

La Jolla Shores Permit Review Committee B Minutes

Tuesday June 24, 2014

Committee members in attendance: Phil Merten (interim chair), Laura DuCharme Conboy, Dolores Donovan, Janie Emerson, Myrna Naegle, Bob Steck (departed before vote on Action Item), John Schenck.

Absent: Tim Lucas

Audience: 8

1. Welcome and Call to Order

Interim Chair Phil Merten called the meeting to order at 4:00 p.m. and explained the permit review process to the audience.

2. Adoption of Agenda

Donovan moved to adopt the agenda. Emerson seconded. The motion passed 7-0-0.

3. Non-Agenda Public Comment

Mrs. Washburn, a member of the audience, asked the Chair to introduce himself, which he did.

4. Committee Member Comments

Conboy announced the La Jolla Historical Society Summer Camp for Children and asked any architects in the audience who might wish to volunteer to contact her.

5. Chair Comments

Merten announced

- The Wu residence approved last month by the PRC was pulled from the CPA consent agenda and a full hearing will be held at the July 3 CPA meeting.
- A hearing on the proposed residence at 8490 Whale Watch Way will be held tomorrow morning, Wednesday, June 25, before Hearing Officer. Merten will represent the CPA to convey the views of the PRC at the hearing. (The CPA recommended denial of permits by a vote of 15-0-0.) At tomorrow's hearing, information regarding the mitigated negative declaration will be presented. The City Council will consider that information when it hears the appeal on the environmental aspects of the proposed residence at 8490 Whale Watch Way.
- Dolores Donovan has agreed to take over the duties of PRC Secretary from Tim Lucas.
- In July the PRC will hold an election for the position of Chair.

6. Project Review

6A. Laska Residence Addition

- Project No. 363511
- Type of Structure: Single Family Residence
- Location: 8151 Calle Del Cielo,
- Applicant: Brian Yamagata 619-231-9905 briany@golba.com
- Project Manager: Jeff Peterson 619-446-5237 JAPeterson@sandiego.gov

Project Description: PROCESS 3 - CDP and SDP within the Sustainable Building Expedite Program for a 2,856 sq. ft. second floor addition, remodel and add 427 square feet to the first floor with basement addition, and new 3-car garage of 854 sq.ft. to an existing single family residence on 20,101 sq. ft lot. The project incorporates a

roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the projects' projected energy consumption. The project site is located at 8151 Calle Del Cielo in the Single Family Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limit, within the La Jolla Community Plan area.

Merten: The project is on the expedite fast track because it will have solar panels producing more than 50% of the electrical necessary to meet the finished house's requirements.

Presentation by Sasha Varone

This is a family with four children. Hence the need for several bedrooms. The design of this flat-front two-story home is modern; the materials are stucco and stone. The client is an environmental advocate and he plans to use the house as a prototype to show clients; hence there are many green features. One such feature is the green roof on the garage, which will function as a play space for the children, since the lot has no other area in which they can play. The remainder of the roof is divided between a roof-top deck and space for the solar panels.

Additional information elicited by Committee questions

The elevation at the curb is 138 and at the garage 140. The highest point is 150; the low point is 128. The highest point is at the SE corner of the lot.

The side setbacks are 11'10 ¾"; the rear setback remains as it is at present due to the steeply rising hill behind the house. Overall, the set-backs will remain the same as at present.

Height is 24'4" from grade level. Grade level will remain what it is at present.

FAR is .29. (Merten comments: slightly more than half of what would be allowed on a 20,000 sf lot under city-wide Floor Area Ratio limitations.)

Committee Comments

Naegel: the style is not compatible with the houses to the left or right, which are single story older homes.

Donovan: the neighbors behind and above on Calle del Oro are not aware of the proposed remodel of the house.

Can you put up story poles to allow them to comment? A. They were notified pursuant to the 300-yards rule.

Donovan: The notices look like junk mail and few persons open junk mail.

Conboy: even if they had opened the notices, the information does not include the date of the hearing.

Emerson: I know of two neighbors who are quite concerned but are out of the country. Can we continue this to next month?

Audience comments

Margo Washburn, 2485 Vallecitos Ct: If there is a window at the north east side it will look right into my bedroom where I watch TV every night. A: The corner room you currently look into will be a non-bedroom with a fireplace. There is a covered patio at the rear on that side. Upstairs are bedrooms.

Washburn: Can you put in trees that will break this large concrete structure? A. There will be a fence and some plantings.

Donovan: could you put in story poles so the neighbors above can see what they're getting? A. We will talk to the owners about that.

Emerson: two other neighbors who are very concerned are out of the country.

Conboy: Also we need to know the elevations. The City requires a topographic survey running 50 feet from the site, but no applicants ever do it. Such a survey would eliminate the need for story poles.

Conboy: Your design is linear and suddenly the entrance gets busy and that emphasizes the unbroken linear. If this house is not brought off well, it will just look inexpensive rather than elegantly simple.

Merten: Tim Lucas lives in the two-story house across the street. He was initially concerned that the design might crowd the neighbor to the south. On the north, there will be a view directly onto the neighbor's front yard and driveway. Lucas was concerned about the contemporary character of the project. His conclusion seemed to be a sort of reluctant acceptance of the house.

Conboy: Motion that findings can be made on a Coastal Development and Site Development permit. Schenck seconds. Motion passes 5-2-0. (Merten, Conboy, Schenck, Steck and Donovan voting YES. Naegle and Emerson voting NO.)

6B. Viterbi Residence

- Project No. 273802
- Type of Structure: Single Family Residence
- Location: 2712 Glenwick Place
- Applicant: Michael Smith 858-259-8212 ex 110 msmith@plsaengineering.com
- Project Manager: Glenn Gargas, 619-446-5142 GGargas@sandiego.gov

Project Description: PROCESS 3 - CDP, and SDP for Environmentally Sensitive Lands for previous grading / slope repair on an approximately 0.14 acre portion of a site containing an existing single family residence to remain, at 2712 Glenwick Place in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay Zone (non- appealable), Coastal Height Limit Overlay Zone.

Presentation by Michael Smith, of PLSA Engineering

ENGINEERING

Reforestation and repair of a slope that suffered a landslide in 2011. This was the third landslide. First two repairs done with cribbing. Third repair, immediately subsequent to 2011 landslide, was commenced without a permit. Mr. Viterbi is now trying to bring the repair into compliance with city codes. Project seeks only to restore the site to its pre-existing slope and grade.

Applicant was before PRC exactly nine months ago and was asked to return with a landscaping plan with rendering showing what the proposed terraced walls and plantings would look like.

The current repair will be done with steel pylons going into the hill. They will not be flexible; they are intended as anchors. They meet the 1.5 factor of safety required by the industry. J.C. Baldwin is the contractor and it has done a multitude of such reinforcements.

LANDSCAPING

Walls will be of concrete covered with textured colored concrete stained to blend with the soils in the area. The grade beam will be steel-reinforced shot-crete. Native plantings will cover the walls within 3-5 years. Re-vegetation is in two parts: 1) brush management Zone 1 (first 35 feet out from the house) will be irrigated (it is supposed to be irrigated to reduce fire hazard) and will have Mediterranean plantings – bougainvillea, rock roses – a more colorful look; 2) brush management Zone 2 follows the first 35 feet and goes down to the bottom of the lot.

Committee Questions and Comments

Naegle: the City was concerned about the drainage. Have you dealt with those concerns? A: Yes, but we have not submitted a drainage study to the City.

Naegle: the City also concerned with the water quality study. Has that been dealt with? A: The issues are pollutants and concentration. Also source control. The first two have been dealt with. As to source, we have made

the argument that no new impervious area is being created. It is all new landscaping and over 2/3 is restoration of native plantings.

Conway: I would like to move that findings can be made for a Coastal Development Permit and a Site Development Permit for Environmentally Sensitive Lands, but cannot do so until the proposed drainage conduits have been noted on the blueprints in red. Is that acceptable? A: Yes

Merten: you can leave the red-annotated plans with me as Chair, to serve as a basis for comparison with the plans you eventually file with the City. A: O.k.

[At this point Smith and the landscape architect retired to the back of the room to annotate the plans. The Committee moved on to Agenda Item 3. Smith notified the Committee when he was ready, at which time the Committee interrupted discussion on Item 3 to return to the Viterbi matter.]

Conboy moved that findings could be made for a Coastal Development and Site Development Permit for Environmentally Sensitive Lands subject to the changes noted in red on the plans and dated 6/24/2014. Emerson seconded. Motion passed 6-0-0. The red-annotated plans were left with Committee Chair Merten, who will compare them to the plans to be filed with the City.

3. Action Item; SMC Ch. 13 (Zones) provision): Should the LJCPA ask the City Attorney to render an official opinion/interpretation of the Municipal Code as to whether or not SDMC Chapter 13, (Zones) Regulations apply to projects within the La Jolla Shores Planned District. (See La Jolla Shores Planned District Ordinance, SDMC Sec.1510.0107 Applicable Regulations)

Interim Chair Merten presented the action item, saying it boiled down to whether the Committee wanted to take action to ask for clarification from the City on whether the City's Basic Zones FARs apply to areas within LJSPDO.

Public comment

Rob Whittemore: The issue is: do we want FARs in the Shores? To me the answer is 'yes we do'. The absence of FARs is responsible for much of the conflict in the Shores on building permits and design. My personal belief is that if we had FARs, the size of developments would be quite reduced overall. Others disagree on that point. This Committee may know better than I whether FARs in the Shores is a good idea.

In 20XX the City Council imposed a temporary FAR of .6. But it was never enforced. Some are concerned that imposition of FARs would reduce property values. However, I served on the LJSA Long Range Vision Committee and we studied other communities, such as Rancho Santa Fe, Del Mar and Carmel, and we found that when those communities applied restrictions much more severe than we have here, property values went up, not down. Many community organizations, including the La Jolla Shores Association, the LJCPA, the LJCPR, and the La Jolla Shores Advisory Board, voted to have the City reaffirm its commitment to FARs in the Shores. Generally, I think there is enormous community support to do so.

On the precise question of whether to ask the current City Attorney for a written opinion, I think that if you do so, he will probably reverse Aguirre's opinion stating that FARs applied in the Shores, which still stands.

Whitney, addressing Merten: I'd like to know how this got on the agenda. Did you put it on or did Rob ask you to put it on? A: I put it on because it has been clear from the projects we have reviewed that there is a lot of confusion and that FARs would resolve it. It has been on the agenda for a couple of months.

Conboy: I think is high time that we open this discussion up and get it in front of the City Council. Building in the Shores is not an easy task. Architects want rules. I don't know that the LJSPDO generates better design. Now is a great time to talk about it. Sitting around waiting for the City Attorney is a waste of time. I think we should modify the PDO – we need to get the City Council to get the funds to modify the PDO.

Whitney: Whitemore wants to amend the PDO to add FARs to stop my building.

Merten: Any amendment will probably not apply to projects now before us.

Emerson: What is the amendment process? [no answer]

Whitney: I think you should form a Committee to amend the PDO. No point in asking the City Attorney for an opinion.

Golba (Planning Commissioner): Nine years ago Rob and I discussed this and decided against amending the PDO because it would take too long. Here we are 9 years later saying the same thing. PDOs exist because the city base zones don't fit everywhere. If you are going to do this, it should be fine-tuned to particular areas. Bob Vacchi, the new Development Services Director, said on the record that his goal was to do 50 ministerial PDO updates. Mission Beach just did one and ended up downgrading some areas. A committee should be formed to do it in detail: east side, west side, north, etc. Let's PROPOSE something to the City, not let them do it themselves. We should NOT go city-wide – that just opens a can of worms. The PDO revision committee has to be formed by a recognized city planning group, e.g. the CPA. You should refer to it as "mini-update."

Schenck: where does the (future) PDO revision committee go with its recommendations? A. Initially, to the CPA.

Segal: The Shores needs certainty in order to stop all this fighting. Not everyone will agree, but overall certainty is best. My personal feeling is that ultimately it will be the courts that decide.

Rob: why don't we ask Sherri's office to ask for the citywide FAR to apply on an interim basis?

Emerson: We should get the name of the person who headed the effort in Mission Beach and ask him/her what the Mission Beach committee did.

Naegle: We should ask Joe LaCava to appoint some people to get started.

Emerson: We can put it on the CPA agenda for July 3.

Golba: Vacchi's mindset is we can do these mini-updates without getting into the community plan, which would take forever.

Merten: Let's ask the CPA to appoint an ad hoc committee to investigate the feasibility of a mini-update to the LJSPDO.

Naegle: Shouldn't the La Jolla Shores Advisory Board be asked to participate?

Emerson: It will be up to the CPA whether they want to make the ad hoc committee a multi-body group.

Merten: Joe La Cava has opined that if this is done, there should be extensive notice to all members of the community – the LJSA, etc.

Whitney: Isn't the LJSA a park & rec committee, not a land use committee?

Emerson: land use is part of its brief. Historically the LJSA was land use. Then a few years ago they were asked to opine on park and rec. They still appoint five representatives to the La Jolla Shores Permit Review Committee and the representatives report back to them.

Donovan: Motion that the PRC ask the CPA to appoint an ad hoc committee to research the process for a mini-update to the LJSPDO. Conboy seconds. Motion passes 6-0-0.

Adjournment

The meeting was adjourned at 6:25 p.m.