

## **La Jolla Shores Permit Review Committee Minutes Tuesday August 23, 2011**

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

### **1. Non-Agenda Public Comment**

**Morton:** This PRC committee and CPA have reviewed and voted on the issue of whether the base zone FARs should apply. He wants to remind the committee that this is in process and nothing has taken effect. The committee is not to apply base zone FARs in their project reviews.

### **2. Chair Comments**

- To date we have no information on: LJS electric Undergrounding district and Gaxiola as to when they want to schedule. Also in this category is a Torrey Pines Road slope repair between Little and Roseland, southeast side of road
- Palazzo project appeal to City Council will likely be heard in the latter part of September,
- LJCPA voted to send comments on the 8490 Whale Watch project draft ND, based on letter drafted by Phil Merten. Hearing Officer hearing scheduled for August 24 [approved]
- LJCPA approved Kooklani plans that were revised to move swimming pools back and conform to Proposition D—approved by Planning Commission July 21<sup>st</sup>.
- LJCPA passed on consent Nooren plans, 8001 Calle de la Plata—see below
- LJCPA approved on consent the LJSRPC recommendation that the LJCPA hold a full hearing and discussion on the whether the underlying citywide FARs in all zones should be confirmed as applying in the La Jolla Shores Planned District. Hearing was held by the LJCPA on August 4<sup>th</sup> and item was passed.
- Hooshmand resubmitted plans dated July 29<sup>th</sup> –likely September 27 PRC
- 7<sup>th</sup> Update to Land Development Code adopted with direction on August 2—the first ordinance of 2012 fiscal year
- New plans received by Chair as of August 17.
  - o Zegarra Walls at Caminto Bello has become active –new cycles received
  - o 8289 LJ Scenic North. NOA July 25<sup>th</sup> to be heard September 27
  - o AT&T for 7990 Via Capri, not noticed as of August 17, 2011
  - o Hillel Student Center NOA dated August 11-no contact as of 8/17/11
- The Chair will be out of the country from September 1 to 17 and likely will not be able to carry on e-mail correspondence, though all hotels seem to have public computers

### **3. LJSRPC Housekeeping – Possible action items**

- a. Establish calendar for the remainder of 2011--Holiday break ?
- b. Proposal to adopt as PRC procedures current LJCPA procedures affecting the PRC directly
- c. Adopt other procedures for PRC operation, including committee members' roles

### **4.A. Via Rialto Storm Drain**

- Project No. 222828
- Type: Slope Repair and Storm Drain Improvements
- Location: At 7435 Via Rialto and West of 7435 Cto. Rialto and SW to adjacent canyon
- Project Manager: Patricia Grabski; 619-446-5276; [pgrabski@sanidiego.gov](mailto:pgrabski@sanidiego.gov)
- Applicant: Jeff Soriano, City Engineer; [jsoriano@sanidiego.gov](mailto:jsoriano@sanidiego.gov)

Project Description: Slope repair and storm drain improvements on environmentally sensitive lands. The project is located at 7435 Via Rialto and west of 7435 Caminito Rialto extending to the southwest into the adjacent canyon. The project is located within the Coastal Overlay Zone (non-appealable), Coastal Height Limit Zone and the SF (Single-Family) Zone of La Jolla Shores Planned District within the La Jolla Community Plan and Local Coastal Overlay Zone and Council District 1.

The construction phase of the project was completed on an emergency basis and was exempt from CEQA. This review is for the revegetation/erosion control plan.

**Seeking:** CDP and SDP for Environmentally Sensitive Lands

**Presented by:** Ron Fox & James Arnhart

Presentation on slope failure caused by storm drain that failed. Work on repairing the storm drain has been performed under an emergency permit. They had to get permit and access from homeowner in area to access the canyon. The existing storm drain has been slip-lined. High density poly pipe was added along with an energy dissipater at the bottom.

A senior landscape engineer at city has reviewed the plan and suggested a few minor changes in the plantings. Hydroseed will be used around the pipe. A 90 day drip bag system will be installed to give the new vegetation a chance to survive dry periods.

**Morton:** They should add a small pea sized gravel with the hydroseed to protect against a drought. The pea gravel will keep the seed from washing away.

**Boyden:** Why is the city involved? *Response: the canyon is part of the Colony Hill Homeowners Association, but the storm drain failed and caused the problem, so city responsible.*

**Naegle:** Has the homeowners association seen the plans and approved it? *Response: no – not this plan. The neighbors? R: this should be the forum for this.* Naegle: there should be another meeting with the homeowners group since they own the land. Since they were not directly informed of this review, then this really isn't a forum.

**Emerson:** Concerned that the homeowners association or the homeowners haven't been contacted regarding this plan. They are the ones being affected and it would only take one phone call to the association.

**Morton:** Question to Boyden: Have the Homeowners assoc contacted us or we them? *Boyden: No. All those who received the 300' notice had an opportunity to contact the LJCPA to receive notices of community hearings*

**Naegle:** This is one of the oldest homeowners; associations - since 1967.

**Morton:** What is the time frame of the project? What are the target dates to hiring a landscaper and doing the planting? *Response: They need to finalize the project and then hire a landscaper. The end of October is the earliest they could be planting. Doesn't know what the latest date is, but they need to get the planting done before the rainy season begins for the re-vegetation to be effective.*

**Donovan:** Can they attend a homeowners association meeting – is there funding/tasking for that? *Response: Yes*

**Lucas:** Concerns that the property owners were not properly noticed. The homeowners association has not been contacted, apparently for at least a year. The presenters do not know if a proper notice was posted at the site. Public and community input is very important in projects such as these.

**Motion:** Lucas **Second:** Emerson

To continue hearing this item until the property owners or homeowners association have been noticed or contacted.

**Motion carries: 4-1-1.** Approve: Lucas, Donovan, Emerson, Naegle; Oppose: Morton; Abstain: Boyden

#### 4.B. Lundberg Addition SCR

- Project No. 243479
- Type of Structure: Single Family Residence
- Location: 7820 Lookout Drive
- Project Manager: Jeanette Temple; 619-557-7908; [jtemple@sandiego.gov](mailto:jtemple@sandiego.gov)
- Owner's rep: Bill Hayer; 858-792-2800; [bhayer@hayerarchitecture.com](mailto:bhayer@hayerarchitecture.com)

**Project Description:**

Add 537 square feet on the second floor, partially over the garage of an approximate 5,770 square foot single family residence on a 0.326 acre site at 7820 Lookout Drive in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit [City]. This addition will not change the height or setbacks of existing structure. [Applicant]

Note: Changes to the CDP plan were permitted ministerially (without community review) to Exhibit "A" from 2004. These changes resulted in a change of design, addition of basement and increase in square footage from original plans. The "as built" current building was "permitted" by the City. The current application is to increase the square footage on the second floor beyond that "as built."

**Seeking:** Substantial Conformance Review to PTS# 12470, a Coastal Development Permit/Site Development Permit.

**Presented by: Bill Hayer, Architect**

He presented the overall history of project to present day. This is a substantial conformance review.

The house will remain the same as it is currently, except for the addition of 537 ft over the garage. The style of the house has changed somewhat to be more consistent with the neighborhood. The vertical elements are cleaner and the overall look and color scheme blends in better.

The house was originally permitted for 5,918 sq ft, and after it was built [at least] two ministerial permits were granted for expansion. The house then became 6,573 sq. ft. Part of this was the addition of a basement. The proposed expansion of the second floor will bring the size to 7,111 sq. ft.

Original: 5,918 -> ministerial approval 6,573 -> proposed 7,111

**Boyden:** Even though this is a substantial conformance review, it has to conform to the Municipal Code. She has visited the property and has seen a wall 5'-4" tall (her height) at the edge of the driveway that extends to about 7.5' from the curb. This is within the visibility triangle which extends back 10' from the property line. The stone column mail box with an approximate 18" cross section and about 4.5' tall at the intersection of the driveway and curb also impacts the view as does the tall vegetation in this area.

**Morton:**

- Where are the setbacks? *Response: don't know. This is the LJ Shores and there are no specified setbacks.*
- Landscape and hardscape? *R: 43.9 % hardscape, building coverage = 35%.*
- Lookout Drive side yard setback averages for neighborhood? *R: average is 8', this project is 8'.*
- Is Lookout fence 50% open? *R: it is iron bar and more than 50 % open.*
- Did DSD review find issues with the mailbox? *R: No.*
- Has City engineering looked at this? *R: Civil engineering is completing an as-built survey.*
- Gate/wall not on original CDP actually it was, but in different format and slightly different orientation) Boyden: Height of wall is not specified on original plans. Wall is not on "as built" plans). One wall is in the right of way. *2-foot wall will be processed as an EMRA*
- What is the square footage of the second floor? *Response: Original second floor: 1,280 sq ft. Current: 1,267, so it was reduced from the original. The Proposed: 1,804 (524 added over the original)*

**Lucas:** I don't understand how a project that has had two additions with ministerial approval since the original SDP and CDP can be eligible for a substantial conformance review. This is the wrong process. If we are to perform a SCR, we would have to compare the original permitted project design with the proposed design, which includes the additions that were made later. In that case the project has increased from 5,918 sq ft to 7,111, which is close to a 20% increase in size. I think that this is too much to be in substantial conformance.

**Motion: Morton. Second: Naegle**

The findings can be made that project, as proposed, substantially conforms to the original CDP and SDP.

**Motion fails: 2-3-1**

For: Morton, Naegle

Against: Donovan, Emerson, Boyden (Chair broke tie)

Abstain: Lucas

**Donovan:** The additional 524 feet is substantial.

**Motion:** Donovan, **Second:** Emerson

**Findings can not be met that the project is in Substantial Conformance with the original CDP and SDP.**

**Motion carries 3-2-1**

Approve: Donovan, Emerson, Boyden, (chair maintained previous position); Opposed: Morton, Naegle; Abstain: Lucas

**Motion:** Morton **Second:** Emerson

**The city should review the issue on whether the existing driveway wall conforms to the driveway visibility triangle requirements in the municipal code.**

**Motion carries: 5-0-1**

Approve: Donovan, Emerson, Lucas, Morton, Naegle

Oppose: None; Abstain: Boyden

**4.C. T-Mobile North Torrey Pines Road**

- Project No.: 236364
- Type of Structure: Wireless Communication Facility
- Address: 2849 1/3 La Jolla Village Drive
- Project Manager: Alex Hempton; 619-446-5349; ahempton@sandiego.gov
- Contact name: Anne Regan, DePratti, Inc. agents representing T-Mobile West Corp; 858-602-6522; [Anne.wulfange@gmail.com](mailto:Anne.wulfange@gmail.com)

**Project Description:** Wireless Communication Facility (WCF) in the public right-of-way consisting of 3 panel antennas mounted to a replacement light standard with above-ground equipment. The project is located on the south side of La Jolla Village Drive at 2849 1/3 La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way

**Seeking:** Conditional Use Permit (CUP), Process 3.

Boyden: Read a letter from Congregation Adat Yeshurun, permit holder of the eruv on La Jolla Village Drive that they are satisfied that the eruv will not be disturbed by the construction of the WCF—City had expressed a concern.

**Presented by:** Tim Henion

The project proposes flush-mounted antennas on an existing light standard. An indent to hold 3 cabinets will be dug into the bank and lined with a brick wall.

**Lucas:** Who owns the property? *Response:* It is in the city right-of-way. The adjoining property is owned by Hillel. Length of lease? *R:* The lease is for 10 years.

**Morton:** Can the wall be painted green, like the cabinets to blend in with the landscape? *Response:* Yes. Are they planning to install irrigation? *R:* No. Is the lease with the city? *R:* Yes.

Projects like these are many times the community's only chance to get improvements on city right of ways. It would be good to have irrigation and landscaping put in.

Boyden: Will there be landscape screening? *R:* No.

**Lucas:** The area has been stable for at least 35 years that I can remember, and installing irrigation could cause erosion and destabilization. I do not think that we have enough information to consider the installation of irrigation it at this meeting.

**Tim Henion:** We would need to find a source of water and would need to install a meter in the right of way. This would add to the disturbance that would need to be made.

**Motion:** Donovan. **Second:** Morton

**Findings can be made for a CUP, with drought tolerant planting added, and the wall painted green to match the cabinets and landscaping, as noted 8-23-11 on the plans presented dated 2-10-11.**

**Motion carries: 5-0-1.** Approve: Donovan, Emerson, Lucas, Morton, Naegle; Oppose none: Abstain: Boyden (chair)

**4.D. Nooren Residence. Fifth review (amended second version)-Applicant is requesting review of a modification to previously approved plans.**

- 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](mailto:JAPeterson@sandiego.gov)
- OWNERS REP: Michael Rollins; Cell 619-993-6003; [Michael@rollinscc.com](mailto:Michael@rollinscc.com)

**Project description:** Demolish an existing single family residence and construct a 2725 ~~3,700~~ square foot, two-story single family residence over a 656 ~~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, Coastal and Beach Impact Areas of the Parking Impact, Residential Tandem Parking, and Transit Area Overlay Zones. [City]

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

Note: the applicant wishes to gain committee approval for a revision to those previously approved by the PRC and LJCPA. Dimensions have not changed. Revisions appear to be substituting a parapet building sides and short walls parallel to street frontages.

Additional changes now involve eliminating the subterranean garage and other below ground areas.

**Previous Actions:**

**LJSPRC, June 28, 2011**

**Motion:** Merten Second: Schenck

Findings can be made for a CDP and a SDP based on the plans presented--dated 6/17/2011 and submitted to the City 6/28/2011.

**Motion carries: 4-0-3;** Approve: Lucas, Merten, Morton, Schenck; Abstain: Boyden (chair), Donovan, Emerson – Donovan not present for previous three hearings; Emerson not present for first two hearings--Prior to their nomination to the LJSPRC.

**LJCPA, July 7, 2011**

**Motion:** To accept the recommendation of the LJ Shores Permit Review Committee: (E) Nooren Residence:

Findings can be made for SDP & CDP based on the plans presented - dated 6/17/2011 and submitted to the City 6/28/11, and forward the recommendation to the City. (Allen/Fitzgerald, 12/0/1)

**Presented by:** David Keitel

The building footprint of the project is exactly the same. The style has been changed from Spanish to a bit more modern and clean. The peaked tile roof was changed to a flat roof, which has lowered the overall height of house 2 feet.

The LJSAB approved a version similar to that being presented today, but that version had subterranean parking for two cars. After further geotechnical and hydrological analysis, the underground parking is unfeasible due to concerns with water seepage and the removal of that water. It was deemed to be too expensive to do, on the order of \$400,000, so there is no underground parking. The driveway is now level and holds 2 cars.

**Nooren:** After the approval at the last meeting, the owners went back to the LEED architect and realized that the [same number of] solar panels could not be fitted to the roof. They had already made compromises by shrinking the design and lowering the height of the house, but they did not want to lose the LEEDS certification. They liked the location, orientation, and footprint of the new design, but not the Spanish style. They wanted it more modern, but with stone and stucco, that mirrored other houses in the neighborhood. As mentioned, the underground parking was not feasible.

**Lucas:** Size of parking spaces? *Response: 19' x 9', conforms to code. Since there is no slope to underground parking, the pad is level and the spaces will both be usable.*

**Morton:**

- Is the City requiring covered parking? *No.*
- Is this project on an expedited track due to LEEDS? *Yes*
- Will the solar panels be back from edges? *Yes, they will not be visible from street.*
- Solar panels lower than top of the chimney? *Yes*
- Eaves-line = 26.6', panels 28.6'
- Roof type? *Sheet membrane, white color.*
- Glazing on windows? *Clear with UV coating.*
- Building materials? *Sample was shown to committee.*

**Donovan:** Were there problems with the tile roof and solar panels in the previous design? *Response: They needed more area for panels than the peaked tile roof configuration allowed. Their goal is to produce 50% of their energy consumption There is no air conditioning, so this configuration allows for cooling airflow to circulate in the house. Could you receive the same LEED certification with the Spanish design? R: Possibly.*

**Morton:** How many panels? *R: Not determined, but it will cover a high percentage of the roof.*

**Naegle:** Won't the panels be visible? *R: They can make that conditional to not be visible. Was putting a parapet around the eaves considered? Yes, but the neighbors did not want the extra height.*

**Public comment:**

**Jack Armstrong** (neighbor to North): Is there a diagram of the footprint of the existing house and this proposed design? There was not one directly, but drawings were found to make a side by side comparison. Mr. Armstrong reviewed the drawings with the presenter.

**Michael Rollins:** The LJSPDO says unity with diversity. There are already a lot of Spanish houses in the neighborhood, so this one adds to the diversity but still fits in.

**Matt Peterson:** They did not have to go through the community review process again. They could have taken the previously approved design and gone directly to city planning and made the style change through a ministerial review. It is good of them to want to give the community a chance to review the project.

**Morton:** He is pleased that the owners have redesigned the project to achieve a design that they really want to live in. The Spanish revival style was developed for the Pan-American exposition in 1919. It is not the dominant style in the area. There is no official architecture of La Jolla or San Diego.

**Motion:** Morton **Second:** Naegle

**Findings can be made for a SDP and a CDP for the project, based on the plans presented dated 8/17/2011.**

Discussion on motion:

**Donovan:** Recognizes their commitment to sustainable architecture and to come back through community review with the new design. Thinks that the previous design fit the neighborhood better.

**Lucas:** The community overwhelmingly approved the design presented last time, based on input given at the previous PRC and CPA meetings. I understand that there were problems with placing panels on the Spanish-style tile roof and achieving the LEEDS certification. I prefer the Spanish style design. This design changes the feel from the Spanish style house existing on site, but I feel still meets the requirements of the LJS PDO.

**Motion carries: 3-2-1.** Approve: Lucas, Morton, Naegle; Oppose: Donovan, Emerson; Abstain: Boyden

#### **4.E. 1912 Spindrift (Third Review)**

- PROJECT NUMBER: 214654
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 1912 Spindrift
- Project Manager Glenn Gargas: Ph: 619-446-5142; [ggargas@sandiego.gov](mailto:ggargas@sandiego.gov)
- OWNERS REP: Lisa Kriedeman; 858-459-9291; [lkriedeman@islandarch.com](mailto:lkriedeman@islandarch.com)

**Project Description:** Demolish existing residence and construct a 4699 sq. ft., two-story single family residence. City Coastal (appealable); Coastal Height Limit, Sensitive Coastal, Flood Plain, First Public Roadway, Parking Impact, Residential Tandem Parking, Transit Area Overlay Zones [City]Construction of new two level single family residence with loggia, balconies, hardscape, landscape, retaining walls, masonry, fences and pool. [Applicant]

Note: Applicant is returning with a “minor design change” to add garage to accommodate two cars in tandem to address reasons for LJCPA denial.

#### **Previous Actions:**

##### **LJSPRC January 25, 2011**

**Motion:** Lucas; second: Morrison

Findings can be made for the project as shown with the 2’ South and 6’ North side setbacks. The committee suggests that thinning of the trees be trimmed and that hedges and bluff shrubbery be landscaped and trimmed to improve neighborhood and public views along the property lines.

**Motion carries: 4-3-0;** Approve: Lucas, Morrison, Morton; Oppose: Merten, Naegle, Schenck; Tiebreak: Boyden (chair) approve

##### **LJCPA April 7, 2011**

Approved Motion: Motion: Recommend denial: Findings cannot be made for a Site Development Permit and a Coastal Development Permit: 1) The south setback does not comply with the La Jolla Community Plan. 2) Off street parking within the front yard does not comply with the La Jolla Shores Planned District Ordinance, (Merten/Little 9/5/1)

**LJCPA August 4, 1912 Spindrift CDP Approved Motion:** To appeal the decision of the Hearing Officer regarding 1912 Spindrift to the Planning Commission, (Little/Courtney, 8/4/1).

#### **Presented by: Matt Peterson**

Before the presentation was made, Helen Boyden (chair) read a letter from committee member Phil Merten, who could not attend the meeting: He was opposed to previous design because the required parking area was located in the front yard contrary to the SF regulations in the PDO and SDMC ... The new design with parking garage and car lift now meets the requirements.... He sees no further PDO issues with the project.

The presentation was then made of the new design:

The front portion of the house was modified. The kitchen in the southeast corner was moved, and a single-car width garage with a lift for a second car was added. The garage is 12' tall, so will fit two cars (but only one could be an SUV due to the height). There is a roof above the garage, instead of a 2-story high wall. This gives a step back of the second floor of the building, which the committee suggested at the previous meeting. The corner of the building is now 1-foot closer to the street, but there is still an 11' setback.

**Naegle:** What is the garage width? *It is 10'.*

**Boyden:** Is tandem parking or a lift allowed in this zone? *Yes.*

#### **Public comment**

**Uma Joshi**, neighbor at 1919 Spindrifft Drive: Concerned about seeing the mass of this building across the street from her house. She has questions on the height of various points of the structure. *The response was: The west balustrade is 27.25' in height. The overall height of the house is 2' less than when they put markers on the trees to show the neighbors the effect of the project.*

*Will they clean up the vegetation? Yes, several large trees will be removed and bushes and hedges will be cleaned up or removed to open up views to the ocean.*

**Motion:** Naegle. **Second:** Morton

**Findings can be met for a SDP and CDP for the revised design with the attached garage and stepped back second story, dated 8/11/2011.**

**Motion carries: 4-1-1.** Approve: Emerson, Lucas, Morton, Naegle. Oppose: Donovan; Abstain: Boyden

### **3. LJSPRC Housekeeping – Possible action items**

Board discussion on procedures and recommendations from CPA ad hoc committee.

Helen Boyden gave a brief review of the recent meeting of the LJ CPA Ad Hoc Committee on rules and procedures. She handed out a document listing the current policies of the LJ CPA as posted on its website. She also presented first draft of policies for the LJS PRC committee to get the discussion going.

Issues raised during the committee discussion were:

- Having materials such as plans and other documentation to the committee 14 days prior to the first review. Several committee members felt that the 14 day condition should also apply on subsequent reviews, especially when large changes are made to a project. It is simply too much work for the chair to have to assemble and distribute documentation on projects at the last minute. It also works against having public input when major changes are made late and the public has no way to be informed of the project.
- The issue of exceptions for this 14 day condition will need to be addressed, as the city has in the past sent us projects for emergency review, or at the last minute due to special circumstances. This is an important forum for community input, so the committee has gone ahead and performed these reviews when the alternative was to have no review possible.
- Notification to neighbors of projects is important. There are city codes that govern the notification process. The applicant needs to have a proper notice posted on the property and also proof of mailing, or delivery of notice, to affected residents/neighbors per the city requirements.
- The first cycle Letter of Assessment needs to have been received from the city.

These and other issues will be discussed at the next meeting. Helen will be providing the committee the information materials that she normally sends prospective applicants, for committee input at the next meeting.