

La Jolla Shores Permit Review Committee- Minutes

Tuesday May 24, 2011

Committee members in attendance: Helen Boyden (chair), Janie Emerson, Tim Lucas, Phil Merten, Michael Morton, Dale Naegle. **Absent:** Dolores Donovan, John Schenck

1. Non-Agenda Public Comment

Peggy Davis - Has issues concerning the Gatto Residence currently under construction at 8368 Paseo del Ocaso. She feels that what was approved by the committee is not what is being built. The wall along the north property line is way too tall and affects the quality of life for the next door neighbor. She should have sun and air enter her bedroom areas – but there is a 11’ wall right outside the window now. Code Compliance has been out to the site and says that this is according to plans. She does not think that what is being built is what was approved by the committee. On another matter, the setback survey that was provided to the committee at the time was highly inaccurate and the setbacks on this construction do not fit in with those in the neighborhood. She is asking the committee on what she should do.

Helen Boyden (chair): This is public comment and the committee can not respond.

Michael Morton – He has a photo of sunlight going to the bedroom at the property north of the Gatto site.

Phil Merten – Has looked at the project. Along the property side yard, the grades are being raised 6’ with 6’ retaining wall + 5’ fence. This is next to a residence with a 5’ setback. The retaining wall regulations for other areas of the city may or may not allow something like this. La Jolla Shores is covered by the LJS PDO. There is language in the PDO that covers situations like this indirectly, such as prohibiting construction that will “disrupt the architectural unity of the neighborhood...” We need to look at this language in the PDO and correct its vagueness, or we will continue to have issues such as these.

Helen Boyden (chair) – After the committee reviews items, plans work through the city and can be changed. The plans that went through the committee are not necessarily those that were finally approved by the city. The PRC is at the start of the process.

Michael Morton – The plans that are approved are being built. All six areas of the building have been surveyed by licensed surveyors and are accurate to the plans. All the floors, sides, fronts, etc. have been certified as conforming to the plans.

2. Chair Comments –

- To date we have no information on: Cto. Bello and City Rialto Drain and LJS electric Undergrounding district as to when they want to schedule.
- Hooshmand is in the process of resubmittal and will be heard after the cycle reviews are done
- Gaxiola will be heard at our June meeting.
- The LJCPA of May 5 was cancelled and was held Thursday, May 19th-approving Sewer/Water and AT&T on consent and approving Aron after a full de novo review.
- Palazzo project appeal to City Council will to be heard on June 28, the same day as LJSPRC
- No further word on Whale Watch Hearing.
- Whitney appeal at City Council on May 3, the appeal was upheld and an EIR will be required
- 7th Update to Land Development Code was heard May 19th. It will be heard at the Land Use and Development Committee, chaired by Sherri Lightner on Wednesday June 22 at 2 PM
- At meeting—there will be an informational meeting at the La Jolla Library Wednesday at 6 PM about the proposed storm water upgrade in the Avenida de la Playa area, with an outfall on the beach. This is different from the Sewer and Water Project above.

3. Project Review A-C

A. Trunkey Residence Site Repair – Return (Limited) Hearing

- PROJECT NUMBER: 216283
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 7595 Hillside Drive
- Project Manager Glenn Gargas: Ph: 619-446-5142; ggargas@sandiego.gov
- OWNERS REP: Dwight Weevie; 619-852-7150; dwight@solengineering.com

Project Description: Slope repair on environmentally sensitive lands. Site is currently outfitted with tarps for temporary erosion control. Structure modification is not currently planned. Project will include biological evaluation, protection of existing structure with micropiles prior to grading, grading, installation of shear pins, geogrid and riprap energy dissipater. There will be a comprehensive Revegetation/Restoration Planting plan featuring native plants.

Seeking: CDP and SDP for Environmentally Sensitive Lands

Previous Action: November 2010, see also minutes for comments

Motion: Morton; Second: Furtek

Findings can be made based solely by the grading plans presented to the committee.

Carried: 5-1-1; Approve: Furtek, Merten, Morrison, Morton, Schenck; Oppose: Lucas; Abstain: Boyden.

Motion: Merten; Second: Morton

Noting to the CPA that the motion was based only on the grading plans due to the urgency of the situation and ask the CPA to write a letter urging that work on the shear pins and micropiles begin immediately to protect the slope over the winter.

Carried 6-0-1; Approve: Furtek, Lucas, Merten, Morrison, Morton, Schenck; Oppose: 0; Abstain: Boyden, Chair.

Presented by Dwight Weevie

They have made the first submittal of the landscape plans to the city. The comments they got back from city were concerned with sensitive hillside areas. The biological assessment report from Recon showed that there were no sensitive biological issues. The designs of the micropiles and shear pins were changed. The slide area is being rebuilt from the base upward. The planting will consider the brush management and native species aspects.

The landscape plan will be adjusted within the next 2 weeks. These will be dictated by the brush management zones and the native habitat depending on what is decided after the city review.

Public comment

Richard Brehm, Colony Hills resident: Has seen no action for several years and wants to know that the schedule is? *Response: This project has been in process for many years. The grading plan will be re-submitted with the micropile and shear pin design within the next 2 weeks. There are no issues at City with the proposed grading and drainage submittals.*

Q: Why was this delayed? R: *They requested emergency permits from the city, but even with the letter in support from this committee via the CPA last year, the City did not grant the emergency permit. Today's action will address a finding for a SDP and CDP for environmentally sensitive lands. The grading issue was passed previously.*

Committee Discussion

Naegle: Can't understand why it has taken such a long time. When did the issue start? *Response: Failure after rains in 2005 and failure of water main break in 2007 on east side of the property.*

Why has it still dragged on – is there great opposition to this R: *No. There was a lawsuit and other issues that were settled 2 years ago.*

Emerson: Concerned about irrigation and drainage. The checklist does not show that these have been checked off.
Response: this was an oversight by the city reviewer. I spoke with him about this and it should have been checked off.

Motion: Naegle, second: Merten

Findings can be made for a SDP. Findings can also be made for a CDP.

Motion passed: 5-0-1; Approve: Lucas, Emerson, Merten, Morton, Naegle; abstain: Boyden (chair)

B. Nooren Residence – Third review (First for this version)

- PROJECT NUMBER: 226965
- TYPE OF STRUCTURE: Existing Single family residential in Multi Family One (MF1) zone
- LOCATION: 8001 Calle de la Plata
- PLANNER: Jeffrey A. Peterson; 619-446-5237; JAPeterson@sandiego.gov
- OWNERS REP: Michael Rollins; Cell 619-993-6003; Michael@rollinscc.com

Project description: Demolish an existing single family residence and construct a 3,700 square foot, two-story single family residence over a 635 square foot garage on a 0.10 acre site. The proposed project will conform to the Council Policy 900-14 criteria by generating 50% or more of the projected total energy consumption on site through renewable energy resources (i.e. photovoltaic). Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Coastal and Beach Impact Areas of the Parking Impact Overlay Zone, Residential Tandem Parking Overlay Zone, Transit Area Overlay Zone. [City] Note: Applicant's attorney states that a completely new home design will be presented including: change in architecture, height reduction, lower FAR, compliance with all aspects of the LJSPDO including the dimensional view to the ocean provision. [Applicant]

Seeking: Site Development Permit (SDP) and Coastal Development Permit (CDP)

Previous Action, March 22, 2011- See minutes for additional comments

Motion: Merten Second: Schenck

Continue item to a future meeting. The Applicant is requested to return with:

- Side elevations that show the proposed development in relationship to the adjacent neighbors (a massing study)
- The structure should be located on the site so that the major axis of the structure will generally be at right angle to the shore line. The secondary or minor axis of the structure shall not exceed 60 percent of the width of the parcel, and no building facade should be a continuous plane over 50 feet in length. [SDMC1510.0306 (b) (3)]
- Exterior walls of the existing structures on adjacent properties should be shown on site plan drawing.
- Address second floor walls adjacent to neighbors – step back the second story or create off-setting planes to provide visual relief according to the Community Character Plan Recommendations of the Residential Element of the LJCP.

Motion carries: 5-0-1

Previous Action, April 26, 2011, please see minutes for comments.

Motion: Morton; Second: Merten

To continue the project and provide documentation to show:

- How landscaping conforms to 30% greenscape rule

- How front conforms to the visibility triangle requirement
- How high the city engineering considers the visibility triangle goes.
- How does this project conform to the LJS PDO section 1510.0306 (b) (3)
- Materials board
- Transitions and step backs
- Style issue with the rest of the neighborhood.
- Streetscape to the west and south across both streets
- 300' photo survey

Motion carries: 5-0-1

Approve: Lucas, Merten, Morton, Naegle, Schenck; Abstain: Boyden (chair)

Presented by Matt Peterson, Attorney for the owner

A renderings and compliance chart was handed to the committee.

After receiving input from the community, they have revised both the architecture and the size of the home.

The compliance chart shows the FAR changed from .88 to .60

The lot coverage has been reduced to 31%, and the landscaping increased to .30. The highest point of building has been lowered one foot to 28'10"

Setbacks Front Yard= 15', Side Yard=5' (second floor 8'6"), Rear Yard= varies 6'4" to 9'10"

Parking remains the same: 2 off street + 2 driveway.

He presented:

- New renderings of the four elevations
- Materials Board – tile and stucco
- Adjacent and nearby corners photo survey

David Keitel architect:

They had a long talk with the owner after last months LJS PRC meeting. As a result, the house size and style were changed significantly.

- Reduced the house size from 3350 sq ft to 2725 sq ft.
- Garage 656 sq ft
- Setbacks increased at ground level,
- Stepped back the second floor
- The photovoltaic cells on the roof are hidden
- Lowered the garage 2 feet, reduced height to 8.6 in bedrooms in order to lower the garage
- Landscaping is now 30% softscape. There are parkways around the house that also add to the greenery feel.
- North elevations show offsetting planes and the height has dropped from 29'10" to 26'6" on that side.
- Tallest elements are the chimneys.

They have not redone the landscape plans yet, but the plantings will be similar.

Community Input

Joseph Romero – UCSD Building Commission on Sustainability: LEEDS construction. May is Historic Preservation Month. It is commendable that they are building a LEEDS compliant green home. This is not easy to do and incurs extra costs. What will be done with the structure presently on the site? *Response: This is a teardown. The house will be deconstructed and recycled as much as possible.*

John Armstrong – neighbor. How deep is the house foundation? *R: Will be 2 feet deeper than current slab. 7' below grade at rear.*

Q: How does this fit on the original footprint. *R: don't know, haven't drawn that on the plans.*

JA: concerned that this will still shade his house despite the 1' lower height from previous plan.

Peggy Davis - The greenery at the Beach and Tennis Club across the street is so lovely. What will the 30% landscaping consist of? *Response: They will have some palm trees and bushes. Showed similar landscape plan used in previous design.* Q: Bricks? *Response: This is a low water usage design. There will be rock mulch, brush, drought resistant grass etc.*

John Armstrong Jr: Displayed Google photos stitched together of how the current house fits in context of the neighborhood. The properties have a single story look on the corners. There is presently a "mountain" feel (up and down) rather than the "canyon" feel (tall and long) that will be there if this corner lot goes 2-stories. Feels that the "canyon" feel doesn't fit the community.

Louis Beacham – local LEED home builder-Architect should be congratulated for pursuing a LEED sustainable building. The existing structure is a 2 unit building – one unit is a rental. Thinks that this single family proposal is a de-intensification of the use.

An unidentified community member called out that the current garage is a bootleg, without a permit.

Committee Discussion

Morton: This is zoned MF1 – so there could be 2 units on this lot.

Merten: Commends owner for being willing to make significant changes. He is reluctant to hold a vote, because the committee doesn't have the actual specifics for the new design and the plans still need to go to the city.

PM: East elevation height? *Response: The East elevation vertical height is 26' 6".*

PM: Pointed out that the view triangles drawn on plan are placed incorrectly.

PM: The building seems to comply with the 60% measurement/house orientation required by the LJSPDO

PM: Historical analysis: Does the historical analysis address the issues such as that this is one of the earliest projects in the area? (Boyden provided him the report from the Historical Resource Board). Chair: This is not within the purview of the committee. *Response: The HRB did not make the findings that the house was historical. The issue is beyond the purview of the PRC committee.*

Motion: Merten; second: Emerson

To continue review of the project until the full submittal package has been submitted to the city. This will include site sections.

Discussion of motion:

Naegle – supports the motion. This is a delicate situation for the neighbors and community and needs to be done right.

Motion carries 5-0-1. Approve: Emerson, Merten, Morton Naegle, Lucas; abstain: Boyden

After the vote, Matt Peterson requested comments from the committee regarding the new design:

Lucas: This is clearly a much better design than the modern style that was previously presented. Since the HRB has decided that the current structure is not a historical building, it is clear that this will be demolished and a new structure built. The new design fits in much better with the community. His design complies with the 60% house orientation rule in the LJS PDO, so that is no longer an issue.

Emerson: Thinks this new design is going in a better direction.

C. Wells/Tyler Residence – Second review

PROJECT NUMBER: 233074

TYPE OF STRUCTURE: Single family residence

LOCATION: 8217 Paseo del Ocaso

PLANNER: Glenn Gargas; 619-446-5142; ggargas@sandiego.gov

OWNERS REP: Jackson Design and Remodeling; john@jacksondesignandremodeling.com

Project description: Demolish an existing SFR and construct 2532sf one-story home plus garage. Coastal Overlay (Non-Appealable), Coastal Height, Parking Impact, Residential Tandem Parking Zones.

Seeking: Site Development Permit (SDP) and Coastal Development Permit (CDP)

Previous Action: April 26, 2011 see also minutes for comments

Motion: Lucas; second: Merten

To continue to next time.

Provide materials to address:

- 300' neighborhood survey
- Address front fence 50% above 3' visibility issue
- Landscaping plan
- Driveway 20' requirement from the city
- Benefits of single story and 6' setback vs. larger setback and possible 2-story development.
- Photos of houses with similar roof styles in the immediate neighborhood.
- Opaque glass for the garage door – how translucent and will it be and will garage lights at night be an issue for the neighbors.

Motion carries: 4-0-1

Approve: Lucas, Merten, Naegle, Schenck; Abstain: Boyden (chair)

(Morton had to leave midway through presentation and was not present for motion)

Presented by Jim Groen, Jackson Design and Remodeling.

A materials board was shown to the committee.

The neighborhood survey was emailed to the committee by the Chair last Thursday. Larger versions were presented.

Responses to previous committee concerns:

- 20' driveway concerns - City engineer worked on a solution. Counting wall thickness and with garage door inset plus another 9" from property line the driveway is now considered 20' long. The driveway apron is 18'. Driveway is 18' wide.
- 50% visibility for fence above 3'. The fence is re-designed in the same style, but now is more open at the upper section to meet the requirement.
- The hedge on south side edge of driveway has been cut back for visibility. The area has been planted with lower landscaping to improve visibility for cars exiting the driveway.
- The original proposed hardscape courtyard has been converted to a garden area (400 sq ft). There is now 1912 sq ft of total landscape.
- Garage door glass panels and concerns with lights: They talked with the manufacturer and have a sample of the glass (shown on the materials board). The door panels will remain opaque glass. There are no neighbors across the way that has windows that will be directly affected by any light from the garage. They like the aesthetic of the opaque glass. There are other examples in the neighborhood of similar garage doors.
- Photos of homes with flat roofs were presented. There are a variety of roofs in the immediate neighborhood

including flat roofs similar to this. This has a parapet roof. The sloped part of the roof is gray to match building.

- Neighborhood set back survey to address the reduced rear setback: The proposed rear setback is 6' 4". There are other houses in neighborhood with similar setbacks and pinch points. The profile and massing of the home is considerably improved over the (oversized) 2-story houses in the neighborhood, and this is very desirable. A single story design is only feasible with a smaller rear setback.
- Read letter from one of the neighbors at the rear that likes the design. Their only concern is that the rear could be remodeled later into a 2-story design that would encroach on privacy. A letter from the neighbor at north that liked the plan and did not have any privacy issues.
- Rear elevation was presented. Minimal windows, so no encroachment on privacy to the neighbors. The palm tree in the backyard corner is to remain.

Morton: Setbacks? Response: Front setback 18'9", side yards 4', rear 6'4"

North side is one long plane. Can that be addressed? This is an aesthetic issue. *R: the property line wall hides most of the building. Only the top 2' is visible. Should not be an issue to neighbors. It is hard to make any indentations in the building as it would adversely affect the room design.*

Merten: How high is wall on north elevation? *R: it varies ... went through the points on the plan with Merten.*

Naegle: Delighted to see a 1-story building. You could puff out the frames around the windows to add some articulation to the north wall, but that is really silly and isn't needed. You talked with the neighbors, read the design manual, and did a good job.

Motion: Naegle Second: Emerson

The findings can be made for a SDP and a CDP. Because this is a single story residence the rear setback is acceptable.

Motion passed: 4-1-1. Approve: Emerson, Lucas, Naegle, Boyden; oppose: Merten; abstain: Morton.

4. Item 33 of the proposed 7th Update to the Land Development Code

This matter was heard by both the LJCPA and the Planning Commission on May 19th. It will be heard by the Land Use and Housing Committee chaired by Sherri Lightner on June 22, prior to being heard by the City Council. Item 33 changes the treatment of Separately Regulated Uses in the La Jolla Shores PDO. The LJCPA discussed the matter and varying points of view at length, including the previous LJCPA recommendation on the matter which was not incorporated into the draft reviewed by the Planning Commission. The LJCPA trustees did not appear to object to the City's language, but did not take action. The LJCPA President referred the matter back to the LJS PRC.

Discussion:

A discussion was held with the committee and the remaining public including Joe LaCava and Cindy Thorsen. Issues such as child care facilities in residential areas and how the changes being proposed would affect special uses were reviewed. Morton made the point that currently churches and religious facilities are allowed by right in the neighborhoods and under the present code can operate many of these uses without a Conditional Use Permits or community review. He thought that the regulations being proposed would require a CUP for special uses, and thus allow for community review, which would be beneficial.

Other members of the committee were concerned that the proposed changes to the LDC would establish a permit process for uses that are not currently allowed in the LJS PDO, and thus would be opening up the Shores to uses that are not agreeable to the community.

Other points of view expressed include: The LJS PDO is written in a way that only allows certain activities; whereas the Municipal Code is written to prohibit specific activities. These are two different approaches and appear to clash. The committee can't speak to what uses should be permitted in the La Jolla Shores – that is something that should go through the community review process.

Joe LaCava stated that Amanda Lee of City Staff indicated that removing churches and schools from the list of uses allowed by right would be a possible change.

Cindy Thorsen provided 1) a timeline of the actions of various La Jolla and City entities with respect to the proposed 7th Update to the LDC and 2) a listing with brief descriptions of the 65 proposed changes to the LDC.

Another view expressed was that there are 65 amendments being proposed, and it is likely that some of these will affect the LJS PDO. It is unclear whether these proposed changes will benefit the community.

Motion: Emerson Second: Lucas

The committee recommends that schools & churches be removed from the list of uses allowed by right as found in §1510.0303 (d) and §1510.0303 (e) of the LJSPDO and be subject to the permit process for Separately Regulated Uses. The committee wants very strongly to continue the specific protections for uses as prescribed in the La Jolla Shores Planned District Ordinance.

**Motion passed. 5-0-0: Approve: Emerson, Merten, Naegle, Boyden, Lucas.
(Morton left prior to the vote)**

Meeting adjourned.