

# La Jolla Shores Permit Review Committee

## Minutes – Tuesday May 25, 2010

Board members in attendance: Boyden (chair), Furtek, Lucas, Merten, Morrison, Morton, Naegle, Schenck.

1. Non-Agenda Public Comment - None
2. Chair Comments

1. Helen Boyden will be out of town for the June meeting. Michael Morton will conduct the meeting. However, at present there are no new applications in the pipeline. We will have a deadline of June 8 for an NOA for any project to be heard in June, assuming that there will be a cycle review forthcoming by June 18. However, there still might be an SCR or project return. Deadline for that will be June 16.

2. Helen Boyden attended the May 18 meeting of the LJSPDO Advisory Board. She determined that the AB was now abiding by the following per City Liaison Ms. Henegar:

For projects labeled "Process 1" the AB is to recommend whether the project meets the requirements of the PDO, whether the project is major or minor, and give reasons why. The committee is only to consider what is written in the ordinance, not categorically impose conditions, such as considering addition of a second story as an automatic rollover to Process Three. To alleviate concerns about setting a precedent, the AB could describe the special circumstances that led it to say the project was minor. Ms. Henegar stressed that this is a community review. This is an advisory committee of community members appointed by the mayor to review projects for compliance with the PDO.

3. Project Review (see A to C below)

### A. Hooshmand Residence – Second Review

- PROJECT NUMBER: 198459
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 2480 Rue Denise
- PLANNER: Glenn Gargas: Ph: 619-446-5142; [ggargas@sanidiego.gov](mailto:ggargas@sanidiego.gov)
- OWNERS REP: Scott Spencer; 858-8898; [scottspencerarchitect@yahoo.com](mailto:scottspencerarchitect@yahoo.com)

**PROJECT DESCRIPTION:** An addition and remodel to an existing residence (Applicant)

Note: The NOA dated December 28, 2009 cites a (PROCESS 3) Coastal Development Permit and Site Development Permit for a 4,463 sq. ft. addition to an existing single family residence on a 0.29 acre site at 2480 Rue Denise in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone. However, at the first hearing the applicant presented a revised plan reducing the additional square footage by 1500 sq. ft and including additional changes which were planned to be submitted to the City . This submission as made. Additional changes dated and submitted to the City on May 25 were reviewed by the PRC at this May meeting. These included angling off the rear portion of the building on both sides with the first story addition now being 1953 sq ft plus 52 sq ft for the garage; the lower level now only comprising the stairway at 105.1 sq ft. The total square footage is now 4545 including the garage and 4073 without. Lot coverage is 37.2%; FAR is .48 (due to inclusion of some previously developed underground areas -see discussion for increasing this figure) and green softscape at 54.6%. Side setbacks hold at 5'6" and 10'0" (though smaller than existing).

- SEEKING: Site Development Permit (SDP) and Coastal Development Permit (CDP)

**Previous action March 22. See March 22 PRC minutes for more information**

**Motion:** Schenck; Second Morton

To continue this item to a future meeting. The applicant should consider design issues raised by the Luetzow letter. We recommend meeting with neighbors and putting up story poles.

The applicant should bring next time:

- Neighborhood FAR and setback calculations for properties within 300 ft.
- Percentage of property on a 25% or greater slope and a percentage of coverage over that area.
- Elevations of the front of the house.

**The motion is approved: 6-1-1.** Approve: Lucas, Morrison, Merten, Morton, Schenck, Naegle; Oppose: Furtek; Abstain: Boyden (chair)

**Presented by: Scott Spencer**

Gross: 1600 sq ft additional based on new FAR calculations. Project total 6,123 includes some “underground” areas. The livable sq footage is less.

50 ft pit dug and soil samples taken. Their consultant says that there are no issues with instability or landslides in the subsoil.

Drainage is going down slope presently and will remain the same. No new drainage can go down the slope. There is now a drainage basin to catch additional water runoff from the structure which will be pumped back onto the street. FAR is calculated at 48% as the lower porch area is open on the sides by 70% and is not subject to FAR calculations. *However several architects on committee and in attendance said that with lower porch included (similar to that agreed to with DSD in a previous project evaluated by DPR), the FAR would rise to approximately 65%.*

They can not make lower level livable without being reclassified as a 2-story house prohibited by CC&Rs. On west side facing canyon there is a 16 foot sheer wall with windows that is most likely unpermitted lower space. This has been eliminated and articulation has been added.

They met with the Luetzows and their architect, Ione Stiegler, and tried to identify the impacts of the proposed structure. Poles marking the building sides were put up, and they could see the impact on the view from their property. As a result the corner of the south-west side of the addition has been cut creating a wall angled 45° to open up the views.

They met with Joyce Cutler and Gerome Shaw and have worked with their architect James Alcorn to assess the impact of the design. The melaleuca trees and other plantings in front will be removed or trimmed to bring the project into conformance with ordinance with respect to public view over private property. They have lowered the proposed roofline on the east side by several feet. The front façade has been adjusted and articulation added to improve the views of neighbors.

They met with east side neighbor Carol Van Horst and addressed privacy concerns on that side. The balcony off the dining room has been eliminated. That side now has a less massive appearance from the Van Horst property.

**Addressed board concerns from previous meeting:**

Not classified as steep hillside as it is disturbed land, but 68% of the lot is steeper than 25%. Setbacks comparisons were given with immediate neighbors properties. An overlay of the existing front elevation on the proposed elevation was shown.

The question remains: Have they made enough changes to meet the PDO guidelines?

**Board questions and responses:**

Morton: This property is on a cul-de-sac, but it appears you are in conformance with general setbacks in the neighborhood. Response: *The front setback is reduced from 8’ to 7’. SW side setbacks 10’ at the point of the new addition; the existing structure is as close as 4.5’ (not next to the new addition. (the CCR’s say 10’ is the standard). NE side setback has been reduced to 10’ from current 12’. The rear setback is 23’ while the neighborhood average is 18’.*

Boyden: What is the extent of the view corridor on Rue Denise? *It is only the NE side of the property for a view over the end of the cul-de-sac.*

Naegle: Has concerns about the lower open area getting glassed in later and re-defining house as second story.

Chair: That is a CC&R issue and not our committee’s.

Merten: The DPR addressed a similar issue with a structure on top of an open area. Phil thinks that the regulations for balconies and porches don’t apply here and thinks that another section of the Municipal Code applies. If so, the FAR would increase (2,000 sq. ft. would be added) to approx 65%. As soon as slope area is improved, the 5% exemption doesn’t apply. NE side setback is 10’, but the adjoining neighbor’s setback is 13’ and has pop-ins and pop-outs for articulation.

Furtek: Has issues with the size of the build-out on the downhill side. He thinks it will stand out similar to homes on Via Casa Alta. Believes it will change the character of the neighborhood.

Boyden: Letter from Carol Van Horst presented.(adjacent neighbor to the NE) She is concerned about the looming nature of the project, privacy issues, and placement of windows. Also concerned about the geology and stability of the hillside. Response: *A series of geology reports has been provided to the city., the latest dated this month. Viewed by interested parties at the meeting.*

**Public Comment:**

Carrie & Bill Luetzow, adjacent neighbors to the south: They appreciate the meeting with the architect and the fact that markers for the side of the building adjacent to their property were put up. The LJ Shores PDO is concerned with bulk and scale. A 6500 sq ft house, such as this proposed project, is still out of character with the neighborhood. They appreciate efforts to modify the structure and understand that private views aren't protected. The modification of angling the corner of the building does return some of the view being lost but the view from the master bedroom is still significantly impacted. Half of the northern view up the coast will be lost. The house juts out too much still. Currently there are several 2-story houses (houses with basements) within the area covered by CC&Rs, so the argument saying that the downstairs porch area could not be enclosed is incorrect.

Shaw: (Overlooks property, corner house on Rue de Roark). Appreciates the changes that have been made to the project so far. The pole marking the proposed structure was obscured by the overgrown landscaping in front. This project is out of context with the scale of houses in the neighborhood.

Ione Stiegler, architect for Luetzows. Her client has a 19% FAR. This structure has 48% FAR but has the feel of a 65% FAR due to its massive appearance. She is hoping for more dialogue with the Hooshmands and hopes the project can be improved further to better fit the neighborhood.

Kasha Bernake: She is a neighbor and is also representing another neighbor (next houses beyond the Luetzows). She feels that this project is completely out of bulk and scale with the neighborhood. Thinks it will set a bad precedent. Each property is dependent on the property in front of them for preserving the character of the neighborhood and views. She would like to continue the cooperation in the neighborhood that other residents have demonstrated. The Luetzows added a deck a few years ago that had similar issues with blocking views, and they modified the design to not block views of the neighbors. She (Bernake) also changed their remodel to not impact the views or privacy of their neighbors. Applicant response: *They modified the roofline to be lower in some areas, but they honored the uphill neighbors' wishes to keep the roofline slightly peaked and low but not flat.*

James Alcorn – representing the Shaws: Thinks the design can be improved. The setback on the NE should be expanded to mimic the 13' setback of the adjacent property. Open area below is livable and should be included in FAR according to regulations. This design is 10 lbs of sugar in a 5 lb bag. Thinks that this configuration can't work. This is a two-story house on a one-story lot.

Dr. Hooshmand's response: Presented letters from other neighbors, including the immediate neighbor adjacent below. They cut the corners off the buildings to improve the views. The NE adjacent neighboring lot is significantly lower. The chimney will be lowered some more. The tree in front was trimmed and is 3' lower. One neighbor did not want flat roof. The hip roof came down 9 feet. The front wall was changed in response to neighbor concerns. He thinks that they have made tremendous changes in response to the neighbors.

Boyden: The plans shown today have been submitted to the city (5/24/10). The applicant was asked and was not interested in making further changes at this time for the PRC. The applicant would like to get a decision from the PRC today. They will be presenting to other committees, so the design might still evolve/change.

**Motion: Furtek Second: Lucas – amendment by Merten accepted.**

**Motion to deny. Project does not conform to LJS PDO section 1510.0301(b): Specifically: “Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.”**

**It also does not abide by the three principles on Page 4, three on Page 5, and the first principle on Page 6 of LJ Shores Design Manual. The perceived bulk and relationship of the northward (rear) expansion and extension of the house in relationship to the development on adjacent properties disrupts the architectural unity of the area.**

**Discussion on the motion:**

Morton: Appreciates the accommodations that have been made, but feels that the project is still not there.

Merten: Feels the northern expansion of the house extends too much, and the side setback should be similar to the setback on the adjoining property.

**Motion carries: 7-0-1**

Approve: Furtek, Morton, Merten, Morrison, Naegle, Lucas, Schenck

Oppose: None

Abstain: Boyden (chair)

**B. NINKOVIC Residence - Third Hearing**

- PROJECT NUMBER: 195466
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 8902 Nottingham Place
- PLANNER: Tim Daly Ph: 619-446-5356 Email: [tdaly@sandiego.gov](mailto:tdaly@sandiego.gov)  
& Polonia Majas: 619-446-5394; [pmajas@sandiego.gov](mailto:pmajas@sandiego.gov)
- OWNERS REP: Bart M. Smith AIA LEEDap 760-753-2464; [b.smith@dznpartners.com](mailto:b.smith@dznpartners.com)

**PROJECT DESCRIPTION:** A 1,494 square foot second story addition and remodel to an existing single family residence on a 0.18 acre site at 8902 Nottingham Place in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Campus Parking Impact (City)

Plans have been changed from previous hearings and are now dated April 21, 2010. First story addition is now 206 sq. ft.; 2<sup>nd</sup> story addition is now 1251 sq. ft. for a total of 3333 sq. ft.; 32.50% lot coverage; 41.2% FAR; Height 28'0"; modified roof design and north side second story stepped back 4' and 5'.

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SEEKING: Site Development Permit (SDP)

NEIGHBORHOOD DESCRIPTION: One and two-story single family residences LJSPDO area

ISSUES WITH RESPECT TO THE PDO – Considered a major project by the La Jolla Shores Advisory Board, thus the Site Development Permit

NEIGHBORHOOD REVIEW: Reviewed and approved by La Jolla Shores Advisory Board at the same meeting where the need for a SDP was decided.

**Previous Action: February 17; see February 17 minutes for additional notes**

**Motion:** Morton, Second: Merten

Item to be continued: Additional information is requested. Show outline and appropriate dimensions of adjacent houses on the site plan. Show the heights of the adjacent homes on the elevations, in relationship to height of the proposed project. Consider altering the north elevation of the home.

Motion approved: 5-0-1: Approve: Lucas, Merten, Morton, Morrison, Schenck; Oppose: none; Abstain: Boyden

**Previous Action March 22: see March 22 minutes for additional notes**

**Motion: Merten; Second: Naegle**

Move to recommend denial because the north exterior wall and its proximity to the side yard is not in accordance with the La Jolla community character recommendation in the LJ Community Plan and not in accordance with the building and structure setbacks as required by the LJSPDO (1510.034 section B4, Single family zone development regulations). The roof forms are not consistent with the design guidelines of the LJ Shores Design Manual.

**Motion approved: 6-0-1**

Approve: Furtek, Lucas, Merten, Morrison, Naegle, Schenck; Oppose: None; Abstain: Boyden

**Presented by Bart Smith:** The concerns with the design presented previously were with the north elevations and privacy with the adjoining neighbor to the north. In response, the second floor has been set back 10' at the bathroom and 9 ft. at the bedroom from the lot line (Five feet and 4' from the first floor). The second floor windows on the

north side have been raised to 4.5' to respect the neighbors' privacy. Sixty-six sq. ft. has been added to the first floor to offset the 80 sq. ft. lost on the second floor due to the changes. The second floor is now single level. The roofline has been changed. It is now gabled to match the neighborhood. The parapet roof element is still there, but its profile has been trimmed. There are now offsetting planes. They think that this design fits in with the community which has many houses of similar size.

**Motion: Merten; Second: Morton**

**Findings can be made for an SDP as depicted by the plans presented dated 4/21/10 and with the letter presented May 25, 2010. (letter attached to minutes)**

**Motion carries: 7-0-1**

Approve: Furtek, Morton, Merten, Morrison, Naegle, Lucas, Schenck

Oppose: None

Abstain: Boyden (chair)

### **C. T-Mobile La Jolla Shores - First Review, Possible Action Item**

- PROJECT NUMBER: 203372
- TYPE OF STRUCTURE: Wireless installation
- LOCATION: 8311 Cliffridge Avenue, Northwest corner of ball field
- PLANNER: Alex Hempton, 619-446-5349 [ahempton@sandiego.gov](mailto:ahempton@sandiego.gov)
- OWNER'S REP: Debra D. Gardner; 619-726-8110; [ddgardner@cox.net](mailto:ddgardner@cox.net)

**Project Description.** Wireless Communication Facility (WCF) consisting of a 20.5' high pole supporting three antennas and associated equipment in the OP-1-1 zone. Dedicated parkland. [City] Same location as previously approved Sprint/Clearwire wireless installation.

Applicant states there are no changes from a previous CUP/NUP

SEEKING: Conditional Use Permit (CUP) and Neighborhood Use Permit (NUP) Process Four.

Presented by Debra Gardner: The current T-Mobile installation has a green pole antenna in the trees. They share the same equipment location with Sprint/Clearwire. This is a 10-year renewal of the CUP/NUP with no changes to the current installation. The city has requested the color of the pole be changed to blend in with existing trees.

#### **Board questions:**

Morton: Is equipment installation changing? A 4 ft expansion on the canyon side of the equipment enclosure was previously approved by PRC/LJCPA for Sprint/Clearwire. There will be no expansion beyond this.

**Motion: Morton; Second: Schenck**

**The findings can be made for the project as proposed with the city conditions of changing the pole color and with changes on the plan presented at the meeting, indicating renovating the slats in the equipment enclosure, including changing the color to a shade of green that better blends with the surroundings instead of the current black.**

**Motion carries: 7-0-1**

Approve: Furtek, Morton, Merten, Morrison, Naegle, Lucas, Schenck

Oppose: None

Abstain: Boyden (chair)



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**APPROVAL AS PRESENTED**

May 25, 2010

Subject: Ninkovic Residence  
8902 Nottingham Place  
La Jolla, CA 92037

Project Nbr: 180959

Dear La Jolla Shores Permit Review Committee,

The design presented in the plans dated April 21, 2010 contain a number of changes in response to the comments we received in the first two Permit Review Committee Meetings.

The final residence size has been reduced by 14 sf from 3,347 sf to 3,333 sf. This is accomplished by not removing any existing residence area (23 sf) on the first floor and by adding some additional first floor area (163+43 sf) to reach a total first floor area of 2,082 sf. Also, the second floor area was reduced by 80 sf from 1,331 sf to 1,251 sf. The residence did not have any new spaces created by the addition or subtraction of square footage. Because of the reduction of residence size both the Lot Coverage and Floor Area Ratio (FAR) were reduced.

The shortest front setback was reduced from 16'-4" to 15'-4". The existing first floor sideyard setbacks were maintained. The South second floor setback was maintained as well, but the North sideyard setback was increased to 10' at the front of the residence and 9' towards the rear of the residence. The height of the residence was reduced by 2" to 28'-0".

The sloped roof was simplified and utilizes less shed roof elements and more gable end elements in keeping with the original residence design. The parapet-roofed area was made smaller so its strength as a design feature was reduced. The den was designed to not be a bedroom to maintain the residence as a four-bedroom residence. Changes to the second floor addition predicated many of the modifications to the residence design. The area where the Mastersuite is located was offset from the North side of the residence to allow for a greater second floor setback. This led to many alterations in the residence to maintain a unified and integrated design.

The applicant agrees to the changes and the subcommittee action should be qualified as "Approval as presented."

Sincerely,

A handwritten signature in black ink that reads 'Bart M. Smith'.

Bart M. Smith  
Principal Architect, DZN Partners