

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT
FOR
January 2012

01/10/2012 Present: Meeting cancelled

01/17/2012 Present: Benton (Chairman), DuCharme-Conboy, Costello,
Kane, Liera, Merten, Thorsen

1. NON-AGENDA PUBLIC COMMENT

Recorder setting 28 00 00 00

Leigh Hyman & Barbara Samonta: Expressed concern about the change of use (to a restaurant) of the Manchester Building at Prospect-Roslyn Lane-Ivanhoe. Parking lot removed. No loading zone, fire lane. 9,000 sq ft. Gave a handout. **DuCharme:** Did you call the City? **Samonta:** yes, but got nowhere, there is a permit for the patio but no plumbing or electrical. **Merten:** Manchester given over the counter permit for tentative improvements to the building.. Change in use from retail to restaurant. Parking requirement for restaurant is much greater than for retail use. CDP is required for change of use because of parking increase. But City may not acknowledge its own mistake. Worth following up. A permit issued in error is invalid.

Merten: City protects single-family neighborhoods by setting FAR (ie 0.45 for 20,000 sq ft lot). Environ. Doc. for Whale Watch Way, Shores District, is FAR 0.72, 61% higher than the rest of the City. City says FAR does not apply in the LJ Shores PD, but in 2001 Muni Code update City did change the Code to include the Shores, which it now, ignores. On Tuesday, 24 Jan attend the SDCC Meeting and support the CPA appeal. **DuCharme:** It is in the Code, Shores PDO code section Ch 11? **Merten:** Applicable Code section, unless there are provisions to the contrary the following Code sections are applicable to the LJ Shores.

Costello: On Dec 13 the Applicant for 427 Sea Ridge was asked if the house on site was used for short-term rental or if the new house would be used for short-term rental. He replied that only the family would live in this single-family house. Neighbors have emailed me a web link where the house is advertised on rental sites for \$1,000 - \$4,500 per night for events, \$7,500 per week and \$9,000 to \$15,000 per month. Updated Dec. 16. Our previous LJDPR Chair tried to address the question how verify Applicant information. We should also ask what can we do about material information that is misleading. Printout of website passed around. **Benton:** Yes, what do we do with false information?

Melinda Merryweather: The fence at 1828 Spindrift is in the Public View Corridor, i.e. from Princess / Spindrift to the ocean. Presented several photographs of the fence showing it running perpendicularly thru the VC. Chair indicated it could be in compliance. Asked Merryweather to contact City Code Compliance to address issue.

2. PRELIMINARY REVIEW

Recorder setting 28 00 20 12

Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.

Project Name: **AT&T SOUTH TORREY PINES ROW**

9170 1/3 North Torrey Pines Road

Permits: ROW

Project #: PO#227221

DPM: Alex Hempton 619-446-5349

AHempton@sandiego.gov

Zone: RS-1-7

Applicant: Kevin McGee, ATT Wireless Cent

Scope of Work:

858-232-396

The project is an existing wireless communication facility located at the northwest corner of North Torrey Pines Road in the La Jolla Community Plan area. The existing facility is located on a light standard in the public right-of-way with the associated equipment located above ground at the base of the standards. The light standard holds 2 antennas. The existing facility was constructed in 2000 for AT&T (formerly GTE) and is an integral part of the network.

Presenter: Shelly Kilbourn

APPLICANT PRESENTATION

Applicant passed out plans and diagrams with photos. Antennas have existed on light pole since 2000, permit is expiring. Applying to:

- a. Paint existing and proposed equipment dark green.
- b. Mount antennas closer to the pole (to be less obvious).
- c. Covers at the base of antennas to shield cables from view.
- d. Additional landscaping.
- e. Upgrade for 4G service.
- f. Renew permit

Calif Coastal Com said exempt. All issues with City Staff cleared. AT&T will maintain landscaping. City owns property, lease of \$2,500 per month (includes water). Will plant 21 each 5 gal plants.

DISCUSSION

Applicant response in italics

DuCharme: What happens if the site is no longer needed? *There is a removal agreement.*

Dan Allen: whose water will the landscaping use? *City water, AT&T pays the City.*

Costello: Does UCSD have plans for the land behind the project? *Milt Phegley said not at this time.*

Applicant would like to return February 14, 2012.

Please provide for FINAL REVIEW:

- a) Limit posts, "H" frame to 48 inches height (discrepancy 6 ft or 4 ft in plans).
- b) Increase screen planting where compatible with traffic sight line, visibility triangle.
- c) Compatible with visibility triangle, flowering plants in front, taller plants in back (bigger than 5 gal?).
- d) Please email final, corrected drawings to Alexis.

3. PRELIMINARY REVIEW

Recorder setting 28 00 38 57

Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.

Project Name: **KRETOWICZ RESIDENCE EOT**

7957 Princess Street

Permits: EOT for SDP 482270

Project #: PO#259646

DPM: Jeff Peterson 619-446-5237

Japeterson@sandiego.gov

Zone: RS-1-7 & Zone SF of LJ Shores PD

Applicant: Claude Anthony Marengo
619-417-1111

Scope of Work:

(Process 5) EOT for SDP 482270 for previously constructed improvements and additions to an existing SFR to remain on a 22,725 SF site at 7957 Princess Street in the RS-1-7 and SF Zone of LJSPD within the LJ Community Plan, Coastal Overlay (appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking. (Coastal Permit by Coastal Commission and Extension of Time is needed to continue processing the Coastal Permit.)

Presenter: CA Marengo

APPLICANT PRESENTATION:

Applicant response in italics

The Shores has jurisdiction, as well as DPR, because a small strip of the property at North end is in the LJ Shores District. Extension of Time (EOT) for Site Dev Permit is needed to continue processing the Coastal Permit from the Coastal Commission. Applicant reviewed the lengthy history of the house and project and some permit issues. Old photo lab is completely in the Shores District, is also in the ROW, and was denied for a NUP to convert to guest quarters. Applicant has agreed to bring previous noncompliant construction to Code.

DISCUSSION

Kane: So, you are negotiating with the CCC for coastal access? *No, access has to be provided; it is the “terms” of access being negotiated.*

DuCharme: It is not for us to argue terms of access but the EOT

Liera: How long of an extension? *Three years*

Thorsen: The lapse of time has been caused by the owners. Read letter from CCC, rejecting the applicant request for revised findings. Applicant filing legal actions is the cause of delays.

Kane: What are consequences of not granting EOT? *Nothing, since building exists*

Merten: As you come down Princess St to the ROW the pavement changes color and from asphalt to embedded pebbles. I remember the LJCPA was against this because it made it look like private property. *That was before I was involved.* Spa was added to plan which is not 25 ft from edge, maybe only 5-6 ft from bluff edge. Could be argued that a CDP can't be issued because work is inconsistent with current regulations. *We are negotiating with CCC, we will not build spa.*

Kretowicz: The spa and deck were never constructed.

Merten: Spa and deck is on your plans now.

Merryweather: Shouldn't give three more years for the Applicant to sue the CCC. LJ Community agreed to what CCC wants. 1) wants to restore the historic beach access. 2) ROW should be red curbed 3) remove pebble coated pavement as it makes the public ROW look like private property.

Marengo: CCC asks the ROW circle be red curbed, a condition of CCC.

Merryweather: When people drive down Princess they are confused and don't understand they can use the ROW to turn around, so they back out. This is very dangerous on Princess because of traffic on Spindrift.

Dan Allen: Will the footprint be smaller than the 1978 permit? *Smaller footprint, floor area smaller, height the same.*

Benton: In 1978 was a CCC permit issued? *Yes*

Allen: Where is coastal access? *Pointed to “South” side of house.*

Costello: Where is the location of the structure that the City denied a NUP? *Here by driveway, can't use it for “living quarters”.* Please point out where is the garage entry, beach access, building in the ROW, and where will red curb be. *Done* Do people have beach access? *No, it is being negotiated with CCC, issues of liability too.*

Kane: Asked Merryweather to explain historic beach access, identify where, etc. **Merryweather:** For years the owners, at least, let the Lifeguards have a key to get to beach for rescue. It is safe, I have seen the Kretowicz kids take a kayak down that path.

Benton: Question is EOT.

Angeles: why grant an EOT, everything is already built

Merten: If there is no CDP, the improvements will be found nonconforming by Code Enforcement, and they will have to be removed.

DuCharme: They have the permits thru the City, have the right to continue permit.

Thorsen: the applicant is tying up the process by his own action.

DuCharme: built illegally – then the City granted permits.

Kretowicz: CCC approved, the City approved, except the spa. The only condition we disagree is the easement. Issue is easement and access to the beach. Now access is only emergency until the path is improved.

Merten: what are Code conditions for EOT for a CDP (Section 126.0111) Muni Code quoted. Does not favor EOT with spa, trellis at bluff edge, approved in error.

Costello: you really need to deal with City and State bureaucrats, stop delaying, stay out of the courts. You could have had most, maybe not all, of what you want long ago. If you had, you and this issue would have been at peace long ago.

Benton: should we see where we stand here? Should we vote the Preliminary to a Final?

Kane: what are the conditions for an EOT?

Merten: EOT (Section 126.0111) Muni Code quoted. “No new condition is required to comply with state or Federal law.” That’s the issue. The permit issued doesn’t comply with State law. In order to bring project into compliance, a new permit needs to be issued. The spa and trellis do not comply with State law.

Marengo: City is agency to make findings. They say findings are made.

Kretowicz: This is consistent with conditions.

Merryweather: Tony Ciani sued the Bakers and won. The Court ruled beach access had to be provided or the house removed.

Merten: Tony Crisafi has said he thinks the CPA should hear this project since it has a high level of Community interest. We should give our recommendation.

Thorsen: The applicant keeps shopping for different answers with different agencies and courts in the hope they will finally get the answer they want.

Kane: Do we have everything we need to know to make a decision? If so, let’s decide.

Kretowicz: 14 July 2011, CCC approved except spa and deck (will delete spa & deck), remove wall by gate, easement. If we remove spa from drawings then we need to start all over with a new permit.

Unknown: What about the Easement?

Merryweather: If you bring the Applicant back for a Final Review we could have a CCC rep here.

Merten: But the question is not CCC, it’s EOT.

SUBCOMMITTEE MOTION:

Recorder setting 28 02 07 33

(Benton/ Liera 7-0-0) to Merge Preliminary and Final Reviews.

In Favor: Benton, Costello, DuCharme, Kane, Liera, Merten, Thorsen

Oppose: 0

Abstain: 0

Motion Passes

Benton: I would like to keep the applicant at the table, discussing.

SUBCOMMITTEE MOTION:

Recorder setting 28 02 13 48

(Thorsen/Merten 4-3-0) Deny EOT as no new condition is required to comply with state or Federal law. Findings cannot be made for an Extension of Time (EOT) for Site Development Permit as needed to continue processing the Coastal Development Permit.

In Favor: Costello, Liera, Merten, Thorsen

Oppose: Benton, DuCharme, Kane

Abstain: 0

Motion Passes