

**LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION**

Meeting Minutes – Tuesday Apr 14, 2020 – 4:00 pm

Due to the current public health emergency, LJCPA and its committees are meeting online rather than physically. Those who wish to attend (including viewing, listening, and possibly speaking at the meeting) must register in advance. To register for the DPR meeting, please visit <https://gregj.us/dpr-4apr20> at your convenience. Registration will remain open until the meeting ends.

Presentation materials will be made available in advance of the meeting through links on the registration instructions page (<https://gregj.us/dpr-4apr20>). Applicants (or opposition) please send all materials to the DPR chair (brianljcpa@gmail.com) no later than 3pm on Monday 4/13/2020.

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- 1. Public comments are an opportunity to share your opinion with the committee members. Comments should not be directed at the applicant team*
 - 2. Plans are available for in-depth review by contacting the project manager at the city's Development Services Department before the meeting.*
 - 3. Public comments will be strictly limited to 2 minutes per person. Please review the following meeting minutes. If another member of the public has already said the same thing tonight or at a previous meeting, please move on to new information. It is not necessary to repeat previous comments.*
 - 4. **Applicants:** Please present your project as succinctly as possible. Speak clearly and CONCISELY.*
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1. NON-AGENDA PUBLIC COMMENT

- Gaenzle: Please distribute updated/final minutes to committee members#
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2. APPROVAL OF MEETING MINUTES

3. FINAL REVIEW 4/14/2020

Project Name: La Jolla Mesa – 5911 La Jolla Mesa
Permits: CDP/SDP
Project No.: 639439 DPM: Xavier Del Valle
Zone: RS-1-2 Applicant: Tripp Bennett
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/639439>

LA JOLLA - (Process 3) Coastal Development Permit and Site Development Permit for an addition to an existing 4,135 SF one-story single family residence over a basement at 5911 La Jolla Mesa Dr. The scope includes construction of a 1,175 SF master suite to the existing home, and a 907 SF accessory structure

over a basement. The 0.77-acre site contains ESL, and is in the RS-1-2 Zone and the Coastal (Non-APP. 1) Overlay Zone within the La Jolla Community Plan Area, and Council District 1.

8/13/2019 – APPLICANT PRESENTATION

- The applicant requested to record this meeting. (no objection, applicant will share recording with Julie Hamilton)#
- Building permit in place for existing one story, Active CCRs in place, CCRs don't allow second floor so project has to go out. Some back and forth with CCR jury, current clients have kids and want that extra footprint and accessory building. These were on the plans approved by CCR jury. They went back again to CCR jury and they were approved again.#
- Site drops away from the street level.#
- Addition at basement level. Single story at street level, then basement walk out and extends as single story at lower area where no floor above.#
- FAR .21, 6,906 gross (includes all basement area), 33,815 lot size#
- Roof deck from main street level, over extension of basement#
- Detached companion unit even though no kitchen.#
- Wood siding shingles and stone.#
- Nothing proposed is taller than existing as viewed from neighborhood/street#

8/13/2019 – PUBLIC COMMENT

- Julie Hamilton: #
 - Portion of these lots is designated parks and open space, need to see boundary before anything else.
 - Requested no roof deck of applicant, if done, requested cable or glass rail.
 - Companion unit is now 8' taller than previously reviewed
 - Serial permitting is a concern
 - Concerned about their private views being blocked.
 - Months of review and concerned if there are changes, would like more time to review.
 - Previously, there was good communication, recent activity has had less communication.
 - Serial permitting even if a CDP still requires excess burden on neighbors
- John Frangos#
 - LLC has owned this property since April 2016
 - Hillside review zone across my lot (per existing plans) would like to know where that line continues on subject property
 - CCRs/HOA: original plans were reasonable, then some more, then some more. Feb 2018 approval letter from CCR review, some elements have shifted since then.
 - Request story poles for latest revision of cabana.
 - Pool has risen in height, requires massive earth movement. 11' higher?
 - Would like to know more about drainage
 - Concerned about roof deck

8/13/2019 – COMMITTEE DISCUSSION

- See deliverables only#

8/13/2019 – DELIVER FOR NEXT TIME

- Land use open space designation boundary#
- Hillside Review boundary#
- Satellite image wider#

- Cross section to demonstrate recent grading#
- Section showing 6' solid front wall proposed#
- Do not want to see HOA/CCR issues unless tied to staff cycles.#
- Layman's exhibit on drainage #

8/20/2019 – APPLICANT PRESENTATION

- Clients are here today.#
- Reviewed requested Deliverables#
 - Open space boundary (planners say to default to ESL, city will request a covenant of easement. "red" Overlay confirming line for ESL. Development within 5' proposed ESL line.
 - Hillside Review defers to "Steep Hillside" based on 25% for 50 feet or taller or 200% slope 10' tall.
 - Reviewed satellite views
 - Site sections: towards street and each longitudinal with neighboring homes shaded in. nothing proposed taller than street level. All down hill.
 - 6' solid wall replaced with 3' solid rock and 2' open on top. This is new and needs to go through CCR committee although less than previous. Trying to mimic neighbor. Wall is 2' back from PL with 2' planting.
 - Drainage: Collect and route to rip rap dissipator. Discharging to landscaped area.

8/20/2019 – PUBLIC COMMENT

- Julie Hamilton: #
 - Development should minimize disturbance to hillside. Worried about natural features.
 - 10' between deck and edge of ESL. Building is further out than neighbor's buildings.
- Kiara O'Shea (owner): grade was going to hinder wishlist. Pool at grade would be 20'+ down from main house. Would not be used. Want to look for long-term livability.#
- JohnFrangos: CCR approved plans have pool and cabana, it was fine with me. It was 5' lower. Disagrees with city determination of where open space line occurs. #
- Stacy Kanaan: CCR juror and neighbor. Architect has been cooperative up until ... discussion of CCR approvals and private view concerns. Concerned about scale of project and harmony with neighbors. Will there be some way for neighbors to talk about it with applicant team?#
- Ziegfried Reicht: what if everyone did that? No other structures go out that far#
- Julie Hamilton: Began in 2016. Changes were being made and did not know until 11th hour. Would like to resolve this between neighbors.#

8/20/2019 – COMMITTEE DELIBERATION

- Leira: consider less solid and more open front wall/fence.#
- Leira: can you add pervious pavers around pool? (applicant's engineer: They are problematic)#

8/20/2019 – DELIVER FOR NEXT PRESENTATION

- Discuss issues with neighbors#
- Look at alternative to fit within slope like lowering the pool and cabana.#

12/17/2019 - APPLICANT PRESENTATION

- Correction: There will be no companion unit. Square footage has been revised.#
- Asked to discuss with neighbors and better fit into slope. Met 9/13/2019.#
 - Neighbors were opposed, views, CC&Rs

- Neighbors did not want to invite design team to see and photograph views to show how view would be impacted.
- CC&Rs not our perview, but fully approved
- Mapped open space area. By community plan, ESL, and steep slopes.#
 - Community plan boundary is too broad and includes most neighboring homes
 - Presented ESL analysis. Hired biologists and geologists to determine ESL. City has reviewed and concurs. None of the proposed development encroaches into approved open space/ESL area.
 - Have letter from city confirming open space boundary along with approval letter from CC&R review committee.
- Neighbor provided photo from his/her deck and applicant attempted to model how the views will be impacted.#
- Now a new photo has been provided and requested to preserve private views from neighbors basement/pool level. Critical of neighbors changing goal posts.#
- Proposed retaining wall was previously up to 9' tall, pool appeared too high. Applicant pushed additional 2.5' down. Basement no longer daylights, also terraced retaining walls, so highest retaining wall is now 40". In 1-2 years planting will cover walls entirely.#
- Removed ADU. Now just a pool cabana. Lowered the pitch of cabana roof to reduce additional 6" (in addition to 30" lower floor) 3' total lower.#
- City has random maps#

12/17/2019 – PUBLIC COMMENT

- Hamilton: My clients private views are not part of this committee#
 - Open Space has been misconstrued
 - Protected for scenic beauty
 - Most homes align with her proposed boundary
 - What was purpose of open space protection – scenic canyon.
 - Area where proposing development is in open space designation.
 - This house is not consistent with land use.
 - The neighbors development in canyon is park-like and appropriate to open-space
 - Can we open this up to all development in canyon.
 - Applicant is proposing structure, not just pools, decks, tennis courts.
- Chrysanthe Frangos#
 - Open space line and accompanying cover letter from Marlon Pangilinan.
 - Read community plan open space requirements and community plan map Figure 7.
 - Home already develops 25% of lot so no encroachment into open space.
 - There is “Designated open space, not just Private open space”
- Hamilton: Drew these maps once upon a time. When originally drawn, we used a contour line. Would like to get a copy of the original map and rationale behind line.#

12/17/2019 – COMMITTEE DISCUSSION

- Welsh – Question about retaining walls and orientation of elevations – see presentation notes.#
- Brian – were any companion unit “perks” applied? (applicant: no)#
- Brian – How did you prepare red dashed line? Home made superimpose community plan over google images, aligning streets. Second image developed from city GIS data, Biology report refines that on site by site. Steep slope defined by 25%.#

- Costello – City GIS maps are too rough. GIS maps are by nature rough, this takes consultants to make site specific precise lines. City has confirmed boundary as proposed.#
- Welsh – How get down to lower level (applicant: lowered the floor. Line where all agreed not to build second story)#
- Costello: There was a manufactured pad back when initially developed. Fill 50 years ago. Will there still be fire buffer zones. (yes)#
- Leira: Where will fire zones be. (Starting right at boundary of house.)#
- Welsh: Why is oppositions map so much more restrictive on applicants property than neighboring? (Hamilton: Believes it was string line.)#
- Leira: Large city maps are rough/broad and then incumbent on applicant to research and hire specialists to define in more detail. Almost all of the surrounding structures are in so-called open space boundary. Would like to look at buffer zone.#
- Will: Per city definition. Grubbing is Grading and Grading is Coastal Development: The proposed house falls well behind the string line of development between neighboring homes and it is disingenuous for the neighbor to claim that adjacent patios, retaining walls, and pool do not constitute an encroachment into native open space but the proposed project would. We know that the string line does not dictate the boundary of ESL, but the string line speaks to neighborhood character and the proposed development is consistent. The applicants have hired the required licensed professionals to determine the precise boundary of protected hillside and the opposition disputes this based on a very rough GIS overlay provided to them by the planning department. It is standard practice to hire professionals to plot the precise boundaries of ESL and open spaces that are roughly identified in the community plan and GIS maps. It is not uncommon for the city and county's own GIS data overlays to show sensitive habitat boundaries pass right through the middle of homes and related development as they do in this case. They are indicative of when/where further analysis is warranted but they are not meant to be precise boundaries.#
- Leira: Neighboring lands, sensitive lands, and what is the buffer area. How big does it need to be? What about fire buffer? #
- Welsh: Can you cabana on other side of pool. (We've been down this road)#
- Will: Private views of canyon (which is Private Open Space) are not in our purview.#
- Leira: What if walking/hiking in canyon. #
- Will: Can city resolve line dispute. I do not believe Marlon's gross data would overrule expert reports and on-site data as approved by staff.#
- Costello: GIS data is not adequate. Do not recognize Marlon as an expert in this area.#
- Leira: What is the visual impact of this cabana? Official line is based on natural features, biology, slope, and development. (no buffer required per biology report)#
- Will: city issue is city issue, community character is stringline of development and this house is consistent.#
- Leira: The canyon character varies, need resolution of buffer#
- Welsh: What is that on map? (Cabana or accessory structure in canyon on nearby property)#
- Fremdling: What does view from across canyon look like. Photo with structure superimposed.#

12/17/2019 – PLEASE DELIVER

- Show on the plans the City required Fire Buffer Zones (and/or demonstrate alternative compliance with construction standards)#

- Provide if possible the original base map that the City used for the Open Space Overlay map that Mr. Frango distributed, and any City/applicant correspondence clarifying restrictions imposed re: the Community plan maps.#
- Provide a photo from the lower area of the finger canyon that demonstrates the visual impact, if any, of the proposed project.#

4/14/2020 – APPLICANT PRESENTATION

- Peterson: Reminded us of the 3 deliverables#
 - CCR jury approval, lengthy process, numerous revisions to protect neighbors views, compatibility with neighborhood.
 - Fire Buffer Zone: Utilized alternative fire proofing methods.
 - Clarification from city on use of maps, for info purposes only, Open space over private property does NOT prohibit development, Conclusion on this project is that this will not adversely affect ESL.
 - Clarification that these overlay maps should NOT be used at the parcel level for development purposes.
 - Overlay zone triggers further investigation, not definitive prohibition. In many areas, rough maps have entire developed neighborhoods within open space overlay.
 - Photos from canyon below subject property, minimal visual impact from proposed project
 - Assessment Letter could not get out due to COVID but all cycle issues are resolved save this one.
 - Frangos exhibit is wrong, not a straight line as shown in previous exhibits
 - Hamilton letter inaccurate. This is why we have discretionary process. There is no encroachment.

4/14/2020 – PUBLIC COMMENT

- Hamilton: #
 - Respectfully disagree with Peterson. Project must not adversely affect Land Use Plan.
 - Fail to look at underlying base map. ESL does not specify open space boundary. Map C-720.
 - Legislative intent is not being followed. To include but not limited to sensitive slopes.
 - Development not allowed in open space designation. This accessory structure project further than any other house.
 - Development will project further than “anything else” on canyon.
 - Precedence of structure projecting into open space. Neighbors tennis court pre-dates C-720, Frangos deck may project
- Frangos:#
 - Applicants were asked to provide open space boundary. They did not provide one.
 - Need to find other markers as to where the line is.
 - String line of neighboring homes. Proposed accessory structure crosses that line.
 - No issue with the pool deck, but take issue with proposed dwelling structures

4/14/2020 – COMMITTEE DISCUSSION

- Leira: Thank applicant for photos from canyon. Appreciate the small human being to see scale of where building will be. The way city is handling open space is unfortunate, but it is the way it is. Trip did you have a landscape plan for this area. How tall is it going to be? (Trip: Not taller than

terrace of pool). Could additional landscaping buffer/screen the structure? That would do it for me. (Peterson: Client is willing to do that).#

- Gaenzle: Is there a site plan on file? (on fire exhibit) What is accessory structure? (Peterson: Pool Cabana with basement below grade)#
- Will: Nothing West of existing house is taller than first floor (street level) guard rail.#
- (Peterson Response) Just a companion structure. There are entire neighborhoods in what opponents say is open space. Both neighbors have built into open space. Per city maps are NOT used to prohibit development. All of El Paseo Grande is designated as Beach on map C-713. CCC staff is all over the place. Site specific analysis is required. Those maps should not be used. #
- (Hamilton Response) How will architect mask the structure in the fire hazard zone? Community plan specifically references map C-720. OR zone has not been adopted yet. San Diego is non-compliant. Rezone was never done. Cabana will have a significant impact on canyon view shed.#
- Costello: This is difficult. City has dropped the ball on the Open Space boundary and the Environmentally Sensitive Land boundary. Also it failed to adopt the OR zoning. The City has created confusion which will not be resolved by us. It may have to be settled by the Courts.#
- Will: Coastal development is more than #
- Leira: Trip, if owner is amenable to landscaping around Cabana. Believe there is possibility to put landscape in area close to Cabana and enough to break-up (adequately buffer) view of Cabana. Are you able to do that? (Bennet: yes)(Owner thumb up in agreement)#
- Gaenzle: Can you hide the structure in zone 1.#

4/14/2020 – MOTION

- Findings CAN be made for the ... acknowledging the agreement from property owners to provide landscape buffering at the cabana to the extent allowed in zone 1. (Will/Jackson)#
 - In-Favor: Jackson, Costello, Fremdling, Leira
 - Opposed: Collins, Gaenzle
 - Abstain: Will (as-chair), Kane
 - **Motion passes** 4-2 with 2 abstentions (considered non-votes per Robert's Rules)

4. FINAL REVIEW 4/14/2020

Project Name: 7365 Remley Place Slope Stabilization
Permits: CDP/SDP
Project No.: 651445 DPM: Benjamin Hafertepe
Zone: RS-1-4 Applicant: Doug Logan
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/651445>

LA JOLLA- (Process 3) Coastal Development Permit and Site Development Permit for slope stabilization with soil nail wall located at 7365 Remley Place. The 0.49-acre site is in the RS-1-4 Base Zone and the Coastal (Non-Appealable) Overlay Zone within the La Jolla Community Planning Area, and Council District 1.

3/10/2020 - APPLICANT PRESENTATION (Kent McNeil, homeowner)

- Seeking Coastal Development Permit and Site Development Permit for a slope stabilization with a soil nail wall at 7365 Remley Place, La Jolla#

- Slope stabilization is required to prevent further erosion which would inevitably put the home at risk#
- The shotcrete wall which will support the upper (steeper) section of the slope will be approximately 24 feet high and 90 feet wide, possibly with some cutouts for plantings. Shotcrete is held in place by 15' soil nails which are embedded in the hillside at a 35 degree angle. The bottom of the slope (less steep) will also be supported by soil nails, but covered in geo netting. This area will be approximately 20 feet high and 50 feet wide.#
- The soil nail wall will not be visible to any resident as it is in a canyon facing the La Jolla Nature Reserve While the wall will not be visible to others, it will still be colored and contoured to blend with the surrounding area#
- Drainage through and over the wall is being well engineered and will not result in any change to current volume or direction of water flow#
- Preparation and construction of the wall is expected to last approximately 2 months#
- Notice of Project posted in January 2020 and all neighbors on the street have been notified. No issues raised.#

3/10/2020 – MEMBER & PUBLIC COMMENTS

- John Fremdling (member): Cutouts for plantings bad idea, roots might undermine wall#
- Angeles Leira (member): Water from addition roof may have caused erosion (McNeil: Not the case, since erosion extends well beyond addition). Sculpting of shotcrete walls elsewhere has proven aesthetically problematic, suggest applicant consult with other firms or artists for improved design (McNeil: this firm's work widespread and appreciated). Suggest that an area be carved out at top of shotcrete to permit planting of vines or other vegetation that will hang down over and conceal shotcrete wall (Logan: slope is too steep and too near existing house to carve out planting area; in addition watering such plants might undermine shotcrete wall).#
- Galang (public): Consider having some kind of access to canyon down shotcrete wall for fire/rescue access, for example steps or footholds#
- Frank Thompson (public): Proposed slope wall looks much better than currently eroded slope.#
- Dan Allen (public): Might be SDG&E lines at bottom of canyon, might be opportunity in connection with reservoir project to get them underground (McNeil: believes those SDG&E poles are no longer used)#
- Greg Jackson (member): Motion to make preliminary review final; withdrawn after Leira states intention to vote against.#

NEXT TIME: Consider modifying proposal in accordance with comments. Logan will attend on McNeil's behalf.

4/14/2020 – APPLICANT PRESENTATION

- McNeil: Proposed wall will not be visible from ANY neighbors, maybe from over ½ mile away. #
- Construction will last approximately 2 months.#
- Provided photos of similar wall, sculpted and colored to match surrounding. Request from committee member was if there was anyway to make prettier?#
- Confident wall will look as planned.#

- Plants at top of wall is not consistent with importance of minimizing water intrusion behind wall. Neighbor support it.#
- Similar to wall on Torrey Pines#

4/14/2020 – PUBLIC COMMENT

- Kathleen Neil: Thank for sensitivity to view from trails. There is a portion of hike where you can see it. Support need for wall. Please do whatever you can to make it attractive.#

4/14/2020 – COMMITTEE DISCUSSION

- Gaenzle: How tall will wall be? (McNeil: 24' high, 90' wide)#
- Leira: Thinks the problem is caused by house and needs better#

4/14/2020 – MOTION

- Findings CAN be made for the ... (Jackson/Fremdling) #
 - In-Favor: Gaenzle, Costello, Fremdling, Jackson, Kane
 - Opposed: Leira
 - Abstain: Will (as-chair)
 - *Left the room prior to vote: Collins*
 - **Passes 5-1-1**

5. PRELIMINARY REVIEW 4/14/2020

Project Name: Naviaux Companion Unit – 5623 La Jolla Hermosa Ave
Permits: CDP
Project No.: 655582 DPM: Benjamin Hafertepe
Zone: RS-1-7 Applicant: Michael Morton
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/655582>

LA JOLLA (Process 2) Coastal Development Permit to convert an existing 365-square-foot accessory structure into a companion unit located at 5623 La Jolla Hermosa Ave. The 0.12-acre site is in the RS-1-7 Zone and Coastal Overlay (Non-Appealable) Zone within the La Jolla Community Plan area. Council District 1.

4/14/2020 – APPLICANT PRESENTATION

- Morton:#
 - Typical pattern of neighborhood is small homes with driveway along one side and garage in the back. Detached was previously converted to an office in 2002 (legally) and is now allowed to be converted to an ADU.
 - Garage will get a 1-hr rated wall retrofit, entire property already landscaped, minor improvement to landscape drainage.
 - New stucco (white with green trim to match existing house)
 - New windows, new doors, no change to overall mass
 - Adding a tankless water heater and a heat pump on alley side of building.
 - Neighbors are aware and had no issues

4/14/2020 – PUBLIC COMMENT

- Kathleen Neil: Please describe the AC system (Morton: Ductless mini split) New foundation? (Morton: No, saw cut for plumbing only.)#

4/14/2020 – COMMITTEE DISCUSSION

- Leira: How will parking work? (Morton: Two tandem spaces existing. No additional spaces required.)#
- Kane: New fenestration? (Morton: Yes, new windows and doors)#
- Kane: Is there a site fence? (Morton: yes chainlink fence on neighbors property)#
- Gaenzle: Any other companion units in this area (Morton: don't know but there may be soon) Are there any neighbors in attendance? (Silence indicates no)#
- Costello: A neighbor emailed me but cannot open it. #
- Gaenzle: Would like to wait until next meeting. #

4/14/2020 – Additional Items

- Costello letter#
- Awareness of surrounding neighbors.#