

La Jolla Shores Permit Review Committee Minutes

4:00 p.m. Tuesday, April 22, 2014

La Jolla Recreation Center, 615 Prospect Street, La Jolla, CA

Committee members present: Phil Merten (chair), Laura DuCharme Conboy, Janie Emerson, Tim Lucas (secretary), John Schenck, Bob Steck. **Absent:** Myrna Naegle

1. Welcome and Call to Order: Phil Merten, Interim Chair

2. Agenda Modifications – Adoption of the Agenda: Chair comments will be heard after project reviews

3. Non-Agenda Public Comment – None given.

4. Committee Member Comments – None given

5. Chair Comments (provided after the two project reviews below) -- Phil Merten was recently referencing the LJ Shores PDO. It was reformatted by the City in 2010 or 2011. The current version found online at the City website has a new section added: “1510.0107 Applicable Regulations”. In this section, a listing is given of other chapters of the Land development code that are now applicable within the La Jolla Shores Planned District. “Where not otherwise specified in the LJS PDO, the following provisions of the Land Development Code apply...”, which is referencing these chapters. Some of these chapters deal with land development procedures, project reviews, parking regulations, grading regulations, drainage regulations... One of these is “Chapter 13 Zones”. This is the chapter that brings in all of the citywide zoning regulations pertaining to FAR's and setbacks, that before were not part of the PDO. The Municipal Code has a general section that says, under Planned District Ordinances, if there is a conflict between a PDO and the Municipal Code, the PDO prevails. The word conflict is a legal term, and according to Black's Law Dictionary, if there are two separate laws, and they each say different things on the same subject, then there is a conflict. However, if one law is silent on a subject, but the other law says something specific on a subject, there is no conflict. If you look at the Municipal Code (MC) on setbacks, it may say that the side setback shall be no less than 4'. The LJS PDO says it shall be in general conformance with those in the area, so it would take precedence. On the subject of FAR's, the LJS PDO is silent, and the MC establishes FAR's. So according to Black's Law Dictionary there is no conflict as the LJS PDO is silent. If this is the case then the MC Chapter 13 Zones is now applicable. In the past we have reviewed projects under the premise that FAR's do not apply in the LJ Shores, although they have been used as a tool to look at the relative size of a project with those in the vicinity to help determine bulk and scale. I would suggest that committee members study these sections and come to their own determination as to whether FAR's and possibly other zoning regulations in Chapter 13 now apply to the La Jolla Shores Planned District.

Note: There was some brief discussion between Bob Whitney, Tim Lucas and other members of the committee as to whether the City Attorney and Development Services had looked into this previously. And if they had, did they look into it after this section in the LJS PDO had been updated and put into effect.

6. Preliminary Review

(The LJSPRCommittee does not vote on projects scheduled for Preliminary Review)

Residence at 2325 Avenida De La Playa

- Type of Structure: Single Family Residence
- Location: 2325 Avenida De La Playa
- Owner's Rep: Taal Safdie, Lizzy Loeb, Scott Maas 619-297-6153 Lizzy@SafdieRabines.com

Presented by: Taal Safdie, Lizzy Loeb

This property was acquired by the new owners in December of 2013. The neighborhood consists of older houses with very minimal remodels since they were built. A preliminary layout and concept for the single family residence was presented for the purpose of gaining feedback from the committee. A rough massing study was shown for the proposed structure, rendered as a series of blocks and rectangles, mainly to convey the potential bulk and scale of the house. The architectural style for the house has not been fully developed.

They are proposing a asymmetrical “U”-shaped design facing away from the street, with the eastern wing being longer than the western wing. There is a central courtyard area facing the rear of the lot, and there will be a long narrow pool/water feature in this courtyard.

- They are proposing around 7,700 sq ft for the new house, the existing is approximately 4,000 sq ft.
- This site is 7' lower elevation than eastern neighbor.
- Setback survey shows that the neighborhood average for side setbacks varies from 6' to 7'.
- Existing side setback is 7' 2" setback on the east and 7' 9" one the west. The proposed side setbacks are 7' on east and 6' on west.
- Front setback to garage currently 23'. This will be moved back to 25'.
- Front setback to the existing house is 43' 5". Proposed setbacks to the structure will be increased to 47' & 57'
- There will be a wall with plantings in front of the 57' portion to create a courtyard, increase privacy and cut down on street noise.
- Both the east and west wings will have a second story. Maximum building height will 24'.
- The second floor portion of the east wing steps back from the street and also from the rear of the lot. The front part of the east wing also steps down a few feet to ease the perceived massing.

Committee comments:

The existing house has two curb cuts connected by a circular driveway. The current regulations will only allow a single 12' wide curb cut. **Taal Safdie:** they will see what the City says. On another project recently approved, they permitted leaving the existing driveways. **Committee:** This is in a parking impact zone, and the street frontage is not sufficient to allow a second curb cut under the current regulations. The existing driveway will most likely not be grandfathered in.

Concerned about the second story elements on both sides of the house in relation to the neighboring houses on both sides. **Taal Safdie:** They are looking at stepping back the second stories on both sides of the house. They can probably step back the east side by 2' to 3'. **Committee:** this would be good. There should be concerns for privacy and looking down on the neighbor's bedrooms. Hedges and trees could help. This will be the first 2-story house in the neighborhood, so there will be concerns from the neighbors.

The exterior wall of the east wing is a long unbroken facade, two stores high along most of it. The length of the first floor from the garage to the rear is 122', and the second floor is 95' in length. The LJS PDO is concerned with compatibility with structures in the vicinity, and the LJ Community Plan is concerned with with easing transitions between new and old development. Articulation may be needed to the side of the house, in addition to stepping the second floor back. One committee member added

that the neighbor's lot is 7' higher than this lot, so articulation might not be needed on the on the first floor element. Sometimes a simple clean line is better than a more complex line. **Taal Safdie:** The first floor ceilings will be around 10' high to give a feeling of space. The second floor bedrooms will not be quite as tall. They will look at the articulation, and stepping back the second story elements. **One committee member commented:** In the LJS PDO it talks about protecting property values. Imagine being the neighbor to the east on a lot 7' higher. They are looking at the existing house with its sloping roof, which is 9' high at the exterior wall. There is currently a sense of openness. With this proposed project, the neighbor will be looking at a long two-story exterior building side, and the openness will be gone. If you think that your project is not being as nice to the neighbor as it could be, try and think of a polite solution that would address the concerns.

The committee appreciates you coming to us for a preliminary review.

7. Project Review

Arthofer Residence

- Project No. 349880
- Type of Structure: Single Family Residence
- Location: 1890 Viking Way
- Applicant: William Hayer 858-792-2800 Bhayer@HayerArchitecture.com
- Project Manager: Edith Gutierrez 619-446-5147 EGutierrez@sandiego.gov

Project Description: PROCESS 3 - Site Development Permit (SDP), to remodel and add a second story and additions totaling 2,661 sq. ft. to an existing 4,601 square foot (including basement) one-story over basement single family residence located at 1890 Viking Way. The 0.28 acre lot is in the SF Zone of the La Jolla Shores Planned District, Coastal (non appealable), Coastal Height and Parking Impact Overlay Zones within the La Jolla Community Planning area

Presented by Bill Hayer

The project is a remodel and addition to a single family residence on a sloping lot. Plans and site sections were shown, including ghost images of the proposed project superimposed on the existing house. The second floor has been set back to reduce the massing affect when seen from the street and from down below.

- Lot size = 12,426 sq ft
- Existing house is 4,601 sq ft including a walk out basement
- Proposing to add 2,661 sq ft for total of 7,262 sq ft
- Addition breakdown: 148 sq ft basement, 556 sq ft main level, 1,957 sq ft second story
- FAR = 0.58, Landscaping = 52%
- Present building maximum height = 20' 6" Proposed maximum height = 28' 6"
- Lot elevation differential = 20'. The calculated maximum differential = 10'.
- Overall height is 37' 8", which includes the 10' max height differential in the lot.
- Setbacks: front = 15', rear = 10', east = 14' 3", west = 3'.
- The west setback of 3' is similar to the neighbor's setback.
- The second story is setback 35' from the street.
- The house has been determined not historic
- There may be mitigation needed on the site during construction

Schenck: How does the 2-story element relate to the neighbor's property on the west (Viking Way)?

Hayer: The existing footprint of the house and the proposed additions angle away from the property line, preserving the neighbor's view across the lot.

Merten: Height difference between them and neighbor's lot on the west? **Hayer:** Less than 5'.

Merten: This lot and the lot across the street are the largest parcels in the area. The rest of the lot are smaller and the houses are much closer together. **Hayer:** There have been a lot of 2-story additions on those smaller lots.

Steck: Are there other neighbors affected by this project other than the one you have been in contact with on Viking Way? **Hayer:** the other immediate neighbors would be affected of course. We sent out a letter to residents within 300' inviting them to look at the plans. This was in addition to the required city notice that was sent out. Only the neighbor to the west on Viking Way responded.

Public comment:

Bob Whitney (resident): Hopes it doesn't look like new project across the street on Spindrift...

Discussion on motion:

Merten: Thinks that this a very polite addition to the house. The only critical area has a sufficient setback, and the slope and size of the lot make it appropriate for two stories. This sits nicely in the neighborhood.

Motion: Steck: **Second:** Schenck

Findings can be made for a Site Development Permit (SDP) for Project No. 349880.

Motion Caries: 5-0-0

Approve: Emerson, Lucas, Merten, Schenck, Steck.

(Conboy left before voting)