



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: January 31, 2024

TO: City of San Diego, Hearing Officer Bautista

FROM: May Rollin, Development Project Manager

SUBJECT: Agenda Item No. 1 - 7964 Lowry Terrace – Project No. PRJ-1080285

The following corrections have been made to January 31, 2024, Hearing Officer agenda, Item No. 1 – 7964 Lowry Terrace – Project No. PRJ-1080285.

- 1- Staff Report, Attachment 5, Draft Permit: The permit expiration date has been revised from February 14, 2023 to February 14, 2026.
- 2- Staff Report, Attachment 4, Draft Resolution with Findings: The Floor Area Ratio (FAR) noted in CDP Finding A(3), has been removed as it does not apply to this project.
- 3- Staff Report, Attachment 4, Draft Resolution with Findings: The hardscape area noted in CDP Finding A(3)(b)(3) has been revised from 3.8 percent to 28.4 percent.
- 4- Staff Report, Attachment 4, Draft Resolution with Findings: The floor area ratio noted in SDP finding B(1) floor area ratio has been removed.
- 5- Staff Report, paragraph stating conformance with floor area ratio has been removed. Development regulations shown in section 1510.0304(i)(1)(A) and Table 131-04J do not apply in the Coastal Overlay Zone. The amendments adopted by O-21416 N.S will apply once the Coastal Commission has certified the changes. The floor area ratio requirement has been removed per [1510.0304 Table 131-04J](#) since the project site is located in the coastal overlay zone and the regulations have not been certified by the Coastal Commission.

Should you have any questions, please contact me at (619) 446-5432 or email mmrollin@sandiego.gov

Sincerely,

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Hearing Officer Bautista
January 31, 2024

A handwritten signature in purple ink, appearing to read 'May Rollin', with a horizontal line extending to the right.

May Rollin
Development Project Manager

Cc: Stacie Maxwell, Hearing Officer Legislative Recorder
Noah Brazier, Deputy City Attorney
Project File No. PRJ-1080285

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE,
MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009459

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-3199083
SITE DEVELOPMENT PERMIT NO. PMT-3199084
7964 LOWRY TERRACE - PROJECT NO. PRJ-1080285
HEARING OFFICER

This Coastal Development Permit No. PMT-3199083 and Site Development Permit No. PMT-3199084 is granted by the Hearing Officer of the City of San Diego to Ingrid Mila, Trustee of the 2022 Lowry LJS Trust, dated April 20, 2022, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] Sections 126.0702 and 126.0505. The 0.24-acre project is located at 7964 Lowry Terrace in the La Jolla Shores Planned District – Single Family (LJSPD-SF) base zone, Coastal Overlay zone (Non-Appealable Area 2), Coastal Height Limit Overlay zone, Parking Impact Overlay Zone (Beach), Transit Area Overlay Zone, Parking Standards Transit Priority Area (PSTPA), Transit Priority Area (TPA), and the Complete Communities Mobility Choices – Mobility Zone 2 within the La Jolla Community Plan Area. The project site is legally described as LOT 8 OF LA JOLLA VISTA UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 3037, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 6, 1953.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of an existing single-story single dwelling unit and existing site improvements; and the construction of a single-story single dwelling unit with associated site improvements described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 31, 2024, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 3,367-square-foot single-story single dwelling unit and associated site improvements;
- b. Construction of a single-story 3,733-square-foot single dwelling unit;
- c. Landscaping (planting, irrigation and landscape related improvements); and

- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision-maker. This permit must be utilized by ~~February 14, 2023~~ **February 14, 2026**.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision-maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

CLIMATE ACTION PLAN REQUIREMENTS:

10. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

11. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

12. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

13. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of any building permit the Owner/Permittee shall construct a 12-foot driveway per current City Standards, adjacent to the site on Lowry Terrace.
15. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement (EMRA), from the City Engineer, for the sidewalk underdrains/curb outlet, Landscaping/irrigation /private walk in the Lowry Terrace right-of-way.
16. The project proposes to export 390 cubic yards of material from the project site. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2021 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
17. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPING REQUIREMENTS:

20. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
21. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents to the Development Services Department for approval. The construction documents shall be consistent with approved Exhibit "A," the La Jolla Shores Planned District Ordinance, the La Jolla Community Plan, and the Land Development Manual - Landscape Standards. Unplanted recreational areas, walks (areas used for access whether paved, mulched, steppingstone, ground cover, or similar), and driveways may not count towards the minimum landscape area required by the La Jolla Shores Planned District Ordinance.
22. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity.

All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

WATER AND SEWER REQUIREMENTS:

24. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service outside of any driveway or drive aisle and the abandonment of any existing unused water service within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

25. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPDs), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

26. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

27. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on January 31,2024 and **[Approved Resolution Number]**.

ATTACHMENT 5

Coastal Development Permit No. PMT-3199083 and
Site Development Permit No. PMT-3199084
Date of Approval: January 31, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

May Rollin
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

The 2022 Lowry LJS Trust dated April 20, 2022
Owner/Permittee

By _____
Ingrid Mila
Trustee of the Lowry LJS Trust
Dated April 20, 2022

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.** Project Plans

RESOLUTION NUMBER R- _____
COASTAL DEVELOPMENT PERMIT NO. PMT-3199083
SITE DEVELOPMENT PERMIT NO. PMT-3199084
7964 LOWRY TERRACE – PROJECT NO. PRJ-1080285
HEARING OFFICER

WHEREAS, Ingrid Mila, Trustee of the 2022 Lowry LJS Trust dated April 20, 2022, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit and Coastal Development Permit for the demolition of an existing single-story, single dwelling unit and existing site improvements; and the construction of a single-story 3,733-square-foot single dwelling unit, as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083, on portions of a 0.24-acre site;

WHEREAS, the project site is located at 7964 Lowry Terrace in the La Jolla Shores Planned District-Single Family (LJSPD-SF) base zone and within the Coastal Overlay zone (Non-Appealable Area 2), Coastal Height Limit Overlay zone, Parking Impact Overlay zone (Beach), Transit Area Overlay zone, Transit Priority Area, and the Complete Communities Mobility Choices – Mobility Zone 2, within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as LOT 8 OF LA JOLLA VISTA UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 3037, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 6, 1953;

WHEREAS, on September 22, 2023, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15303, New Construction or Conversion of

Small Structures, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

WHEREAS, on January 31, 2024, the Hearing Officer of the City of San Diego considered Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego that it adopts the following findings with respect to Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083:

A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]

Findings for all Coastal Development Permits:

- 1. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The 0.24-acre project site is located at 7964 Lowry Terrance in the La Jolla Shores Planned District-Single Family (LJSPD-SF) base zone and the Coastal Overlay zone (Non-Appealable Area 2), Coastal Height Limit Overlay zone, Parking Impact Overlay zone (Beach), Transit Area Overlay zone, Transit Priority Area, and the Complete Communities Mobility Choices – Mobility Zone 2, within the La Jolla Community Plan area. The site currently has an existing 3,367-square-foot (SF) single-story single dwelling unit. The project proposes the demolition of the existing dwelling unit and the construction of a single-story, 3,733 SF single dwelling unit with an attached garage. The project scope of work also includes the construction of a new driveway, fencing, and associated site improvements including landscaping and irrigation.

The project site is located approximately 1,300 feet east of the Pacific Ocean and does not contain, provide, or encroach upon any public coastal access nor does it contain any of the dedicated physical access points listed on page 24 of La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP).

The maximum height of the proposed construction is 16-feet-six inches, well below the 30-foot height limit of the coastal height limit overlay zone and consistent with the height of adjacent structures and the maximum building height limit of the La Jolla Shores Planned District (LJSPD) single-family zone development regulations (San Diego Municipal Code, Chapter 15, Article 10, Division 3, page 6).

The La Jolla Community Plan does not identify public views across the site. The project will observe setbacks consistent with the neighborhood. The proposed front setback is approximately sixteen feet, and side setbacks are seven feet, two inches, and five feet, and the rear setback is six feet, two inches. Development within these limits will facilitate light and air reaching other properties.

Therefore, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will not impact public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

2. The proposed coastal development will not adversely affect environmentally sensitive lands.

The project is described in Coastal Development Permit finding A.1. above, incorporated herein by reference. The project site is located approximately 1,300 feet east of the Pacific Ocean in a developed area within the La Jolla Community Plan area and La Jolla Shores Planned District.

The proposed project is not within or adjacent to environmentally sensitive lands. However, it is near the Pacific Ocean and runoff from the site may reach the body of water. The proposed development will follow all applicable standards related to emissions, drainage, water quality, stormwater, refuse and recycling, and other standards related to preserving public health, safety, and welfare. Project conditions for the proposed development include a requirement for the preparation of a Water Pollution Control Plan (WPCP) prior to issuance of a building permit. This requirement will ensure that water quality standards appropriate to the project location are met. The project site is a previously graded and developed site located within an urbanized area and does not contain any sensitive biological resources. The project site does not contain any sensitive riparian habitat or other identified habitat community. Furthermore, the project site does not contain, nor is it adjacent to Multi-Habitat Planning Area designated lands. Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all the regulations of the certified Implementation Program.

The La Jolla Community Plan (LJCP) and Local Coastal Program Land Use Plan designates the site as Low Density Residential (five to nine dwelling units per acre). This density range is characterized by large, single dwelling units on 5,000 – 7,000 SF lots. The project site is also within the La Jolla Shores Planned District Single Family Zone ~~which also regulates the density and floor area ratio (FAR) for the project site.~~ In accordance with SDMC Section 1510.0304, no lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed

Single-Family Zone within 300 feet of the subject lot or parcel. ~~Additionally, SDMC Table 131-04J of the La Jolla Shores Planned District Single-Family Zone Development Regulations, SDMC Section 1510.0304, regulates the maximum FAR. Based on SDMC Table 131-04J a lot with an area of 10,001 – 11,000 SF shall be limited to an FAR of 0.54, whereas the project proposes an FAR of 0.34.~~ Therefore, the proposed project is in conformance to the density and FAR of the La Jolla Shores Planned District Single-Family Zone Development Regulations and the LJCP and Local Coastal Program.

The La Jolla Community Plan (LJCP) and Local Coastal Program Land Use Plan designates the site as Low Density Residential (five to nine dwelling units per acre). This density range is characterized by large, single dwelling units on 5,000 – 7,000 SF lots. The project site is also within the La Jolla Shores Planned District Single Family Zone which also regulates the density and conformity for the project site. In accordance with SDMC Section 1510.0304, no lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed Single-Family Zone within 300 feet of the subject lot or parcel. Therefore, the proposed project is in conformance to the density and La Jolla Shores Planned District Single-Family Zone Development Regulations and the LJCP and Local Coastal Program.

- a. The project supports the following residential policies of the LJCP, which are found beginning on page 70:

Policy 1: Maintain the existing residential character of La Jolla's neighborhoods by encouraging buildout of residential areas at the plan density.

The project does not propose an increase in the number of dwelling units and will be consistent with other surrounding existing residential single dwelling unit properties, therefore the project will be consistent with the density of the residential area. Additionally, the style of the home consists of a single-story modern design that incorporates materials that are consistent with those of adjacent properties. Building materials will include stucco, stone finishes, metal accent features and trim, metal gates and openings with lattice infill allowing 50-percent visibility. Lastly, the modern design does not mimic adjacent properties, the design conforms to the "unity with variety" design principle from the La Jolla Shores Planned District and the design materials identified above conform to those on adjacent structures and the relationship does not disrupt the architectural unity of the area.

Policy 2.a: The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.

The project is consistent with the community character by providing a design that preserves existing streetscape themes and allows a harmonious visual

relationship to exist between the bulk and scale of new and older structures. The project meets the goal of maintain community character by proposing a single-story structure that conforms to the height limit and is consistent with the height and bulk of existing adjacent structures and the streetscape for the property has been conditioned to meet the landscape and hardscape requirements of the community plan, La Jolla Shores Planned District requirements and applicable regulations which have been found to be consistent in the proposed design. The proposed exterior finishes are consistent with those of adjacent properties in the surrounding area and the La Jolla Shores Planned District design principles and requirements. The proposed design includes materials described under ~~item 1~~ policy 1 above and the color scheme will utilize earth tones to be consistent with the design requirements of the La Jolla Shores Planned District limiting wall materials to wood siding, wood shingles, adobe and concrete blocks, brick, stucco, concrete or natural stone with colors that are predominately whites and natural earth colors and the use of primary colors for accents.

Policy 2.b: The City should ensure that new residential development within La Jolla complies with the landscape and streetscape guidelines that are identified in this element and in Appendix E of this plan.

The project has been reviewed against and complies with the listed guidelines and shall be conditioned to be consistent with applicable regulations to include the approved Exhibit 'A,' the La Jolla Shores Planned District Ordinance, the La Jolla Community Plan, and the Land Development Manual - Landscape Standards.

- b. The project also supports the following LJCP recommendations, which begin on page 76:

Recommendation 2.a: In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:

- 1) Bulk and scale - with regard to surrounding structures or landform conditions as viewed from the public right-of-way and from parks and open space.

As stated in CDP Finding A.3.a.Policy 1 above, the project design is consistent with the bulk and scale requirements of the LJCP and the La Jolla Shores Planned District Single-Family Zone Development Regulations and respects the established community character.

- 2) Street landscape - with regard to size and shape or generalized type of planting materials.

The project has been conditioned to conform to the street tree requirements per landscape development regulation SDMC 142.0409. The project design proposes two jacaranda street trees with a minimum root zone of 40 square feet and the street tree selection conforms to the Residential District's Tree List from Appendix E of the LJCP.

- 3) Hardscapes - with regard to pavement types, patterns or lack of patterns, colors, widths, colors and contours.

This project will comply with the landscape and hardscape regulations under SDMC Section 1510.0304 (h)(1) where in no case shall the landscaped area be less than 30 percent of the total parcel area. The project proposes a ~~3.8 percent~~ 28.4 percent hardscape and 36.4 percent landscape area which meets the regulation for required landscape area in the Single Family Zone of the La Jolla Shores Planned District.

- 4) Street fixtures - with regard to type, size and location (street light fixtures, benches, street signage);

The project does not propose any changes to the Street fixtures.

- 5) Site fixtures - with regard to height, type, material and location (fences, walls, retaining walls, curb cuts and driveways);

The project proposes the removal and replacement of the existing 18-foot wide driveway with a 12-foot wide driveway and curb cut apron and gutter and improvement to the sidewalk at the driveway apron in conformance to current city standards. The project proposes retaining walls along the southerly and westerly property lines up to five feet in height with a six foot high wood fence above the retaining wall with steel posts with a three foot high open lattice on the upper part of the fence and a new six foot high wood fence with steel posts with a three foot high open lattice on the upper part of the fence installed above the existing retaining wall along the northerly property line to match the design of the proposed walls and fences along the southerly and westerly property lines. Additionally, the project is proposing a series of tiered retaining walls, decorative seat walls and raised landscape planters at the main entry within the 16-foot street front setback.

- 6) Curbs, gutters and street pavements - with regard to types and materials; and

As stated above, the project proposes to remove and replace the driveway to include replacement of the driveway apron, curb and gutter and the sidewalk at the curb apron to current city standards. Additionally, the project includes a private walkway from the public right-of-way to the main entry for the proposed dwelling unit. Any private improvements within the public right-of-way will be conditioned to require an encroachment maintenance and removal agreement. All proposed materials and finishes are consistent with the materials and finishes of the existing pavement, curb and gutters within the public right-of-way.

- 7) Public physical and visual access as identified in as referenced in Figure 9 and Appendix G, Costal Access Subarea Maps.

The project site is located approximately 1,300 feet from the Pacific Ocean and is not located within or adjacent to a public physical and visual access as identified in Figure 9 of the LJCP, which Identifies Public Vantage Points, or Figure C of Appendix G of the LJCP which identifies Coastal Access within the La Jolla Shores Subarea.

Recommendation 2.e: In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D. Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air.

The project is complaint with the Costal Hight Limit overlay regulation, due to the elevation proposal appear that the height 16 feet-6 inches. bulk and scale are achieved by the incorporation of clearstory roof.

As required by the La Jolla Shores Planned District Ordinance, and in support of the above LJCP policies and recommendations, a neighborhood survey of the existing development pattern and bulk and scale was submitted for review and will be part of the Exhibit 'A.' The proposed dwelling unit was found to be in general conformity with setbacks, and the bulk and scale of the existing established neighborhood as required by the La Jolla Shores Planned District Single Family Zone and the LJCP.

Surrounding properties are one- and two-story estate homes on a range of property sizes with a variety of architectural vernaculars. The proposed bulk and scale will not be disruptive to adjacent homes near the project site.

As described in finding A.1., incorporated here by reference, the proposed development will observe setbacks to all property lines consistent with other properties in the existing established residential neighborhood. The proposed project complies with the height and bulk regulations by proposing a single-story structure with a maximum building height of 16 feet and six inches in conformance with the 30-foot height limit.

Therefore, the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

- 4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone, the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The project site is not located between the nearest public road and the sea; therefore, this finding does not apply.

B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

Findings for all Site Development Permits:

- 1. The proposed development will not adversely affect the applicable land use plan.**

The proposed project is described in CDP finding A.1. above, incorporated herein by reference. The La Jolla Community Plan designates the site as Low Density Residential (five to nine dwelling units per acre) and is zoned single family within the La Jolla Shores Planned District Ordinance regulations. The project conforms to the LJCP and La Jolla Shores Planned District density regulations as identified in CDP finding A.3.a.1. above, incorporated herein by reference.

The project conforms with all regulations mandated by the underlying Single Family zone of the La Jolla Planned District, including lot coverage, ~~floor area ratio~~, setbacks, and density. Therefore, the proposed development will not adversely affect the applicable land use plan.

- 2. The proposed development will not be detrimental to public health, safety, and welfare.**

The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The environmental determination for this project was made on September 22, 2023, and the opportunity to appeal that determination ended on October 6, 2023.

The project site does not contain and is not adjacent to environmentally sensitive lands in the form of sensitive biological resources, coastal beaches, coastal bluffs, or steep slopes as defined by the LJCP or the Land Development Code.

The permit controlling the development and continued use of the proposed project for this site contains specific conditions addressing compliance with the City's codes, policies, regulations, and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Prior to issuance of any building permits for the proposed development, the plans will be reviewed for compliance with all Building, Electrical, Mechanical, Plumbing and Fire Code requirements, and the Owner/Permittee will be required to obtain construction permits.

The project complies with zoning regulations and setback requirements from adjacent structures to ensure fire safety. The site is within a developed neighborhood with existing infrastructure and served by existing emergency response services. During and after construction, the project will be required to comply with all applicable codes designed to protect the public health, safety, and welfare, including but not limited to the California Building Code, stormwater regulations, and air quality regulations. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project as discussed in the findings above in finding B.1, incorporated herein by reference, conforms with the applicable regulations of the Land Development Code and the Community Plan.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083, a copy of which is attached hereto and made a part hereof.

May Rollin
Development Project Manager
Development Services

Adopted on: January 31,2024

IO#: 24009459

DRAFT



THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: January 24, 2024 REPORT NO. HO-24-001

HEARING DATE: January 31, 2024

SUBJECT: 7964 LOWRY TERRACE, Process Three Decision

PROJECT NUMBER: [PRJ-1080285](#)

OWNER/APPLICANT: Ingrid Mila, Trustee of the 2022 Lowry LJS Trust dated April 20, 2022, Owner and Permittee

SUMMARY

Should the Hearing Officer approve a Coastal Development Permit and Site Development Permit for the demolition of an existing single-story single-dwelling unit and associated site improvements; and the construction of a single-story 3,733-square-foot single-dwelling unit with associated site improvements, located at [7964 Lowry Terrace](#) within the [La Jolla Community Plan](#) area?

Proposed Actions:

1. **APPROVE** Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083.

Fiscal Considerations: None. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Housing Impact Statement: The proposed project is for the demolition of an existing single-dwelling unit and construction of a single-dwelling unit on the same property. Therefore, there is no net loss of housing nor increase in density. There is no requested density bonus for the proposed project.

Community Planning Group Recommendation: On April 11, 2023, the La Jolla Community Planning Association placed project No. PRJ-1080285 7964 Lowry Terrace on the consent agenda and voted 13-0 with one abstention to recommend approval of the consent agenda with no conditions or recommendations. (Attachment 7)

La Jolla Shores Permit Review Committee: On March 16, 2023, the La Jolla Shores Permit Review Committee of the La Jolla Community Planning Association voted 4-1 with one abstention to recommend approval of the proposed project with no conditions or recommendations. (Attachment 8)

La Jolla Shores Planned District Advisory Board Recommendation: On May 17, 2023, the La Jolla Shores Planned District Advisory Board voted 6-0-0 to recommend approval of the proposed project with no conditions or recommendations. (Attachment 9)

Environmental Impact: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 22, 2023, and the opportunity to appeal that determination ended on October 6, 2023 (Attachment 6).

Background: The 0.24-acre project site is located at 7964 Lowry Terrace, within the La Jolla Shores Planned District and the La Jolla Community Plan area. The site is approximately 1,300 feet east of the shore of the Pacific Ocean, north of Torrey Pines Road, West of La Jolla Shores Drive and approximately 150 feet south of the La Jolla Beach and Tennis Club. The site is currently developed with an existing 3,367-square-foot (SF) single dwelling unit with an attached garage and associated site improvements. The San Diego County Assessor's Residential Building Record denotes the original construction of the dwelling unit in 1955 with a subsequent home improvement building permit issued on February 5, 1992, for the construction of a new fence and sauna structure. Due to the age of the existing building, a mandatory historical significance evaluation was performed in compliance with SDMC Section 143.0212 under project number PRJ-1046517. After the evaluation, the site was determined to not be eligible for designation under any criterion set by the Historical Resources Board.

The project site is bounded by single-family dwellings to the north, west, and south, with Lowry Terrace to the east. East of the site and across Lowry Terrace, is the La Jolla Riviera Inn, a 12-room hotel. The project site is situated within an urban neighborhood surrounded predominantly by single-dwelling unit development with additional commercial, hospitality and recreational uses within a half mile of the project site.

The project site is within the La Jolla Shores Planned District – Single Family (LJSPD-SF) base zone, Coastal Overlay zone (Non-Appealable Area 2), Coastal Height Limit Overlay zone, Parking Impact Overlay Zone (Beach Impact), Transit Area Overlay Zone, Parking Standards Transit Priority Area (PSTPA), Transit Priority Area (TPA), and the Complete Communities Mobility Choices – Mobility Zone 2 within the La Jolla Community Plan Area. The project site is not located between the coast and the First Public Roadway. There are no public views or coastal access from the project site, as identified in the La Jolla Community Plan. As previously stated, the project site is within an urban residential neighborhood and does not contain any environmentally sensitive lands, nor does the site contain or is adjacent to any Multiple Habitat Planning Areas.

DISCUSSION

Project Description: The project proposes the demolition of an existing 3,367-square-foot single-story single dwelling unit and the construction of a single-story 3,733-square-foot single dwelling

unit with an attached two-car garage and associated site improvements. The proposed architectural style is a modern design, expressed by simple, overlapping forms with deep set openings and a streamlined linear. The design is a single-story design that includes a walled entry patio that features vertical stained wood latticed openings which provide 50-percent open privacy screening of the entry patio and the main entrance to the dwelling unit. The roof line for the building has articulation that includes a clerestory windows for the Great Room which is visually centered on the front façade and capped with a metal fascia for the roof overhang. Windows and doors are integrated into the articulating masses of the structure accentuating the modern design. Materials include a lightly textured earth toned stucco with stone tile accents, window with aluminum trim, an aluminum fascia, and wood lattices for openings at the front entry patio, a wood garage door, steel gates and garden and accent walls with stucco and stone finishes. The architecture is designed to be passive and to recede behind the front yard landscaping.

~~The project site is on a 10,412 SF (0.24-acre) lot, which in accordance with San Diego Municipal Code (SDMC) Section 1510.0304(i)(1)(A) and Table 131-04J shall have a maximum floor area ratio (FAR) of 0.54 for a lot area between 10,001 SF and 11,000 SF. The FAR for the proposed development shall be 0.36, thus below the maximum allowed FAR. Thus,~~ The project is consistent with the FAR regulations and consistent with the density of the surrounding neighborhood by providing a single dwelling unit on the project site. The maximum height of the proposed building is 16-feet-6-inches which is below the 30-foot height limit for the Coastal Height Limit Overlay zone and in accordance with the La Jolla Shores Planned District Single-Family Zone Development Regulations, SDMC Section 1510.0304.

The project is consistent with the density of the surrounding neighborhood by providing a single dwelling unit on the project site. The maximum height of the proposed building is 16-feet-6-inches which is below the 30-foot height limit for the Coastal Height Limit Overlay zone and in accordance with the La Jolla Shores Planned District Single-Family Zone Development Regulations, SDMC Section [1510.0304](#).

Additionally, the project includes associated site improvements which consist of landscape, irrigation, concrete walkways, decorative paving, a seeded aggregate driveway and a new driveway apron as shown on the Exhibit 'A' improvement plans (Attachment 11).

Permits Required:

- Coastal Development Permit (CDP) for development within the Coastal Overlay Zone per San Diego Municipal Code (SDMC) Section [126.0702\(a\)](#). A decision on an application for a City-issued CDP in the appealable area of the Coastal Overlay Zone shall be made in accordance with Process Three, with the Hearing Officer as the decision maker.
- Site Development Permit (SDP) pursuant to San Diego Municipal Code (SDMC) Section [1510.0201](#), for the addition/remodel to an existing single dwelling unit within the La Jolla Shores Planned District that exceeds more than 10% minor addition threshold. A decision on an application for an SDP shall be made in accordance with Process Three, with the Hearing Officer as the decision maker.

The decision by the Hearing Officer may be appealed to the Planning Commission in accordance with SDMC Section [112.0506](#).

Community Plan Analysis: The La Jolla Community Plan designates the site as Low Density Residential land use with a density range of five to nine dwelling units per acre, this density range is characterized by single dwelling unit residential homes on 5,000 to 7,000 SF lots. The project proposes the demolition of a single dwelling unit and construction of a new single dwelling unit, thus does not change the density and conforms to the designated land use.

The project is consistent with the following policies outlined in the La Jolla Community Plan:

- Maintain the existing residential character of La Jolla's neighborhoods by encouraging building out of residential areas at the plan density. The proposed project supports this policy by the development of a single-story single dwelling unit thus maintaining the density of the property and not proposing any additional density.
- Promote development compatible with the existing residential scale by recommending development that avoid extreme and intrusive changes and promote good design with harmony within the visual relationships and transitions between new and older structures. Additionally, new development should comply with the landscape and streetscape recommendations identified within the community plan. The proposed project meets the policy with the single-story modern design that compliments the existing character of adjacent developments within the established neighborhood. Additionally, the project is conditioned to comply with the landscape and streetscape regulations of the community plan and the regulations of the SDMC.

The project would conform to the La Jolla Shores Planned District General Design Regulations by providing a design that compliments the character of the established neighborhood by providing a design that includes an extensive use of glass, an enclosed entry patio that promotes the "inside-outside" influence of life in southern California. The project design also encourages the principle of "unity with variety" by proposing a building design that differs from adjacent homes while respecting the design of the adjacent homes by using similar materials of equal quality, texture and color as to not disrupt the architectural unity of the area. The proposed building will be sited as to maintain consistency with the existing established setbacks of properties within the general vicinity and in conformance with the general regulations of SDMC Section [1510.0304\(b\)](#).

Conclusion:

Staff has reviewed the proposed project, and all issues identified through the review process have been resolved with the Community Plan and regulations of the Land Development Code as described above. Staff has provided draft findings (Attachment 4) to affirm the approval of the CDP and SDP; and recommend the Hearing Officer **APPROVE** Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083.

ALTERNATIVES

1. Approve Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083 with modifications.
2. Deny Site Development Permit No. PMT-3199084 and Coastal Development Permit No. PMT-3199083 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



May Rollin
Development Project Manager
Development Services Department

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit Conditions
6. Environmental Exemption
7. Community Planning Group Recommendation
8. La Jolla Community Planning Association
9. La Jolla Shores Advisory Board Recommendation
10. Ownership Disclosure Statement
11. Project Plans