

**SPECIAL MEETING**  
**La Jolla Shores Permit Review Committee Minutes**  
4:00 p.m. Wednesday, November 20, 2013  
La Jolla Recreation Center, 615 Prospect Street, La Jolla, CA

**Committee members in attendance:** Phil Merten (chair), Laura DuCharme Conboy, Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck, Bob Steck.

**1. Non-Agenda Public Comment – 2 minutes each for items not on the agenda:** None given.

**2. Chair Comments:** Next meeting will be on Wednesday December 18. The December 24 meeting will be canceled due to the holidays. A brief introduction to the purpose of the committee and the community review process was provided.

### **3. Project Reviews**

#### **3A. Calle De La Garza**

Project No. 333421

- Type of Structure: Single Family Residence
- Location: 8347 La Jolla Shores Drive
- Applicant: Rebecca Marquez Golba Architect Inc
- Project Manager: Laura Black; 619-236-6327; LBlack@sandiego.gov

Project Description: 'SUSTAINABLE EXPEDITE PROGRAM'

PROCESS 3 CDP and SDP to demolish a single family residence and construct a new 2-story , 5,990 square foot, single family residence on a 0.22 acre lot located at 8347 La Jolla shores Drive, in the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal Overlay (non-appealable), Coastal Height Limit and Parking. Impact Overlay Zones within the La Jolla Community Plan area.

#### **Presented by Sasha Varone, Jim Neri**

- The original house burned down 3 years ago. There are only a small garage and another small structure on the site currently.
- 5250 square foot living space, plus garage bringing the total space to 5,990.
- The driveway access will be relocated from La Jolla Shores Drive to Calle de la Garza. LJ Shores Drive is a busy street and Calle de la Garza will be safer.
- The curb cut on LJ Sores Drive will be filled-in, as will a second curb cut on the western portion of Calle de la Garza. The new driveway will be located along the eastern property line on Calle de la Garza.
- The house will be orientated to face and function from Calle de la Garza.
- Neighborhood is single family structures. It is eclectic with styles including Spanish, Contemporary, Tudor. This will be a single family house done in a Cape Cod style.
- The house will be set back from Calle de la Garza to take advantage of the southern exposure, and the front yard will function like a back yard.  
This will be a two-story house and the second floor is setback from the neighboring properties per the La Jolla Community Plan.
- A roof deck accessible form a center stairway will be in the middle of the roof, away from the sides, to protect neighbor's privacy.
- There will be Solar Panels on roof to qualify for the sustainability expedite program.

The lot sits back 69' from La Jolla Shores Drive. The area in front is city right of way. They will be putting up a fence along the west property line. They may pursue an encroachment maintenance agreement with the city at a later date, but that is not part of this Coastal Development Permit request. The city has asked them to cut down a tree on one corner to enhance the visibility. This tree is an older beautiful tree that they believe does not restrict visibility, so they would prefer to leave it. They will trim some of the hedges back and lower portions to 3' high for visibility, but this is city right of way and they will need to work this out with the City.

Site sections and elevations were presented to the committee. It is a two-story building with the upper level

setback. On North side the first floor setback is 5', upper level setback is 7' 10". The neighbor house is setback 4'. They have shown the plans to neighbor on east and received positive feedback. The neighbor's garage and this project's garage are next to each other.

### **Committee questions:**

**Conboy:** Explain how they will comply with the sustainable expedite program. **Varone:** They will have solar panels on the roof to produce 50% of power the house requires. They will have low water usage landscaping, windows will be coated, will use tankless water heaters. **Conboy:** Where will the solar panels be located? **Varone:** They will be installed around the roof deck. **Conboy:** This comment is more about the City codes rather than this project. The bar has been set low for sustainable houses in the city codes. She would not consider many of these houses sustainable even though they meet the codes. **Schenck:** Would like to see the solar panel calculation. He recently worked on a 5,000 sq. ft. house that installed 60 panels, and it didn't qualify for tier-1. It will change the look of the house if you have to add a substantial number of panels. **Emerson:** They recently looked into solar panels for their house which is near this one, and they learned that east facing panels are almost useless. You can only use the western or southern exposures surfaces.

### **Public Comment**

**Bob Whitney:** There are 5 homes on this block and three are 2-story and two are 1-story. This property has been a sore spot on the block after the house burned down, and there have been homeless issues. This project will be a very nice improvement to the area.

**Richard McCormack:** Are there any view issues? **Varone:** No. The view is to the west and this is a flat area with no ocean views. They (Golba Architecture) are designing the house next door so there are no issues with that neighbor. There are no identified public views in community plan for this property.

### **Committee Discussion**

**Schenck:** Drainage Plan? **Varone:** They are not allowed to drain to the neighbor properties. Everything will drain to the street.

**Lucas:** On the cycle issues there were several issues. In mentioned the sidewalk in front. **Neri:** They will replace the existing loose brick and pour concrete to make a sidewalk that meets city code. **Lucas:** Will you close the unused curb cuts? **Neri:** Yes. **Lucas:** It said the driveway was too close to neighbor property.

**Varone:** That was where the apron fanned out at the curb cut. They have addressed this.

**Merten:** What percentage of the site is green landscape? **Neri:** Just over 30%. **Conboy:** Are you counting the driveway as greenscape? **Neri:** Yes, it is grasscrete. **Donovan:** I don't think you are allowed to park your car in the front yard. **Neri:** This is an access way to the garage. It expands at the end into a concrete pad for access to the three garage spaces. The cars will park in the garage. **Conboy:** Has concerns about the grasscrete in the greenscape calculation. What is the greenscape coverage without counting the grasscrete driveway? **Neri:** It will be less than 30%. Greenscape is better and more ecological than hardscape. **Peggy Davis (realtor):** Doesn't believe that grasscrete can be used in the calculation. **Tim Martin (architect):** In some of his projects, grasscrete has been allowed in the calculation. **Merten:** Believes only the green area of the grasscrete can be counted. **Lucas:** What is the total lot coverage percentage? **Varone:** Not sure. First floor is 2790' and garage is 699'.

Discussion ensued on the city property to the west. It can't be counted because it is city property, even though it lends the impression of greenspace for this project. This is a smaller lot due to this easement, and it is hard to build and have the 30% greenspace. Some of the committee did not agree. **Conboy** considered the city property "brownscape" since it is not being watered by the city or the property owner. Further discussion on cutting down the tree per the city request and lowering the hedges at the corners to improve visibility.

**Conboy:** Is the City is considering Calle de la Garza as the front yard? What is the setback? **Varone:** It is considered the front yard and has a 15' setback. **Emerson:** Will you change the house address to Calle de la Garza? **Varone:** Don't know. **Emerson:** You should change it for safety reasons so police and fire responders can find the correct house. It doesn't cost much to make the change.

**Lucas:** There are three parking spaces in the garage. Is there room for cars on the pad in front of the driveway?  
**Varone:** Yes. It is big enough for several cars. **Lucas:** Will there be room to back out of the garage and turn around? **Varone:** Yes, the pad is 24' wide which is sufficient for turning around in.

**Merten:** Visibility triangle at the driveway is supposed to be measured from the property line. **Varone/Neri:** Showed the triangles on the map. Hedges will be trimmed down on the east. They are designing the house to the east, so will control this area and keep the planting and fence below 3'.

**Donovan:** We don't have sufficient information to vote on this project. The architects disagree on grasscrete driveway counting towards greenscape. There are questions on meeting the sustainability requirements.

**Lucas:** What is the projected energy usage for this house? **Varone:** Don't know. We have designed a lot of houses and have a good idea of how much energy they will use. They have not done a detailed analysis on how much energy will be used. **Lucas:** How many panels will be required? How much area will be needed?  
**Varone:** Don't know. **Merten:** It should be straightforward to do an energy calculation on a house. They can then look at the electrical output of panels at certain orientations. For some reason, the city asks for that information at the very end of the process, after the project has been expedited for months.

**Motion:** Donovan **Second:** Emerson  
Continue the project to future meeting.

- Confirm sustainability. Show letter to city regarding sustainability. Show solar panel area calculation for roof and a roof plan showing the solar panel layout.
- Confirm with city if grasscrete can be counted to meet 30% greenscape requirement. If grasscrete is used for the landscape calculation, what percentage is grass and what percentage is concrete?
- Produce a lot coverage calculation. Confirm project meets 60% requirement.

**Motion carries: 8-0-0**

Approve: Conboy, Donovan, Emerson, Lucas, Merten, Naegle, Schenck, Steck. Oppose:. Abstain:.

### **3B.1 Whitney Mixed Use - Revised Building Design**

- Project No. 182513
- Type of Structure: Mixed Use (and Residential)
- Location: 2206 Avenida DetyLa Playa
- Applicant: Bob Whitney
- Project Manager: Tim Daley; 619-446-5356; TDaley@sandiego.gov
- Owner's rep: Karen Ruggles; 619-578-9505; kruggels@gmail.com

Project Description: PROCESS 3 - TM Waiver, CDP, and SDP to demolish existing structures, construct 3 story building with 2 residential condo units and 2,000 sq. ft. of commercial space with basement parking on a 0.09 acre site at 2202 and 2206 Avenida De La Playa in the CC Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking.

**Emerson** will leave at 5:05 pm due to schedule conflict. (Emerson leaves early in the presentation)

**Naegle** is abstaining from voting as she is a neighbor of the project. She has moved to the audience and will answer questions and participate as a member of the public. She will not take part in the committee discussion.

**Donovan** is abstaining as she is a member of an organization that is in an adversarial legal posture in regards to the Whitney building. The organization is La Jolla Shores Tomorrow which has retained legal council to oppose the project. She will be in the audience and will answer questions and participate as a member of the public. She will not take part in the committee discussion.

**Bob Whitney:** Merten should recuse. Whitney has an email from Bernie Segal that indicates he is the architect for La Jolla Shores Tomorrow and is being represented by Julie Hamilton (atty for LJ Shores Tomorrow).

**Merten:** Don't know where you got that email but I have no relationship with Julie Hamilton, neither personal

or professional, other than seeing her at community meetings and reviews such as this one. **Julie Hamilton:** LJ Shores Tomorrow has never retained Phil Merten. **Bob Whitney:** Merten also presented a sign at a community meeting for the first version of this project that Merten prepared for Dale Naegle. **Merten:** States that the sign was prepared by someone hired by Dale Naegle that had the computer ability to create the sign. For the record, he was never hired by Dale Naegle and has no financial interest in the project. He declines to recuse.

**Presented by: Robin Madaffer and Tim Martin**

**Madaffer:** Presented the history of project and appeal process, which has been a long one. It was originally approved by a hearing officer in 2010 and subsequently appealed to the Planning Commission. The Planning Commission denied the appeal. The environmental determination was appealed to the City Council in 2011, which remanded it back to the Planning Commission. The Planning Commission upheld the environmental determination and it went back to the City Council, where it was determined that a full environmental impact report needed to be prepared.

**Martin:** As this project is similar to the project previously presented to the committee, they will focus on the changes made to the project originally presented. This building sits at the intersection of 3 roads. Ave de la Playa, Calle Clara, and El Paseo Grande. On the Ave de la Playa side at ground level, they have pushed the front windows back leaving columns and archways to make an open public arcade. At the rear (Calle Clara) there is no longer a ramp leading to the underground parking, instead there are two car elevators. There is a retail parking space on the east corner and a retail parking space handicapped van accessible on the west corner. This gives 6 residential parking spaces below and 2 retail above. This is an increase of one residential parking space from the original design due to using the car elevators and exceeds the 5 residential parking space requirement. They have demonstrated to the city that they achieve the proper turn around times for accessing the underground parking using the two car elevators. The retail space is accessible from the van parking space at the rear and from the main door off of Ave de la Playa. There is a separate lobby from the retail that provides stairs and an elevator to the parking below and the residences above.

On the second floor the original 3' step-back is now 5'. The top level is similar, with 5' step-back on the Ave de la Playa and El Paseo Grande sides. The east element of the building is set-back 6' from the property line, which is permitted in the LJ Shores PDO because there are no windows or openings.

Elevations were presented. The Ave de la Playa and El Paseo Grande elevations showed the ground floor entrance at the corner and the covered arcade area. There is a lot of articulation on the levels above this. Some of these areas have now been pushed back to 5' to increase the articulation. The Calle Clara elevation showed the parking access and the floors above, which are not stepped back. There is no change to the east elevation, it is a flat wall structure with no articulation.

One significant project change is that after consulting with geotechnical and structural engineers, they will be using a mat-slab for the underground construction instead of deep driven caissons. That means that they will not be deep drilling for permanent structural foundations, however during construction, they will be drilling and installing caissons and shoring sufficient to stabilize while installing the mat-slab system. Shoring is typically on 8' centers.

**Square footage:** First floor: 1867, Second floor: 3180, Third floor: 2780. The gross floor area has been reduced from 8950 of the original design to 8515 sq. ft.

**Setbacks** – difficult to list due to the extensive articulation of the upper floors.

**Ave de la Playa:**

Ground level: 4' at pillars to 16' in arcade/covered terrace area, window arches set back additional 2'. West corner element is set back 15'. Second level: 17.5', 40', 63'. Third level: 5', 23', 39'

**El Paseo Grande:**

Ground level: on property line. Second level: 0 to 5', 12.5'. Third level: 12', 20'

**Cala Clara:**

Ground level & second level: on property line. Third level: set back 3'

**Merten:** Had questions on shoring and caissons during construction, which were addressed by Martin.  
**Conboy:** Had questions on second floor and third floor setbacks and balconies which were addressed by Martin.  
**Merten:** Landscape plan shows Boston Ivy on the walls. Where does it take root? **Martin:** In the right of way between the property line and the sidewalk. **Merten:** On some areas of the building there is no ground to plant in. **Whitney:** They are doing vertical landscaping using potted plants. The idea is to match the Cheese Shop building. Due to no setbacks and foundations they have to be in pots. **Merten:** will Boston Ivy damage your building over time? **Martin:** The investigated this and Boston Ivy was specifically chosen as it should not damage buildings. On parts of the building they may use a mesh screen on the side for the ivy to grown in, which will keep it off the actual wall.

### **Public Comment**

**Julie Hamilton, La Jolla Shores Tomorrow:** The main issue is bulk and scale. Does this meet the community guidelines and the PDO? La Jolla Shores Tomorrow believes that it does not. The plans indicate a 2.16 Floor Area Ratio, LJS Tomorrow thinks it is actually 2.36 FAR. Nothing over 2.0 has ever been approved in this business district since the LJ Shores PDO was adopted. This building is too large and is not consistent with the character of the commercial center. It doesn't transition to adjacent buildings. This project does not conform because Calle Clara is a street not an alley and there aren't proper view triangles. City staff doesn't have the right to re-classify this as an alley. It is 30' wide and there is parking on both sides, this is a street. A variance should be required because this has a 40' curb cut and the municipal code says that only a 20' curb cut is allowed per 50' of frontage. The parking spaces don't meet the 15' visibility triangle requirements. This project as presented will set a precedent for development of 3-story buildings greater than 2.0 FAR the business district.

**Peggy Davis, realtor:** Committees have responsibility to review documents, including the ones dealing with geotechnical issues. According to reports from Geotechnical Inc and the city's website, the ground water depth for this area is encountered at 8' to 9' below the surface. The proposed excavation for the parking garage will be 11' 6" and the elevator is 14' excavation. 1700 cubic feet of soil will be removed in an area that has a ground water problem. An enclosed garage with the mat-foundation will displace the ground water, which will move to surrounding structures and streets. She has concerns about the displacement of groundwater that may result in underground subsidence and structural cracking of nearby streets, sidewalks and buildings. She has been a Real Estate agent for 33 years in La Jolla, has seen the effects of underground disturbance. Mold issues may develop in the Whitney building and surrounding properties. Thinks there should be a 5' setback on east side for better air circulation for the neighboring building. She is concerned about visibility exiting driveways. She thinks that this will set a bad precedent for development in the business district.

**Bernie Segal, resident:** Is there any enforceability if no greenscaping is put in? **Martin:** It is part of the plan, so it would be enforced by Code Compliance. **Segal:** What if it isn't maintained? The permit will not enforce it. **Martin:** Compared to what has been on the site for the past several years, this building is a jewel. This is a class A building and it will be maintained. **Whitney:** There are many conditions on the permit, over 100. He will check and see if it is on there and send Mr. Segal an email if it is. **Segal:** My point is that there is no condition that puts the permit in jeopardy if you don't maintain the greenery, and from a public standpoint there is no way of enforcing it.

**Dolores Donovan:** Regrets the high level of personal animosity regarding this project and thinks that this animosity has affected the process and prevented adjustments and compromises that could have satisfied some of the issues. Thinks building is very pretty, but it is too big for Ave de la Playa. A reduction in bulk and scale could have been done to make in conform. The concrete wall on the property line facing 2210 was not necessary. **Whitney:** The first architect he hired was the next door neighbor, and he designed a building of bigger bulk and scale.

**Mary Soriano:** Has questions to be addressed by the architect. Is there a setback from the property line on the east side? Is this a requirement in the code? Is this consistent with other buildings in this block? **Merten:** The architect can address these at the end of public comment.

**Myrna Naegle, neighbor:** Concerned that the building comes right to property line on the east side for the second and third floors. In the LJ Shoes PDO setbacks are required on the second and third floors for structures next to each other in residential neighborhoods. This is a commercial structure on the first floor, but it is residential on the top two floors. Her windows will be facing a wall that is 30' tall and 65' long which will give her no ventilation and air. The Whitney's point to the east side of her building as being on the property line. These shopkeepers were designed as a duplex and this was to be an inside wall. The companion building to this has not been built. The owner of the property intended to do the shopkeeper on their side, but passed away before it could be done. **Whitney:** and it probably won't ever be built. **Naegle:** According to the LJS PDO buildings are supposed to be compatible, the setbacks are on this building are not.

**Donovan:** From a non-architectural perspective, the problem is not whether there is 5' feet between all the buildings or other technical specifications, but rather whether someone builds a wall in right in front of a neighbor. We all have to realize that is what is happening here. Adjustments can be made, can't they?

**Response: Whitney:** They hired Dale Naegle originally, and he came up with a building that was 900 feet greater than this design and had a 3.01 FAR. The Whitney family reviewed the design and they didn't like the design and didn't want to be remembered for building it. They then interviewed other architects and selected Tim Martin. They wanted a building design that would be a complement to the community. This building was designed in an Irving Gill style who did a lot of local buildings. (Whitney presented a streetscape showing the block before Dale Naegle built the shopkeepers. He then presented a streetscape showing the block if the shopkeeper buildings had been built as duplexes.) Truell, who owned the building to the west did not want to build a shopkeeper. **Merten:** I am sorry to interrupt, but rather than presenting the history of the block in our limited time, it would be better to address some of the questions and comments brought up during public comment. **Whitney:** I am bringing this up because you have stated before the hearing officer, planning commission, and city council that this project goes against the approved development plan by the city. I am making the point that this property was never part of the approval process for those other developments, and was not part of any approved development process by the city. **Merten:** I am just trying to avoid the personal history issues, which don't help this process.

**Daley:** I would like to address the issue of streets versus alleys and Calle Clara. (several posters were presented regarding city codes for alleys and streets). The city requirement for an alley is 20 to 25', it's paved, and there is allowed to be a fence on both sides, and then there are setbacks and buildings. Calle Clara is 30'. A typical residential street is 28' of pavement in a minimum 48' right of way, so there is a 10' parkway on each side, then there are property lines, setbacks, and parking on both sides and a busier street. Calle Clara does not have these. Commercial the streets are wider, with 40' minimum street and 60' right of way. This is a commercial center. Calle Clara is 30' wide, buildings on both sides are on the property lines, and there are no parkways on either side. There is parking on the north side only. On the south side there are garage doors and curb cuts which you can't park in front of, and there are 90 degree pull-in parking spaces. Several of these buildings have been built since the LJS PDO was adopted and there are no visibility triangles for several of the pull-in parking spaces.

**Merten:** To clarify, when the PDO was adopted in 1974, visibility triangles were not required by the city at that time. Those rules didn't come into effect until the 1990's. **Daley:** I resent the fact that visibility triangles make this proposed building unsafe, when other buildings on this block that were designed under the PDO have no visibility triangles. If you look at what is on Calle Clara, you have buildings on both sides, two-way traffic, parallel parking on the north side, and right-angle pull-in parking on the south side with no visibility triangles. The point is, to make the reference that Calle Clara is like a commercial or residential street is not realistic. It happens to be 5' wider than an alley designation, which happens to date back to when Calle Clara was created, and both sides of the street dedicated a certain amount of right-of-way. The residential properties on the north dedicated more for parallel parking. This is a commercial center area and alleys are provided for parking an trash pickup, and that is what is happening here. The LJS PDO requires that all parking be off the rear 50% of the property, which is off of Calle Clara.

**Daley:** Will address other public comments. It is not a LJS PDO requirement to make building compatible with the immediate neighbors. It only has to be compatible with the neighborhood. The La Jolla Shores is so

eclectic, you can do just about anything and be compatible with the neighborhood. This design they are presenting is far more compatible than the one first designed for the Whitney's, and this is a far more sensitive design. Regarding the setback requirements, setbacks not required in the commercial district. 100% lot coverage and zero setbacks are permitted in the business district. There are no FAR requirements in the PDO by design. FAR is not the only means of determining bulk and scale and it can be a poor tool for determining such. Design and articulation is more important. He believes that regardless of the FAR, this design is compatible with the other buildings in the neighborhood, and you don't have to be compatible with the adjacent buildings. This building has all kinds of layers and planes to break down the bulk and scale. This building has more articulation than other buildings in La Jolla. Regarding Ground water, any time you dig subterranean you may encounter ground water. You deal with it. With the new requirements there are severe restrictions on what you do with ground water. French drains used to be used to collect the water and pump it to the street, but this is no longer allowed. In this design, the basement will be built similar to a boat hull. It will be sealed to keep the groundwater out. The technology to do this has advanced light years in the past 10 to 20 years. There are waterproof concretes now. How does it affect the underground water flow? It will have minimal to no affect on the flow of water. The water table fluctuates, and when they encounter it at the bottom of the excavation, they will deal with it as they build their waterproof vault. Their construction will not affect the underground flow of water. The basement will be sealed and it won't wick up the sides, and there will never be any mold problems. During the construction process they will either pump the water to holding tanks that trucks will haul away or they will get a permit from the city to pump into the sewer system.

**Segal:** The Municipal Code determines Calle Clara designation. Under the MC a street is 30' wide. The Development Services Department can not change this designation or not follow the Municipal Code. As with any project, if it does not meet the Municipal Code, there should be a variance. This is a street and there are visibility requirements under the MC. Curb cuts can only be maximum of 20'. This project should seek a variance for these. He doesn't understand how the DSD can say Calle Clara functions like an alley and therefore it is an alley, even though it meets the definition of a street? He is concerned with the cumulative affects of this project on the business district. Picture that this building goes up with no plants – will the city actually enforce this? The PDO doesn't require it be compatible with the adjacent neighbor, but rather requires it to not be incompatible with the adjacent building (shouldn't be “so different from the adjacent building...”). What could be more different than a 3-story building with a 30' x 65' wall? Under the LJS PDO (MC section: 1510.0102.1), the commercial structures get 100% coverage, but it doesn't say that the residential levels get 100% coverage. He believes that the residential levels need to meet the setback requirements. He believes that the citywide FAR's apply to the La Jolla Shores district because they are not incompatible with the PDO. Citywide the maximum FAR for mixed use is 1.7, which shows how large this building is. Bulk and scale can be measured using FAR - FAR's are not subjective and hence are useful. The La Jolla Shores is the only beach community where FAR's are not being applied. Thinks that this is discriminatory against La Jolla Shores property owners.

**Hamilton:** Is this a street or an alley is a good question. Variances are designed to address projects that have unusual aspects with their site. Variances should be used to address the Calle Clara issues. Using the streetscape presented earlier by Mr. Daley, shows that this building does not transition well due to its size. It only transitions well to the other pre-PDO structures such as the tall office building or the 4-story apartments outside the commercial district.

**Dick McCormick:** I would like to second what Dolores Donovan said. I am president of La Jolla Shores Tomorrow. I would like nothing better than to go downtown arm and arm with Bob Whitney and his group, and say we agree with the project. Maybe water will be the issue, or the FAR issues, or Calle Clara, or something else. I would like nothing better than to see something come out of this. How do we want to live, do we want to be fighting all the time. We should listen to Dolores and see if we can't be good neighbors to each other and come back with something that says hey, that's wonderful. **Merten:** For the record, I have copies of a letter Mr. McCormick sent to the committee that I will distribute to the committee.

**Jim Fitzgerald** (CPA trustee): Visibility triangles should be applying. From what has been described for Calle

Clara he is not sure if it is a street or an alley, and it sounds like something in-between. To me it doesn't make a difference, there are cars that drive up and down this street/alley and there are people that walk and bicycle here. Because of that visibility triangles are part of the code and are necessary, as this is a safety issue. Regardless of how Calle Clara is classified, being located at the end of the street there is a lot a traffic, this is a safety issue.

**Edward Estlund** (architect on Qin project): You can tell if it is an alley or a street by walking through it. Regardless of the width, a person should be able to tell if it is an alley or a street.

**Kim Whitney:** They can't meet the visibility triangle requirements at east end of lot, because the Naegle property enclosed their carport and created a garage. Its walls hinder our visibility. It is not fair that our project can't meet the code and is affected because of what the neighbor did. We turned to Code Compliance, we have gone to the La Jolla Shores Association, we have gone to the CPA. but until this garage is made in-compliance, they can't put a visibility triangle on this corner. We are being held hostage by what a neighbor did.

Bob Whitney: We did ask for a variance. In 2010 we asked the hearing officer for a variance and after reviewing the project he said that none was required.

**Mary Lowe (resident, LJSA board):** The original proposal was too big for the zone and this new building design is still too big. Very little has been changed to make this compatible with the neighborhood.

**Naegle:** The LJS PDO states: "No structure will be approved that is so different from that of the adjacent parcel in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area..."

#### **Committee discussion**

**Merten:** In the San Diego Municipal Code a street is defined as "that portion of the public right of way that is dedicated or condemned for use as a public road and includes highways, boulevards, avenues, places, drives, courts, lanes, and other thoroughfares, dedicated to public travel, but does not include an alley". The definition of an alley is "a roadway not more than 25' wide". This roadway is 30' wide, so it does not meet the definition of an alley. Therefore it is a street, regardless of what the right of way is. This is why I believe that variances are the way to deal with the discrepancies of what you are proposing and what the Municipal Code requires.

**Lucas:** Is a variance even possible for this project? **Merten:** Separate findings are required for a variance, and the only way to find out is to apply and address the findings, and see if the project qualifies. **Daley/Whitney:** Which we did... **Lucas:** It sounds like you submitted findings, but the hearing officer didn't make a determination on the findings themselves, he only said you don't need to apply for a variance. **Madaffer:** Suppose we applied, and met the findings. The building has not changed, so what does that change in this discussion. You are getting hung up on a technicality when the substance hasn't changed.

**Steck:** Doesn't have a dog in the fight. I am not a developer, I am not a part of LJ Shores Today or any other similar organization. I am a business person and have been so for a long time. I find that when emotions run high, generally, decisions are not well made. I think it is a beautiful bldg, but probably not the right size for the neighborhood. They have had 3 or 4 years to make some adjustments based on comments and the size has not been decreased significantly, only 3% from the original design. I am very familiar with the area and would to have this style of building here, but I personally believe that this is too much. I am not worried about the underground water or alley issues.

**Steck:** I apologize to the committee, but I have a flight to catch and need to leave right now. I can not stay for the vote. (Steck leaves)

**Conboy:** Thinks the modifications that have been made are attractive. Wants the vines on the side of the building like the Cheese Shop. Thinks massing matches other buildings on the street. She is familiar with the codes for the business district and the zero setback requirements. She learned from the presentations today that the east sides of the shopkeeper buildings were meant to be inside walls. Thinks that the east setback is



consistent with the two other buildings on this block, but that said the two proposed residential units are a bit big. Is there a way to add a slope or a mansard on the east side for the second and third floors? Irving Gill used to slope his walls up on the sides, and you wouldn't really notice it was leaning inwards. This would help the massing of the building. She feels that from a streetscape view this is compatible with the neighborhood. If the shopkeepers were completed, this would fit right in. You have the two-story boxy building on the east side (the dentist office) and this three-story boxy building (with articulation) on the west as bookends for this block. Those are her thoughts on the actual design.

**Schenck:** Likes the building. Would you could give Myrna some relief on that east side, as was suggested. Doesn't know why Dale Naegle allowed so much of his building to face that view with out controlling the lot next door.

**Merten:** Gross Floor Area and Floor Area ratios are a way of attempting to quantify the bulk of a building in relation to the bulk of another building. He is concerned with the increase of the bulk of this building with respect to the building next door. With respect to the LJS PDO: "No structure should be approved which is substantially like any other structure which is located on an adjacent parcel", but conversely, "no structure will be approved that is so different in quality, form, materials, color, and relationship, to disrupt the architectural unity of the area". The issue he has is similar to what Conboy touched on, the relationship of the building on that east property line with the adjacent building. He thinks that the relationship of the proposed 30' wall straight up is so different from the relationship of the project next door that it disrupts the architectural unity of the area. Would like to see the east wall articulated. He can not make the findings for a site development permit.

**Whitney:** Based on those two sentences you just read? **Merten:** That is the overriding design section that drives all of the other regulations.

**Lucas:** Question for Myrna Naegle: What are the square footages of the second and third floors? **Naegle:** the top floor has 25% of the footage, and the second floor has 75%. **Lucas:** That is the information of interest. His concern is that there have been a lot of comparisons made with the 4-story office building across the street, and the 4-story residential units nearby under a different zoning category. None of those projects are mixed use. The office building and 4-story apartments were put in before the PDO was adopted. He believes that this project has to be evaluated as a mixed use project, and compared with other mixed use projects within the commercial zone – basically an apples to apples comparison. Doing some quick math, there is approximately 46% on the top floor and 54% on the second floor of the proposed building. These are almost equal in size and there is nothing mixed use that has been done yet in this commercial center that has a third floor that large. On the other hand, he has learned some things from this review about the development of the area, and he agrees with Mr. Daley that there is a lot of articulation on this building. He thinks that it is out of character with other mixed use buildings in the the commercial district, based on the LJS PDO provisions, and thinks the third floor is a little too big.

**Motion: Conboy Second: Schenck**

Findings can not be made for a Site Development Permit or a Coastal Development Permit based on the excessive upper floor building area, which is out of character in form and relationship with the other mixed use buildings in the area.

**The motion carries: 4-0-2**

Approve: Conboy, Lucas, Schenck, Merten. Oppose:.. Abstain: Donovan, Naegle (Emerson, Steck left before the vote)

**3B.2 Whitney Mixed Use - DRAFT Environmental Impact Report**

(SAP No.: 23432518)

- Project No. 182513 / SCH No. 2011061077
- Type of Structure: Mixed Use (Commercial and Residential)
- Location: 2206 Avenida De La Playa

- Community Plan Area: La Jolla
- Applicant: Bob Whitney
- Environmental Planner: Jeffrey Szymanski; [DSDEAS@saniego.gov](mailto:DSDEAS@saniego.gov)

Subject: The proposed project is a SITE DEVELOPMENT PERMIT and COASTAL DEVELOPMENT PERMIT to demolish existing previously conforming 1,519-square foot single-story residential and 1,538-square foot single-story commercial structures and construct a new three-story 8,518-square foot mixed-use building with commercial and residential condominiums. The 0.09-acre project site is located at 2202 and 2206 Avenida de la Playa within the La Jolla Shores Planned District area of the La Jolla community.

**This item was not heard due to time constraints on the meeting room.**

Merten did pass out his written comments to the board for their review. Some discussion was heard with how to handle comments before the public comment period ends. Individuals are encouraged to send their comments to the CPA and the City. If possible, this committee will try to schedule a special meeting to hear this item before the upcoming CPA meeting.

**3C Qin Addition**

- Project No. 329727
- Type of Structure: Single Family Residence
- Location: 2604 Hidden Valley Road
- Applicant: Jun Martin
- Project Manager: Glenn Gargas, 619-446-5142 [GGargas@saniego.gov](mailto:GGargas@saniego.gov)
- Owner's rep: Edward Estlund, Architect, 619-544-1192 , [eggman2@cox.net](mailto:eggman2@cox.net)

Project Description: PROCESS 3 - CDP and SDP to amend CDP/LJSPD Permit No. 99-1339 to remodel and add 3,124 sq. ft. to an existing 9,167 sq. ft. single family residence on a 0.62 acre lot located at 2604 Hidden Valley Road, in the Single family Residence Zone of the La Jolla Shores Planned District, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact Overlay Zone within the La Jolla Community Plan area.

**A brief presentation was made, but due to time constraints on the room, a full review was unable to be performed and no motions were made**

**Presented by Edward Estlund, Jun Martin (engineer)**

This is a single family residence built in two stages. Part was built in 1960 and part in 2003. They propose to demolish the 1960 part and replace with a new structure. The proposed structure is two stories, in similar style to the existing house.

**Committee Comments**

The committee is more interested in the form and relationship of proposed structure to those of the neighbors and less about the interior room layouts. There are concerns about overall massing and setbacks. There are concerns with the proposed structure being so close to the adjacent property. This and the adjacent lots are odd shaped and there area lot of elevation changes. A topographic survey of the property extending 50' into adjacent properties would be helpful. Setback numbers for the adjacent properties would be useful. Possibly look at shifting the proposed building to increase setbacks from the neighboring buildings.

**Meeting Adjourned**