

La Jolla Shores Permit Review Committee– Minutes
4:00 p.m. – Tuesday July 27, 2010
La Jolla Recreation Center, 615 Prospect Street, La Jolla, CA

1. Non-Agenda Public Comment-None
2. Chair Comments
Upcoming Hearings – Whitney Project, July 28, 8:30 AM Hearing Officer
 - Marcus Residence, August 4, 8:30 AM Hearing Officer
 - T-Mobile Cliffridge, August 5, 9:00 AM Planning Commission

The Chair requested information from the members on the likelihood for quorum for the August and September regularly scheduled meetings. Mr. Schenck had said he was not able to attend the August meeting, but no others, so there would be a quorum. For the September meeting, Mr. Morton and Mr. Merten said it was likely they could not attend. Ms. Boyden indicated the same as did Mr. Furtek. It seems likely that there will not be a quorum for the September meeting.

3. Project Review –A - D

A. Sprint Nextel/Clearwire Cliffridge Park

- PROJECT NUMBER: 194434
- TYPE OF STRUCTURE: Cell site
- LOCATION: Cliffridge Park - 8311 Cliffridge Avenue
- PLANNER: Simon Tse PH 619-687-5984 e-mail: stse@sandiego.gov
- OWNERS REP: Debra D. Gardner 619-726-8110

• PROJECT DESCRIPTION as described at January PRC meeting (Approved by Planning Commission on July 8, 2010): Conditional Use Permit for a Clearwire wireless communication facility inside two existing foul poles whose height will be increased by 6 feet (one dummy) concealed behind RF transparent materials with above ground equipment inside a chain-link fence with slats. [The project consists of new panel antennas and new directional antennas on two existing poles (left field line one is a dummy to match) with new RF radomes. The associated equipment will be installed inside the existing chain-link fence enclosure.] (City) Further from applicant: add 4'x4' equipment area to existing equipment facility.

Revised project description based on plans dated July 2, 2010-subsequent to submittal to Planning Commission. Community members proposed holding the left field foul pole to its current 20' height.

Previous Action, PRC January 26, 2010

Motion: Merten, Second: Naegle

Based on the plans dated 1/21/10 and presented to the committee, findings can be made for a CUP for the proposed Sprint/Nextel/Clearwire development.

Motion approved: 6-0-1

Approve: Lucas, Merten, Morrison, Morton, Naegle, Schenck; Oppose: none; Abstain: Boyden (chair)

Previous Action LJCPA February 4, 2010

C. SPRINT NEXTEL/CLEARWIRE CLIFFRIDGE PARK On Consent: Findings can be made for CUP and forward the recommendation to the City.

Helen Boyden: Recap of the item as previously presented. The left field foul pole (dummy antenna) would be raised to be symmetrical with the right field pole. Several community groups would like the left field foul pole to remain as it is for aesthetics and to discourage future placement of antennas in this foul pole and trenching of the field to lay cable.

Motion Lucas, Second Furtek

The change to the plan, which leaves the existing left field “faux” foul pole as it presently is, is in substantial conformance with the previously approved plan.

Motion carries 7-0-1

Approve: Furtek, Lucas, Merten, Morrison, Morton, Naegle, Schenck; Abstain: Boyden (chair)

B. Whitney Mixed Use Project Variance -

- PROJECT NO: 182513
- TYPE OF STRUCTURE: Mixed Use (residential over retail)
- LOCATION: 2202 & 2206 Avenida de la Playa
- PLANNER: Tim Daly; 629-446-5356; tdaly@sandiego.gov

- OWNERS REP: Tim Martin; 760-729-3470; tim@martinarchitecture.com

Project Description: Demolish the existing single-story retail store and the construct a new three-story building (with a maximum height of 30 feet) consisting of two residential condominium units on the second and third floors, basement parking, and 2,000 square feet of commercial condominium unit space on the ground floor for a total building gross floor area of approximately 8,950 square feet on a 0.09-acre site located at 2202 and 2206 Avenida de la Playa in the Commercial Center (CC) Zone of the La Jolla Shores Planned District in the La Jolla Community Plan area. [Description changed so that the entire building, including commercial space will be condominium ownership.]

Seeking: **Coastal Development Permit, Site Development Permit, Variance, and Tentative Map Waiver**

Information below on the nature of the variance is an image, copied and pasted in) from the Errata Sheet of the Final MND, dated July 9, 2010.

ERRATA: The above-referenced MND was released for a 20-day public review period on March 9, 2010 and the document was finalized on July 6, 2010. Following release of the Final MND and prior to the public hearing, City Staff determined that a Variance per Municipal Code Section 126.0805 was also required for the Project to allow alley design features along Calle Clara when the right-of-way (ROW) width exceeds the defined width of an alley per LDC Section 113.0103. The addition of this Variance requires no changes to the existing plans and/or scope of the project and no new or additional CEQA impacts have been identified by adding a project requirement to obtain this Variance.

Boyden: Asks for any recusals or abstentions. Naegle: this is a traffic safety issue, not a building issue, sees no conflict, but later recuses.

Since the PRC and LJCPA considered this project, DSD has changed its opinion and is now considering Calle Clara a street, not an alley. There are 2 variances to be considered for the Whitney project.

The Permit Review Committee reviewed the following proposed variances;

Image cut and pasted from Report to the Hearing Officer

- (1) SDMC sec. 113.0273(a), visibility areas at the intersection of two streets, El Paseo Grande and Calle Clara, in which pursuant to SDMC sec. 113.0273(d), requires a 15 feet by 15 feet visibility triangle area, and a proposed 10 feet by 10 feet visibility triangle area is provided pursuant to SDMC sec. 113.0273(b), and;
- (2) SDMC sec. 113.0273(c), visibility area at the intersection of a street and driveway on Calle Clara, which requires 10 feet by 10 feet visibility triangle areas on each side of driveway, and no proposed visibility triangle areas are provided;

Lynne Heidel, attorney for Whitney, presentation:

She raised objections to Naegle and Merten participating as committee members. Naegle agreed to recuse. Merten said he had no financial interest; that his presentation at the LJSA meeting was as a community member, representing only himself, in support of the LJS PDO and the Municipal Code; that he was not part of the group opposing the project and had not attended their meetings. He has no conflict of interest and will vote on the merits of the issues being presented.

Alley definitions: defined as less than 25' wide.

Residential street: 25' of pavement over with 40' right of way.

Commercial street: ?? (unable to transcribe due to speed of presentation)

Calle Clara: 30' wide, but no 40' right of way. Originally an alley (1913) but changed to a street in 1927

Ms. Heidel continues presentation and concludes that Calle Clara functions as an alley, with trash pickup and private parking along the alley.

Morton question: Are there overhead telephone poles? Answer: There are underground and overhead utilities in Calle Clara. (correcting previous)

Merten: There should be greater visibility triangle for public safety.

Only 10' visibility triangle at intersection of El Paseo Grande/Calle Clara in present design, instead of 15 x 15' .No visibility triangle for the underground parking.

Morton: What is the posted speed limit for an alley? *Answer: no one present knows (later researched on line to be 15 MPH)*

Heidel: There are findings that need to be made for a variance.

Finding 1: Are there unusual circumstances? *Yes. Supported by the history of development of the alley and subsequent widening.*

Finding 2: Would the applicant be prevented from use of the project without the variance(s)? *They feel that there is no way to have 7 parking spaces without the variances.*

Finding 3: Purpose and intent of the regulation: *They don't feel that there are safety issues, which is the purpose of visibility triangles.*

Finding 4: Will it affect the land use plan? *No*

Board Comments/questions

Merten: Are these the only two variances being requested? *Answer: Yes. The city has made the determination that there is only one 12' wide driveway on the property.*

Our mission is to determine if projects comply with the existing codes and LJS PDO ordinances. Merten presented information to the board on Calle Clara, with handouts:

In 1927 Calle Clara became a street. A public right of way dedicated for public use.... dedicated to public travel, but does not include an alley.

With regards to variances, Merten feels that there should be 8 variances total with respect to the North (Calle Clara) side of the project:

1. Not providing a 15' x 15' visibility triangle area at the street intersection of El Paseo Grande and Calle Clara as required by SDMC sec. 113.0273
2. Not providing 10' by 10' visibility area triangles where the enclosed driveway from the subterranean garage enters the street at Calle Clara as required by SDMC Sec. 113.0273
3. Not providing 10' x 10' visibility area triangles where the separate driveway opening serving two street level parking spaces enters Calle Clara as required by SDMC Sec. 113.0273
4. Not providing 10' x 10' visibility area triangles where the separate driveway opening serving the loading area enters Calle Clara as required by SDMC Sec. 113.0273
5. For providing three separate driveway openings on 50 feet of Calle Clara *street frontage* where only one driveway opening is allowed for every 100 feet of *street frontage* per SDMC Sec. 142.0560(j)(8)
6. For not providing 45 feet (minimum separation) between multiple driveway openings on Calle Clara as is required by SDMC Sec. 142.0560(j)(6)
7. For providing a 46 foot wide continuous depressed concrete curb accessing three driveway openings on 50 feet of *street frontage* on Calle Clara where the Maximum Width of a Nonresidential two-way driveway (outside the Parking Impact Overlay Zone) is 30 feet; and the Maximum Width of a Nonresidential two-way driveway (within the Parking Impact Overlay Zone) is 20 feet per SDMC Table 142-05M
8. For providing only 22 feet of clear back up space behind the 90 degree street level parking spaces on Calle Clara, Where a minimum of 24 feet of clearance is required by SDMC Table 142-05K

The project is also at variance with the "Americans with Disabilities Act" by not providing a clear 8 foot wide by 20 foot long Disabled Person Loading Zone adjacent the Handicapped parking space as required by the US Department of Justice's "ADA Standards for Accessible Design." Does not comply with ADA. It is only currently only 18' deep. (Martin later responded that the plans had changed slightly and the space is 20' long and in compliance).

Merten: Is there a telephone pole on the corner? *Yes. Currently on Calle Clara, there are no posted parking signs except on private property.*

Schenck: If there is parking on both sides, can two cars pass? (rhetorical). John has had his office nearby for many years and has always seen Calle Clara as an alley.

Morton: What was the right of way shown when originally subdivided? *Originally a 10' right of way, and other parts 15'. Subsequent development widened from 10/15' to 30'.*

Heidel: Since this is in the commercial district, the city has said that the driveway opening regulations don't apply.

Tim Martin, architect: Off street parking in many areas of Calle Clara has no visibility triangles. Parking is right up to edge of Right of Way, with utilities underground. The project was designed with the understanding that Calle Clara functions as an alley. There are no posted speed limits, parking signs, etc. There are no stop signs, but stop markings have been painted on the street at the ends of Calle Clara. The city believes that Calle Clara has always functioned as an alley.

Public comments:

Bob Whitney: The speed limit is 15 MPH. [found on line]
Several members have put up private parking signs in front of garages along the alley.

Sheila Palmer:
She still gets parking tickets even with the private parking signs. She cannot use one space she had created due to visibility and safety issues.

Betty Morrison: The LJSA has had parking put in next to Piatti's with commercial zoning in the morning. There is commercial parking nearby, so there shouldn't be delivery issues with whatever business moves into the first floor commercial space.

Myrna Naegle: El Paseo Grande is 30' wide. Calle Higuera [sic-several streets in area mentioned], Paseo del Ocaso are also 30' wide. These are all streets and Calle Clara should be considered the same.

Board Comments:

Morton: History has put two subdivisions together. The questions about parking signs, utilities, etc were to try to determine the history of use. Variance findings are unusual for this committee, but have been made in the past. [Chair noted two for second driveways in the past year or so.]

Lucas: There are questions about whether this is a street or an alley. Since we are considering variances, has the DSD determined that this is a street? Boyden-the Report to the Hearing Officer asking for the variance says so; Heidel agreed.

Morton: There is no definition in the Municipal Code for something like this that has morphed into a street but still functions as an alley...

Motion: Merten, Second: Lucas

Of the two variances requested by the applicant, for one substandard and one non-existent view triangle, the finding dealing with "not being detrimental to the public safety, health and welfare" can not be made. [see paste in from Report to the Hearing Officer above]

Board discussion:

Morton: Questions with changing the design to Tim Martin. *Not feasible to remove column in visibility triangle.*

Motion carries 4-3

Approve: Furtek, Lucas, Merten, Boyden (as chair after tie vote)

Oppose: Morrison, Morton, Schenck

Abstain:

Recuse: Naegle

C. McLeod Residence

- PROJECT NUMBER: 208602
- TYPE OF STRUCTURE: Existing Single family residential
- LOCATION: 8484 La Jolla Shores Drive
- PLANNER: Will Zounes Ph: 619-687-5942; wzounes@sandiego.gov
- OWNERS REP: Richard Gombes; 858-456-4070; rgombes@san.rr.com

Project Description: Demolish existing residence and construct a 3,600 sq ft 2 story single family residence on a 0.12 acre site at 8484 La Jolla Shores Drive in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Ht Limit, Parking Impact, Residential Tandem Parking. [City]

Project seeking: Side Development Permit and Coastal Development Permit, Process 3.

Presented by Richard Gombes:

Project statistics: 3422 sq ft. (includes garage). FAR = .65, Lot coverage .54, landscape .36

Front setback 19.6, 36.6 on second story.. (neighborhood average is 16.8). North side 4.2, 11.2 at second story. South side 4.2 and 8.6 second. Rear setback 16.6, in some places to 24', 28'6 to second story.

Letters presented from neighbors: Jacqueline Sweeney, Anna Teresa Garcia (two doors down), Abramas on north 8490 LJS. All approved of the project. The Winegardners around the corner were split: husband says OK, wife has concerns on roof deck height and privacy.

The city engineers wanted a profile of the driveway. This was presented.

City wanted profile of the drip_line of the pine tree in the public right of way near the driveway. It is a City tree. The drainage/flow pattern was shown: Water drains from the side to the rear. A sump pump will send it out to the curb line.

Board Discussion:

Furtek: Height of building at max 29.9, are there other houses in the neighborhood this neighborhood with similar heights?

Answer: Yes. Several examples shown, including one two doors down.

Merten: According to the Design Manual, the side_yard setbacks should be stepped back on upper stories. This design does that.

Naegle: The roof deck could blend in a bit better, and the garage could carry the existing theme with a roof similar to the rest of the house, but otherwise this is a fine looking project.

Morton: The north elevation is a 70' long unbroken first floor wall. Is there a way to break this up? Gombes: Not really. The bedrooms are rather small by today's standards and all available space is being utilized.

Motion: Merten Second: Naegle

The findings can be made for a SDP and a CDP. Motion carries: 6-0-2

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

Oppose: None; Abstain: Boyden (chair), Lucas

D. Cave St/2503 Ardath Road -- Historic Houses Relocation

- PROJECT NUMBER: 1042
- TYPE OF STRUCTURE: Existing Single family residential and guest house
- LOCATION: 2503 Ardath Road, moved from Cave Street
- PLANNER: Glenn Gargas: Ph: 619-446-5142; ggargas@sandiego.gov
- OWNERS REP: Maria Burke Lia, Esq618-235-9766; mblaw@earthlink.net

Project Description: Demolition of existing building on Ardath Road. Relocation of two (2) existing historically designated residences from Cave Street to Ardath Road. New foundations for both; new plumbing; new mechanical. New electrical, new structurals; and new three (3)-garage. [Applicant] Addition of 209 sq. ft. to guest house and 376 sq. ft to main house. For a total of 2865 sq. ft for both relocated houses and 734 sq.ft. for the garage. [Applicant's numbers and demo information added for clarity]

Project seeking: Site Development Permit and Coastal Development Permit and Conditional Use Permit (Cave)

Presented by: Marie Burke Lia and Jeffrey Shorn, architect.

The Buildings have been designated as historical, but can be relocated. They are still working on permits for the Cave Street side of the project. The site being considered today has been purchased for relocation. They are working with the Designated Resources board at city. They are seeking a permit to locate at this 16,000 sq. ft. lot in La Jolla Shores.

She addressed questions/concerns in received in an email from a neighbor, Arlene Powers:

- There will be no rear hillside cutback (slope is not changing), other than slight digging for a partial retaining wall.
- There will be a new driveway, so neighbor's road will be private and not shared.
- Under city code, the little house can not be rented separately from the main building.

The main house was built around 1918, and cottage was slightly younger, built in the 1920s. A 3-car garage in a similar style is being constructed as a separate building, so there will be three small buildings on the site.

Board Questions:

Morton: What was the specific listing from the historical society? *Answer: Architecture - with the desire that these houses should be kept together.*

Is there a setback study? *Couldn't do it due to the hedges and fences.*

Merten: It appears the East side setback near the driveway is changing? *Answer: existing 7.5', proposed 5'. The West side setback, bordering the Dowdings, is 7.5' at closest.*

Public comment:

Beth Dowdings: railroad ties at front side of properties keep drainage from going to Dowdings property. What will be done to prevent drainage? *Answer: An earth berm is proposed.*

Lee Levenson: Questions regarding the 2 houses. *Answers: The garage is single story with steep sloping roof. There is no second floor, only a storage loft on one side.*

Is driveway wide enough to pull out? It looks too narrow, especially if people have to back out. Emergency vehicles will have problems.

General question about what will be on the lot. : *Ans. [Clarified the demolition of current home and situation of the imported buildings plus a garage]*

Greg Flynn: Other residences are pushed back and many have common driveways. Very seldom would anyone back out. Ardath is bottleneck, only way in and out. Street parking can be problematic. The driveway design looks inadequate. He has concerns with having to back out of the driveway.

Ruth Padgett: The existing house is a ghost house, this will be nice. Does not feel that backing out is too much of a problem.

Board Discussion:

Lucas: Confirm no major hillside excavation in the rear, only small retaining wall extending part way across. Will the cottage have a kitchen? *Answer: The cottage will not have a kitchen, only possibly a wet bar.* The width of the driveway is 16'. There should be some sort of turnaround provided for safety. Size of main house: 1952 sq ft, cottage: 913 sq ft, garage: 734 sq ft.

Motion: Morton Second: Naegle

Come back to committee and present: 300' setback study, and show how this project will conform. Especially with side setbacks. Distance of 3 car garage to side yard setback. Address doing a hammerhead type turn around driveway design for safety to accomplish a forward exit.

Motion carries: 5-0-1

Approve: Lucas, Morrison, Morton, Naegle, Schenck

Oppose:

Abstain: Boyden (chair)

(Merten and Furtek not present)