

La Jolla Shores Permit Review Committee Minutes
4:00 p.m. Tuesday, January 27, 2015
La Jolla Recreation Center, 615 Prospect Street, La Jolla, CA

Executive Summary: Abstracted Motions

6A. Essencia Lot line adjustment, CDP and SDP, 7451 and 7455 Hillside Drive

Motion by Donovan, second by Naegle: Findings can be made for lot line adjustment and an SDP and CDP amending the LJSPDO & CDP 99-1283-A/B and SCR 5362. Motion carries 5-0-1. Donovan, Ducharme-Conboy, Lucas, Naegle and Steck in favor.

6B. Fentisova SDP/CDP, 8374 Paseo del Ocaso

Motion by Donovan, second by Naegle: Findings cannot be made for an SDP/CDP because bulk and scale is too great under LJSPDO and the front setback is not in conformity with those in the vicinity. Motion carries 4-1-1. Donovan, Ducharme-Conboy, Lucas and Naegle in favor. Steck opposed. Chairman Merten abstains.

6C. Leibowitz SDP/CDP, 8283 La Jolla Shores Drive

Motion by Lucas, second by Steck: To continue the item and request the applicant to return with a site drainage plan and the City's Cycle Issues Comments on the drainage plan. Motion carries 5-0-1. Donovan, Ducharme-Conboy, Lucas, Naegle and Steck in favor. Chairman Merten abstains.

MINUTES

Committee members in attendance: Phil Merten (interim chair), Dolores Donovan (secretary), Laura Ducharme-Conboy, Tim Lucas, Myrna Naegle, Bob Steck., Committee members absent: Janie Emerson, John Schenck.

Audience: 27

1. Welcome and Call to Order:

Phil Merten, Interim Chair

Chair Phil Merten explained to the audience the City of San Diego permit review procedure relating to the La Jolla Shores district.

2. Adoption of the Agenda

Merten

Motion by Donovan, second by Naegle, to adopt the agenda as verbally amended by the chair to trail the Fentisova project until the applicant is ready to proceed. The motion passes 5-0-1. Donovan, Ducharme-Conboy, Lucas, Naegle and Steck in favor. Chair Merten abstains.

3. Non-Agenda Public Comment:

Bob Whitney: Is there a Floor Area Ratio (FAR) requirement in the LJSPDO? Merten: No

Matt Edwards: What happens if, after a project is approved, change orders are submitted to and approved by the City with the result that the height or SF of the house as built is larger than approved by the community planning groups such as the La Jolla Shores Permit Review Committee and the La Jolla Community Planning Association?

Merten: I will begin a dialogue with CPA Chair Joe La Cava as to what to do in these cases.

Ducharme-Conboy: The weak link in the chain is the City's project manager. In my experience the City project manager tells the applicant there is no need to go back to the community groups because the change is small. What we need is written guidance for the City project managers.

4. Committee Member Comments

Naegle: The La Jolla Shores Planned District Ordinance (LJSPDO) is very strong on bulk and scale. The only way objectively to measure bulk and scale is through FAR. So we (the LJS Permit Review Committee) use FAR to measure bulk and scale.

5. Comments by the Chair -

Merten

Queries have been made about the status of the Whale Watch Way project. The applicant met with CPA Chair LaCava and PRC Chair Merten and asked "what they wanted." They replied that they wanted compliance with the La Jolla Shores Planned District Ordinance (LJSPDO). The applicant has asked for the Planning Commission's hearing to be continued to April 16 to give the applicant time to modify the design and time to return to the LJCPA.

6. Project Reviews

6A. Essencia SDP/CDP and lot line adjustment

- Project No. 385839
- Type of Structure: Single Family Residence(s)
- Location: 7455 and 7451 Hillside Drive
- Applicant: Francisco Mendiola 610-804-4463 francisco@cdgius.com
- Project Manager: John Fisher 619-446-5231 JSFisher@sandiego.gov

Project Description: PROCESS 3 - Lot Line Adjustment, CDP and SDP amending LJSPD & CDP 99-1283-A/B and SCR 5632 to permit a 2,044 sf. ft. basement addition and a 335 sf. ft. lot line adjustment located at 7455 and 7451 Hillside Drive. The 18,874 sq. ft. lot is located in the LJSPD -SF Zone of the La Jolla Shores Planned District in the La Jolla Community Plan area.] and Coastal Non-Appealable Overlay zone.

Merten: As I understand it you are not asking for change to the existing structure or the one next door. You simply need a lot line adjustment. And you need an SDP to make the lot line adjustment.

Applicant Mendiola: The change is necessary because one of the caissons went in at a slight diagonal and ended up slightly in the adjoining property. The encroachment was discovered when construction began on the property next door. That is why we need the lot line adjustment. Also there was a void under the garage that was discovered during the construction and was utilized. Other than that, nothing has changed from the approved plan.

Motion by Donovan, second by Naegle: Findings can be made for a lot line adjustment and a CDP and SDP amending LJSPD & CDP 99-1283-A/B and SCR 5362. Motion carries 5-0-1. Donovan, Ducharme-Conboy, Lucas, Naegle and Steck in favor. Chairman Merten abstains.

6C. Leibowitz Residence CDP/SDP (taken out of order because the Fentisova applicant was not ready)

- Project No. 374521
- Type of Structure: Single Family Residence
- Location: 8283 La Jolla Shores Drive
- Applicant: Dan Gower 858-270-1624 draftingDG@aol.com
- Applicant's Rep: Brian Longmore 858-391-1674 permitsolutions@hotmail.com
- Project Manager: P.J. Fitzgerald 619-446-5373 PFitzgerald@sandiego.gov

Project Description: (PROCESS 3) CDP and SDP to demolish an existing residence and a detached pool house, and construct a 9,245 sq. ft single family residence with a 157 sq. ft. detached pool house located at 8283 La Jolla Shores Drive. The 1.12 acre lot is in the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone , Coastal Height Limit, within the La Jolla Community Plan area.

Previous PRC Action, December 17, 2014.

Motion by Lucas, second by Naegle: To continue this item to a future meeting at which owners return with a drainage plan, confirmation of whether the sewer is public or privately-owned, a 300- foot radius setback

survey, renderings, and a materials board which includes the roofing trim. Motion passes 6-0-1.

Drainage plan

Presenters: Brian Longmore, applicant's representative, and Steve Hauser, civil engineer, retained to improve the drainage system.

Hauser distributed an exhibit graphically illustrating a site drainage concept, which was based on an aerial topographic survey. He stated that the typical maximum flow in the course of a month is just about ½ inch. The peak outflow at the low point of the lot is 1.17 cfs. Applicants propose to reduce the peak outflow from 1.34 to 1.17 under extreme conditions and from 1.17 to almost nothing under average conditions. The possible maximum flow is 3.2 inches per day and that would overflow. Hauser said applicants are designing for the normal situation. In a highly unusual circumstance, the drainage will overflow, but applicants have configured the drainage so that water will no longer drain onto the western neighbor's property.

Public comments

Jim Riya, owner of the house above the Leibowitz lot, expresses concern about drainage.

Bob Whitney: will you be installing a dry well? Hauser: No, it is not cost-effective; the soil is clay down to 10 ft.

Riya: I once excavated the clay out of a dry well - is that an option? Hauser: Yes, but is an expensive option.

Leanne McDougal: I am the owner of the house below and I don't think what you propose is adequate.

(Disagreement between McDougal and Hauser as to the direction in which the water flows.) Matt Edwards, Shores resident: On an aerial topo there is a margin of error of 6 inches.

Committee members

Lucas: Will you be putting in a (new) retaining wall? Hauser: No. The site is being redesigned to prevent the water from pooling up. Thus no new retaining wall is needed.

Merten: Is Vallecitos Street designed in a way to accommodate extra water should you pump and pipe it over?

Longmore: that is a question for the City engineering department. Merten: As I understand you, your bottom line is that you are not increasing the amount of water, you are decreasing it. Ducharme-Conboy: There are a lot of neighbors here who don't feel you've solved the problem. I too am not convinced you have solved the problem. I'd like to hear what the City has to say.

Longmore: What we're doing is better than what is required. I am sure that if the neighbors were willing to help pay for the dry well, the Leibowitzes would be willing to talk with them about it.

Merten: We asked for a grading plan and what you have here is a concept presentation.

Longmore: There is no grading plan required because we are disturbing the land as little as possible.

Leibowitz: My understanding was that as long as we made it better than it is today, we had done what was necessary.

McDougall: My house has been flooded three times with water from your property. The third time I hired Rick Company, which did a plan with a retaining wall on the Leibowitz side of the lot line and a ditch. The retaining wall is still there but the ditch is not. I really suggest that you do an on-the-ground topo. Hauser: they did that. We did the aerial and then they (?) went in on the ground and verified it.

Dan Gower, project architect: I just did the calculations and the dry well would have to be 10x10x10.

Naegle: I am concerned that Ms. McDougall's concerns about the drainage have not been dealt with by the applicants.

Rendered elevations

Setbacks: 16-foot setback from private road, 32-foot setback from the uphill neighbor's property, side setbacks of 73 feet and 75 feet.

Height: The height at the front is 25' from ground zero. If you look at it from the back, the height is 28 feet. The curved wall to the right of the door which rises straight up from the ground is 25 feet.

Materials Board

The materials board is composed of pictures from magazines of the look they want.

Sewer

Once the sewer leaves public property it is private. The sewer lateral is 4 inches, tied into an 8-inch main at La Jolla Shores Drive. A 4-inch sewer is designed to handle "much much more" than three private homes. Dan Gower (architect): there is an 8-inch sewer line that runs 150 feet up the private road from La Jolla Shores Drive, at which

point it transitions into a 4-inch sewer.

Public Comment

McDougal: How many toilets are there in the present house and how many are proposed for the new house?

Leibowitz: 6 and 6, including the one in the pool house.

Motion by Lucas, second by Steck: To continue the item and request applicant to return with a site drainage plan and with the City's Cycle Issues Comments on the drainage plan. Comment by Naegle: I am concerned that the questions raised by Ms. McDougall, the neighbor on the downhill side, have not been dealt with. ***The motion carries 5-0-1, Donovan, Ducharme-Conboy, Lucas, Naegle and Steck in favor. Chair Merten abstains.***

6B. Fentisova Residence CDP/SDP

Including reconsideration of the previous action on the Mitigated Negative Declaration.

- Project No. 341980
- Type of Structure: Single Family Residence
- Location: 8374 Paseo Del Ocaso
- Applicant: Hilary Lowe 510-375-5693 klubhaus.hilary@gmail.com
- Project Manager: Jeff Peterson 619-446-5237 JAPeterson@sandiego.gov

Project Description: PROCESS 3 - Coastal Development Permit (CDP) and Site Development Permit (SDP), to demolish an existing 1,624 square foot, one-story single family residence and build a new 4,485 square foot, two story, single family residence with a basement. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption. The project site is located at 8374 Paseo Del Ocaso on a 0.12-acre lot, in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Planning area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, and Residential Tandem Parking Overlay.

- **Previous PRC Action, November 19, 2014.**

Motion by Naegle, second by Lucas: Motion: The draft MND for the Fentisova residence is in error because the Initial Study Checklist contained in the MND is in error in the manner indicated immediately below.

First, Page 31 of the Draft MND, Initial Study Checklist, under LAND USE AND PLANNING, asks:

'Would the project: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.'

The reviewer's response is: No Impact._

However, the project does conflict with applicable land use plans, policies or regulations, as follows: The Design Principle section of the General Design Regulations of the LJSPDO (Sec. 1510.0301) and its corollary in the LJS Design Manual (p.2), state that: "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 proposed project consists of a 5,110 sq. ft. (Gross Floor Area) on a 5,250 sq. ft. lot with a resultant Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The overwhelming size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. The overwhelming size and bulk of the proposed project will disrupt the architectural unity of the area. Therefore the proposed project does conflict with the Design Principal Section of the La Jolla Shores Planned District Ordinance.

The La Jolla Community Plan, Residential Element, Plan Recommendations regarding Community

Character, states "In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D, structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air."

Contrary to the recommendation of the La Jolla Community Plan, significant lengths of the north and south exterior building walls of the project proposed, set back only 4 feet from the side property lines, extend straight up from grade level a full 30 vertical feet without any horizontal offset or setback. Therefore, the proposed project does conflict with the La Jolla Community Plan and Local Coastal Program.

Because the project "conflicts with an applicable land use plan, policy or regulation...", the correct response should be **'Potentially Significant Impact.'**

Second, Page 31 of the Draft MND, Initial Study Checklist, under MANDATORY FINDINGS OF SIGNIFICANCE asks : b) Does the project have impacts that are individually limited, but cumulatively considerable? The reviewer's response is: Less than Significant with Mitigation Incorporated

As stated previously the proposed project will have a Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. If approved, the cumulative impact of this precedent setting project in conjunction with future projects with similarly large Floor Area Ratios would dramatically alter the existing character of the neighborhood. Therefore, the correct response should be **'Potentially Significant Impact.'**

The motion carried 6-0-0.

- **Previous PRC Action, December 17, 2014.**

Motion by Lucas, second by Donovan: To continue the project to the next meeting and return with more info on all setbacks - front, side and rear - and how they relate to the neighborhood. Schenck: I would like to know more about the 2d story setbacks. Naegle would like to know about the other FARs in the neighborhood. Lucas accepts the amendments. Motion passes 5-0-2 Dolores Donovan, Tim Lucas, Myrna Naegle, John Schenck, Bob Steck in favor. Committee chair Phil Merten abstains. Committee member Emerson abstains because she was not present for the presentation of the project and the following discussion.)

Motion by Emerson, second by Naegle: I move that we reaffirm the Committee's 11/19/2014 MND motion (reproduced in the agenda for today's 12/19/2014 Committee meeting), amended to include the new numbers provided by applicants at today's meeting. The motion passes 6-0-1. In favor are Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck, Committee chair Phil Merten abstains.

Presenter: Hilary Lowe

Committee discussion

Issues: 1) The front setback is greater than the average of the block; 2) The FAR calculation of .85 is incorrect because applicants deducted square footage of the area enclosed on all three sides. Further, even the FAR of .85 illustrates the bracket creep that is happening in this area.

Ducharme-Conboy: You are pushing the envelope on two very important issues: 1) front set-back; 2) square footage. I think you have to give on something.

Lowe: we're not pushing the height envelope.

Donovan: The fact that a few such extraordinarily large houses were mistakenly allowed in the past does not mean that we have to continue to make that same mistake, over and over. If we allow too many of these huge houses, wall-to-wall along such central streets as La Jolla Shores Drive and Paseo del Ocaso, property values in the Shores will go down, not up.

Motion by Donovan, second by Naegle: Findings for an SDP/CDP cannot be made because the bulk and scale is

too great under the LJSPDO and the front setback is not in conformity with those in the vicinity. The motion carries 4-1-1. Donovan, Ducharme-Conboy, Lucas and Naegle in favor. Steck opposed. Chairperson Merten abstains.

6D. Davis Residence Addition (Informational Presentation)

- Project No. 402110
- Type of Structure: Single Family Residence
- Location: 8430 La Jolla Shores Drive
- Applicant: Meg Davis
- Applicant's Rep: Robert Davidson IS Architecture robert@ISarchitecture.com
- Project Manager:

Project Description: The project involves adding a second story bedroom and bathroom addition on a single story house and enlarging the existing first floor family room. The cracked slab for the existing two car detached garage will be removed and replaced but the garage will otherwise remain unaltered in its current location. The existing 1000 sq. ft. house sits on a 5,497 sq. ft. lot. The project will add approximately 1000 sq. ft. massed at the back of the house. The house, built in 1941, has already undergone a single disciplinary review by City of San Diego Historic Staff where it was deemed to not meet local designation criteria as an individually significant resource (Project Number 402110).

Presenter: Robert Davidson, IS Architecture.

The home is a 1,000-foot cottage and will increase to a 2,000-foot cottage in the same style. Two bedrooms, not one as stated in the agenda project description, are being added.

Committee discussion

Issues: 1) the side setback is almost non-existent; 2) there is no second-story setback; 3) the combination of no second-story setback with the tiny side setback is too much. Members inquired as to whether neighbors had been contacted and their views taken into account. The presenter and homeowner said they had met with neighbors, were aware of their concerns and anticipated that neighbors would find the final construction satisfactory.

At the end of the discussion there appeared to be consensus between architect, homeowner and committee members that action would be taken to resolve the concerns expressed by the committee.

7. Building Height Measurement (Informational Presentation)

For the information of committee members, Phil Merten gave an informal presentation on how building height is measured in accordance with applicable San Diego codes and regulations.

8. Federal and State Environmental Regulations (Informational Presentation)

Due to the lateness of the hour, this informal presentation by Dolores Donovan was continued until the Committee's February meeting.

Adjournment The Committee adjourned at 7:15 p.m.

The next meeting of the La Jolla Shores Permit Review Committee (LJSPRC) will be Tuesday, February 24, 2015, 4:00 pm