

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

Meeting Minutes – Nov 10, 2020 – 4:00 pm

Because of the continuing COVID-19 emergency, this meeting will be held online. You must register in advance to attend. Instructions and links are at <https://lajollacpa.org/ljcpa-online-meeting-instructions/>

Presentation materials will be made available in advance of the meeting through links on <https://lajollacpa.org/2019-agendas/> Applicants (or opposition) please send all materials to the DPR chair (brianljcpa@gmail.com) no later than **24 hours before the meeting . This should include the following:**

- **Your submitted drawings in a single PDF (required)**
- **Your most recent Assessment Letter and Cycle Issues combined in a single pdf (required)**
- **Your presentation slides (if to be presented) in a single pdf (optional)**

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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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NON-AGENDA PUBLIC COMMENT:

APPROVAL OF MEETING MINUTES:

ITEM 1: FINAL REVIEW 11/10/2020

Project Name: Cardenas
Permits: CDP Amendment and SDP
Project No.: 668003 DPM: Xavier del Valle
Zone: RM-1-1 Applicant: Marengo/Fortune
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/668003>

LA JOLLA (PROCESS 3) Amendment to CDP No. 1353913 and SDP to remodel of an existing one-story, 2,638-sf single family residence and construct a 1,846-sf second-story addition with roof deck for a total of 3,867-sf at 6715 Neptune Place. The 0.133 acre site is in the RM-4-10 and RM-1-1 Zones, the Coastal

(Appealable) OZ, Coastal Ht. Limit, 1st Public Roadway, Parking Impact, Residential Tandem Parking, Transportation Priority Area within the La Jolla Community Plan Area, and CD 1

10/20/2020 Applicant Presentation

- Aerial view identifying project, lot passes through block, two front yard setbacks
- Previous variance to allow 5 carports/garages at rear will remain with no changes
- FF 2025sf, SF 2009sf = 4034sf FAR .69 where .75 allowed
- RM-4-10 exists at rear of property where garages are
- Meet or exceed setbacks, conform to height requirements
- Materials pallet description (image missing)
- Difference from previous CDP was a basement no longer included.
- New 3 story building to the North, Single story to the South

10/20/2020 Public Comment

- none

10/20/2020 Committee Deliberation

- Blackmond – What is height compared to building to North? (Applicant: proposed is 27', Neighbor is 30' plus grade change.
- Jackson – Existing house seems to be a party house (Applicant: owners will be moving back into this house)
- Kane – Is this an existing CDP being amended? When? (Applicant: 5 or 6 years ago, it was vested and then extended for 3 additional years.) What was done to vest? (Applicant: will bring next time) What was required for garage variance (Applicant: predates Coastal, stays for life of building) Address with respect to rear access. (Will retain Neptune address) Who was CDP issued to (current owner)

10/20/2020 Deliver for next time

- Materials photos
- What was vesting action
- Share permit for variance
- Street montage along Neptune

11/10/2020 APPLICANT PRESENTATION

- Materials Board: White hardie siding, black windows (Fleetwood), graphite colored asphalt roof.
- Street Montage: Adjacent tall buildings to the North, Tall row homes across street to South also tall, one single story building immediate to South.
- Electrical permit vested previous, but findings changed so amendment was necessary.
- Variance in 1961 for garage at current location

11/10/2020 PUBLIC COMMENT

- none

11/10/2020 COMMITTEE DELIBERATION

- Leira – Existing garage is dominant (applicant: the garage will remain with white siding per materials board)

11/10/2020 COMMITTEE MOTION

- Findings CAN (Jackson/Blackmond)
- Passes 6-0-1

ITEM 2: FINAL REVIEW 11/10/2020

Project Name: Teel Residence
Permits: CDP

Project No.: 669815 DPM: Denise Vo
Zone: RM-1-1 Applicant: Marengo/Fortune
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/669815>

LA JOLLA (Process 2) Coastal Development Permit to convert an existing 263 sf room over a 449 sf detached garage into a Companion Unit at 416 Nautilus St. The project includes adding 104 sf for a Companion Unit totaling 367 sf. The 0.072-acre site contains 2 detached residences on a single lot at 414 and 416 Nautilus Street. The site is in the RM-1-1 Zone, the Coastal (Non-App.-2) Overlay Zone, the Geo Hazard Zone 53, and the Transit Priority area within the La Jolla CPA, and CD 1.

10/20/2020 Applicant Presentation

- Companion unit over garage, under construction now with building permit for back area, tore down garage and building new garage to setbacks and then new companion unit above with roof deck above, kitchen and bathroom not included in construction permit, so that's where the CDP comes in to make it an ADU.
- New garage will widen all the way to 3' setback, maintaining 0' setback on West side of garage, second floor will setback from PLs.
- Roofdeck setback from alley
- Materials pallet and style to match existing house in front
- Shared copy of current construction permit
- Referenced a city letter that garage demo and current construction is allowed
- Garage is separate independent structure and conforms to requirements where accessory structure may encroach into setbacks.
- Today we are asking for companion unit conversion within permitted structure.

10/20/2020 Public Comment

- Merten – oppose project
 - Need a CDP to demo or build a structure in coastal zone
 - Project plans show 3 of 4 walls demolished, 4th wall along PL was demolished only. Project did not maintain 50% of exterior walls.
 - First floor is Accessory use, but upper level is a dwelling unit and should not extend to rear PL.
 - Building permit issued without CDP is non-conformity to LDC.
 - RM-1-1 zone density is 1 unit per 3,000sf. Only one dwelling unit allowed plus 1 ADU, but project already has 2 units. 3rd unit should not be allowed.
 - Noticing is problematic, “expansion of existing room over existing garage” but the existing room and existing garage are not finished yet.
 - New West exterior wall is 1-hr construction, showing 7/8” stucco on zero lot line may not be possible.
 - Request verification of number of bedrooms in 414 Nautilus, if more than 1 bedroom, then parking is not adequate for existing structures.
- Wright (by Merten) – Public safety concerns with new structure on PL and difficulty making in 1-hr rated and too close to his building, would like it setback 3'. Concerned by loss of privacy due to roof deck just 3' away.
- Wright – Light and air access diminished, Fire burden unfair on me.

10/20/2020 Committee Deliberation

- Leira – How many units on site? (Applicant: 2) Concerned about fire rating at 0' lot line. Concerned about privacy issues, please show sections through terrace and surrounding properties (Applicant: 2 one bedrooms 800sf and 247sf, new unit will be companion unit, and legal as existing 2 are legal. Will have to use a blaze guard or drive-it tilt-up solution if cannot have permission from neighbor. Parking is tight in neighborhood and maximizing garage to increase onsite parking. Owners met with Wrights to share plans, Mr Wright said he would build to block view, so now building second floor to protect future views, Will provide drone images, owners will be focused West not East)

- Jackson – Neighbors duking it out. Some of Merten issues are process issues, some are substantive issues, if Merten returns please divide issues into two categories, new unit over garage seem to face similarly high building and driveway, is there really a privacy concern, what are the views, drone? (Applicant: Unattached accessory structures do not required CDPs for demo and construction and may encroach into setbacks)
- Kane – Encroachment by garage? Number of units on property and parking requirement? Is ADU allowed? (Applicant: garage is allowed to encroach and has been there previously, applicant will find another solution for 1-hr rating)
- Costello – Alley width? (Applicant: 20')
- Fremdling – Also concerned about garage going PL to PL. How get trash to alley? (3' open on one side)
- Leira –
 - Site plan, different colors for different buildings and when built? When orig garage built?
 - Clarify what happens with accessory structure in setbacks and then habitable above.
 - 20' alley some areas require additional setback, Can a car access this?

10/20/2020 Deliverables for next

- show sections through terrace and surrounding properties, drone images
- Site plan, different colors for different buildings and when built? When orig garage built?
- Clarify what happens with accessory structure in setbacks and then habitable above.
- 20' alley some areas require additional setback, Can a car access this?

11/10/2020 APPLICANT PRESENTATION

- Section through project and site plan showing neighbors yard location
- Garage is accessory structure allowed up to 525 sf.
- 414 structure built in 1931, 416 in 1940
- 20' alley and 21'-2" to building across alley
- Proposed to put fire board and tilt into place so no access to neighbors property necessary

11/10/2020 PUBLIC COMMENT

- Wright – Owner of lots to the West, Have issue with this density, preserving 1940 cottage but garage is too big, city told him he needed a 5' setback from alley, validity of garage in question, concerned with 3 units on 25' wide lot. Will 416 use be different. (applicant: 416 will be apartment for rent) Roof deck will look into back yard and impact privacy. Neighbors were not notified.
 - Applicant: with respect to noticing, the structure was already permitted without coastal permit and did not require noticing, this action, to convert structure to companion units. Roof decks are used to see view, no one is interested in looking down into neighbors yard.
- Merten – CDP for a companion unit for an illegally permitted accessory structure, regulation says a detached accessory structure may encroach into side or rear setbacks but not both, and city staff is reviewing. CDP is required for all coastal development and demolition of previous garage. Applicant should have to get an after-the-fact CDP for the garage and structure. Only one dwelling unit is allowed on this lot, state law allows a second ADU. Lot already has 2 units, should not be allowed to add a third unit "ADU". Garage has no setback from alley. Upper level should have at least a 4' setback from alley. There is a connecting deck that makes the accessory structure no longer "detached". Nowhere in land development code does it say accessory structures are exempt from CDPs.
 - Applicant: Structure is not illegal, it has been reviewed and approved by the city staff. Detached structure is detached with separate foundation, flashing separation between the two.
 - Merten: issuance or granting of permit does not constitute permission to violate land development code.
- Whitney – co-trustee of property on the East side. In full support of the proposed project. Called numerous times by Mr Wright to oppose project and believes his opposition is harassment and the project is a benefit to the neighborhood. New structure is in line with their rear unit and appreciate the project.

11/10/2020 COMMITTEE DELIBERATION

- Leira – Companion unit should be non-intrusive, putting on the second floor does not achieve that. Prefer to see original garage size. (applicant: current garage does not satisfy code, needed to be bigger to allow two cars and reduce parking impact on street) Setbacks from before should not be expanded (applicant: new garage satisfies current setback requirements) Can it be pushed back from alley? (applicant: garage would not meet parking code).
- Blackmond – What is history or reasoning for companion units, (Will: rentals to address housing crisis) (Applicant: meant to be rentals to provide housing and to allow rental income to allow owners to stay in property, cannot be rented for less than 30 days and it can be enforced)
- Jackson – Bizarre case, clearly about hostility between neighbors at the heart of the matter, distressed by some statements in opposition, but also project is distressing because of serial permitting. Would this all be permissible if all permitted together? We are not appropriate jurisdiction for “legality”.
- Costello – ADU cannot be rented for less than 30 days. Concerned about garage resolution with city.
- Leira – upper unit is too large. They are supposed to be for your family.
- Shannon (after vote) if ADU is attached exempt from ADU, if detached not exempt.

11/10/2020 COMMITTEE MOTION

- Motion project be continued until garage setback issue is resolved. (Costello/Fremdling)
- Comment on motion,
 - Leira: real problems with new development using old setbacks and garage is the problem (applicant: this is something that can be done now, not taking advantage of any existing setbacks)
 - Will: 525sf accessories may encroach into side or rear and in practice that means both at same time.
 - Leira: How do you get approval of rear setback on alley when all others are setback? Surprised because all others seem to follow 5’ setback. (applicant: if you go down the alley they are not all at 5’, straight across the street is less than that. 21’ back-up is what is required. Engineers are hard to convince but this had the back-up)
- Postone, Motion passes 5-1-2

ITEM 3: FINAL REVIEW 11/10/2020

Project Name: 305 Bonair
Permits: CDP/NDP
Project No.: 653750 DPM: Xavier del Valle
Zone: RM-3-7 Applicant: Krencik
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/653750>

LA JOLLA (Process 2) - Coastal Development Permit and Neighborhood Development Permit to construct a new 535 square-foot detached dwelling unit on a lot with an existing 2,100 square-foot, two-story apartment building at 305 Bonair St. The 0.10-acre site is in the RM-3-7 Zone and the Coastal (Non-Appealable) Overlay Zone within the La Jolla Community Plan area, and Council District 1. Permits required per to Code Case CE-0500245.

10/20/2020 Applicant Presentation

- Owner Branca (owner in attendance), Hyytinen land use counsel
- Hyytinen: Subject to code enforcement case, work undertaken without permit for 4 back units and detached unit in front, Front unit is subject of CDP/NDP. TI work in back units, all work in back four units is complete and approved. Front unit was demoed and required CDP

- Historic review was required, report submitted and structures were determined non-historic.
- Krencik: Enlargement of previously conforming structure in front yard setback
 - Allowed 5 units on property, 4 in back, 1 in front
 - Front unit, accidentally demolished/collapsed, rebuild and make larger at 535sf
 - Stucco with vinyl clad windows, removed pitched roof, now flat roof,
 - Max FAR 1.8, proposed is .59
 - Existing structure was at 7' front setback would like to keep.

10/20/2020 Public Comment

- text

10/20/2020 Committee Deliberation

- Jackson: Looks largely constructed (applicant: it's all there)
- Will: FAR? How maintain previously conforming? (applicant: city will allow through NDP, more akin to a Deviation, need an NDP to retain previously conforming?)
- Leira: request greater clarity on how to achieve reduced setback. Front yard setback is sacred.
- Jackson: Structure does stick out.
- Blackmond: Weird looking front building, street view would help, it's odd.
- Kane: How was former front building previously conforming? (applicant: built in 1973, permitted at that time.)
- Costello: Follows Diane, please get coherent description of problem and request for deviation or variance to allow encroachment into front setback.
- Kane: What would prevent applicant from moving it back?

10/20/2020 Deliver for next time

- Look several houses in either direction, please provide neighboring setbacks, or satellite view
- Street view
- coherent description of problem and request for deviation or variance to allow encroachment into front setback.
- Consider moving building back
- Landscape plan and compare with aerial photograph 100' in either direction
- What is public benefit that you can give back in exchange for the reduced setback ... maybe increased landscape?

11/10/2020 APPLICANT PRESENTATION

- Reconstruct dwelling unit knocked-down inadvertently
- Previously conforming front yard structure is to be maintained (built in 1923)
 - Compared neighboring setbacks
- Neil Hyytinen speaking to opinion that project does not require deviation, only NDP required.

11/10/2020 PUBLIC COMMENT

- none

11/10/2020 COMMITTEE DELIBERATION

- Leira – how much landscape on West (bottom of page) property line (applicant: none)
 - Would prefer to see some landscape along that side or permeable paving.
 - (applicant: adding 34sf of impervious area)
- Costello – Wondering about NDP to encroach forward of front setback line. Does it currently exist?
 - (Applicant: previous structure was demolished and has now been rebuilt.)
- Shannon – Explain the notch. (Will: new part of building cannot enjoy the reduced pre-existing setback)
- Fremdling – familiar with site, why torn down, if you bumped into it, it would have fallen down and it was embarrassingly bad. Wish they could keep the notch. A beautiful hedge could be added to the bottom (West) side PL to make less like a parking lot or cut sections out between concrete tire tread paths. Anything to make less hostile/concrete

- Costello – will vote no, applicant can do a far better job. Owe the community a setback and view down the street.
- Kane – Tough one, Agree with request for additional landscape, what does the community get in return? It would be reasonable to increase greenery.
 - Krencik – owner is willing to make it as attractive as possible. 2' strip along West (bottom of page narrowing to 1' once you pass the line of of the northern extent of East side grass)

11/10/2020 COMMITTEE MOTION

- Motion findings CAN be made for ... (Jackson/Fremdling), passes 6-1-1

ITEM 4: PRELIMINARY REVIEW 11/10/2020

Project 676181 - Digital-1542 Copa De Oro CDP

Applicant: Michael Morton

Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/676181>

LA JOLLA (Process 2) Coastal Development Permit for partial demolition, remodel and 784-square-foot ground floor addition to an existing 2,871-square-foot, one-story, single family residence located at 1542 Copa De Oro Drive. The 0.24-acre site is in the RS-1-4 Zone, Coastal (Non-App-1), Coastal Height Limit, and Parking Impact Overlay Zones within the La Jolla Community Plan area. Council District 1.

11/10/2020 APPLICANT PRESENTATION

- 1960 one-story homes
- Meets all zoning requirements
- Two concrete patios at rear, pedestrian path at front and sidewalks along street.
- Ceilings be raised 2' (8' to 10') – 17' max height.
- Renderings of all sides
- Providing landscape and PL hedging.
- Project fits nicely with the subdivision.
- Contemporary interpretation of the courtyard ranch home.

11/10/2020 PUBLIC COMMENT

- Text

11/10/2020 COMMITTEE DELIBERATION

- Leira – CC&Rs (applicant: no, they have sunsetted, project looks like a good fit)
- Kane – Looks lovely

11/10/2020 MOTION

- TO MAKE FINAL (Kane/Costello)
- PASSES 8-0-0
- Findings CAN (Kane/Costello)
- PASSES 7-0-1

ITEM 5: PRELIMINARY REVIEW 11/10/2020

Project 670265 - Digital-Tyrian Residence CDP

Applicant: CA Marengo

Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/670265>

LA JOLLA; (Process 2) Coastal Development Permit for a proposed 760-square-foot companion unit with deck over an existing detached garage on a site with an existing single-story duplex located at 6657-6663 Tyrian St. The 0.12-acre site is in the RM-1-1 Zone, Coastal Height, Coastal (Non-Appealable Area 2), Transit Area, and Transit Priority Area Overlay Zones within the La Jolla Community Plan Area. Council District 1.

11/10/2020 DID NOT PRESENT