

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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**Tue 7b**

Staff: LRO-SD  
Staff Report: 5/23/02  
Hearing Date: 6/10-14/02

**RECORD PACKET COPY**

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: F8945-A2

Applicant: Chart House Enterprises

Agent: Steve Kaufmann

Original

Description: Expansion of existing 3,566 sq.ft. restaurant into approximately 1,233 sq.ft. area formerly occupied by retail dress shop. Total restaurant area is approximately 4,799 sq.ft.

Proposed

Amendment: Remodel and the addition of 2,760 sq.ft. of floor area to the existing restaurant, provision of a deed restricted public vertical accessway along the eastern portion of the .91 acre site and provision of fourteen (14) off-site parking spaces. Also proposed is the elimination of an unpermitted outdoor dining area and lower level kitchen preparation area.

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

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STAFF NOTES:

The proposed project represents an amendment to a former coastal development permit for additions to an existing restaurant. A similar project was the subject of an appeal (A-6-LJS-00-67) for which the Commission found substantial issue at its July 11, 2000 hearing. The de novo hearing occurred on August 6, 2001. However, before the Coastal Commission took the final vote on the de novo permit item, the applicant's representative withdrew the permit application. Commissioners advised the applicant to work with Commission staff to resolve the unpermitted development that has occurred on the site since 1981 before proposing any new additions to the existing restaurant. The applicant has submitted two applications to amend the coastal development permit which the Commission issued for an expansion of the restaurant in 1980. The first amendment application (F8945-A1), which is analyzed in a separate report on this same meeting agenda, requests after-the-fact authorization for additions to the restaurant that exceeded what was authorized in the original permit. The second amendment, which is the subject of this report, proposes elimination of an unpermitted outdoor dining area, elimination of

an unpermitted kitchen prep area, and construction of a new a 2,760 sq. ft. addition to the restaurant, including various internal changes to the existing restaurant. Also proposed is are 14 off-site parking spaces and provision of a deed restricted public vertical accessway along the eastern portion of the site.

Summary of Staff's Preliminary Recommendation:

Staff recommends that the Commission approve the proposed permit amendment subject to several special conditions. The project raises issues pertaining to parking and public access. The existing restaurant does not currently include any parking (and there is no place to put on-site parking) and is located within the downtown area of La Jolla, where parking is severely constrained. While the newly proposed restaurant expansion could be exempt from parking requirements pursuant to the La Jolla Planned District Ordinance (as an expansion of a "Heritage Structure"), the applicant is not applying for such an exemption and is proposing 14 off-site parking spaces consistent with the requirements of the La Jolla Planned District Ordinance for the newly proposed addition. Another issue raised by the subject development is continued public access through the site. Currently, the public can access a path/stairway through the site connecting Prospect Street with Coast Boulevard. In order to assure this access is maintained, the applicant is proposing to construct and provide a deed restricted vertical accessway over this area for public use. As conditioned, the staff has determined that the proposed project is consistent with the certified LCP and the public access and recreation policies of the Coastal Act.

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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; Historical Assessment of the Chart House Restaurant/Wahnfried Building by Scott Moomjian, M.S., J.D. and Dr. Ray Brandes in consultation with Marie Burke Lia, Attorney at Law – Revised June, 1999; Stall Vacancy Counts for downtown La Jolla by Ace Parking dated July 9, 2001; CCC CDP#s F8945, F9655 and #A-93-81.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve the proposed amendment to Coastal Development Permit No. F8945-A2 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of the certified LCP. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse

III. Special Conditions.

The permit is subject to the following conditions:

1. Vertical Access.

A. The applicant shall construct a 5-foot wide vertical accessway along the east (northeast) boundary of the property extending from Prospect Street to Coast Boulevard. The accessway shall remain open to the general public from 8:00 a.m. to sunset daily and may incorporate retractable gates.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, reflecting the above requirements.

The deed restriction shall include legal descriptions of the landowners' entire parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Off-Site Parking. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a La Jolla Planned District Joint Use Parking Agreement that conforms to the La Jolla PDO requirements for joint use parking for the provision of 14 off-site parking spaces approved by the City of San Diego Planning Director. Said parking agreement shall provide that the proposed off-site parking spaces are located within ¼ mile of the Chart House, are provided exclusively for use by the Chart House during hours of operation (applicant must demonstrate the proposed off-site parking spaces are not currently required for any other use or business), and include the recordation of a deed restriction on both sites (Chart House site and off-site parking site) documenting the reservation of the required parking spaces.

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant and the landowners of the Chart House site and the parking garage site shall execute and record deed restrictions, in form and content acceptable to the Executive Director, documenting the reservation of parking spaces as required by the terms of this condition. The deed restrictions shall include a legal description of the entire parcels. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restrictions. These deed restrictions shall not be removed or changed without a Commission amendment to this coastal development permit.

3. Conditions Imposed by Local Government. This action has no effect on conditions imposed by the City of San Diego pursuant to an authority other than the Coastal Act.

4. Previous Conditions of Approval CDP #A-6-LJS-91-168-R. By acceptance of this permit, the applicant acknowledges that this permit does not change the requirements to incorporate all design elements that have been determined to be historically and/or architecturally significant and worthy of incorporation by the Executive Director in consultation with the State Historical Building Safety Board into future development in the restricted area of the site (Lots 30 and 31) pursuant to Special Condition No. 1 and 2 of CDP #A-6-LJS-91-168-R (Green Dragon Colony) which was subsequently amended pursuant to CDP #A-6-LJS-91-168-R-A2.

5. Landscaping Plan/Deed Restriction. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan. Said plan shall be in substantial conformance with the draft landscape plan submitted 1/3/02 by Mosher Drew Watson Ferguson, and shall including the following:

- a. A plan showing the type, size, extent and location of all trees on the site with special emphasis on the installation of new landscaping in a manner that does not obstruct public views toward the ocean in the west and east side yard setback areas.
- b. Drought tolerant native or non-invasive plant materials shall be utilized.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction
- d. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a

landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Sign Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director a plan for signage related to the vertical accessway and to the location of the off-site parking. The accessway signage shall consist of two monument or wall signs and shall clearly indicate the availability of the public vertical accessway for use by the public. The signs shall be placed near the subject stairway along both the Prospect Street and Coast Boulevard frontages of the site in a location visible to members of the public.

Additional signage shall also be installed on the Chart House restaurant site directing the public to the location of the off-site parking. Signage shall also be installed at the parking lot where the off-site parking is proposed to be located identifying the hours and use of the lot for Chart House patrons. All the above-described signage shall consist of monument or wall signs only. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Use of Outdoor Dining Area Near Front Entrance to Restaurant. The outdoor patio at the main entrance to the restaurant on Prospect Street may not be used as dining area. Any changes to the patio area for the serving of food and beverages shall require a

Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Construction Staging/Storage. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing all locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall first be approved by the City of San Diego and submitted for review and written approval of the Executive Director. The plans shall also include the following provisions:

- a. Use of public walkways and public parking areas, including on-street parking for the interim storage of materials and equipment shall not be permitted.
- b. Care shall be taken during construction to assure that equipment and stored materials protect and preserve existing landscaping and structures on the site and adjacent properties.

The permittee shall undertake development in accordance with the approved staging/storage plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Amendment Description/Permit History. The proposed project involves an amendment to a permit for a restaurant addition of 2,760 sq.ft. of additional floor area to the existing restaurant resulting in a total square footage of 9,327 sq.ft. The restaurant is currently open only for dinner daily but is proposed to be open also for lunch on weekends and holidays only. The applicant is also proposing a deed restricted public vertical accessway along the east side of the site and to provide 14 off-site parking spaces for the proposed new addition. In addition, the subject permit amendment would authorize the removal of an unpermitted 144 sq.ft. lower kitchen preparation area and elimination of the use of a 939 sq.ft. outdoor patio near the main entrance to the restaurant as an unpermitted dining area. The remodel will consist of demolition of approximately 44% of the exterior walls of the main level of the restaurant, expansion of the building footprint, and miscellaneous 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). The applicants also propose a 535 sq.ft. dining deck at the western portion of the main level of the restaurant and 724 sq.ft. outdoor dining deck at the upper level of the restaurant. After the proposed rehabilitation, remodel and additions, the restaurant will be a three-level structure with dining only on two levels. 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 - 5,825 sq.ft. of dining area (includes 535 sq.ft. outdoor dining deck; Upper Level - 1,876 sq.ft. of dining area (includes 724 sq.ft. outdoor dining deck). Presently, there is no on-site parking for the existing restaurant.

In addition, the applicant has submitted another amendment (F8945-A1) simultaneously with the subject permit application for after-the-fact approval of 1,768 sq.ft. additions to the three-level restaurant and a reduction in height to 30 feet (of a small area of the addition) and reservation of 9 off-site parking spaces in an existing parking lot for the use of the restaurant.

Pursuant to CDP #F8945, a 1,233 sq.ft. addition was permitted to the then existing 3,566 sq.ft., two-level restaurant for a total floor area of 4,799 sq.ft. No parking was required because the expansion did not result in a significant increase in intensity of use of the site. The Commission found that the existing restaurant (prior to the expansion) contained 31 tables for dining and cocktails. After the proposed expansion, the restaurant would have 33 tables. In addition, because the Chart House was only proposing to be open in the evening hours after 5:30 PM, the Commission found that the parking supply in the area was adequate to accommodate both restaurant patrons and visitors to the coast.

In 1981, the Regional Commission approved CDP application #F9655 for the replacement of a portion of the restaurant that was destroyed by a fire and a 391 sq.ft. addition. Because the proposed expansion exceeded the square footage of the destroyed portion of the restaurant by more than 10%, the replacement and addition did not qualify for an exemption from permitting requirements pursuant to Section 30610(g) of the Coastal Act. That permit was subsequently appealed by the Sierra Club and the project was approved pursuant to CDP application #A-93-81 in May, 1981.

The grounds for the appeal were that parking was severely restricted in the downtown La Jolla area and that piecemeal additions to the restaurant were circumventing the requirements for parking. At that time, appellants argued that the development was increasing the intensity of use and that parking should be provided for the proposed addition as well as the entire restaurant. The Commission approved the project and found that the expansion of the Chart House Restaurant would not result in increased competition for the limited parking available in La Jolla and did not require the provision of any parking. The Commission found that there was excess parking in the evening hours at the Coast Walk underground parking garage during the evening hours. The Commission further found that because the expansion would not result in an intensification of use of the existing facility and that it would be open only during the evening hours, the proposed project could be permitted with a deed restriction limiting the hours of operation of the proposed facility and the number of people that can be seated at any one time to 110 seats and a restriction on hours of operation. However, because the applicant did not comply with the prior to issuance conditions of the permit, the permit was not issued and expired. (This project is discussed in the staff report dated

5/20/02 for #F8945-A1 which is scheduled to be reviewed on the same Commission agenda).

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 (HSB) 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 restaurant is within 300 feet of the coast. The Chart House restaurant 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 fronts on Prospect Street and overlooks Ellen Scripps Browning Park, La Jolla Cove, La Jolla Caves and Goldfish Point to the west. The restaurant is a split-level structure (three levels) with its upper level fronting on Prospect Street.

Because the applicant is proposing an amendment to a Coastal Commission-issued CDP, the Commission has jurisdiction over the proposed amendment. The standard of review is the certified local coastal program, which consists of the La Jolla-La Jolla Shores LCP Land Use Plan Addendum, the La Jolla Planned District Ordinance and the other applicable sections of the certified Land Development Code.

2. Unpermitted Development. The proposed project includes elimination of unpermitted lower kitchen preparation area (previously converted from a former crawl space) and discontinued use of an existing outdoor patio area as unpermitted dining area. To ensure that the unpermitted development component of this application is resolved in a timely manner, Special condition #9 requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action.

As noted above, as part of the subject permit amendment, the applicant is proposing to eliminate an approximately 144 sq.ft. "kitchen prep" area from the lower level of the existing three-level restaurant. This lowest level is identified only as "crawl space" in the approved 1980 plans, was not identified as kitchen preparation area, and was not



included in the calculation for the square footage of the restaurant at that time. Also, the ceiling of the kitchen preparation area is very low which would coincide with the assumption that the area was a previous basement and/or crawlspace. Thus, it appears this area was converted to a kitchen preparation area as unpermitted development. The applicant has attempted to verify when this construction actually took place and has provided building permits in support of its position that the lower area was in existence in 1961 and 1964. The building permits were for installation of a two floor sinks and to lower a floor but do not clearly refer to the kitchen prep area, however. In any case, the issue will be resolved through the subject permit amendment as the applicant proposes to remove this lower kitchen preparation area altogether.

In addition, plans for the existing restaurant identify a 939 sq.ft. exterior dining patio area close to the main entrance of the restaurant fronting on Prospect Street as part of the "existing" structure. This area consists of a patio area paved with bricks which is a walkway fronting the entrances to the existing restaurant as well as several nearby retail leaseholds. Although a patio area was shown on the approved project plans, this area was neither proposed nor approved for use as an outdoor dining area on the plans approved by the Commission for expansion of the restaurant in 1980. In past permit actions, the Commission has required that any patio areas or sidewalk café areas with sit-down dining be considered a "restaurant" for purposes of providing additional parking. The applicants indicate that the area has not been used for outdoor dining in the past four years but that it has been used in the past for such purpose and also as a seating/waiting area for people to go in to the restaurant. The patio is existing and as part of the proposed permit amendment, use of this outdoor patio area for dining is proposed to be eliminated and its square footage is also being proposed to be eliminated from the total size of the existing restaurant. However, the discontinued use of this patio does not alter the square footage of the existing restaurant as the patio will remain, just not be used for dining purposes.

Under CDP #F8945 a 1,233 sq.ft. addition was proposed to the then existing 3,566 sq.ft. restaurant resulting in a 4,799 sq.ft. restaurant. Subsequently, a fire destroyed a portion of the restaurant. That permit was approved, the conditions were satisfied, and the permit was issued by the Commission in 1980. Subsequently, in 1981, a fire destroyed a portion of the restaurant. The applicant then proposed to reconstruct the destroyed portion and construct a 144 sq.ft. addition (Ref. CDP #F9655). Although the Commission approved this development (subject to special conditions), the applicant failed to satisfy the prior-to-issuance conditions required by the Commission and, as a result, the permit was not issued and has since expired. The applicant, however, commenced with the development in an apparent violation of the Coastal Act. The total size of the restaurant as it exists today is 6,567 sq.ft. (not including the above-described patio that has been used for dining in the past). However, because the applicant is not using this patio area now for dining purposes and is currently not proposing to use this area for dining purposes, this figure has not been included in the size of the existing restaurant. Also not included in the size of the existing restaurant (as shown below) is the square footage for an existing kitchen preparation area (391 sq.ft.) which the applicant is proposing to eliminate through the subject amendment request. In both cases, since the applicant is proposing to discontinue the use of the outdoor patio for dining purposes and to remove the kitchen

prep area, there is no need to list in in the size of the existing restaurant as the applicant does not intend to keep these areas. It should be noted, however, that should this amendment request be denied by the Commission, the outdoor patio cannot be used for dining purposes without further review and approval by the City and/or Coastal Commission.

In summary, the total authorized development on the site since 1981 is 4,799 sq.ft. but the current size of the restaurarnt is 6,567 sq.ft. which results in a discrepancy of 1,768 sq.ft.. As such, 1,768 sq.ft. is the amount of area added to the restaurant without permits since 1980 and which is proposed for after-the fact approval pursuant to F8945-A1. Through CDP F8945-A1, the applicant is also proposing to lower a portion of that addition which exceeds the currently required 30-ft. height limit and to provide nine off-site parking spaces.

The following is a comparison of the size of the existing restaurant to what has been previously permitted and what is proposed through the subject amendment.:

<u>Year</u>	<u>Square Footage</u>	<u>CDP</u>	<u>Total</u>
Prior to 1980	3,566 sq. ft.	N/A	3,566 sq.
1980	Add 1,233 sq. ft.	F8945	4,799 sq. ft.
2002	6,567 sq. ft.	None	6,657 sq. ft.
2002	Add 2,760 sq. ft.	F8945-A2	9,327 sq. ft.

Although development has taken place prior to the submission of this amendment request, consideration of the request by the Commission has been based solely upon the certified City of San Diego LCP and the public access policies of the Coastal Act. Commission action on the permit amendment does not constitute a waiver of any legal action with regard to the alleged violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

3. Heritage vs. Historic 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:

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.

Specifically, the City of San Diego Historical Sites Board (HSB) concluded in 1996 that the Chart House was a heritage structure, finding that as one of the structures designed by

architect Robert Mosher at the Green Dragon Colony site, it is: "an integral part of a neighborhood development style; an important 'part of the scene' or urban development; and ...worthy of preservation". The certified LCP does not limit or prohibit changes to existing heritage structures. The certified LCP allows for changes to such structures provided that those portions and features of historic, architectural and cultural significant are maintained. 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. The HSB also required the reconstruction of an original Wahnfried interior fireplace with mantle and several other design measures associated with its heritage structure status. The proposed development is consistent with those provisions.

The proposed remodeling will 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 improvements will also make the structure consistent with ADA requirements; currently, there is no handicapped accessible access to the existing three-story portion of the building. Thus, the rehabilitation of this structure is proposed to bring the restaurant up to current standards so as to provide for a more efficient restaurant use.

In addition, even though the chart house is designated as a heritage structure, it must still meet all of the requirements pertaining to zoning (i.e., building height, side yard setbacks, parking, etc.). Although the certified LCP does provide for exemptions from parking for heritage structures, the applicant is not claiming any exemptions and is proposing to provide the full complement of parking that is required for the newly proposed addition.

The project opponents have also asserted that the existing structure is historic and that the proposed project is not consistent with the provisions of the LCP addressing historic structures. However, though the structure is designated as a "heritage structure", the HSB has not designated the building as "historic" as the building does not meet any of the criteria for historical significance, as it has been completely modified and altered since it was first constructed in 1904. Therefore, the Commission finds that the Chart House Restaurant is not a historic structure, but a "heritage structure" within the meaning of the PDO and, as such, the proposed development is consistent with historical preservation policies of the certified LCP.

4. Parking. The certified La Jolla-La Jolla Shores LCP Addendum states, "a key component of adequate access is maintenance of existing facilities, including stairways, pathways, and parking areas." The PDO also contains detailed requirements concerning the provision of 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 congestion were well documented in the downtown La Jolla area. The area continues to be a highly popular tourist and visitor-destination area and parking is at a peak demand. Currently, there is no off-street parking spaces provided for the restaurant nor is there any room on the subject site to do so. The structure that houses the restaurant was

constructed in 1904 and the restaurant has not had any off-street parking since it opened in this structure. As noted earlier, the site consists of several retail/office/restaurant structures. However, under a separate permit amendment which the applicant is processing simultaneously, the applicant is proposing 9 off-site parking spaces for a previous unpermitted addition which occurred to the restaurant (ref. the staff report dated 5/20/02 for F8945-A1).

As noted in the previous finding, the subject structure is designated as a "heritage structure" pursuant to the certified La Jolla PDO. The PDO allows additions to heritage structures to be exempt from parking requirements. However, in this case, the applicant is not requesting such an exemption and is proposing 14 off-site parking spaces to provide parking for the proposed 2,760 sq.ft. addition, consistent with the requirements of the certified La Jolla PDO.

The PDO provides that one space per each 200 sq.ft of gross floor area must be provided for restaurant uses. At this ratio, the proposed 2,760 sq.ft. addition would require 13.8 spaces (rounded up to 14). Although the existing restaurant is non-conforming in that it presently does not contain any on-site parking, the structure was constructed at a time when no parking was required (pre-dating the Coastal Act by several decades). As such, the certified PDO only requires parking to accommodate changes to existing structures/uses and not to bring the entire site into conformance with the current parking standards. The applicants are proposing the required 14 off-site parking spaces. The La Jolla PDO permits off-site joint use parking subject to a Special Use Permit provided that the multiple uses of the parking spaces do not conflict with individual parking needs, that the parking facilities are located within a quarter mile radius of the project site and that a La Jolla Planned District Joint Use Parking Agreement application is submitted to the Planning Director.

The proposed off-site parking is located on a vacant site on Cave Street about 1 ½ blocks south of the subject restaurant—which is 405 feet away from the subject site which is well within the prescribed quarter mile from the subject site that is required pursuant to the PDO (ref. Exhibit No. 2). The site is owned by Allison-Zongker (the property owner of the subject site where the Chart House is situated) and presently contains a total of 45 spaces of which 23 spaces are proposed to be leased to the Chart House during the hours proposed for the restaurant operation. (Nine spaces are proposed for F8945-A1 and 14 spaces are proposed under F8945-A2). The proposed off-site parking will be exclusively reserved for the Chart House Restaurant during its hours of operation.

The applicant has proposed to be open for business during the lunch time hours on weekends and holidays in order to offer more service to the public as many other nearby restaurants do. While this intensifies the use of the site (as the restaurant has not previously been open for lunch), the parking standards applied by the PDO do not take into consideration the hours of operation of the restaurant, but calculate parking demand based on the square footage of the restaurant. Again as noted above, with the provision of 14 parking spaces, the development will provide the necessary parking required under the PDO. Since the applicant is already proposing 14 parking spaces, no further

parking is required for the proposed weekend and holiday lunchtime operation. In addition, as a condition of the City's permit, it was required that "at no time shall there be an increase in seating capacity above the existing maximum 294 seats". Special Condition #3 makes it clear all conditions imposed by the City pursuant to an authority other than the Coastal Act remain in effect and are enforceable by the City. Furthermore, Special Condition #7 requires that the existing outdoor patio area adjacent to the entrance of the restaurant shall not be used for dining purposes and that any changes to the patio area that results in the serving of food and beverages must be approved as an amendment this permit unless the Executive Director determines that no amendment is required.

With the provision of 14 off-site parking spaces, the parking requirements for the proposed addition will be met. To assure this occurs, the Commission is requiring through Special Condition #2 that the applicant comply with the requirements of the La Jolla Planned District Ordinance for the provision of 14 off-site parking spaces and that such parking be secured through a Planned District Joint Use Parking Agreement. In addition, this condition requires that the approved parking agreement provide that the proposed off-site parking spaces are located within ¼ mile of the Chart House, are provided exclusively for use by the Chart House during its hours of operation and not currently required for any other use or business and include the recordation of a deed restriction on both sites documenting the reservation of the required parking spaces.

It is also important to note that, much of the business for the existing restaurants and retail shops in the area is pedestrian-oriented. It is likely that the parking demand for the restaurant will be lower than it would be if the restaurant were located in a less pedestrian-oriented neighborhood. The Commission does not dismiss the fact that there are severe parking shortages in La Jolla, but until the local community devises improvements in traffic circulation and parking in the community (i.e., shuttle programs, inventories of underutilized parking garages, etc.), the most that can be done at this time is to simply assure that new development occurring in this area complies with the parking requirements of the La Jolla PDO. As conditioned, the proposed development is consistent with the certified LCP.

5. Nonconforming Structure. In a previous appeal regarding additions to the proposed restaurant, project opponents contended that any proposed additions to the existing restaurant are inconsistent with the certified LCP because the La Jolla PDO does not allow additions or enlargements to be made to a nonconforming structure.

Specifically, Section 103.1205A(10) of the La Jolla PDO defines nonconforming uses as follows:

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 explained above, the proposed addition, as conditioned, complies with all requirements of the certified LCP. The project does not propose to enlarge or expand any nonconformities. The structure as originally built and as subsequently expanded pursuant to CDP F8945 does not provide off-street parking, but these are legal nonconformities which the LCP does not require to be eliminated. The proposed addition is therefore consistent with the nonconforming use requirements of the certified LCP.

7. Public Views. The certified 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).

Furthermore, the certified La-La Jolla Shores LCP Addendum contains the following applicable provisions, as well:

#### 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)

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 (reference Exhibit No.18). Although the subject lots are irregular in shape, the average lot width across the middle of the site is used to determine the width of the visual access corridor required in the PDO. 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 gate/door. 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 current and proposed accessways satisfy the visual access corridor requirements of the PDO.

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. These modifications will result in a greater visual transparency through the building than currently exists which is consistent with the current policies of the certified La Jolla-La Jolla Shores LCP.

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.

Special Condition #5 requires submittal of a final landscape plan that requires that any new trees on the site shall be planted in a manner that does not obstruct public views toward the ocean in the west and east side yard setback areas. Thus, as conditioned, the Commission finds that the proposed development will not result in any adverse impacts to visual resources or public views, consistent with the visual resource policies of the certified LCP.

6. Public Access. The certified LCP protects physical access to the beach and ocean. The subject site is not between the first public road and the sea; however, it is located within 300 feet of the coastal bluffs. The La Jolla-La Jolla Shores LCP Addendum contains the following policies addressing protection of public access:

“La Jolla’s relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved.” (p. 9)

New development should not prevent or unduly restrict access to beaches or other recreational areas" (p. 10)

The maximum use and enjoyment of La Jolla's shoreline is dependent upon adequate public access. Major recreational areas include La Jolla Shores Beach, Ellen Scripps Park, Coast Boulevard Park, ....(p. 11)

The Commission finds that it is important to retain whatever vertical access presently exists in this location as the policies of the certified LCP call for the protection and improvement of existing physical access. There is a walkway/existing stairway on the subject site that leads from Prospect Street to Coast Boulevard along the east side of the existing restaurant which has been used for several years. Through the proposed remodeling and additions to the restaurant a portion of the stairway will be removed. However, the applicant further proposes to re-connect the two remaining portions of the stairway so that it is continuous and will provide for access from Prospect Street to Coast Boulevard (reference Exhibit #17). The applicants indicate that their business office has been located near the subject property for 23 years and that the stairway on the Chart House property has been infrequently used largely, in part, because its Coast Boulevard frontage is not visible from Prospect Street. While walking along Prospect Street looking west, the stairway or walkway appears to disappear behind the restaurant. There are also trash enclosures in this area making it look "private" in nature or for use by the restaurant employees. Thus, it is not readily apparent that the stairway leads all the way down to Coast Boulevard. The stairway does lead all the way down to Coast Boulevard and nearly parallels "Coast Walk" immediately to the east.

Under the subject amendment request, the applicants have proposed to deed restrict the aforementioned stairway as a 5-foot wide vertical accessway and make it available for public use from 8 A.M. to sunset daily. The stairway will be parallel to another stairway on the property immediately to the east known as Coast Walk. The Commission finds that retention of the stairway on the subject site for vertical access is important because the certified LCP calls for enhancing public access opportunities. At one time, there were several vertical accessways that connected Coast Boulevard to Prospect Street. However, over time, these accessways have been closed off for a variety of reasons. It is important that vertical access be maintained because the village area of La Jolla is closely situated to the nearby popular recreational areas such as La Jolla Cove, Goldfish Point, La Jolla Caves and Ellen Browning Scripps Park which are within easy walking distance of the subject site and other retail shops/restaurants on Prospect Street. Many tourists and members of the public alike frequent the coastal areas and then walk up to the village area to dine and shop. The provision of a vertical stairway at this location is very important to continue to provide public access for coastal visitors.

In a previous appeal (in 2000) for an addition to the existing restaurant, project opponents raised the question that a stairway shown in the certified La Jolla-La Jolla Shores LCP Addendum (reference Exhibit #X) identified as alternative pedestrian access is likely the existing stairway on the Chart House property. In the certified LUP, this accessway is identified as being located between lots 31 and 32; however, this is where the Chart



House building is located and there is currently no accessway that goes through the middle of the building. As a means of explanation for this discrepancy, it can be acknowledged that the accessway map shown in the LCP is "conceptual" in nature and *may* be incorrectly drawn in relationship to the specific lot lines in this area (reference Exhibit No. 19/LCP Subarea Maps-Physical Access and compare to Exhibit No. 3/Site Plan). Unfortunately, it remains unclear as to whether this accessway depicted on the map refers to either the existing vertical stairway on the east side of the subject site or the Coast Walk Stairway on the site immediately to the east. The Coast Walk Stairway is just east of the subject site where the Chart House is located and is adjacent to other retail shops east of the Chart House. Identification for the walkway is on the south side of the one retail buildings that reads "Coast Walk/Shops Restaurants Parking". That retail center includes the Crab Catcher Restaurant and numerous retail shops. Although the applicants believe the notation in the LCP maps likely refers to the Coast Walk stairway, project opponents claim that the public has utilized the stairway immediately to the east of the Chart House on the subject site, as well.

With regard to the Coast Walk stairway, it is heavily utilized by the public but it is not a dedicated public accessway. The applicants state this accessway was required to be open for public use in 1974. While standing at the top of the Coast Walk stairway, one can see all the way down towards the ocean and to Coast Boulevard and as such, this stairway is much more frequently used by members of the public as a vertical accessway. The proposed development will not interfere with the public's continued use of this public accessway.

In addition, there is another stairway that is accessed through the existing retail/commercial center to the east of this stairway that leads from Prospect Street down to the lower level of the retail center and northwest through the Crab Catcher restaurant. This accessway is a dedicated vertical accessway. It should also be noted that there have been some assertions that another public accessway existed on the subject site to the south of the Chart House restaurant. However, the applicant has stated that an existing gate has been in place at this location for well over 50 years. Robert Mosher, the architect who designed several of the Prospect Street facing structures submitted a letter dated 9/20/00 (with attachments including a photograph and two architectural drawings) related to CDP #A-6-LJS-00-67 which verifies that as the designing architect, the gate was constructed between the restaurant and the shop show-window to discourage public access, as the stairs beyond the gate, led to a private residence which he and his wife occupied at the time. A photograph taken in 1948 shows the building and gate under construction at the time. He verifies that the gate has not been altered in any way since it was first constructed in 1948. This location is where the applicant proposes to remove the gate/door and create an opening for visual access which is discussed in the previous finding.

On another matter regarding the stairways across the subject site, in a previous appeal for an addition to the existing restaurant concerns were raised by members of the public that the applicant should restore a pedestrian accessway that existed on the Green Dragon property through the subject development proposal. That accessway existed in the

vicinity of the previously existing Green Dragon cottages which is south of the Chart House leasehold. The subject site consists of three contiguous parcels (Lots 30-32) with Lot 32 being the easternmost 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 (and partially on Lot 31). The provision of that accessway is required in any future redevelopment of the portion of the site where the Green Dragon Colony existed pursuant to CDP #A-6-LJS-91-168, which requires that the historical design elements of the Green Dragon Colony be incorporated into any future development on the subject property. The requirement from the Design Elements Report provides:

Stairways - At Lot 30, it is recommended that a straight and vertical stairway similar to the existing 4 foot wide wood stair that currently traverses the south side of the site from the upper sidewalk to the Coast Blvd. sidewalk be included in new development in the same location or in close proximity to the location of the existing stairway. This stairway is one of the character defining elements of the property and its historical character and public use should be protected.

Any new stairway on the site should include wood steps.

An amendment to the permit #A-6-LJS-91-168-R-A2 further clarified that this requirement applied only to the "restricted area" of the site (a portion of Lots 30 and 31) as opposed to the entire subject property which consists of three parcels (Lots 30-32). As noted previously, the Chart House restaurant is situated mostly on Lot 32. The former Green Dragon Cottages which were demolished were situated on Lots 30 and 31. As such, the presently 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. To make it clear that by provision of a deed restricted vertical accessway on the subject site (Lot 32) does not relieve the applicant of the requirement to provide a stairway in any future redevelopment of the area of the site where the Green Dragon Colony structures were previously located, Special Condition #4 has been attached. Specifically, the condition requires that by acceptance of this permit, the applicant acknowledges that nothing in this action precludes or reduces the requirements to incorporate all design elements that have been determined to be historically and/or architecturally significant and worthy of incorporation by the Executive Director in consultation with the State Historical Building Safety Board into future development in the restricted area of the site (Lots 30 and 31) pursuant to Special Condition Nos. 1 and 2 of CDPs #A-6-LJS-91-168-R and #A-6-LJS-91-168-R-A2.

In addition, as part of the City's PDO permit, the applicant was required to visually screen the existing trash containers in the east side yard (where the proposed vertical access easement will be provided) with a gate and/or trash enclosure. The installation of a gate that remains closed all day would be inhibiting to pedestrian users even if the area was offered for dedication as a vertical access easement. To address this concern, the

applicant has proposed that the gate consist of a sliding gate that can be opened in the morning and closed at sunset. The property owner has indicated that there are a number of transients in the area who sleep and camp on the rear portion of the site that is unimproved (where the Green Dragon Colony formerly existed). This has proven to be a safety problem and serious concern for some of the female employees of some of the retail shops within the subject retail/restaurant complex. Special Condition #1 is proposed to assure the applicant provides the vertical accessway in an acceptable form and content. Also, the deed restriction provides that the vertical accessway be open for public use from 8:00 a.m. to sunset daily. Special Condition #6 requires the applicant to submit a sign plan for the identification signage associated with the proposed vertical accessway and the location of the off-site parking. Two signs related to the accessway shall be placed near the subject stairway along both the Prospect Street and Coast Boulevard frontages of the site in a location visible to members of the public and shall clearly indicate the availability of the public vertical accessway for use by the public. Additional signage shall also be installed on the Chart House restaurant site directing the public to the location of the off-site parking. Signage shall also be installed at the parking lot where the off-site parking is proposed to be located identifying the hours and use of the lot for Chart House patrons. The proposed signage shall consist of monument signs or wall signs. No tall, free-standing pole or roof signs shall be allowed.

In addition, Special Condition #8 assures that during the construction phase of the development, impacts on public access are minimized. This condition requires the applicant to submit a construction storage and staging plan which documents that no equipment or machinery will be stored on public sidewalks or within public streets or parking spaces.. Equipment shall be stored in a manner that protects and preserves landscaping and structures on and adjacent to the site.

Therefore, in summary, with the attached conditions for a deed restricted vertical accessway pursuant to the applicant's proposal, along with conditions addressing installation of signage addressing identification of the accessway and construction storage and staging, public access will be formalized and continued to be provided from Prospect Street to Coast Boulevard through the subject site. As such, the proposed project is consistent with the certified LCP.

7. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, as conditioned, such a finding can be made.

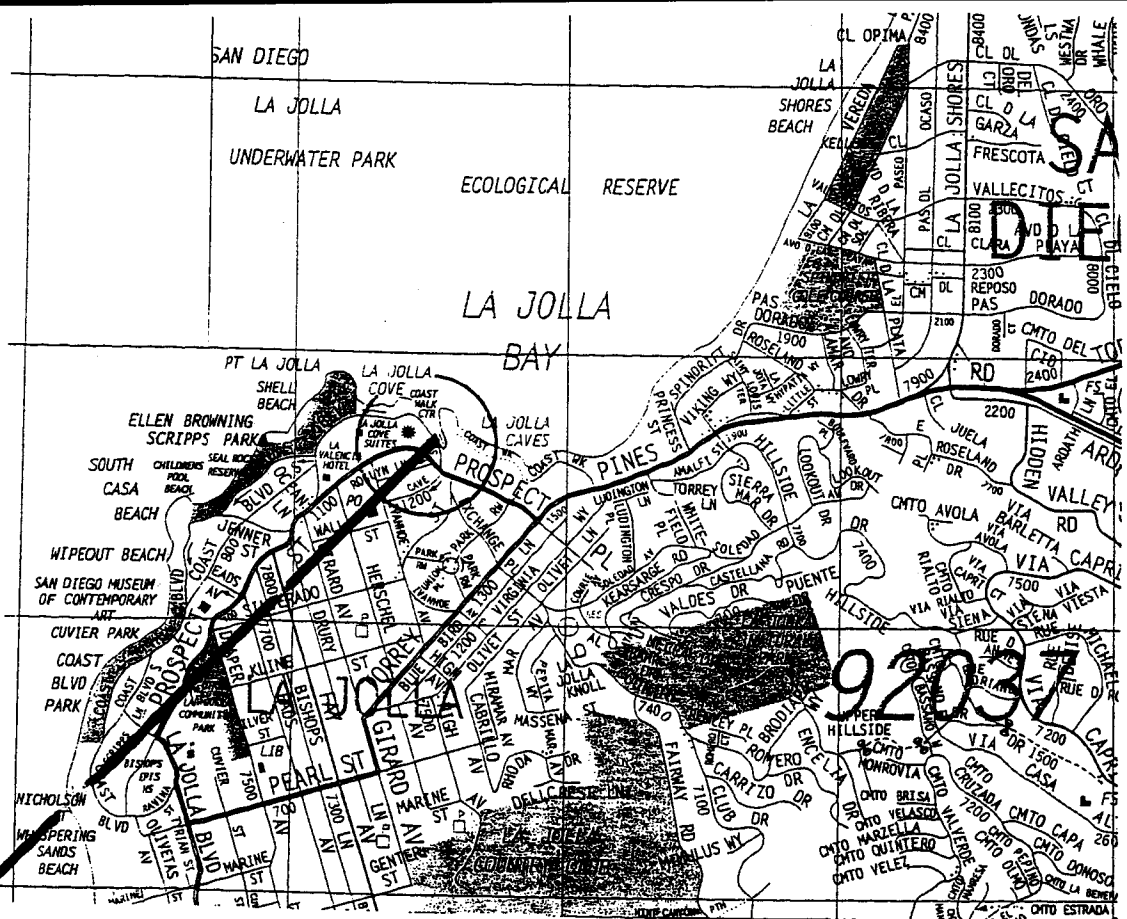
The subject site is located within the community of La Jolla within a segment of the City of San Diego's certified LCP. The subject site is located within the City of San Diego's permit jurisdiction which is within the Commission's area of appeal jurisdiction. However, the applicant is amending a previously-approved permit issued by the Commission prior to certification of the City's LCP. Therefore, the standard of review is the certified LCP.

The site is currently zoned "1A" which is a subarea of Zone 1 which includes the primary retail and visitor-oriented commercial area in the core of La Jolla. The area is characterized by high levels of pedestrian activity, as identified in the La Jolla PDO. Subarea 1A is comprised of the area on the seaward and north side of Prospect Street. This subarea has been created due to its unique orientation to the ocean. As such, the La Jolla PDO addresses development standards for the protection and enhancement of public ocean views in this area. The existing restaurant and proposed additions have been designed to improve public views through opening up the east side yard as well as incorporation of clear glass windows at the building facade through which views can be gained looking through the restaurant to the west. As such, the proposed project is consistent with the certified La Jolla PDO. Therefore, the Commission finds that approval of the amendment, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its fully-certified LCP for the La Jolla area.

8. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed above and incorporated herein by reference, the proposed project has been conditioned in order to be found consistent with the public access and visual resource policies of the certified LCP and the Coastal Act. The provision of the public accessway and 14 off-site parking spaces will minimize impacts to coastal access. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.



SITE

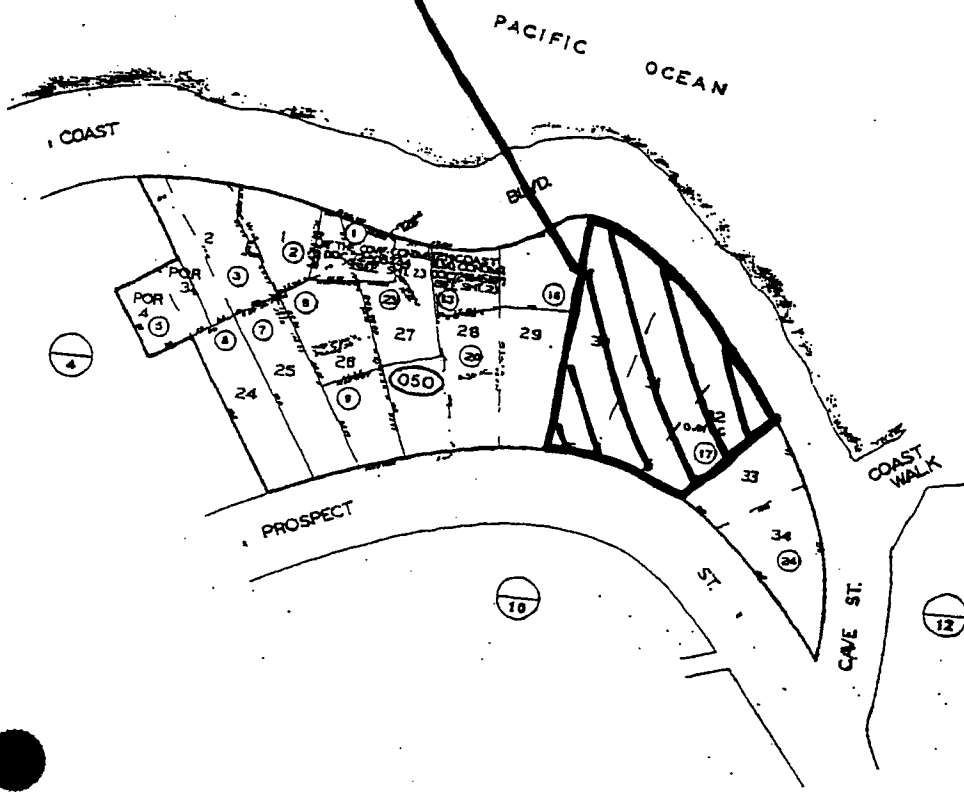



EXHIBIT NO. 1
APPLICATION NO.
<b>F8945-A2</b>
Location Map
 California Coastal Commission



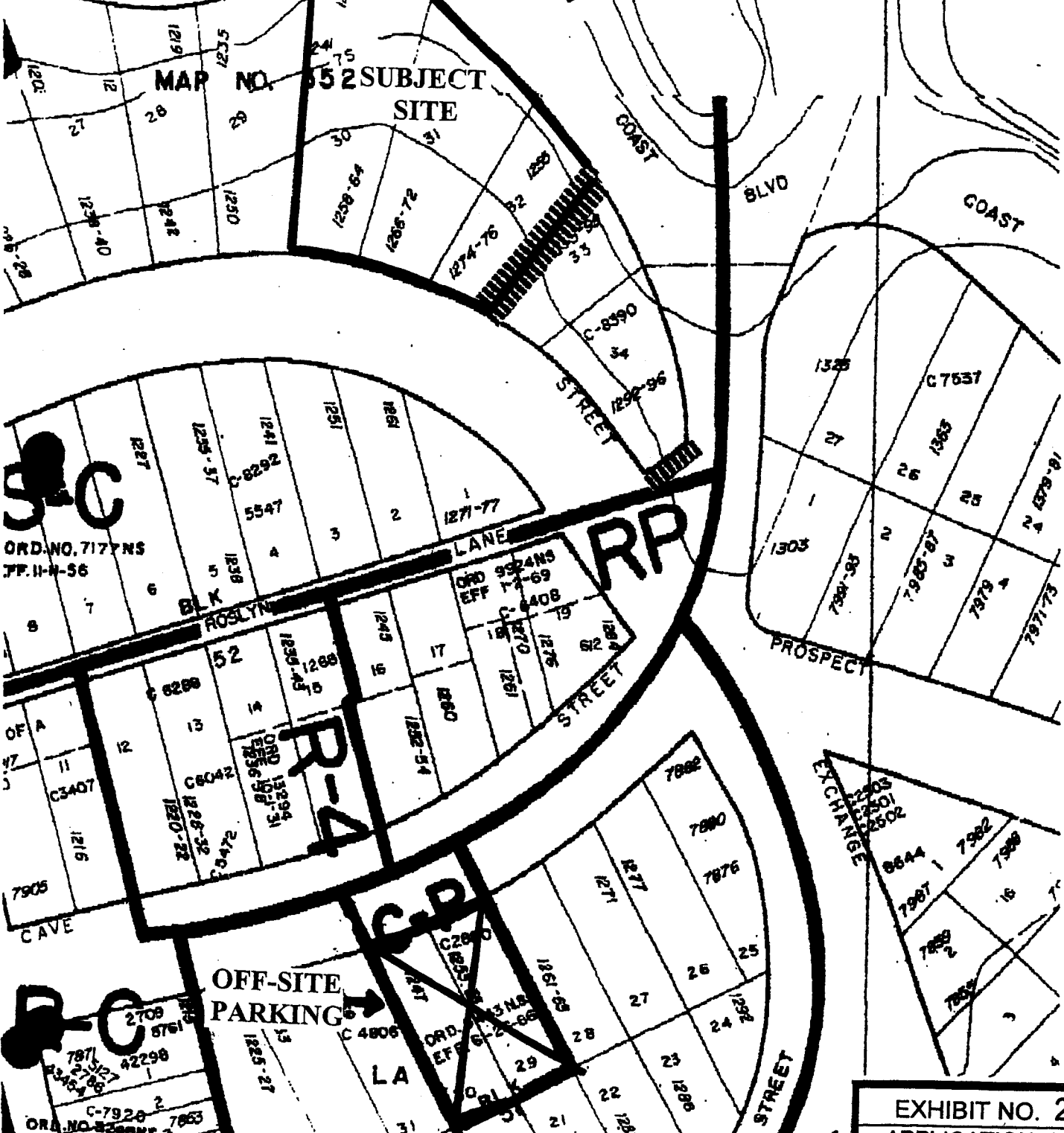
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EFF. 11-11-56

BOULEVARD  
25  
50

COASTAL ACCESS

MAP NO. 552 SUBJECT SITE




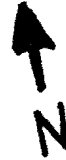
ORD. NO. 7177NS  
EFF. 11-11-56

ORD 9924NS  
EFF. 1-1-69

OFF-SITE  
PARKING

CITY OF SAN DIEGO ZON

EXHIBIT NO. 2
APPLICATION NO.
<b>F8945-A2</b>
Location of Off-Site Parking
 California Coastal Commission



COAST BOULEVARD

THE DESIGN OF THIS PROJECT IS BASED ON THE ASSUMPTION THAT THE EXISTING UTILITIES ARE SHOWN ON THE RECORD DRAWINGS AND FIELD SURVEY. THE DESIGNER HAS CONDUCTED VISUAL INSPECTIONS AND INTERVIEWS WITH THE CITY ENGINEER'S OFFICE TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES. THE DESIGNER HAS ALSO CONDUCTED VISUAL INSPECTIONS AND INTERVIEWS WITH THE CHART HOUSE RESTAURANT TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES. THE DESIGNER HAS ALSO CONDUCTED VISUAL INSPECTIONS AND INTERVIEWS WITH THE CHART HOUSE RESTAURANT TO VERIFY THE LOCATION AND DEPTH OF THE UTILITIES.

- LEGEND**
- NEW CONSTRUCTION
  - EXISTING (NOT TO BE REMOVED)
  - EXISTING BUILDING TO BE MAINTAINED
  - EXISTING BUILDING TO BE MAINTAINED

**PLANT SCHEDULE**

1001	1002	1003	1004	1005	1006	1007	1008	1009	1010
1011	1012	1013	1014	1015	1016	1017	1018	1019	1020
1021	1022	1023	1024	1025	1026	1027	1028	1029	1030
1031	1032	1033	1034	1035	1036	1037	1038	1039	1040
1041	1042	1043	1044	1045	1046	1047	1048	1049	1050

**RETAIL SHOPS**

RETAIL SHOPS

RETAIL SHOPS

RETAIL SHOPS

**RETAIL SHOPS**

RETAIL SHOPS

RETAIL SHOPS

RETAIL SHOPS

**Office Building**

**Chart House**

**Chart House Restaurant**

**Chart House Restaurant**

**Chart House Restaurant**

**Chart House Restaurant**

**EXHIBIT NO. 3**

**APPLICATION NO.**

**F8945-A2**

**Existing**

**Site/Landscape Plan**

**California Coastal Commission**

**LA JOLLA CHART HOUSE RESTAURANT**

**LANDSCAPE PLAN**

**SCALE (1/8" = 1')**

**DATE: 11/11/11**

**DESIGNED BY: [Name]**

**DRAWN BY: [Name]**

**CHECKED BY: [Name]**

**APPROVED BY: [Name]**

**PROJECT NO: [Number]**

**SHEET NO: [Number]**

**LA JOLLA CHART HOUSE RESTAURANT**

**LANDSCAPE PLAN**

**SCALE (1/8" = 1')**

**DATE: 11/11/11**

**DESIGNED BY: [Name]**

**DRAWN BY: [Name]**

**CHECKED BY: [Name]**

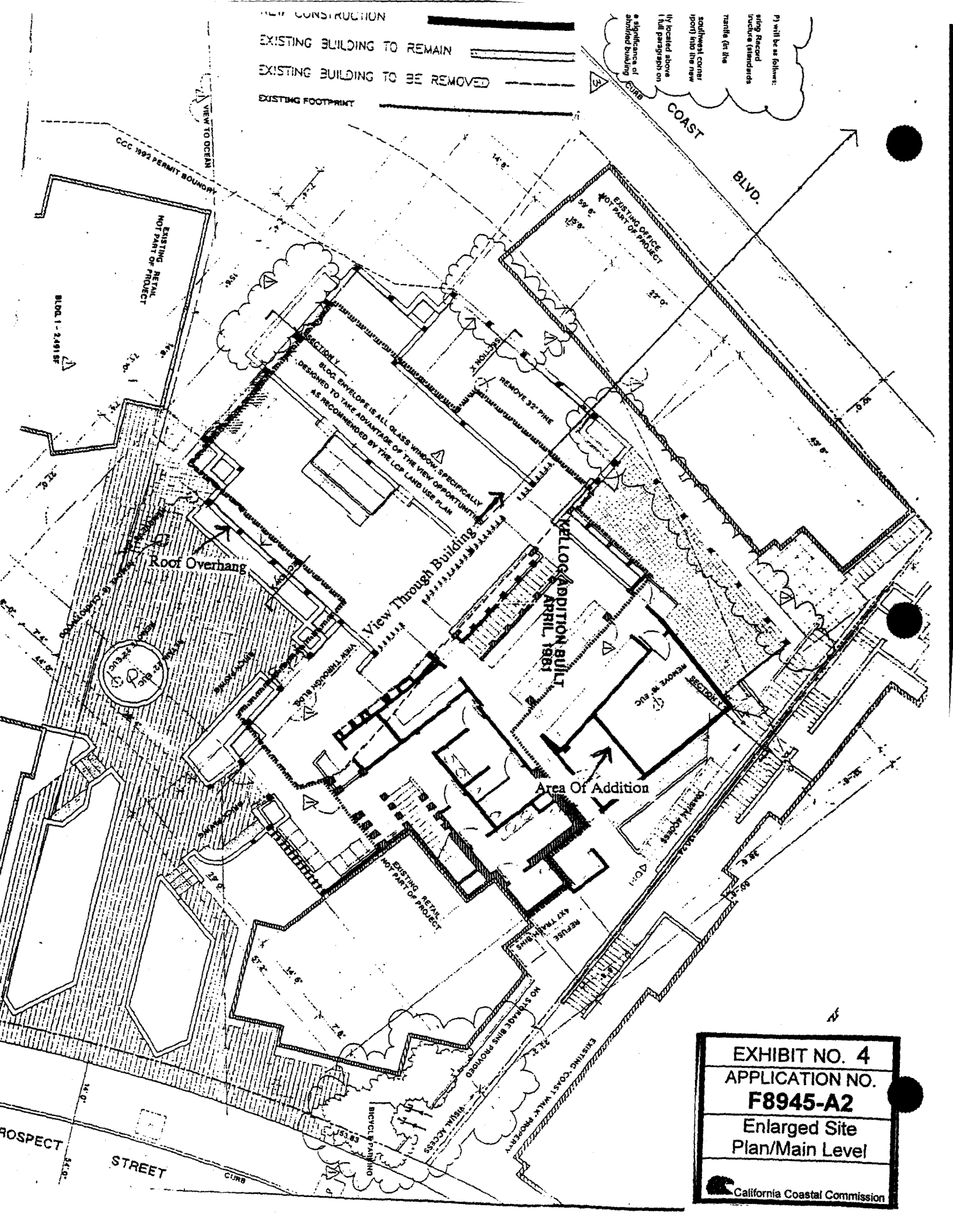
**APPROVED BY: [Name]**

**PROJECT NO: [Number]**

**SHEET NO: [Number]**

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 EXISTING BUILDING TO REMAIN [double solid line]  
 EXISTING BUILDING TO BE REMOVED [dashed line]  
 EXISTING FOOTPRINT [thin solid line]

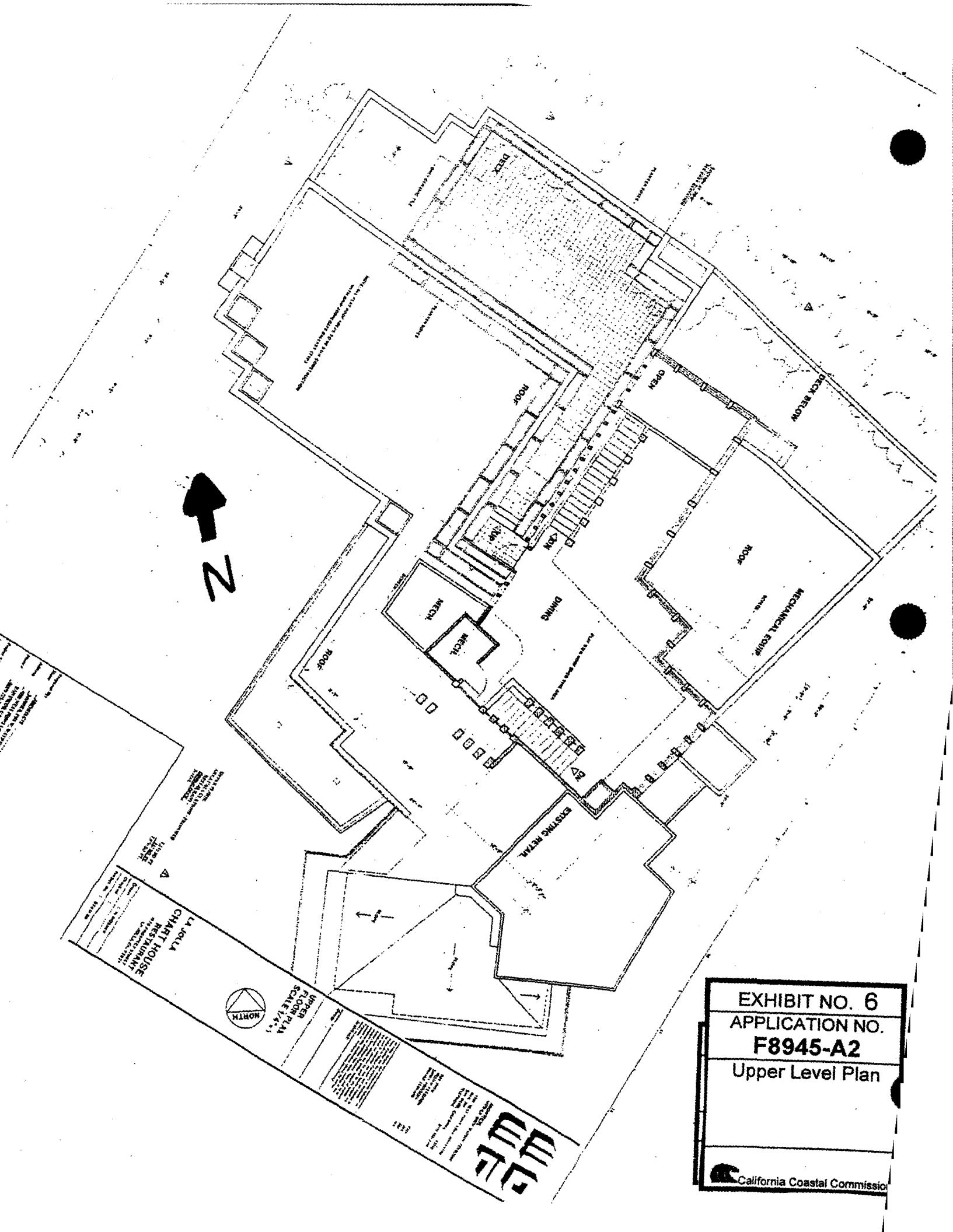
It will be as follows:  
 using Revised  
 structure standards  
 criteria for the  
 scaffold center  
 (room) into the new  
 ly located above  
 full paragraph on  
 a significance of  
 building building



**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**F8945-A2**  
 Enlarged Site  
 Plan/Main Level  
 California Coastal Commission







LA JOLLA  
**CHAGT HOUSE**  
 RESTAURANT  
 1000 S. LA JOLLA VILLAGE DRIVE  
 LA JOLLA, CALIFORNIA 92037  
 (619) 453-1234



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

DATE: 11/15/01  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO.: [Number]

**W&A**  
 ARCHITECTS  
 1000 S. LA JOLLA VILLAGE DRIVE  
 LA JOLLA, CALIFORNIA 92037  
 (619) 453-1234

EXHIBIT NO. 6
APPLICATION NO.
<b>F8945-A2</b>
Upper Level Plan
California Coastal Commission

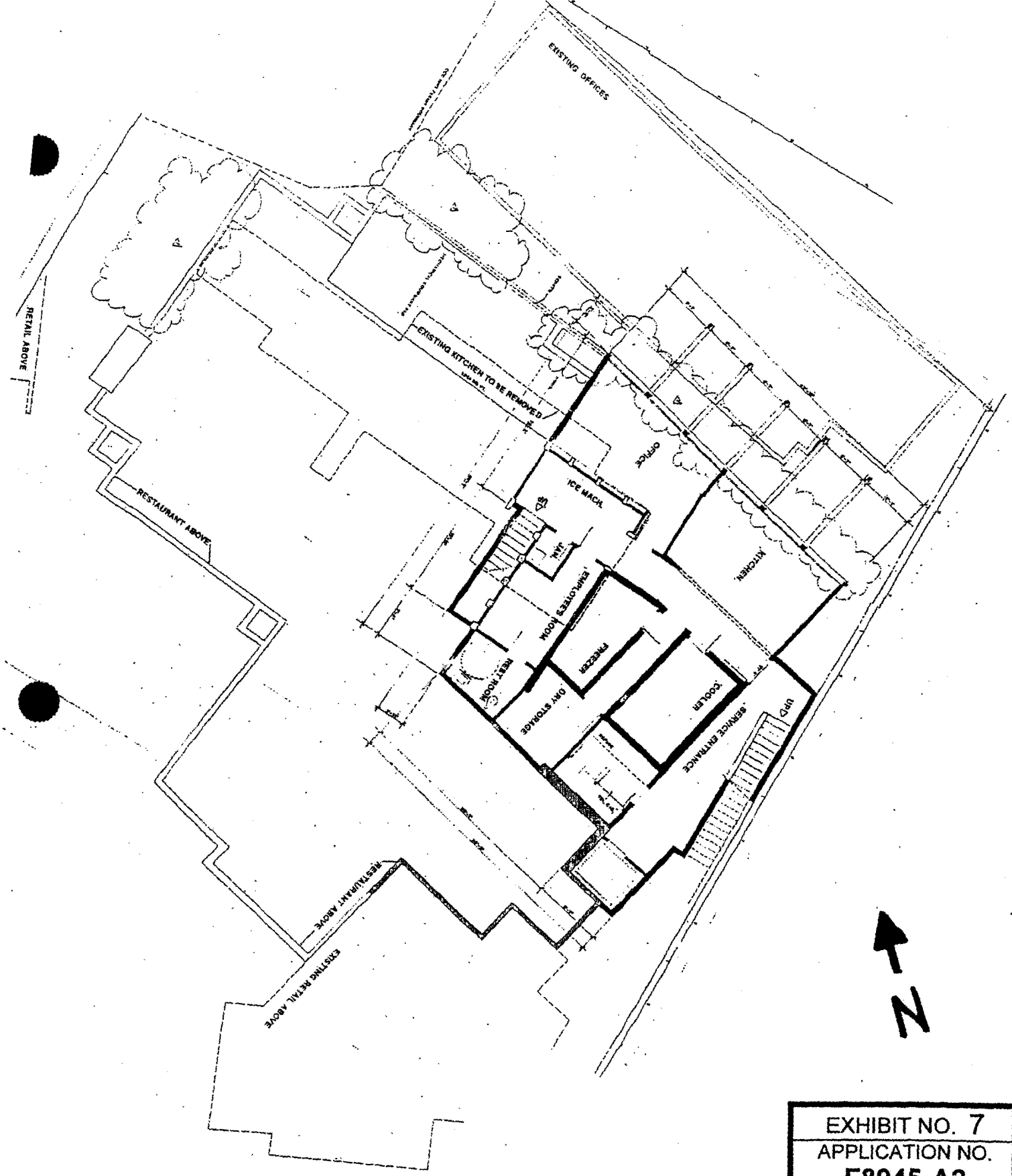

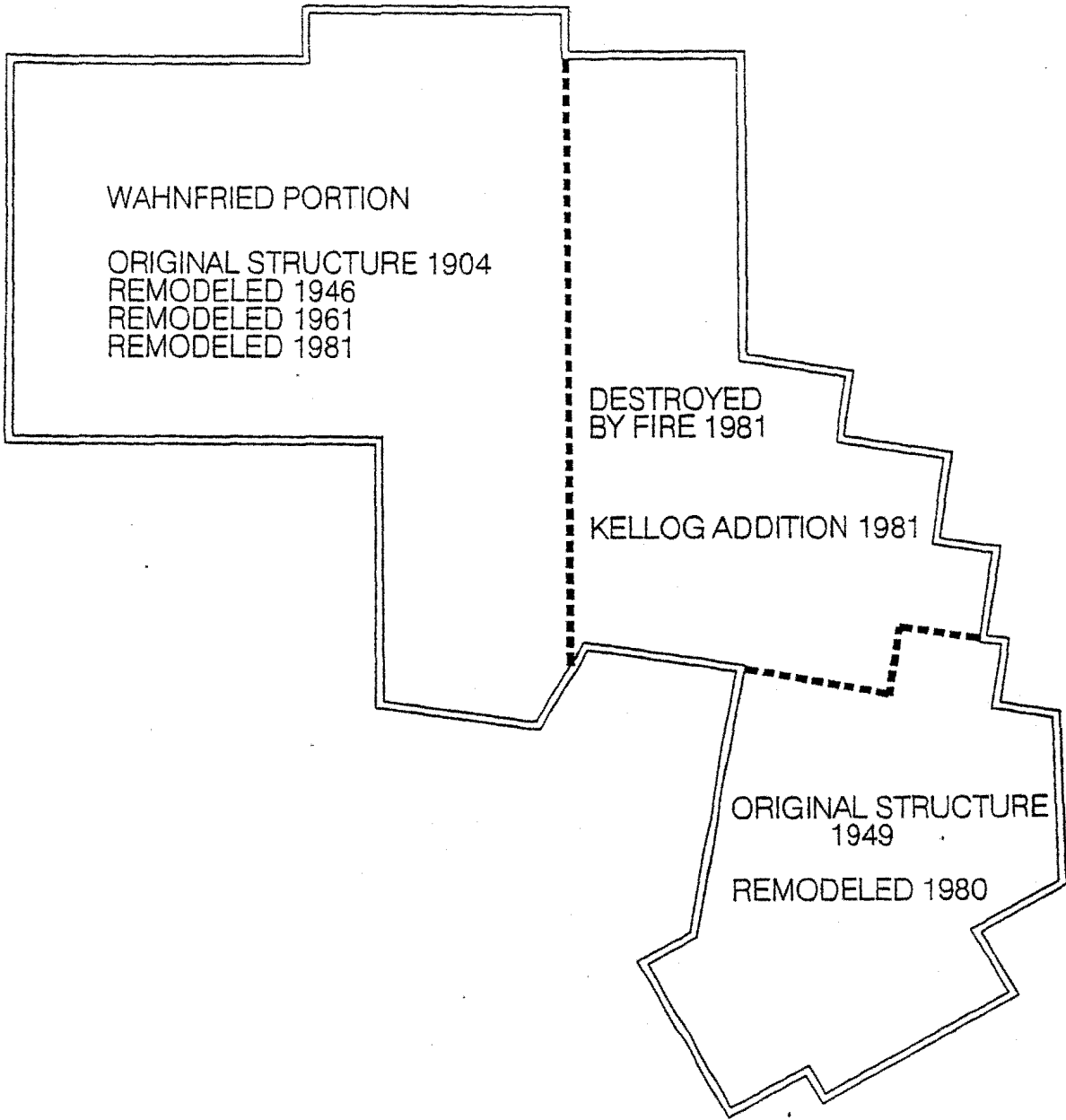


EXHIBIT NO. 7
APPLICATION NO. <b>F8945-A2</b>
Lower Level Plan
 California Coastal Commission



RECEIVED

JUL 28 2000

CITY OF SAN DIEGO  
 COUNTY OF SAN DIEGO  
 SAN DIEGO COAST DISTRICT



EXHIBIT NO. 8
APPLICATION NO.
<b>F8945-A2</b>
Original Building Footprint/Chronology of additions to Existing Structure
California Coastal Commission



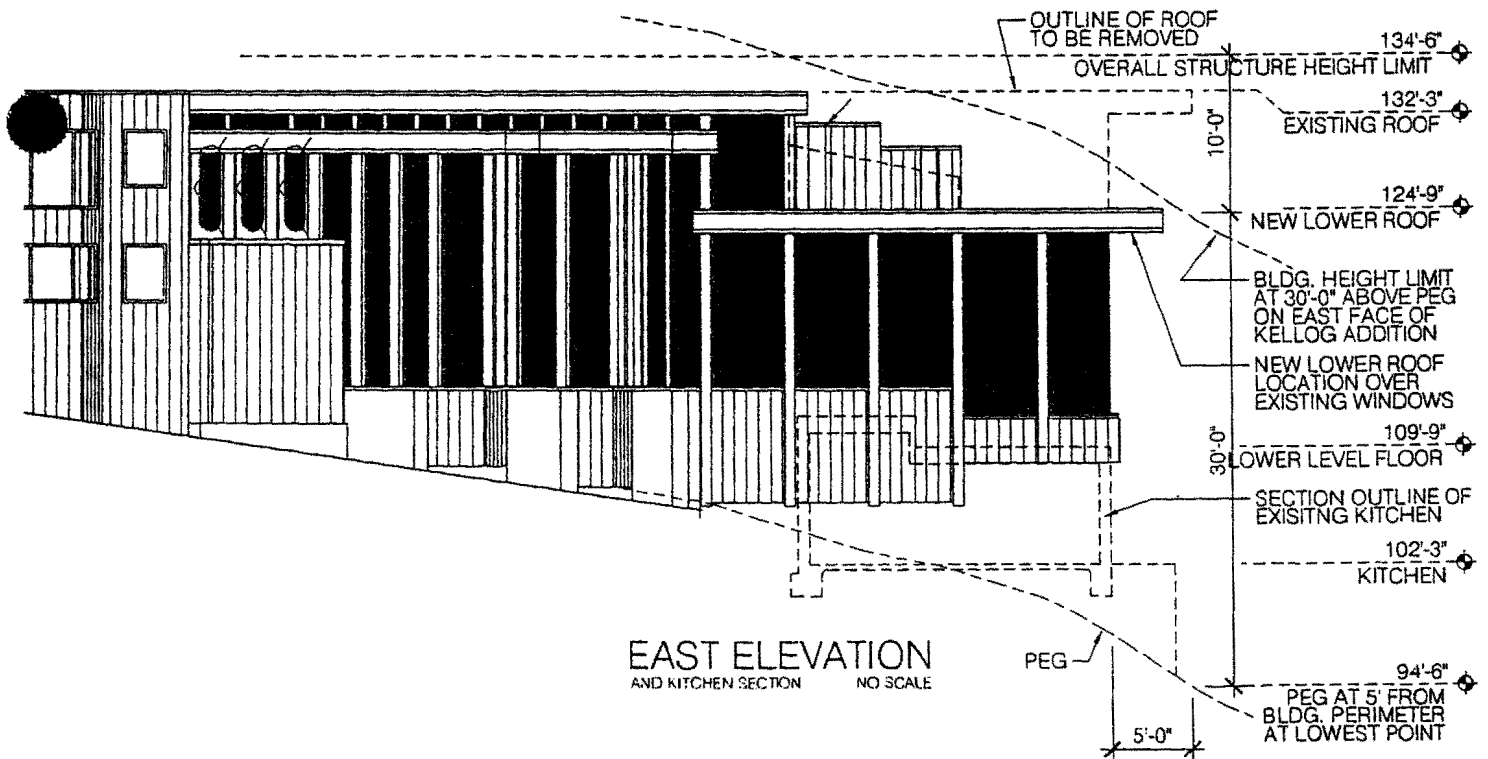
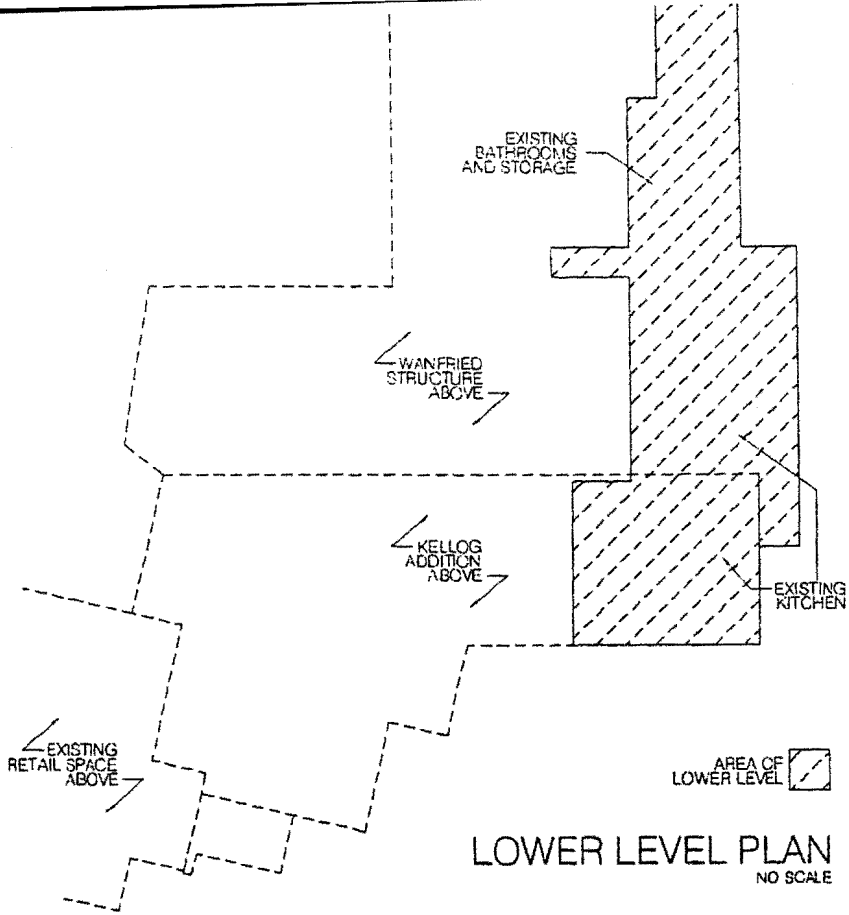
ARCHITECTS  
 MOSHER DREW WATSON FERGUSON  
 4206 WEST POINT LOMA BOULEVARD  
 SUITE 200  
 SAN DIEGO, CALIFORNIA 92110  
 TELEPHONE (619) 233-2400  
 FAX NO. (619) 233-3017

The Chart House  
 Chronology of Construction

Refer to the Historical Assessment (page 16)

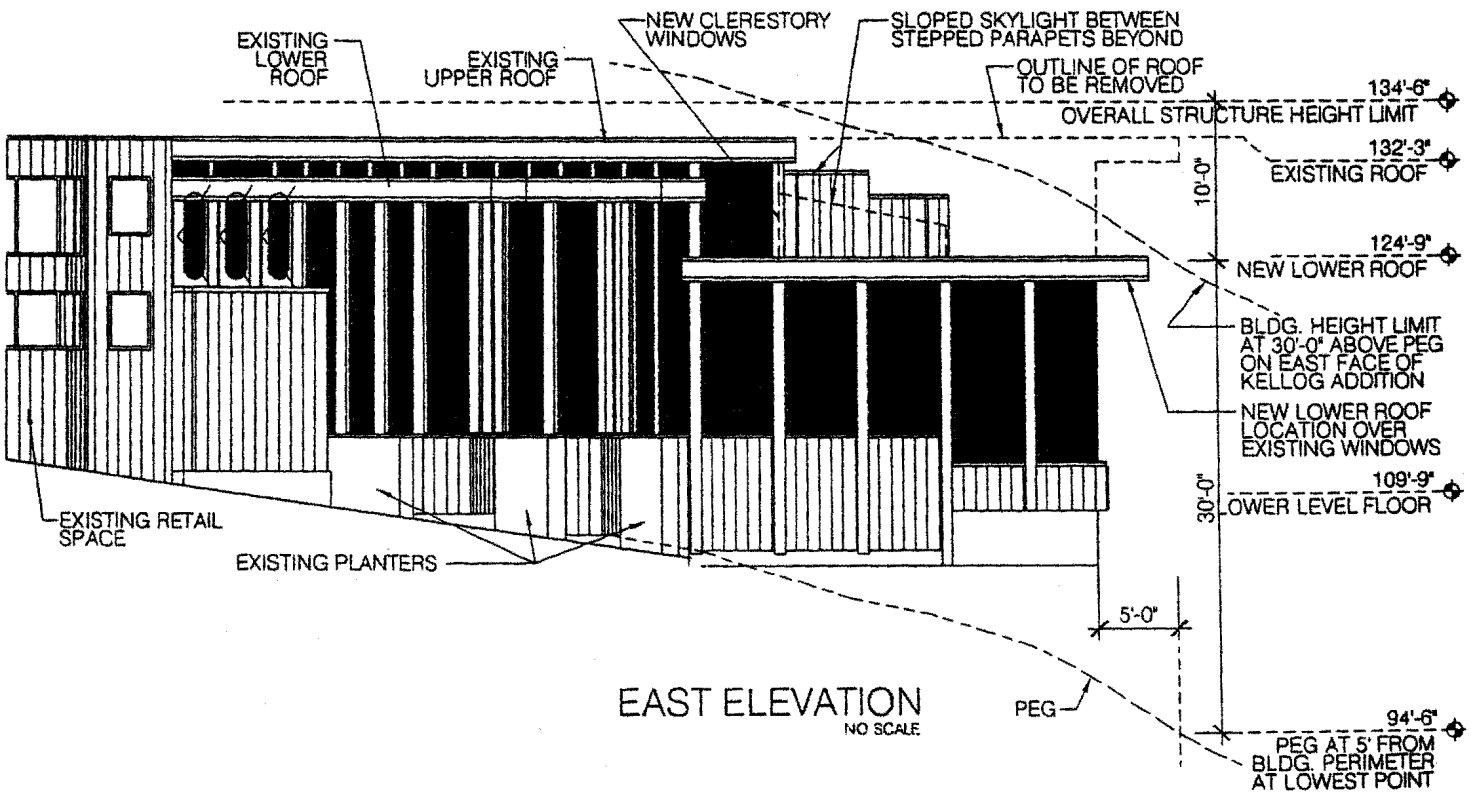
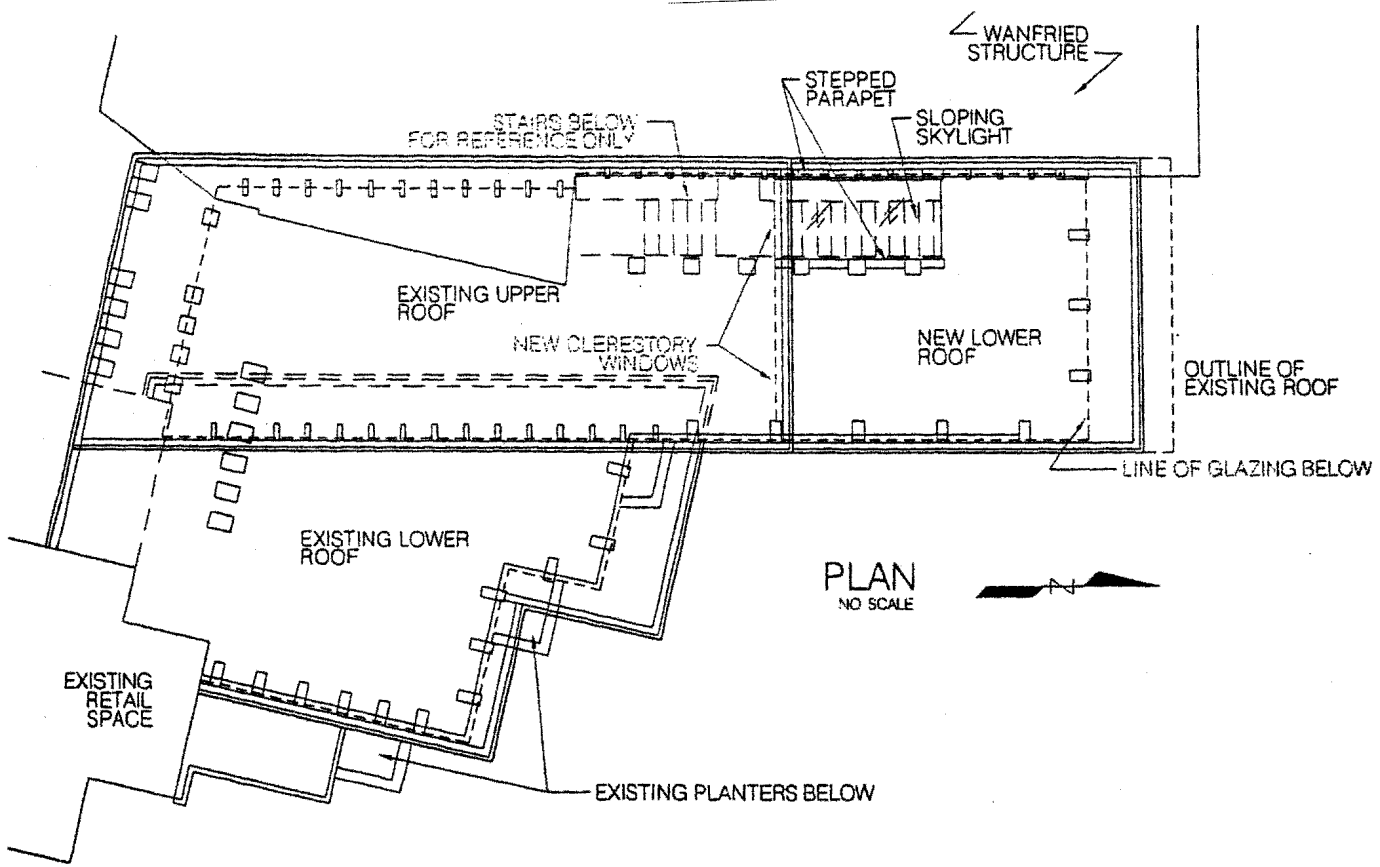
Date: 07/24/00

Project #: 970



**THE CHART HOUSE**  
LA JOLLA, CALIFORNIA

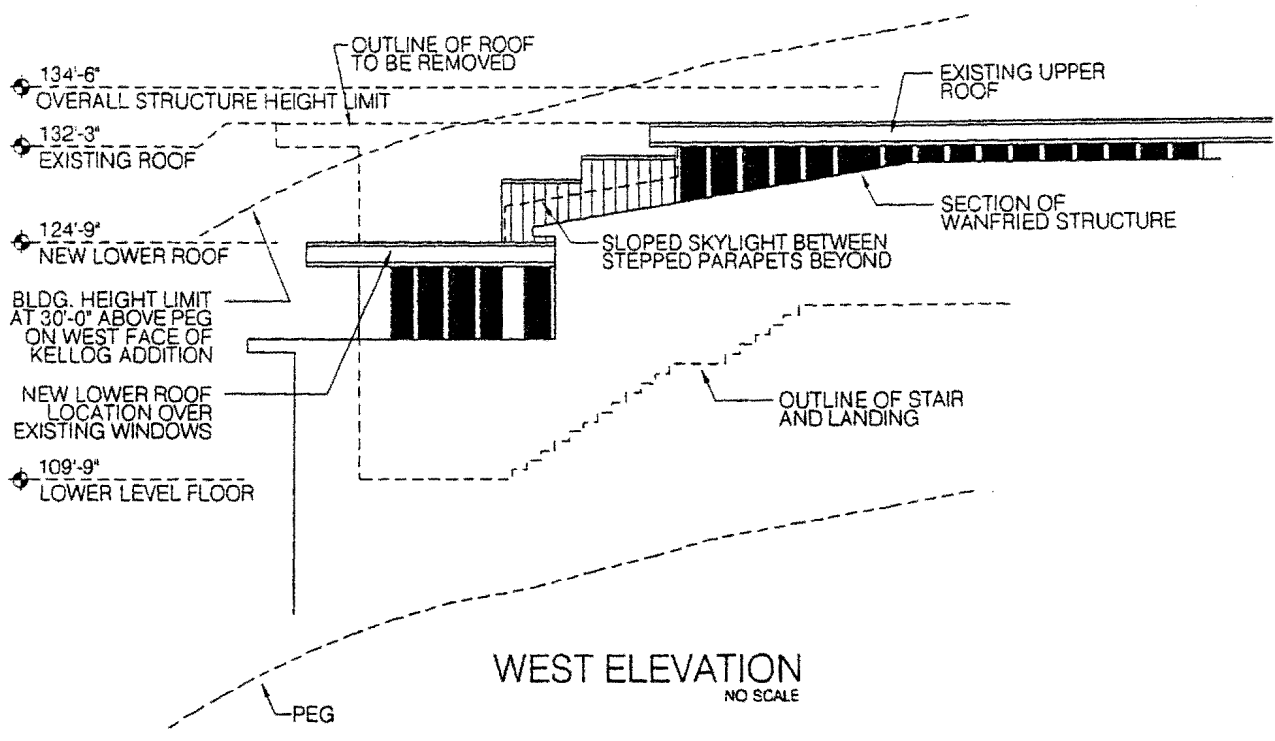
<b>EXHIBIT NO. 9</b>
<b>APPLICATION NO. F8945-A2</b>
<b>Proposed East Elevation and Kitchen Section</b>
California Coastal Commission



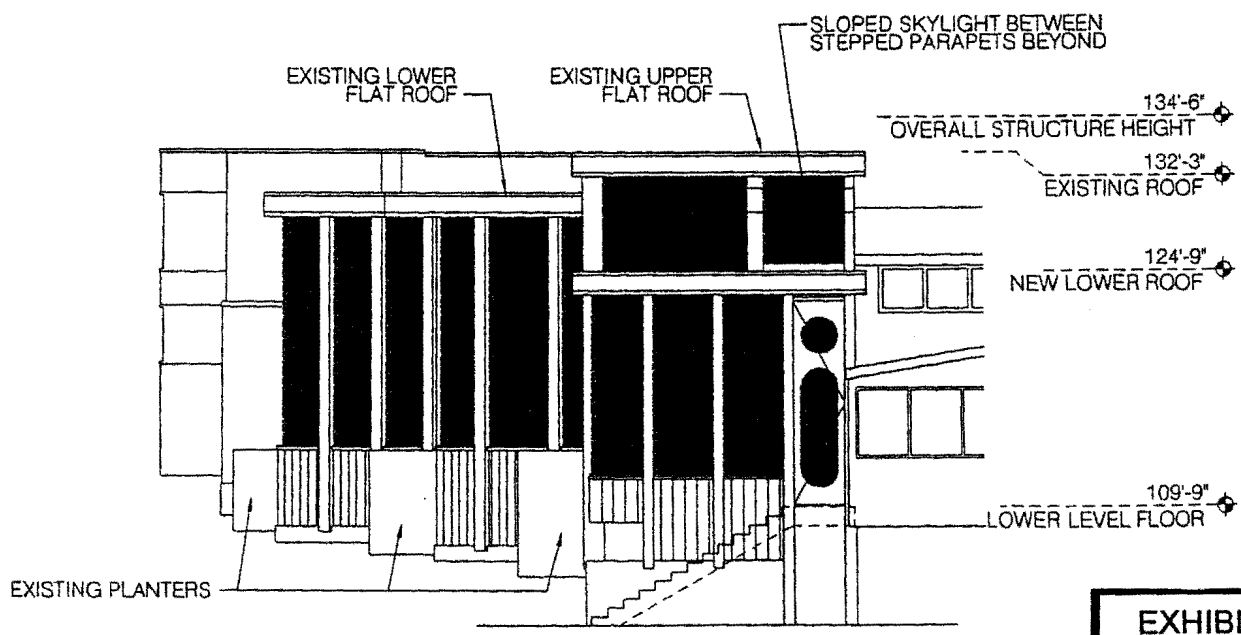
# THE CHART HOUSE

LA JOLLA, CALIFORNIA


<p><b>EXHIBIT NO. 10</b>  <b>APPLICATION NO.</b>  <b>F8945-A2</b></p>
<p><b>Proposed East Elevation &amp; Roof Plan</b></p>
<p> California Coastal Commission</p>



WEST ELEVATION  
NO SCALE



NORTH ELEVATION  
NO SCALE

EXHIBIT NO. 11
APPLICATION NO.
<b>F8945-A2</b>
Proposed West & North Elevation
 California Coastal Commission

**THE CHART HOUSE**  
LA JOLLA, CALIFORNIA

**CHART HOUSE LA JOLLA**  
**EAST ELEVATION**

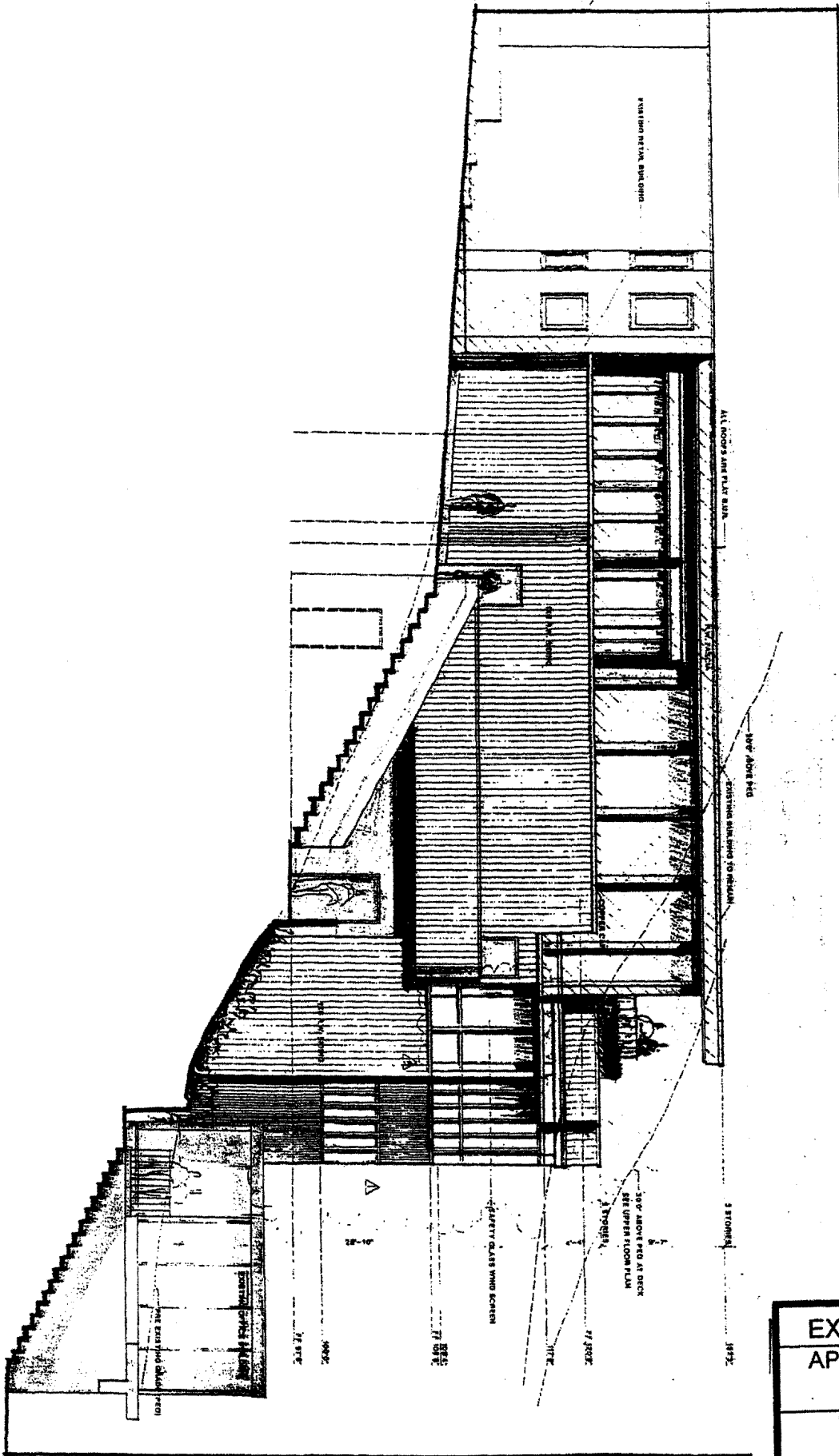


EXHIBIT NO. 12
APPLICATION NO.
<b>F8945-A2</b>
Existing East Elevation
Page 1 of 4
California Coastal Commission





SHART HOUSE LA JOLLA  
EAST ELEVATION

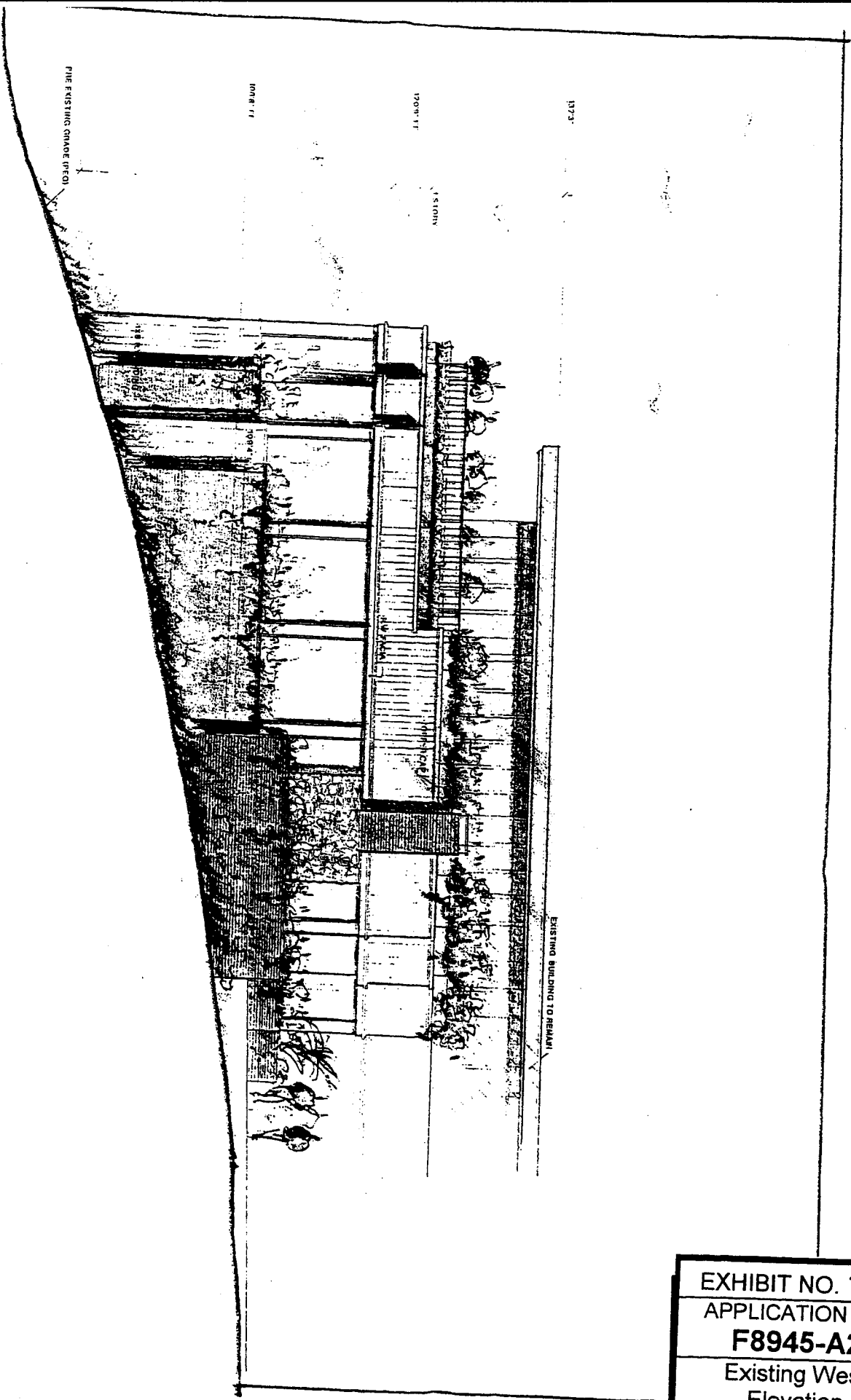

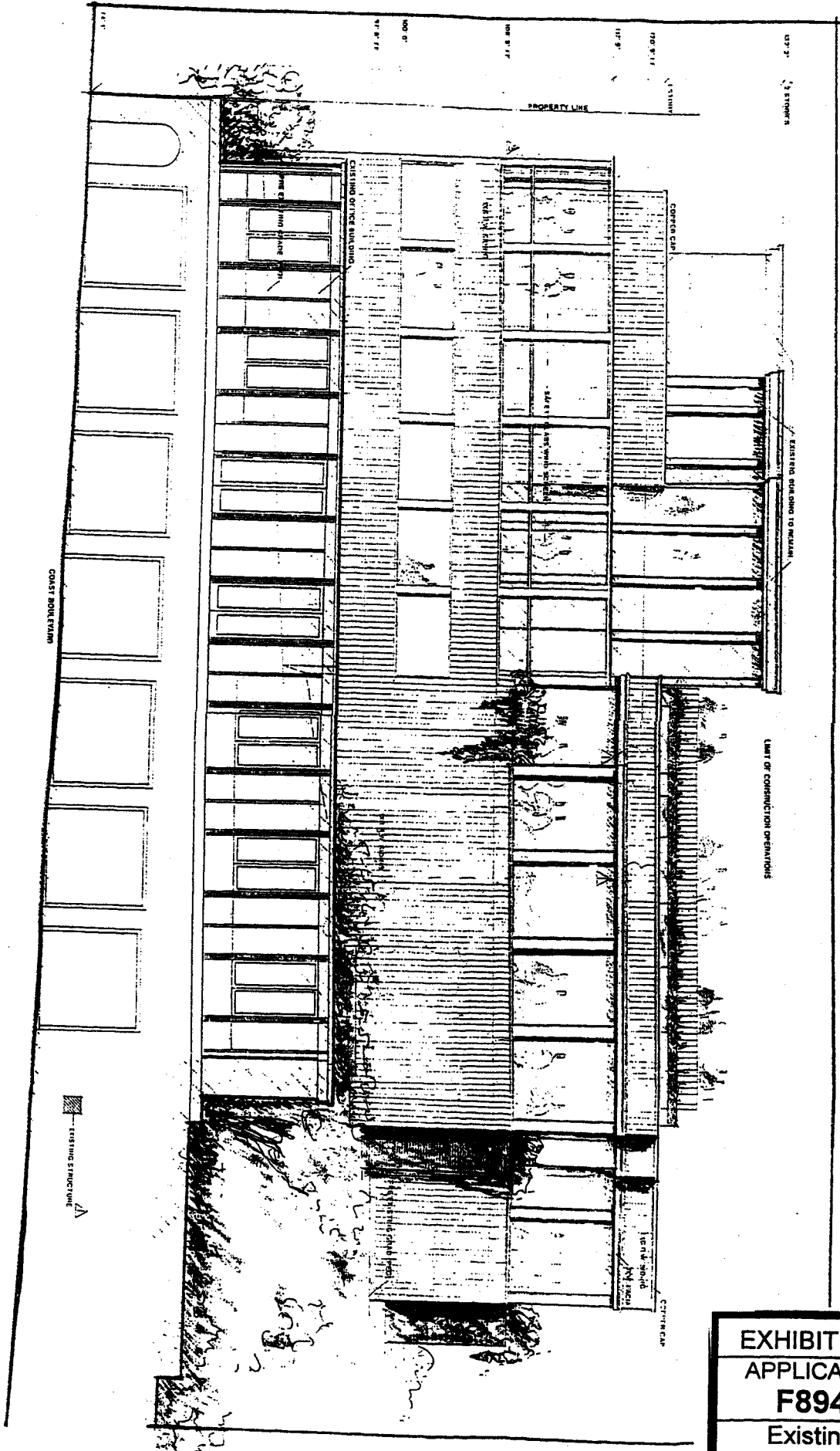


EXHIBIT NO. 13
APPLICATION NO. <b>F8945-A2</b>
Existing West Elevation
Page 2 of 4
 California Coastal Commission



**CHART HOUSE LA JOLLA**  
**NORTH ELEVATION**



**EXHIBIT NO. 14**  
**APPLICATION NO.**  
**F8945-A2**  
**Existing North**  
**Elevation (Coast**  
**Boulevard)**  
**Page 3 of 4**  
 California Coastal Commission



**CHART HOUSE LA JOLLA**  
SOUTH ELEVATION

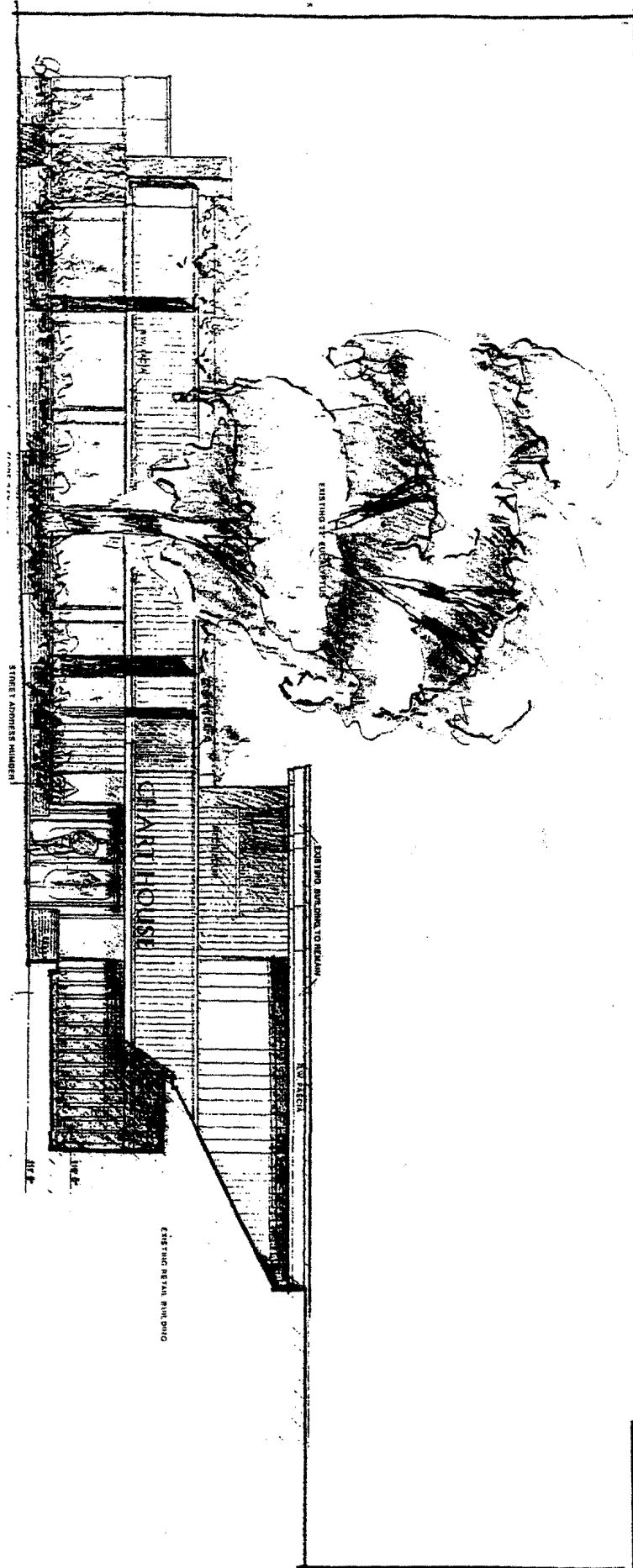

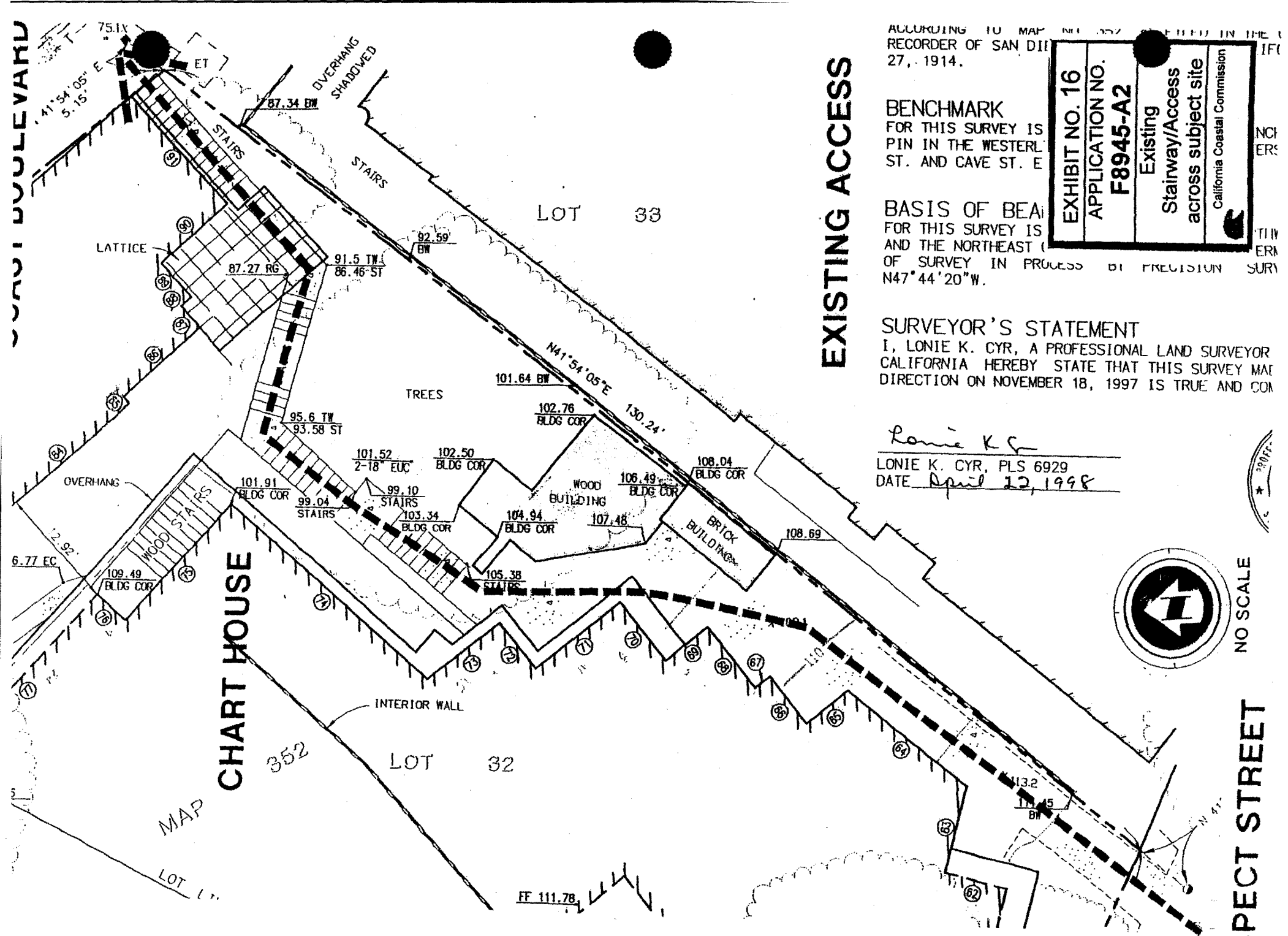


EXHIBIT NO. 15
APPLICATION NO. <b>F8945-A2</b>
Existing South Elevation (Prospect Street)
Page 4 of 4
 California Coastal Commission

MAPLE AVENUE



ACCORDING TO MAP NO. 1057 RECORDED IN THE RECORDER OF SAN DIEGO COUNTY, CALIFORNIA, ON NOVEMBER 27, 1914.

EXHIBIT NO. 16
APPLICATION NO. F8945-A2
Existing Stairway/Access across subject site
California Coastal Commission

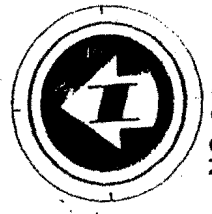
**EXISTING ACCESS**

**BENCHMARK**  
FOR THIS SURVEY IS PIN IN THE WESTERN CORNER OF THE INTERSECTION OF ST. AND CAVE ST. E

**BASIS OF BEARING**  
FOR THIS SURVEY IS THE BEARING OF THE NORTHEAST QUARTER SECTION CORNER OF SURVEY IN PROCESS BY PRECISION SURVEYING COMPANY, INC. ON NOVEMBER 18, 1997 IS TRUE AND CORRECT.  
N47°44'20"W.

**SURVEYOR'S STATEMENT**  
I, LONIE K. CYR, A PROFESSIONAL LAND SURVEYOR CALIFORNIA HEREBY STATE THAT THIS SURVEY MAP WAS MADE IN THE DIRECTION ON NOVEMBER 18, 1997 IS TRUE AND CORRECT.

*Lonie K. Cyr*  
LONIE K. CYR, PLS 6929  
DATE April 22, 1998



NO SCALE

ROSPECT STREET

GLASS WINDOW, SPECIFICALLY  
PAGE OF THE VIEW OPPORTUNITIES  
THE LCP LAND USE PLAN

KELLOGG ADDITION BUILT  
APRIL, 1981

# CHART HOUSE

## PROPOSED ACCESS

EXHIBIT NO. 17
APPLICATION NO. F8945-A2
Proposed Access/Vertical Access Easement pursuant to SC #1
California Coastal Commission



NO SCALE

EXISTING RETAIL  
NOT PART OF PROJECT

4X7 TRASH BINS  
REFUSE

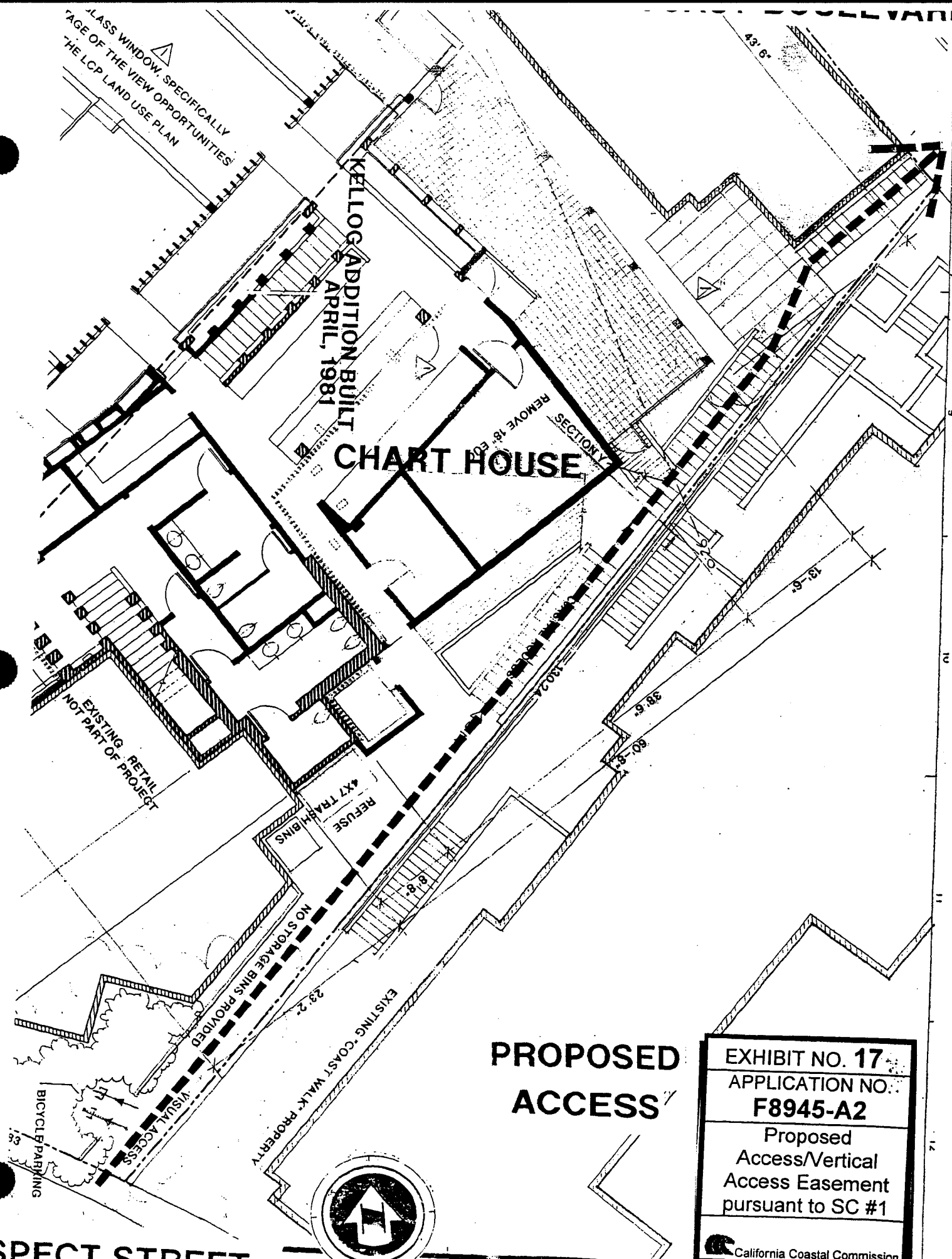
NO STORAGE BINS PROVIDED  
VISUAL ACCESS

EXISTING COAST WALK PROPERTY

BICYCLE PARKING

### PROSPECT STREET

BOULEVARD



**DEVELOPER'S STATEMENT**

1. I, the undersigned, am the owner of the property shown on the attached site plan, and I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
2. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
3. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
4. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
5. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
6. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
7. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
8. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
9. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.
10. I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

**PACIFIC OCEAN**

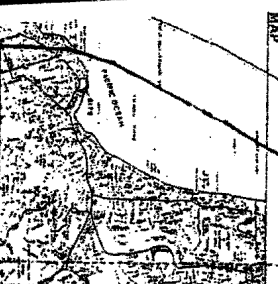
Visual Access Corridors, Visibility and Elevation Program (VACP) shall be a key element of the proposed development. The VACP shall be designed to provide a visual connection between the proposed development and the Pacific Ocean. The VACP shall be designed to provide a visual connection between the proposed development and the Pacific Ocean. The VACP shall be designed to provide a visual connection between the proposed development and the Pacific Ocean.

**COAST BLVD.**

**LEGAL DESCRIPTION**  
 The property shown on the attached site plan is located in the City of Los Angeles, California, and is described as follows:

**AREA CALCULATIONS**

Lot Area	1,234.56
Proposed Building Area	567.89
Remaining Area	666.67



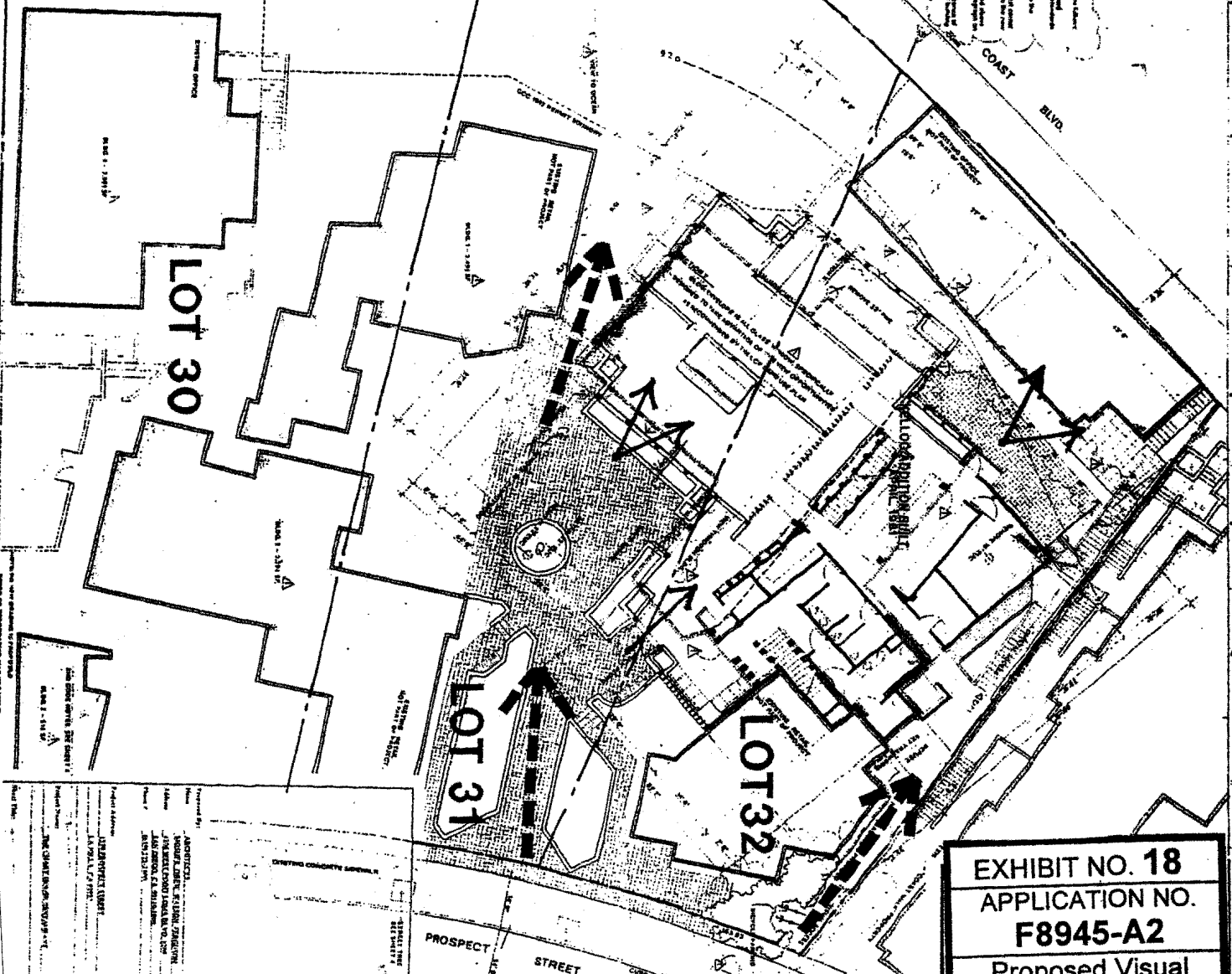
**MAP**

**LEGEND**

NEW CONSTRUCTION

EXISTING BUILDINGS TO REMAIN

EXISTING BUILDINGS TO BE REMOVED

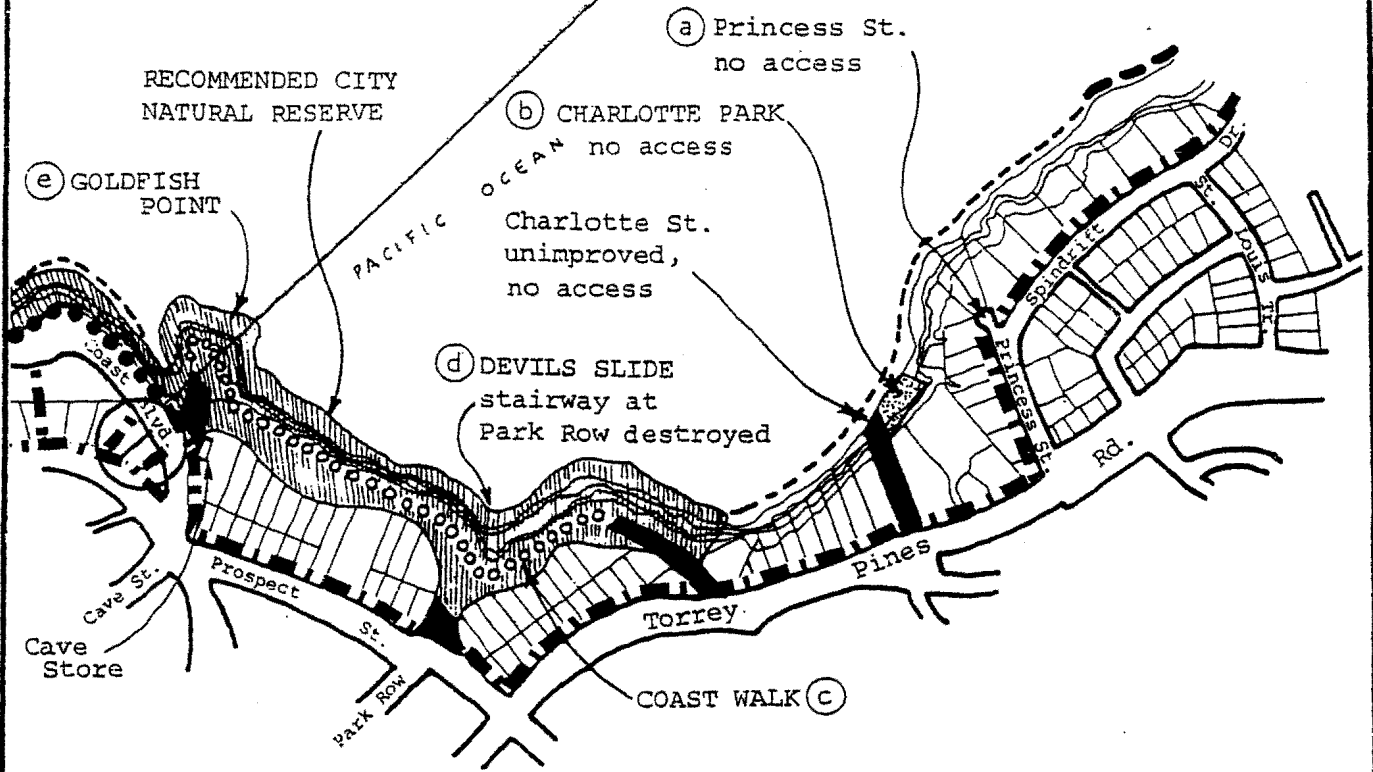


**EXHIBIT NO. 18**  
**APPLICATION NO.**  
**F8945-A2**  
 Proposed Visual  
 Access Corridors

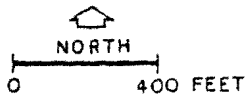
**PROJECT ADDRESS:** 12345 PROSPECT STREET, LOS ANGELES, CA 90001  
**PROJECT NAME:** LA JOLLA CHART HOUSE RESTAURANT  
**OWNER:** JOHN D. SMITH  
**ARCHITECT:** JANE DOE ARCHITECTS, INC.  
**DATE:** 01/15/2024





**LA JOLLA CHART HOUSE RESTAURANT**  
 PROJECT NO. 12345  
 SCALE 1/8" = 1'-0"  
 NORTH

# SITE VICINITY

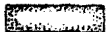
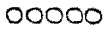




SUB AREA "D"  
COAST WALK



-  OTHER SHORELINE PROPERTY (Dedicated or owned in fee by City)
-  VERTICAL ACCESS (Dedicated street or easement)
-  UNRESTRICTED LATERAL ACCESS
-  ALTERNATIVE PEDESTRIAN ACCESS

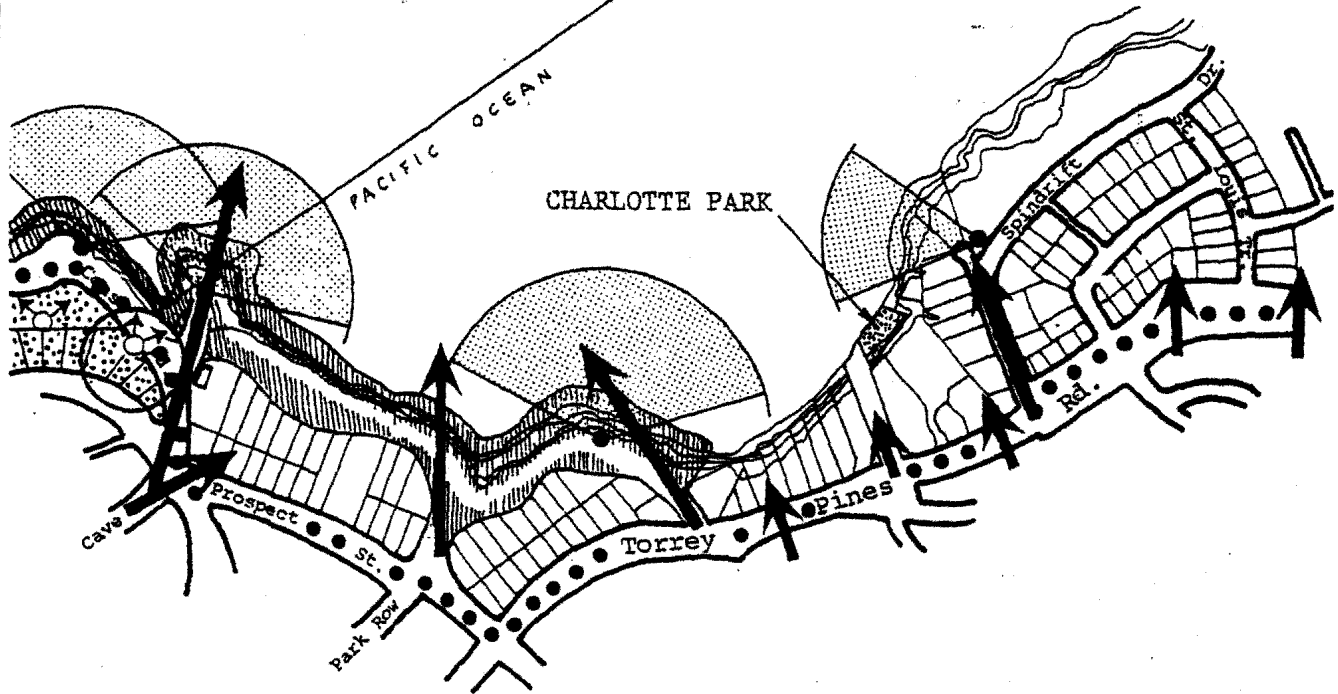
## La Jolla • La Jolla Shores LOCAL COASTAL PROGRAM • PHYSICAL SHORELINE ACCESS

-  CITY PARKS & BEACHES
-  SCENIC BLUFFTOP TRAIL
-  LIMITED OR INTERMITTENT LATERAL ACCESS
-  SCENIC BLUFFTOP WALKWAY

CITY OF SAN DIEGO  
PLANNING DEPARTMENT

EXHIBIT NO. 19  
APPLICATION NO.  
**F8945-A2**  
LCP Subarea Maps-  
Physical Access

**SITE VICINITY**



**SUB AREA "D"  
COAST WALK**



MAJOR VISTA POINT



VISUAL ACCESS CORRIDOR  
(existing)



SCENIC ROADWAY



QUASI-PUBLIC VISTA  
ON COMMERCIAL PROPERTY




HIGH POTENTIAL FOR  
VISUAL ACCESS IN  
COMMERCIAL DEVELOPMENT



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



CITY OF SAN DIEGO  
PLANNING DEPARTMENT

EXHIBIT NO. 20
APPLICATION NO. F8945-A2
LCP Subarea Maps- Visual Access
 California Coastal Commission