

DATE ISSUED: August 2, 2000
REPORT NO. 00-159

ATTENTION: Honorable Mayor and City Council
Docket of August 8, 2000

SUBJECT: McGuire Residence, Coastal Development Permit(CDP)/Sensitive Coastal Resource (SCR)/Variance Permit No. 93-0628, to Remodel and add Floor Area to an Existing Single-Family Residence. La Jolla Community Plan Area. Process 4

OWNER/
APPLICANT: Melissa McGuire

REFERENCE: Planning Commission Hearing of May 18, 2000. (Report No. P-00-064)

SUMMARY

Issues - Should the City Council deny the appeal of the Planning Commission's decision to approve CDP/SCR/VAR No. 93-0628 for a remodel and addition to an existing single-family home?

Manager's Recommendation -

1. REVIEW and CONSIDER Negative Declaration No. 93-0628, certified by the Planning Commission on May 18, 2000; and
2. DENY the APPEAL and APPROVE CDP/SCR No. 93-0628 subject to conditions (Attachment 4).

Planning Commission Recommendation - On May 18, 2000, the Planning Commission voted unanimously to approve CDP/SCR/VAR No. 93-0628.

Community Planning Group Recommendation - On February 3, 2000, the La Jolla Community Planning Association voted 10 to 0 with 2 abstaining to recommend approval of the project with the condition that no access be allowed by the owner via Coral Lane.

Environmental Impact - The Environmental Analysis Section has prepared Negative Declaration No. 93-0628 pursuant to Article 19, Section 15302 of the California Environmental Quality Act (CEQA).

Fiscal Impact - All costs associated with processing the project are being paid by the applicant.

Code Enforcement Impact - Not applicable.

Housing Affordability Impact - Not applicable.

BACKGROUND

This project application was originally submitted in late 1993 in response to a Code Enforcement Violation filed in 1992 for constructing a new deck encroaching into the 5'-0" bluff edge setback. During the course of the review of the project, the original owner and Neighborhood Code Compliance participated in mediation to resolve the Code Enforcement issues. The issues were resolved, and in 1996 the property was sold to a new owner. Although

some design changes were made, this project remained inactive for a couple of years. The property was again sold in 1998 to Melissa McGuire, the current owner.

The project proposes to remodel an existing 1,225-square-foot, one-story, single-family residence on a 2,052-square-foot lot located on a coastal bluff at 5662 Dolphin Place (Attachment 1). The site is zoned R1-5000 and the La Jolla Community Plan designates this site for single-family residential use. Surrounding land uses are one and two-story single-family residences. In addition to the remodel, the applicant is requesting five (5) new variances, the maintenance of existing legal non-conformities and modification of the existing encroachment removal agreement on Coral Lane.

The Planning Commission reviewed this project on May 18, 2000 and considered supporting testimony from the applicant's consultant as well as opposition. After considering both public and staff testimony and reviewing the issues and conferring with the City Attorney, the Planning Commission voted to approve staff's recommendation and approve CDP/SCR/VAR No. 93-0628.

DISCUSSION

The project site is located on a bluff on the west side of Dolphin Place and is currently developed with a one-story, single-family residence and attached garage. The existing residence is located adjacent to a 20-foot-wide, unpaved access known as Coral Lane. Coral Lane is located along the north property line. The Coral Lane access is identified in the La Jolla Community Plan as an unimproved public street (no access). The proposed addition will include a remodel of the first floor with an addition of 163 square feet to the front of the residence and the relocation of the entry from the side of the house to the front. In addition to the first floor remodel, a 684-square-foot second story will be added to include a master suite and a structurally cantilevered balcony. The second story addition will be set back 25'-0" from the bluff edge. This setback conforms to the required 25'-0" bluff top setback in the Sensitive Coastal Resource Ordinance.

The project includes a request to maintain existing variances, to allow new variances and the continuance and modification of an encroachment removal agreement for the existing gate, deck, and fence located in Coral Lane. The existing and new variances would be:

EXISTING:

1. Front-yard street setback of 10" to 1'-3" for the garage.
2. Interior side-yard setback of 2'-9" to 3'-4" for the existing..... residence.
3. Zero street side-yard setback adjacent to Coral Lane (a paper street) for the existing home.

NEW:

1. Front-yard street setback of 10" to 1'-3" for the proposed second story deck where 15'-0" is required.
2. Interior side-yard setback of 2'-9" to 3'-4" for the second story addition where 4'-0" is required.
3. Zero street side-yard setback for second story addition where 10'-0" is required.....
4. Front-yard setback of 3'-10" for the second story addition where 15'-0" is

required.

5.FAR variance of 1.09 where .60 is allowed.

6.Variance for a 1 parking space garage where 2 spaces are required.

APPEAL ISSUES

On May 31, 2000, a representative from the Sierra Club filed an appeal with the City Clerk stating that the Planning Commission made factual errors in approving the project. The appeal issues raised by the Sierra Club and the City's response follow:

- A. The appellant contends that because there are significant improvements being proposed to the structure which is non-conforming, that all elements of the structure should be required to comply with all elements of the Municipal Code.

In response to this issue; it has been the City of San Diego's policy to allow remodels, additions, and alterations to existing legal non-conforming structures so long as the existing structure is not removed from its present location and the new additions being added comply with all existing development standards unless variances are approved. The project does not propose to remove the existing structure only to remodel and add a second floor.

- B. The appellant believes that the required findings for the variances cannot and should not be made.

The Planning Commission, at their meeting of May 18th, supported staff's recommendation to approve the variances which would allow the applicant reasonable use of the property. That decision has now been appealed and is within City Council's purview to accept or reject the Planning Commission's action.

- C. The appellant believes that approval of the project would conflict with the City's Sensitive Coastal Resource Ordinance.

Although Coral Lane has been identified in the La Community Plan as potential visual access, improvements have existed in Coral Lane for more than 45 years with an Encroachment Removal Agreement prior to the adoption of the Coastal Act and the current La Jolla Community Plan. In conformance with the Sensitive Coastal Resource Finding and with the concurrence of staff, the applicant has agreed to relocate the existing side entry to the front of the house, remove the existing decking, modify the existing fencing and gates to be 75 percent open and to limit the landscaping to a maximum height of three (3) feet in order to enhance public views to the ocean. The Planning Commission determined that all of the required findings could be made to approve the project. The Commission determined that there would be no impacts to view corridors in the adopted community plan, no impacts to public access to the beach nor would proposed improvements to this home increase potential geologic hazards on the site.

Staff has reviewed the requests and determined the variances can be supported due to the substandard lot size (2,052 square feet where the minimum lot size is 5,000 square feet) coupled with the size of the unit when compared to others in the surrounding area. If the variances were not approved and strict compliance with all setbacks was required, only 320 square feet of the 2,052-square-foot lot would be developable. The encroachment removal agreement for the improvements located in Coral Lane have been approved and in existence for approximately 45 years. The applicant has voluntarily agreed to modify the existing fencing and gates to be 75 percent open and to limit the landscaping to a maximum height of three (3) feet in order to enhance public views to the ocean.

The proposed project conforms with the City of San Diego's Municipal Code as referenced in Attachment 5, therefore the City Manager recommends approval of CDP/SCR/VAR No. 93-0628 subject to conditions contained in the permit (Attachment 5).

ALTERNATIVES

1. APPROVE project with modifications.
2. DENY CDP/SCR/VAR 93-0628.

Respectfully submitted,

Stephen M. Haase.....	Approved by: George I. Loveland
Development Review Manager.....	Assistant City Manager

BUMGARDNER/THB

Attachments: 1. Project Location Map
2. Project Data
3. Project Site Plans
4. Draft Resolution. 5. Draft Permit
6. Ownership Disclosure
7. Community Group Response
8. Project Appeal Letter

Note: Attachments not available in electronic format. The attachments are available for review in the Office of the City Clerk.