

**LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE**  
**LA JOLLA COMMUNITY PLANNING ASSOCIATION**

**COMMITTEE REPORT**  
**FOR**  
**July 2012**

**7/10/2012 Present:** Benton (Chair), Collins, Costello, Grunow, Liera, Merten, Thorsen

**7/17/2012 Present:** Benton (Chair), Collins, Costello, Kane, Merten, Thorsen, Welsh

**2. NON-AGENDA PUBLIC COMMENT 7/10/12**

**Merten:** talked about the permits which are approved by the SD City, not reviewed by us, having Muni Code violations. Asked that we conduct a formal discussion in the future. This is outside the present charge of a planning group, but the issue of violations requires a venue. Then ask the LJCPA and Town Council to look into violations. Do we wish to engage in the matter of Code violations? I.E., this would include ongoing violations in constructions at 1223 Muirlands?

**Mike Flood:** Are you referring to violations in place or proposed? *Both*

**Anne Marie Butler:** other examples too, can we add some addresses to be looked at? *Note on the sign-in sheet you want to be updated by email.*

**3. COMMITTEE ACTION 7/17/12**

**Chairman Benton** announced that **Mr. Mathew A. Welsh** has been appointed by the LJ Town Council to be one of their representatives on LJDPR. Mr. Welsh served on this Committee in 1992. His career has been in design work in LJ and historic work. In that he attended more than the required three meetings this year, the Committee believed Mr. Welsh should be seated and given voting privileges immediately.

**SUBCOMMITTEE MOTION:**

**(Thorsen/Costello 6-0-0)** Motion to seat Mr. Welsh and allow him voting privileges.

**In Favor:** Benton, Collins, Costello, Kane, Merten, Thorsen

**Oppose:** 0

**Abstain:** 0

**MOTION PASSES**

**4. PRELIMINARY REVIEW 7/10/12 + FINAL REVIEW 7/17/12**

Project Name: **BIRD ROCK MIXED USE**

Project #:	5702 La Jolla Boulevard	Permits:	CDP
	PO# 259362	DPM:	Morris Dye 619-446-5201
			mdye@sandiego.gov
Zone:	PDO Zone 4	Applicant:	Grace Davila 619-405-0041
Scope of Work:			CA Marengo 858-459-3769

(Process 3) Coastal Development Permit to construct 10 residential for-rent units and 7,726 SF of commercial space on a vacant 0.37 acre site at 5702 La Jolla Boulevard in Zone 4 of La Jolla Planned District within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking, Transit Area.

**APPLICANT PRESENTATION 7/10/12 (CA Marengo):**

The site is the old gas station located LJ Blvd and Bird Rock Ave. Two story project, a motor court slightly depressed below ground level for tandem residential and tandem commercial parking, alley parking entry, photovoltaic panels on roof. Approved by LJPDO on Monday, 10 July 2012. PDO requests now included in plan: some buffer planting on the balconies integrated into railing wall, planting by driveway (Grasscrete),

gates at parking entrances, light shields, bike and motorcycle parking, Retail is 5,500 sq ft, 15,172 sq ft, landscaping 25% required 3,796 sq ft. Only two bedroom and single bedroom units. Fold-down access ladders to storage spaces.

#### **DISCUSSION 7/10/12:**

**Collins:** How many commercial entry doors are there? *Five.* How many parking spaces? *There are eight commercial parking spaces, all tandem, the City agreed that tandem is OK for employee parking.* (The following information added to this report after the meeting: Per sheet A-1.1 dated 2-28-12, there are 6 required parking spots for commercial, 18 required for residential, and one required ADA. Total of 25 parking spots.)

**Liera:** Parking is supposed to be accessed from the alley. *Yes, it is as per PDO.* I would like to see how this project fits with the surrounding buildings and the Neighborhood.

**Thorsen:** Are the parking spaces dedicated and numbered? *Yes.* Cycles Issues says that tandem parking is not acceptable for commercial parking. *We disagree (using it for employees).*

**Merten:** Looking at the LJPDO and the LDC can't see commercial tandem parking is permitted. *City is OK with it since it is for employees as opposed to patrons. Examples: Bird Rock Surf, Cam del la Costa (Dana's) How do you address customer parking, we don't, just getting employees off the street is all needed.*

**Thorsen:** What about the bank? *We changed our mind about a bank since Chase was approved up the street.*

**Troy Cockrell:** Will this parking be mandated / mandatory for employees? Can it be enforced? *Yes. Otherwise it could be a Code Compliance issue.*

**George Ashley:** what is the height of the solar panels? *goes above roof level, up lift of 12 – 18 inches, and hidden by plants.*

**Greg Winford:** will be adding parking demand on LJ Blvd and side streets. *BR Traffic Plan increased parking.*

**Darcy Ashley:** thanks for having a 2 story project. Are there any compact size car parking spaces? *No, they are all 9x18 ft.* How many parking spaces are served by each garage door? *Four tandem spaces per garage door.*

**George Ashley:** What will the alley setback be? *You will get another 2'6", and in between openings maybe 5 ft.*

**Benton:** What is the siding? *Hardie shake and trim board. And river rock, charcoal roof.*

**Costello:** BRCC Pres. Joe Parker asked me to be their delegate, presented an email. The BRCC would like you to present these project at one of our meetings. *We don't have the budget, people can come to the DPR and CPA meetings.* Still, there is so much history and community interest in this project, the local group would like you to bring this to them.

**Costello:** what are the alley dimensions and turn around? *17.6 ft and 23ft 3 1/2in back up.* (Per sheet A-1.1 dated 2/28/2012: back up length is 20' - 3 1/2")

**Troy Cockrill:** How long will it be before construction? *At least 6 months before digging up dirt.*

**Darcy Ashley:** Can we have a copy of the plans for the BRCC? *No, we could lose control of changes and updates.*

#### **Provided for FINAL REVIEW 7/17/12:**

*Applicant response in italics*

1. Continue contact with neighbors. *N/A*
2. Please present plans to the BRCC. *No, doesn't have budget to go to BRCC.*
3. Please provide a street scene of buildings to the North along LJ Blvd and across Bird Rock Ave. *Done.*
4. Please switch Golden Medallions for Jacaranda. *Yes, but asks BRCC to deal with City staff on street tree issue.*
5. Please show landscaping highlighted in color. *Done, Landscaping illustrated in green, 25.8%. Landscape on roof to screen solar panels. Planter boxes on balconies.*

6. Please provide some architectural treatment for the North wall(s) facing the LJ Promenade Building and parking entry. Place some motif on the wall, or? (*can't make more openings as per Fire Code, 25% open fenestrations used for parking openings, so can't have open windows on North side*) *Will place nice stone treatment as in front facade. Will look like windows with closed shutters.*

7. Please provide documentation that tandem commercial parking is permitted by 1) the LJ PDO and 2) by the SD Muni Code. *With an NUP tandem commercial parking could be permitted, we can apply for an NUP anytime in this process (by Muini Code, Chris Larsen) LJPDO?*

8. Please bring documentation as to the appropriate alley width requirements, and parking backup distance that applies (90 degrees? or for alley). **Need 21 ft for alley back up from parking spaces, measured from gate to the other side of alley (not ROW).**

**DISCUSSION 7/17/12: Applicant response in italics**

**Thorsen:** What about the LJ PDO and tandem parking for commercial? LJPDO says residential, small lots, and minor rehabilitation projects. Don't mention commercial. *We can use a NUP by Muni Code.* But PDO supersedes Muni Code.

*Qualifies as underground parking for FAR*

**Merten:** what is FAR? *1.3 allowed*, does it include the parking area *No*

**Darcy Ashley:** what is building height at the alley? *28 ft* What about commercial loading zone? *loading will be in the back, park in alley, with a call button.*

**George Ashley:** Alley is only one car at a time, in a two way alley. Alley is 14.5 ft, how do you get 21 ft? *from the building on the other side to the beginning of the parking space.* What about parking for customers, not enough parking already. *Trying to get people to walk "Walkable Community".*

**Benton:** Do you have parking dedicated to retail? *6 spaces for employees*

**Costello:** exactly how many residential parking spaces? *20 residential, option for one ADA residential, 6 retail including 1 ADA*

**Kane:** How many residential parcels access that alley? *10 or 12 houses.*

**Merten:** FAR question, is the area below grade, and storage area required to be in FAR calculation? *No, storage area is less than 5 ft.* This (FAR- floor or not) is still not clear to me. On parking, you are asking for a NUP for parking, LJPDO says tandem parking allowed for residential uses, not commercial. The LJPDO is part of the Land Dev. Code, one of the findings for an NUP is that the project be in compliance with the LDC. It is difficult to make a finding for the NUP since what you are proposing is counter to the PDO, LDC.

**Marengo:** *you had tandem commercial parking presented before.* **Merten:** I don't recall that. **Marengo:** *sure, the (unintelligible) project, the Jeff Elden project, the "pink building with the bridge" by Lupi's, and the project at Cam de la Costa have tandem parking.*

**Benton:** Mr Marengo, do you wish to have this Agenda Item continued until another day to bring additional information on the projects you just mentioned? *I don't know what additional information I would give you.* Tell us about the projects you just listed, or do you want us to go for a vote today? *Vote today.*

**Thorsen:** The other finding required for the NUP, the dev will not effect the applicable land use plan, and I think it will.

**Benton:** two issues: tandem parking for commercial, NUP related to that.

**Kane:** How many spaces will be in front of the building? *None, there is a bus stop.*

**Costello:** Is there a limit to the amount of tandem parking allowed for residential? It seems that having all tandem spaces will cause problems, as maybe half the drivers will park elsewhere. *No limit.*

**Thorsen:** Safety issue because of congested alley, because it was poorly constructed. *Most alleys are 15 ft, Fire Marshall is mandating that alleys be expanded to 20 ft as new projects are built.*

**Benton:** Chair will entertain a Motion.

**Welsh:** The plan seems to meet City Code, but is this a workable plan?

**Costello:** BRCC has been asking for you to bring this to Bird Rock beginning last Winter. There is so much history, I think you owe it to the Community. There are issues. Many people don't know why you are not doing excavation of the contaminated soil. *Asked that people attend other Com. Group meetings.*

**Chair:** Makes Motion that the Project be Approved. Fails for lack of a second. It sounds like we need more time. **Marengo:** needs vote for his client to move forward.

**SUBCOMMITTEE MOTION 7/17/12:**

**(Merten/Thorsen 5-0-2)** The Findings for a CDP and NUP, that the development complies with the applicable regulations of the Land Development Code, cannot be made because the LJPDO does not allow tandem parking for commercial uses.

**In Favor:** Collins, Costello, Kane, Merten, Thorsen

**Oppose:** 0

**Abstain:** Benton, Welsh

**MOTION PASSES**

**5. PRELIMINARY REVIEW 7/10/12**

Project Name: **TONG RESIDENCE EOT**

961 La Jolla Rancho Road	Permits:	EOT for CDP 139245 + SDP 141335
Project #: PO# 280468	DPM:	Mike Westlake 619-446-5220 mwestlake@sandiego.gov
Zone: RS-1-4	Applicant:	Albert Morone 760-294-7122

Scope of Work:

(Process 3) Extensions of Time for Coastal Development Permit 139245 and Site Development Permit 1413335 for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage on a 18,100 SF lot located in the RS-1-4 zone, at 961 La Jolla Rancho Road in the Coastal Zone (non-appealable), within the La Jolla Community Plan.

**APPLICANT PRESENTATION (Albert Morone):**

Project was previously approved by the SD City 19 June 2008. existing house 5,200 sq ft, planning 6,796 sq ft, allowed 8,326 sq ft. New owner doesn't want to change plan, just EOT. Discussed drawings.

**DISCUSSION 7/10/12:**

**Merten:** First reviewed in 2008 as Kelly residence, Merten represented the neighbors across the street. Presently, not representing anyone (ended in 2008) , and has no financial interest in the project. Therefore, no need to recuse. SD Plan. Commission. approved plan in 2008.

Findings for EOT is that if new conditions are required to bring into compliance with State law or local law, then findings can not be made. This project does not comply with the Com Plan or the Muni Code, therefore findings can't be made. **Benton:** Is this condition or circumstance new or does it pre-date June 2008?

**Merten:** Regardless of what the Plan. Com. did, the conditions need to be applied now. **Liera:** Has this project broken ground / been started? **No.** That makes a big difference.

**Issues:** 1) LJ Rancho Rd is a street in our Com Plan which has a coastal View Corridor, VC, 2) project's street trees will obstruct VC. 3) deck area is more than 3 ft above grade and projects into the VC, 4) overall structure height – (in order for structures to be measured independently they must be > 6 ft apart) pool and assorted and not so separated. The bottom of the pool to the top of the roof is greater than 30 ft. 5) Retaining walls in residential zones can't be > 12 ft (it is a structural wall supporting a swim pool, is ~19 ft) 6) retaining walls in side yard should not be > 6 ft., theirs exceed 6 ft. 7) House corner is in the VC.

**Thorsen:** PC approval was in error, requires a new SDP and CDP.

**Morone:** The SD City was satisfied that all issues were resolved.

**Thorsen:** Policy 117 for building permit, doesn't meet condition of being in the public interest.

**Mike Flood:** Representing La Jolla Corona Estates, Unit two. Interested neighbor involved in 2008.

Agrees with Phil Merten. Architectural Committee feels this does not meet restrictions of the subdivision; neighborhood height limit, plus VC. Architectural Committee opposes project, if approved, will sue, litigate.

**Collins:** It is easier to build a conforming project.

**Merten:** Pool and retaining walls (using retaining walls to hold both) should not be permitted on slopes as per steep hillside guidelines.

(7/17/12 Item will be continued in August.)

## 6. PRELIMINARY REVIEW 7/17/12

Project Name: **EC ENGLISH SCHOOL**

1010 Prospect Street

Permits: SDP & Conditional Use Permit

Project #: PO# 280323

DPM: Patrick Hooper 619-557-7992

phooper@sandiego.gov

Zone: PDO Zone 1A

Applicant: CA Marengo 858-459-3769

Scope of Work:

Brandon Smith 760-805-1730

(Process 3) Site Development Permit and Conditional Use Permit to amend 93-0685 to increase the number of students from 65 to 312 and number of employees from 10 to 36 for an English language vocational school in an existing building at 1010 Prospect Street in Zone 1A of the La Jolla Planned District within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact, Transit Area.

### APPLICANT PRESENTATION (CA Marengo):

Correct numbers, increase to 300 student, 25 teachers. There was confusion about location for CUP, not the Living Room Coffee House, but are really below and in back. Was an office, replacing with school use.

Described current and proposed locations. Area calc and parking spaces reviewed: 65 spaces plus 5 ADA required.

### DISCUSSION:

#### *Applicant response in italics*

**Welsh:** Going from office space to school decreases use and frees up parking spaces. *Yes, less intensification of use.*

**Collins:** the lower two floors are not functional for parking because of flooding. Elevators are not operating properly. *Those would be corrected before approved.*

**Kane:** Is the proper functioning a Code requirement by City, could enforcement be required? *It would be if this is part of a discretionary permit, it would be written into the permit. Then it would be enforceable.*

**Thorsen:** Is there any shared use parking? *No* What is sq ft? *12,061sq ft.* Does this need a traffic study? *No, we think the City, at first, thought we were building a school, not using existing buildings. So, we don't need a traffic study.*

**Collins:** Check on the ADA rules for these on level one? *Glad you mentioned it.*

**Dan Allen:** Where is the parking access? *The first floor is street level, the elevators are for the floors above.* **Collins:** *one elevator doesn't work, the other works half the time.*

**Benton:** there is an increase of 4.5 x the number of students.

**Collins:** the teachers will drive? *Yes, most students are expected to take the bus.* There will be a lot of students around there, lot of activity. How do the surrounding businesses feel about that?

**Costello:** What is the projected demographics, ages, of the student body? *High school and younger, some adults.*

**Kane:** What will the hours of class times be, evenings, split shifts, weekends? *I'll get that.*

**Thorsen:** What about the effect on neighboring businesses? Between classes students flood the surrounding area, can you tailor classes so as not to do that? *On property we have two big plazas, once we occupy will have another. It is not possible to say they will not congregate in other areas too.*

Applicant will return, 2<sup>nd</sup> Tuesday in Aug, after LJPDO review.

**Please provide for FINAL REVIEW:**

1. Demographics of student population
2. Can you create attractive areas that will attract students to congregate?
3. What are the hours of operations of school?
4. Status of elevator, its function, flooding in parking structure?
5. Will the parking be valet parking?

**7. PRELIMINARY REVIEW 7/17/12**

Project Name: **WU/ TSAI RESIDENCE**

9882 La Jolla Farms Road

Permits: CDP

Project #: PO# 260171

DPM: Tim Daly 619-446-5356  
tdaly@sandiego.gov

Zone: RS-1-2

Applicant: Janay Kruger 858-454-4326

Scope of Work:

(Process 3) Coastal Development Permit to demolish existing residence and construct a 10,759 SF single family residence and a 951 SF companion unit on a 2.37 acre site at 9882 La Jolla Farms Road in the RS-1-2 Zone within the La Jolla Community Plan, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Parking Impact, Residential Tandem parking.

**APPLICANT PRESENTATION** (Janay Kruger, Mark Singer, Tony Christensen, Clara Wu):

Project is sensitive to the site. Existing house is 10,383 sq ft, proposed 11,710 sq ft (house, guest house, garage). 2.37 acres, 52% open. FAR supports 33,000 sq ft, we are 1/3 that. The is house to look like it has always belonged there; natural materials, colors. New house is simple design with natural colors, non-reflective materials, 1.8 ft below height limit. Actually less massive than many surrounding homes. Salk Institute is to the North, Encore is South. Total of 11 easements. 15 ft wide View Corridor, VC, dedicated in perpetuity, seen from road and pedestrian walkway. Working with West neighbor on VC. Also drainage and surfer trail (Box Canyon) easements.

**DISCUSSION:** *Applicant response in italics*

**Kane:** I like the project, how does it relate to the surrounding houses, what is neighborhood context?

**Welsh:** What is driveway material? **Concrete, and not as wide as existing**

**Paul Metcalf:** This has not been seen by his client (Encore), it would be nice to see some elevations.

Don't see much problem, glad to see guest house moved back (guest house is in line where Encore's was). If Dr Wheeler's trees were removed the VC could actually be a reality. We ask that the fence at the surfer trail be moved back 4 ft like Encore did. What material for the fence? Would like to see more Landscape plan. Solar plans will be moved to the flat roof.

**Kruger:** Friday Wheeler didn't mention removing trees.

**Merten:** Would like you to address Paul Metcalf's concerns. Your fence is at the easement line, move the surfer trail back to give the same width as per Encore. Move the guest house out of VC easement, looks like roof projects into easement.

**Kane:** for the public walking down that trail it would be nice to have a unified treatment.

**Welsh:** we need a street view.

**Kane:** report back that you have talked to the neighbors.

**Please Provide for FINAL REVIEW:**

1. Surfer trail easement, move the fence back to give the same width as Encore.
2. Surfer trail easement, landscape treatment and treatment of fence.
3. Illustrate neighborhood context, simulation of street scene, showing both sides of property.
4. Report that the neighbors have been contacted (Encore and Wheelers).

**8. DPR POLICY ITEM 7/17/12**

A discussion and action item as to whether or not the DPR Committee recommends that the LJCPA take a formal position on projects where code violations affecting community and neighborhood character have occurred.

**DISCUSSION:**

- 1) Projects built may not always be what was approved.
- 2) Projects may have been built without ever applying for a permit.
- 3) City Staff may have approved items which are in violation of Code.

Community Groups are reluctant to be involved in addressing Code violations because this may be outside our mandate. There is currently no voice for the Community or expertise to deal with these problems. Could we do something more effective than just a neighbor in dealing with the City? Would we like to encourage the CPA to get involved in addressing Code violations?

**SUBCOMMITTEE MOTION:**

**(Kane/Collins 7-0-0)** The DPR Committee recommends that the LJCPA take a formal position on projects where code violations negatively affecting community and neighborhood character have occurred.

**In Favor:** Benton, Collins, Costello, Kane, Merten, Thorsen, Welsh

**Oppose:** 0

**Abstain:** 0

**MOTION PASSES**