

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

Report – May 2015

May 12, 2015 Present: Benton (Chair), Collins, Costello, Kane, Leira, Mapes, Ragsdale, Welsh, Will

May 19, 2015 Present: Benton (Chair), Collins, Costello, Kane, Welsh, Will

1. NON-AGENDA PUBLIC COMMENT

Issues not on agenda and within LJ DPR jurisdiction. Two minutes maximum per person.

(5/12/15) – 820 Rushville – HLJH: The decision of the LJCPA and the resolution were discussed. Ms. Kane and Mike Costello discussed their recollections of the review and the conduct of the meeting and the information presented, and discussed the appeals process. The appeal will be June 11 at the Planning Commission.

- 2. (5/19/15) – 820 Rushville – HLJH:** Joe LaCava, Chair of the LJCPA, described the desired corrections to the adopted resolution of December 16, 2014. A discussion ensued about the information presented in that meeting and the procedure for the resolution. A corrected resolution was adopted as follows:

SUBCOMMITTEE MOTION 5/19/15: The Resolution adopted December 16, 2014, is corrected as follows:
‘Findings CAN NOT be made for a Coastal Development Permit and Site Development Permit to demolish an existing single family residence and attached accessory structure and construct a 3,007 square foot 2-story single family residence with a 458 square foot attached garage at 820 Rushville Street.

(Benton / Kane 5-0-1)

In Favor: Collins, Costello, Kane, Welsh, Will

Oppose: none

Abstain: Benton, as Chair

Motion Passes.

3. APPROVAL OF MEETING MINUTES 5/12/15

Meeting April 21, 2015

SUBCOMMITTEE MOTION: To approve the Meeting Minutes of April 21, 2015 as amended.

(Ragsdale / Collins, 6-0-1)

In Favor: Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: 0

Abstain: Benton, as Chair, Kane

Motion Passes

4. APPROVAL OF MEETING MINUTES 5/19/15

Meeting May 12, 2015

SUBCOMMITTEE MOTION: To approve the Meeting Minutes of May 12, 2015 as amended.

(Will / Costello, 5-0-1)

In Favor: Collins, Costello, Kane, Welsh, Will

Opposed: 0

Abstain: Benton, as Chair

Motion Passes

5. FINAL REVIEW 5/12/15 (previously reviewed 4/21/15)

Project Name: 1111 Prospect Street PDP

1111 Prospect Street

Permits: PDP, CDP & SDP

Project #: 403401

DPM: Morris Dye, mdye@san Diego.gov

Zone: LJPD 1

Applicant: Marcella Escobar-Eck, Atlantis Group

(Process 4) Planned Development Permit to deviate from the development regulations of the La Jolla Planned District to allow 50% office use on the ground floor where a maximum of 25% office use is allowed at an existing 33,485 sf Retail/Office Building located at 1111 Prospect Street. The 0.475 acre site is in Zone 1 of the La Jolla Planned District, Coastal (Non-appealable) Overlay Zone within the La Jolla Community Plan Area.

APPLICANT PRESENTATION 4/21/15: (Marcela Escobar-Eck)

The site used to be a hotel, then a Victoria's Secret. It has been difficult to find tenants and the site has been vacant for 3 years. They seek a Process 4 deviation from the LJPDO to allow 50 percent office use on the ground floor where a maximum of 25 percent office use is allowed, and to allow greater than 25% street frontage for office. The LJPDO requires minimum of 50 percent of the ground floor be retail, 75 percent of the structures street frontage length be retail and a maximum of 25 percent of the ground floor be for office use and a maximum street frontage length restriction of 25 percent. PDO Committee voted the Project did not conform. The Applicant passed out a well written four page statement about Findings and rationale. Also presented were two pages of drawings clearly showing the site plan, dimensions, and use.

DISCUSSION:

There was a great deal of discussion by the Applicant, the DPR Members and the Public about strategies and permutations of mixes of retail/office in frontage and space. There was interest in the visitors' center. DPR Members and the Public had several suggested mixes of use.

Please Provide for FINAL REVIEW:

- a. Please return to the PDO Committee, meet 25% frontage requirement or other options.
- b. Continue to seek prospect frontage.
- c. Study office to visitor serving areas.
- d. Identify uses up and down the streets, one block each Prospect and Herschel.
- e. Provide street view renderings / visual simulation of proposed uses.

Item not heard May 12, 2015 – Applicant requested that it be continued to May 19, 2015.

APPLICANT PRESENTATION 5/19/15: (Marcela Escobar-Eck, Peter Wagoner)

The project drawings were presented, and the affected areas on the ground floor were described. The Deviation requested is to deviate from the requirements in Table 159-03A. The PDO table requires that the retail uses comprise at least 50% of the gross floor area. This proposed Deviation will reduce all commercial retail uses to 44% of the ground floor area, including the proportion of the common areas.

The PDO Table 159-03A requires that the retail uses will comprise a minimum of 75% of the street frontage: no Deviation is requested for this. The office spaces are configured so that no office space will be at the street frontage. No calculation of the frontage to the office uses based upon the portion of the common area would be consistent with the reading of the PDO. The building presently has 99 existing parking spaces: a calculation has been made of the required parking that indicates that the building has adequate parking both in the current configuration and in the proposed parking with the Deviation. The minimum number of required spaces is 60 for the proposed configuration with the requested Deviation. A total of 32 spaces are assigned to a shared parking agreement.

A discussion ensued about the state of the current rental market and the prospects of identifying a retail tenant for the space. The applicant offered experiences that indicate that the commercial tenants are not found for this kind of space. The Applicant offered that, if the market for commercial spaces returns, that the space will return to a use conforming to the PDO and the Deviation will no longer be needed.

SUBCOMMITTEE MOTION: Findings CAN be made that the proposed project to grant a Deviation from Table 159-03A of the SDMC is recommended and conforms to the La Jolla Community Plan provided the maximum gross floor area of office space at the ground floor is limited to 35%, including the prorated portion of the common area.

(Collins / Kane, 3-2-1)

In Favor: Collins, Costello, Kane

Opposed: Welsh, Will

Abstain: Benton, as Chair

Motion Passes

6. FINAL REVIEW 5/12/15 (previously reviewed 4/14/15 and 4/21/15)

| | | | |
|---------------|--------------------------------|------------|--|
| Project Name: | 401-403-405 Nautilus TM | Permits: | TM & CDP |
| Project #: | 395761 | DPM: | Glenn Gargas, (619) 446-5356 |
| Zone: | LJPD 1 | Applicant: | ggargas@sandiego.gov Robert Bateman |

Tentative Parcel Map Waiver and Coastal Development Permit, an Amendment to Coastal Development Permit No. 263494 to convert an existing duplex and an under construction residence located at 401, 403, and 405 Nautilus Street to condominium ownership. The 6,499 square foot project site is located in the RM-1-1 zone of the La Jolla Community Planning Area and the Coastal Non-Appealable Overlay Zone.

FINAL REVIEW 4/21/15

APPLICANT PRESENTATION 4/21/15 (Robert Bateman)

Project was approved as three apartments, now the Applicant wishes to convert them to condos. Two sets of tandem parking, six spaces. Utilities underground, 2.5 ft alley dedication.

Public Comment: There was disapproval of the condo conversion concept by the Public. Why conversion? Reply: From the architect's perspective, condominium design is one of the most litigious and architects can limit their liability by designing an "apartment" building and let the developer take the risk of condo conversion. There is no difference with San Diego Zoning and California Building Code. Both Condos and Apartments are multi-family category in both codes. FAR, setbacks, density, parking, and construction requirements are all the same. Condos afford pride of ownership.

Please Provide for FINAL REVIEW.

- Please provide a condo map / site plan showing clear delineation of common areas and areas for each condo.
- Please provide a landscaping plan.

APPLICANT PRESENTATION 5/12/15 (Robert Bateman)

The project was reviewed, with the additional information requested. The delineation of the access routes and areas to be assigned to the various owners were reviewed: the presenter offered that the assignment of those access areas would be memorialized in the CC&Rs of the condominium.

The landscape plan was presented and reviewed. It was noted that it contains a substantial amount of hardscape.

The history of the project was reviewed: it was first presented in 2006 and 2011, and this current application is based upon those previous applications.

SUBCOMMITTEE MOTION 5/12/15: Findings CAN be made that the proposed project conforms to the La Jolla Community Plan for a Tentative Parcel Map Waiver and Coastal Development Permit, an Amendment to Coastal Development Permit No. 263494 to convert an existing duplex and an under construction residence located at 401, 403, and 405 Nautilus Street to condominium ownership.

(Ragsdale/Will, 4-1-3)

In Favor: Mapes, Ragsdale, Welsh, Will

Oppose: Costello

Abstain: Benton (Chair), Collins, Kane

Motion Passes

7. PRELIMINARY REVIEW 5/12/15

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

| | | | |
|---------------|--------------------------|------------|-------------------------------|
| Project Name: | Ngala Residence | Permits: | SCR CDP & SDP |
| Project #: | 5612 – 5646 Rutgers Road | DPM: | John Fisher, (619) 446-5231 |
| | 395794 | Applicant: | jsfisher@sandiego.gov |
| | Zone: RS-1-4 | | Mark Brencick, (858) 587-8070 |

La Jolla SAP No. 24005279 (Process 2) Coastal Development Permit for proposed Lot Line Adjustments of approximately 6327 sq ft from 5612 - 5646 Rutgers Rd and 1511 Copa de Oro to 1550 Via Corona. The 26,082 sq ft site is located in the La Jolla Community Plan area and the Coastal Non-Appealable Overlay zone.

APPLICANT PRESENTATION 5/19/15 (Mark Brencick)

The project location and the purpose of the application were reviewed. It was noted that the boundary adjustment was requested to resolve a dispute between owners of adjacent residential properties, with a requirement that the two affected lots will be consolidated into one lot. Lot 78 is presently substandard and will be reduced in area from 9794 sf to 8820 sf, to an FAR of 0.33. All other lots will be minimum 10,000 sf in area. The project affects the FAR of all properties in which the boundary is adjusted: the greatest resulting FAR of all properties is 0.43.

SUBCOMMITTEE MOTION 5/19/15: The Committee wishes to consider this Preliminary Presentation as sufficient to make a finding and recommendation for this project. A unanimous vote is required.
(Will / Ragsdale 3-2-2)

In Favor: Costello, Will, Ragsdale
Oppose: Kane, Mapes
Abstain: Benton, as Chair, Welsh

Motion Fails for lack of a unanimous vote.

Please Provide for FINAL REVIEW.

- a. Please provide additional information indicating that all of the affected property owners are aware of and in concurrence with the proposed boundary adjustment.
- b. Please clarify if it is proposed that the substandard lot 78 will be reduced in size, worsening a substandard condition.

The Applicant requested that this matter be continued to a later meeting.

8. PRELIMINARY REVIEW 5/12/15

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

| | | |
|---------------|-------------------------|---------------------------------------|
| Project Name: | Hudson Residence | Permits: CDP & SDP |
| | 6435 Camino De La Costa | |
| Project #: | 412226 | DPM: Morris Dye, (619) 446-5245 |
| Zone: | RS-1-7 | mdye@sandiego.gov |
| | | Applicant: Caitlin Kelly 858-344-2404 |

La Jolla (Process 3) Coastal Development permit to demolish an existing residence and construct a new 5,606 sq ft residence and pool located at 6435 Camino De La Costa. The 0.239 acre site is located in the RS-1-7 zone and Coastal Overlay Zone (Appealable) within the La Jolla Community Plan Area.

NOTE:

APPLICANT PRESENTATION 5/12/15 (Caitlin Kelly, Brian Grove)

The project was presented. The site is 10,397 sf: the FAR is 0.54; LC is 0.40. The minimum setbacks are 6'-5" minimum and are exceeded by providing 7' at both sides. The project includes a 4-car garage with 2 tandem spaces. The highest point is 29' – 6" above grade. The materials sample board was presented: the roof will be barrel tile, stucco, with reddish brown and brown window and trim colors.

The landscape architect presented the site development concept, with the outdoor kitchen, patio area, stone pavement, swimming pool. The large plantings were reviewed. The landscaped area is 23% of the site. The curb cut is 12' wide, leading to a garage that is below the main floor of the house. The design is stepped into the slope.

The locations of the equipment for the air conditioners and the swimming pool equipment were reviewed. Drawings were presented with a discussion of the relationship of the swimming pool, which will be near the middle of the rear

yard, rather than the south side of the rear yard. The spa will be at a higher elevation than the swimming pool: the spa is located within the rear yard setback. The height of the proposed house and the relation to the existing were discussed. The entry gate for the driveway is set back the front yard setback distance.

Please Provide for FINAL REVIEW:

- a. Please provide a drawing that shows the relationship of the proposed to the existing.
- b. Please provide a drawing or photo composition showing the proposed project facing the street in relation to the neighbors on this side and the opposite side of the street, extending 3 houses on each side.
- c. Please provide specific locations of pool equipment, air conditioning equipment, and noise mitigation measures.
- d. Please provide a study of the landscape mature growth height with walls at the rear of the property.

APPLICANT PRESENTATION 5/19/15 (Caitlin Kelly, Brian Grove, Ariane Hudson)

The project was presented with the additional information requested. A discussion ensued about the configuration of the rear yard and the relation to the neighbors to the east, the vegetation on the slope, the performance and noise generation of the swimming pool equipment and the air compressor, and the locations of the swimming pool and the spa. An additional noise mitigation measure was proposed in the form of a sound-deadening enclosure for the air compressor. The applicant as proposed an exterior compressor unit that is among the quietest available. The noise mitigation measure is to install an exterior sound enclosure that provides additional absorption of sound. The pool pump will be among the lowest available, at 7 to 10 dBA. The swimming pool pump will be located approximately 40 feet from the neighbor's house.

The landscape plan was reviewed, with specific recommendations on the mature growth height of the planting. A drawing of the slope at the east side of the property was shown which indicates the vegetation intended to be planted on the slope and the scale of the planting. The planting will include olives, rosemary, and star jasmine: low-lying plants expected to grow no more than 3 feet high.

A neighbor to the east pointed out that the neighbor to the north of the subject property has at times created an unpleasant condition when burning wood in their outdoor fireplace: the gas fireplace in this project is desirable as they are concerned that this would worsen the condition at their property. The noise generation at the air conditioning compressor was discussed. The neighbor to the east noted that a sewer easement exists at the south side of the subject property.

SUBCOMMITTEE MOTION 5/19/15: Findings CAN be made that the proposed project conforms to the La Jolla Community Plan and that approval is recommended of the Coastal Development permit to demolish an existing residence and construct a new 5,606 sq ft residence and pool located at 6435 Camino De La Costa.

(Kane / Welsh 4-1-1)

In Favor: Costello, Kane, Welsh, Will

Oppose: Collins

Abstain: Benton, as Chair

Motion Passes.

9. PRELIMINARY REVIEW 5/12/15

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

| | | |
|---------------|------------------------------|---|
| Project Name: | Shahbaz Residence EOT | Permits: CDP & SDP |
| | 6412 Avenida Manana | DPM: Tim Daly, (619) 446-5356, tdaly@sandiego.gov |
| Project #: | 216575 | Applicant: Bejan Arfaa |
| Zone: | RS-1-5 | |

COASTAL DEVELOPMENT PERMIT (CDP) and SITE DEVELOPMENT PERMIT (SDP) to demolish an existing 3,869-square-foot residence and construct a new, 7,884-square-foot, 2-story, residence (including garage) on a 0.57-acre site. The site is located at 6412 Avenida Manana (APN No. 351681-0500; Lot 17 of Muirlands Map No. 3894), south of Nautilus Street and west of Avenida Wilfredo. The site is in the RS-1-5 Zone, the Coastal Overlay Zone (OZ) (non-appealable area), the Coastal Height Limit OZ, the Residential Tandem Parking Overlay OZ, and the Transit Area OZ, within the La Jolla Community Plan Area.

APPLICANT PRESENTATION 5/12/15 (Bejan Arfaa)

The current approved CDP and SDP documents were presented and reviewed. It was noted by the presenter that this application does not propose any changes to the previously-approved permits. The height of the project is 26'-6". The FAR is 0.31, less than the 0.45 allowed. The lot coverage is less than 25%, where 50% is permitted. Parking consists of 3 onsite parking spaces, where 2 are required. The setbacks are 88' at the rear where 20' is required; 8'6" to the south where 8'6" is required; 12'10" to the north, where 12'0" is required; 15'. The proposed residence is 7,000 sf on a site presently with 3,960 sf.

Please Provide for FINAL REVIEW.

- a. Please provide a drawing or photo composition showing the proposed project facing the street in relation to the neighbors on this side, extending to the complete elevation of the residence on each side. Please add the landscaping to the proposed elevation.
- b. Please provide information on the landscape and the treatment of the driveway.

The Applicant requested that this matter be continued to the next available meeting.

APPLICANT PRESENTATION 5/19/15 (Bejan Arfaa, Matt Peterson)

The project was presented with the additional materials requested. Matt Peterson presented materials to the Committee that describe the standard for review of an extension of time. These are found in SDMC 126.0111.g.2, as follows:

1. The project as originally approved would not place the occupants of the proposed development or the immediate community in a condition dangerous to their health and safety
2. There are no changed circumstances which would affect the project's consistency with the Local Coastal Program
3. No new condition is required to comply with state or federal law.

A discussion ensued about the above standard and the changes that have occurred in the neighborhood since the approval of the subject CDP and SDP in 2011. Recent construction has occurred in the neighborhood that has increased the scale of homes in the area. Members of the Committee expressed concern that the recent changes to the neighborhood are increasing the scale and intensity of development in a way that is not consistent with the La Jolla Community Plan: if this had been the only home of this size it might be acceptable, but a more extensive pattern of development has been observed.

Matt Peterson and Bejan Arfaa stated that the pattern of development has actually changed since the approval of the subject project, so that the project is now in greater conformity to the intensity and scale of development in the neighborhood than it was when originally approved.

SUBCOMMITTEE MOTION 5/19/15: Findings CAN be made that the proposed project conforms to the La Jolla Community Plan and the time extension should be granted for the Coastal Development Permit and Site Development Permit to demolish an existing 3,869-square-foot residence and construct a new, 7,884-square-foot, 2-story, residence (including garage) at 6412 Avenida Manana, and the requested Extension of Time should be granted.

(Will / Welsh 2-3-1)

In Favor: Welsh, Will Oppose: Collins, Costello, Kane Abstain: Benton, as Chair **Motion Fails.**

SUBCOMMITTEE MOTION 5/19/15: Findings CAN NOT be made that the proposed Extension of Time may be approved due to changed circumstances per 126.0111.g.2, as follows: Adjacent new similar construction in the neighborhood is inconsistent with the character, rhythm, scale, style, and size of the existing neighborhood making this project also inconsistent with the Local Coastal Program. The changes in scale are now in sufficient quantity that the character of the neighborhood is affected. The section of the La Jolla Community Plan relating to this change is Policy 2.b, on page 84: "The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order to avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures."

(Kane / Costello 3-2-1)

In Favor: Collins, Costello, Kane Oppose: Welsh, Will Abstain: Benton, as Chair **Motion Passes.**