

DATE ISSUED: September 17, 2003 REPORT NO. 03-183

ATTENTION: Honorable Mayor and City Council
Docket of September 23, 2003

SUBJECT: **MARAZUL TOWNHOMES - PROJECT NO. 1815. COUNCIL
DISTRICT 1, PROCESS 4**

REFERENCE: Report to the Planning Commission, Report No. P-03-194, dated
August 7, 2003

OWNER/
APPLICANT: Sylmar La Jolla I, L.P.

SUMMARY

Issues - Should the City Council deny the appeal and approve the Marazul Townhomes project?

Staff's Recommendations:

1. DENY the appeal; and
2. CERTIFY Negative Declaration No. 1815; and
3. APPROVE Coastal Development Permit No. 10706 without the curb cut on Westbourne Street; and
4. DENY Planned Development Permit No. 10707; and
5. APPROVE Map Waiver No. 10711.

Planning Commission Recommendation - On August 14, 2003, the Planning Commission discussed the deviation for a curb cut and some design alternatives for the proposed project. The Commissioners considered all public testimony and voted 5-1 to approve the project, but denied the deviation request (Planned Development Permit) for a curb cut and garage on Westbourne Street.

Community Planning Group Recommendation - On June 5, 2003, the La Jolla Community Planning Association voted 16-0-0 to recommend approval of this project.

Environmental Impact - The Environmental Analysis Section (EAS) of the Development Services Department has determined that the proposed project will not have a significant environmental effect. Negative Declaration No. 1815 has been prepared for the project in accordance with State CEQA Guidelines.

Fiscal Impact - All costs associated with the processing of this project are paid from a deposit account maintained by the Applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed units are designed as market rate, for sale as a single family residence and two townhomes. The City's Inclusionary Housing Ordinance does apply to this project and compliance with the specific requirements would be determined prior to the issuance of the building permit.

Traffic Impact Statement - The proposed Marazul Townhomes project consisting of three multi-family dwelling units, is replacing two existing dwelling units on the site. The proposed project is expected to generate approximately eight new Average Daily Trips (ADT). This number of ADT will not significantly impact any roadway system.

Water Quality Impact Statement - Site design and source control Best Management Practices (BMP's) would be incorporated in conformance with the City Storm Water Quality Standards.

BACKGROUND

The 10,199 square-foot site is an interior lot located on the south side of the 600 block of Westbourne Street, with La Jolla Boulevard to the west and Draper Avenue to the east. The project area is at approximately 100 feet above mean sea level, with the Pacific Ocean being located about five blocks from the subject property to the west. The area is bounded by La Jolla Boulevard to the west, Rosemont Street to the south, Draper Avenue and La Jolla High School land to the east, and the southern half block of Westbourne Street to the north. The site is zoned RM-1-1 (Residential - Multiple Unit), within the La Jolla Community Plan (Attachment 1). The site is in an area identified as low medium density (8-14 DU/acre) residential in the La Jolla Community Plan and is consistent with that land use designation.

The owners are proposing to demolish an existing one-story duplex and construct a new 2,480 square-foot, two-story single family residence with an attached 406 square-foot, two-car garage, and also construct a new 3,964 square-foot, two-story duplex with attached 400 square-foot, two-car garages. The proposed single family residence fronting Westbourne Street has been designed with a curb cut to access three off-street parking spaces. The proposed duplex has been designed to have four enclosed off-street parking spaces and two uncovered paved parking spaces accessible from the alley.

On October 17, 2001, the project, as described above, was submitted as a Process 2 requesting a Coastal Development Permit (CDP).

In November of 2001, staff determined that the Municipal Code does not allow for driveway access from Westbourne Street where there is alley access available. The proposed driveway on Westbourne Street reduces the number of on-street parking spaces in an area where on-street parking is heavily utilized by the public.

On March 12, 2002, a meeting with staff and the applicant was held to discuss possible design alternatives for the proposed three residential units with the six required off-street parking spaces accessible from the alley only, thereby eliminating the need for a curb cut deviation on Westbourne Street. The meeting concluded with a suggestion that the applicant could look into possibilities of a Planned Development Permit (PDP) along with a Tentative Parcel Map for the proposed deviation of a curb cut on Westbourne Street, but was also cautioned to follow closely the PDP regulations.

The project was redistributed to staff as a Process 4 CDP/PDP and a Tentative Map Waiver (TMW) on March 24, 2003. In April, 2003, staff determined they could not support all of the findings for a PDP.

On June 18, 2003, staff notified the applicant that the City could not support the findings required for approval because a significant deviation from the base zone regulation is not consistent with the purpose of this division and would require a variance in conjunction with the approval of the PDP (SDMC Section 143.0410 (a)(2) (Attachment 11).

At the hearing of August 14, 2003, the Planning Commission approved Coastal Development Permit No.10706, Map Waiver No. 10711, and denied Planned Development Permit No. 10707.

On August 20, 2003, a Development Permit Appeal Application was filed in the City Clerks' office. (Attachment 16)

DISCUSSION

Currently there is no driveway access from Westbourne Street to the site. The existing duplex has vehicular access from the 20'-0" wide improved alley. The owners are proposing that the new 2,480 square-foot single family residence with an attached 406 square-foot garage would be accessed from a driveway on Westbourne Street. The proposed 3,964 square-foot, two-story duplex with two attached 400 square-foot each, two-car garages, along with two additional off-street paved parking spaces would have access from the alley.

Staff can support the findings for the three units with the six parking spaces shown on the site plan accessed from the alley (Attachment 4). However, staff does not believe Findings for the Planned Development Permit for the driveway access from Westbourne Street can be made. The San Diego Municipal Code (SDMC) Section 142.0560 J-8-C (Attachment 10), states "For properties with access to an alley and less than 150 feet of frontage, a driveway is not permitted, except that in the RM-1-1, RM-1-2, and RM-1-3 zones, one driveway may be permitted if the prohibition of a driveway opening would preclude achieving the maximum density permitted by the underlying zone." The La Jolla/La Jolla Shores Local Coastal Program (page 129) states "Wherever feasible, parking should be located at the rear of buildings with ingress and egress

from the alley.” (Attachment 15)

The 62.10' x 163.45' property has less than 150 feet of frontage and is located within the RM-1-1 Zone. However, prohibiting a driveway opening on Westbourne Street would not preclude achieving the maximum density permitted by the underlying zone. The site plan (Attachment 4) shows the three units and six required parking spaces (SDMC 142.0525 Table 142-05C) (Attachment 12) along the alley. The curb cut on Westbourne Street is not necessary to meet the required off-street parking.

Map Waiver Discussion

The applicant is requesting that the City waive the requirement of the Tentative Map and Parcel Map for condominium conversion and from undergrounding the existing overhead utilities. The map proposes the subdivision of a 0.23-acre site into one (1) lot for a three unit residential condominium conversion.

Staff has reviewed the Map Waiver request to waive the regulations for a Tentative Map, Parcel Map and to waive the requirements for the undergrounding of existing overhead utilities, and found that the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing utilities.

Public and Community Input

During the review of the submitted project, no letters were received concerning the project from interested citizens. On June 5, 2003, the La Jolla Community Planning Association met. The subcommittee found that the findings could be made for the proposed project with two conditions: 1) that the driveway opening on Westbourne Street be as narrow as legally allowed, and 2) that no red curbing be allowed along the project frontage. Although the proposed project was put on the consent agenda, there had been opposition expressed during the meeting. The opposition indicated that the project design caused the need for the deviation and thought supporting the findings for the PDP would set a precedent for other projects to avoid conformance with ordinances. (Attachment 8)

On August 14, 2003, a letter was received from a resident of the La Jolla Community in support for allowing a curb cut in Westbourne Street. (Attachment 17)

CONCLUSION

City staff recommends the City Council deny the appeal and uphold the Planning Commission decision of certification and approval with all conditions for this project. With the exception of the proposed deviation for the curb cut, the proposed development would comply with applicable regulations for parking, density, height, setbacks, floor area ratio, and landscaping for the RM-1-1 Zone of the Land Development Code. The proposed project would be in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The proposed

development would adhere to community goals for good building design, permanent control of height and building bulk so that structures in La Jolla would be in conformity with the adopted La Jolla Community Plan and La Jolla/La Jolla Shores Local Coastal Program Land Use Plan. The proposed project would meet all parking requirements as required by the SDMC Section 142.0525 and Section 142.0560 (Attachment 13).

The proposed curb cut on Westbourne Street is not required to achieve the maximum density permitted by the underlying zone. By allowing the curb cut there would be one off-street parking space eliminated in an area where on-street parking is heavily utilized by the public.

A site investigation revealed there is efficient access available from the abutting alley for the six required parking spaces. The strict application of the regulations of the Land Development Code would not deprive the applicant of reasonable use of the land. By considering alternatives in design, location and size of the proposed three residential units, the applicant would still have reasonable use of their property, as well as minimize impacts to the public by not eliminating one heavily utilized on-street parking space. Therefore, staff is recommending approval of the proposed three residential units with the six parking spaces accessible from the alley and without the proposed curb cut on Westbourne Street.

ALTERNATIVES

1. Deny the appeal and approve the project with modifications to the coastal development permit and/or map waiver conditions.
2. Approve the appeal and deny the proposed project, if the findings required to approve the project cannot be affirmed.
3. Approve the appeal and Approve Coastal Development Permit No. 10706, Planned Development Permit No. 10707 and Map Waiver No. 10711, with modifications.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: P. Lamont Ewell
Assistant City Manager

CHRISTIANSEN/VSL

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

Attachments:

1. Community Plan Land Use Map

2. Project Location Map
3. Project Data Sheet
4. Project Site Plan
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Draft Map Waiver Resolution
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. SDMC Section 142.0560-J-8-C
11. SDMC Section 143.0410 (a)(2)
12. SDMC Section 142.0525 Table 142-05C
13. SDMC Section 142.0560
14. Project Chronology
15. Policy Discussion
16. Development Permit Appeal Application
17. Letter from citizen