



# La Jolla Community Planning Association

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

## Contact Us

Mail: PO Box 889, La Jolla, CA 92038

Web: <http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

Email: [info@LaJollaCPA.org](mailto:info@LaJollaCPA.org)

President: Joe LaCava

Vice President: Bob Steck

2<sup>nd</sup> Vice President: Patrick Ahern

Secretary: Helen Boyden

Treasurer: Nancy Manno

## D R A F T AGENDA

### Regular Meeting | Thursday, 4 December 2014, 6:00 pm

6:00pm

#### 1.0 Welcome and Call To Order: Joe LaCava, President

→ Please turn off or silence mobile phones

→ Meeting is being recorded

#### 2.0 Adopt the Agenda

#### 3.0 Meeting Minutes Review and Approval: 6 November 2014

#### 4.0 Elected Officials – Information Only

4.1 Council District 1 – Council President Pro Tem Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, [JGarver@sandiego.gov](mailto:JGarver@sandiego.gov)

4.2 Mayor's Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, [FBarraza@sandiego.gov](mailto:FBarraza@sandiego.gov)

4.3 39<sup>th</sup> Senate District – State Senator Marty Block

Rep: **Hilary Nemchik** [Hilary.Nemchik@sen.ca.gov](mailto:Hilary.Nemchik@sen.ca.gov), 619-645-3133

4.4 78<sup>th</sup> Assembly District – Speaker of the Assembly Toni Atkins

Rep: **Toni Duran**, 619-645-3090, [Toni.Duran@asm.ca.gov](mailto:Toni.Duran@asm.ca.gov)

#### 5.0 Non-Agenda Comment

Opportunity for public to speak on matters not on the agenda & within LJCPA jurisdiction, 2 minutes or less.

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

#### 6.0 Trustee Comment

Opportunity for trustees to comment on matters not on the agenda and within LJCPA jurisdiction, minutes or less.

#### 7.0 Officers' Reports

7.1 **Secretary**

7.2 **Treasurer**

#### 8.0 President's Report – Information only unless otherwise noted.

8.1 **Scripps Park Pavilion** – Workshop, Mon, Dec 8th, 5:15pm, Recreation Center

8.2 **Finding of Vacancy** – Trustee Dan Courtney terms out (To be filled at March Annual Election)

8.3 **Collective Concurrence** – Responding to Complaint

8.4 **January Meeting** – Rescheduled to **Monday, January 5<sup>th</sup>** due to New Year's Day

8.5 **Recent Attendance** – 92 at special meeting, 116 at November meeting

8.6 **Annual Elections: March 2015**

Consider running! Encourage your neighbors and colleagues. Recruit community voices.

Must be a Member and attend at least 3 LJCPA meetings between Mar 2014 and Feb 2015.

Check attendance records at: <http://www.lajollacpa.org/members.html>

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.

**9.0 REPORTS FROM AD HOC and NON-LJCPA COMMITTEES** - Information only unless noted.

**9.1 Election Committee**

**9.2 Community Planners Committee** <http://www.sandiego.gov/planning/community/cpc/index.shtml>

- i. Pure Water San Diego <http://www.sandiego.gov/water/purewater/purewatersd/index.shtml>
- ii. Small Lot Ordinance <http://www.sandiego.gov/development-services/industry/landdevcode/index.shtml#projects>
- iii. LDC Update #9 <http://www.sandiego.gov/development-services/industry/landdevcode/index.shtml#projectsOpen>

**9.3 Coastal Access & Parking Board** <http://www.lajollacpa.org/cap.html>

**10.0 Consent Agenda – Consider Joint Committee and Board Recommendations**

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

→ **Anyone may request a consent item be pulled for full discussion by the LJCPA.**

→ **Items “pulled” from Consent Agenda are automatically trailed to the next LJCPA meeting.**

→ **See Committee minutes for description of projects, deliberations and vote.**

→ **The public is encouraged to attend and participate in Joint Committee & Board meetings.**

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4:00 pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4:00 pm

PRC – LJ Shores Permit Review Committee, Interim Chair Phil Merten, 4th Tues, 4:00 pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4:00 pm

No T&T Meeting in November

**10.1 Gambucci Fashion Boutique Storefront, 7656 Girard Street**

PDO Motion: Sign, as presented, complies with all PDO requirements. 7-0-0.

**10.2 Limber CDP/SDP, 303 Vista de la Playa**

DPR Motion (Oct 2014): Findings CAN be made for a Coastal Development Permit and Site Development Permit (Process 3) to remodel an existing single family residence with a 355 sq ft addition. Garage addition of 76 sq ft, & second-story, 688 sq ft guest quarters above the garage at 303 Vista de la Playa. 4-0-3.

**10.3 Eads Avenue CDP/TM, 7330 Eads Avenue**

DPR Motion (Oct 2014): Findings CAN be made for a Tentative Parcel Map and Coastal Development Permit to create 2 condominium residential units at 7330 Eads Avenue. 7-0-0.

**10.4 Haudenschild Gate SCR, 1860 La Jolla Rancho Road**

DPR Motion: Findings CAN be made that the proposed modified gate and portal is in Substantial Conformance with the previously issued Coastal Development Permit and Site Development Permit / Project No. 313059, at 1860 La Jolla Rancho Road. 5-1-1.

**10.5 Verizon Mandell (Allen Field), 3908 Torrey Pines Road**

PRC Motion: The findings CANNOT be made for the requested permits because it is contrary to LJSPDO Secs. §1510.0311 Public Park Area and §1510.0107 Applicable Regulations (in a conflict, LJSPDO takes precedence over Land Development Code). 5-0-1.

**10.6 ~~Fentisova Residence MND, 8374 Paseo del Ocase~~**

~~PRC Motion: The draft MND for the Fentisova residence is in error because the Initial Study Checklist contained in the MND is in error in the manner indicated immediately below. 6-0-0.~~

*Matter deferred to the LJCPA’s January meeting as City of San Diego revised MND comment deadline from December 5 to January 9 2015. This will allow PRC to consider the project plans, originally scheduled for November, at their December meeting pursuant to the applicant’s request and for the LJCPA to bundle action on the project and the MND at the LJCPA’s January meeting.*

### **11.0 WWW Residence, 8490 Whale Watch Way – Action Item**

PROCESS 3 - CDP and SDP to demolish an existing single family residence and construct a 7,001 two-story, over basement, single family residence on a 20,093 sf lot. The site is located in the Single Family Zone of the La Jolla Shores Planned District, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking. The matter is returning to the LJCPA at the direction of the Planning Commission to consider a modified design of the project which is on file with the City. The above statistics remain unchanged under the modified design.

*Previous PRC Action (Nov '14) - Findings cannot be made for a Site Development Permit or a Coastal Development Permit for Project No. 328415. It is not compatible with the neighborhood in form, bulk and scale. The size, form, and relationship of the proposed project will disrupt the architectural unity of the neighborhood, based on the presentation, drawings and information presented on November 19. 5-2-1.*

*Previous Planning Commission Action (Oct '14) – To continue item to allow applicant to make changes and present to the LJCPA for consideration.*

*Previous LJCPA Action (Jul '14) – Appealed Hearing Officer decision.*

*Previous City Action (Jun '14) – Hearing Officer approved project.*

*Previous LJCPA Action (Feb '14) – Ratify PRC action, 15-0-1.*

*Previous PRC Action (Jan '14) – Findings cannot be made, 5-0.*

### **12.0 Monarch Cottages, 7630 Fay Avenue – Action Item**

(PROCESS 4) CDP/SDP to amend CDP 201667 & SDP 206622 and a Conditional Use Permit (CUP) for a proposed 26-unit Residential Care Facility, within an existing 2-story building. The site is located in Zone 3 of the La Jolla Planned District, Coastal Overlay (Area 2), Coastal Height Limitation Overlay, Parking Impact Overlay zones.

→ See documents on-line at <http://www.lajollacpa.org/projects.html>

*Previous LJCPA Action (Nov '14) – Pulled from Consent Agenda.*

*Previous DPR Action (Oct '14) – Recommend approval. 5-0-1.*

*Previous PDO Action (Oct '14) – Cannot make findings. 6-0-2.*

### **13.0 Klinkov Residence, 5915 Camino de la Costa – Action Item**

PROCESS 3 - Coastal Development Permit for remodel of first and second floor with a 371 sf first floor addition and new 1,846 sf third floor addition to an existing single family residence, resulting in a 4,829 sf single family residence on a 8,864 sf property. RS-1-7 Zone, Coastal (Appealable), Coastal Height Limitation, Parking Impact (Coastal and Beach), Residential Tandem Parking, Transit Area Overlay Zones.

*Previous LJCPA Action (Nov' 14): Pulled from Consent Agenda*

*Previous DPR Action (Oct '14): Findings CAN be made. 5-0-1.*

### **14.0 Change Parking Time 7700-7900 Blocks, Girard Ave from 60 min to 90 min. – Action Item**

Privately initiated proposal through City-required petition process to change current time-limited on-street parking from 60 minutes to 90 minutes.

*Previous LJCPA Action (Nov' 14): Pulled from Consent Agenda*

*Previous T&T Action (Oct '14): Recommend Approval. Unanimous.*

### **15.0 La Jolla Concours d'Elegance Street Closures – Action Item**

Proposed closure of Coast Blvd and Lower Girard Avenue in support of this annual event and associated detours. Closed streets include exhibits open to the public.

*Previous LJCPA Action (Nov' 14): Pulled from Consent Agenda*

*Previous T&T Action (Oct '14): Recommend Approval. Unanimous*

## 16.0 Bylaw Amendment – Action Item

Ad Hoc Committee response to the Trustee’s direction. Possible action includes sending draft amendment to City for pre-approval prior to offering to Members or to call for a Special Meeting of the Members to adopt the amendment and then send to City for approval. The Ad Hoc Committee made three recommendations but only the time-sensitive recommendation is brought forward at this time:

### “ARTICLE III Membership, Board of Trustees, Oath of Office

#### Section 3. Trustee Terms

Trustees of the LJCPA shall be elected to serve for fixed terms of 3 years with expiration dates during successive years to provide continuity. Except as noted in this Section, no person may serve on the LJCPA for more than six consecutive years. After a one-year break in service as an LJCPA Trustee, an individual who has served for six consecutive years shall again be eligible for election to the LJCPA Board of Trustees.

The LJCPA will actively seek new ~~members-Trustees, to the extent feasible.~~ If not enough ~~new members~~qualified candidates are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees who have already served for six consecutive years to continue on the Board of Trustees without a break in service. Such Trustees must receive a 2/3 majority of the votes cast in order to serve more than six consecutive years. Once such Trustees are qualified for candidacy because not enough qualified candidates were found to fill all vacant seats by the conclusion of the regular or special February LJCPA meeting held pursuant to ARTICLE V, Section 2, then those termed-out Trustees have equal footing with all other candidates except that they need a 2/3 majority vote to be elected. However, these termed-out Trustees will not have preference over any candidate who has not served as a Trustee for six consecutive years and who has received 1/3 or more of the votes cast.

All Trustees must retain eligibility during their entire term of service.

Trustee Terms shall otherwise conform to Council Policy 600-24, Article III, Section 3.”

*Ad Hoc Committee (Oct '14): Recommendations for updating the LJCPA bylaws.*

*Previous LJCPA Action (Sept '14): Approved Motion: To ask President LaCava to appoint an ad hoc committee to recommend bylaw changes to deal with the issue raised in the City's letter of August 27, 2014 about candidates possibly trumping termed-out candidates.*

## 17.0 Adjourn to next LJCPA Meeting, **Monday, January 5, 2015, 6:00 pm**

**Regular Meeting of January 1, 2015 adjourned to Monday, January 5, 2015 due to New Years' Day**  
Every effort is made to hear agenda items with sufficient time for applicant presentation, public comment, and trustee deliberation; however, the venue must be vacated by 9:45 pm.



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Vice President: Bob Steck  
2<sup>nd</sup> Vice President: Patrick Ahern  
Secretary: Helen Boyden  
Treasurer: Nancy Manno

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## D R A F T MINUTES

### Regular Meeting | Thursday, 6 November 2014, 6:00 pm

**Trustees present:** Patrick Ahern, Cynthia Bond, Helen Boyden, Bob Collins, Mike Costello, Dan Courtney, Cindy Greatrex, Joe LaCava, Robert Mapes, Alex Outwater, Jim Ragsdale, Bob Steck, Fran Zimmerman

**Trustees absent:** Janie Emerson, Nancy Manno, Phil Merten, Ray Weiss,

1.0 **Call To Order: Joe LaCava, President at 6:10 pm.** He advised that the meeting was being recorded, in audio by the LJCPA and in video by a private party. He asked attendees to turn off their cell phones.

#### 2.0 Adopt the Agenda

**Approved Motion: To approve the agenda as posted: (Steck, Ahern: 9-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Greatrex, Mapes, Ragsdale, Steck  
Abstain: La Cava, Chair

#### 3.0 Meeting Minutes Review and Approval:

3.1 2 October 2014

**Approved Motion: To approve the minutes of the October 2<sup>nd</sup> regular meeting as distributed (Steck, Greatrex: 9-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Greatrex, Mapes, Ragsdale, Steck  
Abstain: La Cava, Chair

3.2 29 October 2014

**Approved Motion: To approve the minutes of the October 29 Special Member and Trustee meetings as distributed (Ragsdale, Bond: 9-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Greatrex, Mapes, Ragsdale, Steck  
Abstain: La Cava, Chair

4.0 **Swearing In: Member Michael Morton** declined to take the temporary 19<sup>th</sup> seat as agreed to by the trustees to settle the dispute with the City over the March 2014 election. He stated that various actions by the trustees had reduced his one-year term to several months. He also complained that the five trustees who signed a commentary in the La Jolla Light had engaged in "collective concurrence" as prohibited by the Brown Act. He asked the LJCPA to take action.

## 5.0 Elected Officials – Information Only

### 5.1 Council District 1 – Council President Pro Tem Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, [JGarver@sandiego.gov](mailto:JGarver@sandiego.gov) stated that the judge rejected a lawsuit that had delayed a number of Capital Improvement Projects including the La Jolla Cove Lifeguard Station. Kellogg Park will have enclosed recycling bins installed as part of a pilot project. The walk leading to South Casa Beach will be closed for demolition and reconstruction from November 12 to mid-December.

### 5.2 Mayor's Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, [FBarraza@sandiego.gov](mailto:FBarraza@sandiego.gov) was not present.

### 5.3 39<sup>th</sup> Senate District – State Senator Marty Block

Rep: **Hilary Nemchik** [Hilary.Nemchik@sen.ca.gov](mailto:Hilary.Nemchik@sen.ca.gov), 619-645-3133 (her first visit) reported that these bills by Senator Block had been signed into law: SB 850 providing for 15 California Community Colleges to be awarded the opportunity to offer one four-year degree each; SB 911 protecting seniors by increasing training requirements for residential care facility staff; and SB 1395 allowing counties to use quicker bacteriological tests, getting a result in about 4 hours instead of 24 to 48 hours.

### 5.4 78<sup>th</sup> Assembly District – Speaker of the Assembly Toni Atkins

Rep: **Toni Duran**, 619-645-3090, [Toni.Duran@asm.ca.gov](mailto:Toni.Duran@asm.ca.gov) was not present

## 6.0 Non-Agenda Comment

Opportunity for the public to speak on matters not on the agenda & within LJCPA jurisdiction, 2 minutes or less.

**6.1 UCSD - Planner: Anu Delouri**, [adelouri@ucsd.edu](mailto:adelouri@ucsd.edu), <http://commplan.ucsd.edu/> announced a UC San Diego Community Open House to be held at the UTC Forum Hall on Wednesday, November 19 from 4 to 7 pm. Information from staff will be available on campus building plans, sustainability and other topics. Please RSVP to her email above.

### 6.2 General Public

**Member Tim Lucas, LISA Chair**, announced that the regular LISA meeting of Wednesday, November 12, would cover such topics as: Crime, noise and trash at Kellogg Park and an update on the Avenida de la Playa infrastructure work.

**Member Peggy Davis** asked that the LJCPA send a letter to the City asking for an improvement in the MND and EIR processing to give the LJCPA adequate time to review pertinent documents prior to hearings by the LJS PRC and LJCPA to assure the CPG that the plans are in conformance with the LJCP and the LJS PDO and to provide the opportunity for the LJCPA to review post-permitting project plan changes.

**Member Rob Whitemore** presented a letter from LJS residents Cameron Volker and Peter Gantzel that compared their measurements of setbacks for the Gatto residence with those submitted by Architect Michael Morton and stated that Mr. Morton's were inaccurate and overstated the project setbacks.

**Member Michael Morton** stated that this was an issue brought up several years ago and that the project was in full compliance with City standards

**Member Don Schmidt**, representing the LJ Historical Society Preservation Board asked that the LJCPA write a letter to the City with respect to the denial of release of copies of project reports by Cathy Winterrowd and other City Staff. These had been provided previously and like other DSD reports could easily be posted on line.

## 7.0 Trustee Comment

Opportunity for trustees to comment on matters not on the agenda and within LJCPA jurisdiction, two minutes or less.

**Trustee Zimmerman** referred to the March 2013 LJCPA approval of a project at the corner of Olivetas and Marine that has reduced side setbacks from those approved. The buildings are very tall out to the sidewalk with possibly a 4' setback with additional overhang. It dwarfs the adjacent properties.

## 8.0 Officers' Reports

### 8.1 Secretary

**Trustee Boyden** stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application,



copies of which are available at the sign-in table or on-line at the LJCPA website: [www.lajollacpa.org/](http://www.lajollacpa.org/). We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You may document your attendance by signing in at the back, providing the Secretary 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, or providing independently verifiable proof of attendance.

You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a member must have documented attendance at three LJCPA meetings in the preceding 12-month period.

Please note that members who failed to attend a meeting between March of 2013 and February 2014 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated.

## 8.2 Treasurer

Trustee Boyden presented the balance in the Treasury at the end of October. President LaCava told trustees and attendees that collections at the meetings will be supplemented by an annual stipend of \$500.00 from the City. He reminded attendees that collections are the only other source of income for the LJCPA and all contributions must be in cash. He thanked the members for their generosity in supporting the organization.

<b>Beginning Balance</b> as of 10/01/14	<b>\$ 8.55</b>	<b>\$ 8.55</b>
<b>Income</b>		
- Collections: October 02 Meeting	\$ 210.00	
- Collections: October 29 Meeting	147.00	
- CD	5.00	
<b>Total Income</b>	<b>\$ 362.00</b>	<b>\$ 362.00</b>
<b>Expenses:</b>		
Agenda printing:	\$ 73.94	
Corporate Statement of Information:	20.00	
Telephone expenses:	59.97	
Post Office Box Rental: Six Months:	64.00	
<b>Total Expenses:</b>	<b>\$ 217.91</b>	<b>(217.91)</b>
<b>Ending Balance</b> as of 10/29/14		<b><u>\$ 152.64</u></b>

## 9.0 President's Report – Information only unless otherwise noted.

**9.1 Shores PDO Advisory Board** – City now publishing minutes of meetings

**9.2 Ad Hoc Bylaw Update Committee** – In progress

**9.3 Finding of Vacancy** – Resignation of Rob Whittemore (To be filled at March Annual Election)

### 9.4 Annual Elections: March 2015

Consider running, encourage your neighbors and colleagues, recruit community voices.

Must be a Member and attend at least 3 LJCPA meetings between Mar 2014 and Feb 2015.

Check attendance records at: <http://www.lajollacpa.org/members.html>

### 9.5 Election Committee – Ratify Appointments

Cindy Greatrex, Chair; Nancy Manno; Bob Steck; Patrick Ahern

**Appointments ratified by acclamation.**

**10.0 REPORTS FROM AD HOC and NON-LJCPA COMMITTEES** - Information only

**10.1 Community Planners Committee** <http://www.sandiego.gov/planning/community/cpc/index.shtml> No report.

**10.2 Coastal Access & Parking Board** <http://www.lajollacpa.org/cap.html> No report.

**11.0 Consent Agenda – Ratify or Reconsider Committee Action**

The 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 a consent item be pulled for full discussion by the LJCPA**

→ **Items “pulled” from Consent Agenda are automatically trailed to the next LJCPA meeting.**

→ **See Committee minutes for description of projects, deliberations and vote.**

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

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

PRC – LJ Shores Permit Review Committee, Interim Chair Phil Merten, 4th Tues, 4pm

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

**No PRC Actions**

**11.1 The Ivanhoe, 7817 Ivanhoe Avenue**

PDO Motion: Approved 9-0

**11.2 La Jolla High School Stadium Water Easement Vacation**

DPR Motion: Findings CAN be made for a Coastal Development Permit to vacate the existing water easement at the La Jolla High School Stadium. 5-0-1.

**11.3 Klinkov Residence, 5915 Camino de la Costa – Pulled by Trustee Courtney**

DPR Motion: Findings CAN be made for a Coastal Development Permit for remodel of first and second floor with a 371 sq ft first floor addition and new 1,846 sq ft third floor addition to an existing single family residence at 5915 Camino De La Costa. 5-0-1.

**11.4 Monarch Cottages, 7630 Fay Avenue - Pulled by Member Jim Fitzgerald**

DPR Motion: Findings CAN be made for a Coastal Development Permit, Site Development Permit and a Conditional Use Permit (CUP) for a proposed 26-unit Residential Care Facility at 7630 Fay Ave. 5-0-1.

**11.5 Change Parking Time 7700-7900 Blocks of Girard Avenue from 60 min to 90 min. – Pulled by the Chair**

T&T Motion: Recommend Approval.

**11.6 La Jolla Concurs d’Elegance Street Closures as per prior years - Pulled by Trustee Courtney**

T&T Motion: Recommend Approval.

**11.7 Additional 15 Minute Green Zone on Eads Avenue (at Pearl Avenue)**

T&T Motion: Recommend Denial

**11.8 2-hour parking on La Jolla Blvd, west side, btwn Cam. de la Costa & Bird Rock Ave**

T&T Motion: Recommend Approval

The following four items were pulled for full hearings at the December meeting of the LJCPA

**11.3 Klinkov Residence, 5915 Camino de la Costa – By Trustee Courtney**

**11.4 Monarch Cottages, 7630 Fay Avenue - By Member Jim Fitzgerald**

**11.5 Change Parking Time 7700-7900 Blocks of Girard Avenue from 60 min to 90 min. – By the Chair**

**11.6 La Jolla Concurs d’Elegance Street Closures as per prior years - By Trustee Courtney**

**Approved Motion: To accept the recommendation of the PDO Committee to approve 11.1: The Ivanhoe, 7817 Ivanhoe Avenue; to accept the recommendation of the DPR Committee for: 11.2 La Jolla High School Stadium Water Easement Vacation that the findings CAN be made for a Coastal Development to vacate the existing water easement at the La Jolla High School Stadium; to accept the recommendations of the T&T Committee to deny 11.7: Additional 15 Minute Green**



**Zone on Eads Avenue (at Pearl Avenue) and to approve 11.8: 2-hour parking on La Jolla Blvd, west side, btwn Cam de la Costa & Bird Rock Ave and forward the recommendations to the City. (Courtney, Greatrex: 12-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Courtney, Greatrex, Mapes, Outwater, Ragsdale, Steck, Zimmerman

Abstain: LaCava, Chair

**12.0 Sewer Group Job 798 – Information Only**

The project includes the rehabilitation of approximately 13,057 linear feet (2.47 miles) of existing 8" and 10" VC sewer mains within the City's right of way utilizing trenchless technology. Access to rehabilitate the sewer mains will be made through the existing manholes and/or cleanouts. Other related work entails the reinstatement of laterals to the rehabilitated mains, manhole rehabilitations, manhole replacement, lateral rehabilitations, lateral cleanout installations and several external spot repairs to existing sewer mains and laterals as needed. Estimated construction dates: Spring 2015 to Fall 2015.

Presenter: **Maryam Liaghat, Project Manager, City of San Diego** stated that the estimated cost of the project is \$2.4 million dollars; it will use trenchless technology and major issues are not expected. She provided maps of the project, available at the website below.

General info: <http://www.sandiego.gov/cip/projectinfo/featuredprojects/sewerrehabw1.shtml>

Detailed fact sheet: <http://www.sandiego.gov/cip/pdf/sewerrehabw1faq.pdf>

Project map: <http://maps.sandiego.gov/cpm/default.aspx?cip=B13014>

**13.0 Children's Pool Lifeguard Station & Cove Lifeguard Station – Action Item**

City of San Diego seeks the community's input on whether to waive the Holiday Moratorium so that construction can continue on both projects. The Holiday Period is defined as Thanksgiving (Nov 27<sup>th</sup>) through New Year's Day (Jan 1<sup>st</sup>.)

Presenter: **Jihad Sleiman, Project Manager, City of San Diego**

**CD 1 Rep Justin Garver** stated because there is no work in the public streets, the holiday moratorium does not apply to these two projects. Garver added that exterior work at the Children's Pool Lifeguard Station will be halted on December 15<sup>th</sup> for the pupping season although interior work might continue. Work at the Cove Lifeguard Station will continue.

**14.0 Short-Term Vacation Rentals – Action Item (Continued from October Meeting)**

→ *Public Testimony will continue for those that did not have a chance to speak at the October Meeting. 1 minute per speaker, no ceding time.*

**Special Guest Speaker: Jerry Hara, Captain, SDPD re Community-Assisted Party Program (CAPP)**

Consideration of whether to adopt the recommendations of the LJCPA's Ad Hoc Stakeholders Committee on Short-Term Vacation Rentals.

→ **Committee recommendations and background are attached.**

→ See <http://www.lajollacpa.org/projects.html> for background and submitted information

*Summary of Recommendations by Ad Hoc Committee:*

14.1 Summary of problems associated with STVRs to include: Inadequate enforcement of current regulations; Threshold for enforcement is too high to be effective: Burden of enforcement is imposed on neighbors, not the City or the Industry; Party House Events; Site Specific Events such as noise and parking; Frequent turnover of renters; Conversion of Single Family Neighborhoods to "tourist zones"; Inadequate supervision by "on site management."

14.2 The Committee recommends that the City make best efforts within available resources to substantially improve real-time police response times to citizen complaints regarding offending properties, strengthening the Community-Assisted Party Program (CAPP) and focusing more rigorous Code Enforcement efforts on the offending property owners by taking the following steps:

- i. Substantially increase the fines (amount to be determined) for CAPP violations. Dedicate the revenue from fines collected to CAPP enforcement and public outreach
- ii. Once a house has been designated as CAPP, require the property owner to place a substantial, non-interest-bearing security deposit (amount to be determined) in escrow with the City that would be forfeited if there is a subsequent CAPP violation. This security deposit would be returned to the property

owner after a period (e.g. 1-2 years) with no CAPP violation.

iii. To expedite the CAPP process for problem properties, allow verifiable neighbor/resident documentation (e.g. video evidence and audio recordings/decibel measurements) to be sufficient to initiate/warrant a CAPP violation.

iv. The City develop/implement a proactive community education/outreach program regarding CAPP, utilizing all available resources, including conventional/social media, the City website, police community relations officers, and community organizations/groups, etc.

v. Additionally, 2 violations within 90 days would put a property into a CAPP classification.

14.3 Establish a comprehensive permit process for short-term rentals (similar to that outlined to the Committee by the San Diego Vacation Rental Managers Alliance), including establishing a formal code-of-conduct for renters, property owners and managers and requiring permit numbers to be displayed on all listings for the property in question to include the following specific provisions:

i. To establish city and community identification of all rental properties in each area /neighborhood, whether the property is being managed by owner or by a professional manager;

ii. Formalize a code-of-conduct for owners, property managers, and tenants

iii. Facilitate collection of all applicable TOT taxes by the City;

iv. Allow for the use of fines/permit revocation to discourage/punish violations and to reinforce the code-of-conduct. All or part of the revenue from the permits/fines could be dedicated to fund the creation/administration of the permit process, funding Neighborhood Code Enforcement, and funding related community outreach programs;

v. Provide for a 24/7 contact person for each rental property to address problems in real time.

**Trustees Courtney and Outwater** recused themselves and left the room.

**San Diego Police Officer Larry Hesselgesser** (substituting for Captain Hara) described the Community Assisted Party Program and provided brochures. He acknowledged that, currently, police were not able to respond to all calls, particularly on the weekend. He did say they were going to be able to use non-sworn officers hired for the new oversize vehicle ordinance who would be able to validate a complaint without making contact with the noisemakers. Overtime police officers would now also be available. Additionally if a residence is a chronic problem, he suggested contacting Fred Zuckerman by e-mail [Fzuckerman@pd.sandiego.gov](mailto:Fzuckerman@pd.sandiego.gov) and the residence will be put at the top of the list for police response calls.

**More than 30 persons spoke to the matter including: Ozstar Dejourday, Dave Gossett, Jake Sappela, Paul Becker, Jeff Longenecker, Eric Eaton, Jim Peters, Tim Cassidy, Chuck David, Phil Sokol, Laura Colban, Shaun McArthur, Barbara Leinenweber, Chelsea Graue, Cliff Douglas, Joe Walkush, Beth Mandrake, Nancy Kramer, Linda Stein, Suzanne Weatherly, Sally Fuller, Greg Ross, Nancy Gardner, Paul Ferraco, Gary Greenberg, Suzanne Melvin, Jill Seagram, Patrick Moore, Ira Parker, Nelson White.**

**Persons speaking included STVR company agents, private homeowner who rent their homes, homeowners who were bothered by the rentals and expressed varying points of view citing: positive and negative experiences; regulations current in nearby coastal communities; the need for personal income or income to maintain the property; substantial changes in neighborhoods, creating a hotel district ambiance; need for enforcement.**

**President LaCava thanked the committee for its efforts. He spoke of the general concerns raised and the lack of staffing at the City to follow up on noise and code compliance complaints. He acknowledged the neighbors' complaints and the STRV representatives' efforts to exert control over their properties. He suggested that it was in the business interest of STRVs to monitor STRV properties. He stated that he would write a letter advocating the LJCPA position and send it to all City entities that he thought might be interested. Many times letters like this get no action. It would be up to advocates for any position to make their cases to the City.**

**Trustees speaking included: Ahern, Bond, Boyden, Collins, Costello, Greatrex, Mapes, Ragsdale, Steck and Zimmerman.**

In particular, **Trustee Costello** cited the inability of the police to respond in a timely fashion and opined that none of the suggestions of the committee could be enforced; **Trustee Mapes** cited the regulations in Austin, Texas,

whereby permits with certain requirements were issued and if there was a complaint, the permit was revoked. Others cited various aspects of the recommendations that they did or did not agree with and offered suggestions.

**Failed Motion: To accept the recommendations of the Ad Hoc Committee on Short Term Vacation Rentals, Items 14.1, 14.2 and 14.3. (Boyden, Steck: 4-6-1)**

In Favor: Ahern, Boyden, Ragsdale, Steck  
Opposed: Bond, Collins, Costello, Greatrex, Mapes, Zimmerman  
Abstain: LaCava, Chair

**Failed Motion: Have the City strengthen the Muni Code for the RS-1 Zone. Visitor Accommodation sections and all related sections and definitions to be consistent with a restriction of rentals of not less than 30 consecutive calendar days. This is with the understanding that the California Coastal Commission may need to approve any restrictions. CCC staff has indicated with the increase in STVR problems, and the turnover of Commissioner such an approval could be possible. (Costello, Collins: 4-7--0)**

In favor: Bond, Collins, Costello, Zimmerman  
Opposed: Ahern, Boyden, Greatrex, LaCava (Chair voting to break a 5-5 tie which was later determined by the voting sheets and e-mail communication not to have been the case), Mapes, Ragsdale, Steck

**Approved Motion: To establish a permit fee program for Short Term Vacation Rentals with the funding used exclusively for enforcement of existing regulations. (Mapes, Ahern: 7-3-1)**

In favor: Ahern, Bond, Greatrex, Mapes, Ragsdale, Steck, Zimmerman  
Opposed: Boyden, Collins, Costello  
Abstain: LaCava, Chair

**15.0 Sacido Residence, 901 Skylark Drive & 911 Skylark Drive – Action Item**

~~(Process 3) Coastal Development Permit & Site Development Permit to permit a lot line adjustment and allow construction of retaining walls, ramps, landscaping and pavement on two lots, and a pool/spa and companion unit at 901 Skylark Drive on a 0.29 acre site, a deck, staircase, pergola and companion unit at 911 Skylark Drive on a 0.89 acre site in the RS-1-5 zone of the La Jolla Community Plan.~~

(Process 3) Coastal Development Permit & Site Development Permit to permit 1) a parcel map lot line adjustment between the two legal lots known as Lots 52 (911 Skylark Drive, 0.89 acre) & 53 (901 Skylark Drive, 0.29 acre), La Jolla Mesa Vista, Map No. 3650; 2) Proposed approximately 600 square foot GUEST QUARTERS for Lot 53 (901 Skylark Drive only) as defined by San Diego Municipal Code (SDMC) Section 141.0306; 3) Proposed construction of retaining walls, ramps, staircases, landscape planting and irrigation, patio paving, pergola, raised planters for herbs, small water features including Koi pond (901 & 911 Skylark); and, 4) Proposed pool and spa with vanishing edge construction (901 Skylark Drive only). RS-1-5 Zone. *Previous Action by DPR (Oct '14): "Per Rule 37, this Committee finds that a substantial change to the design has been made, and wishes to reopen this matter for further review" 2-4-0. Motion failed. No further action taken.*

*Previous Action by LJCPA (Oct '14): Applicant opted to return to DPR*

***Previous Action by DPR on Original Project (Sep '14): 6-1-1. Findings CANNOT be made for a Coastal Development Permit & Site Development Permit to permit a lot line adjustment and allow construction of retaining walls, ramps, landscaping and pavement on two lots, and a pool/spa and companion unit at 901 Skylark Drive on a 0.29 acre site, and a deck, staircase, pergola and guest quarters at 911 Skylark Drive on a 0.89 acre site. This is based upon the findings that:***

- a. The proposed project is not consistent with the neighborhood character.*
- b. The habitable units and structure are inconsistent with the SDMC 141.0302.*
- c. The project presents a street wall that is inconsistent with SDMC 113.0103, 113.0264, and 113.0267.*
- d. The off street parking requirement is not met for these additional spaces that appear to serve as bedrooms.*
- e. The record of agreement with the City Attorney limiting the use of the companion units was not presented.*
- f. The boundary adjustment divides one larger open space and creates two smaller open spaces, which is inconsistent with recognized planning practice to consolidate and create larger and more coherent open space.*

**Presented by John Krizan, Architect and Mark Farrington, Consultant**, who stated that they had returned to DPR in October and presented their revised plan with only one guest house which did not require additional parking according to the SDMC and were again denied by DPR. They said the property had been disturbed with the original development and the City had determined that adhering to steep slope requirements and brush management was not required.

**Bill Pierce** representing the HOA said the original development was not designed to have two structures on any single lot, and he was supported by **Joyce Kaapke** who said introducing the guest house as the only one abutting the canyon the homes surrounded would destroy the neighborhood character; **Betty Voorhees** spoke of the fire hazard as the City was not requiring brush management; **Sally Fuller** cited the lack of parking in the cul-de-sac. **Susan Pierce** said this guest house might become something else. A representative of the **Architectural Committee of the HOA**, said the Committee had reviewed and approved the previous plans but had not reviewed the current proposal. In response to a query from **CA Marengo**, the presenters stated that the project adhered to City requirements for guest houses.

**Trustee Costello** (DPR member) stated that he had had ex parte contact with some of the neighbors and believed the project should not have been reheard. **Trustee Ragsdale** (DPR member) felt it should have been reheard.

Discussion and queries by **Trustees Ahern, Boyden, Courtney**, and **President LaCava**, consulting the LJCP open space map, did not determine if this property was categorized as private open space. All of the canyon is owned by the individual property owners and no agreements with homeowners to maintain it as open space have been made.

**Approved Motion: The LJCPA cannot make the findings for the CDP and the SDP because of the Neighborhood Character of the La Jolla Mesa Vista Subdivision and because there is insufficient parking for guest quarters due to the special circumstances of the lack of parking in the cul-de-sac. [Costello, Zimmerman: 10-1-2]**

In favor: Ahern, Bond, Collins, Costello, Greatrex, Mapes, Outwater, Ragsdale, Steck, Zimmerman

Abstain: Boyden (disagreed with reasoning), LaCava, Chair

Opposed: Courtney

**16.0 Adjourn to next Regular Monthly Meeting, 4 December 2014, 6:00 pm.**

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

**November 11, 2014 Present:** Benton (Chair), Collins, Costello, Kane, Leira, Mapes, Ragsdale, Welsh, Will

**November 18, 2014 Present:** Benton (Chair), Costello, Kane, Mapes, Ragsdale, Welsh, Will

**1. NON-AGENDA PUBLIC COMMENT**

*Issues not on agenda and within LJ DPR jurisdiction. Two minutes maximum per person.*

**11/11/2014**

- a. Mike Costello described the new City DSD web site: it is a useful source of permit status, description of project types, and other information related to the planning and review process.
- b. Diane Kane has noted that the City is considering that it will post historic reports on the City web site, both in the final form as they are on their way to the Historic Resources Board, and other reports that may not ultimately be reviewed by that board. This is relevant to the work of the La Jolla Historical Society and other historic groups. She recommends the support of others to make these reports available on the City web site.

**11/18/2014**

- c. none

**2. SUBCOMMITTEE MOTION 11/18/14**

As Chairman Benton must recuse for item 2 on the Agenda, he is recused and a Chair Pro Tem is to be elected. Michael Costello was nominated.

(Mapes / Kane 5-0-2)

In Favor: Leira, Mapes, Ragsdale, Welsh, Will

Oppose: None

Abstain: Benton, Costello

**Motion Passes**

**3. PRELIMINARY REVIEW**

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

Project Name:	Haudenschild Gate SCR	Permits:	SCR
	1860 La Jolla Rancho Road	DPM:	Jeannette Temple, (619) 657-7908
Project #:	387269		JTemple@sandiego.gov
Zone:	RS-1-1	Applicant:	Gene Cipparone
			(858) 587-9100

La Jolla: Substantial Conformance review for a new Gate Structure to modify proposed entry gate structure to CDP #1104287, previously approved CDP / Project No. 313059, at 1860 La Jolla Rancho Road, RS-1-1 Zone, Coastal non-appealable overlay zone, within La Jolla Community Plan area.

**APPLICANT PRESENTATION 11/11/14: (Gene Cipparone)**

*The project was previously presented to this committee and approval recommended, and ultimately a CDP was issued.*

*This project is to provide a new gate entrance to the property in substantially the same location. The original design was set back 26 feet from the front property line; the new gate is 40 from the front property line. The previously-approved design provided a gate 7 to 8 feet high; the new design will provide for a portal that is 18 feet high. The portal will have 14 foot clearance, which is the minimum required to allow a fire truck. The landscape planting includes a row of pine trees, which have already been planted and which are presently about 15 feet high.*

#### **DISCUSSION 11/11/14**

*Gail Forbes made a statement of support: the project is in scale and appropriate for this site.*

*A discussion ensued about the scale and dimensions of the proposal, and the relative distance to the existing residence and to the other improvements on the site. The proportion and scale of the portal is somewhat greater.*

**SUBCOMMITTEE MOTION 11/11/14:** The Committee wishes to consider this Preliminary Presentation as sufficient to make a finding and recommendation for this project.

(Will / Costello 4-4-1)

In Favor: Costello, Kane, Mapes, Will

Oppose: Collins, Leira, Ragsdale, Welsh

Abstain: Benton, as Chair

**Motion Fails. This matter is continued to a later meeting.**

#### **APPLICANT PRESENTATION 11/18/14:** (Gene Cipparone)

*The proposed changes to the CDP were discussed. The gate at the Portal is 38'-7" from the property line, where a setback of 25 feet is required. The finishes of the portal were reviewed: stone, with a gate that is centered in the portal, a wood frame with wood pattern infill.*

*Fire Department access will continue at the east side of the property. The portal is sized so that emergency vehicles will have access through the portal.*

#### **DISCUSSION 11/18/14**

*A discussion ensued about the nature of the portal and the character of the neighborhood. The applicant described several other examples that have similar portals, and dense planting. The vegetation in this design is compared to the masonry and stucco wall of the previous CDP, and the adjacent hedges and fences that are closer to La Jolla Rancho Road.*

**SUBCOMMITTEE MOTION 11/18/14:** Findings CAN be made that the proposed modified gate and portal is in Substantial Conformance with the previously issued Coastal Development Permit and Site Development Permit / Project No. 313059, at 1860 La Jolla Rancho Road.

(Costello / Kane 5-4-1)

In Favor: Costello, Kane, Mapes, Ragsdale, Will

Oppose: Welsh

Abstain: Benton (Chair)

**Motion Passes**

#### **4. FINAL REVIEW (PREVIOUSLY REVIEWED 8/13/13, 8/20/13, 9/10/13)**

Project Name: **CONGER CDP & TM**

801 Pearl Street

Permits: CDP & TM

Project #: PO# 294307

DPM: Paul Godwin, (619) 446-5190



Zone: RM-1-1

Applicant: pgodwin@sandiego.gov  
Joe LaCava, (858) 488-0160

**Scope of Work:**

(Process 4) Coastal Development Permit and Tentative Map to remove an existing service station and construct a new mixed-use project with four retail units, one restaurant and 12 condo units with a subterranean garage. The property is located at 801 Pearl Street in Zone 4 of La Jolla Planned District and the RM-1-1 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable 2), Coastal Height Limit, Parking Impact Overlay Zone (Coastal), the Transit Area Overlay Zone, the Residential Tandem Parking Overlay and Council District 1.

**APPLICANT PRESENTATION 09/10/13:** (Joe LaCava and Alex Faulkner; Charles Houser, a Certified Engineering Geologist)

*New information was presented regarding the manner of removal and mitigation of potential petroleum hydrocarbons on the site, the planned excavation, and the methods of treating the soils that may be found to have petroleum hydrocarbons. A discussion ensued about the monitoring and reporting of the procedures and findings.*

*New information was presented in concept about the proposed changes to the design of the project: move 2 residential units to the north, remove all third-floor units at the south building; provide roof decks at several locations; continue to have the driveway and vehicle entrance at Eads Avenue; truck service area at the alley. The presenters made it clear that the design will be changing to reflect these proposed changes.*

**DISCUSSION 09/10/13**

*A discussion ensued about whether the project conforms to the La Jolla Community Plan: density, height, scale were discussed.*

**Please provide for FINAL REVIEW:**

- a) Show, in those areas where the pedestrian circulation crosses the vehicular traffic, that there will be adequate visibility and any conflicts will be mitigated.
- b) Show how this project will provide a transition from the higher to the lower density.
- c) Where possible integrate the commercial and residential designs to create an integrated building envelope.

**APPLICANT PRESENTATION 11/11/14:** (Joe LaCava and Alex Faulkner)

*The revised project was presented. The results of a traffic study indicates that the traffic loads to and from the property are similar to those presently experienced at the existing gas station. The configurations of the delivery space is intended to promote delivery to the rear of the commercial spaces. The design concept is modified so that the two rear buildings are separated. The unit entrance doors of the south buildings are oriented away from the property line. The blank wall fronting the alley is articulated so that some variety is presented to the westbound traffic on Pearl Street. Other studies provided include a noise study, which indicates that no mitigation is required. The FAR for the entire project is 1.12. Placement of air conditioning compressors is related to each unit: the locations are not yet defined.*

*The comments of the 9/10/13 meeting were reviewed, and the means of addressing each of these was discussed. The setbacks were reviewed at all levels of the building.*

*Doug Moranville showed photographs of the street indicating the traffic congestion and a recent traffic accident on Eads.*

*Connie Bransom described the project as much larger in scale compared to the established neighborhood, the availability of parking for the commercial uses: she estimates the parking demand will be for 50 spaces. Deborah*

*Pinel is concerned that the project does not address the results of the removal of the gas station tanks, truck movement during construction, and other results of intensification of use of the property.*

*Leslie Gaunt asked some questions: date of the traffic study: 8/28/13 Wednesday. She requested information on the proportion of FAR dedicated to commercial as opposed to the residential uses. The proposed project transfers the height and developability between the two parcels in a manner that maximizes overall development and results in the highest buildings in the southerly portion, adjacent to the residential properties on Eads. The traffic pattern is substantially unchanged from the previous project. The bulk of the project, especially at the south side is roughly as large as previously proposed. The landscaping is minimal. The consistency of the project with the La Jolla Community Plan is not established.*

*Per Svedlund is concerned about the scale of the proposed development. The proposed development will generate traffic.*

*A concern was raised about homeless access to the garage.*

#### **DELIBERATION**

*A discussion ensued about the bulk and scale of the proposed development. The proportion and scale of the proposed development next to the adjacent property were discussed. The FAR is significant and yields the impression that this is more intensive than previously existing. Although there are other examples of this intensity of development on Pearl Street, the transition to Eads is critical. The central courtyard with the driveways should have more attention to detail and the landscaping. The design should demonstrate consistency with the community plan and how these transitions are made. Beautification and the impression of the project from the alley should be provided. The selection of trees was discussed.*

#### **Please provide for FINAL REVIEW:**

- a. More detail and relief at the blank walls.
- b. Provide the geotechnical report that demonstrates remediation of the fuel leaks.
- c. Provide the noise study.
- d. Provide color renderings at all floor levels at Eads and above.
- e. Enhanced treatment on the interior courtyard and driveway.
- f. Consider reducing the number of units or the overall density.
- g. Demonstrate the turning maneuvers for a truck entering the delivery area from the alley.

**This project is continued to a future meeting.**

#### **5. COURTESY PRESENTATION**

Project Name:	<b>MUSEUM OF CONTEMPORARY ART SAN DIEGO</b>	Permits:	CDP & SDP
	700 Prospect Street	DPM:	not assigned
Project #:	not assigned		
Zone:	PDO Subarea 6A	Applicant:	Paul Benton, (858) 459-0805

#### **Scope of Work:**

The Museum has been considering an expansion of its existing facility, to include added and improved Gallery and Exhibit spaces, conversion of the parking lot fronting Prospect Street to a pedestrian plaza, and a new enclosed Parking Garage. This Courtesy Presentation is intended to inform the reviewers of the progress of the design of this project and to invite comment, perspectives, and insights from the La Jolla community. Courtesy presentation only: no vote will be taken.

**APPLICANT PRESENTATION 11/18/14:** (Paul Benton, Alcorn & Benton Architects)

*The proposed project was presented in its current conceptual form. The site context was reviewed, including the references in the La Jolla Community Plan for the view access across the site, the PDO setting, and the frontages and views of the site from the three sides fronting streets. The existing portions of the project to be largely untouched are from the north end to Axline Court. A new entrance to the galleries will be provided by remodeling the existing Book Store and presenting a new glass entrance roughly in-line with Silverado. An alternative entrance will be incorporated at Coast Boulevard.. The large Moreton Bay Fig to the south of Sherwood Auditorium will be retained, as will most of the garden on the slope to the north and west of the buildings.*

*The Museum will increase the exhibition spaces by adding roughly 3 times what presently exists for a new total exhibition space of 46,000 sf, and the overall complex will grow from 53,475 sf to approximately 108,000 sf. A significant portion of this is in underground basements, to reduce the calculated FAR. The new gallery spaces will extend along the southerly side of the property, with much higher volumes for the display of a wider range of work. The spaces will have daylight from skylights. A parking garage for 49 cars will be provided in the basement, and the entrance to the parking garage will be combined with an enclosure for the loading dock. The gallery exhibition spaces will process from Prospect Street to Coast Boulevard, with some ramps down to maintain the height below the 30-foot limit. The exhibition spaces will lead to a balcony overlooking the ocean at the southwest corner. Sherwood Auditorium will be repurposed to the highest exhibit space, with skylights as well: no change is planned for the exterior of Sherwood Auditorium. Materials presently considered are cast-in-place concrete, with glass and stone infill panels.*

*The frontage on Prospect Street is widely varying, with 3 courtyards or plazas. The parking lot at the north end is converted to a pedestrian plaza, and the existing loading docks and trash storage are repurposed to an exhibit space. The existing courtyard between the café and the Axline Court is retained. A new courtyard framing the new gallery spaces and incorporating the fig is created.*

*This is a conceptual presentation: the Applicant is seeking responses and thoughts of the members of the community. A design concept may be submitted for a CDP and SDP in the future.*

**DISCUSSION 11/18/14**

*A discussion ensued about the direction of the concept as developed. The various exhibitions and programs of the Museum were discussed, and the trend away from the formal seating of Sherwood Auditorium. The auditorium of the new facility for the Music Society will be an opportunity for continued presentations such as those that have appeared at the Sherwood Auditorium.*

*Several people in the audience expressed concern that Sherwood Auditorium would not continue in its current form.*

*The location and route of school buses was discussed. The ability to provide an entrance fronting Coast Boulevard is a significant improvement. The new pedestrian plaza at the north end, maintaining the view corridor, and the new courtyard at the fig, are all significant contributions to the community fabric.*

The Applicant will notify the Committee when the design is developed further and then placed on a future Agenda.

**6. INFORMATIONAL PRESENTATION – DISCUSSION OF POLICY**

**RESIDENTIAL ADDITIONS IN THE BIRD ROCK AREA – “MANSIONIZATION”**

Presenters: James Ragsdale, Member of the DPR Committee

Sharon Wampler and Dana Williams, residents of Bird Rock

At their November 4<sup>th</sup> BRCC Community meeting there were a number of issues discussed relating to the construction of residential additions in the Bird Rock Area. Several residents discussed their concerns with several recent build/and flip projects in the area. Several issues were identified are:

1. Some of these projects implement the 50% exemption rule in ways that may not have been anticipated when it was adopted.
2. It appears to be more desirable than ever that the plans of such projects should be reviewed by neighbors in the direct vicinity.
3. Some of these projects implement the same style of architectural plans and materials in the same neighborhood (the new house on Linda Rosa has the same style, stucco and trim color as the completed project on Beaumont Ave. This is contrary to the preference for variation and innovation in the designs in the La Jolla Community Plan.
4. The City of Los Angeles adopted a “Mansionization” ordinance in 2008. This appears to address the size of the structure, with an emphasis that these should be in keeping with the size of the lot and respectful of neighbors. <http://www.latimes.com/local/la-me-0924-lopez-mansion-20140924-column.html>
5. This committee might consider recommending modifications to the Coastal Development Permit Categorical Exclusions that are currently being reviewed by the City and the Coastal Commission. These regulations could require reductions in the allowable square-footage for two story-additions or remodeling and reduction in height limits. This seems to be a more effective way to reduce bulk and scale than the existing requirement to preserve 50% or greater of existing exterior walls.

We recognize that the implementation of the above recommendations will require review by the City Planning Staff and the City Attorney. The purpose here is to have a discussion of the issues by the Development Permit Review Committee (DPRC), and then, also by the La Jolla Community Planning Association (LJCPA). Hopefully this can expedite the process of any necessary ordinance changes.

This matter will be discussed, direction for further review may be made, and a resolution or recommendation may or may not be put to a vote.

**PRESENTATION and DISCUSSION - November 18, 2014** (James Ragsdale, Member of the Committee, Dana Williams, Dr. Sharon Wampler)

*James Ragsdale introduced the subject, and noted that an individual was present at the meeting who has developed some of the projects that are the subject of presentation.*

*The Land Development Code is currently under review, and one of the standards under review is the 50% provision for the exemptions.*

*Dana Williams and Sharon Wampler discussed the community and the character of Bird Rock. It appears that there has been a rapid growth and transition in the Bird Rock area, which has brought some changes to the community. This is an issue that is also being addressed in the City of Los Angeles.*

*Mike Costello presented a note written by Phil Merten describing a project that was granted an exemption, which maximized the development of the property, with calculations of the project that indicate the scale and size of the project. He has reviewed some of the designs as presented in the drawings, and believes that some of the projects that are receiving Categorical Exemptions would not be approved if a CDP were required. The scale of such projects that result are frequently 2 to 4 times larger than the existing residence.*

*Diane Kane described “design by math” that results in some projects that appear to be at a great variance from the scale and character of the community. The pressure on development has led to the development of the large scale projects.*

*Joe LaCava discussed the need for a commitment by the community to a different approach to the zoning and planning requirements. There have been examples in the past in which the community has requested changes to the code, but these have met with resistance within the La Jolla community. The update of the Land Development*

*Code is limited, although a review of that is appropriate. There may be opportunity to reactivate the Categorical Exclusion, which encourages smaller-scaled development. A broad-based support is necessary to achieve a change to the rules. He recommends that an approach to the changes to the zoning and planning approach that requires broader review.*

# La Jolla Planned District Ordinance Committee

Chair: Ione R. Stiegler, FAIA

## AGENDA – MONDAY, November 10, 2014

4:00 PM, La Jolla Recreation Center, 615 Prospect Street, Room 1

**Present:** Ovanessoff, Fitzgerald (acting Chair), Dershowitz, Chow, Palmer, Pitrofsky, Marengo

**Visitors:** Doug & Karen Moranville, Marianne Svedlund, Sheila Fortune, Steve Aules, Mark Conger, Jennifer Luce

**Note:** To accommodate the applicants and public attending, agenda items No. 3 and 4 where addressed before all other agenda items.

1. **Public Comment** – NONE

2. **Chair Report / Board Discussion**

a. Review and Approve October Minutes

Motion by Palmer to approve the minutes as presented. Seconded by Marengo.

Vote: 7-0-0. Passes

b. Issues regarding PDO compliance and means to promote enforcement.

1. Committee letter to DSD regarding concerns on approvals/enforcement of the community plan and zoning regulations.

1. Report from Sheila Fortune, if applicable.

Fortune informed the committee that she did indeed meet with Mayor Faulconer but that no commitments and/or decisions were made during or after the meeting. She further informed the Committee that the discussions are still ongoing with “many irons in the fire”.

2. Discussion of the use of neon lights within and outside of businesses in the PDO jurisdiction.

Morengo informed the Committee that this item was placed in the agenda at the request of Sally Miller.

However, after driving around the concerned area(s), Marengo could not identify any business(s) that was in violation of the use of neon lights. It was decided to remove this item from the agenda.

3. Review whether the parking assigned to the commercial portions of the developments on Turquoise Street, do not have access to commercial parking. Stiegler will further investigate which process the subject property had filed their original application and discussion of this subject will be concluded during the December PDO meeting.

To be discussed during December meeting

3. **Recommendations to CPA**

a. Project Name- Gambucci Fashion Boutique Storefront

Address- 7656 Girard Street

Project Number: N/A

Applicant- Laura Gambucci

PDO Zone: not provided

Agent- Rick Sweeney/ Omni Graphics

Designer- Jennifer Luce / Luce et Studios

City Project Manager: N/A

Date of App Notice: N/A

Scope: Fabricate and install patina'd Bronze veneer below existing concrete facade canopy from entrance door to face of canopy. Fabricate and install internally illuminated sign cabinet to face of facade canopy.

Jennifer Luce presented this project, architect. She informed the Committee that the owner of this business currently has a store a few blocks away from this proposed location, which used to be the old I. Magnum store. After presenting the members with pictures of the proposed sign and handing out, for observation, a sample of the bronze metal that will act as the support for the sign, Luce introduced Rick from Omni Graphics, who informed the committee that the square footage of the sign is 10 sq. ft. and the storefront

**NEXT MEETING – MONDAY, DECEMBER 8, 2014**

Please check <http://www.lajollacpa.org> 72 hours prior to meeting, meeting may be cancelled if no projects are on the agenda.

**FOR ADDITIONAL INFORMATION, PLEASE CONTACT IONE R. STIEGLER, FAIA, CHAIR, 858-456-8555 OR**

**[istiegler@isarchitecture.com](mailto:istiegler@isarchitecture.com)**

*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.*



# La Jolla Planned District Ordinance Committee

AGENDA – MONDAY, November 10, 2014 (continued)

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footage is 19.10 ft. After examination of the supporting documents, it was determined that the size of the sign does comply with the PDO requirements.

**Motion by Marengo that the sign, as presented, complies with all PDO requirements. Seconded: Pitrofsky.**

**Vote 7-0-0 Passes Unanimously.**

#### 4. Recommendations to DPR Committee

a. Project Name: CONGER CDP & TM

Address: 801 Pearl

Project Number: 294307

PDO Zone: Zone 4 of La Jolla Planned District and the RM-1-1 Zone within the La Jolla Community Plan

Applicant: Not Provided

Agent: Joe La Cava

City Project Manager: John S. Fisher, (619) 446-5231 / [jfisher@sandiego.gov](mailto:jfisher@sandiego.gov).

Date of App Notice: October 29, 2012

Scope of Work: PDOC previously recommended approval of the original design--save the palm trees--

[http://www.lajollacpa.org/agenda/pdo13\\_0812agenda.pdf](http://www.lajollacpa.org/agenda/pdo13_0812agenda.pdf) and

[http://www.lajollacpa.org/minutes/pdo13\\_0812min.pdf](http://www.lajollacpa.org/minutes/pdo13_0812min.pdf). The project has been redesigned to address issues raised by the City and by DPR plus we replaced the palm trees with jacarandas. The redesign affected the portion within the PDO.

From August 12, 2013 Minutes:

Process Four Coastal Development Permit and Tentative Map to remove an existing service station and construct a new mixed-use project with four retail units, one restaurant and 12 condo units with a subterranean garage. The property is located at 801 Pearl Street in Zone 4 of La Jolla Planned District and the RM-1-1 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable 2), Coastal Height Limit, Parking Impact Overlay Zone (Coastal), the Transit Area Overlay Zone, the Residential Tandem Parking Overlay and Council District 1. (Notice of Application dated October 29, 2012.)

Motion: The portion of the project that pertains to The PDO is found to be in conformance, with the exception of the trees species presented to be placed on Pearl Street. Note to DPRThe project can only be in conformance if the entire garage is included in the project. Maker: Stiegler/ Van Galder 6/1/1/1

Joe LaCava presented this project. A pamphlet containing a photo survey of the existing conditions was distributed amongst the members. A copy is attached and part of these minutes. LaCava informed the Committee that this project was presented to the PDO approximately one year ago and the Committee had approved it as presented with the request to change the palm trees to Jacarandas. He further represented that the project had one other change since it was last presented: that one of the residential units has been moved from the residential portion of the project to the second floor of the commercial area of the project. This move was done in response to the City's request. He informed the Committee that all of the cycle letters from the City have been concluded and that all of the outstanding issues have been successfully resolved. He further noted that all of the existing driveways on this property would be eliminated and the project would have only one driveway off of Eads that leads into an underground parking structure containing 45 parking spaces. He noted that, per the PDO calculations, only 44 parking spaces are required. Fitzgerald asked LaCava whether the City was considering this project as two separate projects, one commercial and one residential, or as one project that has both commercial and residential elements. LaCava explained that the City is considering this to be one mixed-use project with residential and commercial elements. As such, all of the parking and landscaping requirements have been calculated based on one project. LaCava also distributed a copy of an e-mail from Lesley Henegar, Senior Planner from the Planning Department, expressing her

# La Jolla Planned District Ordinance Committee

AGENDA – MONDAY, November 10, 2014 (continued)

Page 3 of 3

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support of the project. The floor was opened for public comment. Leslie Gaunt, Attorney for the Moranvilles, who currently are homeowners adjacent to this project, addressed the Committee in opposition to this project. Gaunt distributed a booklet to all the members, a copy of which is attached, and made part of these minutes. Their opposition is detailed in the booklet. She further informed the Committee that this project should not be addressed at this time as she believes there are still major issues regarding CEQA and that the project could have significant changes to comply with CEQA. She further informed the Committee that there are serious health hazards concerning this project as the current use of the site, a gas station, has had leaks in the past, which have contaminated the soil. Disturbing this contaminated soil for the underground parking would be hazardous to the public. She further expressed her concerns that the applicant is not in compliance with the PDO landscaping requirements and that this project is located at the “gateway” to La Jolla Village and that it is not what the public would want at La Jolla’s gateway.

Other public comments were concerned about commercial truck deliveries to the new retail businesses in this project. The cause for their concern was that commercial trucks are already parking on Eads for their deliveries to existing nearby businesses and blocking traffic.

Fitzgerald commented that the reason that the PDO requires buildings in the commercial zones not to exceed two stories is to provide a smooth transition from commercial to residential areas. Marengo noted that the two story building could still be 30 feet high and that the two-story limit does not apply in the residential-only portion of the project/site.

LaCava addressed the concern regarding commercial deliveries by indicating that the applicant has planned a 600 sq. ft. area off of Bishops Lane (alley adjacent to site) to accommodate all commercial deliveries to this project. He further noted that the applicant has used option “A” of the PDO landscaping requirement in which would require approx. 3,000 sq. ft. of landscaping/hardscaping and the current project is proposing close to 5,000 sq. ft. of landscaping/hardscaping, including all floors of the project.

Dershowitz requested that the minutes include the following statement:

The applicant is representing that, other than the transfer of one residential unit from the residential to the commercial portion of the project and the change from palm trees to Jacarandas, there have been no significant changes since their last presentation of this project to this Committee approximately one year ago.

**Motion by Dershowitz: The landscaping portion of this project is in compliance with the PDO requirements. However, should there be any significant future changes to this project, the applicant must re-submit the project for PDO review. Seconded Marengo. Vote 6-0-1 Passes.**

## 5. Information Only

- a. None

Meeting adjourned at 5:30

Respectfully submitted,  
Peter Ovanessoff, Acting Secretary.

**La Jolla Shores Permit Review Committee Minutes  
Special Meeting**

4:00 p.m. Wednesday, November 19, 2014

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

**FINAL**

**Executive Summary: Abstracted Motions**

**6C: Johnson Residence, 8486 El Paseo Grande**

*Motion by Conboy, second by Naegle: To continue this project until the Committee receives the cycle review comments from City Staff. Further, the Agenda for the next Committee meeting should include the review of the deck in addition to the site walls.*

*Motion carries 7-0-1 (Chair abstains).*

**6D: Whale Watch Way, 8490 Whale Watch Way**

*Motion by Emerson, seconded by Naegle.*

*Motion: Findings cannot be made for a Site Development Permit or a Coastal Development Permit for Project No. 328415. It is not compatible with the neighborhood in form, bulk and scale. The size, form, and relationship of the proposed project will disrupt the architectural unity of the neighborhood, based on the presentation, drawings and information presented on November 19. 5-2-1 (Donovan abstains because she agrees with some elements of the motion but not others.)*

*Motion by Conboy, second by Steck: While changes have been made to the design, they are not significant enough to warrant reconsideration of the MND. The motion carries 4-3-1 (Chair abstains)*

**6E: Verizon Installation, 3908 Torrey Pines Road (Allen Field)**

*Motion by Naegle, second by Donovan. Motion: The findings cannot be made for the requested permits because it is contrary to LJSPDO Secs. §1510.0311 Public Park Area and §1510.0107 Applicable Regulations (in a conflict, LJSPDO takes precedence over Land Development Code). Motion carries 5-0-1 (Lucas abstains due to possible conflict of interest.)*

**6F: Fentisova Residence MND**

*Motion by Naegle, second by Lucas: Motion: The draft MND for the Fentisova residence is in error because the Initial Study Checklist contained in the MND is in error in the manner indicated immediately below.*

*First, Page 31 of the Draft MND, Initial Study Checklist, under LAND USE AND PLANNING, asks: 'Would the project: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.'*

*The reviewer's response is: No Impact.*

*However, the project does conflict with applicable land use plans, policies or regulations, as follows:*

- *The Design Principal section of the General Design Regulations of the LJSPDO (Sec. 1510.0301) and its corollary in the LJS Design Manual (p.2), state that: "no structure will be approved that is so different in quality, form, materials, color and relationship as to disrupt the architectural unity of the area." The proposed project consists of a 5,110 sq. ft. (Gross Floor Area) on a 5, 250 sq. ft. lot with a resultant Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The overwhelming size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. The overwhelming size and bulk of the proposed project will disrupt the architectural unity of the area. Therefore the proposed project does conflict with the Design Principal Section of the La Jolla Shores Planned District Ordinance.*
- *The La Jolla Community Plan, Residential Element, Plan Recommendations regarding Community Character, states "In order to address transitions between the bulk and scale of new and older development*

*in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D, structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air." Contrary to the recommendation of the La Jolla Community Plan, significant lengths of the north and south exterior building walls of the project proposed, set back only 4 feet from the side property lines, extend straight up from grade level a full 30 vertical feet without any horizontal offset or setback. Therefore, the proposed project does conflict with the La Jolla Community Plan and Local Coastal Program.*

*Because the project "[c]onflict[s] with [an] applicable land use plan, policy or regulation...", the correct response should be 'Potentially Significant Impact.'*

**Second**, Page 31 of the Draft MND, Initial Study Checklist, under MANDATORY FINDINGS OF SIGNIFICANCE asks : b) Does the project have impacts that are individually limited, but cumulatively considerable?

*The reviewer's response is: Less than Significant with Mitigation Incorporated*

*As stated previously the proposed project will have a Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. If approved, the cumulative impact of this precedent setting project in conjunction with future projects with similarly large Floor Area Ratios would dramatically alter the existing character of the neighborhood. Therefore, the correct response should be 'Potentially Significant Impact.'*

**The motion carries 6-0-0.**

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

- 1. Welcome and Call to Order:** **Phil Merten, Interim Chair**
- 2. Adoption of the Agenda** **Merten**

Del Oro Court has been removed from the agenda at the request of the applicant.

The Fentisova Residence has been removed from the agenda at the request of the applicant. However, the Committee will consider the Mitigated Negative Declaration regarding the Fentisova residence as the comment period for the MND ends on December 5, 2014, before the Committee's next meeting. The applicant for the Fentisova project has been notified that the MND will be taken up by the Committee at the end of today's meeting.

Motion by Emerson, second by Conboy, to adopt agenda as modified by deletion of 6A (Del Oro Court) and with 6B (Fentisova) being trailed to the bottom of the agenda. Motion carries 7-0-1 (chair abstains)

**3. Non-Agenda Public Comment:**

Bob Whitney asks about the status of the 1912 Spindrift. Project, which was denied by CPA and was to have been appealed but no appeal was filed. He further comments that a car elevator was to have been put in and it appears that has not been done. The project architect, Tony Crisafi, was present in the room but said he had not recently been on site and did not know whether the car elevator had been installed. Whitney asks that the Committee look into the matter.

**4. Committee Member Comments**

No comments.

**5. Comments by the Chair - Merten**

Merten reported on information from CPA Chairman Joe LaCava concerning recent changes in the City's process for handling environmental documents. It used to be that at first hearing those entities would make a decision concerning the permits and certify the MND at that one hearing. Frequently, the PRC got all those documents too late. Now the City is getting those documents out much more quickly, e.g. Fentisova MND. In order to take exception to the hearing officer's certification you must be on record with your comments during the comment period. At end of the comment period on the MND, the City Council hears the MND without considering any other aspects of the project. So if anyone is going to challenge a project on the basis of its MND, they need to make their comments during the two-week comment period, which could begin and end between monthly meetings of community planning groups. Marengo: The City has a provision for the Chairs of community planning groups to ask for extensions of the comment periods in order to avoid the comment periods running in between meetings.

**6. Project Reviews**

**6A. Del Oro Court Homes - removed from agenda at request of applicant**

**6B. Fentisova - trailed to end of meeting**

**6C. Johnson Residence CDP/SDP**

Johnson Landscape/Walls project at 8486 El Paseo Grande.  
Presenter: Ed Sutton of Island Architects

- Type of Structure: Site Walls at Single Family Residence
- Location: 8486 El Paseo Grande
- Applicant: Ed Sutton 858-456-4070 [ESutton@IslandArch.com](mailto:ESutton@IslandArch.com)
- Project Manager: Michelle Sokolowski, 619-446-5278 [MSokolowski@sanidiego.gov](mailto:MSokolowski@sanidiego.gov)

**Project Description:** PROCESS 3 - SDP for the permitting of site walls to an existing single family residence located at 8486 El Paseo Grande. The 0.25 acre lot contains an existing single family residence and is the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone, Coastal Height Limit, within the La Jolla Community Plan area.

Board member Emerson discloses that residents are good friends of her first cousin.

Board members question applicant whether there has been input from neighbors. A (Tony Crisafi of Island Architects): No neighbor has expressed opposition.

Q from audience member C.A.Marengo: Has the 30% landscape requirement been infringed? A (Ed Sutton): We have 49% landscape counting the beach down to the mean high tide line.

Chair Merten suggest that we not vote today since the project description on the agenda references only the low retaining wall but does not mention the deck.

Board member Conboy: You're not so far out of the ground that you need a safety railing? A: No, we are only 26 inches above ground. Conboy: Do we care that in light of the drought, the public might be looking at your cheap footings under the deck if the owners stop watering? A: The public walking on the beach will not be able to see the footings from below.

Crisafi (Island Architects): the top of the seawall becomes the bluff edge for purposes of applicable regulations.

Emerson: When the project comes back, I'd like to see how the residents are going to get to the deck and also what it will look like from below, from the beach.

Schenck: On return, I would like to know the setbacks from the bluff.

*Motion by Conboy, second by Naegle: To continue this project until the Committee receives the cycle review comments from City Staff. Further, the Agenda for the next Committee meeting should include the review of the*  
draft LJCPA Agenda, December 4, 2014  
Page 25 of 33

*deck in addition to the site walls. Motion carries 7-0-1 (Chair abstains).*

**6D. Whale Watch Way Residence** (Including consideration of the Mitigated Negative Declaration)

- Project No. 328415
- Type of Structure: Single Family Residence
- Location: 8490 Whale Watch Way
- Applicant: James Gates, 619.682.4083, 619-823-4083 [jg@publicdigital.com](mailto:jg@publicdigital.com)
- Project Manager: John Fisher, 619-446-5231 [JSFisher@sandiego.gov](mailto:JSFisher@sandiego.gov)

**Project Description:** PROCESS 3 - CDP, and SDP to demolish an existing single family residence and construct a 7,001 two-story, over basement single family residence on a 20,093 sq. ft. lot at 8490 Whale Watch Way. The site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking.

**Previous Committee Action on 1-28-2014**

**Motion:** Findings can not be made for Site Development Permit or a Coastal Development Permit for Project No. 328415. It is not compatible with the neighborhood in form, bulk and scale. In particular, the east side of the building envelope is incompatible with the neighboring structures. The size, form, and relationship of the the proposed project will disrupt the architectural unity of the neighborhood.

**Motion carries: 5-0-0.** Approve: Emerson, Lucas, Merten, Naegle, Schenck

**Previous LJCPA Action on 2-6-2014**

**Motion:** To accept the recommendation of the PRC Committee: That the findings CANNOT be made for a Site Development Permit or a Coastal Development Permit for Project No. 328315.

It is not compatible with the neighborhood in form, bulk and scale. In particular, the east side of the building envelope is incompatible with the neighboring structures. The size, form and relationship of the proposed project will disrupt the architectural unity of the neighborhood.

**Vote: 15-0-1m**

Merten reports that the primary concern of Planning Commission was the volume of space inside the walls which was not included in the Gross Floor Area, which affects the FAR. The Commission also asked that the applicant bring back hard-line drawings that better explain the appearance of the project, especially as seen from the public way.

Presenter: Jim Brown, principal architect with Public Architecture and Planning  
*Presentation by Applicant*

The Planning Commission tasked us not to come back without serious consideration of the height of the wall - they made it clear that they were not interested in minor reductions of just 6 inches.

The proposed residence is a work of art and any modification to one aspect of it requires modifications in others. The north side, east side and front elevation are most affected by our scaling down. The west wall remains the same. The top-of-wall elevation on the north remains the same at elevation 372'. On the street (west) side we have dropped the top-of-wall elevation at the southeast corner more than 6 feet to elevation 362'. We are also considering a new semi-perforated design for walls - like a garden wall. On the east side the lowest element is 33% lower than it was before. The task at hand was to pull the wall down on the east side and that couldn't be done without adjusting the two other sides. The two high points of the garden wall are 362' (15 feet) high and 371 (24 feet) high. The garden wall runs around only two sides of the property: the east and south sides.

*Committee questions*

Members of the Committee inquired as to multiple aspects of the project. Comments focused on three matters:

1) the extreme height of the wall surrounding the residence, at 15-19 feet even after the reductions outlined by Mr. Brown in his presentation; 2) the disparity between the architecture of the proposed residence and the other homes in



La Jolla Shores; 3) the impact of the wall on the neighbors to the immediate east and north of the residence. Committee member Naegle pointed out that the City of Tokyo overwhelmingly rejected the Zaha Hadid design for its Olympic Stadium based on the same principles expressed in the LJSPDO -- that it is monumental in size and completely out of character with the area. Naegle further stated that after two years of Zaha Hadid's redesigning her plans for the Tokyo Olympic Stadium, the most renowned Japanese architects continue to forcefully reject her design as a 'monumental mistake' and a 'disgrace to future generations'.

Committee member Conboy spoke favorably about the proposed project and the most recent changes made in it, describing the project as a modern version of the courtyard house, a type of residence found throughout La Jolla.

*Public comment*

Comment from the audience was mainly from Mrs. Karingi and Mrs. Kalmanson, the neighbors to the immediate east and north, respectively, both of whom were concerned about the height of the wall. C.A. Marengo of Marengo & Morton, Architects, commented favorably on the alterations of the design.

Conboy: Any motion should reflect the fact that major changes have been made by the applicant to meet the requests of the Planning Commission.

*Motion by Emerson, seconded by Naegle.*

**Motion: Findings cannot be made for a Site Development Permit or a Coastal Development Permit for Project No. 328415. It is not compatible with the neighborhood in form, bulk and scale. The size, form, and relationship of the proposed project will disrupt the architectural unity of the neighborhood, based on the presentation, drawings and information presented on November 19. 5-2-1 (Donovan abstains because she agrees with some elements of the motion but not others.)**

Merten: Is it the opinion of the Committee that this project is different enough that we should comment on the Mitigated Negative Declaration (MND) under CEQA?

Emerson: You cannot have it both ways - Either the project has been substantially changed, in which case, it requires a new MND. Or, the changes to this project have been so minor, that they do not require a new MND. It is one or the other.

Merten: A review would allow the Committee to record its views on the portion of the MND that implies that if the building were to be repeated throughout the neighborhood there would be no negative impact

*Motion by Conboy, second by Schenck: positive changes have been made to the design, therefore no review of the MND is necessary. The motion fails 3-4-1 (chair abstains)*

*Motion by Conboy, second by Steck: While changes have been made to the design, they are not significant enough to warrant reconsideration of the MND. The motion carries 4-3-1 (Chair abstains).*

*Bob Steck left the meeting at this point. Laura DuCharme-Conboy departed in the middle of the Verizon discussion, before the vote on the proposed Verizon Installation was taken.*

## **6E. Verizon Installation**

- Type of Structure: Wireless Communication Facility
- Location: 3908 Torrey Pines Road
- Applicant: Kerrigan Diehl 760-587-3003 [kerrigan.diehl@plancominc.com](mailto:kerrigan.diehl@plancominc.com)
- Project Manager: Simon Tse 619-687-5984 [Stse@sandiego.gov](mailto:Stse@sandiego.gov)

**Project Description:** PROCESS 4 - for a Site Development Permit, Coastal Development Permit, Neighborhood Development Permit and Neighborhood Use Permit applications for a new Wireless Communication Facility consisting of two antennas concealed inside two 30-foot tall replacement light standards (one antenna per pole), and associated equipment. The property site is located at 3908 Torrey Pines Road within Allen Field in the RS-1-5 zone of the La Jolla Community Planning area.

Lucas discloses that he belongs to an organization that opposes installation of cell towers in parks, specifically in the Cliffridge Park.

Presenter: Kerrigan Diehl of PLANcom: Telecom Project Management, agent for Verizon

This proposal results from a desperate need to expand coverage in the area. There is a gap in coverage along Torrey Pines Road. We have been working very hard on this coverage need since February 2008. The proposed project represents an extreme minimization of what we really need to provide good coverage. It is a bandaid to preserve service. It consists of two light standards acting as poles, with one antenna on each of them. One antenna is shooting south and one antenna north. Ordinarily, we would put in 12 antennas. We made the poles look like light standards to blend in with the other light standards at the Field. The container housing the equipment has shrunk down to the smallest size possible.

*Committee questions*

Merten: Who owns the land? A. City of San Diego. Lucas: It is dedicated park land.

Emerson Q: Why is the equipment box up against a residence rather than elsewhere on the field? A: Because there it does not interfere with vegetation or soccer. Also, if we had put it further north the antennas would have been less effective. Emerson Q: How do the homeowners feel? A. Their major concern was the potential for noise. We have mitigated the noise to meet City standards for next door neighbor with AC unit. Merten: Q: Are you aware that the City's Municipal Code requires that if equipment boxes are on City parks, they be placed underground unless the recreation director states that putting them above ground will not interfere with recreational use of the park? A from Shelly Kilbourn of PLANcom, agent for Verizon, [shellykilbourn@cox.net](mailto:shellykilbourn@cox.net). Park and Rec has decided that vaults create more negative impact than do above-ground installations. Q: Lucas: How tall are the light standards? A. 30 ' tall.

Mike Wintringer, current President of La Jolla Youth Inc., the umbrella organization for La Jolla soccer, baseball and lacrosse and the current tenant of Allen Field, takes the floor to answer questions. [mike@sgswlaw.com](mailto:mike@sgswlaw.com), 858-793-8500.

Lucas Q: What is your lease arrangement with Verizon? A: There is no lease arrangement. We rent Allen Field through a City Dept. called Real Estate Assets - a 30 year lease. The first segment ran out in 2005. We have been approved to stay, so we have four five-year segments left. Lucas Q: Are you receiving any payments from Verizon? A: My understanding is that if the arrangement is approved we get half of the payments. The total payment would be \$38,000, of which we would get \$19,000. To us, it would be a boon; the alternative is to charge the kids more to play soccer.

Wintringer: We, too, wanted the equipment room at the north end, but the techies said it had to be where it is now projected to be in order for the antenna to work.

Schenck: What can be done to improve the look of the equipment building? A: (Diehl) We can paint it to better blend in with the surroundings.

*Public Comment*

Judith Wesling, [judithwesling@hotmail.com](mailto:judithwesling@hotmail.com) 858-488-4824. Although I currently live in Pacific Beach, I was formerly the manager of the La Jolla Youth Soccer League for 20 years. My personal position is that the cell towers are not safe for the children. Has La Jolla Youth taken an official position on this? A (Wintringer): No. Judith Wesling Q: Shouldn't there be an official position from the La Jolla Youth League? Shouldn't the PRC be told what that position is before it votes? Further, the people across the street have not been given notice because they are outside 300 foot range. A: (No answer)

Marc Kuritz: I am a member of the Cliffridge Park parents' coalition.

- I want to bring Article 55 of the Charter to your attention. It says  
"All real property owned in fee by the City or heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council...for park, recreation or cemetery purposes shall not be used for any but such park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose."
- Allen Field was "set aside and dedicated in perpetuity for park and recreation purposes." Ordinance No. 15696, Section 1 (page 1).

Ordinance Number: O-19587, Date of Final Passage: 27 March 2007

See: [http://docs.sandiego.gov/council\\_reso\\_ordinance/rao2007/O-19587.pdf](http://docs.sandiego.gov/council_reso_ordinance/rao2007/O-19587.pdf)

**§1510.0311 Public Park Area (Page 49)**

In the Public Park (PP) area.... no building or improvement or portion thereof, shall be erected, converted, established, altered or enlarged, nor shall any premises be used except for park purposes

**§1510.0107 Applicable Regulations (Page 6)**

- (b) Where there is a conflict between the Land Development Code and the La Jolla Shores Planned District Ordinance, the Planned District Ordinance applies.
- The federal United States Court of Appeals for the Ninth Circuit, which includes San Diego within its jurisdiction, said on December 11, 2013, in a case involving the placement of cell towers in a park in Huntington Beach, contrary to provisions in the Huntington Beach City Charter, that the city charter provision restricting parkland use "is not the sort of local land use regulation or decision that is subject to the limitations of Section 332(c)(7) [of the Telecommunications Act of 1996]." Slip opinions 10-56877, 10-56944. See: [http://cdn.ca9.uscourts.gov/datastore/opinions/2013/12/11/10-56877%20web\\_a.pdf](http://cdn.ca9.uscourts.gov/datastore/opinions/2013/12/11/10-56877%20web_a.pdf)

Pat Granger: What about the footpath? Could the light on the light standard be placed lower? We already have light pollution from the Venter Institute.

Lucas: I spoke with the neighbors on the other side of the fence. They are concerned with both lighting and noise. Could the light be placed lower? Once you get that high there is a potential for neighbors to have light shining in at night. A. Diehl: we can do a lighting study and if necessary shade the lights.

***Motion by Naegle, second by Donovan. Motion: The findings cannot be made for the requested permits because it is contrary to LJSPDO Secs. §1510.0311 Public Park Area and §1510.0107 Applicable Regulations (in a conflict, LJSPDO takes precedence over Land Development Code). Motion carries 5-0-1 (Lucas abstains due to possible conflict of interest.)***

## **6B. Fentisova MND**

*(Moved to the end of the agenda in the hope a Fentisova representative would arrive, but none did.)*

***Motion by Naegle, second by Lucas: Motion: The draft MND for the Fentisova residence is in error because the Initial Study Checklist contained in the MND is in error in the manner indicated immediately below.***

***First, Page 31 of the Draft MND, Initial Study Checklist, under LAND USE AND PLANNING, asks: 'Would the project: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.'***

***The reviewer's response is: No Impact.***

***However, the project does conflict with applicable land use plans, policies or regulations, as follows:***

- ***The Design Principal section of the General Design Regulations of the LJSPDO (Sec. 1510.0301) and its corollary in the LJS Design Manual (p.2), state that: "no structure will be approved that is so different in quality, form, materials, color and relationship as to disrupt the architectural unity of the area." The proposed project consists of a 5,110 sq. ft. (Gross Floor Area) on a 5, 250 sq. ft. lot with a resultant Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The overwhelming size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. The overwhelming size and bulk of the proposed project will disrupt the architectural unity of the area. Therefore the proposed project does conflict with the Design Principal Section of the La Jolla Shores Planned District Ordinance.***
- ***The La Jolla Community Plan, Residential Element, Plan Recommendations regarding Community Character, states "In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D, structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the character of the area."***

*streetscape and providing adequate amounts of light and air." Contrary to the recommendation of the La Jolla Community Plan, significant lengths of the north and south exterior building walls of the project proposed, set back only 4 feet from the side property lines, extend straight up from grade level a full 30 vertical feet without any horizontal offset or setback. Therefore, the proposed project does conflict with the La Jolla Community Plan and Local Coastal Program.*

*Because the project "[c]onflict[s] with [an] applicable land use plan, policy or regulation...", the correct response should be 'Potentially Significant Impact.'*

**Second**, Page 31 of the Draft MND, Initial Study Checklist, under **MANDATORY FINDINGS OF SIGNIFICANCE** asks : b) *Does the project have impacts that are individually limited, but cumulatively considerable?*

*The reviewer's response is: Less than Significant with Mitigation Incorporated*

*As stated previously the proposed project will have a Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. If approved, the cumulative impact of this precedent setting project in conjunction with future projects with similarly large Floor Area Ratios would dramatically alter the existing character of the neighborhood. Therefore, the correct response should be 'Potentially Significant Impact.'*

**The motion carries 6-0-0.**

#### **ADJOURNMENT**

The meeting adjourned at 7:30.

Minutes respectfully submitted by Secretary Dolores Donovan

**DRAFT MINUTES**

**LA JOLLA COMMUNITY PLANNING ASSOCIATION  
AD HOC BYLAWS COMMITTEE AGENDA**

**FRIDAY OCTOBER 24<sup>th</sup>, 2014  
LA JOLLA RECREATION CENTER  
615 PROSPECT STREET  
IRVING GILL ROOM**

Committee Attendees: Cindy Greatrex (Chair), Rob Whittemore, Ray Weiss

Attendees from Public: David Little, Bob Whitney, Kim Whitney, Mike Costello, Odile Costello.

Meeting Commences: 10:04

**1) NON AGENDA PUBLIC COMMENT:**

Discussion on hierarchy of documentations, explained that the descending hierarchy is : Articles of Incorporation; Bylaws; 600-24.

Question by Member David Little on why Administrative Guidelines on City 600-24 document can't simply be inserted into Bylaws. Rationale of separate documents explained.

Noted that Planning Department is standalone as of July 19<sup>th</sup>, 2014.

**2) BYLAW REVISIONS RE: TRUSTEE ELECTIONS—ACTION ITEM**

Discussion on issues raised in City of San Diego's letter of August 27<sup>th</sup>, 2014. Discussion points included:

A Proposed 1/3<sup>rd</sup> Threshold on Voting

Whether write-in Candidates can be trumped by Trustees seeking term-extension via 2/3<sup>rd</sup> vote.

Suggestion by Member Kim Whitney to appoint Standing LJCPA Nominations Committee

Suggestion posed by Member Bob and Kim Whitney that Write-In Candidates disallowed in future.

Discussion on how other organizations under RONR/Parliamentary Procedure handle "threshold voting".  
Noted that European Parliament Member States employ a minimum threshold of "*5% present and voting*" to establish a threshold.

**VOTING ACTION:** Proposed Bylaw Amendment in regard to Election of Termed-Out Trustees:

**ARTICLE III Membership, Board of Trustees, Oath of Office**

**Section 3. Trustee Terms**

Trustees of the LJCPA shall be elected to serve for fixed terms of 3 years with expiration dates during successive years to provide continuity. Except as noted in this Section, no person may serve on the LJCPA for more than six consecutive years. After a one-year break in service as an LJCPA Trustee, an individual who has served for six consecutive years shall again be eligible for election to the LJCPA Board of Trustees.

The LJCPA will actively seek new members Trustees. to the extent feasible. If not enough new members qualified candidates are found to fill all vacant seats on the LJCPA Board of Trustees, the LJCPA may retain some Trustees who have already served for six consecutive years to continue on the Board of Trustees without a break in service. Such Trustees must receive a 2/3 majority of the votes cast in order to serve more than six consecutive years. Once such Trustees are qualified for candidacy because not enough qualified candidates were found to fill all vacant seats by the conclusion of the regular or special February LJCPA meeting held pursuant to ARTICLE V, Section 2, then those termed-out Trustees have equal footing with all other candidates except that they need a 2/3 majority vote to be elected. However, these termed-out Trustees will not have preference over any candidate who has not served as a Trustee for six consecutive years and who has received 1/3 or more of the votes cast.

All Trustees must retain eligibility during their entire term of service.

Trustee Terms shall otherwise conform to Council Policy 600-24, Article III, Section 3.

**Motion Passes: (3-0-0)**

**VOTING ACTION:** In regard to **ARTICLE V “Elections”** of current LJCPA Bylaws, said Bylaws will be altered to state that a Nominations Committee will be formed in November of each year so as to bring forth Qualified Candidates for the March Regular Election of the next year. **Motion Passes: (3-0-0)**

Noted that LJCPA will reflect its website to indicate that Nominations Committee is now formed in November of each year vs. (as previously stated on the website) the January of the Electoral period of the next year.

**3) OTHER MINOR BYLAW REVISIONS**

Dialogue on why Chair does not currently Vote, noted that Roberts Rules does not disallow Chair Voting. Discussion on Chair “Making a Tie” vs. “Breaking a Tie” and the practicalities of each, and of both combined.

**ACTION VOTING:** Change outdated references of “PDPDD” throughout document to properly reflect “PD” (Planning Department) Motion Passes: 3-0-0

**Meeting Adjourns:** 12:03

Respectfully Submitted by Cindy Greatrex, Secretary Pro-Tem for Ad-Hoc Committee