO 103.1203.B.17 definition of Heritage Structure as (emphasis added) "any **building or structure** which is found by the City of San Diego Historical Sites Board to be worthy of **preservation**." The new building after it is complete could possibly apply for Heritage designation or the existing building could apply for the designation, but not a building, which does not yet exist. This designation is being used questionably to avoid providing parking for the project, even though the LJPDO says that a Heritage Structure **MAY** (not shall) be exempted from parking requirements. It is not reasonable or responsible to allow a new restaurant of 9300 sq. ft. on Prospect Street to be built without requiring any new parking. The LJPDO , 103.1208.B.2 stipulates that the "structure's rehabilitation proposals shall be reviewed by the Historical Sites Board." The key term here is rehabilitation, which is defined in the LJPDO, Section 103.1203.B.29 as (bold-face added), "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. Under rehabilitation, every reasonable effort shall be made to provide compatible use for a property which requires **minimal alteration of the building**, structure, or site and its environment. The distinguishing original qualities or character of a building structure, or the site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided." Given the complete change of the building's exterior façade and interior volume, we do not believe the redevelopment occurring with the Chart House can reasonably be called rehabilitation.

3. As can be seen on the plans, the "minor addition" intrudes into an existing public view corridor on the easterly side of the project. This is in violation of the LCP, which states that "existing physical and visual access to the shoreline and the ocean should be protected and improved."

The attachments to this appeal include:

- La Jolla Town Council's Letter to the Mayor and City Council dated April 10, 2000 with attachments.
- Exhibits submitted at City Council appeal hearing on May 2, 2000.
  1. VISUAL ACCESS
  2. Topics from Stephen M. Haase's letter to the Mayor and City Council dated April 21, 2000.



LA JOLLA

TOWN COUNCIL

ESTABLISHED 1950

April 10, 2000

Subj: Proposed La Jolla Chart House Project, CDP/SCR/LJPD Permit No. 98-0755, Item 332, April 11, 2000 City Council Agenda

Dear Mayor Golding and Councilmembers,

The Chart House "remodel" must be denied, as proposed. Our concerns with this development are the misuse of the PDO, the misuse of the term remodel, the misuse of the parking requirements, the misuse of the heritage structure definition, the misuse of the minor addition exemption, the misuse of the public view corridor requirement, the lack of a pedestrian access to the coast and piecemeal development of this site. Each of these will be addressed briefly below and in more detail in the attached letter.

The parking exemptions for this new building are based upon three things. The existing situation, which requires no parking, the misuse of the terms "remodel" and "minor addition," and the misuse of the heritage structure designation.

- **This is not a minor addition or a "remodel."** The existing building is 7506 sq. ft.; the new building will be 9327 sq. ft. of which 7412 sq. ft. is new construction. When the new construction is almost as much as the existing structure, it is not a remodel. It is redevelopment. It is new construction and should be treated as such. The applicant is misusing minor addition by saying that the new building will be 24% larger than the existing structure, but the new construction will comprise 98.7% of the old building and 79.5% of the new, larger building. Since this is a new building, the existing situation of no "offstreet" parking cannot be grandfathered.
- **This will not be a heritage structure.** The square footage of the heritage portion of the new building is *de minimis*. It is not correct to call a new structure, retaining only the bar area and a fireplace mantel of the original building, a heritage structure. In any case, use of the heritage designation does not automatically exempt the applicant from providing parking.

**It is not allowed by the LJPDO to approve a new building, which requires at least 47 parking spaces in downtown La Jolla, with no new parking.**

The applicant is using piecemeal development of this site to avoid providing public view corridors and physical access to the coast as required by the PDO and the LCP, respectively. It is not acceptable to provide a public view corridor through the glass walls of the restaurant. When the shades are down, the drapes closed or plantings mature, the view is gone. The LCP specifies public pedestrian accessways across this parcel. The accessways should be clarified, not left as something for the later development of this site.

**EXHIBIT NO. 10**  
**(p. 7 of 20)**

When last a project on this site was before you, it was denied, as a part of the Green Dragon Project. Nothing material has changed in this project and no new parking has been created yet in La Jolla, to reach a different conclusion. After you denied the Green Dragon Project, the Mayor's La Jolla Traffic and Transportation Task Force was appointed to address some of the issues raised by the Green Dragon project. You know what the traffic and parking situation is in La Jolla. New construction should not be allowed to rely upon street parking or valet service for a 265-seat restaurant, irrespective of how creatively the applicant misuses the PDO. You must deny this project. If this is not denied, the opportunity for on-site parking for the whole site will be lost and a dangerous precedent set for both residential and commercial redevelopment in La Jolla.

The attachments to this letter include:

- Details about the above topics, including the findings and specific sections of the applicable codes.
- Proposed clarifications for the permit conditions, if the development is not denied.

We ask you to deny this project as proposed -- but if you choose to approve it, to do so with at least 47 new on or off-site parking spaces and incorporate the attached "Revisions to Permit Conditions."

Sincerely,

  
Courtney Ann Coyle, *President LJTC*

Cc: LJTC Trustees  
California Coastal Commission, Sherilyn Sarb

ATTACHMENT I  
Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

The La Jolla Town Council respectfully requests the Council not to certify the Mitigated Negative Declaration and to deny the Chart House Remodel proposal as submitted. The primary issue with the project before you today is that the proposal is "new development" masquerading as a "remodel." Under the Coastal Development Permit ordinance, if more than 50% of existing walls are demolished, the resulting redevelopment is deemed to be "new construction." With greater than 50% removal having been confirmed by staff, this redevelopment must, therefore, conform to all current, applicable code requirements. Staff has chosen, however, to extend parking exemptions not only to areas involving the minor addition and heritage preservation, but also the entire square footage of new development as well. We dispute all three exemptions.

While parking may be the most disputed requirement, it is far from the only one. (See Findings). According to the City, zero parking spaces are required. We disagree with this interpretation, and believe 49 spaces are required. If this intensification is granted, it would break new ground in allowing demolition and subsequent redevelopment to go forward in La Jolla without providing the required parking. It would create a new precedent whereby an entire site, such as the Green Dragon Colony, could be redeveloped as a series of "minor additions" and "heritage structure exemptions" with no parking required. According to staff, other projects are already in the pipeline, seeking the same exemptions.

Approval of this project prior to submittal of development plans for the entire Green Dragon project would eliminate the potential of creating on site parking for the project. Just such a requirement was required of these same applicants in their demolition and redevelopment of the Tyrolean Terrace into Coast Walk. Why not here? Because of the cumulative impacts on the community that would result from this City interpretation, this proposal must be rejected as submitted.

Questions we believe must be answered before any approvals are granted are:

1. Is this demolition and reconstruction really a "minor addition?" (See Attachment 1).

NO. The applicant calculates 1821 sq. ft., as the allowable "minor addition" to the existing building. But of this existing building, the applicant then proposes demolition of 5591 sq. ft. The following "New Building" calculations total 9327 sq. ft. Even if the total allowable is correct, to calculate a "minor addition" on a building which is subsequently to be essentially demolished defeats the intent of the "minor addition" definition, which provides that the addition be made to an "existing building." Staff's position is that any building can be totally demolished and rebuilt with an additional 30% floor area without any parking being required. This interpretation cannot go unchallenged.

## ATTACHMENT I

Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

2. **Is the demolition of approximately 75% of the existing Prospect St. designated structures and reconstruction really a "Heritage Structure Preservation and Re-use?" (See Attachment 2).**

**NO.** When the Green Dragon project was before the Council in 1997, the Historic Sites Board, at the request of Allison-Zongker, designated the Prospect St. facing structures as heritage structures, with the exception of the remaining office building on Prospect St. and Building 6, which was to be demolished along with the carport. Now, just two and a half years later, applicants are asking the Council and the public to approve demolition of 75% of these recently designated structures, with only the mantel, fireplace and a few other remnants to be retained as "heritage elements" and to grant them relief from parking requirements for retaining the "elements."

Such demolition and reconstruction does not conform with the intent or the requirements of the ordinance. Please note the exact language of the PDO "Heritage Structure Preservation and Re-use" ordinance. "The structure shall be evaluated..." "The structure is a part of..." "the structure is architecturally unique..." "The structure is an integral part..." are key findings. While Heritage Structure designation does not forbid demolition, as does Historic designation, it would break new ground to allow applicants relief from parking requirements based on Heritage structures that are to be demolished.

We strongly disagree with staff's interpretation of the Special Use Permit requirements. The PDO would, indeed, require a SUP for this project. The Special Use Permit has three required findings, not merely consistency with 103.1205 as stated by staff. It also requires the project to be consistent with the PDO Purpose and Intent Section (103.1201), and with the standards identified in 103.1208, "Special Use Permit Development Standards," which include in sub section B.1. the Heritage Structure Preservation and Re-use requirements and in subsection B.3 Development Regulations which provide that projects "may be" exempt from use, density, and parking requirements.

3. **If an applicant proposes to demolish more than 50% of existing walls, does the subsequent reconstruction lose its grandfathered, nonconforming status? In this case, where the lack of parking was grandfathered because the structures existed prior to adoption of the PDO, should the demolition of those structures not trigger a parking requirement in accordance with current code requirement?**

**YES.** Since a greater than 50% demolition implies new development and not a remodel, the parking provided by the project must meet the current code requirements. To meet the code requirement of 1 space per 200 sq. ft. of gross floor area, the project would be required to provide 49 spaces for the 9758 sq. ft. of new development. Even if the ordinance granted exemptions for the "minor addition," nothing in the ordinance exempts the remainder of the new development from meeting current parking regulations.

ATTACHMENT I  
Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

City staff and applicants believe the 50% rule merely relates to possible exemption from a CDP. Since a CDP was required and obtained, they believe they have satisfied the regulations. In our discussions with staff, we learned they did not independently calculate gross floor area, on which parking is based, since they had already determined the entire project to be exempt. However, F.A.R. for this project is extremely important in the ultimate calculation for the final project buildout, which is subject to a PDO maximum 1.5 for the entire parcel. We need independent analysis of applicant's figures.

**4. Can the findings be made?**

No. They cannot. (Please note for the record our concern with staff's renumbering and rewording of the required findings.)

**CDP:**

**Finding 1:** We continue to insist that staff's and applicant's position that public view protection can be accomplished through glass windows or exterior decks on private property is impermissible, nor would it provide creation of the visual access corridor required by the PDO for new construction. See LJPDO Finding 16 below.

**Finding 2:** Conditions requiring Best Management Practices and a construction and stormwater runoff control program are necessary. This is especially relevant for this blufftop site which drains via public storm drain directly into the ocean at Goldfish Point, a site heavily used by the public visiting the La Jolla Cove area for swimming, snorkeling, and skin diving.

**Finding 3:** We do not believe the retention of "heritage elements" and a plaque can mitigate the demolition of a structure determined by environmental review to be historically significant. Nor do we believe the replacement of the last remaining portions of the "Wahnfried" cottage with contemporary glass walled post and beam construction can possibly be deemed to be "Heritage Preservation and Re-use" of the existing structures. Bar areas to remain are of contemporary design by Ken Kellogg.

Further, conditions are necessary to address timing and location of construction activities. Access grading, staging, and storage are particular concerns, and should not be allowed within the sensitive post demolition area of the site. The ground on which the Green Dragon Colony is located was deemed by the Historic Sites Board to have historic status. There is no discussion in the Staff report of the implications of this status in relation to any grading, clearing, or landform alteration, particularly in the area of the post demolition permit, that might occur in accessing the construction site. In 1997, staging and storage concerns were also raised by adjoining business and property owners.

**Finding 4:** We reject the City's rewording of this finding to include the word "identified." By failing to provide the required parking in this heavily used visitor serving area of the coast, the project would negatively affect public access to and along the coast. Conditions should be added regulating construction timing and activities to insure the least possible impact on access both to the Village and to the shoreline.



**ATTACHMENT I**  
Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

**Finding 8:** This finding cannot be made simply by equating conformance with building code and use designation consistency. The finding cannot be made because of public view, access, and historic concerns. Nor, as we have shown above, would the development be consistent with PDO standards.

**SCR:**

**Finding 9:** See Finding 2

**Finding 10:** See Finding 1

**Finding 13:** See Finding 8

**LJPDO:**

**Finding 14:** A community need is not fulfilled by a project's consistency with land use designation, design guidelines, and development standards for the site. Those are requirements, not a community need. The staff report identifies no community need for expanded restaurant use without parking. Nor is there an identified community need to demolish existing heritage structures in favor of new development without parking.

**Finding 16:** Once again, the proposed project does not comply with the relevant LCP ordinance provisions. Section 103.1206 F.1. requires that buildings "shall be located so the major axis of the structure will generally be at a right angle to the shoreline. An open visual access corridor of 10% of the lot width shall be maintained open to the sky and free from all visual obstructions from the front property line to the rear property line of the project." There is no such provision in this redevelopment. Please see CDP Finding 1.

Nor does the PDO ministerially grant parking relief under minor addition and heritage preservation provisions for demolition and redevelopment. An SUP has always been required in the past by the City in such heritage projects as the restaurant then known as "Sluggo's" on Fay Ave. Why not now?

**5. Conclusion:** We urge the Council not to approve this project as submitted. We recommend either denial, or continuance until all clarifications have been obtained and concerns addressed. Thank you for your consideration.

ATTACHMENT I

Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

Attachment 1

MAY 11, 1998

DEVELOPMENT SUMMARY FOR THE CHART HOUSE RESTAURANT IN LA JOLLA, CALIFORNIA:

ARCHITECTS MOSHER / DREW / WATSON / FERGUSON

1. SUMMARY OF REQUEST

TO BRING THE ENTIRE RESTAURANT INTO CONFORMITY WITH CURRENT BUILDING CODES BY REMODELING THE PORTION OF THE BUILDING WHICH IS INFEASIBLE TO REPAIR OR MAINTAIN ECONOMICALLY, AND TO RETAIN THE PORTION WHICH CONFORMS TO CURRENT BUILDING CODES. THE NEW REMODELED STRUCTURE WILL OCCUPY SUBSTANTIALLY THE SAME AREA AS THAT WHICH IS TO BE REMOVED. SEE EXACT SQUARE FOOTAGE CALCULATIONS SHOWN BELOW AND ON SHEETS # 10 AND 11. ACCESS FOR THE PHYSICALLY HANDICAPPED, PRESENTLY SUB-STANDARD, WILL BE PROVIDED IN ACCORDANCE WITH CURRENT REGULATIONS. THE PROJECT, BEING LOCATED IN AN EXISTING LANDSCAPED AREA, WILL ONLY REQUIRE PLANTINGS WITHIN THE SITE LIMIT AS SHOWN ON THE LANDSCAPE PLAN.

2. STREET ADDRESS

1 270 PROSPECT STREET, LA JOLLA, CA., 92037  
BETWEEN CAVE STREET AND HERSCHEL

3. SITE AREA

TOTAL SITE AREA: 39,640 SQ. FT. (PROJECT IS A PART OF AN EXISTING COMMERCIAL DEVELOPMENT). SEE SHEET # 2, PRE - EXISTING GRADE PLAN, PROJECT SITE LIMIT.

4. COVERAGE DATA N/A

5. DENSITY N/A

6 YARD/SETBACK

THE PROJECT IS IN A COMMERCIAL ZONE WITH ZERO SETBACKS

7. PARKING

SINCE THE REMODELING PROJECT QUALIFIES AS A MINOR ADDITION/ENLARGEMENT UNDER THE LA JOLLA PLANNED DISTRICT ORDINANCE, AND AS PARKING WAS NOT REQUIRED AT THE TIME THE ORIGINAL CONSTRUCTION WAS UNDERTAKEN, PARKING IS NOT REQUIRED.

LEGAL DESCRIPTION

LOTS 30, 31, AND 32, LA JOLLA PARK IN THE CITY OF SAN DIEGO, ACCORDING TO MAP # 59 FILED MARCH 22, 1887. APM # 350 - 050 - 17

EASEMENTS

NONE APPLY TO THIS SITE.

## ATTACHMENT I

Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

Attachment 1

2

## BUS STOP/TRANSIT STATIONS

THERE ARE NONE IN THE IMMEDIATE VICINITY.

## PRE-EXISTING &amp; FINISH GRADES

SEE SHEET # 2, PRE-EXISTING GRADE PLAN, PROJECT SITE LIMIT FOR PRE-EXISTING AND FINISH GRADES. REFER TO THE SUBMITTAL PACKAGE FOR CORRESPONDENCE RELATED TO PRE-EXISTING GRADE AGREEMENTS.

## AREA CALCULATIONS

## EXISTING BUILDING:

DINING TERRACE	939 SQ. FT.
COLD BOX AND STORAGE, OUTSIDE	295 SQ. FT.
RESTAURANT, MAIN FLOOR	2,388 SQ. FT.
RESTAURANT, SECOND FLOOR	915 SQ. FT.
KITCHEN, LOWER LEVEL	1,054 SQ. FT.
BAR, MAIN FLOOR - TO REMAIN	1,237 SQ. FT.
BAR, MEZZANINE - TO REMAIN	678 SQ. FT.
TOTAL EXISTING <u>AREA</u>	<u>7,506 SQ. FT.</u>

30% OF 7,506 = 2,252 SQ. FT.  
 PLUS EXISTING 7,506 SQ. FT.  
 ALLOWABLE 9,758 SQ. FT.

## NEW BUILDING:

RESTAURANT, MAIN FLOOR	5,397 SQ. FT.
RESTAURANT, UPPER FLOOR	1,152 SQ. FT.
DINING DECK, MAIN FLOOR	697 SQ. FT.
DINING DECK, UPPER FLOOR	724 SQ. FT.
KITCHEN, LOWER LEVEL	<u>1,788 SQ. FT.</u>
TOTAL AREA	9,758 SQ. FT.

THE ALLOWABLE AREA FOR A REMODELING PROJECT BALANCES WITH THE PROPOSED PROJECT

SEE SHEETS # 10, EXISTING MAIN AND LOWER FLOOR PLANS, AND # 11, EXISTING UPPER FLOOR PLAN, FOR AREAS OF THE EXISTING BUILDING TO BE RETAINED AND THOSE TO BE REMOVED.

## ATTACHMENT I

Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

Attachment 1

3

## SEATING

## IN THE BAR;

AT STOOLS	7
AT TABLES - 13 AT 4	<u>52</u>
TOTAL	59

## IN THE MAIN DINING ROOM;

AT TABLES:	
1 AT 6	6
1 AT 2	2
20 AT 4	<u>80</u>
TOTAL	88

## IN THE UPPER DINING ROOM;

AT TABLES:	
2 AT 2	4
10 AT 4	<u>40</u>
TOTAL	44

## ON THE MAIN LEVEL DECK;

AT TABLES:	
3 AT 2	6
7 AT 4	<u>28</u>
TOTAL	34

## ON THE UPPER LEVEL DECK;

AT TABLES:	
8 AT 4	32
4 AT 2	<u>8</u>
TOTAL	40

SEATING INDOORS

191

SEATING ON THE DECKS

74

TOTAL SEATING FOR THE RESTAURANT

265

## ATTACHMENT I

Reasons for Denial of MND and CDP/SCR/LJPD 98-0755

Attachment 2

**DIVISION 12**  
**La Jolla Planned District**

**§ 103.1208 Special Use Permit Development Standards**

A. A Special Use Permit (SUP) is required for any of the following projects described in Sections 103.1208(B) through 103.1208(N). An application for a Special Use Permit may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Planning Commission, in accordance with Section 111.0506. The "Hearing Officer" may approve the Special Use Permit if the following findings are made in addition to the findings specified for particular uses:

1. The project is consistent with the Purpose and Intent Section of this Division (SEC. 103.1201);

2. The project is consistent with (Secs. 103.1205, 103.1206 and 103.1207) of this Division; and

3. The project is consistent with the standards identified in this section.

**B. HERITAGE STRUCTURE PRESERVATION AND RE-USE**

Any Heritage structure in Zones 1, 2, 3, 4 and 5 only, proposed for preservation and re-use not consistent with Section 103.1205 of this Division's land use and density requirements, shall comply with all of the following standards:

1. The structure shall be evaluated by the Historical Site Board which shall make a finding that the structure is worthy of preservation if one or more of the following appropriate findings can be made that:

a. The structure is part of a historical event or personage in the development of the region.

b. The structure is architecturally significant in that it exemplifies a specific architect, architectural style, or period of development.

c. The structure is architecturally unique and worthy of preservation.

d. The structure is an integral part of a neighborhood development style, and an important "part of the scene" of urban development.

2. The project site and structure's rehabilitation proposals shall be reviewed by the Historical Sites Board for consistency with the building's and project site's design and historical conservation elements.

3. Development Regulations are the same as Sections 103.1205, 103.1206 and 103.1207 of this Division except as follows:

a. The project may be exempt from the use and density requirements of Section 108.1205 of this Division provided it can be proven that it is economically imperative to provide relief from such land use requirements. A "Hearing Officer" may approve, conditionally approve or deny, in accordance with "Process Three". The "Hearing Officer's" decision may be appealed to the Planning Commission in accordance with Section 111.0506. The "Hearing Officer" may approve or conditionally approve the exemption if a finding can be made that the use and density will not negatively impact surrounding properties and the neighborhood, and will be consistent with the community plan.

b. The project may be exempted from the standard parking requirements consistent with SEC. 103.1207 of this Division.

c. Landscaping, planting and vegetation standards shall be consistent with Secs. 103.1206 through 103.1208 of this Division, except when these standards conflict with heritage structure preservation or existing matured vegetation on site. The new landscaping proposed shall complement the existing vegetation and landscape design. The Historical Site Board recommendations shall be considered in the Development Services Director's decision.

**EXHIBIT NO. 10**

(p. 16 of 20)

**ATTACHMENT II**  
Proposed Clarifications to Permit Conditions

1. **Parking:**

- Permittee will construct, purchase or lease 49 new off-site parking spaces, within a 600' radius of the site and within the current PDO boundary, including those for full-time exclusive use by Permittee's employees, will require their employees to use such spaces during their working hours at the restaurant, and will enforce this condition through a placard or similar parking control method so that no other persons can use these spaces.
- The term of this off-site parking lease will be consistent and run concurrent with the term of Permittee's lease of the restaurant premises and therefore will extend to 2016 and, with the exercise of options, to 2026. This objective will be accomplished by amending Permittee's current restaurant lease with Allison-Zongker and by recording the lease and this Agreement. This off-site parking will attach to any successor-in-interest. Permittee will provide City with written proof of such recordation within 90 days of recordation.

1. **Street Trees.** With reference to Permit Condition # 34, which requires the City's Urban Forester to approve the final selection of street trees for the Prospect Street frontage, City will change the type of palms to be installed as street trees from Washingtonia Robusta Palm trees to Queen Palm trees.

2. **Mechanical Equipment.** Permit Condition # 30 provides that no mechanical equipment shall be erected, constructed or enlarged on the roof of any building on this site unless all such equipment is contained within a completely enclosed architecturally integrated structure that respects the height limit.

The Town Council's preference is that mechanical equipment be on the ground and not be visible. When the sizes and locations of such structures are determined, the drawings for same will be brought before the La Jolla Town Council trustees for review and comment at a public meeting. After that, the drawings can then be added to attached Exhibit C. The approved plans are to be maintained on file in the Office of Planning and Development Review.

3. **View Corridor.** Permittee understands and acknowledges that the transparency through the Chart House structure, which will be created by this project, does not constitute compliance with any View Corridor requirements of the La Jolla Planned District Ordinance, or any other site requirements for same. Required view corridors will be shown on the revised plans.

4. **Public Accessways.** Permittee represents that the representation that the project will not affect or limit any previous or existing public accessways and these accessways will clearly be shown on the revised plans.

5. **Impacts from Construction Operations.** Permittee will comply with all requirements imposed by the City's Traffic Control Plan Check Group with regard to alleviation of impacts from staging and construction operations on the surrounding community, including any revisions to said requirements deemed reasonable by the Plan Check Group as the result of community input.

**ATTACHMENT II**  
Proposed Clarifications to Permit Conditions

Community input will include review of the proposed requirements by the joint La Jolla Traffic & Transportation Board before any staging or construction begins. Permittee's staging and construction activities will not unduly obstruct parking, traffic circulation and pedestrian movement on Prospect.

6. **New Torrey Pine Tree.** Permittee agrees that a new, healthy Torrey Pine tree of at least 35' in height will be installed and maintained on site at the location indicated on the plans and that the words "such as" will be deleted from the landscape plans with reference to this specimen. Permittee also agrees to salvage, box, move and install the removed Torrey Pine to a location in La Jolla or to move and install the tree to another location onsite.
7. **Other On-Site Landscaping.** Permittee agrees to use best efforts to preserve the mature ficus at the western corner of the restaurant and will make such notation on all project plans.
8. **Retained Elements.** As required by the Mitigation, Monitoring and Reporting Program for this project:
  - the carved wood lintel which currently exists above the windows near the southwest corner of the existing dining area is to be incorporated into the new construction. Permittee agrees to consult with the La Jolla Historical Society before removal of the lintel occurs on an appropriate means to safeguard the lintel after its removal from its current location until its re-installation in the redeveloped structure, including storage of this element under the supervision of the Society, if that course is recommended by the Society. The location where the element is to be incorporated is to be shown on revised plans.
  - the original Wahnfried interior fireplace with its mantle near the southwest corner of the existing dining area is to be incorporated into the project and properly reconstructed. Permittee also agrees to consult with the La Jolla Historical Society before documentation and dismantling of this element occurs on Permittee's plans for the professional documentation, dismantling and interim storage of all fireplace elements until its re-installation in the redeveloped structure including storage of this element under the supervision of the Society, if that course is recommended by the Society. The location where the element is to be incorporated as shown on revised plans.
  - Permittee also agrees to consult with the Society upon the inadvertent discovery of any heretofore-unknown potentially historical elements or objects during the project.
10. **Informational Plaque.** As required by the Mitigation, Monitoring and Reporting Program for this project, an informational plaque explaining the significance of the retained elements and the history and association of the Wahnfried building with Anna Held and the history of the early years in La Jolla will be created and installed at the project site in a visible, publicly used area, such as in the proposed new entrance. Permittee agrees to consult with the La Jolla Historical Society on the wording and placement of said plaque before its creation.

## VISUAL ACCESS

### Sections of the La Jolla PDO:

#### **103.1203.B.33. Visual Access Corridor (Private Property)**

Any portion of a property located between a public right-of-way and a natural scenic vista which is unroofed, and open to the sky and maintained free of all visual obstructions.

**103.1206.F.1.** In Subareas 1A, 5A and 6A on the seaward side of Prospect Street, in order to provide for visual access corridors to the ocean, buildings shall be located so that the major axis of the structure will generally be at a right angle to the shoreline. An open visual access corridor of ten percent of the lot width shall be maintained open to the sky and free from all visual obstructions from the front property line to the rear property line of the project.

Refuse collection and loading areas shall not be located in any way that interferes into the visual access corridor. (See Appendix B).

### **Page 3 of the Manager's Report, Paragraph 2:**

As required by the La Jolla Local Coastal Plan (LCP), the project proposes to maintain and enhance the existing visual access to coastal resources. The entrance to the restaurant from Prospect Street would be reconstructed with post and beam technique and include clear vision glass to assure visual access through the building to the coastal resources beyond. This modification would result in greater visual transparency through the building than currently exists from the public right-of-way to the coastal resources located beyond the site. The existing vies corridors would be retained in accordance with the LCP (Attachment 2).



Topics from Stephen M. Haase's letter to the Mayor and City Council dated April 21, 2000.

Page 1: What is a remodel?

Page 2: Re: Heritage Structure (SDMC Section 103.1207.B.17)

Has the Historical Sites Board reviewed this specific project? When was the hearing noticed? Was the "remodeled" building labeled as a Heritage Structure?

Quoting staff "The proposed project will maintain fifty-six percent of the exterior walls of the existing building, including a separate tenant space not related to the Chart House tenancy." Does this mean that the exterior walls of the existing building will be exterior walls after the remodel and where are these walls located? Is the applicant taking credit for the walls of the "separate tenant space?"

The PDO section on nonconforming uses says that **no addition to the structure** can be made without bringing the rest of the structure into conformance. In this case the structure should conform with the parking requirements. The PDO only allows that a "Heritage Structure" **may** be exempted from parking, not that it is completely exempted from parking requirements.

What is the aggregate value of the repairs or alterations to the building (See Item 3 definition below for rule about repairs and alterations to a nonconforming structure)?

Page 2: Re: Development requirements:

Public View Corridor: The requirement from the LJPDO is that the major axis of the building is perpendicular to the coast and that a "visual access corridor of ten percent of the lot width shall be maintained open to the sky and free from all visual obstructions from the front property line to the rear." The LCP also stipulates that "existing physical and visual access to the shoreline and ocean should be protected and improved." The five-foot wide view corridor along the easterly property line is not quite five feet. It is four feet on Sheet 1 of the drawing. The new addition will actually intrude into the existing view corridor on the easterly property line. The gate and fence on this side of the property could be visual obstructions. The other view corridor is perhaps five feet between the buildings, but where is the property line?

Public Access: The LCP in section VIII. A. states "The existing walkways connecting Coast Boulevard and Prospect Street should be more clearly identified to encourage their use."

Item 3.

See discussion about parking given above.

103.1205.A.10 "Nonconforming Uses.

The lawful use of land which existed on the effective date of this Division and which does not conform with this Division may be continued, except when specifically prohibited, provided that no enlargements or additions to such use are made, consistent with regulations contained in Chapter X, Article 1, Division 3 of the San Diego Municipal Code."

SDMC 101.0303

"Repairs and alterations which do not increase the degree of nonconformity of a nonconforming building, structure or improvement, nor increase the size or degree of nonconformity of a use, may be made provided that the aggregate value of such repairs or alterations shall not exceed 50 percent of its fair market value, according to the assessment thereof by the County Assessor for the fiscal year during which the repairs and alterations occur.

June 1, 2000

California Coastal Commission  
3111 Camino del Rio North, Suite 200  
San Diego, CA 92108-1725

RECEIVED

JUN 02 2000

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: Expansion and Remodel of the La Jolla Chart House Restaurant

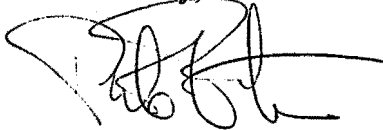
Dear Sirs:

I would like to voice my recommendation that The Commission approve this project for the following reasons:


1. During the last five years, The Commission has given permission to adjacent restaurants to add roughly equivalent amounts of space. It would seem only fair that the Chart House should be granted the same privilege.
2. The remodeling proposed by Chart House is important, since there is deterioration of the structure as a result of exposure to the elements and heavy usage.
3. The principle purpose of the expansion is to create more storage and kitchen space, which would be less than 2,000 square feet. The seating capacity would remain the same, thus there would not be an impact on parking or traffic.
4. As a result of this expansion, the views to the ocean and surrounding coastal area, from the property, would not only be increased for the pleasure of dining customers, but pedestrians, and motorists alike traveling along Prospect Street.

I sincerely hope you consider the aforementioned when making your decision. Chart House has been a good neighbor and responsible business owner, and I think their request should be granted.

Sincerely,



Pete Peterson

EXHIBIT NO. 11
APPLICATION NO.
<b>A-6-LJS-00-6</b>
Letters of Support (p. 1 of 3)
 California Coastal Commission

40

RECEIVED

JUN 02 2000

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

May 31, 2000

California Coastal Commission  
3111 Camino Del Rio North  
Suite 200  
San Diego, CA 92108-1725


RE: Expansion and remodeling of the Chart House in La Jolla

Dear Sirs:

I urge The Commission to approve this project, for several reasons:

- 1) During the last five years, other restaurants on Prospect have been granted permission by The Commission to expand in degrees equal to or in excess of what Chart House is requesting, which is about 2,000 square feet.
- 2) The new area created will be used for storage and kitchen activity. No more seating will be added, and so the expansion will have no relevance to continuing concerns about congestion, etc.
- 3) The remodeling is designed to restore parts of the building that have deteriorated due to years of wear and tear.
- 4) The expansion will actually increase views of the coast for customers, for pedestrians walking by, and for individuals in cars traveling on Prospect.

Sincerely,

  
A Concerned Citizen

LFO

RECEIVED

JUN 02 2000

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

May 31, 2000

TO: California Coastal Commission  
3111 Camino Del Rio North  
Suite 200  
San Diego, CA 92108-1725

Dear Sirs:

RE: Chart House on La Jolla remodeling and expansion

I write to urge approval of this project, for the following reasons:

1. The remodeling is badly needed due to deterioration of the sections of the consideration here.
2. The expansion of the restaurant amounts to an addition of less than 2,000 square feet and will take place only in the storage and kitchen areas. No additional seating will be added.
3. During the last five years, adjacent restaurants have been granted permission to add space to or in excess of 2,000 square feet. Simple fairness would argue that Chart House should be given the same permission
4. Views to the coastline will be opened up both for customers of Chart House and for pedestrian and automotive passerby.



Lynn Smith  
Concerned Resident