

**Single Family Residential Zoning Committee  
(Ad-Hoc Subcommittee of La Jolla CPA)  
Final Report**

**1. Background**

LJCPA Motion May 7, 2015: To form a subcommittee for the purpose of recommending SDMC changes to the City that would:

- 1) Revise the use of Categorical Exemptions in remodels, particularly single-family residence remodels and
- 2) Effect SDMC changes that place single family remodels and new single family construction to be more closely aligned with the La Jolla Community Plan and the community character of La Jolla with respect to bulk and scale. (Little, Costello: 14-0-2)

In favor: Ahern, Boyden, Collins, Costello, Donovan, Emerson, Fitzgerald, Greatrex, Little, Outwater, Ragsdale, Rasmussen, Will, Zimmerman

Abstain: LaCava (Chair), Brady (felt it should have been noticed as an action item.)

a. Ad Hoc Committee Members

- Sharon Wampler, Chair
- Glen Rasmussen, Secretary (to Dec. 14, 2015)
- Angeles Leira
- Eric Lindbak
- Jim Ragsdale
- Diane Kane

b. Mission

- Conduct work sessions open to the public
- Invite the public and industry to participate to ensure robust discussion
- Build community consensus on proposed zoning or community plan changes
- Compare homes built under categorical exemption (51% rule) versus those under CDPs
- Consider reconciling generic single-family zoning regulations with the La Jolla Community Plan
- Consider amending categorical exclusion for Coastal Development Permits

c. Nine meetings were held on these dates (see [www.lajollacpa.org](http://www.lajollacpa.org) for agendas and minutes):

- |                               |                               |
|-------------------------------|-------------------------------|
| ▪ July 1, 2015                | November 16, 2015             |
| ▪ July 27, 2015               | December 14, 2015 (cancelled) |
| ▪ August 10, 2015 (cancelled) | January 4, 2016               |
| ▪ August 24, 2015             | January 21, 2016              |
| ▪ September 10, 2015          |                               |
| ▪ September 28, 2015          |                               |
| ▪ October 12, 2016            |                               |

## 2. Identification of Problem

### a. Issues:

Change happens. Progress occurs. Needs and expectations change. Older homes may fall into disrepair and go past their usable lifetime. Since the 1980s, there has been increasing concern about residential construction in La Jolla of large bulk and scale out of character with the neighborhood and adjacent properties. Following the housing market crash in 2008, there has been increased construction that is obvious in the changing face of the La Jolla neighborhoods. The city zoning as it exists is not supporting effective implementation of the La Jolla Community Plan.

Due to expressed concern from La Jolla residents about negative effects of development, ongoing conflicts among community members over new building projects, and a desire for a clearer and streamlined-process to provide regulatory relief to homeowners, an Ad Hoc Committee for Residential Single-family Zoning was established on June 4<sup>th</sup>, 2015 by the LJCPA to address development issues related to implementation of the La Jolla Community Plan (LJCP).

The 2001 La Jolla Community Plan's purpose is to "highlight those elements and features of the community that contribute to its overall sense of charm, character and village atmosphere." This includes "historic structures", "mature trees", "the predominance of low-scale buildings and homes and the slow pace of pedestrian traffic along many of its local streets..." Consequently, the LJCP requires new development that "protects natural features, preserves existing streetscape themes, and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures" (p. 67, LJ Community Plan).

In 2001, the LJCP identified a worrisome new construction trend that "Some redevelopment of properties in the single dwelling unit neighborhoods had not reflected the traditional bulk, size and scale of those neighborhoods." Unfortunately, this trend has not only continued, it has become more prominent in the ensuing period since the plan was adopted. Many recently constructed residential structures are extremely large and poorly articulated. They do not "avoid extreme intrusive changes and promote good design and harmony" required in the policies of the La Jolla Community Plan (p. 70, LJCP). These compromise privacy, disrupt established street rhythms, diminish greenery and obstruct light, air and public views that are part of the joys of living in La Jolla. Many avoid community review that could improve final products, respect neighborhood values and preserve shared amenities. This is antithetical to the Municipal Code, Sec. 131.0401, which identifies the purpose of Single Family Residential zones to "promote neighborhood quality, character and livability...while minimizing adverse impacts to adjacent properties."

Widely shared community amenities are being severely compromised and cumulatively diminished for the convenience of faster administrative processing. In contravention of the California Government Code Sec. 65860, there is an inconsistency between the La Jolla Community Plan and the Land Development Code that is undermining the community's ability to implement its plan. The health, safety and welfare of La Jolla is at immediate risk.

**b. Causes:**

- La Jolla's older neighborhoods original built with FAR's of 0.2-0.3;
- Current rebuilds are 0.54-0.6, with poor transition between old & new
- "50 % Rule" [LDC 126.07049(a)(5)] poorly written & abused
  - No definition for "wall" in LDC
  - DSD staff "draft interpretation" allows for entirely new buildings to be built without community review
  - Code Enforcement lax when abuses are reported
- Draft "Categorical Exclusion" criteria for CDP never approved by CCC
- Citywide .6 FAR, as currently interpreted, is too generous in older La Jolla neighborhoods with existing contexts, on smaller lots & on hillside lots with irregular topography
- Many features that add bulk and scale (carports, covered balconies & decks, day-lighted "basements," "dug-out" garages) do not count in FAR calculations
- 30 ft. height limit in coastal area enables 3 stories with flat roof
- Side yard setbacks are insufficient for light, air & privacy
- Excessive lot coverage reduces landscaping
- Economics & onerous city processes incentivize larger houses
- Administrative loopholes have provided speculative developers with business model that speeds processing and avoids community review

**3. Potential Solutions Research**

- City of Los Angeles (Sharon)
- Other cities: Coronado, Solana Beach, Del Mar, Encinitas, Laguna Beach, Beverly Hills, Arcadia, Pasadena, Monterey, Ventura, Santa Barbara (Angeles)
- City of Pasadena (Eric)
- City of Coronado (FAR research on Del Mar, Encinitas, Redondo Beach, Manhattan Beach, Malibu, Pismo Beach, Carpenteria, Monterey, Pacific Grove, Santa Cruz and Tiburon) (Diane)
- FAR Bulk & Scale Scenarios (Angeles & Eric)
- La Jolla neighborhood analysis (Diane)

Presentations and supporting documentation from the Ad Hoc Committee meetings can be found in the Ad Hoc committee binder.



# FAR of Comparable Cities

City/Lot size	Category 0 Lot size Less than 3500 SF	Category 1 Lot size 3500-3600 SF	Category 2 Lot size 3601 SF-5700 SF	Category 3 Lot size 5701 SF-7100 SF	Category 4 Lot size 7101 SF-10000 SF	Category 5 Lot size Over 10000 SF
La Jolla	.70-.65 <sup>(1)</sup>	.65 <sup>(1)</sup>	.65-.59 <sup>(1)</sup>	.59-.57 <sup>(1)</sup>	.57-.55 <sup>(1)</sup>	.54-.50 <sup>(1)</sup>
Del Mar <sup>(2)</sup>	1.00-.57 <sup>(1)</sup>	.57-.56 <sup>(1)</sup>	.56-.35 <sup>(1)</sup>	.35-.30 <sup>(1)</sup>	.30	.25
Encinitas	.50	.50	.50-.60 <sup>(1)</sup>	.60	.60	.60
Redondo Beach	.65-.80 (bonus pts)	.65-.80 (bonus pts)	.65-.80 (bonus pts)	.65-.80 (bonus pts)	.65-.80 (bonus pts)	.65-.80 (bonus pts)
Manhattan Beach	.70	.70	.70-.69 <sup>(1)</sup>	.69-.68 <sup>(1)</sup>	.68-.67 <sup>(1)</sup>	.67
Malibu <sup>(3)</sup>	.94-.54 <sup>(1)</sup>	.54-.52 <sup>(1)</sup>	.52-.35 <sup>(1)</sup>	.35-.31 <sup>(1)</sup>	.31-.28 <sup>(1)</sup>	.28-.24 <sup>(1)</sup>
Pismo Beach	.65	.65	.65	.65	.65	.65
Carpenteria	.40	.40	.40	.40	.40	.40
Monterey	.50	.50	.50	.50-.42 <sup>(1)</sup>	.42-.40 <sup>(1)</sup>	.40-.35 <sup>(1)</sup>
Pacific Grove	.80-.67 <sup>(1)</sup>	.67-.68 <sup>(1)</sup>	.67-.54 <sup>(1)</sup>	.54-.46 <sup>(1)</sup>	.46-.39 <sup>(1)</sup>	.38-.31 <sup>(1)</sup>
Santa Cruz	.56	.56	.56-.54 <sup>(1)</sup>	.54-.53 <sup>(1)</sup>	.53-.52 <sup>(1)</sup>	.52
Tiburon	.52	.52	.52-.45 <sup>(1)</sup>	.45	.45-.36 <sup>(1)</sup>	.36-.27 <sup>(1)</sup>
Median Min.	.60	.56	.50	.46	.45	.37
Median Max.	.68	.57	.56	.54	.50	.40

(1) Allowable F.A.R. varies with lot size: the larger the lot, the lower the FAR. The range shown is for minimum lot size to maximum lot size for each Category. (Min. lot size in Cat 0 assumed to be 2000 SF, max. lot size in Cat. 5 assumed to be 15,000 SF for purposes of calculations)  
 (2) For cities that exempt all or part of the garage from their FAR calc, the FAR shown in the table is what the FAR would be if the exempted area was included in the FAR calculation.  
 (3) FAR values shown are based on the actual allowable structure size divided by the min. and max. lot sizes. These cities have a minimum dwelling size that overrides their FAR limitations for the smaller lot sizes.

## CITY OF CORONADO RESIDENTIAL STANDARDS IMPROVEMENT PROJECT

**This table will be updated with FAR from additional cities (we have about 20) & pre-1950 neighborhoods of La Jolla**

### 4. Recommendations to LJCPA and Planning Commission on 10<sup>th</sup> Update to the Land Development Code

In October, the city included language for Categorical Exemptions in the Coastal Zone in its 10th Land Development Code update. This issue was discussed at the Technical Advisory Committee (TAC) on its October 14 agenda. Comprised of building industry professionals, and as advisors to the mayor, the TAC instructed city staff to retain the "50% rule." Thus the 10th LDC Update contains language for new CE exemptions in addition to the "50% rule" exemption. If codified, this approach would result in more exemptions from a Coastal Development Permit. In bypassing community review, the development issues already observed in the coastal areas would increase.

The SFRZ Ad-Hoc Committee was told by city staff that it could not comment on the 50% Rule and that the 10<sup>th</sup> Update language could not be modified to include it, as it was not identified as an "Issue" flagged for discussion. As a result, the SFRZ Ad-Hoc Committee sent the following motion to the LJCPA for action at its January 7, 2016 meeting:

The Single Family Residential Zoning Ad-Hoc Subcommittee recommends to the La Jolla Community Planning Association that it ask the City of San Diego to immediately suspend processing Agenda Item #9 of the 10<sup>th</sup> Update to the Land Development Code. A year's suspension will enable the community of La Jolla to craft tailored criteria for a Coastal Residential Development Overlay Zone with ministerial processing for single-family residences. The adoption of this overlay zone will replace the Coastal Development Permit process for those projects that comply with the criteria of the zone, enabling regulatory relief from the existing costly and time consuming discretionary processes while more effectively implementing the La Jolla Community and Coastal Development Plan.

**Motion:** (Lindebak, 2nd: Ragsdale); **Vote:** (4-0-0 Lindebak, Leira, Kane, Ragsdale).

In regard to the Tenth Update of the Land Development Code, Issue # 9, the following Motion was made by the La Jolla Community Planning Association Trustees during the Regular Meeting of January 7, 2016:

The La Jolla Community Planning Association asks the City of San Diego to suspend action on Issue #9 of the 10<sup>th</sup> Update to the Land Development Code for one year. A one-year suspension will enable the community of La Jolla, and other coastal communities, to craft tailored criteria for a Coastal Residential Development Overlay Zone with ministerial processing for single-family residences. The adoption of this overlay zone could replace the Coastal Development Permit process for those projects that comply with the criteria of the zone, enabling regulatory relief from the existing costly and time-consuming discretionary processes while more effectively implementing the La Jolla Community and Coastal Development Plan.  
This Motion carried, 11-3-1.

With testimony from both the LJCPA and the Ad-Hoc SFRZ, the Planning Commission voted 7-0 to pull Issue #9 from the LDC update at its January 28, 2016 meeting. At that meeting, city staff unexpectedly inserted language in the 50% rule that was very complicated, but supposedly addressed community concerns. The Planning Commission declined to endorse this hastily drafted language and instead, expressed support for the La Jolla community to continue its efforts in developing a Coastal Overlay Zone for Residential Development.

## **5. Draft Ad-Hoc Single Family Residential Zoning Committee Recommendations**

### **PROPOSED REVISIONS TO LDC FOR SINGLE FAMILY RESIDENCES IN COASTAL ZONE (LA JOLLA)**

#### **Sec. 126.0704 Exemptions from a Coastal Development Permit**

**PURPOSE:** These revisions are proposed to:

1. Implement the La Jolla Community & Coastal Plan in single-family residential areas where existing community character is established and residential remodels or rebuilding is expected to occur.
2. Provide for effective public noticing of development proposals
3. Enable a fair, predictable and cost-effective review process that balances private property rights with community concerns
4. Provide for administrative review of most development proposals
5. Allow for community review when development proposals exceed established thresholds for administrative review.

**PROCESS:** Establish an overlay zone for La Jolla so tailored LDC requirements can more closely align with the intent of the La Jolla Community Plan and Policies and implement its vision.

**Current language:** “The demolition or removal of 50% or more of the exterior walls of the existing structure. (LDC. Sec. 126.0704 (a)(5))

#### **Suggested language:**

**A. Minor Additions** (1000 sq. ft. or less), with following conditions:

1. Minor additions (1000 sq. ft. or less) with primary façade and 50% of adjoining secondary facade/s and their connecting roof remaining intact; (See LDC Sec. 113.0216 for definition of “façade.”)
2. Architectural style of addition is compatible with materials, massing and scale of existing structure and rhythm of street block frontage;
3. Second story addition to rear of structure does not exceed 24 ft. in height (80% of allowable height in coastal zone);
4. Roof slope of addition is consistent with slope of existing roof; (additional height to maximum of 30 ft. allowed to maintain stylistic consistency of architectural design.)
5. Setbacks meet or exceed allowable **or** average of neighborhood block (Alt. abutting properties).
6. Total parcel FAR, including new addition, does not exceed the maximum allowed by zone.

**B. Extensive remodel (more than 1000 sq. ft.): addition to primary façade; addition of second story or, entirely new construction.**

1. FAR not to exceed .4\* (this FAR may be lower for some neighborhoods or lots);
2. Setbacks meet or exceed allowable **or** average of neighborhood block (**Alt.** adjacent properties);
3. Height not to exceed 24 ft.;
5. Side wall windows in new addition do not align with windows of neighboring properties, or are small utility windows filled with translucent material;
6. Materials, massing, scale and placement of new construction is consistent with existing structures within block **or** 300 ft. radius, whichever is greater;
7. Mature healthy trees are preserved;
8. New landscaping and fencing in front yard setback and tree lawn follows street rhythms of neighboring block, and observes city tree palette;
8. Existing public views, where noted in community plan, are preserved or strengthened by vegetation removal in setbacks.

**\*Additional FAR** bonus points, to a maximum of .6, and/or additional height to maximum 27 ft., may be gained by adding the following features to the project: (point system for following TBD)

- a. Building mass broken up with I, H, L or U shaped floor plans;
- b. Second story offset from first story by minimum of 15 ft. on primary façade;
- c. Second story offset from first story by minimum of 8 ft. on one or more secondary façades;
- d. Exterior walls offset from side yard setback by a minimum of 4 ft. for cumulative linear distance of at least 20 ft.;
- f. Pitched roof with slope and surface materials appropriate for neighborhood's architectural style; (provide applicant a table of standard roof slopes used with common architectural styles to detail on plans.)
- e. Roof articulated with dormers\*, gables, or cross gables that use slope, design and proportions appropriate for architectural style; \*Individual dormers no wider than 4 ft. and separated from one another by at least 8 ft.
- g. 30% of front façade articulated with projecting bay, recessed covered balcony or loggia, or projecting uncovered balcony;
- h. Overall design reflects contemporary interpretation of traditional architectural style found in neighborhood; (Applicant submits survey of streetscape w/in 300 ft. of project or block, whichever is greater.)

- i. Garage wall with entry door set back from front façade by minimum of 15 ft.;
- j. Garage door turned 90% from street or accessed from property rear;
- k. Garage door otherwise integrated into architectural design to minimize prominence; (Strategies include: use of overhead trellis or free-standing pergola; garage door with windows, small scale patterns, or 3-D relief; door mass minimized by staggered or separated openings.)
- l. Driveway paved with decorative blocks or uses other hardscape aesthetic treatment involving texture, color or pattern consistent with architectural style and neighborhood;
- m. Driveway hardscape minimized by 40% with vegetation or turf block;
- n. Distant views recognized in community plan enhanced with more generous setbacks (min. 5 ft. from current setback) accommodated by new project design and/or removal of existing structure;
- o. 50% of private distant views (coastal, canyon or hillside) across property preserved.
- p. Sidewalk, parkway and street trees are preserved and enhanced.
- q. Development results in a LEED Silver Certified house.
- r. Installation of a 2,000 gallon minimum underground catchment and storage system of surface run-off water.

**FAR shall be subtracted** for the following project features:

- a. Using standardized plans;
- b. Repeating architect-prepared plans in the same block;
- b. Featuring an underground living area that is exposed to daylight on any side, including ceiling;
- c. Using an underground garage, living or storage space that extends beyond the footprint of the above-ground structure;
- d. Building underground elements (garages, storage, living quarters) above natural grade;

C. Projects not adhering to above criteria must apply for Coastal Development Permits and are subject to community review.



## **ADDITIONAL CODE REVISIONS**

### **LDC Chapter 11, Article 3, Division 1: Definitions. Sec. 113.0103**

**Wall:** There is no definition of “wall” in the “Definitions” portion of the LDC. Sec. 113.0103. The definition of “exterior wall” used by DSD staff to implement the “50% Rule” needs to be changed from that of a “frame” to a standard English definition of “wall.” (eg. “An upright feature that serves to enclose, support or subdivide a building, usually presenting a more or less continuous surface except where penetrated by openings such as doors and windows.” *American Architecture: An Illustrated Encyclopedia*, Cyril M. Harris, W.W. Norton & Co., NY, 1998). This would include foundations, exterior cladding, windows and doors (eg. any feature or material that is visible on the exterior of the building.)

### **LDC Chapter 11, Article 3: Land Development Procedures, Division 2: Rules for Calculating Measurement**

#### **Sec. 113.0234 Calculating Gross Floor Area Ratio:**

This calculation needs to include all exterior features that add perceived bulk and scale to buildings, as well as all interior spaces, whether they are habitable or not. This includes carports, attics, closets, storage space, stairwells, covered porches and balconies, basements higher than 5 ft. floor-to-ceiling, and “phantom floors” created by ceilings over 12 ft. in height.

### **LDC Chapter 11, Article 2, Division 3, Sec. 112.0301: Noticing**

#### **Types of Notice (a)(2):**

“The applicant shall post the Notice of Application on the property that is the subject of the application in accordance with Sec. 112.0304.”

To facilitate neighborhood noticing, especially for projects that are administratively approved, the City needs to supply standardized “project noticing” signs to applicants that are large, durable, and easy to read from the sidewalk or street ROW. Cost of sign included in processing fees collected at permit counter. Fees can be prorated to applicant upon return of sign to the City in good condition.

After the sign is posted, there should be a 30-day period for neighbors, the CPA or other interested parties to review the project plans and provide comment to DSD staff prior to approval.

## **Next Steps**

1. Complete community review of incentives and disincentives; add, modify or delete items on list.
2. Assign numerical values to finalized list of incentives and disincentives.
3. Issue a draft proposal for field testing by architects, builders and community members to critique numerical values and identify positive and negative outcomes.
4. Hold community charette to present, discuss and modify findings, as necessary to achieve consensus.
5. Meet with city staff, other involved agencies and coastal communities to identify adjustments to draft proposal.
6. Finalize proposal and submit to city for review and action.

## **Recommendation**

The Ad Hoc Committee recommends to the City the following change to the San Diego Municipal Code (SDMC): develop and implement tailored criteria for a Coastal Residential Development Overlay Zone with ministerial processing for single-family residences.

There are several identified scenarios for completing this task:

1. Retain current RSFZ Committee as currently constituted and allow it to continue to lead this effort to completion;
2. Reformulate the RSFZ Committee with new or additional members;
3. Turn the task over to the Development Permit Review Committee;
4. Form a joint committee with the La Jolla Town Council to continue the process;
5. Form a new committee or community collaborative independent of any established group to continue the process.

Considerations for ultimate project success should include the involvement of interested groups in La Jolla Shores and other coastal communities. Positive reception from city staff, appointed and elected officials will be enhanced with strong evidence of wide community support.