

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

Meeting Agenda – Dec 8, 2020 – 4:00 pm

Because of the continuing COVID-19 emergency, this meeting will be held online. You must register in advance to attend. Instructions and links are at <https://lajollacpa.org/ljcpa-online-meeting-instructions/>

Presentation materials will be made available in advance of the meeting through links on <https://lajollacpa.org/2019-agendas/> Applicants (or opposition) please send all materials to the DPR chair (brianljcpa@gmail.com) no later than **24 hours before the meeting . This should include the following:**

- **Your submitted drawings in a single PDF (required)**
- **Your most recent Assessment Letter and Cycle Issues combined in a single pdf (required)**
- **Your presentation slides (if to be presented) in a single pdf (optional)**

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- 1. Public comments are an opportunity to share your opinion with the committee members. Comments should not be directed at the applicant team*
 - 2. Plans are available for in-depth review by contacting the project manager at the city's Development Services Department before the meeting.*
 - 3. Public comments will be strictly limited to **2 minutes per person**. Please review the following meeting minutes. If another member of the public has already said the same thing tonight or at a previous meeting, please move on to new information. It is not necessary to repeat previous comments.*
 - 4. **Applicants:** Please present your project as succinctly as possible. Speak clearly and **CONCISELY**.*
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NON-AGENDA PUBLIC COMMENT:

APPROVAL OF MEETING MINUTES:

ITEM 1: FINAL REVIEW 12/8/2020

Project Name: Teel Residence
Permits: CDP
Project No.: 669815 DPM: Denise Vo
Zone: RM-1-1 Applicant: Marengo/Fortune
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/669815>

LA JOLLA (Process 2) Coastal Development Permit to convert an existing 263 sf room over a 449 sf detached garage into a Companion Unit at 416 Nautilus St. The project includes adding 104 sf for a Companion Unit totaling 367 sf. The 0.072-acre site contains 2 detached residences on a single lot at 414

and 416 Nautilus Street. The site is in the RM-1-1 Zone, the Coastal (Non-App.-2) Overlay Zone, the Geo Hazard Zone 53, and the Transit Priority area within the La Jolla CPA, and CD 1.

10/20/2020 Applicant Presentation

- Companion unit over garage, under construction now with building permit for back area, tore down garage and building new garage to setbacks and then new companion unit above with roof deck above, kitchen and bathroom not included in construction permit, so that's where the CDP comes in to make it an ADU.
- New garage will widen all the way to 3' setback, maintaining 0' setback on West side of garage, second floor will setback from PLs.
- Roofdeck setback from alley
- Materials pallet and style to match existing house in front
- Shared copy of current construction permit
- Referenced a city letter that garage demo and current construction is allowed
- Garage is separate independent structure and conforms to requirements where accessory structure may encroach into setbacks.
- Today we are asking for companion unit conversion within permitted structure.

10/20/2020 Public Comment

- Merten – oppose project
 - Need a CDP to demo or build a structure in coastal zone
 - Project plans show 3 of 4 walls demolished, 4th wall along PL was demolished only. Project did not maintain 50% of exterior walls.
 - First floor is Accessory use, but upper level is a dwelling unit and should not extend to rear PL.
 - Building permit issued without CDP is non-conformity to LDC.
 - RM-1-1 zone density is 1 unit per 3,000sf. Only one dwelling unit allowed plus 1 ADU, but project already has 2 units. 3rd unit should not be allowed.
 - Noticing is problematic, “expansion of existing room over existing garage” but the existing room and existing garage are not finished yet.
 - New West exterior wall is 1-hr construction, showing 7/8” stucco on zero lot line may not be possible.
 - Request verification of number of bedrooms in 414 Nautilus, if more than 1 bedroom, then parking is not adequate for existing structures.
- Wright (by Merten) – Public safety concerns with new structure on PL and difficulty making in 1-hr rated and too close to his building, would like it setback 3'. Concerned by loss of privacy due to roof deck just 3' away.
- Wright – Light and air access diminished, Fire burden unfair on me.

10/20/2020 Committee Deliberation

- Leira – How many units on site? (Applicant: 2) Concerned about fire rating at 0' lot line. Concerned about privacy issues, please show sections through terrace and surrounding properties (Applicant: 2 one bedrooms 800sf and 247sf, new unit will be companion unit, and legal as existing 2 are legal. Will have to use a blaze guard or drive-it tilt-up solution if cannot have permission from neighbor. Parking is tight in neighborhood and maximizing garage to increase onsite parking. Owners met with Wrights to share plans, Mr Wright said he would build to block view, so now building second floor to protect future views, Will provide drone images, owners will be focused West not East)
- Jackson – Neighbors duking it out. Some of Merten issues are process issues, some are substantive issues, if Merten returns please divide issues into two categories, new unit over garage seem to face similarly high building and driveway, is there really a privacy concern, what are the views, drone? (Applicant: Unattached accessory structures do not required CDPs for demo and construction and may encroach into setbacks)

- Kane – Encroachment by garage? Number of units on property and parking requirement? Is ADU allowed? (Applicant: garage is allowed to encroach and has been there previously, applicant will find another solution for 1-hr rating)
- Costello – Alley width? (Applicant: 20')
- Fremdling – Also concerned about garage going PL to PL. How get trash to alley? (3' open on one side)
- Leira –
 - Site plan, different colors for different buildings and when built? When orig garage built?
 - Clarify what happens with accessory structure in setbacks and then habitable above.
 - 20' alley some areas require additional setback, Can a car access this?

10/20/2020 Deliverables for next

- show sections through terrace and surrounding properties, drone images
- Site plan, different colors for different buildings and when built? When orig garage built?
- Clarify what happens with accessory structure in setbacks and then habitable above.
- 20' alley some areas require additional setback, Can a car access this?

11/10/2020 APPLICANT PRESENTATION

- Section through project and site plan showing neighbors yard location
- Garage is accessory structure allowed up to 525 sf.
- 414 structure built in 1931, 416 in 1940
- 20' alley and 21'-2" to building across alley
- Proposed to put fire board and tilt into place so no access to neighbors property necessary

11/10/2020 PUBLIC COMMENT

- Wright – Owner of lots to the West, Have issue with this density, preserving 1940 cottage but garage is too big, city told him he needed a 5' setback from alley, validity of garage in question, concerned with 3 units on 25' wide lot. Will 416 use be different. (applicant: 416 will be apartment for rent) Roof deck will look into back yard and impact privacy. Neighbors were not notified.
 - Applicant: with respect to noticing, the structure was already permitted without coastal permit and did not require noticing, this action, to convert structure to companion units. Roof decks are used to see view, no one is interested in looking down into neighbors yard.
- Merten – CDP for a companion unit for an illegally permitted accessory structure, regulation says a detached accessory structure may encroach into side or rear setbacks but not both, and city staff is reviewing. CDP is required for all coastal development and demolition of previous garage. Applicant should have to get an after-the-fact CDP for the garage and structure. Only one dwelling unit is allowed on this lot, state law allows a second ADU. Lot already has 2 units, should not be allowed to add a third unit "ADU". Garage has no setback from alley. Upper level should have at least a 4' setback from alley. There is a connecting deck that makes the accessory structure no longer "detached". Nowhere in land development code does it say accessory structures are exempt from CDPs.
 - Applicant: Structure is not illegal, it has been reviewed and approved by the city staff. Detached structure is detached with separate foundation, flashing separation between the two.
 - Merten: issuance or granting of permit does not constitute permission to violate land development code.
- Whitney – co-trustee of property on the East side. In full support of the proposed project. Called numerous times by Mr Wright to oppose project and believes his opposition is harassment and the project is a benefit to the neighborhood. New structure is in line with their rear unit and appreciate the project.

11/10/2020 COMMITTEE DELIBERATION

- Leira – Companion unit should be non-intrusive, putting on the second floor does not achieve that. Prefer to see original garage size. (applicant: current garage does not satisfy code, needed to be bigger to allow two cars and reduce parking impact on street) Setbacks from before should not be expanded (applicant: new garage satisfies current setback requirements) Can it be pushed back from alley? (applicant: garage would not meet parking code).

- Blackmond – What is history or reasoning for companion units, (Will: rentals to address housing crisis) (Applicant: meant to be rentals to provide housing and to allow rental income to allow owners to stay in property, cannot be rented for less than 30 days and it can be enforced)
- Jackson – Bizarre case, clearly about hostility between neighbors at the heart of the matter, distressed by some statements in opposition, but also project is distressing because of serial permitting. Would this all be permissible if all permitted together? We are not appropriate jurisdiction for “legality”.
- Costello – ADU cannot be rented for less than 30 days. Concerned about garage resolution with city.
- Leira – upper unit is too large. They are supposed to be for your family.
- Shannon (after vote) if ADU is attached exempt from ADU, if detached not exempt.

11/10/2020 COMMITTEE MOTION

- Motion project be continued until garage setback issue is resolved. (Costello/Fremdling)
- Comment on motion,
 - Leira: real problems with new development using old setbacks and garage is the problem (applicant: this is something that can be done now, not taking advantage of any existing setbacks)
 - Will: 525sf accessories may encroach into side or rear and in practice that means both at same time.
 - Leira: How do you get approval of rear setback on alley when all others are setback? Surprised because all others seem to follow 5’ setback. (applicant: if you go down the alley they are not all at 5’, straight across the street is less than that. 21’ back-up is what is required. Engineers are hard to convince but this had the back-up)
- Motion passes 5-1-2

ITEM 2: FINAL REVIEW 12/8/2020

Project: 645117 – Crespo St CDP Amendment
Applicant: Audrey Ruland
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/645117>

LA JOLLA (Process 2) Coastal Development permit to amend CDP 284175, to construct a new detached 893 square-foot companion unit, located at 1644 Crespo Dr. The 0.20-acre site is in the RS-1-5 and Coastal Overlay (Non-Appealable) Zone within the La Jolla Community Plan area, and Council District 1.

11/17/2020 APPLICANT PRESENTATION

- All cycles cleared
- Lot spans Crespo to Kearsarge. ADU will be on Kearsarge at lower part of lot.
- 4420sf where 4928sf is allowed per FAR.
- One story, shed roof, wood siding similar to main house
- ADU to main house horizontal separation at least 12’
- Neighbors have frontage on Kearsarge as well

11/17/2020 PUBLIC COMMENT

- Fitzgerald – No parking required? Why? (applicant: main dwelling has required parking, by state law ADUs are not required to have parking)
- Merten – On another project I was advised 1 week ago by city that an ADU needed to provide parking.
 - Applicant: rules have changed quickly and have not been issued yet

11/17/2020 COMMITTEE DISCUSSION

- Kane – Is this historic main house (applicant: yes and approved to meet SI standards)
- Kane – Is parking provided (app: no and none required)
 - Concerned that street is narrow and when parked becomes 1-way

- Leira – Even if not required, parking would be desirable, hilly and no sidewalks. Concerned about water run-off (applicant: extensive BMPs and runoff control required by city)
 - Kane – Construction management for workers, materials, lack of parking, staging on site.
 - Applicant: we don't do any construction and can't speak for contractor
 - Will – ESL on steep slopes, how are you allowed to encroach into slope
- 11/17/2020 PRESENT FOR NEXT TIME
- Site section from Crespo to Kearsarge with proposed and existing structures, include width of streets and show natural and proposed grades and height of vegetation
 - Rendering of site photo from Kearsarge with proposed superimposed
 - Materials board
 - Share BMP plan
 - Construction plan for staging, parking, access.
 - how are you allowed to encroach into steep slopes
 - please send the latest cycles and assessment letter

ITEM 3: FINAL REVIEW 12/8/2020

Project: 669736 – 220-240 Coast Blvd CDP
Applicant: Milka Mesfin/Paul Benton
Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/669736>

LA JOLLA (Process 3) Coastal Development Permit for an exterior remodel to an existing 3-story residential condo at 220-240 Coast Blvd. The project includes replacing windows, adding new balconies, reconstructing roofs, and new fencing. The 0.76-acre site is in the First Public Roadway, the La Jolla Planned District Zone 5, the Coastal (Appealable Area) Overlay Zone, and the Potential Sensitive Vegetation and Sensitive Coastal Overlay Zone within the La Jolla Community Plan area, and CD 1.

11/17/2020 APPLICANT PRESENTATION

- Coast Blvd, North of white sands, in area of 3-4 story buildings that predate coastal act
- Built in 1955 predates Coastal Act
- FAR is slightly larger than what would be allowed today
- No proposed changes to floor area
- Replacing windows and changing siding.
- Reviewed and no historic significance
- Regularizing the exterior finishes, stucco and siding finishes, greys and whites, uniform window patterns
- Reconstructing a historic eave detail, reconstructing some of the balconies with proper guardrails and waterproofing
- Site drainage into compliance with current standards, water will be captured and dissipated back to street,
- Construction staging will be on-site
- No change to number of units or square footage
- No change to roof height although currently over 30', actually slightly lower in places.

11/17/2020 PUBLIC COMMENT

- none

11/17/2020 COMMITTEE DISCUSSION

- Kane – Is there a view corridor
 - Applicant: requirement is 10% of lot width, maintaining view between buildings, also maintaining view on North side. No proposed work will diminish the existing view corridors as exist on property, but what does exist will be dedicated as part of this CDP.

- Jackson – Please explain city’s concern with bay windows. (applicant: we’ve reviewed view corridors with staff and none diminished)
- Costello – Thank you for keeping this building in tact. Buildings should be recycled and not thrown out.
- Leira – Always admired these buildings, some pretty massive buildings that do not look massive. They are eclectic. Please be careful not to make it look too monolithic
- Kane – Also thank you ... What is the height and FAR? (applicant: 43 or 45’ height, 1.57 FAR, current zoning is 1.35)
 - This is interesting data with respect to complete communities proposal and 2.5 proposed FAR in RM zones.
- Kane – updates to current CBC? (applicant: exterior doors and windows, T24, structure is better than expected, wherever reconstruct will have to meet current codes, mostly energy and drainage updates)
- Blackmond – Will there be solar? (applicant: city is wrestling with this. Yes, currently proposing solar if cut hole in roof and lower it.)
- Kane – any landscape updates? (applicant: none proposed except perhaps thinning out, maybe a landscape architect hired at future date)

11/17/2020 NEXT TIME

- Color code view corridor to be dedicated and photo from street.
- Photos from Coast Blvd and from ocean and show proposed and would like to see how well the eclecticness is retained.
- Would like to see drainage proposed, permeable vs impermeable

ITEM 4: PRELIMINARY REVIEW 12/8/2020

Project 670265 - Digital-Tyrian Residence CDP

Applicant: CA Marengo

Project Info: <https://opensd.sandiego.gov/Web/Projects/Details/670265>

LA JOLLA; (Process 2) Coastal Development Permit for a proposed 760-square-foot companion unit with deck over an existing detached garage on a site with an existing single-story duplex located at 6657-6663 Tyrian St. The 0.12-acre site is in the RM-1-1 Zone, Coastal Height, Coastal (Non-Appealable Area 2), Transit Area, and Transit Priority Area Overlay Zones within the La Jolla Community Plan Area. Council District 1.

ITEM 5: ACTION ITEM

Structure Height Measurement: Review draft letter from CPA to “city”

11/17/2020 DISCUSSION

- 3 methods, must comply with all simultaneously or more specifically, whichever is most restrictive at each point of the building.
 - Zoning Height Blanket
 - Zoning max structure height
 - Prop D 30’ limit.
- Do retaining walls linking buildings negate the 6’ separation
- Merten - had a project where tunnel and elevator connecting garage and house amounted to a single structure.
- Will - recently a project on Prospect had a concrete garage with two separate wood framed buildings above and the city upheld that those were two separate buildings.

- Leira – the city’s determination is final, we need to work with city to let them know how we think how we would like it to be.
- Kane – Do we like what we are getting. How do we solve things that are obviously bad, but comply
- Will – What is limitation of a light well?
- Kane – Invite Rebecca Goodman to discussion
- Goodman – Technical bulletin is not specific enough with respect to conflicting height limit restrictions
 - Cross reference sections in the code for example Coastal Height info bulletin makes no reference to other height limit restrictions.
 - Perhaps a checklist of how each project complies with each requirement.
- Jackson – Should this group make a checklist of deliverables
 - Kane/Will – tricky but soften language
- Bennett – Make a longer tech bulletin, explain all these things.
- Will – we have to acknowledge flaws in code and not deny them.
- Leira – We also ignore the intent.
- Jackson – city is still run like small town, anecdotal evidence of what intent was. Depends on who is remembering
- Jackson – could the city make no changes to code but just add hyperlinked code to help navigate conflicting or relevant sections.
- Costello – Programs exist for indexing. It would be cheap and easy. Easier than code re-wirte. You’d need this tool even before you could re-write it because you need to know what all is affected.
 - Jackson – indexing starts easy gets hard when you get in weeds, diagrams make it harder.
- Fitzgerald – need to focus where there is a problem, we need to engage the city attorney when there is a conflict.

11/17/2020 WHAT CAN WE REQUEST TO BE DONE

- Index and Cross Reference Code
- Diagrams sketches to better explain terms or intents
- Clarification on what constitutes separation
- Redraft technical memo of coastal height memo to include all other height restrictions (connection)
- Discuss again in December. Brian to coalesce .