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President: Tony Crisafi

Vice President: Rob Whittemore

Treasurer: Jim Fitzgerald

Secretary: Dan Allen

## La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursday of the Month

La Jolla Recreation Center, 615 Prospect

Street

### Thursday, 4 August 2011

## D R A F T AGENDA – REGULAR MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval: 7 July 2011**
4. **Elected Officials Report** – Information Only
  - A. Council District 2 – Councilmember Kevin Faulconer  
Rep: **Katherine Mills**, 619.236.6622, [kmills@san Diego.gov](mailto:kmills@san Diego.gov)
  - B. Council District 1 – Councilmember Sherri Lightner  
Rep: **Erin Demorest**, 619.236.7762, [edemorest@san Diego.gov](mailto:edemorest@san Diego.gov)
5. **Non-Agenda Public Comment**  
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
  - A. UCSD - Planner: **Anu Delouri**, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://commplan.ucsd.edu/>
6. **Non-Agenda Items for Trustee Discussion**  
Issues not on the agenda and *within LJCPA jurisdiction*.
7. Officer's Reports
  - A. **Secretary**
  - B. **Treasurer**
8. **President's Report** – Action Items Where Indicated
  - A. Ad Hoc Committee report – no July meetings, next meeting Aug. 10, 5:30p  
Chair: Devin Burstein
  - B. Special Trustee Election for 1 Trustee Seat – Only current, eligible LJCPA Members are eligible to vote. Polls are open from 3 pm to 7 pm, Rec. Center Room 2. Members voting must present a photo identification.
  - C. Avenida de la Playa Storm Water Project – need 2 reps from CPA to attend weekly meetings in August.
  - D. Playa Grande LLC (Whitney Mixed Use) Vs. La Jolla Community Planning Association update
  - E. Kooklani I & II – Planning Commission report (July 21<sup>st</sup>)

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*If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.*

## 9. CONSENT AGENDA – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items.

→ **Anyone may request that a consent item be pulled for reconsideration and full discussion.**

→ **Items pulled from this Consent Agenda are automatically trailed to the next CPA meeting.**

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2<sup>nd</sup> Mon, 4pm

DPR – Development Permit Review Committee, Chair Tony Crisafi, 2<sup>nd</sup> & 3<sup>rd</sup> Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4<sup>th</sup> Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4<sup>th</sup> Thurs, 4pm

### A. THE HAMPTON

**DPR ACTION: Motion that findings can be made to approve Coastal Development Permit to construct a single family residence at 6005 Avenida Cresta. 7-0-1**

6005 Avenida Cresta - CDP to construct a 3,291 SF single family residence on a vacant 0.12 acre site

### B. Hyde Residence

**DPR ACTION: Motion that findings can be made for a Coastal Development Permit to demolish existing residence and construct a 8,175 SF two-story single family residence at 9735 La Jolla Farms Road.**

9735 La Jolla Farms Road - Coastal Development Permit to demolish existing residence and construct a 8,175 SF two story single family residence on a 1.10 acre site

### C. Remove Red Curb - northbound La Jolla Blvd, Colima to Midway

**T& T ACTION: Motion to approve 7/6-0-0 (1)**

Northbound La Jolla Blvd, Colima to Midway

### D. 2 hour Parking 8500 Block of Nottingham Place.

**T& T ACTION: Motion to approve 9-0-0**

2 hour parking limit 8500 Nottingham Place, 8AM – 6PM, Mon-Fri

### E. West Muirlands Speed Change

**T& T ACTION: Motion to raise speed limit from 25mph to 30mph on West Muirlands from Fay to Nautilus 9-0-0**

West Muirlands from Fay to Nautilus

### F. End of Summer Fire Run

**T& T ACTION: Motion to approve 6-0-2**

Street Closures on Prospect to Felspar

### G. Yield Sign @ corner of Via del Norte & Beaumont

**T&T ACTION: Sign approved 7-0-0**

Request to install YIELD signs facing traffic on Beaumont Ave (NB and SB directions)

## 10. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD – *Inactive*

B. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 4pm, Rec Center

C. COMMUNITY PLANNERS COMMITTEE – Meets 4<sup>th</sup> Tues, 7p, 9192 Topaz Way

## 11. Via Rialto Emergency Storm Drain Repair Project – Information only

CDP and SDP for completed emergency repairs to a damaged storm drain located at 7435 Caminito Rialto and extending west into an unnamed canyon behind the residential property.

Presenter: Ron Fox, Assistant Engineer, City of San Diego, (619) 533-7505, rfox@sandiego.gov

Time  
Certain  
6:30p

**12. 1912 Spindrift CDP – Hearing Officer Hearing August 3rd**

Discussion of pending CPA action based on outcome of HOH

1912 Spindrift - Demolish existing residence and construct a 4699 3,475 sf, two-story single-family residence on a 13,511 sf parcel. La Jolla Shores PDO.

*PRC Action Jan 2011: The findings for a CDP and SDP can be made, 4-3-0*

*Previous Action Feb 2011: Hearing of Feb '11 set aside, call for rehearing by the President*

*Previous action April 2011: Recommend denial: Findings cannot be made for a Site Development Permit and a Coastal Development Permit: 1) The south setback does not comply with the La Jolla Community Plan. 2) Off street parking within the front yard does not comply with the La Jolla Shores Planned District Ordinance 9-5-1*

**13. Herschel Ave. Mixed Use Lofts**

7844 Herschel Avenue - CDP, SDP & Map Waiver to waive the requirements of a TM to create 6 residential condos and 1 commercial condo by converting a portion of existing commercial space to 3 residential units and 1 commercial unit and construct 3 residential units on a 0.16 acre site

*DPR Action June 2011: Motion to approve Coastal Development Permit, Site Development Permit & Map Waiver to create 5 residential condos and 1 commercial unit at 7844 Herschel Ave. 3-2-0*

*PDO Action May 2011: The Committee found the project in conformance with the PDO, 7-0-0.*

**14. Consideration of the issue concerning citywide floor area ratios of Chapter 13 of the San Diego Municipal Code applying in the La Jolla Shores Planned District.**

Incorporate the citywide floor area ratios of Chapter 13 of the San Diego Municipal Code to the La Jolla Shores Planned District, in addition to all the other development criteria currently specified in the LJSPDO and the LJ Community Plan.

*Previous LJSPRC action June 2011: The PRC Committee recommends the LJCPA have a full hearing and discussion on whether the underlying citywide FARs in all zones should be confirmed as applying in the La Jolla Shores Planned District. 5-0-1.*

*Previous LJCPA action July 2011: Pulled for review*

**15. Adjourn** to next Regular Monthly Meeting, Sept. 1st, 2011, 6:00 pm

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## La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursday of the Month  
La Jolla Recreation Center, 615 Prospect Street

**Thursday, 07 July 2011**

### **D R A F T MINUTES – REGULAR MEETING**

Present: Dan Allen, Cynthia Bond, Tom Brady, Devin Burstein, Laura Ducharme Conboy, Michael Costello, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, Tim Lucas, Nancy Manno, Phil Merten, Rob Whittemore, Ray Weiss.  
Absent: Dan Courtney, David Little.

**1. Welcome and Call To Order: Tony Crisafi**, President, at 6:03 PM

**2. Adopt the Agenda**

**Approved Motion: Motion to Adopt the Agenda as modified: (Whittemore/Costello, 9/3/1).**

In favor: Allen, Bond, Brady, Conboy, Costello, Fitzgerald, Manno, Merten, Whittemore.

Against: Burstein, Gabsch, LaCava,

Abstain: Crisafi.

**3. Meeting Minutes Review and Approval: 02 June 2011**

**Approved Motion: Motion to approve the Minutes of June 2<sup>nd</sup> 2011, (LaCava/Fitzgerald, 11/0/2).**

In favor: Allen, Bond, Burstein, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Manno, Merten, Whittemore.

Abstain: Brady, Crisafi.

**4. Elected Officials Report - Information Only**

**A. Council District 2 - Councilmember Kevin Faulconer**

Rep: Katherine Miles, 619.236.6622, [kmiles@sandiego.gov](mailto:kmiles@sandiego.gov)

**Ms. Miles** reported two events of interest: 1. A community cleanup 27 Aug at the Sun Runner lot near Sea World Drive, for which flyers were provided, and 2. A new Farmers' Market, Tuesdays 2-6 PM at Bayard and Garnet.

**Trustee Gabsch** asked when Soledad Mountain Road was to be repaved. **Ms. Miles** said in October.

LJCPA Member **Don Schmidt** asked about an RV parking ordinance pending before the City Council. **Ms. Miles** said the Councilmember is pursuing a pilot project for parts of District 1, District 2, parts of District 6.

**B. Council District 1 - Councilmember Sherri Lightner**

Rep: Erin Demorest, 619.236.7762, [edemorest@sandiego.gov](mailto:edemorest@sandiego.gov)

**Ms. Demorest** was present but gave no report. **Councilmember Lightner** spoke later on Item 11.

**5. Non-Agenda Public Comment -- Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.**

**A. UCSD - Planner: Anu Delouri, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://commplan.ucsd.edu/>**

Ms. Delouri was not present. **President Crisafi** announced on her behalf that there are plans to modify structures at the SIO Research Support Facility in Seaweed Canyon. There will be a public meeting on 13 July at the La Jolla Shores Association meeting at Martin Johnson House at SIO at 7 PM.

**Don Schmidt**, LJCPA Member, asked **Trustee LaCava**, who represented LJCPA at the Community Planners Committee (CPC), about a draft policy discussed by CPC regarding demolition. **Trustee LaCava** said that CPC effort is to secure a stronger City policy with more severe penalties.

**Don Schmidt**, on behalf of the La Jolla Historical Society, asked for a representative of the LJCPA to attend their Preservation Committee, which meets next on Monday, 18 July at 11 AM.

**Brandon Wander**, a community member, commented on the problems at the site of a film production, "Real World", at 5212 Chelsea Street. This is a five-month project. It included modification of the house, and activity is disrupting the neighborhood. He objected that San Diego Film Commission did not involve prior community review.

**Matthew Anderson**, a community member, commented on the Torrey Pines Road corridor plan and in particular the traffic speed.

LJCPA member **Cynthia Thorsen** announced her candidacy for the vacant LJCPA Trustee seat.

## **6. Non-Agenda Items for Trustee Discussion**

Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

**Trustee La Cava** commented on the importance of general community fire safety and the difficulty establishing organized community program on fire safety.

**Trustee La Cava** announced that in the Redistricting Commission preliminary plan the Coast and Canyon plan, approved by LJCPA and other La Jolla groups, was recommended by the Commission staff for adoption.

**Trustee Merten** commented further on Mr. Wander's concern with the "Real World" film production and the application of zoning ordinances. **Trustee Costello** followed up to say he was told Code Enforcement will be looking into the situation. He added that most earlier film productions did not generate the problems of this production.

**Trustee Gabsch** brought to the Trustee's attention that the matter of revised valet parking arrangements on Prospect Street, which was heard at the April LJCPA meeting, did not come back to the Traffic & Transportation Board as requested. The community input on this was apparently disregarded.

**Trustee La Cava** commented on the Traffic & Transportation Board not functioning well and not following their by-laws.

**Action Item: Trustee Gabsch asked to have a future agenda item on seeking foundation support to enable tax-deductible donations to the LJCPA. Trustee Whittemore supported the suggestion.**

**Trustee La Cava**, on behalf of the election committee appointed last monthly meeting, announced that a special election for the vacant Trustee seat will be held at the next monthly meeting. He advised all present that any seeking to nominate one's self must do so before the end of the evening at this meeting. Furthermore, if none comes forward, LJCPA member Cynthia Thorsen, who announced her candidacy earlier in the meeting, will be running without opposition.

## **7. Officer's Reports**

### **A. Secretary: Dan Allen**

Presented by **President Crisafi**, for Secretary Dan Allen: If you want your attendance recorded today, please sign-in at the back of the room. You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become a Trustee. If you want your attendance recorded without signing-in at the back, then hand to me before the end of the meeting a piece of paper with your printed full

name, signature and a statement that you want your attendance recorded. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application, which is available at the membership table and on-line.

#### **B. Treasurer: Jim Fitzgerald**

Beginning of the June Balance: \$317.06 + Income \$142.73 – (Expenses \$152.21) = Ending Balance: \$307.58.  
Expenses include: Printing, telephone.

**Trustee Fitzgerald** reported that the contract has been signed and the rental paid for the use of the Recreation Center for the monthly meetings for the next 12 months. As a result, the current balance is \$25.58

**Trustee Fitzgerald** commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests: LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. All donations must be in cash to preserve anonymity.

***At this point in the meeting the agenda sequence was modified to present Item 11 out of order:***

#### **11. Torrey Pines Road Corridor**

Project Manager: Julio Fuentes, Senior Traffic Engineer, City of San Diego

Improvements to Torrey Pines Road between La Jolla Shores Drive and Prospect Place, including slope stabilization, beautification, and addition of sidewalks and bike lanes. Prioritization of one segment of the project to move forward to full design and construction.

**Councilmember Sherry Lightner and Mr. Fuentes** spoke summarizing the proposed improvements to Torrey Pines Road between Prospect Street and La Jolla Shores Drive addressing the issues and summarizing the recommendation that Segment 4 be given first priority in advancing the plan. **SDPD Lieutenant Rick O'Hanlon** elaborated on why the current speed limit of 35 MPH on Torrey Pines Road is un-enforcable.

LJCPA member **Phil Collier**, representing the La Jolla Merchants' Association commented on the importance of implementing the plan moreso for residents as well as visitors to the community who patronize local businesses.

LJCPA member **Robert Thiele**, who chaired the Torrey Pines Road Committee that prepared the initial proposal, presented a six-part supplementary action list concerning safety along the entire length of the corridor that he requested be placed in priority ahead of the planned implementation of Segment 4.

**Bob Collins**, a LJCPA member, spoke in support the recommendation that Segment 4 be given first priority in advancing the plan, pointing out that funds were available for part of the work in the City Capital Improvements Program.

**Joe Dicks**, a LJCPA member, representing the Traffic & Transportation Board clarified that their motion forwarded to the LJCPA is to go forward with Segment 4 first. The vote at the 23 June T&T meeting was 5-1-1.

Community member **Mr. (first name not noted) Nooravi** spoke to the importance of safety and specifically supported the narrowing of traffic lanes.

**Veronica Cushman**, a community member, brought up the issue of passage through from Torrey Pines Road to Roseland Drive on the north side. This has apparently been blocked off and should be open. **Councilmember Lightner** said she would look into this.

LJCPA members **Robert McCue** and **Suzanne Weisman** spoke in support of Robert Thiele's presentation.

**Trustee La Cava** expressed concern about coordination with a coincident storm drain project and stated support of Councilmember Lightner's comments in the La Jolla *Light*.

**Trustee Gabsch** asked about the enforceability of the speed limit during construction, and **Lieutenant O'Hanlon** said the speeding would then be enforcable but that it would not be strictly speed limit of 25 MPH.

**Trustee Lucas** spoke in favor of the safety steps presented by Robert Thiele.

**Trustee Allen** pointed out that the argument in favor of first implementing Segment 1 was based on the greatest degree of safety for the greatest number of persons, since that end of the corridor has the most sidewalk pedestrian traffic now and the largest concentration of residents who would use improved sidewalks.

**Trustee LaCava** made a motion, which he circulated in writing, which was seconded by **Trustee Manno**. **Councilmember Lightner** said she would prefer a simpler motion. **Trustee Brady** suggested dividing the motion. **Trustee LaCava** agreed.

**Trustee Gabsch** expressed concern about the impact of construction on the La Jolla business community. **Trustee Costello** responded that there was similar concern before construction of the traffic calming measures in Bird Rock but that the merchants and residents there generally feel the pain was worth the result. **Trustee Merten** pointed out that traffic engineers contend that the total flow of automobiles can increase when speeds are lower because car-to-car spacing decreases. **Trustee Brady** encouraged a unanimous vote of approval.

**Approved Motion: Moved that the La Jolla Community Planning Association supports the City's proposal to pursue Segment 4 as the first phase of the Torrey Pines Road Improvement Project, (LaCava/Manno, 14/0/0).**

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Crisafi, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Merten, Whittemore.

**Approved Motion: Moved that the La Jolla Community Planning Association recommends the following:**

- 1. The scope of Phase 1 of the Torrey Pines Road Improvement Project shall include:**
  - a. Councilmember Lightner's offer of two V-Calm signs (to be installed as soon as funding is secured) and**
  - b. a reduction in the width of the travel lanes over the entire length of the corridor to provide an important measure of traffic calming;**
- 2. Secure all permitting and environmental clearances for the entire scope of the project to facilitate subsequent phasing as well as opportunities for public-private partnerships;**
- 3. As soon as possible and no later than Phase 1 relocate all city-owned structures located within sidewalks and trim all vegetation that interferes with sidewalks and bike lanes;**
- 4. Improve coastal view access as called-out in the adopted La Jolla Community Plan and the Local Coastal Plan; and**
- 5. Improve the safety debris fences.**

**(LaCava/Manno, 13/0/1).**

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Merten, Whittemore.

Abstain: Crisafi.

**Trustee Lucas** asked a follow-up question whether the traffic signal at Princess Street is still in the Torrey Pines Road plan. The reply (*by unidentified Trustees*) was that the traffic signal was in the plan as approved by the Trustees (February 2007) and is understood to be as such in the plan subsequently approved by the City Council.

## **8. President's Report**

**A. Ad Hoc Committee on Operating Policies report – Information Only**

Chair: Devin Burnstein  
no report

**B. Item 33 of the 7th Update to the Land Development Code – information only**

Report: Joe LaCava

no report

**President Crisafi** reported he was notified today, 07 July 2011, that the LJCPA and the Trustees of the LJCPA should expect to be served with a lawsuit concerning the Whitney Mixed Use Project. **President Crisafi** has submitted a request for Defense and Indemnification under the terms of Ordinance O-19883 to San Diego City Attorney Jan Goldsmith.

## 9. **Consent Agenda** – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next CPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

### A. **Herschel Mixed Use Lofts – *Pulled by Trustee Gabsch***

**PDO ACTION: The Committee found the project in conformance with the PDO, 7-0-0.**

7844 Herschel Avenue - CDP, SDP & Map Waiver to waive the requirements of a TM to create 6 residential condos and 1 commercial condo by converting a portion of existing commercial space to 3 residential units and 1 commercial unit and construct 3 residential units on a 0.16 acre site

### B. **BMW/Builders Signage**

**PDO ACTION: The signage as presented conforms to the PDO, provided the awning does not exceed building height, and the signage is less than 102 sf., 9-0-0.**

Camino de la Costa & La Jolla Blvd - Awning renovation at the corner of the building and existing signage change.

### C. **Manzanita Cottage**

**DPR ACTION: Motion to approve the Coastal Development Permit and for a lot line adjustment at 1327 Coast Walk, 7-0-0**

1327 Coast Boulevard - Coastal Development Permit for a lot line adjustment (between Parcels 1 & 3) and a 370 SF addition to an existing cottage

### D. **Herschel Mixed Use Lofts – *Pulled by Trustee Costello***

**DPR ACTION: Motion to approve Coastal Development Permit, Site Development Permit & Map Waiver to create 5 residential condos and 1 commercial unit at 7844 Herschel Ave.**

7844 Herschel Avenue - CDP, SDP & Map Waiver to waive the requirements of a TM to create 6 residential condos and 1 commercial condo by converting a portion of existing commercial space to 3 residential units and 1 commercial unit and construct 3 residential units on a 0.16 acre site needs vote

### E. **Nooren Residence**

**PRC ACTION: Findings can be made for SDP & CDP based on the plans presented - dated 6/17/2011 and submitted to the City 6/28/11, 4-0-3**

8001 Calle de la Plata - Demolish an existing single family residence and construct a 2725 3,700 square foot, two-story single family residence over a 656 635 square foot garage on a 0.10 acre site.

## **Approved Motion: Motion:**

**To accept the recommendation of the Planned District Ordinance Committee: (B) BMW/Builders Signage: The signage as presented conforms to the PDO, provided the awning does not exceed building height, and the signage is less than 102 sf., and forward**



**the recommendation to the City.**

**To accept the recommendation of the Development Permit Review Committee: (C) Manzanita Cottage: Approve the Coastal Development Permit and for a lot line adjustment at 1327 Coast Walk, and forward the recommendation to the City.**

**To accept the recommendation of the LJ Shores Permit Review Committee: (E) Nooren Residence: Findings can be made for SDP & CDP based on the plans presented - dated 6/17/2011 and submitted to the City 6/28/11, and forward the recommendation to the City.**

**(Allen/Fitzgerald, 12/0/1)**

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Merten, Whittemore.

Abstain: Crisafi.

***At this point in the meeting the following, which had been Subitem F of Item 9, the Consent Agenda, was taken up separately at the request of Trustee Allen.***

**F. Consideration of Citywide residential floor area ratios of Chapter 13 of the San Diego Municipal Code should apply to La Jolla Shores Planned District.**

The PRC Committee recommends the LJCPA have a full hearing and discussion on the whether the underlying citywide FARs in all zones should be confirmed as applying in the La Jolla Shores Planned District. 5-0-1.

**Approved Motion: Moved to put on the agenda for next month the issue of whether the citywide residential floor area ratios should apply to La Jolla Shores Planned District, (Whittemore/Gabsch, 11/1/1)**

In favor: Allen, Bond, Brady, Burstein, Conboy, Costello, Fitzgerald, Gabsch, Lucas, Manno, Merten, Whittemore.

Opposed: LaCava

Abstain: Crisafi.

**10. Reports from Other Advisory Committees - Information only**

**A. La Jolla Community Parking District Advisory Board - Inactive**

**B. Coastal Access and Parking Board - Meets 1st Tues, 4pm, Rec. Center**

There were no reports.

**12. Kooklani I & II SCR – Planning Commission requests a recommendation from LJCPA & for July 21<sup>st</sup> Planning Commission hearing**

7451 and 7447 Hillside Drive - Substantial Conformance Review to CDP No. 9045 and La Jolla Shores Planned District Permit (LJSPDP) No. 9046 for the Kooklani I Residence; and CDP No. 9047 and LJSPDP No. 9048 for the Kooklani II Residence that includes revised architectural design for the two previously approved single family residences.

*PRC Action June 2011: The PRC voted 6-0-1 and 5-0-1 that it did not meet the SCR requirements --Prop D and other reasons.*

**Francisco Mendiola** of the firm ODGI was present to answer questions about the project.

**Trustee Merten** said that the drawings that indicated the project did not meet requirements had been since modified, and as a result there were no longer questions or concerns about the issues raised at PRC. **Trustee Whittemore** and **President Crisafi** concurred.

The following are the Proposition D data provided for the record:

Kooklani I: low datum point el. 442.0' and top of structure el. 481.5'

Kooklani II: low datum point el. 443.6' and top of structure el. 483.1'

**Trustee LaCava** commented this project has been in the process for four years and was finished in March. The City had not given us an opportunity in the last phase to review the plans for problems, which **President Crisafi** had discovered. Nevertheless, the review has gone well and confirms confidence in the process.

**Trustee Lucas** stated the project is essentially as approved previously.

**Approved Motion: Findings can be made for substantial conformance review of the design depicted on those drawings dated 05 July 2011, (Merten/Whittemore, 11/1/2).**

In favor: Bond, Brady, Conboy, Costello, Fitzgerald, LaCava, Lucas, Manno, Merten, Weiss, Whittemore.

Against: Allen.

Abstain: Gabsch, Crisafi.

**13. 8490 Whale Watch Way** - public review of Negative Declaration extended 14 days to July 12<sup>th</sup>  
Demolish an existing home and construct a new 12,716 sf single dwelling unit on a 0.46 acre site. This includes a 6241 sf first floor and 6,475 sf second floor.

*Previous PRC action April 2010: Motion to deny - Project does not conform to LJS PDO section 1510.0301(b), 3-1-1*

*Previous LJCPA action May 2010: Motion to accept PRC recommendation, 15-0-1*

*PRC Action June 2011: The PRC committee moves that the LJCPA send a letter to the Development Services Department taking exception to the City's Negative Declaration 5-1-1*

**James Brown** of the firm Public Architecture was present to answer questions about the project. He noted that the "design architect" is Zaha Hadid, internationally noted architect and Pritzker prize winner. This would be her first North American house. He emphasized comparison to similar existing houses in the immediate vicinity, which includes parts of the Montoro development. The project will also increase the view of the neighboring house to the southeast. The first presentation to planning groups was in 2008 and since then it has changed several times in response.

**Trustee Costello** commented that the overall problem with the design is that it is too large for the lot.

**Trustee Merten** distributed a six-page draft letter enumerating the flaws in the City's Draft Negative Declaration.

The PRC action and **Trustee Merten's** draft letter on the subject of the City's Draft Negative Declaration were discussed with comment by Trustees generally on the bulk and scale of the proposed house. **Trustees Costello, Conboy, LaCava, Fitzgerald, Lucas** and **Gabsch** participated in the discussion. LJCPA members **Bob Collins** and **Helen Boyden**, chair of the PRC, also commented.

**Approved Motion: Moved to accept the recommendation of the La Jolla Shored Permit Review Committee, and that the La Jolla Community Planning Association send a letter to the Development Services Department taking exception to the Negative Declaration and that that letter be substantial in form and content to the 07 July draft presented by Trustee Merten, (Whittemore/Brady, 10/2/2).**

In favor: Bond, Brady, Costello, Fitzgerald, Gabsch, Lucas, Manno, Merten, Weiss, Whittemore.

Against: Allen, Conboy.

Abstain: LaCava, Crisafi.

**14. Adjourn** at 9:22 PM. Next Regular Monthly Meeting, Aug. 4, 2011, 6:00 pm

## **D r a f t MINUTES: LA JOLLA TRAFFIC AND TRANSPORTATION - 6-23-11**

Present: Gabsch, LJCPA; Van Inwegan, LJTC; Hildt, LJTC; Lesser, LJSA (Chair); Courtney, LJCPA (Secretary); Brady (LVMA); Kelman (LVMA); Dicks (LJSA), Fulks (BRCC)

Meeting Commences 5:05 PM

George Sutton (BRCC) passed away

T&T PUBLIC COMMENT:

Item 1: **End of Summer Fire Run** – Street Closures on Prospect to Felspar:

**Motion to approve, Gabsch / Kelman (6-0-2) :**

Item 4: **Remove Red Curb - northbound La Jolla Blvd, Colima to Midway**

Joe La Cava presented.

**Motion to approve, Gabsch / Kelman Passed 7/6-0-0 (1)**

Public Comment:

Robert Thiele: Keep Clear on Pearl, how to request agenda item

Hillside Home Owner: Boulders falling on Torrey Pines Road need fencing / stabilization

Dan Courtney: Right turn only lane - middle lane of Torrey Pines at Pearl

Item 2: **2 hour Parking 8500 Block of Nottingham Place.**

Helen Boyden presented petition signed by 13 of 16 homeowners. or residents  
Requesting 2 hour parking limit 8500 Nottingham Place, 8AM - 6PM, Mon-Fri

**Motion to Approve: Gabsch/ Kelman (9-0-0)**

Item 3: **West Muirlands Speed Change**

SPDP Traffic Officer: Mark McCullough

Street currently posted with 25mph speed limit does not comply with 85th percentile and cannot be enforced

**Motion to raise speed limit from 25mph to 30mph on West Muirland from Fay to Nautilus (Kelman/Brady)**

**Motion Passed: (9-0-0).**

Kelman leaves 5:30 PM

Fulks leaves 5:30 PM

Recess 5:30 to 6:00 PM

Meeting re-commences at 6 PM for **Torrey Pines Road Corridor Project**

Introduction by Councilman Lightner

Officer McCullough : No place on TPR for police cars to be stationed for enforcement

Sherri Lightner: Trying to purchase V Calms, projected mid-2012  
North TPR St Louis into Village  
South side out of LJ at Amalfi

Decade long project

20 recommendations (21?)

60,000 ADT's

Concerned that further delays could jeopardize project

City engineers have recommended 4 segments and recommended Segment 4 first

Concerned with disruptions

Ranking by priority, creates problems

Supports Segment 4. Start at one end, bluff stabilization, tie into Throat landscaping, no property acquisition involved, longest segment with lowest cost

Develop and maintain momentum before project is shelved

Todd Lesser: Traffic control at one end. LJSA voted unanimously to support Segment 4, Merchants Association (7-0-7)

Ann Palmer-TPR: City recommendation, why?

Todd Lesser: City Council, Mayor, City staff support Segment 4

Sherry Nooravi: Cost over safety, minimize long-term construction, item has not been studied adequately,

Robert Thiele; Former chair of TPR coalition, supports Segment 4, requires MAD Maintenance Assessment District to pay for improvements,

Sherry Nooravi: Will eventually require MAD

Officer McCloughlan: Officers accelerating/decelerating through Segment 4

Susan McClennan: Hillside: Fencing helps retain boulders, needs to be extended sooner

Leigh Plesniak: 7720Torrey Pines. 21 items in City Council Resolution (SL Only 20 were unanimously approved by LJ Community groups)  
Segment 4 does little to improve walkability, more

Enrique Rayon, Amalfi St: Room for flexibility, can't wait for Move forward with light at Princess St.

Cathy Keyon, former director of SD Bicycle Coalition  
Segment 4 is least important, Suggests resolution to solicit funds for planning of

Joe LaCava: Birdrock: Doesn't know why we wasted 6 months of community time to study project, and now being told why we are suddenly out of time.

Start / stop, pick \$6 or \$7mil project, do what we have money for.

Todd Lesser: Beautification of La Jolla,

Phil Collier: LVMA: Merchants support walkability, There will never be \$26 mil. Supports Segment 4.

Who do I talk to about Coast Walk. Lesser: Send email to Todd:

Joe Dicks, has motion: **Motion to approve Segment 4 (Brady 2nd).**

Dan Courtney: Traffic calming and safety issues should be address first, rather than spending all funds on completing A-Z in one geographic segment. Residents of Torrey Pines Road cannot safely leave their driveways, homeowners on Calle Juella have to make a dangerous U-Turn on Torrey Pines Road at Roseland, we need an interval to safely cross Torrey Pines Road. Only a traffic signal can provide that interval. It seems like the entire process has been orchestrated to delay or avoid installing a traffic signal, even though it was approved by the San Diego City Council.

Tom Brady: Keep eye out for bicycle safety, expects merchants for Segment 4

Orrin Gabsch: To Julio: What are the odds we will go from Segment 4 to a segment other than 3?  
Traffic calming is a pipe dream, signal will not be a disruption, feels project could be a disaster for the community.

Joe Dicks, should not be afraid of project,

**Motion Passes: (5-1-1) Courtney Opposed, Gabsch Abstains**

**UNAPPROVED MINUTES OF THE LA JOLLA  
PLANNED DISTRICT ORDINANCE COMMITTEE  
July 11, 2011**

**Present: Steigler, Fitzgerald, Marengo, Rasmussen, Gabsch, Dershowitz, Fortune; Berwin. A quorum was established at 4 pm. Also present, Reza Ghasemi.**

**The June, 2011 minutes were approved 7-0-1 with no changes. There were no nonagenda items presented. All items on the agenda were Discussion Items.**

**Discussion Items:**

**Shared Parking Agreements & City Referrals to Community Groups/PDO Enforcement:**

How to enforce SPA's is the issue discussion ongoing. O. Gabsch will ask DSD Planner Chris Larsen about how these are traditionally enforced.

The City is also not requiring CPA/PDO reviews where signage and facades are changed. Applicants are not being told of the PDO requirements and then they are sometimes in violation of the PDO. This is also an enforcement issue, as the PDO Committee has not enforcement power, other than to make violation complaints and there is only one compliance officer for the entire city. For example, a recent new business was determined by the City not to be an intensification of use so it was allowed, but the reviewer did not refer significant signage and façade changes to the CPA/PDO Committees for community review nor inform the business on what is allowable.

The City also has no mechanism, since no permit is required, where a new paint color may be in violation of the PDO. Since there is no permit required, there is no mechanism to trigger the referral to the PDO jurisdiction and review. The PDO is part of the Land Use Code, so it applies even though review may not be triggered. An added encumbrance on enforcing the paint color selection is that the PDO references paint "chip colors" that are no longer available.

The PDO is not being uniformly enforced. What ends up happening is that those who do come to PDO are submitted to conformance process, while those who are not referred get away with violations because there is no enforcement mechanism. Legally, can the PDO be enforced if it is not equally applied, due to lack of Notice by the City? The PDO Committee is advisory only and can recommend Variance applications where an applicant wishes to avoid PDO issues. This is a difficult procedure (often avoided by applicants), but they can avoid enforcement issues later.

A-Frame signs violate the PDO, and most merchants do not know they are illegal; additionally there is no enforcement by the City, as the one compliance officer is concerned with safety issues. A-Frame signs may be a safety issue since they are often placed in the public right of way.

It was discussed that enforcement should be revenue-neutral (ie charge penalties to violators, to fund enforcement procedure). The PDO Committee should influence the City to enforce the PDO because it is the law.

**Chairperson's Draft Letter to the City re PDO Compliance and Means to Promote Enforcement (see May minutes):**

This proposed letter would deal with the enforcement issue, ie when a business is subject to a Complaint of PDO violation. Complaints can take two forms: 1) where a business does not obtain a permit (eg paint changes where no permit is required or simply avoiding a permit when one is required); 2) where a business does get a permit and the City does not refer a PDO issue to the Committee.

The letter should state the reasons for PDO action. Ms. Stiegler presented a draft letter (to be used in Bird Rock) for consideration. This letter would be provided to non-compliant businesses. The committee decided to not take this route and instead Orrin Gabsch is drafting a letter to Chris Larson at the city.

**Interaction with the new La Jolla Village Merchants Association**

The PDO Committee suggested preparation of an information packet for the LJVMA concerning PDO jurisdiction and refer businesses to the PDO language. This should be provided to Business License Applicants.

The meeting was adjourned at 5:00 p.m. The next PDO meeting is scheduled for August 8, 2011 at 4:00 p.m. at the La Jolla Recreation Center, Room 1.

Respectfully Submitted

*Glen Rasmussen, Secretary*

**LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE**  
LA JOLLA COMMUNITY PLANNING ASSOCIATION

**COMMITTEE REPORT**  
**FOR**  
**JULY 2011**

**7/12/2011 Present:** Benton (Chairman), Collins, Ducharme-Conboy, Costello, Hayes, Liera, Merten, Thorsen

**7/19/2011 Present:** Benton (Chairman), Collins, Ducharme-Conboy, Costello, Hayes, Liera, Merten, Thorsen

**1. AGENDA ITEM**

Elect a Chairman

Candidate: Paul Benton, Alcorn & Benton Architects

**Subcommittee Motion:** Motion to nominate Paul Benton for Chair of LJDPR.  
(Costello/Thorsen 7-0-1)

In Favor: Collins, Costello, DuCharme Conboy, Hayes, Liera, Merten, Thorsen

Oppose: 0

Abstain: 1 (Benton)

**Motion Passes**

**2. FINAL REVIEW**

Project Name: **THE HAMPTON**

Project #: 6005 Avenida Cresta  
PO#238250

Permits: CDP  
DPM: Sandra Teasley 619-446-5271  
steasley@sandiego.gov

Zone: RS-1-7  
Applicant: Lauren Jolin  
619-955-5397

Scope of Work:

(Process 2) Coastal Development Permit to construct a 3,291 SF single family residence on a vacant 0.12 acre site at 6005 Avenida Cresta in the RS-1-7 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking, Transit Area, Council District 1.

**Subcommittee Motion:** Motion that findings can be made to approve Coastal Development Permit to construct a single family residence at 6005 Avenida Cresta.  
(Collins/Thorsen 7-0-1)

In Favor: Benton, Collins, Ducharme-Conboy, Costello, Hayes, Merten, Thorsen

Oppose: 0

Abstain: 1 (Leira)

**Motion Passes**



### 3. PRELIMINARY REVIEW

*Note: Preliminary Reviews can be voted a Final Review by a unanimous DPR Committee approval.*

Project Name:	<b>HYDE RESIDENCE</b>	Permits:	CDP
	9735 La Jolla Farms Road	DPM:	Sandra Teasley 619-446-5271
Project #:	PO#237746		steasley@sandiego.gov
Zone:	Zone RS-1-2	Applicant:	Camila Van Bommel, Island Architects
			858-459-9291

Scope of Work:

(Process 3) Coastal Development Permit to demolish existing residence and construct a 8,175 SF two-story single family residence on a 1.10 acre site at 9735 La Jolla Farms Road in the RS-1-2 Zone within the La Jolla Community Plan, Coastal Overlay (appealable), Coastal Height Limit, First Public Roadway, Parking Impact, Residential Tandem parking, Council District 1.

**Subcommittee Motion:** Motion to combine Preliminary and Final Reviews.

(Merten/Costello 8-0-0)

In Favor: Benton, Collins, Ducharme-Conboy, Costello, Hayes, Liera, Merten, Thorsen

Oppose: 0

Abstain: 0

**Motion Passes**

**Subcommittee Motion:** Motion that findings can be made for a Coastal Development Permit to demolish existing residence and construct a 8,175 SF two-story single family residence at 9735 La Jolla Farms Road.

(Thorsen/ Ducharme-Conboy, 8-0-0)

In Favor: Benton, Collins, Ducharme-Conboy, Costello, Hayes, Liera, Merten, Thorsen

Oppose: 0

Abstain: 0

**Motion Passes**

### 4. PUBLIC DISCUSSION 7/12/11

#### **Topic: Preliminary/Final Review Policy**

Last meeting Ducharme-Conboy asked if there were ways we could assist or expedite projects being review in one session.

**Conboy:** what ways can we expedite? Become facilitators rather than inhibitors of projects. Clarify when will we vote Preliminary to Final Review? Last project all pieces in place to make a Final Review, but we did vote to make it Final. Should we ask applicants go door to door to meet with neighbors, give applicants a checklist as when Merten was Chair several years ago. Don't want to be seen as stumbling block to projects.

**Hayes:** some applicants arrive without proper preparation to give a good presentation, sometimes don't even indicate such items as height limitation, previous/proposed footprints.

**Thorsen:** two neighbors attended the last LJCPA meeting thinking we had passed this project and had questions for the LJCPA. Neighbors don't get their head around projects as fast as we do. The neighbors were told this project was to be presented at DPR again today. It just shows it is useful to have both Reviews. Neighbors are not construction professionals and require our help understanding the process and help in being engaged in the process.

**Costello:** raised issue of the "Incentive Based System" being introduced to LJCPA and how subcommittees could be an important part of review and appeals (Disclosure: Planning Com. Tim Golba, CPA Trustees Costello, Crisafi, Conboy, now Merten ). IE, Like Green Dragon Project, solve issues at subcommittee level.

**Hayes:** Would not like to see every project drag on like Green Dragon.

**Hayes:** If applicants contact us, can't we email a list of things to do, bring to Review?

**Conboy:** read Merten's Shores check list for applicants from four years ago. This helped applicants organize and obtain items to assist review. Applicants told about what items helpful for review.

**Conboy:** in line with what Mike is suggesting, offer an information only sort of pre-design consultation?

**Merten:** used to tell applicants about venue, 6-8 Members, 10-20 public, have boards, large photos, most important thing have copy of everything given to City. City used to have "Completeness Review".

**Hayes:** Sometimes people come with inadequately sized photos, etc.

**Costello:** is there a local architects organization/newsletter to inform about our procedure and announce willingness to have an information only review to identify conflict with Com. Plan?

**Merten:** when applicants call Tony Crisafi and then Paul Benton if they feel project may have issues, let applicant know they can get a quick informational presentation.

**Conboy:** how do we give a courtesy review without doing design by committee?

Benton; This check list would help us follow along to see if aspects are covered.

**Hayes:** Ask people to use large visible format.

**Benton:** can you forward Merten's and Morten's lists for our incorporation? Conboy: OK, forward to all Members? Yes. We will discuss the lists at the next meeting.

**Costello:** if Members have ideas to add to the "Incentive Based System" please sent them to me.

Merten: send applicant's list to neighbors, can save a lot of our time.

**Collins:** a lot of projects become complete remodel (by serial permitting) that started as a less than 50% rule. Can't we have the walls that are to remain from the first permit identified/ painted?

**Merten:** Joe LaCava had meetings with the City to look into serial permitting as a means of escaping Coastal Dev. Permit Review. Agreed that before a second permit was issued the City would look at permit history for issues that would need a CDP. It doesn't look like the City is doing this. Merten has examples of City Staff explaining how to avoid CDP.

## **5. PUBLIC DISCUSSION 7/19/11**

### **Topic: LJDPR applicant informational materials**

**Chairman Benton** presented proposed "LJDPR applicant informational materials" letter for discussion. To explain review process to applicants, used Merten's previous letter.

**Ducharme-Conboy** and **Costello** submitted written suggestions for the letter.

**Angeles Liera:** My experience working with development issues at the City, it is best to get developers, owners, architects early in the conceptual stages, help them identify issues and means to solutions. Worked successfully for the HRB through our Design Assistance Subcommittee. People who live in the project area know more than the Staff downtown. Subsequently, it was "formalized", now only those that have already submitted a project (finished with all the studies and expensive documentation!) can go to the committee, and by that time effort, cost and egos are heavily vested and there is little chance for change.

**Merten:** We could have a statement on the LJCPA website about possibly giving preliminary or courtesy reviews. The City does offer a preliminary review, for a fee, which I have not found very useful since Staff are reluctant to commit.

**LJCPA President Tony Crisafi:** This is a friendly, comprehensive letter. Mention the importance of contacting neighbors, meeting with them and resolving their concerns. We (at DPR) have helped find solutions for neighbors. Offer to help neighbors air concerns at DPR. Get approval of HOA? More of a check, not requirement.

**Merten:** CC&R's are private agreements.

**Benton:** We could take exception, in neighborhoods that were developed under CC&R's there is something in writing about what neighbors expect. CC&Rs could be an expression of Neighborhood Character.

CC&R issue could indicate Neighborhood Character. There are some wonderful old neighborhoods where something was done 50-100 years ago that is still alive today. We could consider if there is an existing pattern of Neighborhood Character.

**Merten:** give website address and section that contains the La Jolla Community Plan, for applicants and neighbors.

THE APPLICATION OF CITYWIDE BASE ZONE REGULATION  
OF FLOOR AREA RATIOS AND SETBACKS IN  
THE LA JOLLA SHORES PLANNED DISTRICT

The La Jolla Shores PDO (LJSPDO) was originally enacted in 1974. Part of its purpose was to adopt certain discretionary development controls in lieu of conventional zoning. Floor area ratios (FARs) and other land intensity issues were left to the judgment of the planning department with community input. After over 15 years of this experimental approach to development control, the planning department concluded that it would no longer exercise the discretion provided by the LJSPDO because there was constant discord between developers, the community and the Planning Department. Therefore, in the early 1990s an informal agreement was reached between the San Diego Planning Department and the leadership of La Jolla community groups that, pending the adoption of an updated planned district ordinance for La Jolla Shores, the floor area ratio of any residential development could not exceed .60. Pursuant to this agreement, the Planning Department issued a notice of responses to frequently asked questions dated July 1, 1993 stating the maximum FAR for the LJSPDO was .60. This change from purely discretionary review to fixed FARs was achieved in the revisions to the LJSPDO effective January 1, 2000. The newly revised LJSPDO of January 1, 2000 specifically incorporates Chapter 13 of the Land Development Code including Article 1, which adopts the citywide FARs and setbacks that are to be applied in the La Jolla Shores Planned District. Although the legislative intent is clear, the Planning Department, and now the Development Services Department, have failed to enforce the January 1, 2000 provisions of the LJSPDO. This failure to enforce the rules as clearly stated in the LJSPDO has arbitrarily deprived the citizens of La Jolla the zoning protection that was desired by the community, city staff and City Council.

Councilwoman Sherri Lightner, former Chair of the La Jolla Shores Association, has often pointed out the City's failure to properly enforce the FAR and setback provisions of the LJSPDO since the year 2000. In September 2006, a legal analysis was presented to the City Attorney's office detailing the provisions of the LJSPDO and presenting legal arguments requiring the application of citywide base zone FAR regulations in the La Jolla Shores Planned District. After over six months of consideration, former Deputy City Attorney Doug Humphreys and Kelly Broughton, then Deputy Director - Development Services Department, agreed, "the FARs in the La Jolla Shores Planned District should 'most logically' be governed by the underlying base zone."

On April 18, 2007 the City Attorney of San Diego issued a memorandum to the Director of Development Services directing the Development Services staff to apply the development regulations controlling the intensity of land use, specifically FARs and setbacks, as applied to residential base zones in Chapter 13 of the San Diego Municipal Code to the La Jolla Shores Planned District.

On April 26, 2007 Ms. Escobar-Eck, then Director of Development Services, raised a number of issues concerning the City Attorney's April 18 memorandum.

A document dated July 11, 2007 entitled "La Jolla Shores Planned District Ordinance, Discussion of Base Zone Regulations" rebuts each of the points raised by Ms. Escobar-Eck's April 26 memorandum.

A second memorandum from the City Attorney of San Diego dated November 10, 2008 purported to retract the City Attorney's April 18, 2007 Memorandum Regarding La Jolla Shores Planned District Ordinance. This memorandum was unsigned and never authorized.

Dated: June 28, 2011

Documents available upon request. Send request to [rwhittemore@san.rr.com](mailto:rwhittemore@san.rr.com)

BASE ZONE DEVELOPMENT REGULATIONS  
IN THE LA JOLLA SHORES PLANNED DISTRICT  
June 30, 2007

INTRODUCTION

The San Diego Municipal Code establishes base zones in Chapter 13, Article 1, Division 1. Base zones are intended to regulate uses; to minimize the adverse impacts of these uses; to regulate the zone density and intensity; to regulate the size of buildings; and to classify, regulate, and address the relationships of uses of land and buildings. (See §131.0101). Chapter 13, Article 1, Division 4 states that the purpose of residential base zones is to provide for areas of residential development at various specified densities throughout the City. It is intended that the residential zones reflect desired development patterns in existing neighborhoods while accommodating the need for future growth. See §131.0401). The purpose of RS (Residential—Single Unit) base zones is to provide appropriate regulations for the development of single dwelling units that accommodate a variety of lot sizes and residential dwelling types and which promote neighborhood quality, character and livability. It is intended that these zones provide for flexibility in development regulations that allow reasonable use of property while minimizing adverse impacts to adjacent properties. The RS zones are differentiated based on the minimum lot size and whether the premises is located in an urbanized community or a planned or future urbanizing community. (See §131.0403)

It is submitted that the residential base zone regulations regarding floor area ratios and height and setback limitations for an urbanized community as stated in Chapter 13, Article 1, Division 4 do, in fact, apply to development in the La Jolla Shores Planned District. It is further submitted that the residential base zone designations should be represented on the Official Zoning Maps of the City of San Diego and that City Officials should identify the residential base zone boundary as including the La Jolla Shores Planned District. “Where there is an obvious mistake that can be corrected by reference to documents on file or by reference to the legislative record, the City Manager may identify the zone boundary.” (See §131.0103(b)(5).

Point 1:

The User’s Guide of the San Diego Municipal Code Land Development Code states on page 7: “All private property in the city is in a base zone. Base zone designations identify the uses allowed on a property and the development regulations that apply to the property. The base zone is composed of four designators: The 1<sup>st</sup> designator is a letter that identifies one of five basic zone types -- agriculture (A), open

space (O), residential (R), commercial (C), or industrial (I).” See the following website link: <http://www.sandiego.gov/development-services/industry/pdf/landdevmanual/ldmusersguide.pdf>

The User’s Guide states on page 2 that: “Planned district ordinances are special zoning regulations that have been adopted by the City Council for certain geographic areas of the City. The planned districts have not been incorporated in the Land Development Code and remain in Chapter 10 [now chapter 15] of the Municipal Code. Although the planned districts remain in effect, where they rely on citywide zoning, subdivision, or building regulations, the new Chapter 11-14 regulations will apply and the planned districts have been amended to refer to the new chapters.”

Point 2:

Chapter 15, Article 1, Division 1 of the San Diego Municipal Code [see:<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter15/Ch15Art01Division01>] states at §151.0103: “Applicable Regulations (a) “The applicable zoning regulations in a Planned District are those included in the Planned District and any Land Development Code zoning regulations expressly incorporated into that Planned District. Planned District regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the Planned District regulations.”

Point 3:

The La Jolla Shores Planned District expressly incorporates Chapter 13, (Zones) of the Land Development Code (see §1510.0107). In fact, the La Jolla Shores Planned District expressly incorporates all of Chapter 11 (Land Development Prodecures); Chapter 12 (Land Development Reviews) and Chapter 13 (Zones). Chapter 15, Article 1, Division 1 at §151.0103(b) expressly requires all Planned Districts to follow the regulations of Land Development Code, Chapter 11 (Land Development Procedures) and Land Development Code, Chapter 12 (Land Development Reviews). But the La Jolla Shores Planned District went the additional step of including Land Development Code, Chapter 13 (Zones).

Furthermore, the inclusion of Chapter 13 of the Land Development Code in the La Jolla Shores Planned District occurred April 7, 1998 by O-18482 N.S.; effective 1-1-2000. Chapter 13, Article 1, Divisions 1 and 4 establishing base zones and residential base zones already existed (it was added 12-9-1997 by O-18451 N.S.; effective 1-1-2000). Clearly the City Council intended to include the development restrictions of Chapter 13 in the La Jolla Shores Planned District. Otherwise, why would the City Council specifically adopt Chapter 13 in its entirety?

Point 4:

Chapter 13, Article 1, Division 1 states at §131.0102: “On the effective date of Ordinance O-18691, (January 1, 2000) all zones that were established in Municipal Code Chapter 10, Article 1, Division 4 shall be amended and replaced with the base zones established in Chapter 13, Article 1, Divisions 1 through 6.” Former Chapter 10, Article 1, Division 4 includes at §101.0407 R-1 Zones and §101.0407.1 Redesignating R-1 Zones.

Point 5:

The La Jolla Shores Precise Plan of July 1976 states that approximately 96% of the total area is zoned for single-family use. The Precise Plan has a map showing the residential base zone designations in the La Jolla Shores area. The Precise Plan states: “Within these existing zones, permitted densities range from one unit per acre (R-1-40 in uplands) to 18 units per acre (R-4 – two lots only, adjacent to commercial zone).” See the residential zone designations on the La Jolla Shores Precise Plan map attached hereto as Exhibit 1. These are the underlying residential base zones in La Jolla Shores that have never been repealed.

Point 6:

§131.0403 (b) states: “The RS zones are differentiated based on the minimum lot size and whether the premises is located in an urbanized community or a planned or future urbanizing community, as follows: (1) Urbanized Communities

- RS-1-1 requires minimum 40,000-square-foot lots
- RS-1-2 requires minimum 20,000-square-foot lots
- RS-1-3 requires minimum 15,000-square-foot-lots
- RS-1-4 requires minimum 10,000-square-foot-lots
- RS-1-5 requires minimum 8,000-square-foot lots
- RS-1-6 requires minimum 6,000-square-foot lots
- RS-1-7 requires minimum 5,000-square-foot lots”

Point 7:

The residential base zones of Chapter 13, Article 1, Division 4 at §131.0415 apply in Urbanized Communities such as La Jolla Shores. Development Regulations of RS Zones are contained in §131.0430 et seq. For example, see §131.0431(b) table 131-14D regarding minimum lot sizes, setbacks and heights and §131.0446 regarding maximum floor area ratios in residential zones (the maximum permitted floor area ratio is based on the lot size in accordance with Table 131-04J).

Point 8: There is nothing inconsistent in the La Jolla Shores Planned District with the development regulations in the Land Development Code residential base zones. Thus, even though The La Jolla Shores Planned District supersedes any zoning regulations in the Land Development Code

that are inconsistent with the Planned District regulations, no such inconsistencies exist. The La Jolla Shores Planned District establishes a Single-Family (SF) Zone limiting construction to one family dwellings and other specified uses (see §1510.0303) and regulates dwelling unit density in the SF zone (see §1510.0304). But nothing in the La Jolla Shores Planned District regulates land use intensity, which is one of the purposes of base zones (see section 131.0101). Specifically, there is nothing in the La Jolla Shores Planned District that regulates land use intensity through such means as front or rear yard setbacks and floor area ratios. The regulation of land use intensity is left to Chapter 13 of the Land Development Code. The Single-Family (SF) Zone of the La Jolla Shores Planned District contains regulations that supplement, not replace, the regulations in the residential base zones of Chapter 13.

Furthermore, the general design regulations of the La Jolla Shores Planned District Ordinance at §1510.0301 concerning the character of the area, unity with variety, architectural unity in the area, building materials, roof pitches, colors, etc. are completely consistent with the development regulations of Chapter 13 of the Land Development Code.

Point 9:

The purpose and intent of the La Jolla Shores Planned District includes retaining and enhancing the open seascape orientation of the La Jolla Shores Area. The development of land in La Jolla Shores should be controlled so as to protect and enhance the area's unique ocean-oriented setting, architectural character and natural terrain and enable the area to maintain its distinctive identity as part of one of the outstanding residential areas of the Pacific Coast. The proper development of La Jolla Shores is in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego, of the La Jolla Community Plan, and of the La Jolla Shores Precise Plan. (See §1510.0101 Purpose and Intent).

The La Jolla Shores Precise Plan states on page 6 and 7: The established and designated single family areas should be retained for continued residential use at densities consistent with current development. These well-established single-family residential areas of La Jolla Shores, as shown on the adjacent map, have a long economic life ahead of them and possess a superior environment that should be preserved. Future pressures to change the density and character of these areas should be vigorously resisted. New residential structures should be carefully sited on their respective parcels so as to cause the least disruption of views and to blend with the architecture of neighboring structures and the community as a whole.



## CONCLUSION

- Over the past several decades the residents of La Jolla Shores have increasingly sought to control the development of housing in the area. Many are dismayed by the disregard of certain development regulations by the Development Services Department.
- This disregard is leading to the construction of dreaded “McMansions” with excessive and incompatible bulk and scale.
- It is simply not possible that the City Council intended to relax the rules concerning development in the La Jolla Shores with the enactment of the Land Development Code effective January of 2000.
- It is clear that the Official Zoning Maps should be corrected by City officials.
- The Development Services Department of the City of San Diego should be directed to apply the development regulations of residential base zones in Chapter 13 of the San Diego Municipal Code in the La Jolla Shores Planned District.

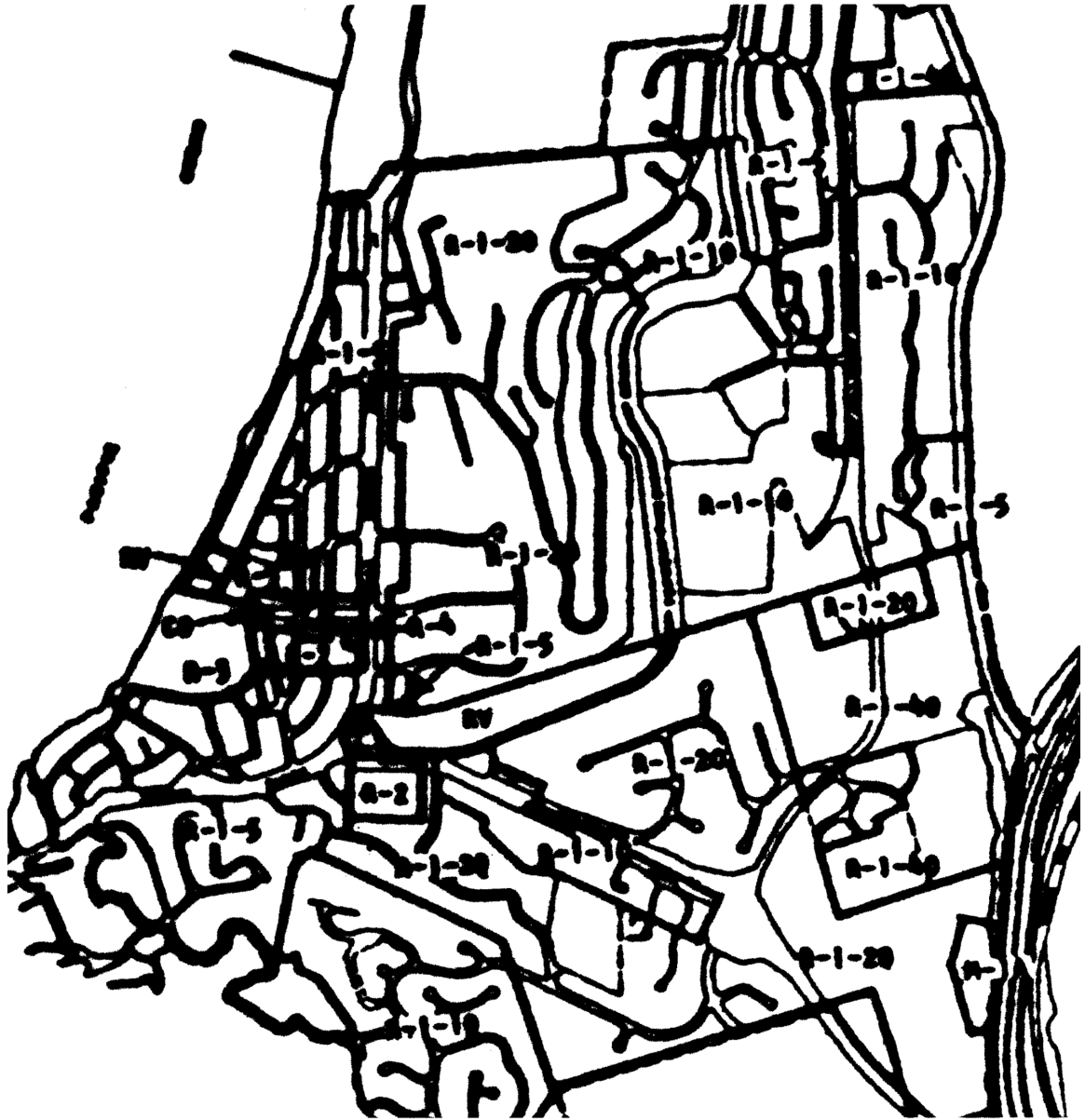


Exhibit 1

# User's Guide

## **HOW ARE PLANNED DISTRICT ORDINANCES AFFECTED BY THE LAND DEVELOPMENT CODE?**

Planned district ordinances are special zoning regulations that have been adopted by the City Council for certain geographic areas of the City. The planned districts have not been incorporated into the Land Development Code and remain in Chapter 10 of the Municipal Code. Although the planned districts remain in effect, where they rely on citywide zoning, subdivision, or building regulations, the new Chapter 11-14 regulations will apply and the planned districts have been amended to refer to the new chapters.

## **WHAT ARE BASE ZONES?**

All private property in the city is in a base zone. Base zone designations identify the uses allowed on a property and the development regulations that apply to the property. The base zone is composed of four designators:

- The 1st designator is a letter that identifies one of five basic zone types--agriculture (A), open space (O), residential (R), commercial (C), or industrial (I).



# San Diego Municipal Code

## Land Development Code

### §151.0103 Applicable Regulations

- (a) The applicable zoning regulations in a planned district are those included in the planned district and any Land Development Code zoning regulations expressly incorporated into that planned district. Planned district regulations shall supersede any zoning regulations in the Land Development Code that are inconsistent or not expressly incorporated into the planned district

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regulations. Within the Coastal Overlay Zone, exceptions to the standards in a planned district shall not be granted except as specifically provided for in the planned district. Subdivision, building, plumbing and mechanical, and electrical regulations are not zoning regulations for purposes of this section and are not superseded by adoption of a planned district.

- (b) The following regulations apply in all planned districts:
- (1) Land Development Code, Chapter 11 (Land Development Procedures);
  - (2) Land Development Code, Chapter 12 (Land Development Reviews); and

**Article 10: La Jolla Shores Planned District**

*("La Jolla Shores Planned District" added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.)*

**Division 1: General Rules**

*("General Rules" added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.)*

**§1510.0101 Purpose and Intent**

- (a) The public health, safety, and welfare require that property in La Jolla Shores shall be protected from impairment in value and that the distinctive residential character and the open seascape orientation of the La Jolla Shores Area shall be retained and enhanced.
- (b) The development of land in La Jolla Shores should be controlled so as to protect and enhance the area's unique ocean-oriented setting, architectural character and natural terrain and enable the area to maintain its distinctive identity as part of one of the outstanding residential areas of the Pacific Coast. The proper development of La Jolla Shores is in keeping with the objectives and proposals of the Progress Guide and General Plan for the City of San Diego, of the La Jolla Community Plan, and of the La Jolla Shores Precise Plan.

*("Purpose and Intent" added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.)*

**§1510.0107 Applicable Regulations**

- (a) Where not otherwise specified in the La Jolla Shores Planned District, the following provisions of the Land Development Code apply:

Chapter 11 (Land Development Procedures);

Chapter 12 (Land Development Reviews);

Chapter 13, (Zones);

Chapter 14, Article 2, Division 1 (Grading Regulations);

Chapter 14, Article 2, Division 2 (Drainage Regulations);

Chapter 14, Article 2, Division 5 (Parking Regulations);

Chapter 14, Article 2, Division 6 (Public Facility Regulations);

Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);

Chapter 14, Article 3 (Supplemental Development Regulations);

Chapter 14, Article 4 (Subdivision Regulations);

Chapter 14, Article 5 (Building Regulations);

Chapter 14, Article 6 (Electrical Regulations); and

Chapter 14, Article 7 (Plumbing and Mechanical Regulations).

- (b) Where there is a conflict between the Land Development Code and the La Jolla Shores Planned District Ordinance, the Planned District Ordinance applies. In addition, Municipal Code Section 151.0401(b), which provides regulations for limited uses, applies in the La Jolla Shores Planned District, but Section 151.0401(c), (d), (e), and (f), which permits Neighborhood Use Permits and Conditional Use Permits, does not apply.

*("Applicable Regulations" added 3-27-2007 by O-19587 N.S.; effective 4-26-2007.)*

## Chapter 13

### Zones

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### Article 1: Base Zones

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

##### Division 1: General Rules for Base Zones

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §131.0101 Purpose of Base Zones

The purpose of this article is to establish base zones to help ensure that land uses within the City are properly located and that adequate space is provided for each type of *development* identified. Base zones are intended to regulate uses; to minimize the adverse impacts of these uses; to regulate the zone *density* and intensity; to regulate the size of buildings; and to classify, regulate, and address the relationships of uses of land and buildings.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### §131.0401 Purpose of Residential Zones

The purpose of the residential zones is to provide for areas of residential *development* at various specified densities throughout the City. The residential zones are intended to accommodate a variety of housing types and to encourage the provision of housing for all citizens of San Diego. It is also intended that the residential zones reflect desired *development* patterns in existing neighborhoods while accommodating the need for future growth.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(b) The RS zones are differentiated based on the minimum *lot* size and whether the *premises* is located in an urbanized community or a planned or future urbanizing community, as follows:

(1) Urbanized Communities

- RS-1-1 requires minimum 40,000-square-foot *lots*
- RS-1-2 requires minimum 20,000-square-foot *lots*
- RS-1-3 requires minimum 15,000-square-foot *lots*
- RS-1-4 requires minimum 10,000-square-foot *lots*

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- RS-1-5 requires minimum 8,000-square-foot *lots*
- RS-1-6 requires minimum 6,000-square-foot *lots*
- RS-1-7 requires minimum 5,000-square-foot *lots*

(b) RS Zones

**Table 131-04D  
Development Regulations of RS Zones**

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
	1st & 2nd >>	RS-						
	3rd >>	1-	1-	1-	1-	1-	1-	1-
	4th >>	1	2	3	4	5	6	7
<b>Max permitted density (DU per lot)</b>		1	1	1	1	1	1	1
<b>Min lot area (sf)</b>		40,000	20,000	15,000	10,000	8,000	6,000	5,000
<b>Min lot dimensions</b>								
Lot width (ft)		100	80	75	65	60	60	50
Street frontage (ft) [See Section 131.0442(a)]		100	80	75	65	60	60	50
Lot width (corner) (ft)		110	85	80	70	65	65	55
Lot depth (ft)		100	100	100	100	100	95	95
<b>Setback requirements</b>								
Min Front setback (ft) [See Section 131.0443(a)(1)]		25 <sup>(1)</sup>	25 <sup>(1)</sup>	20 <sup>(1)</sup>	20 <sup>(1)</sup>	20 <sup>(1)</sup>	15 <sup>(1)</sup>	15 <sup>(1)</sup>
Min Side setback (ft)		10 <sup>(2)</sup>	10 <sup>(2)</sup>	6 <sup>(2)</sup>	6 <sup>(2)</sup>	6 <sup>(2)</sup>	5 <sup>(2)</sup>	4 <sup>(2)</sup>
Min Street side setback (ft)		10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>	10 <sup>(2)</sup>
Min Rear setback (ft)		25 <sup>(3)</sup>	25 <sup>(3)</sup>	20 <sup>(3)</sup>	20 <sup>(3)</sup>	20 <sup>(3)</sup>	15 <sup>(3)</sup>	13 <sup>(3)</sup>
Setback requirements for resubdivided corner lots [See Section 131.0443(i)]		applies	applies	applies	applies	applies	applies	applies
Max structure height (ft)		24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>	24/30 <sup>(4)</sup>



Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator		Zones						
	1st & 2nd =>		RS-						
	3rd =>	1-	1-	1-	1-	1-	1-	1-	
	4th =>	1	2	3	4	5	6	7	
<i>Lot coverage for sloping lots</i> [See Section 131.0445(a)]	applies	applies	applies	applies	applies	applies	applies	applies	
<i>Max floor area ratio</i>	0.45	varies <sup>(3)</sup>	varies <sup>(3)</sup>	varies <sup>(3)</sup>	varies <sup>(3)</sup>	varies <sup>(3)</sup>	varies <sup>(3)</sup>	varies <sup>(3)</sup>	
<i>Max paving/ hardscape</i> [See Section 131.0447]	applies	applies	applies	applies	applies	applies	applies	applies	
<i>Accessory uses and structures</i> [See Section 131.0448 (a),(b)]	applies	applies	applies	applies	applies	applies	applies	applies	
<i>Garage regulations</i> [See Section 131.0449(a)]	applies	applies	applies	applies	applies	applies	applies	applies	
<i>Building spacing</i> [See Section 131.0450]	applies	applies	applies	applies	applies	applies	applies	applies	
<i>Max third story dimensions</i> [See Section 131.0460]	--	applies	applies	applies	applies	applies	applies	applies	
<i>Architectural projections and encroachments</i> [See Section 131.0461(a)]	applies	applies	applies	applies	applies	applies	applies	applies	
<i>Supplemental requirements</i> [See Section 131.0464(a)]	applies	applies	applies	applies	applies	applies	applies	applies	
<i>Diagonal plan dimension</i> [See Section 131.0465]	--	--	--	--	--	--	--	applies	

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator		Zones							
	1st & 2nd =>		RS-							
	3rd =>	1-	1-	1-	1-	1-	1-	1-	1-	
	4th =>	8	9	10	11	12	13	14		
<i>Max permitted density (DU per lot)</i>	1	1	1	1	1	1	1	1		
<i>Min lot area (sf)</i>	40,000	20,000	15,000	10,000	8,000	6,000	5,000			
<i>Min lot dimensions</i>										
<i>Lot width (ft)</i>	100	80	75	65	60	60	50			
<i>street frontage (ft)</i> [See Section 131.0442(a)]	100	80	75	65	60	60	50			
<i>Lot width (corner) (ft)</i>	110	85	80	70	65	65	55			
<i>Lot depth (ft)</i>	100	100	100	100	100	95	95			
<i>Setback requirements</i>										
<i>Min Front setback (ft)</i> [See Section 131.0443(a)(1)]	25	25	25	20	15	15	15			
<i>Min Side setback (ft)</i>	10	8	7	6	5	5	4			
<i>Min Street side setback (ft)</i>	20	15	15	10	10	10	10			
<i>Min Rear setback (ft)</i>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>	10 <sup>(6)</sup>			
<i>Setback requirements for resubdivided corner lots</i> [See Section 131.0443(i)]	applies	applies	applies	applies	applies	applies	applies			
<i>Max structure height (ft)</i>	35	35	35	35	35	35	35			
<i>Lot coverage for sloping lots</i> [See Section 131.0445(a)]	-	-	-	-	-	-	-			
<i>Max floor area ratio</i> [See Section 131.0446(b)]	0.45	0.60	0.60	0.60	0.60	0.60	0.60			

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone Designator	Zones						
		RS-						
	1st & 2nd =>	1-	1-	1-	1-	1-	1-	1-
	3rd =>	8	9	10	11	12	13	14
	4th =>							
Max paving/ hardscape [See Section 131.0447]		applies	applies	applies	applies	applies	applies	applies
Accessory uses and structures [See Section 131.0448 (a),(b)]		applies	applies	applies	applies	applies	applies	applies
Garage regulations [See Section 131.0449(a)]		applies	applies	applies	applies	applies	applies	applies
Building spacing [See Section 131.0450]		applies	applies	applies	applies	applies	applies	applies
Max third story dimensions		-	-	-	-	-	-	-
Architectural projections and encroachments [See Section 131.0461(x)]		applies	applies	applies	applies	applies	applies	applies
Supplemental requirements [See Section 131.0464(a)]		applies	applies	applies	applies	applies	applies	applies
Diagonal plan dimension		-	-	-	-	-	-	-

Footnotes for Table 131-04D

- 1 See Section 131.0443(a)(2).
- 2 See Section 131.0443(a)(3).
- 3 See Section 131.0443(a)(4).
- 4 See Section 131.0444(b).
- 5 See Section 131.0446(a).
- 6 See Section 131.0443(a)(5).

(c) RX Zones

Table 131-04E  
Development Regulations of RX Zones

Development Regulations [See Section 131.0430 for Development Regulations of Residential Zones]	Zone designator	Zones	
		RX-	
	1st & 2nd =>	3rd =>	4th =>
Maximum permitted density (DU per lot)		1	1
Min lot area (sq ft) [See Section 131.0441]		4,000	3,000
Min lot dimensions:			
Lot width (ft)		35	35 <sup>(1)</sup>
street frontage (ft) [See Section 131.0443(b)]		35	35 <sup>(1)</sup>
Lot width (corner) (ft)		35	35 <sup>(1)</sup>
Lot depth (ft)		30	30

**§131.0446 Maximum Floor Area Ratio in Residential Zones**

(a) *Floor Area Ratio* for the RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones

(1) The maximum permitted *floor area ratio* is based on the lot area in accordance with Table 131-04J:

**Table 131-04J  
Maximum Floor Area Ratio in RS-1-2, RS-1-3, RS-1-4, RS-1-5, RS-1-6, RS-1-7 Zones**

Lot Area (square feet)	Floor Area Ratio
3,000 and less	0.70
3,001 - 4,000	0.65
4,001 - 5,000	0.60
5,001 - 6,000	0.59
6,001 - 7,000	0.58
7,001 - 8,000	0.57
8,001 - 9,000	0.56
9,001 - 10,000	0.55
10,001 - 11,000	0.54
11,001 - 12,000	0.53
12,001 - 13,000	0.52
13,001 - 14,000	0.51
14,001 - 15,000	0.50
15,001 - 16,000	0.49
16,001 - 17,000	0.48
17,001 - 18,000	0.47
18,001 - 19,000	0.46
19,001 and greater	0.45

QUOTES RE APPLICATION OF BASE ZONES  
IN THE LA JOLLA SHORES PLANNED DISTRICT  
March 3, 2007

William Eigner, Partner, Procopio, Cory, Hargreaves & Savitch, in his letter dated January 19, 2007 addressed to Douglas Humphreys, Deputy City Attorney:

“I have personally reviewed the base zone analysis and can find no flaw with its argument. It seems obvious that there has been an oversight. And it is an oversight of major proportions and of great concern to La Jollans in general and residents of La Jolla Shores in particular.”

Larry Keller, Attorney, Architect, Former Member, Board of Zoning Appeals, City of San Diego, in his email addressed to Rob Whittemore dated October 18, 2006:

“Not specifying an FAR limit in the PDO is not the same as saying there is no limit. The new city-wide Land Development Code establishing base zones states clearly that 1) "ALL private property in the city is in a base zone.", 2) "Planned District regulations shall supersede any zoning regulations in the Land Development Code that are INCONSISTENT (with the base zone regulations) ....", and 3) the Land Development Code sets out a detailed system for determining FARs and setbacks where the PDO is NOT inconsistent. In this case, the PDO is silent on FARs and setbacks. That is NOT "inconsistent." It is absent. If the PDO specified some other FARs or setbacks or expressly stated that there are none, THAT would be "inconsistent" and the PDO would prevail. Since that is NOT the case here, the Land Development Code's base zone requirements would clearly apply. To think that either the Development Services Dept. or the City Council intended that development in La Jolla Shores would have no limit on FARs or setbacks, which would allow wall-to-wall development to the maximum height limit, is absurd and totally incompatible with the "Purpose and Intent" statement of the opening paragraph of the LJSPDO. That's the detailed argument and I think it's incontrovertible.”

Douglas Humphreys, Former Deputy City Attorney in his email addressed to Attorney William W. Eigner, dated February 1, 2007:

“Thank you for your very thorough look through at the documents related to the issues we have discussed regarding the la Jolla Shores FAR. I have had a chance to review them and to meet with Kelly Broughton, Development Services Deputy Director.

“We both agree with you that the FARs in the La Jolla Shores Planned District should ‘most logically’ be governed by the underlying base zone.

“I believe that you and your client [Rob Whitemore] have raised a legitimate issue related to the FAR’s in La Jolla Shores, and am confident that the matter will be resolved.”

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM**

**DATE:** April 18, 2007  
**TO:** Marcella Escobar-Eck, Director, Development Services  
**FROM:** City Attorney  
**SUBJECT:** La Jolla Shores Planned District Ordinance

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It should be a pleasure and a relief to find a San Diego community that is in 100 percent agreement with all laws that govern it, a community that wants to abide by those laws in both letter and spirit. We are blessed with such a community, namely, the residents of the La Jolla Shores Planned District.

Nevertheless, the Development Services Department [DSD] staff is not in tune with the perfect harmony of the community and the two code sections that govern it. Instead they - alone - raise the phantom issue of whether the La Jolla Shores Planned District Ordinance [LJSPDO] found at Chapter 10 of the Municipal Code is in conflict with the Land Development Code [LDC] found at Chapter 13 of the Municipal Code with respect to residential setbacks and floor area ratios.

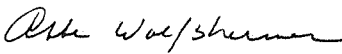
This is a non-issue. There is no conflict between these code sections. For the following reasons:

1. Chapter 10 (§ 103.0109 (b)) requires all planned districts to follow the regulations of the Land Development Code.
2. The LJPDO, by ordinance, incorporates the LDC and specifically Chapter 13 (O-18482 N.S., 1-1-2000).
3. Chapter 13 requires all zones in Chapter 10 to be amended and replaced with those established by Chapter 13 (O-18691 N.S., 1-1-2000).
4. Chapter 13, not the LJSPDO, regulates land use intensity.

Marcella Escobar-Eck, Director, Development Services  
April 18, 2007  
Page 2

We therefore recommend that DSD staff follow the law, that it be directed to apply the development regulations of residential base zones in Chapter 13 to the LJSPDO. We also recommend that, to avoid further discussion of this non-issue, the city zoning map be corrected to reflect the requirements of the ordinances herein cited.

MICHAEL J. AGUIRRE, City Attorney

By   
Abbe Wolfsheimer  
Deputy City Attorney

AW:kat

cc: Honorable Mayor and City Council  
La Jolla Community Planning Association

**PDO**  
Planned  
District  
Ordinance

**La Jolla Shores**



CITY OF SAN DIEGO  
Planning Department

*The La Jolla Shores PDO was designed to protect and enhance the area's unique ocean-oriented setting, architectural character and natural terrain, and to maintain its distinctive identity as part of one of the outstanding residential communities of the Pacific Coast.*

*The following set of frequently asked questions and steps involved in the development process has been compiled by Planning Department staff for use by our valued customers.*

**What are the setback requirements for my property?**

- Building and structure setbacks must be in general conformity to those in the site vicinity. **A four-foot interior sideyard is required as a minimum.** Guidelines used in the Planning Department review process are those applying to residential zones in the City of San Diego as follows:

Lot Size	Front Yard	Side Yard Interior	Side Yard Street	Rear Yard
5,000	15	4	10	4
6,000	15	5	10	5
8,000	15	5	10	5
10,000	20	6	10	6
15,000	25	7	15	7
20,000	25	8	15	8
40,000	25	10	20	10

→ What is the maximum FAR (Floor Area Ratio) and coverage requirements for my property?

- • FAR: .60 (total area of bldg. + total lot area)
- COVERAGE: 60% (footprint of bldg. + total lot area)

**What is the maximum building height limit?**

- 30 feet as measured from existing or pre-existing grade, whichever is the lowest, up to the highest point of the structure; however, 24 feet is recommended by the La Jolla Shores Association.

**How do I develop my property within the guidelines for the La Jolla Shores PDO?**

A pre-application meeting with the La Jolla Shores planner is strongly recommended as some of

(continued)



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the minor projects can be exempted from this process. Walk-in hours are 1:30 p.m. – 4:30 p.m., Monday – Friday. The process is as follows:

- Complete the La Jolla Shores PDO application and possibly a coastal application.
- Make an appointment with the Intake Section to submit application. Call one of the four phone numbers on the Development Permit application for an appointment.
- Application is reviewed by the La Jolla Shores planner and other City departments and community groups
- The La Jolla Shores planner and the applicant present the project to the La Jolla Shores Advisory Board which gives the Planning Department a recommendation. This recommendation is presented at the scheduled Planning Director Hearing.
- When a Planning Director Hearing is conducted, the decision can be appealed to the Planning Commission within 10 calendar days. The project is then scheduled for a Planning Commission hearing.
- The project is heard at the Planning Commission level. That decision can also be appealed within 10 calendar days to the City Council.
- The decision of the City Council is final.

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*A copy of the PDO and the La Jolla Shores Design Manual may be purchased at the Planning Department Publications Counter First Floor Lobby.*