

La Jolla Shores Permit Review Committee Meeting Minutes

Tuesday September 25, 2012

Committee members in attendance: Helen Boyden (chair), Tim Lucas (secretary), Dolores Donovan (left during 2nd item, Gaxiola), Phil Merten, John Schenck, Laura DuCharme-Conboy, Janie Emerson, Myrna Naegle

1. Non-Agenda Public Comment – 2 minutes each

Janie Emerson: Above Osteria Romantica there is a blue and white striped popup that is on the roof and has a barbeque. It has been there for 2 months and is very visible and probably doesn't conform to the municipal code or LJS PDO.

2. Chair Comments

- General comments for the public regarding the purpose of the Permit Review Committee, the actions that are made, and the abbreviations we use such as: LJS PDO, LJCP, Muni Code. A reminder that private views are not protected in the municipal code. The committee does not consider CCRs. The procedures that the city uses for noticing owners within 300' radius of a project were described.
- The chair passed out a handout to the board extracted from the LJS PDO regarding structures below the water table. A second handout regarding the colors for siding and roofs from the PDO was also passed.
- At the September LJCPA meeting, it was announced that Palazzo SCR had been approved by DSD. No action was taken by the LJCPA
- LJS AB agendas have an official posting URL of:
<http://www.sandiego.gov/planning/community/profiles/lajolla/pddoab.shtml>
- The Viterbi project has been moved forward to the October meeting

3A. McIlvaine (Landa) Residence 2nd hearing - Not heard – pulled from agenda.

- PROJECT NUMBER: 282104
- TYPE OF STRUCTURE: Single Family Residence
- LOCATION: 8415 Avenida de las Ondas
- PROJECT MANAGER: Paul Godwin; 619-446-5190; pgodwin@sandiego.gov
- OWNER'S REP: William S. Hayer; 858-792-2800; bhayer@hayerarchitecture.com

Project Description: Demolish existing SFR, garage and pool. Construct new SFR, 2 stories over partial basement incl. garage, new pool with wine grotto & exercise pavilion, new site retaining walls and associated landscape features. [applicant] Coastal Overlay (non-appealable), Coastal Height Limit and Campus Parking Impact Zones.

The project was withdrawn from agenda due to issues still being resolved with the city. Will be heard at a future meeting.

3B. Vallecitos (Feldman) Residence 2nd hearing

- PROJECT NUMBER: 284055
- TYPE OF STRUCTURE: Single Family Residence
- LOCATION: 2351 Vallecitos
- PROJECT MANAGER: Paul Godwin; 619-446-5190; pgodwin@sandiego.gov
- OWNER'S REP: Haley Bareisa, Island Architects; 858-459-9291; hbareisa@islandarch.com

Project Description: Demolish an existing 2664 sf residence and construct a 4920 sf single story SFR on a 19,236 sf lot according to revised plans dated September 17, 2012. Includes 3-car attached garage, pool and retaining walls. Coastal Overlay (non-appealable), Coastal Height Limit Zones.

Seeking: SDP and CDP, Process Three

Previous LJSPRC action; see August 28 meeting for full details.

Motion: Naegle; second: Emerson.

Continue the project. The applicant is asked to bring:

- **Site cross-section showing the upper and lower neighbor properties in relation to the proposed project.**
- **Flat roof material sample.**

Motion carries: 4-0-1

Approve: Emerson, Lucas, Naegle, Schenck; **abstain:** Conboy (acting chair)

Abstentions

John Schenck: Did major remodel for the Brimms 21 years ago and his company continues to perform minor maintenance on the house.

Myrna Naegle: Is a personal friend of Althea Brimm, the neighbor living up slope.

Full Disclosure

Tim Lucas: Lives in neighborhood three houses up from the project. He does not have any financial ties to the project and will not be affected by the project. He made a full disclosure statement at the first review of the project.

Presented by Haley Bareisa, Tony Crisafi

They feel that the project complies with the LJS PDO and the Municipal Code. Proposing to demolish a single family residence. The setbacks conform with the neighborhood as shown on the provided table of neighborhood setbacks. The east side = 5', west side = 25', rear = 25', front = 30'.

Site sections were shown to the committee. The prop D heights were shown on the diagrams.

One change from the previous presentation is that the retaining wall has been broken into two portions 6'6" and 1'6", rather than have a single 8' tall wall. It will be a green wall and have new plantings and hedges as the existing hedge has not been maintained and can not be restored.

They will collect water on the south side of the house (back yard) and will store as much of it as they can in a tank on the north (front) of the property (the old bomb shelter).

A street cross-section showing the upper and lower neighboring properties in relation to the proposed project was provided and discussed. (five or six total properties in all)

A major change that has been made to the plans is that the pop-up sections in the roof on the north side over the kitchen and the living room have been lowered by 2' 6". The chimney has also been lowered by 2' 6". This will help with the view concerns of the upslope neighbor. The width of the pop-up section with the clerestory windows has also been diminished by several feet.

The committee asked various questions concerning the roof pop-ups and chimneys to clarify what was being shown in the plans and elevations. The committee asked questions regarding the existing topography of the site and issues of slope and drainage. The main concern was how the lot sloped at the south portion of the property. A topographic map was shown and the south side of the property is around the 78' MSL contour line and the slope is relatively consistent and not too steep.

Public Comment

Littleton Waller (Vallecitos, downslope neighbor): The existing retaining wall is on his property. Is concerned about the higher retaining wall and the amount of fill dirt that will be added and how it might destabilize or damage his retaining wall. He is also concerned about the expansion of the yard toward the west and how it will affect his privacy. **Response Crisafi:** The living space to the property line is 25'. The existing house is actually closer to the property line than this one. The retaining wall will be slanted back and the base of the wall will be sunk into the ground so that there will not be any load issues. They have engineering studies, and the proposed retaining wall is designed so that the surcharge (the force of the weight of the fill) will be directed to the ground at a 45 degree angle and will not affect the existing retaining wall. The proposed retaining wall will also be placed below grade so it won't add pressure below the grade. Hydrostatic loads during the rainy season will be handled by the drainage system at the base. **Merten:** Provided further explanation of the term "surcharge" and how the forces are directed. The loads dissipate out, and at a 45 degree angle there aren't any further loads, so in this case there should not be any additional loads on the existing retaining wall structure.

Althea Brimm (Vallecitos, upslope neighbor): Would like to know the heights of the pop-up roof sections in relationship to the existing structure. **Response Bareisa:** The pop-up is 5'7" and the chimney is 7' higher than the existing structure

ridge line. **Brimm:** The LJ Shores PDO (section 1510.0301) states that *“No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.”*

Where the proposed structure doesn't conform is where it blocks her view. I know that the committee does not want to hear about private views; however, the houses in this area were oriented to not block views. Her house doesn't block the neighbor above; the present house below doesn't block her; the house below that doesn't block the view of the house above. This proposal will block her view. The houses in the whole neighborhood are based on stair steps to preserve views and the CC&Rs reflect this. She is concerned that this will damage her property value by 15 to 25% from the loss of her main view. She has written a letter to the owners of the property, asking that they not block her view and lower the structures more. Lowering the structure 2.5' doesn't really help her view. She may have to take legal action due to the CC&Rs.

Crisafi: The owners are trying to be in contact with Brimm to work on these issues. They have trimmed the hedges to improve the views. They have tried to preserve the views, but based on the redevelopment of the neighborhood, houses will be getting bigger and views will continue to be lessened. They have looked at different designs to minimize the view impacts. There are tall buildings in the lower Shores area (Clubdominiums, 4-story office building behind Laureate Park) that block views to the ocean and beach from the hill side as well as large trees in the area that obstruct views. There are still views to the ocean and the Cove in between the trees and the buildings. As the area re-develops there will be other structures built that will partially obstruct the views of others. There have been projects recently approved and built on this block that go up to 30' in height which is surprising to him. He does not see how the CC&Rs for this parcel protect views. This is a separate subdivision from the Brimm property and there are different CC&Rs from what hers are. They will continue working with the neighbors on these issues. In any case the CC&Rs are not part of this project review and they ask that the project review continue based on what is being presented today and a fair application of the LJS PDO and Municipal Code.

Steven Victor (atty representing Brim): They have issues with the property. They appreciate that the Feldmans have lowered the roofs slightly, but the 12' high front room is being built on a raised grade level, making the effective height 17' which is basically a 2-story height. They propose a compatible solution of lowering the pop-ups, which don't enhance any views, and put in skylights that track the sun instead. This will provide more light and eliminate the need for clerestory windows. This will keep the overall height of the house lower. The project as proposed will be blocking the primary views from the kitchen and the living room. Having a flat roof solution would not block the view.

Bernie Segal: Lives across the street from this project. Does not think that this project will affect his property directly but has concerns for the neighborhood. He read section 1510.0301 of the LJ Shores PDO *“...no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.”*

The word “relationship” is the key. They are siting the house to the north which moves it in front of the Brimm living space, greatly impairing her view to improve theirs. This disturbs the relationship that the houses in the area have with each other. You cannot divorce view from the concept of architectural unity of the area. The siting of a house is intrinsic to the architectural unity of the area as are the composition and materials of the home, setbacks and everything else. If you don't want to see houses torn down and replaced without regard to the adjacent properties, you can approve this project. Otherwise, you should try to preserve the long history of terraced layouts and architectural unity of the area. This project should make a major accommodation to the adjacent land owners. I don't believe that this project has done that and the committee should not approve this project.

Littleton Waller: This project is going to add dirt, raise the existing level, and push the building out to the west. Is it really necessary to raise and extend the pad for their view at the expense of his privacy? They have a fine view as the house presently stands.

Crisafi response: The footprint of the current house is on a diagonal and extends to the rear of the lot. The proposed house starts at about the same distance to the rear as the present house. Most of the proposed roof is lower than the existing roof. They have placed the clerestory pop-ups towards the middle of the lot, albeit towards the front. They did look at placing the living room and kitchen and garage to the rear of the lot, but it didn't really work having a driveway the length of the property to the rear due to the way the lot is shaped. Across the street there is a very similar garage form. They have moved the clerestory in from the previous design and lowered the heights.

Board Discussion

Emerson: What is the height of the floor level between this and the existing house? **Bareisa:** The finished floor is one foot higher than the existing house, but not in the garage area. The roof is lower than the existing house (except for the clerestory areas) so in effect the house has been compressed.

Conboy: How much higher is the living room floor over the existing grade? **Crisafi:** It varies as the lot slopes. There is an existing terrace that is 1' lower over most parts, over some parts of the living room it would be on the order of 2'. Towards the front entry, there is 4' of fill, and the garage is being sunk into the grade.

Emerson: What would be the impact of not doing as much fill? **Bareisa/Crisafi:** The impact would be on the rear area drainage and not being able to collect water into the cistern.

Boyden: You have indicated that you are in contact with the neighbors and still working on the issues. Did you want to continue this review to a later date? **Crisafi:** We are working on the private view issues and the CC&Rs, which are not part of this project review. We request that the committee make a decision today.

Donovan: Finds Mr. Segal's legal argument intriguing. His point about the relationship of the houses in the area is well taken. The LJ Shores PDO is incorporated into the Municipal Code. I think that we are talking about law and its proper interpretation rather than private views.

Conboy: Has questions about the siting of the house and if this orientation completely walls off the view of the neighbor. This is a privacy concern as well. **Crisafi:** When we sited the house we got up on the roof of the existing house and looked at where the trees and hedges were and tried to lay out the house so as to balance between the views their client will have and the neighbors as well. There will still be views to the water and up the coast. In 2005 there was a house several lots down that was approved that was 30' tall in the rear section, and there is another recent house as well further down that is 30' tall. A lot of the views on these upper lots are intermittent and garden views through other people's trees and structures.

Lucas: Has 3 areas of concern. The current retaining wall on the downslope property has some bulging and leaning that indicates to me that the slope has been sliding down through the years. Is there some way that when you are building the retaining wall you can dig the base a bit deeper to reduce the stress on the area? **Bareisa:** The work that they will be doing will relieve some of the pressure between installing the drainage and slanting the retaining wall back. The base of the retaining wall will extend into the grade. **Lucas:** The southwest portion of the rear yard is being filled in to the retaining wall located 5' back from the property line. Is there a way to pull this back a bit to give better privacy to the downslope neighbor? The proposed design is going to extend up 8' and will look down into the neighbor's yard and bedrooms. This 8' combined total retaining walls coupled with the existing 6' retaining wall will look rather imposing from below. This will be softened a bit by the hedges that will be planted. Can the retaining wall be pulled back a bit more from the property line in the rear area to increase the privacy? My third concern is that the finished floor height is 1' above the current height. Can the pad be lowered a bit in areas that wouldn't affect your client's view, and the fill be used to level the lot at the rear? **Crisafi & Bareisa:** They have balanced the fill with the lowering of the garage and the excavation of the pool. They could look at stepping down the yard, but the way the drainage has been engineered, it would be best to leave the design the way it is. The design of the retaining wall will allow hedges to be planted that will protect the privacy. Thinks that having the combination of retaining walls will add to the privacy.

Merten: View protection- private views aren't protected. The LJS PDO is unique in that it does say in the general rules section under purpose and intent that the public health, safety and welfare require that property in La Jolla Shores shall be protected from impairment in value and that the distinctive residential character shall be maintained. The public welfare is one thing that an attorney could argue that if one's private view is being affected, it is potentially reducing the property value of an adjacent property - enough said on that. The issue that Merten has is the 5' side yard setback on the east side does not fit with the adjacent houses. The LJS PDO says that buildings and structure setbacks shall be in general conformity with those in the vicinity. The adjacent properties have a lot more separation of the living areas and the property line. He has a hard time making the argument that this 5' setback is in general conformity with those in the vicinity. **Boyden:** What about across the street? **Merten:** Those are in the vicinity, but the adjacent houses are more in the vicinity. Will not be supporting the project with the house pulled so tight to the neighbor, when there is other space on the property that could be utilized. **Crisafi:** There are a number of setbacks of 4 and 5' in the neighborhood that he can provide information on at a later time. **Merten:** If only one portion of the house was only 5' away that would be one thing, but this is the whole side of the house except for one small area of relief. The combined length of the walls with no separation is not consistent with the neighborhood.

Motion: Donovan Second: No second, motion dies from lack of a second.
The project should not be approved per sections 1510.0101 a & b of the Municipal Code (LJS PDO) where it says to protect and enhance the ocean oriented setting, and section 1510.0301b (LJS PDO) regarding the design principles:
“No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.”

Motion: Donovan Second: Merten
The project should not be approved on the basis that it disrupts the architectural unity of the area, and the east side-yard setback is not in general conformance with the area.

Motion carries: 3-1-4

Approve: Conboy, Donovan, Merten; **oppose:** Emerson; **abstain:** Boyden (chair), Naegle (is a personal friend of Althea Brimm, the neighbor living up slope), Schenck (did remodel for the Brimms 21 years ago, and has performed several smaller jobs fairly recently), Lucas (conflicting details on how the proposed project may or not conform to the LJS PDO, does not feel he has enough information to make an informed decision)

Discussion on the motion:

Conboy: Thinks that the materials blend in and the character of the house is very nice from the street and fits in with other houses in the Shores. The disrupting of the architectural unity has more to do with certain parts of the design not the front yard aesthetic.

Merten: Likes the overall architecture of the house. It is the section of the code that says *“Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.”* It is the relationship of the height of the building to its adjacent neighbor which disrupts the stair-stepping view protection that has been the development pattern over the years.

3C. Gaxiola Residence – previously heard August 2010

- PROJECT NUMBER: 207195
- TYPE OF STRUCTURE: Single Family Residence
- LOCATION: 2414 Calle Del Oro
- Project Manager: Morris Dye: mdye@sandiego.gov
- OWNERS REP: Gricel Cedillo; gricelcedillo@yahoo.com; Victor Gutierrez; victor.guti2@gmail.com

Project Description: Demolish existing 3178 sf 1-story residence and construct a new 2-story residence with 4 bedrooms, 7 bathrooms and 2 car garage and guest house. Coastal Overlay (non-appealable); Coastal Height Limit. *Description provided in agenda dated from 2010.*

Seeking: Site Development Permit and Coastal Development Permit, Process Three

Previous PRC action: August 2010-please see minutes on line at http://www.lajollacpa.org/minutes/prc10_0824min.pdf

Motion: Morton Second: Lucas

To continue item to a future meeting

The committee would like to see the following items presented:

- **A drainage plan showing the swale and the drainage pattern proposed**
- **Bring a site plan drawing that shows the outlines of building on adjacent properties**
- **Show additional on site parking spaces and guest parking spaces on the site plan**
- **Bring the 300' neighborhood setback survey that is required by the City**
- **Re-label the cross sections of the building to match with plan**
- **Show a grading plan with the existing and proposed site contours and drainage pattern**
- **Provide a site grading plan that would adequately address offsite drainage from upslope properties and to the downslope neighbors below**
- **Show drainage devices to channel and control the flow and route it to the curb or storm drain system**
- **Show the existing house outline overlaid with the current proposed project. on the site plan**
- **Request that the applicant provide a title report with a schedule B attachment - which will show all easements on the property**

Motion carried: 5-0-1

Approve: Furtek, Lucas, Merten, Morton, D. Naegle; abstain: Boyden (chair)

Boyden: This was heard by the committee in August 2010. She has received the newest plans. The main level looks similar to what was presented previously, but the lower floor may have changes. There was an easement on the north of the property that has been removed. The city review indicated that there were height issues and questions on lot coverage and grading.

Presented by: Grisel Cedillo and Victor Gutierrez

Gutierrez is a designer and Ms. Cedillo, the owner's rep, is there to help with the presentation.

There is no de novo presentation. They are going to provide the information that the board requested in the August 2010 motion. They present the 300' setback survey, with setbacks drawn on a neighborhood site plan rather than in a tabular format. They have a drainage plan and a title report showing that the easement on the north side of the property that has been removed.

Conboy: Would like to see a full presentation. There are 4 new committee members that haven't seen the project.

Gutierrez: We don't have all the plans with us. **Boyden:** I have all the plans and can put them up.

The main level floor plan was shown. There are 4 bedrooms on the main floor. The lower level has a separate guest house with a bedroom. There is a 3 car garage (one tandem).

Committee questions

Parking spaces required? **Response:** Two are required for the main house and one for the guest house. They have 3 in the garage, but one is tandem. There is also room for at least one in the driveway, which is not in the setback, so they meet the 3 space requirement.

Are they in the campus parking impact zone? **Response:** The rear of the property is actually in the campus impact zone, but the street address is not. Because there are only 4 bedrooms on the main level and the guest house is being treated separately, only 3 total spaces are required.

Bedrooms? **Response:** They originally had 5 on the main level, but the city made them convert one to an office.

Roof Plan was shown. It is a flat roof with a chimney. The highest point of the house is 16' 6" and the roof itself is 15'. Chimney is gas so they don't need a high chimney.

Various elevations were shown. The committee finds discrepancies in the plans regarding heights not being consistent on the various plan pages and there are questions on how the heights were calculated. The City also noted issues.

Donovan has to leave during discussion of this item.

Drainage plans: Engineers have proposed keeping the same swale and install a catch basin. Several questions were asked, but there was some confusion as to what was being proposed.

Emerson: The committee needs more detail on what is being proposed. It would be in the best interest of everyone to move this along and have them come back at a future meeting and do a complete presentation with detailed plans.

Boyden: There are members of the audience that are here for the project. She would like to take public comment before any motions.

Public comment:

Beverly Boynton: (neighbor below at 2404 Calle del Oro) This is the first time they have seen the architect presenting the plans today. They have talked with other people that have said that they are the architects. She has gone over to the property several times when she has seen these people and has proposed getting together with the neighbors to go over the plans. She has not had any response back to this idea. She would propose that if the architect would like to present the plans to the neighbors and to the Wetzlers, who own the property above and could not be here today, perhaps we could address some of the concerns of the neighborhood. She has concerns about the pool and drainage issues for the area as there have been many issues with drainage over the years. These concerns could be addressed at such a meeting.

Fred Boynton: The architect that they spoke to several years ago said that power and phone lines, that now run between the two properties on poles, could be undergrounded, paid for by the owners (see August 2010 minutes). How will this impact them since the power and phone lines also come from the same feed? **Response:** They are not aware of this proposal. They will check with the owners. The owners are interested in improving the look of the neighborhood. **Boynton:** We will be traveling until early November and would like this item to not be heard at the October meeting.

Anne & Robert Mawhinney (2415 Calle del Oro). House has been wrapped up in yellow tape for 1.5 years and there is trash and brush piling up. Can this be resolved? **Response:** The owners might be able to proceed with the demolition sooner. Caution tape has been put up at the request of the police department in response to break-ins. They were considering boarding up the windows might lead to more issues with people, but that would look ugly and might lead to more issues. They do have people periodically check the house for trespassers. **Anne Mawhinney:** Could a construction fence be put up? They would like the caution tape removed and the brush maintained. **Cedillo:** They want to remove the caution tape also. Will look into a fence being put up. **Robert Mawhinney:** Maybe an alarm system could be installed to discourage people from breaking in and squatting. **Cedillo:** They will look into it. The caution tape will be removed in the next day or two.

The chair encouraged the parties to meet prior to one of the neighbors leaving town and said that the project could not be delayed by skipping the October meeting.

Merten mentioned that he had concerns with the height of the wall at the western edge of the project.

Motion: Emerson; second: Conboy

To continue item to a future meeting. Provide full presentation of the project and a materials board. Provide 300' setback survey.

Motion carries: 6-0-1

Approve: Conboy, Emerson, Lucas, Merten, Naegle, Schenck; **Abstain:** Boyden (chair)
(Donovan left during discussion)

3D. Lambert Felice Residence

- PROJECT NUMBER: 288444
- TYPE OF STRUCTURE: Single Family Residence
- LOCATION: 2382 Via Capri Court
- Project Manager: Paul Godwin;619- 446-5190; pgodwin@sandiego.gov
- OWNERS REP: Scott Spencer; scottspencerarchitect@yahoo.com

Project Description: 702 square foot first-floor addition and a 580 square foot garage addition to an existing 4204 single story SFR on a 13,250 sf site. Coastal (non-appealable), Coastal Height Limit, 300 foot Brush Management Buffer Zones.

Seeking: Site Development Permit and Coastal Development Permit, Process Three

Disclosure by Schenck: He met Mr. Lambert in 2011 to look at a set of plans one time; he believes by a different designer. He has had no other contact with Mr. Lambert, either before or after. Sees no conflict of interest.

Boyden: The city is concerned that there was no neighborhood survey, and with the view corridor, an overheight wall, and visibility triangles shown in the wrong place.

Presented by Scott Spencer:

This is an existing single family home. The residence is on one floor and the garage is under it and is accessed from Via Capri. The garage is dangerous to pull into, and you have to back out into traffic when exiting. It is an old structure and has a low 7' 6" ceiling, which is too low for modern cars.

They are proposing a 580 sq ft second garage on the upper level accessed from Via Capri Court. It will have a 12' curb cut and keep the same 10' setback to the new garage. They will also add a 702 sq ft addition to living space for a total of 1282 sq ft of new additions. On the Via Capri side, they will have a 21' setback as compared to the 22' setback currently. The rear setbacks remain at 17'. They are increasing the height of house by 5' in the front. This increases the internal volume but the house remains a single story. Trees will be thinned or removed from proposed driveway area to increase the visibility.

The coastal plan says that on Via Capri, there is a view corridor and that the street setbacks of 20' on all properties is to be maintained for a view corridor. They are proposing 6' high wall for noise, privacy and safety. There have been instances of cars jumping the curb and crashing into front yards along Via Capri. City thinks that a 6' high wall may violate the view corridor. City planner Conan Murphy thinks that this may not be a violation since there is currently no view. The trees are blocking the view and they are not being required to cut them down. The proposed wall will be 2' inside the property line on the Via Capri side. Also, since other houses in neighborhood have similar high walls, this wall should be OK, since the city has allowed these other walls to be built.

Boyden: On a project where they combined two lots on Whale Watch, one of the requirements was that the view be enhanced. How will this project enhance the view? **Spencer:** They are removing two large trees located in the proposed driveway on Via Capri Court which will enhance the views. He pointed out other parcels in the area where the city has allowed high walls to be built. Even if there was supposed to be a view corridor along Via Capri, the city has over the course of time permitted walls and allowed landscaping to block the view. Conan Murphy says that if we can build a case that the city has permitted these other high walls along Via Capri, then they can issue a permit for the wall.

Conboy: Will Conan Murphy be requiring you to get a variance? **Spencer:** No, it will part of a Site Development Permit.

Conboy: In the coastal zone we are required to have solid walls only up to 3' high and above that 70% open. Is that what you are proposing? **Spencer:** We are proposing a solid wall 6' high.

Merten: I think that Conan Murphy is missing the intent of the fence ordinance. The idea is to make you comply with the fence regulations, even if your neighbors have 6' high solid walls. When they go to improve their properties they will need to bring their fences and walls into compliance. Merten pointed out that it was at the north end of the wall where there would actually be a view to the ocean and only this part would be an issue. That said, he feels that the fence should comply with the regulations for the front yard.

Conboy: Will you be removing the hedges along Via Capri when putting in the fence/wall? **Spencer:** There are some hedges and some coral trees. The coral trees are huge. They will have to be adjusting some of the landscaping to install the wall. **Conboy:** It seems to me that once you take down the hedges you won't be blocking anything and you will see the

house. **Spencer:** The hedge is actually in front near the curb so it will remain. **Boyden:** Can't the coral trees be laced to improve the view?

Robin Felice (owner): We don't have any neighbors complaining about the view or the view corridor. Part of the reason for the fence is that this is a very noisy and dangerous road and they are right on a corner. The neighbors are putting up walls for this reason. They feel that all new projects on Via Capri will request the high fences/walls. The wall is for noise and safety. Cars are decelerating coming down the hill and accelerating going up the hill and it is very noisy. **Merten:** you make an excellent case for findings for a variance to build a wall. I think that the City is wrong if they felt that they can approve it under a SDP. It should be done under a variance, and he thinks that findings can be made for it.

Public comment

Bob Steck (Rue de Anne): Thinks it is a great idea to move the garage to Via Capri Court. Trying to back out of the present garage is dangerous. There was a mudslide in the area. Was that on this property? **Emerson:** The house next door on the north/west side. There was a mudslide in 1969 and there has been one recently there. **Spencer:** Their geo-technical report says that there is 3' fill on top of solid formation. They will be increasing the foundation footings.

Board Discussion

Conboy: Would be in favor of the wall, whichever way they can do it (variance, ministerial). The visibility triangles as shown on plan are wrong. The pilasters along the driveway and in the view corridor will need to be moved.

Boyden: What will happen to the original garage? **Spencer:** The original garage will remain and be used for a sports car that get limited use and for storage.

Merten: The gate on the existing garage/driveway will have to be moved back for safety to allow a car to pull out of the street while the gate opens. **Spencer:** That is a good point. They will need to have 15' to 18' of space for safety. It will be a slide gate.

Boyden: Surprised the city didn't mention the soils report. **Spencer:** They have a soils report which was provided to the city. Not sure why the city didn't review it. **Robin Felice:** Our soil report was much different from the neighbors. Our soil shows better compaction. The neighbor had to put in deeper footings. We are holding our building envelope in and not extending out on the slope.

Schenck: My company did the footings and caissons on the house next door. They appear to be holding fine. The issue is not the house that was reinforced but with the surrounding hillside areas that were not improved.

Motion: Naegle; second: Merten

Continue the item to a future meeting. Bring updated plans with the correct visibility triangles for both driveways and detail for the driveway gate on Via Capri shown. Overlay proposed Via Capri wall on elevations.

Motion carries: 6-0-1

Approve: Conboy, Emerson, Lucas, Merten, Naegle, Schenck; **abstain:** Boyden (chair)