

# La Jolla Shores Permit Review Committee Minutes

## Tuesday February 28, 2012

Committee members: Present: Morton, Merten, Schenck, Lucas, M Naegle, Emerson, Boyden (chair); absent: Donovan

### 1. Non-Agenda Public Comment – 2 minutes each.

**Morton:** There were some objections raised to my being on this Permit Review board that were brought up during the public comment period at the recent LJ CPA Meeting. I will continue to serve as a CPA representative to the PRC board until otherwise instructed. For the record, the Gatto residence will soon be completed and is in compliance with city codes.

### 2. Chair Comments

- CPA 8490 Whale Watch appeal to City Council; was continued to February 6; the motion to approve the appeal failed on a 4-4 vote. A subsequent motion to deny appeal was approved by City Council 7-1 after the applicant agreed to mitigation regarding archeology issues.
- The by-laws revisions proposed by LJCPA Ad Hoc Committee on Bylaws Revisions and modified by the LJCPA trustees will be voted on at the LJCPA Annual Meeting on Thursday March 1. See LJCPA agenda for meeting for details.
- The Hooshmand project was appealed to the Planning Commission by a neighbor and was heard and the appeal denied on February 16.
- The Chao residence appealed to the Planning Commission by a neighbor will be heard on March 1. As of mail delivery on February 28, the LJCPA had not received delivery of the Report to the Planning Commission in the LJCPA Post Office Box.
- Hillel Student Center has postponed Right of Way hearing to the March LJSRPC meeting.
- Gaxiola has resubmitted their plans. The City Project Manager has advised that he will communicate again when the current cycles have been finalized
- Two new projects have been received—an addition to 2481 Rue Denise and teardown and a rebuild on 2725 Inverness Court
- It was noted that in order to deal with the calendar problem of the LJCPA meeting only two days later, all items on the LJSRPC agenda had been placed on the LJCPA consent agenda for March 1 with the notation: **PRC Action: From Feb 28, to be reported**

#### Discussion of Chair Comments:

Merten: In regards to the Whale Watch appeal failing at the City Council, some LJ Shores residents are considering filing a lawsuit that the city comply with the CEQA requirements. Several prominent attorneys have agreed to pursue this pro-bono, but there will be administrative and court costs in the range of 20-25,000 dollars. If the court finds in favor of the lawsuit, these administrative and court costs would be reimbursed. They are looking for individuals and groups willing to contribute to the lawsuit. Please contact Phil Merten if you are interested, and he can provide information on their next meeting

### 3. Project review

#### 3A. Salami Residence - 2712 Costebelle – 3rd hearing

- Project No. 255583
- Type of Structure: Single Family Residence
- Location: 2712 Costebelle Drive
- Project Manager: John S. Fisher; 619-446-5231; [jfisher@sandiego.gov](mailto:jfisher@sandiego.gov)
- Owner's rep: Pablo Paredes; [Pablo@paredes.com](mailto:Pablo@paredes.com)

**Project Description:** 3,984 square foot addition to an existing single family residence on a 0.49 acre site located at 2712 Costebelle Dr in the Single Family Zone of La Jolla Shores Planned District [City]  
Square footage has been adjusted from first hearing

**Seeking:** Site Development Permit (SDP), possibly for Environmentally Sensitive Lands (ESL)

**Previous Action: December 19, 2011- please see minutes for other comments and details.**

**Motion:** Lucas **Second:** Donovan

To continue the project and return with responses to these issues the committee would like addressed:

- Landscaping and vista issue – landscape plan

- 300' neighborhood setback survey
- Plan showing the adjacent neighboring properties to show context of house and setbacks
- Show view triangle on plans for new garage
- Determine actual number of rooms that qualify as bedrooms
- Prop D line indicated on elevations
- Do the two driveways meet the city codes?. Are they spaced far enough apart?
- Provide street elevations
- Provide a materials board
- Provide an artist's rendering
- Address concerns on the setback on northeast property line and closeness to neighbors. What is the neighbor's setback on that side?
- How does this project comply with the community plan with regards to transitions between new construction and existing construction.
- Address concerns about parking in neighborhood, especially with so many bedrooms. Show parking spaces on plans.

**Motion carries: 6-0-1;** approve: Donovan, Emerson, Lucas, Merten, Morton, Schenck; oppose: none; abstain: Boyden (chair)

**Previous Action: January 23<sup>rd</sup> – please see minutes for other comments and details.**

**Motion:** Schenck **Second:** Donovan

Continue the project review to a future meeting. A full presentation will not be necessary

**Carries:** 5-0-1: Approve: Donovan, Emerson, Merten, M. Naegle, Schenck; Oppose: Lucas, Morton; Abstain: Boyden (chair)

**Presented by: Pablo Paredes and Tony Crisafi**

- The owners have met with many of the neighbors and there have been no objections to the project so far.
- The house will be accented with wood trim, trellises and landscaping
- A parking plan was provided to the city.
- Parking on site: 3 spots in garage, plus room for 3 additional in driveway behind setback, possibly room for a fourth space in the driveway.
- They have provided compliance plan to the city

**Merten:** Questions about retaining wall near garage. *Response: The retaining wall is existing and will remain. It is below grade.*

**M. Naegle:** What is the setback of the north property boundary? *Response: It is 4' 2" at the narrowest, which is where the pop-out is for the bedroom. This area is significantly lower (downslope) than the neighboring property, so there are no privacy issues. The setback size is similar on the neighboring property.*

**Boyden:** Have all the cycle letter issues been addressed? *Response: They have been working with John Fisher at the city. All issues have cleared, but the City is still awaiting the geotechnical report. Q: What is the main concern? R: Slope stability for the area. The reason the report has not been completed is that it was started late in the process, not from any technical issues.*

**Lucas:** Any drainage issues? *Response: That is what the geotechnical report will address. Q: What changes to drainage are being proposed? R: They will be routing water from the existing driveway and its proposed footprint to the street. Currently, the roof gutter system drains to yard, but this flow will now be routed to the street.*

**Merten:** Has issues with the pop-out on the north side of the house. It is not good to shrink the setbacks, because it sets a precedent, and other projects will propose smaller setbacks, and the result will be setback creep.

After discussion with the panel, Crisafi has proposed adjusting the plans. They will remove an interior closet and pull the lower pop-out back by 2 feet. The plans received from the City were then adjusted and signed by Crisafi, Paredes and Boyden. Resulting setbacks: 6' 2" and 6' 9" from one end of the pop-out to the other.

**Merten:** Is there a brush management plan? *Response: The plan was shown. Q: Will the deck shown in rear of the house be 1-hour fire rated? R: Yes.*

**Boyden:** The existing rear wall is an obtrusive color. *Response: We can tone the wall down to match the hillside.*

**Morton:** Is the Prop D height on the plans? *Response: The Prop D height was shown. Maximum height is 26' 11"* Q: Number of bedrooms in the house? *R: 3 upstairs, 3 downstairs.*

**Boyd:** I want to remind the board of the change to the side setback made on the plans. Any motion made should acknowledge that.

**Public comment:** None

**Motion:** Merten **Second:** M. Naegle

**Findings can be made for a SDP based on the revised plans dated Feb 28, 2012 that indicate a 2 foot increase in the side yard setback along the north-east exterior wall resulting in a 6' 2" side yard setback at the narrowest point.**

**Motion carries 6-0-1**

Approve: Emerson, Lucas, M. Naegle, Merten, Morton, Schenck

Oppose:

Abstain: Boyd (chair)

### **3B. Sinclair Residence – 2075 Soledad Avenue – 2<sup>nd</sup> Hearing**

- Project No. 259074
- Type of Structure: Single Family Residence
- Location: 2075 Soledad Avenue
- Project Manager: Jeff Peterson; 619-446-5237; [japeterson@sandiego.gov](mailto:japeterson@sandiego.gov)
- Owner's rep: Michael Rollins/Rollins Construction Consulting; 619-993-6003; [Michael@rollinscc.com](mailto:Michael@rollinscc.com)

**Project Description:** Demolish the existing and construct a new single family residence of 7977 sf. The existing guest quarters will remain and the habitable space will be increased by 149 sf to 2247 sf by enclosing an existing balcony. **There is proposed a 300 sq. ft. land swap with the property at 2065 Soledad Avenue with a resulting Boundary Line Adjustment.** [applicant] **Description revised.**

**Seeking: Coastal Development Permit (CDP) and Site Development Permit (SDP) for the demolition and new construction that will be consolidated with a Boundary Line Adjustment for a Hearing Officer Hearing.**

**Previous action, December 20, 2011. Please see minutes for additional details and comments.**

**Motion:** Merten **Second:** Schenck

Project be continued until such time as the carriage house and property line issue is resolved. Address concerns about site drainage and provide landscape plan.

**Motion carries 6-0-1;** Approve: Donovan, Emerson, Lucas, Merten, Morton, Schenck; Oppose: None; Abstain: Boyd (chair)

**Boyd:** To inform the board: Presented documents submitted to the City that the neighbors have made an application for a Boundary Line Adjustment to address the concern that the carriage house encroached on the neighbors' property at 2065 Soledad Avenue

**Presented by: Matt Peterson and Michael Rollins**

- Revised plans were presented
- The neighbors Gerald Schwartz and Karen Hainer have agreed to a Boundary Line Adjustment to resolve the carriage house encroachment issue.
- The adjustment swaps triangles of land and provides for adequate setbacks from the carriage house to the new boundary line.
- Drainage on property will remain the same. The private drainage system will remain. Surface water channels to small collectors at various parts of the site and is aggregated to a large collector and the water there is sent to a swale area on the property.
- The proposed design will not significantly change the amount of hardscape or runoff, as the additions are being placed where the tennis court hardscape area is now.
- The site is 1.29 acres and will have .58 landscaping coverage.
- The landscape plan was presented to the committee.

- There is a minor change to carriage house in the latest version of the plans. The second floor covered patio/balcony area is being enclosed, adding 149 sq ft to the habitable space. The habitable spaced on the project notice will need to be adjusted accordingly. [done]
- The carriage house currently has a kitchen, which is grandfathered in. They have the original building permits and the Coastal Commission permits documenting this. These have been provided to the city staff, and the city agrees that this is grandfathered in.

**Merten:** Brush Management issues? *Response: They have been working on this issue with Ron Carter at city. There are very few issues. Zone 1 is around house and they will be planting and maintaining that area accordingly. There are no brush issues with other areas on the property.* Q: Fire vehicle access to the property? R: *There is a fire hydrant at the top of the hill. Trucks can't get to many areas on the site. The fire department would tap into the hydrant and then run their hoses down to the house level on foot. This has been reviewed by the fire department. The house has a full sprinkler system.*

**Motion: Schenck Second: Emerson**

**Findings can be made for a CDP and a SDP based on the plans dated Feb 27, 2012 and submitted to the City that include the Coastal Commission approved guest house.**

**Motion carries: 5-0-2**

Approve: Emerson, Naegle, Merten, Morton, Schenck

Oppose: None

Abstain: Lucas, Boyden (chair)

### **3C. AT & T Via Capri CUP**

- Project No. 241382
- Type of Structure: Cellular installation
- Location: 7990 Via Capri
- Project Manager: Alex Hempton; 619-446-5349; [AHempton@sandiego.gov](mailto:AHempton@sandiego.gov)
- Owner's rep: Tiffany Hughes; 949-930-4350; [Tiffany.Hughes@crowncastle.com](mailto:Tiffany.Hughes@crowncastle.com)
- Applicant's rep: James Kennedy, [james.kennedy@taic.net](mailto:james.kennedy@taic.net)

**Project Description:** Process 4 Wireless Communication Facility (WCF) consisting of the removal of 4 existing antennas and installation of 8 antennas mounted to a faux shrub.

**Seeking:** Coastal Development Permit (CDP), Site Development Permit (SDP) (steep slopes), and Conditional Use Permit (CUP) Process 4

#### **Presented by James Kennedy:**

- The site has been used as a cellular site for 17 years.
- This site is a minimal installation due to the difficulty of access.
- Proposing to install 4G broadband for ATT Mobility
- Proposing to remove the current non-camouflaged post-mounted antennas and install new antenna arrays surrounded by faux bushes.
- Facility is on a single family zoned site, per lease with owners.
- Photos and detailed site plans were presented to the committee.
- The base station equipment will be upgraded, but remains the same size.
- The antenna height will remain the same.
- 20' is the current height of the antennas.

**Morton:** Will existing ATT equipment be repainted from gray to green or other shade with better camouflage? *Response: Happy to make that a condition on their permit.*

The presenter notated, signed and dated the City supplied plans accordingly

**Public comment: None**

**Motion: Morton Second: Emerson**

Findings can be made for a CUP, CDP and a SDP based on plans dated 12-15-2011, with the revisions dated February 28,2012, that address painting the existing and proposed equipment to an olive drab shade to blend in with the landscaping.

**Motion carries: 6-0-1**

Approve: Emerson, Lucas, M. Naegle, Merten, Morton, Schenck

Oppose:

Abstain: Boyden (chair)

**3D. Zegarra Retaining Wall**

- Project No. 90267
- Type of Structure: Retaining Wall and Free Standing Wall
- Location: 2974 Cto. Bello (on North La Jolla Scenic Drive, 2<sup>nd</sup> home north of Cto. Bello)
- Project Manager: William Zounes: 619-687-5942;wzounes@sandiego.gov
- Owner's rep: Brian Longmore; 858-603-9478; Brian@permitsolutions.org

**Project Description:** To allow an existing retaining wall (rear of property) adjacent to an existing canyon to remain and to allow an existing free standing wall (front of property) within the Public Right-of-Way along La Jolla Scenic Drive to remain in place with modifications. Possible impact to view corridor. [City Notice and applicant]

**Seeking:** Site Development Permit (SDP) for Environmentally Sensitive Lands –retaining wall  
Neighborhood Development Permit (NDP) –free standing wall

**Prior Action: Permit Review Committee July 25, 2006**

*PROJECT DESCRIPTION: Site Development Permit for Environmentally Sensitive Lands to construct a retaining wall on a 0.44 acre site. Construction of wall will be of a carved and colored shotcrete to simulate the existing bluff material in color, texture and relief.*

*Proposed elevation/top of retaining wall: 96.5 ft.*

*Proposed elevation/bottom of retaining wall: 89.5*

*Height of wall: 7.0 ft.±*

*Move to approve wall within the setback areas with conditions.*

- 1. Provide setback information on site plan.*
- 2. Conform wall to municipal code for wall heights.*
- 3. Apply for variance if required.*

***Vote: Crisafi/Lyon Vote: 4-0-0 Motion Passed***

**Prior Action: LJCPA August 3, 2006**

*3. Zegarra Retaining wall: Approved by committee, 4-0-0, to preserve the open space at rear of project.*

*Motion: Andrews, Merten to approve the consent calendar. Item #3 only.*

*Amendment to Motion: Golba. If the Committee conditions trigger a Variance the applicant will return to the committee.*

*Amendment Accepted: Andrews, Merten.*

***Vote: 14-0-0.***

**Boyden Disclaimer: She has lived and walked in the area for years, but has had no interactions with any of the various owners.**

**Presented by:** Brian Longmore and the owner Julio Zegarra

- Issues with construction on the property have been the subject of a Code Compliance Action and an agreement with the City has been reached.
- The issue is that the walls were built before the permits were issued. The retaining walls were shown on the original plans, but the contractor jumped the gun and built the retaining walls and the free standing walls without permits.
- The rear retaining wall is shotcrete and went through community review in 2006 and was approved.
- The wall fronting LJ Scenic North was built 2' into the Public Right of Way
- The walls around the property vary from 5' to 6' in height.

- There is a potential view corridor at the north end of the property and the city would like to have the northern 13' portion of the front wall and 30' of the north side wall changed to 3' solid base and the top 3' clear for the view corridor.
- There is an opening in the north side-wall that is used for taking the trash cans out to the street for pick up by a private waste disposal company. The city wants it closed up.
- There is a berm on the city open space north of the property that was built by a previous owner. The city wants the berm removed.

**Emerson:** Can the front wall be moved back? *Response: Probably, but it will be expensive and there are issues with the pool area layout that may be a problem.*

**Merten:** When was the sidewalk installed? *R: The previous owner did that. The curb was existing. The original sidewalk was damaged by tree roots and had to be replaced. A eucalyptus tree was removed under a permit. Q: It appears the sidewalk originally ran close to where the wall is, and now it bumps out next to the curb? R: That is correct.*

**Merten:** Under City code, fences are obligated to conform to the front yard requirements, such as being 50% open above 3'. Is this considered the front yard? *Response: They don't know. They don't think so because the address is on Caminito Bello, not LJ Scenic North.* Merten: Since other fences along LJ Scenic North meet the fence requirements, he feels that this wall/fence is not only in the right-of-way easement, but may not be in compliance with the fence codes.

There was a lot of board discussion and examination of the site plans. The main concerns/questions were:

- Is the wall (fence) bordering LJ Scenic North considered a front-yard fence?
- Is the city going to do anything in the future with the right-of-way easement?
- Is the way the sidewalk juts out away from the property all the way to the curb atypical with other sidewalks in the neighborhood?
- The view corridor that the city is talking about is item 20 in the La Jolla Community Plan, page 46. It is shown on a very low resolution map, and there is no other information in the Community Plan specifying the actual boundaries of the view corridor. The applicants have asked the City for a map that shows the boundaries, but the city has been unable to provide one.
- Does the shotcrete retaining wall meet the city codes? It was built it taller than the original plans submitted to the city.
- What are the actual findings necessary to grant a Neighborhood Development Permit (NDP) for the front wall (fence) in the city right-of-way?
- Was the proposed bridge across LJ Scenic removed from the LJ Community Plan?

**Motion: Merten; Second: Emerson**

More information is needed. Continue item to a future meeting.

Information needed:

- Determine whether the area fronting LJ Scenic North is considered a front yard or a back yard?
- Confirm that city has no plans to widen the street or have other use for the right-of-way.
- Ask city for better definition of the Pottery Canyon view corridor boundaries.
- Findings required to grant a Neighborhood Development Permit?

**Motion carries: 6-0-1**

Approve: Emerson, Lucas, Merten, Morton, M. Naegle, Schenck

Oppose:

Abstain: Boyden (chair)