

# La Jolla Shores Permit Review Committee Minutes

Tuesday April 24, 2012

**Committee members in attendance:** Helen Boyden, Dolores Donovan (arrived during first project presentation), Janie Emerson, Tim Lucas, Phil Merten, Michael Morton (resigned during public comment and left immediately), John Schenck. Absent: Myrna Naegle.

Before the start of the meeting, the chair gave each applicant on the agenda informational handouts from Tony Crisafi, President of the La Jolla Community Planning Association (LJ CPA) regarding the steps in the community review process and appeal process. Other copies for review were circulated.

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

**Michael Morton** read a letter he wrote to Tony Crisafi, President of the La Jolla Community Planning Association, resigning from the La Jolla Shores Permit Review Committee effective immediately, citing his reasons: Unfairness of the hearing on Hillel since he believes several unnamed members should have disclosed, abstained or recused. The letter will be kept in the committee file.

**Helen Boyden as Chair:** She said she had disclosed her known opposition to the previous project at the first hearing on November 22, 2011. That is recorded in the minutes along with additional comments about other committee members' review and knowledge about the previous project as well and that the applicant did not state an objection.

**Kim Whitney:** Some members of board are part of the La Jolla Shores Tomorrow group that uses the same attorney that represents Taxpayers for Responsible Land Use that opposes the Hillel project. This is a conflict of interest.

**C. A. Marengo:** Why is this meeting not being recorded? He has donated money for recorders and does not know why they are not being used. (Boyden: We have not been provided with any recorders.)

**Janie Emerson:** She stated that La Jolla Shores Tomorrow had never been involved in the Hillel Project.

**Bernie Segal:** He is here representing Mary Lowe to ask for postponement of the Rue de Roark item 3, due to several neighbors not receiving notice about the project. Mary Lowe resides at 7240 Rue Michael.

**Boyden:** Response to Segal. The City mails notices to those with properties within a 300' radius, the Taccone property is posted, and the notice of this meeting has been properly posted. They will not postpone the item at this time and can discuss this issue later in the meeting when the item is scheduled to be heard.

## 2. Chair Comments

- Hillel will be heard at T & T Thursday of this week and possibly at LJCPA on May 3. The notice for T & T is posted on this building.
- Zegarra Walls project, on Caminito Bello, was pulled from April LJCPA consent agenda by the applicant and will be heard in full at the June meeting, as the applicant can not present in May.

- Gaxiola has resubmitted-the PM has advised that he will communicate again when the current cycles have been finalized

### **3A. Abelkop Residence:**

- Project No. 258472
- Type of Structure: Single Family Residence
- Location: 2481 Rue Denise
- Project Manager: Sandra Teasley; 619-446-5271; [steasley@sandiego.gov](mailto:steasley@sandiego.gov)
- Owner's rep: Colin Hernstad; 619-921-0114; colinhernstad@gmail.com

**Project Description:** a 2,298 square feet addition to an existing single family residence on a 0.29 acre site. Coastal Overlay (non-appealable) and Coastal Height Limit Zones

**Seeking:** Site Development Permit (SDP)

**Previous LJSPRC Action** – See minutes for discussion and other details

**Motion: Emerson; second: Schenck**

Continue this item to future meeting. Applicant should provide:

- Measured dimensions of driveway from street to garage door.
- Visibility triangles shown on plan
- Scenic overlook on north west of property addressed
- Updated roof plan.
- Dimensions of property line to buildings on all 4 sides.

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

**Approve:** Emerson, Lucas, Merten, Morton, M. Naegle, Schenck; **Oppose:** None;

**Abstain:** Boyden; **Absent:** Donovan- left before vote

**Presented by: Colin Hernstad**

The revised plans are not available at this time and are being prepared for submission to the City on Monday. The changes between the plan set on record from last meeting and the new set are minor. The structure and footprint are the same. A grading plan is being made per city request and geological issues are being addressed.

To address the committee issues from the previous meeting:

- Garage door to street as measured is 19' 6", and they have a photograph to show the measurement. The driveway meets the city code for parking a car in.
- A display was shown with visibility triangles. There are no sidewalks on either side of driveway. The plantings on either side will be maintained low for visibility and safety.
- Showed display of property with view to north. The hedge at the north edge not really block the view from the street of a person driving by. It would reduce privacy if removed.
- The roof plan was shown with drainage and parapets. Rain will drain to gutters and then to the street.
- The side is 11' from property line. There is nothing in the CCRs to create an issue with side yard space and setbacks.
- Sections were shown of the roofline.

**Merten:** Visibility triangles have 10' legs, and those shown on the diagram look smaller. He thinks that the diagram might be in error. **Hernstad:** *They look like 8'; you are correct.* **Merten:** *You have an existing situation, so you may be allowed to maintain those. However, if you remove a piece of a non-compliant building, you are then required to make it comply. You are changing the roof line and adding a parapet.* **Hernstad:** *There is enough space for the view triangles, they just didn't get drawn on display correctly. They will work with the neighbor to cut the planting down to a safe level on that side of the garage.*

**Public comment:**

**Mary Lowe:** She did receive a notice of this project but not on item 3C, Rue de Roark. Has no other comment on this project.

**Schenck:** Have they looked at the La Jolla Shores Design Manual guidelines regarding the roof slopes and structures and how they should be compatible with the neighborhood? The roofs look a bit piecemeal with ridgelines, slopes, and parapets. He is concerned with how it looks from the neighbors' properties above. **Hernstad:** *They have tried to keep the roof line low, to preserve views rather than have consistent ridgelines. Much of the new addition is against the bank and not really visible to the neighbors.*

**Merten:** Roof materials? **Hernstad:** *The flat parts will be a hot mop finish torchdown of a brown or natural color. Brown shingles will be used on the areas where there are pitches.* **Merten:** The parapet is like a false front, thinks that it does not fit in with the Design Manual. **Hernstad:** *Is your concern with the element not being continued? We could extend the parapet a bit around the garage, but not too far. The uphill neighbors, the Shaws have seen the plans and elevations, and have no concerns on the roof issue.*

**Lucas:** I just don't see the issue. This is such a low structure; most of this garage side won't be visible from above due to the slope.

**Merten:** The east side that also has a parapet around it that will be visible from above and is of concern... (consults Design Manual). After further review of the LJ Shores Design Manual, I withdraw my objection to the parapet.

**Motion: Lucas Second: Emerson**

Findings can be made for a Site Development permit.

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

Approve: Donovan, Emerson, Lucas, Merten, Schenck

Oppose: None

Abstain: Boyden (chair)

**3B. Browar Residence**

- Project No. 269064
- Type of Structure: Single Family Residence
- Location: 2725 Inverness Court
- 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:** Demolish existing single family residence and construct new single family residence with associated site walls and swimming pool. [applicant] Site size: 1.35 acres, located in Coastal Height Limit, Coastal Overlay and Campus Impact Parking Zones (non-appealable)

**Seeking:** Coastal Development Permit (CDP) and Site Development Permit (SDP) for La Jolla Shores Planned District and Environmentally Sensitive Lands

**Previous PRC Action:** See March 2012 Minutes for discussion and details

**Motion: Emerson; second: M. Naegle**

Continue to next time. Provide:

Plans showing the revised driveway on submitted plans.

Determine total number of rooms considered a bedroom. Is lower office is considered a bedroom under city codes?

Provide street level perspectives and views showing house from cul-de-sac.

**Motion carries: 6-0-1; Approve:** Emerson, Lucas, Merten, Morton, M. Naegle, Schenck

**Oppose: None; Abstain:** Boyden

**Hayer:** Before starting, wants the committee to know that the project notice was posted on the property again, for the third time - someone in the neighborhood keeps taking it off. Committee members confirm that they have seen the notice at various times since the last meeting, including right after the March PRC meeting and also today.

**Boyden:** Read brief excerpts from letters received from neighbors. All letters received were in support of the project based on a review of the plans. Letters were from: Marion and S.P. Masouredis, 2745 Inverness Court; Joan and Irwin Jacobs, 2725 Inverness Court; Alberto and Silvana Michan, 8558 Prestwick Drive; David S. Janowsky, 8538 Prestwick Drive; W. Eli Strich, 8568 Prestwick Drive.

**Presented by: Bill Hayer**

The only major change in plans since the last meeting is that there is now a single access point for the driveway, rather than having two openings and a drive-through between them. The curb cut is now the 12' width required by the SDMC for Parking Impact Zones.

Modifications since the last meeting:

- The front wall is being pushed back more from the street from 8' to 9' 6"
- Stone archway has also been moved back from the street from 7' 6" to 8' 6"
- The stepped planter and wall that connects to the garage have been eliminated

Feels that this design is an improvement over the present structure. By removing the second curb cut and inter-connecting driveway, they now have more green planting in front. Instead of a long straight building with a 15' unbroken roof line, the proposed design has the structure broken it into small triangles. The placements of houses on the street are consistent and in a line. The issue is that the cul-de-sac widens at that point and makes the house closer to the street. This shallow lot--due to the canyon and the cul-de-sac unique circumstances,--should allow for a slightly smaller setback than other houses not on the cul-de-sac.

**Merten:** Wants to disclose to the committee that he did have a phone conversation with Bill Hayer and received via email before and after aerial images and a revised site plan, prior to the meeting.

**Emerson:** Thinks that the cul-de sacs in the area are all a bit different and that comparing them is like comparing apples and oranges. Thinks this project fits in with the houses in this immediate cul-de-sac.

**Hayer:** Regarding the committee questions from last time regarding the bedrooms in the house. According to the city, they are not in the Campus Impact Parking Zone. **Boyden:** Whoever told you that is incorrect. She presented a city map of the parking zones which showed that this house was clearly in the campus zone. **Hayer:** *I will contact the city again regarding this. Regardless, the plans show 3 bedrooms, plus office down below. Even if the office below was considered to be a bedroom, there are still adequate parking spaces to meet the code of a parking space for each bedroom. There are 3 spaces in a garage plus 1 in driveway. The driveway is 19' to street.*

**Lucas:** By removing one of the curb cuts, there is now more parking on the street.

**Emerson:** Drainage issues or a plan? **Hayer:** *the pad and roof system drains are collected and pumped to a system that ejects to the street. Only the northwest corner of the house, above the master bedroom, will drain to a planter on the slope side where it will dissipate.*

**Public comment:** None

**Motion: Donovan; second: Emerson**

Findings can be made for a SDP and a CDP based on the plans presented to the committee dated by presenter 4/24/12 (and to be submitted to the City), with front setbacks of 9' 6" and arching stone wall set back 8' 6" as indicated on sheet 2 of 12.

**Motion carries: 4-1-1**

Approve: Donovan, Emerson, Lucas, Schenck

Oppose: Merten

Abstain: Boyden (chair)

### **3C. Taccone Residence**

- Project No. 164177
- Type of Structure: Single Family Residence
- Location: 7206 Rue de Roark
- Project Manager: Glenn Gargas; ggargas@sandiego.gov
- Owner's rep: Claude-Anthony Marengo; 858-459-3769; cmarengo@san.rr.com

**Project Description:** Extension of Time for Coastal Development Permit 588201 and Site Development Permit 588202 to demolish existing residence and construct a 7,366 square foot single family residence with a 555 square foot guest quarters on a 0.30 acre site. The property is located at 7206 Rue De Roark, Coastal Overlay (non-appealable), Coastal Height Limit. **Also described as:** Complete demo & removal of existing 2,469.9 sf SF residence & existing 522.9 sf garage & removal of all hardscape. Construction of new 5,650 sf 1 story residence over 4,637 sf basement & 1,759 sf garage & 551.2 sf guest house. Approved by PRC as Pierce residence in November 2008.

## Seeking: Extension of Time

### Presented by C. A. Marengo

The permit was originally issued to the previous owner, Pierce, who did not build the project. The new owner of the property is requesting a three year Extension Of Time (EOT). They are within the 60 day period for the extension request and this needs to be heard here today. The original plans were approved by both the homeowners association for the area and city. They are seeking a EOT on the specific plan that was approved. There are no modifications to the plan. There are some new storm water regulations during construction that will need to be met.

**Schenck:** Are there any conditions that have changed since the project was approved? *No, same Coastal Act and Community Plan as when project was reviewed.*

### Public comment

**Mary Lowe:** When was HOA approval? **Marengo:** *The HOA president signed the plans in 2006.*

**Lowe:** Has some questions regarding the approved design. **Marengo:** *The existing pool is being removed and replaced with a new pool. The basement is being excavated below the house where the soil structure is poor; otherwise they would need to excavate and put caissons in to support the new structure.* **Lowe:** She did not receive the notice for this EOT. **Marengo:** *Your property and the other neighbors' properties were both on the list for people to be noticed. The notices are handled through a private firm per city regulations. We do not have any contact with the cards being mailed out. Other residents did receive them and have contacted us.* **Boyd:** *She received a notice as she is on the master list for projects in La Jolla.*

Deborah Brant (7228 Rue Michael resident): When this plan first came out and went through the review process, they thought that the design did not fit with the neighborhood or meet the requirements of the PDO. This project also blocks views. They raised objections then but were not listened to.

**Bernie Segal:** The issue here is whether the committee can grant an extension today. There are two neighbors that did not receive the notice. The point that a notice was sent out does not mean that it was received. These two neighbors are here today, but they have not had time to review the plans or research if the findings can be met for an Extension of Time. He is requesting an extension for review of the matter to allow the neighbors a chance to do their research.

**Emerson:** Deadline on the EOT? **Boyd:** *June 15, but it has to go through the CPA and then have a hearing within the 60 day period.*

**Donovan:** She has previously expressed concerns on the city noticing process and believes that it is woefully inadequate. Here we have 2 neighbors present that have not received notice and only found out at the last minute. She doesn't think that we should consider the matter today.

**Merten:** Addressing Mr. Segal, thank goodness that you and the neighbors are here today. It is unfortunate that there was apparently a noticing issue, but at least you were able to attend the meeting. The issue before us is for an extension of time, not a complete project review. Three findings have to be made. To paraphrase:

1. The project as approved would not place the occupants or neighbors in a condition of danger or that affects health.

2. Project is consistent with local coastal program regulations.
3. No new condition is required to comply with state or federal law.

Noted that the coastal program has not changed since 2001.

There was a committee discussion regarding the steps in the community review process leading to the hearing officer decision. The committee findings would normally be placed on the consent agenda of the LJ CPA for the next meeting (5/3/12), and could then be pulled by anyone in attendance for a full hearing the following month. Unfortunately, due to the strict deadline for this item, that would probably not work. (Marengo believes that they are scheduled before a hearing officer at the Planning Department in mid-May). The best approach, depending on this committee's decision, would be to contact Tony Crisafi, the president of the CPA, and request that this item be removed from the consent agenda and placed on the regular agenda for a full hearing for the upcoming meeting.

The committee also recommended contacting the city project manager, Glenn Gargas, ASAP and work with him to get information about the project.

**Donovan:** Is very concerned about the noticing issue due to the many community members who appear in this committee stating that they have not received the notices as required by law. She thinks that we should postpone this item to the next meeting to give the attorney for the Taccone neighbors time to research his claim that the City noticing procedure did not conform to state and federal law.

**Motion: Donovan**

To hear this item at the next meeting.

No Second – motion dies.

**Lucas:** If we do not hear this today, there will be no time for any community review. These EOTs are very time sensitive. I think that we should consider the item today and then the neighbors will have a week to review the project and present their objections at the CPA meeting.

**Emerson:** She had asked several times what the scope of the vote was. Several persons stated that the vote was only on the Extension of Time and not the project itself. She then stated that the Committee vote was limited to the requested extension of time and was not a vote on the design of the project.

**Motion: Emerson Second: Schenck**

The findings can be made for an extension of time (EOT) for the project as presented, per San Diego Municipal Code 126.0111.

**Motion carries 4-1-1**

Approve: Emerson, Lucas, Merten, Schenck

Oppose: Donovan

Abstain: Boyden (chair)

**Discussion on the motion:**

**Lucas:** Our decision must be based on the three findings as outlined by Merten. I believe that the findings can be made and must support the EOT. I wish that there was a mechanism for further community review on an item requesting an EOT, but the Municipal Code does not have one.

**Donovan:** Will oppose the EOT on the grounds that the City noticing procedures are defective and therefore the project does not comply with state or federal law.