

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

Meeting Minutes – Jan 12, 2021 – 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/2021-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)**

-
- 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**.*
-

COMMITTEE MEMBER ATTENDANCE:

Jackson, Fremdling, Leira, Costello, Will, Shannon, Kane, Blackmond

NON-AGENDA PUBLIC COMMENT:

- Costello: CPA Elections in March, please contact anyone on DPR or CPA to be included on ballot
- Costello: Should we include attendance in meetings.

APPROVAL OF MEETING MINUTES:

ITEM 1: PRELIMINARY REVIEW 1/12/2021

Project La Jolla View Reservoir
Applicant: City of San Diego: Bilal Oriqat, Gretchen Eichar
Project Info: <https://opensds.sandiego.gov/Web/Projects/Details/331101>

LA JOLLA-, Coastal Development and Site Development Permit Process CIP-2 (WBS# S-15027.02.06) for a proposed 3.11 million gallon circular concrete reservoir to replace the existing reservoir, replace the existing Muirlands Pipeline in County Club Drive with a larger 30" PVC pipeline; and to demolish the existing La Jolla View Reservoir. Coastal Non App 1, Council District 1, Notice Cards 3. Notice of Final Decision to go to CCC.

- Project previously reviewed by DPR & CPA has not changed.
 - CEQA-related Environmental Document has evolved from an MND to an EIR.
 - Committee discussion will focus on potential project impacts and mitigation measures identified in the EIR. Committee Findings and Recommendations will result in Draft CPA response to EIR. Draft response will be discussed/ratified at February CPA meeting.

1/12/2021 APPLICANT PRESENTATION:

- First outreach began in 2015
- Both reservoirs at end of useful life, increase supply, improve water quality
- Demo two existing reservoirs, construct one larger buried reservoir, few above ground improvements (access hatches), temporary access drive for construction to later be removed and restored to native
- EIR notice of preparation in April 2018
- Draft EIR released December 31, 2020 for 45 day comment
- EIR mitigation areas addressed: noise, biological, cultural monitoring, paleontological, MMRP
- Email comments to DSDEAS@sandiego.gov
- 2.5 year project. Mass grading portion of project will generate most truck trips will generate 850 daily trips.

1/12/2021 PUBLIC COMMENT:

- Snyder: concerned with route getting trucks up road, understand 14,000 trips over 2 years. Concerned with public safety and 3 difficult corners.
- Reldon: I like to hike, conflict between two entities, considered environmental impact, proposed reservoir is 200' lower than upper reservoir to be demod. Object to project
- Brown: Park is used everyday. Best view area is exactly where reservoir will be. It will be years before it is usable again. Pumps can be used instead of increasing height. This would reduce project time.
- McNeil: What alternatives have been made to refurbish similar aging reservoirs?
- Shakar: Geotechnical concern, its heavy, landslide area. how can the foundation hold this.
 - Appendix I
- Ahern: What is elevation of reservoir above grade/railings?
 - Fully buried, access hatches, top of reservoir will have 3-5' of soil above. Hatches 2' above grade, no fence around facility
 - Fencing at the site
- Ahern: Will there be parking, where and rendering?
- Ahern: Will there be hiking access during and after?
- Ahern: What is intended use for lower reservoir after demo?
- Ahern: Can you ease curve into country club space and add sidewalks?
- Ahern: Can we have a full list of plants and mitigation?
- Lazarides: There was a landside east of gate in 2008 due to water line leak.

- Neil: Surface erosion: will the new temporary road increase surface erosion and the need to include a storm water retention plan. Draft EIR states elevation is significant factor and there are higher elevations. There is recreational use there.
 - Temporary erosion control will address
- McGrory: City answer regarding access over top of the hill, What is the trail impact? How does the proposed perimeter fence affect fences. EIR is light on biological resource management and mitigation. Can the exchange reservoir be dedicated to park, not sold to developer? Utility can otherwise sell it. Danger on that corner cannot be overstated. Are there other ways to get to top of hill.
- Shakar: Consider elevated sidewalk.
- Allen: What is being done about electric transmission lines going through areas? Can we see rendering of communication tower as well.

1/12/2021 COMMITTEE DISCUSSION:

- Leira: Geotechnical report needs to be examined closely. Can the existing reservoirs be rebuilt and supplemented with a third? Concerned with construction access. Any provisions for road repair? Coordinate with LJ parks committee.
- Kane: Agree streets are murder, no place to walk, and heavily used open space. How can this section of LJ come out better than before this project? Work with LJ Parks and Beaches. Concerned with proposed fencing. Can it be a public amenity? Street repairs as well. Needs serious mitigation. Additional pedestrian amenities. Construction management plan? What is happening with dirt, maps, access, staging.
- Costello: What does soil weigh compared to water (130lb/ft³ soil)

1/12/2021 DELIVERABLES:

- How many truck/trips? Could we see a graph of estimated daily.
- What alternatives have been made to refurbish similar aging reservoirs?
- Foundations?
- Site plan and rendering to show fencing and hatches. How will trail access be affected
- MORE ... SEE PUBLIC AND COMMITTEE COMMENTS ABOVE. Also video recording of meeting is available.

ITEM 2: PRELIMINARY REVIEW 1/12/2021

Project 9044 La Jolla Shores Ln
Applicant: Bob Trettin, Matt Peterson
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/667987>

LA JOLLA; (Process 4) After-fact SDP for the Emergency Agreement (PTS# 660175) issued for the relocation of failed coastal bluff materials that threatened ancillary residence and tram landing at the base of the coastal bluff located at 9044 La Jolla Shores Ln. within the RS-1-1 and RS-1-4 Base Zones, and Coastal (Appealable), Sensitive Coastal Bluff, and MHPA Overlay Zones and Geo Hazard Area 41 within the La Jolla Community Plan. Council Dist. 1

1/12/2021 APPLICANT PRESENTATION:

- Natural mid-bluff failure near “mushroom house”. Piled up behind structure and damaged tram and landing

- Failure happened, bobcat to move material, city complaint, emergency permit issued, work completed, now after the fact permit to close loop on emergency permit.
- Applied to SD and CCC for emergency permits and those were approved with BMP measures in place.
 - 8 weeks ago another failure happened North of subject property (un-related) just FYI
 - Another failure near road and parking lot at blacks (UCSD repaired without permit
 - Sea Lane example of city work without permit
- Natural bluff failure, Relocated material under approved emergency permit. City requested dirt trucked out. CCC wants it to remain, it is natural source of sand replenishment.
 - Tested: No toxins anything in bluff material

1/12/2021 PUBLIC COMMENT:

- Ahern: Natural sand replenishment is important, agree bluff material should stay, potentially historic site

1/12/2021 COMMITTEE DISCUSSION:

- Costello: Dale Nagle design, its here its historic
- Leira: When was wall built? (applicant: unknown, but it looks like it was there in all photos)
- Shannon: What does city pay entities to add sand to public beaches

1/12/2021 MOTION:

- Make this FINAL (Costello/Jackson)
 - Unanimous
- Findings CAN be made for the permits requested and the committee further recommends that the bluff material remain and should NOT be removed and temporary erosion measures should be removed. (Kane/Jackson)
 - PASSES 7-0-1 (Will abstain as chair)

ITEM 3: ACTION ITEM 1/12/2021

Project CODE UPDATE
Applicant: Diane Kane
Project Info: <https://lajollacpa.org/2021-agendas/>

- 2021 Code Update:
 - Status report of LDC code revisions submitted to City in 2020; brainstorming session on potential Code Revisions to submit in 2021 cycle.
 - See Materials page of CPA website for list of previously submitted issues. 2021 submittals may include additional items not identified on 2020 list.

1/12/2021 APPLICANT PRESENTATION:

- 50% rule needs work: Suggestion to combine sequencing/serial permitting with this issue.
- Carports: There are changes going through system
- Basements: Geiler believes staff is counting some basements
- Beachfront Lot FAR: Where taking advantage of mean high tide line and large homes on small pads
- Project Noticing: Approached CPG to take this up.
- Prop D height limit: City also wants that cleaned up.

1/12/2021 PUBLIC COMMENT:

- text

1/12/2021 COMMITTEE DISCUSSION:

- Leira: 50% rule: Older homes use 30% of allowable FAR.
- Kane: 50% rule is imbedded in CCC. Needs a lot of work.

1/12/2021 DELIVERABLES:

- Review next week.

ITEM 4: FINAL REVIEW 1/12/2021

Project Name: Villa K-L – 1228 Park Row

Applicant: Scott Kivel, Dave Ball

Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/619886>

LA JOLLA (Process 2) - A NDP and amendment to CDP No. 1217056 for new work at 1228 Park Row that includes a steel lattice structure, barbeque, metal rods at roof parapet, vehicle gates that encroach into the public ROW, and air conditioning condensers on the garage roof. Fences, retaining walls, trees in ROW, and carport opening identified in the IC notice dated 4/17/19. The 0.22-acre site is located in the RS-1-7 Zone, and Coastal Overlay Zone (Non-App.) within the La Jolla CPA, and CD 1.

2/12/2019 APPLICANT PRESENTATION: Kivel, Epley

- Request gates in public ROW, needed to correct visibility triangles
- EMRA for walls in ROW, city planner is waiting for NDP/CDP to approve EMRA
- Walls were built higher than permitted, neighbors are happy with existing conditions
- Abided by CDP, footprint is identical to CDP
- Issues are visibility triangle, trellis, and gates, AC condensers
- Driveway gates and wall were built in ROW – should not have been built ~8” into ROW (on Park Row)
- Curb to PL is 13’ on Park Row
- Walls in ROW on Silverado, gate is not far enough from back of sidewalk (should be 20’)
- Asking for colonnade to be dimensioned and shown to be outside of front setback
- Applicant follow-up post public comment
 - City does not find height issue
 - Cut down wall within visibility triangle
 - State boards issues with previous architect

2/12/2019 PUBLIC COMMENT:

- Merryweather: Disturbed by anything in PROW. Drove the circle, not a single gate to garage on entire circle. This is only one. Seems out of place
- Weiss: mother in law was next door neighbor, she and her husband do not endorse these gates. Illegal and does not fit in neighborhood. There are other issues as well. Building and height issues as well.
- McInerney: Went to trial and exonerated. Issues tonight have nothing to do with work I did. Applicant continued additions after release of architect. Specificity of site. Silverado and Park (commercial and residential). Kivel has not been forthright. Has not abided by floor plan, enclosed a previously approved carport and now exceeds the limit of FAR, Drawings presented

to committee are copyright infringement and edited to be false. 2 neighbors in favor does not constitute a community. Park Row gates are 4' over PL, Silverado gate is 1' over PL. Risk backing out of driveway, Visibility triangle is imperative. Need to remove existing structure to create visibility. Chain link is not allowed in front yard setback. Street trees do not satisfy approved tree list. Plans have been "bleached" to suit current agenda. Pergola is in setback. BBQ is in setback. Metal poles are all above the height limit. Accessory structure has a 15' height limit. Drawings provided by applicant are false.

- Benton: 20' pull-in required before garage doors AND gates. Ask for additional information and look at photos.
- Merten: City is liable for whatever is built in PROW, if gate is in view triangle and injury results, it becomes the city's liability.

2/12/2019 COMMITTEE DELIBERATION:

- Leira: was storage shed converted to garage? Community pattern is picket fences at PL. planter area on Silverado is too much. If it is not already permitted, perhaps it should go. Automobile gates are atypical for Park Row.
- Leira: gate on Silverado appears to be a hazard, they are inconsistent with scale and character of neighborhood.
- Costello: original project was well received. On another project where a gate was installed incorrectly, the owner/contractor are working diligently to fix it at great cost. Disappointed to see carport turned garage.

2/12/2019 DELIVER NEXT MEETING:

- 24x36 boards, presentation materials are inadequate
- Key photos to drawings
- Photos of streetscape adjacent to project along with aerial/satellite view
- Bring previously permitted Exhibit A
- Must correct or explain enclosed carport.
- Please ensure drawings are accurate, this is a controversial item
- Diagram with view triangle/gates/and yard setbacks, and gate clearance setback
- Exhibit for height conformance

2/19/2019 APPLICANT PRESENTATION Kivel, Epley

- Gates are discretionary. Have new larger exhibits and photos to share.
- 2 gates: 1 on park row, 1 on Silverado. City issue that there is not 20' auto "queue" space off the ROW. Applicant believes gates are in keeping with the character. Sliding gates do not interfere with pedestrian sidewalks.
- Not providing the 20' discourages parking from parking and blocking sidewalk.
- Gate is set back from line of white fence on property to East.
- Gate 2 (on Park Row). Very low planter curbs in ROW (requiring EMRA)
- Applicant believes they are beautifying street along Silverado.
- What is curb to gate and edge sidewalk to gate. 15'-8" back of sidewalk to gate on Silverado.
- 21'-5" from curb to gate. Backing out looking at 4 or 5' high wall.
- Perimeter walls were cut down to clear visibility triangle.
- Gates do NOT encroach into ROW. Contradiction to project description. Actually Park Row gate is in ROW.

- Costello, discussion of items that are non-compliant from city cycle issues. (all those items are being addressed, they are being corrected) AC units are now approved. Trellis is in setback. Bird wire height issue. Changing the plans. These issues are all on permit.
- Costello: Issues are on permit request, not actually approved. Do ACs pass Noise ordinance?
- Entire project under review.
- Bird stations exceed 15' height limit on accessory structure (approx. 16'-8")
- What other homes in area have a sliding gate? None identified. Some around the corner. Nearest are on Ivanhoe and Cave st (within 75 yds approx.)
- Per surveyor and applicant drawing, there is 13-7 curb to PL

2/19/2019 PUBLIC COMMENT

- Weiss – neighbor, trustee of CPA (would recuse if necessary). Factual observations: Own 3 houses in the neighborhood. Mother in law's house wraps around project site. Front side of park row gate is 4-5 into prowl, using 10' surveyors mark, 3-10 from sidewalk. Silverado gate not quite parallel to sidewalk and higher. Plan distance (center is 13-8 from sidewalk +/-3" each end). Transparency of gate should be 80% open above 3'. Driveway on park row is excavated, steep incline to Park Row. Retaining wall built to retain for excavation. 3' ht of wall should be relative to height of driver. But can't lower wall further. Concerned about main structure height. AC condensers are very close to adjacent house. Not shielded. Carport has been enclosed and may exceed FAR. House is quite different from neighborhood, gates exacerbate this. Applicant reported neighbors in support, I own the adjacent home on both streets and they are not in favor.
- 115" gate to curb
- Merten – Is the gate on the public side of the fence (yes). Is there any protective device to shield the public (No).
- Merryweather – Project is not in conformance with neighborhood, no sliding gates on park row or residential side of Silverado. Completely different than neighborhood.

2/19/2019 COMMITTEE DELIBERATION

- Concerns for sliding gates in PROW
- Costello: infrequent that city writes scathing cycle issues. City "unacceptable". Can't support this project. EMRA is not listed, not in favor. Gates should be corrected. Contention on height limit.
- Will: track appears a few feet into PROW from photos. Not adjacent to wall.

2/19/2019 DELIVERABLE FOR NEXT MEETING

- Accurate plans, exhibits should address all project parameters
- Better site photos.
- Committee members to measure this themselves.

1/12/2021 APPLICANT PRESENTATION:

- All cycles cleared by city
- Adding ADU (conversion), Bird wire
- Carport enclosed and included in FAR
- Enclosed laundry room included in FAR
- Entry trellis: Stucco columns and steel trellis above
- Parking provided for ADU

1/12/2021 PUBLIC COMMENT:

- Weiss: Lived on park row since 70s. My mother used to live adjacent.
 - Built and now seeking permission for what was built.
 - Failure to reply to DPR in timely manner
 - Accuracy of representations is in question. Inaccurate dimensions
 - AC compressors are visible and audible
 - Garage height limit is 15', bird wires are over that.
 - What is revised FAR?
 - Silverado gate to sidewalk is 13'-8" (not 15')
 - What is required openness of gate? 80%
 - Park Row gate to sidewalk is 4'-5" not 5'
 - Concrete wall is also across PL
 - Wall at South corner is 3' not 2' and impedes driver visibility exiting driveway
 - Misrepresentation of how many neighbors are opposed.
 - Gate should be moved and concrete wall moved off city ROW
- Adams: Expect committee to protect community. Comparable examples for birdwire were all commercial properties, neighboring home has permit for wall on ROW. Count on us (committee) make sure its enforced.
- Fitzgerald: You only have choice that findings CAN or CANNOT.

1/12/2021 COMMITTEE DISCUSSION:

- Will: FAR problem? (Applicant: There is no problem. Carport was not included in FAR, but there is room in FAR)
- Leira: What is FAR? (.55) Built GFA is? (5,183sf)
- Kane: Agree gates are not compatible to neighborhood, concerns with site lines. Has code compliance measured these dimensions. Can anything be done to mitigate AC condensers.
- Costello: ADU requires a CDP. Not included in description. ADU component has not been noticed. Gate should not be in public ROW. Safety issue for children. No actual changes.
- Jackson: AC compressors are a nightmare. Why so many? There are a lot of sliding gates that could injure kids but there are apparently no standards, but not peculiar to this project. Why ask forgiveness not permission. Why aren't there consequences (fines).
- Leira: Gates are logical on 1-acre lots, but not in a tight area. No other gates on park row. The gates do not belong here. Do we want fortresses in our community? AC on roof is louder than on ground.
- Shannon: Belief that eventually the committee will yield. Execution of this project exacerbates the problems.
- Kane: would like to see three items addressed (dimensions, gate in ROW, AC baffling)

1/12/2021 MOTION:

- Motion: Findings CANNOT be made that this project complies with the La Jolla Community plan in that (a) the measurements are in contention, and need to be verified by an independent, certified surveyor, (b) the Park Row gate encroaches on the public way and is unsafely designed in contravention of the public interest, (c) the proposed ADU has not yet been noticed and therefore is not properly permitted, and (d) the design of the gates is inconsistent with the design of surrounding neighborhood. (Jackson/Kane)
 - Motion Passes 6-0-1