

San Diego County
VALLE DE ORO COMMUNITY PLANNING GROUP
P. O. BOX 936
LA MESA, CA 91944-0936

Minutes of the Meeting: October 15, 2013

Location: Otay Water District Headquarters
2554 Sweetwater Springs Blvd.
Training Room, Lower Terrace

- 1. CALL TO ORDER:** 7:02pm, Jack L. Phillips, presiding chair
Members Present: Brownlee, Fitchett, Forthun, Henderson, , Manning, Mitrovich, Myers, Perry, Phillips, Schuppert, Wollitz
Members Absent: Feathers, Reith, Tierney
- 2. FINALIZE AGENDA:** Agenda will be heard as written
- 3. PUBLIC COMMUNICATION:** No discussion or comment was heard
- 4. APPROVAL OF MINUTES:** September 17, 2013 passed 12-0-3 Hyatt and Schuppert abstained
- 5. LAND USE**
 - a. STP13-021: Site Plan encompassing cumulative changes to the historic rock wall along Mt. Helix Drive associated with the property at 4850 Mt. Helix Drive (result of code enforcement action.) Mr. Schuppert introduced the project and introduced the property owner's representative, Mr. Larry Cole, Landmark Engineering.

Wall Background

The historically designated stacked-stone walls that are along the sides of Mt Helix Drive that lead to the Mt Helix Park were constructed in the 1930's as a public works project. The walls are located at the edge of the street pavement, completely in the public right of way. Private property boundaries are usually several feet from the wall where it is common to see private property fences. These stacked-stone walls define the gateway to the Mt Helix Park and are an integral part to the character and identity of the Mt Helix community.

Project Background

The referenced property is located toward the top of Mt. Helix. The applicant has constructed a 3-foot high wrought-iron fence on top of the existing 3-foot high stacked-stone wall, and is requesting a Post Construction Approval of the referenced Site Plan and Discretionary Permit (the work has been completed without permits). Various community members have expressed their displeasure with the aesthetic impact caused by the fence and the shoddy workmanship to the wall repairs. The shoddy workmanship includes concrete that has been placed between and over the stones and in many instances is sloppy and unprofessional. Note the multiple photos on the Site Plan.

Mr. Phillips asked for public comment on the project. Ms. Jimer DeVries, Halo Circle, voiced concern about the poor workmanship of the cement job that was completed by the owner. Susan Nichols, GMIA president, indicated that the wrought-iron fence attached to the wall as well as the poor cement job that was completed on the stacked-stone wall should be removed since it is not in keeping with the community character and allows precedent for other fences to be built upon the historically designated wall.

Mr. Schuppert continued his report citing that more than one-mile of publicly owned stacked-stone wall leading to the top of Mt Helix has been in place for nearly 80 years and with normal maintenance will likely be here for 80 more. The fence on top of the wall is a gross encroachment onto the public right of way and has damaged this important community landmark. To allow this fence to remain would be at the expense of our community character and the rights of the general public, and would risk setting a precedent that would continue to erode the overall aesthetics and appeal of Mt Helix.

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Mr. Schuppert recommends denial of this application, and furthermore implores the county to enforce the removal of the fence from the public right of way, and to require the appropriate repairs to the wall to match its original character and integrity. Mr. Wollitz seconds.

Ms. Forthun asked if all the work on the Site Plan submitted has been completed and questioned the existence of the original chain link fence. Mr. Schuppert says yes all the work has been completed with the chain link fence being put up by the county in error. Ms. Henderson clarified that there are no other fences on top of the wall for other properties. Schuppert explained that there are fences but they are on their own property, not on top of the stacked-stone wall.

VOTE: 12-0-0

b. VAC13-003: Proposal to relocate open-space easement and modify property boundary associated with lots 3 and 4 (APNs 502-022-57 and -58) located on the north side of Sundown Lane. Mr. Phillips introduced the project using the Plat map provided. Mr. Phillips also introduced the engineer for the project, Mr. Elliott May from May Engineering and Surveying. Blue granite was found on Lot 3 where the driveway was to be built. The applicant has requested approval for alternative property boundaries for both Lot 3 and 4 so that a driveway for Lot 3 could be built. This change in property boundaries necessitated a relocation of the open space easements on both properties as well.

Mr. Phillips asked for public input on the project and none was heard. Mr. Phillips recommended approval of the modification of the property boundaries and Open Space easement relocation contingent upon extending the B easement (as shown on the Plat map) to the new property line that is established. Applicant's representative agreed with this contingency. Mr. Fitchet seconds

Mr. Schuppert asked if the net acreage stays the same for each Lot. Mr. May indicated that the acreages will stay the same. Mr. Hyatt asked if the new driveway will be within Lot3. Mr. May indicated it will be on the lot over what is the existing open space easement. Mr. Hyatt continued by asking the width of the driveway for Lot 4. Mr. May indicated it is 18' wide but since it will be joint driveway it will need to go be expanded to 24'.

VOTE 12-0-0

c. AD13-038: Administrative permit for an open-space encroachment for 20' x 95' deck (approx.. 1800 sf) at 920 Avenida del Oceano (north of Hidden Mountain Dr.) Mr. Fitchet introduced and located the project (15 home subdivision in Hidden Hills estates). The applicant, Mr. Ted Olson, explained that the Owner, Mr. Farida, would like to put a deck on the back of his home for recreational and safety reasons. He says the wildlife (ie snakes) often come close to his home and his family's outdoors space is limited because of the open-space requirements. He further commented that the deck will be made of noncombustible materials.

Mr. Phillips asked for public testimony on this project. Mr. Ed Abraham, Avenida del Oceano, moved in when the subdivision was built. One of the items that appealed to him in the community was the open space. He is concerned that proposed deck will create a precedent for others to encroach into the open-space and take away the privacy of his property. He also wants to maintain the open space integrity in his neighborhood. Mr. Russ Pierce, Hidden Mountain Dr, which abuts the subject property. He is concerned about the open space being preserved for the CA gnatcatcher. He feels a deviation from the plan to allow development would harm the endangered species that the original easement was meant to protect. Mr. Farida, owner of property, wants a piece of land for his children to be able to play in safely. Ms. Betty Dial, also of Hidden Mountain Dr, wants to keep the open space easement open. Mr. Ted Olson, explained that the deck will sit within the area already cleared for fire defense. Mr. Phillips explained that the distance of the clearing for fire defense is based on a certain distance from structures, when a deck is added it is possible that the fire district may require additional clearing of sensitive habitat.

Mr. Fitchet continued his report. This home site and this entire sub-division are located on the top of a mountain in a very environmentally sensitive and environmentally valuable area. The homes are located above steep slopes ... most 25% -

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50% and many over 50%. The coastal sage and significant rock outcroppings on these slopes are sensitive habitat to endangered black-tailed gnatcatchers and orange-throated whiptail lizards. When this planning group was reviewing this project several years ago, our intensions were focused on preserving the environmental viability of this site.

Board of Supervisors Policy I-103, on Open Space Easement Vacations, states that the Board of Supervisors desires that open space easements be vacated only after careful consideration has been given to the original intent of the easement.

The original intent of this easement, i.e., the preservation of the natural environment, is still valid and viable.

Additionally, the county planner has provided me a copy of a letter from the Hidden Hills Estates Owners Association which states that they are objected to the precedent that will be created by allowing Mr. Farida to encroach into the open-space easement. The sub-committee concurs that the proposed open space encroachment would violate the CC&Rs and establish an environmentally harmful precedent for future requests for Open Space encroachment.

Mr. Fitchet recommends that the requested Administrative Permit, AD13-038, for open space encroachment be denied. Ms. Myers seconds.

Ms. Henderson clarified that the HOA is a private contract and that the original purpose of the open space easement is still valid and viable and precedent would be made if the encroachment is allowed.

Mr. Hyatt asked how much of the deck is in open space. Mr. Olson stated that most of the deck (90-95%) is in the open space easement but within the property boundaries.

VOTE: 12-0-0

d. STP13-020: Site Plan for tear-down and rebuild of Carl's Jr. restaurant at southeast corner of Kenwood Dr./Kenora Dr. intersection. Includes drive-thru changes, restroom and interior upgrades, façade upgrades, 32 parking spaces (26 req.), and enhanced landscaping. Mr. Hyatt located and introduced the project. Ms. Catherine Otis and Mr. Wade Goding attended representing Carl's Jr.

Mr. Phillips asked for any public comment on this project. None were heard. Mr. Hyatt then continued with his report. He stated that the height of the building will be 3-5' higher than current, parking may be harder to get in/out but the applicant is increasing the parking area. Further, the drive-thru window will be located on south side vs east side. Mr Hyatt expressed concern that the dumpster enclosure would reduce a driver's visibility. Mr. Goding indicated that the drive-thru will have a 12' drive-thru lane with 24' radius

Mr. Hyatt recommends approval of the Site Plan for the tear-down and rebuild of the Carl's Jr. Henderson seconds

Ms. Myers states that access will be the same, but that the exit will be easier. Mr. Wollitz asked why the building will be higher. Mr. Goding explained that the reasons include; the original joists vs current truss system, ductwork not on roof anymore – façade will be raised to conceal the rooftop equipment.

VOTE: 12-0-0

6. UNFINISHED BUSINESS 7. NEW BUSINESS 8. CHAIRMAN'S REPORT – No report

9. ADJOURNMENT - 8:02pm

Submitted, Susan Brownlee