



PO Box 889, La Jolla, CA 92038
<http://www.LaJollaCPA.org>
Voicemail: 858.456.7900
info@LaJollaCPA.org

President: Tony Crisafi
Vice President: Rob Whittemore
Treasurer: Jim Fitzgerald
Secretary: Dan Allen

La Jolla Community Planning Association

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

Thursday, 2 February 2012

DRAFT AGENDA – REGULAR MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval**: 5 Jan 2012
4. **Elected Officials Report** – Information Only
 - A. Council District 2 – Councilmember Kevin Faulconer
Rep: **Katherine Miles**, 619.236.6622, kmiles@sanidiego.gov
 - B. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@sanidiego.gov
5. **Non-Agenda Public Comment**
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
 - A. UCSD - Planner: **Anu Delouri**, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>
6. **Non-Agenda Items for Trustee Discussion**
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
7. Officer's Reports
 - A. **Secretary**
 - B. **Treasurer**
8. **Candidate Statements**
Candidates present their qualifications and reasons for running (2 minutes each).
Last opportunity to announce your candidacy.
9. **President's Report**
 - A. Ad Hoc Committee on Bylaws Report by Phil Merten, Chair
 - B. Whitney Lawsuit updated
 - C. Trustee Elections - Thursday, March 2, 2012, 3:00 pm - 7:00 pm
 - D. **Annual Member Meeting – Thursday, March 1, 6:00 pm**
 - E. 8490 Whale Watch Way – Appeal of Environmental Doc Hearing rescheduled for Feb. 6th @ 2p.
 - F. Hennessy's Sidewalk Café – Feb 16th Planning Commission Agenda

10. CONSENT AGENDA – Ratify or Reconsider Committee Action

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

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

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

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

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

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

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

A. Bird Rock Fine Wine

PDO ACTION: Bird Rock Fine Wines appears to conform to the LJPDO as retail use to include a wine bar for tastings and applicant will use existing standard building signage program 9-0-0

5687 La Jolla Boulevard - Planning to open a wine retail store with limited tasting facilities in premises which are currently zoned for retail.

B. The Rush Indoor Cycle Studio

PDO ACTION: Approval of the signage for Rush Indoor Cycle Studio; signage shall not exceed 2 square feet for each lineal storefront footage 9-0-0

5628 La Jolla Blvd – new signage

C. Kretowicz Residence EOT

DPR ACTION: Deny EOT as no new condition is required to comply with state or Federal law. Findings cannot be made for an Extension of Time (EOT) for Site Development Permit as needed to continue processing the Coastal Development Permit. 4-3-0

7957 Princess Street- EOT for SDP 482270 for previously constructed improvements and additions to an existing SFR to remain on a 22,725 SF site.

D. San Diego Sports Commission Triathlon

T & T ACTION:

Triathlon on May 11th – 12th - Street Closures

E. Valet Parking at 7979 Ivanhoe and 484 Prospect St.

T & T ACTION:

7979 Ivanhoe and 484 Prospect St. - valet parking zone

11. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD – Inactive

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

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

12. Colony Hill – Action item

Colony Hill Pipeline Relocation Project, located on Caminito Aviola, Via Avola, Via Capri, Via Rialto, and Caminito Rialto. Existing pipelines will be permanently abandoned due to 2009 landslide damage, new Pipelines installed in more stable soil, and service restored to residents that have been receiving highline water service.

Presenting: Eugene Gay, Orion Construction, eugene@orionconstruction.com
Chris Gascon, Project Engineer, City of San Diego

**Time
Certain
6:30p**

**Time
Certain:
7:15p**

13. La Jolla Cove Lifeguard Station – ADA Ramp & Tower - Action Item

Proposed modification to Cove lifeguard station concept by addition of an accessible ramp from the street level to the mid-level deck to comply with ADA requirements. Note the City is combining review of ADA ramp & tower. Presenter – Jihad Sleiman, Project Engineer, City of San Diego (619)533-7532
Previous Action: CPA conceptually approved lifeguard station, April 2003.
Previous Action: Parks & Beaches Committee supported Option 2, Sept 2010.
Previous Action: CPA conceptually approves Lifeguard Tower mid-level landing access, preferred Option 2, Oct. 2010.

14. Shahbaz Residence - Action Item

6412 Avenida Manana - Coastal Development Permit to demolish an existing 3,869 sf residence and construct an 7,884 sf two story single family residence and an attached 3 car garage on a .57 acre site
DPR ACTION (OCT 2011): Findings can be made for a Coastal Development Permit to demolish an existing 3,869 sf residence and construct a 7,884 sf two story single-family residence and an attached 3-car garage on a 0.57-acre site. 4-1-2

15. Sea Ridge Custom Residence – Action Item

427 Sea Ridge Drive - CDP and SDP to construct a two-story approximately 7,858 SF single family residence plus a basement (approximately 10,454 SF of habitable space).
DPR ACTION (DEC. 2011): Motion that findings can be made for a Coastal Development Permit and Site Development Permit to construct a two-story 7,858 SF single-family residence plus a basement (10,454 SF of habitable space). 4-3-1

16. Sea Ridge Custom Residence & the City Review Process – Discussion

Discussion of City review process with regards to timing of the Hearing Officer Hearing & Community Reviews using the Sea Ridge Residence as an example of timing conflicts.

**Time
Certain:
9:00p**

17. Adjourn to next Regular Monthly Meeting, March 1st, 2012, 6:00 pm



PO Box 889, La Jolla, CA 92038
http: //www.LaJollaCPA.org
Voicemail: 858.456.7900
info@LaJollaCPA.org

President: Tony Crisafi
Vice President: Rob Whittemore
Treasurer: Jim Fitzgerald
Secretary: Dan Allen

La Jolla Community Planning Association

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

Thursday, 5 January 2012

D R A F T MINUTES – REGULAR MEETING

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

Absent: Dan Allen, Devin Burstein.

1. Welcome and Call To Order: Tony Crisafi, President, at 6:05 PM

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Gabsch, 13-0-1).

In favor: Bond, Brady, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Little, Manno, Merten, Thorsen, Whittemore, Weiss.

Abstain: Crisafi.

3. Meeting Minutes Review and Approval – 1 December 2011

Approved Motion: Motion to approve the Minutes of 1 December, (Merten/Brady, 12-0-2).

In favor: Bond, Brady, Conboy, Costello, Fitzgerald, Gabsch, LaCava, Little, Manno, Merten, Thorsen, Whittemore.

Abstain: Crisafi, Weiss.

4. Elected Officials Report - Information Only

A. Council District 2 - Councilmember Kevin Faulconer

Rep: Katherine Miles, 619.236.6622, kmiles@sandiego.gov

Ms. Miles made a report.

B. Council District 1 - Councilmember Sherri Lightner

Rep: Erin Demorest, 619.236.7762, edemorest@sandiego.gov

Ms. Demorest, present, deferred to **Councilmember Sherri Lightner** for a report. **Councilmember Lightner**, as chair of the recently created Economic Development and Strategies Committee, will work to create a long-term vision for San Diego's economy, as well as develop innovative approaches to retain, attract and grow local business. **Councilmember Lightner** noted that prior to her election to City Council, she had advocated for such a committee, believing this committee and its goals to be of paramount importance to the City. **Ms. Lightner** reported the unanimous adoption, by the Council, of her Comprehensive Water Policy. Responding to community concerns re speeding cars and the ongoing Torrey Pines Corridor project, **Ms. Lightner** allocated funds from her personal office budget to pay for the recently installed V-calm signs on Torrey Pines Road. **Ms. Lightner** expressed her gratitude for the honor of representing District One and thanked the Trustees for their service.

5. Ratify LJ Shores Permit Review Committee member - Myrna Naegle nominated by La Jolla Shores Association

Approved Motion: Motion to ratify the appointment of Ms. Myrna Naegle to La Jolla Shores Permit Review Committee, (Whittemore/Weiss, 11-4-1).

In favor: Bond, Conboy, Costello, Courtney, LaCava, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.

Oppose: Brady, Fitzgerald, Gabsch, Little.

Abstain: Crisafi.

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

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

Ms. Delouri provided written updates on campus development projects and for further information referred to the website physicalplanning.ucsd.edu.

General Public Comment

Ray Ellis announced his candidacy for City Council District 1.

7. Non-Agenda Items for Trustee Discussion

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

Trustee LaCava invited the community to the annual Bird Rock Home Tour on January 28. Proceeds will benefit the Bird Rock Elementary School.

Trustee Thorsen referred the Trustees to a potential Municipal Code update regarding lot size and infill building that deserves the attention of Trustees.

Trustee Little noted re: the 7401 La Jolla Boulevard project, with the information presented he had been unable to determine the height of the project and therefore had voted against the project. Subsequently after a visit to the offices of Island Architects, he was shown additional material and can now confirm the project does conform to the 30' height limit.

Trustee Merten, speaking on behalf of himself re: 8490 Whale Watch Way: This project is expected to be appealed to San Diego City Council. **Mr. Merten** urged those persons who are concerned about, and are in opposition to this project; appear at the City Council hearing.

Trustee Gabsch, expressed his concern regarding quality of life and increased population within San Diego.

Trustee Courtney requested an Agenda item regarding leaf blowers and noise pollution.

Trustee Costello noted his concern regarding business conducted within a single-family home, in R1 single-family zones that change the character of the neighborhood.

Trustee Fitzgerald commented re the LJCPA request, (Motion: LJCPA Meeting, 04 August 2011), to the City to verify and/or confirm the "underlying base zones," in regard to La Jolla Shores and expressed his hope that the City is making progress in addressing this contentious La Jolla Shores issue.

Trustee Devin Burstein has, with great regret, resigned. At Mr. Burstein's request, **Trustee LaCava** read into the record his letter of resignation.

President Crisafi, referring to **Trustee Thorsen's** previous comments regarding "infill," suggested Trustees should look at 4151 Redwood Avenue, Marina del Rey, California, via "Google Maps," and for further edification, he suggested www.classicist.org, Institute of Classical Architecture.

8. Officer's Reports

A. Treasurer: Jim Fitzgerald

December Beginning Balance: \$213.86 + Income \$225.05 – Expenses \$434.25 = Ending Balance: \$4.66.
Expenses include Agenda printing, telephone expenses and semi-annual Recreation Center meeting space rent.

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

B. Secretary:

President Crisafi, for absent Secretary Dan Allen, stated that if one wants his or her attendance recorded today, he or she can sign-in at the back of the room. There are two sign-in lists: one for LJCPA members and one for non-members. LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. This is a meeting of the Trustees, who are elected by the LJCPA members. By providing proof of attendance you maintain membership and become eligible for election as a Trustee. Eligible non-members wishing to join the LJCPA must have recorded attendance for one meeting and must submit an application, copies of which are available from **Trustee Thorsen** and on-line at our website: www.lajollacpa.org. Persons are entitled to have attendance recorded without signing-in and such case must provide the Secretary before the end of the meeting a piece of paper with printed full name, signature and a statement asking attendance be recorded.

Trustee LaCava urged all Trustees and **President Crisafi** to contact members regarding lapse of membership and the urgent need to maintain a viable community organization, especially considering the March election.

At this point the sequence of the agenda was modified to hear Item 12.

12. Avenida de la Playa Infrastructure Replacement Project

Mr. Bill Harris, Senior Public Administration Officer, described this complex, extensive project in detail, answered questions and responded to comments.

Trustees Thorsen, Little, Courtney, Weiss, Fitzgerald and **Lucas** commented. **Mr. Bill Metz** commented.

Trustee LaCava described this project as a model to be emulated, of how a Council Office, community and city staff can work together. **Trustee LaCava** complimented the City Staff on their extraordinary efforts, their readiness to schedule meetings, their patience and their willingness to answer questions and to listen to the concerns of the community. **Trustee Lucas** was complimented by **Mr. Harris** and by **Trustee LaCava** for his diligence and his contributions, "above and beyond," to the development of the Project.

Approved Motion: Motion to approve Avenida de la Playa Infrastructure Replacement Project: Phase One, (LaCava/Gabsch, 15-0-1).

In Favor: Bond, Brady, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen, Whittemore, Weiss.
Abstain: Crisafi.

At this point the sequence of the agenda was restored.

9. President's Report – Action Items Where Indicated

A. Ad Hoc Committee on Bylaws Report by Phil Merten, Chair

B. Whitney Lawsuit update

The La Jolla Community Planning Association has been notified by the San Diego City Attorney's Office: The Playa Grande LLC (Whitney), lawsuit has been withdrawn.

C. Trustee elections: There are seven open seats. **Trustee LaCava** stated that those LJCPA members who wish to be a candidate must have attended a minimum of three meetings within the previous twelve months prior to

the March 2012 election and announce their candidacy prior to or during the February LJCPA meeting. There will be a candidates' forum during the February meeting.

10. Consent Agenda – Ratify or Reconsider Committee Action

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

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

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

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

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

A. 8440/8450 Whale Watch Way

PRC ACTION: Motion to approve the Coastal Development Permit (CDP) and the site development permit (SDP) for the project as presented to the committee 6-0-1

8440/8450 Whale Watch Way - CDP and SDP for demolition of two existing SFRs and construction of a 10,755 sq. ft. two-story single family residence with portions of lower level subterranean garage defined as basement on a 40,207 sq ft lot straddling the lot line.

B. Yaz Easement Vacation

DPR ACTION: Motion that findings can be made for a Sewer Easement Vacation and Coastal Development Permit at 310 (and 318) Dunemere Drive . 7-0-1

310 Dunemere Dr. - Sewer Easement Vacation and CDP to re-route a 1929 sewer lateral from under a house to under a walk way between two houses, both to be served by new lateral.

C. Miller Residence – *Pulled by Trustee Conboy*

DPR ACTION: Motion that findings can be made for a Coastal Development Permit to demolish existing residence and construct a 4,093 SF single family residence on a 0.16 acre site at 440 Belvedere Street. 3-1-1

440 Belvedere Street - Coastal Development Permit to demolish existing residence and construct a 4,093 SF single family residence on a 0.16 acre site.

D. Sea Ridge Custom Residence – *Pulled by Trustee Thorsen*

DPR ACTION: Motion that findings can be made for a Coastal Development Permit and Site Development Permit to construct a two-story 7,858 SF single-family residence plus a basement (10,454 SF of habitable space). 4-3-1

427 Sea Ridge Drive - CDP and SDP to construct a two-story approximately 7,858 SF single family residence plus a basement (approximately 10,454 SF of habitable space).

E. Ariza Residence

DPR ACTION: Motion that findings can be made for a Coastal Development Permit to demolish existing residence and construct a 5,660 two-story single-family residence on a 0.61 acre site at 1654 Marisma Way. 4-0-1

1654 Marisma Way - Coastal Development Permit to demolish existing residence and construct a 5,660 two-story single family residence on a 0.61 acre site

At this point (7:25PM) President Crisafi, consulting Architect for applicants neighbors, at 8440/8450 Whale Watch Way, (Item A), recused and left room. Vice President Whittemore assumed the Chair.

Approved Motion: Motion

To accept the action of the Permit Review Committee: (A) 8440/8450 Whale Watch Way: To approve the Coastal Development Permit (CDP) and the site development permit (SDP) for the project as presented: CDP and SDP for demolition of two existing SFRs and construction of a

10,755 sq ft, two-story single family residence with portions of lower level subterranean garage defined as basement on a 40,207 sq ft lot straddling the lotline, and forward the recommendation to the City,

To accept the action of the Development Permit Review Committee: (B) Yaz Easement Vacation: Findings can be made for a Sewer Easement Vacation and Coastal Development Permit at 310 (and 318) Dunemere Drive: Sewer Easement Vacation and CDP to re-route a 1929 sewer lateral from under a house to under a walk way between two houses, both to be served by new lateral, and forward the recommendation to the City; (E) Ariza Residence: 1654 Marisma Way: Findings can be made for a Coastal Development Permit to demolish existing residence and construct a 5,660 two-story single-family residence on a 0.61 acre site: 1654 Marisma Way, and forward the recommendation to the City, (Courtney/Fitzgerald 14-0-1)

In Favor: Bond, Brady, Conboy, Costello, Courtney, Fitzgerald, Gabsch, LaCava, Little, Lucas, Manno, Merten, Thorsen, Weiss.

Abstain: Whittemore.

Recused - out of room: Crisafi.

At this point President Crisafi returned to chair the meeting.

11. Reports from Other Advisory Committees - Information only

A. La Jolla Community Parking District Advisory Board – Inactive

B. Coastal Access and Parking Board - Meets 1st Tues, 4pm, La Jolla Recreation Center
No action to report.

C. Community Planners Committee – Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego
Had no meeting in December.

D. La Jolla Parks & Beaches, Inc. – Meets 4th Mon, 4pm, La Jolla Recreation Center

13. Shahbaz Residence – *Deferred to February by Applicant*

6412 Avenida Manana - Coastal Development Permit to demolish an existing 3,869 single family residence and construct an 7,884 sf two story single family residence and an attached 3 car garage on a 0.57 acre site, *DPR ACTION (OCT 2011): Findings can be made for a Coastal Development Permit to demolish an existing 3,869 sf residence and construct a 7,884 sf two story single-family residence and an attached 3-car garage on a 0.57-acre site, 4-1-2.*

14. Valet Parking Public review processing – Action Item

Whether to author letter by PDO stating the shortcoming of city processing of Valet Parking – example project: 7979 Ivanhoe Valet Parking

Trustees Fitzgerald, LaCava, and Courtney commented. **President Crisafi** stated this Agenda Item requires clarification, should be deferred to a future meeting for further discussion. No action.

15. Urban Agriculture LDC Amendments

City-wide Land Development Code amendments supporting urban agriculture to further the goal of improving access to healthy, local & sustainable foods.

See: <http://www.sandiego.gov/development-services/industry/landdevcode.shtml#projectsOpen>

Trustee LaCava presented referring to material in the Trustees' package; There was an extensive discussion regarding Urban Agriculture and Animal Husbandry and a divergence of opinion among the Trustees. **Trustees Conboy, Costello, Fitzgerald, Gabsch, Little, Lucas, Manno and Merten** commented.

Dr. Laura Hershey, Ms. Jenny Maedgen, Ms. Sally Miller and Ms. Beth Thompson commented.

Motion: Approved Motion: The LJCPA supports the proposed changes related to Weekly Farmers Markets, Daily Farmers Markets, and Community Gardens in commercial and industrial zones, and in the case of (c), residential zones, with the following clarification: (i) Value-added and Onsite Cooking shall not be allowed at either Weekly or Daily Farmer's Market Stands on private property. (ii) At least 85% of the vendors shall be limited to selling produce. (iii) Sale of produce in residential zones shall be limited to no more than three times a year, consistent with Section 141.0305, San Diego Municipal Code, (LaCava/Manno, 7-2-3).

In favor: Conboy, LaCava, Little, Lucas, Manno, Merten, Thorsen.

Oppose: Costello, Fitzgerald.

Abstain: Brady, Crisafi, Gabsch.

Failed Motion: The LJCPA supports the proposed changes to Husbandry, with the following clarification: (a) Urban Agricultural Activities shall be limited to only one species, (chickens, goats, or bees), in the RS, RT, and RX zones; (b) The number of Urban Agricultural Activities shall be limited to only one species, (chickens, goats, or bees) in the RM zones unless the lot size is twice the minimum required in the zone and the required setbacks are increased to twice that required by these regulations and (c) Require front yard and street side yard signage for beekeeping in residential zones, (LaCava/Little, 3-7-2).

In favor: LaCava, Little, Lucas.

Oppose: Brady, Conboy, Costello, Fitzgerald, Gabsch, Merten, Thorsen,

Abstain: Crisafi, Manno

Motion: Approved Motion: The LJCPA opposes the proposed changes to Husbandry, as included in the Urban Agricultural Amendments to the Municipal Code for the following reasons, to include but not be limited to the following seven items: (a) The Urban Agriculture Amendments circumvent the professional food, health, and sanitation monitoring systems established at the Federal, State and County levels and do not replace them; (b) Generally, these Amendments down grade neighbor's protections from deleterious effects of farm animals and bees. Additionally, annually renewable Conditional Use Permits should be required to protect neighbors from errant urban farmers, (an objection by any one neighbor within 300 ft should disallow the CUP); (c) There should be a requirement for periodic Veterinarian inspections of goats, chickens and bees; (d) There should be a requirement for periodic Health Department inspections of goats, chickens, and bees; (e) The City does not provide protection to adults and children who are allergic to bee stings; (f) City resources are already overcommitted, i.e., San Diego City Code Enforcement Department, and it is unfair for Code Enforcement to be tasked with this additional burden and (g) It is unnecessary to down grade the life style of an RS-1 Zone to allow agriculture; there is ample opportunity for agriculture within San Diego County and California State, (Merten/Fitzgerald, 8-3-1).

In favor: Brady, Conboy, Costello, Fitzgerald, Gabsch, Merten, Thorsen, Manno.

Oppose: LaCava, Little, Lucas.

Abstain: Crisafi.

16. Adjourn at 9:04 PM. Next Regular Monthly Meeting, 2 February 2012, 6:00 pm.

**UNAPPROVED MINUTES OF THE LA JOLLA
PLANNED DISTRICT ORDINANCE COMMITTEE
January 9, 2012**

Present: Stiegler, Fitzgerald, Gabsch, Van Galder, Parker, Marengo, Berwin, Dershowitz, Little. A quorum was established at 4:05 pm. by Chair Stiegler. Also present: members of the public Leigh Hay Hyman, Barbara Zimonja, Richard Pack, Peggy Davis, Dave Schwab

Minutes - Approval of November minutes was moved to February 2012

Public Comment - None

Agenda Modification: Chair Report and Board Discussion moved to the end of the meeting

Agenda Items:

**1. Recommendations to CPA
Project Name: Bird Rock Fine Wine**

Address: 5687 La Jolla Boulevard

Scope of Work:

Planning to open a wine retail store with limited tasting facilities in premises which are currently zoned for retail. There will be no change to the outward appearance of the store, although will be doing some minor modifications inside to comply with ADA requirements and County health guidelines. Signage is an existing lightbox which will now have new store name. Applying for a type 42 "bar license" it is the intention to have a retail store, but they do wish for the customers to be able to try new and interesting wines, hence the 42 as well as the more usual 20 license. The bar area will be around 60-70 square feet in a 800 square feet store, opening hours will probably be between 10am and 8pm Monday through Saturday.

***Motion – recommendation to the LJCPA that Bird Rock Fine Wines appears to conform to the LJPDO as retail use to include a wine bar for tastings and applicant will use existing standard building signage program
Maker - Marengo/Berwin Approved 9-0-0***

Project Name: The Rush Indoor Cycle Studio

Address: 5628 La Jolla Blvd

Scope of Work: Signage

Building façade shall be light grey with signage in a darker grey and white lettering with business name and logo.

Motion – recommendation to the LJCPA for approval of the signage for Rush Indoor Cycle Studio; signage shall not exceed 2 square feet for each lineal storefront footage

Maker – Fitzgerald/Gabsch Approval 9-0-0

2. Chair Report / Board Discussion

- a. Review and Approve November Minutes

Minutes Moved to February

- b. Review and Approve Draft Letter for CPA regarding the role of the PDO committee in the city review process. (Fitzgerald)

Motion – Committee recommends the formation of a sub-committee consisting of Jim Fitzgerald and Ione Stiegler to draft the letter and present to the LJCPA

Maker Gabsch/Little Approval 9-0-0

- c. Issues regarding PDO compliance and means to promote enforcement.

1. 1205 Prospect / 7979 Ivanhoe Avenue discuss issues of code compliance and response from city planner.

Discussion on the lack of community review on the project. Heard comments from the public, mainly residents of Roslyn Lane, over concerns and impacts to their property by this development. Issue to be addressed in letter to the City of San Diego.

2. New restaurant has posted to be coming to 1241 Prospect St. (Krafty Krepes).

Review process to be addressed in the Letter to the City of San Diego

3. PROW and the interrelation of PDOC, LJTC, LJVMA and LJCPA

Committee discussion on which organization is responsible for the Public Right of Way ordinance. The business district administrator LJVMA is responsible.

The meeting was adjourned at about 5:20 p.m. The next PDO meeting is scheduled for February 13, 2012 at 4:00 p.m. at the La Jolla Recreation Center, Room 1.

Respectfully Submitted

Deborah Marengo, Acting Secretary

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

**COMMITTEE REPORT
FOR
January 2012**

01/10/2012 Present: Meeting cancelled

01/17/2012 Present: Benton (Chairman), DuCharme-Conboy, Costello,
Kane, Liera, Merten, Thorsen

1. NON-AGENDA PUBLIC COMMENT

Recorder setting 28 00 00 00

Leigh Hyman & Barbara Samonta: Expressed concern about the change of use (to a restaurant) of the Manchester Building at Prospect-Roslyn Lane-Ivanhoe. Parking lot removed. No loading zone, fire lane. 9,000 sq ft. Gave a handout. **DuCharme:** Did you call the City? **Samonta:** yes, but got nowhere, there is a permit for the patio but no plumbing or electrical. **Merten:** Manchester given over the counter permit for tentative improvements to the building.. Change in use from retail to restaurant. Parking requirement for restaurant is much greater than for retail use. CDP is required for change of use because of parking increase. But City may not acknowledge its own mistake. Worth following up. A permit issued in error is invalid.

Merten: City protects single-family neighborhoods by setting FAR (ie 0.45 for 20,000 sq ft lot). Environ. Doc. for Whale Watch Way, Shores District, is FAR 0.72, 61% higher than the rest of the City. City says FAR does not apply in the LJ Shores PD, but in 2001 Muni Code update City did change the Code to include the Shores, which it now, ignores. On Tuesday, 24 Jan attend the SDCC Meeting and support the CPA appeal. **DuCharme:** It is in the Code, Shores PDO code section Ch 11? **Merten:** Applicable Code section, unless there are provisions to the contrary the following Code sections are applicable to the LJ Shores.

Costello: On Dec 13 the Applicant for 427 Sea Ridge was asked if the house on site was used for short-term rental or if the new house would be used for short-term rental. He replied that only the family would live in this single-family house. Neighbors have emailed me a web link where the house is advertised on rental sites for \$1,000 - \$4,500 per night for events, \$7,500 per week and \$9,000 to \$15,000 per month. Updated Dec. 16. Our previous LJDPR Chair tried to address the question how verify Applicant information. We should also ask what can we do about material information that is misleading. Printout of website passed around. **Benton:** Yes, what do we do with false information?

Melinda Merryweather: The fence at 1828 Spindrift is in the Public View Corridor, i.e. from Princess / Spindrift to the ocean. Presented several photographs of the fence showing it running perpendicularly thru the VC. Chair indicated it could be in compliance. Asked Merryweather to contact City Code Compliance to address issue.

2. PRELIMINARY REVIEW

Recorder setting 28 00 20 12

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

Project Name: **AT&T SOUTH TORREY PINES ROW**

9170 1/3 North Torrey Pines Road
Project #: PO#227221

Permits: ROW

DPM: Alex Hempton 619-446-5349
AHempton@sandiego.gov

Zone: RS-1-7

Applicant: Kevin McGee, ATT Wireless Cent
858-232-396

Scope of Work:

The project is an existing wireless communication facility located at the northwest corner of North Torrey Pines Road in the La Jolla Community Plan area. The existing facility is located on a light standard in the public right-of-way with the associated equipment located above ground at the base of the standards. The light standard holds 2 antennas. The existing facility was constructed in 2000 for AT&T (formerly GTE) and is an integral part of the network.

Presenter: Shelly Kilbourn

APPLICANT PRESENTATION

Applicant passed out plans and diagrams with photos. Antennas have existed on light pole since 2000, permit is expiring. Applying to:

- Paint existing and proposed equipment dark green.
- Mount antennas closer to the pole (to be less obvious).
- Covers at the base of antennas to shield cables from view.
- Additional landscaping.
- Upgrade for 4G service.
- Renew permit

Calif Coastal Com said exempt. All issues with City Staff cleared. AT&T will maintain landscaping. City owns property, lease of \$2,500 per month (includes water). Will plant 21 each 5 gal plants.

DISCUSSION

Applicant response in italics

DuCharme: What happens if the site is no longer needed? *There is a removal agreement.*

Dan Allen: whose water will the landscaping use? *City water, AT&T pays the City.*

Costello: Does UCSD have plans for the land behind the project? *Milt Phegley said not at this time.*

Applicant would like to return February 14, 2012.

Please provide for FINAL REVIEW:

- Limit posts, "H" frame to 48 inches height (discrepancy 6 ft or 4 ft in plans).
- Increase screen planting where compatible with traffic sight line, visibility triangle.
- Compatible with visibility triangle, flowering plants in front, taller plants in back (bigger than 5 gal?).
- Please email final, corrected drawings to Alexis.

3. PRELIMINARY REVIEW

Recorder setting 28 00 38 57

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

Project Name: **KRETOWICZ RESIDENCE EOT**

7957 Princess Street
Project #: PO#259646

Permits:

DPM:

EOT for SDP 482270

Jeff Peterson 619-446-5237
Japeterson@sandiego.gov

Zone: RS-1-7 & Zone SF of LJ Shores PD

Applicant: Claude Anthony Marengo
619-417-1111

Scope of Work:

(Process 5) EOT for SDP 482270 for previously constructed improvements and additions to an existing SFR to remain on a 22,725 SF site at 7957 Princess Street in the RS-1-7 and SF Zone of LJSPD within the LJ Community Plan, Coastal Overlay (appealable), Coastal Height Limit, Parking Impact, Residential Tandem Parking. (Coastal Permit by Coastal Commission and Extension of Time is needed to continue processing the Coastal Permit.)

Presenter: CA Marengo

APPLICANT PRESENTATION:

Applicant response in italics

The Shores has jurisdiction, as well as DPR, because a small strip of the property at North end is in the LJ Shores District. Extension of Time (EOT) for Site Dev Permit is needed to continue processing the Coastal Permit from the Coastal Commission. Applicant reviewed the lengthy history of the house and project and some permit issues. Old photo lab is completely in the Shores District, is also in the ROW, and was denied for a NUP to convert to guest quarters. Applicant has agreed to bring previous noncompliant construction to Code.

DISCUSSION

Kane: So, you are negotiating with the CCC for coastal access? *No, access has to be provided; it is the “terms” of access being negotiated.*

DuCharme: It is not for us to argue terms of access but the EOT

Liera: How long of an extension? *Three years*

Thorsen: The lapse of time has been caused by the owners. Read letter from CCC, rejecting the applicant request for revised findings. Applicant filing legal actions is the cause of delays.

Kane: What are consequences of not granting EOT? *Nothing, since building exists*

Merten: As you come down Princess St to the ROW the pavement changes color and from asphalt to embedded pebbles. I remember the LJCPA was against this because it made it look like private property. *That was before I was involved.* Spa was added to plan which is not 25 ft from edge, maybe only 5-6 ft from bluff edge. Could be argued that a CDP can't be issued because work is inconsistent with current regulations. *We are negotiating with CCC, we will not build spa.*

Kretowicz: The spa and deck were never constructed.

Merten: Spa and deck is on your plans now.

Merryweather: Shouldn't give three more years for the Applicant to sue the CCC. LJ Community agreed to what CCC wants. 1) wants to restore the historic beach access. 2) ROW should be red curbed 3) remove pebble coated pavement as it makes the public ROW look like private property.

Marengo: CCC asks the ROW circle be red curbed, a condition of CCC.

Merryweather: When people drive down Princess they are confused and don't understand they can use the ROW to turn around, so they back out. This is very dangerous on Princess because of traffic on Spindrift.

Dan Allen: Will the footprint be smaller than the 1978 permit? *Smaller footprint, floor area smaller, height the same.*

Benton: In 1978 was a CCC permit issued? *Yes*

Allen: Where is coastal access? *Pointed to “South” side of house.*

Costello: Where is the location of the structure that the City denied a NUP? *Here by driveway, can't use it for “living quarters”.* Please point out where is the garage entry, beach access, building in the ROW, and where will red curb be. *Done* Do people have beach access? *No, it is being negotiated with CCC, issues of liability too.*

Kane: Asked Merryweather to explain historic beach access, identify where, etc. **Merryweather:** For years the owners, at least, let the Lifeguards have a key to get to beach for rescue. It is safe, I have seen the Kretowicz kids take a kayak down that path.

Benton: Question is EOT.

Angeles: why grant an EOT, everything is already built

Merten: If there is no CDP, the improvements will be found nonconforming by Code Enforcement, and they will have to be removed.

DuCharme: They have the permits thru the City, have the right to continue permit.

Thorsen: the applicant is tying up the process by his own action.

DuCharme: built illegally – then the City granted permits.

Kretowicz: CCC approved, the City approved, except the spa. The only condition we disagree is the easement. Issue is easement and access to the beach. Now access is only emergency until the path is improved.

Merten: what are Code conditions for EOT for a CDP (Section 126.0111) Muni Code quoted. Does not favor EOT with spa, trellis at bluff edge, approved in error.

Costello: you really need to deal with City and State bureaucrats, stop delaying, stay out of the courts. You could have had most, maybe not all, of what you want long ago. If you had, you and this issue would have been at peace long ago.

Benton: should we see where we stand here? Should we vote the Preliminary to a Final?

Kane: what are the conditions for an EOT?

Merten: EOT (Section 126.0111) Muni Code quoted. “No new condition is required to comply with state or Federal law.” That’s the issue. The permit issued doesn’t comply with State law. In order to bring project into compliance, a new permit needs to be issued. The spa and trellis do not comply with State law.

Marengo: City is agency to make findings. They say findings are made.

Kretowicz: This is consistent with conditions.

Merryweather: Tony Ciani sued the Bakers and won. The Court ruled beach access had to be provided or the house removed.

Merten: Tony Crisafi has said he thinks the CPA should hear this project since it has a high level of Community interest. We should give our recommendation.

Thorsen: The applicant keeps shopping for different answers with different agencies and courts in the hope they will finally get the answer they want.

Kane: Do we have everything we need to know to make a decision? If so, let’s decide.

Kretowicz: 14 July 2011, CCC approved except spa and deck (will delete spa & deck), remove wall by gate, easement. If we remove spa from drawings then we need to start all over with a new permit.

Unknown: What about the Easement?

Merryweather: If you bring the Applicant back for a Final Review we could have a CCC rep here.

Merten: But the question is not CCC, it’s EOT.

SUBCOMMITTEE MOTION:

Recorder setting 28 02 07 33

(Benton/ Liera 7-0-0) to Merge Preliminary and Final Reviews.

In Favor: Benton, Costello, DuCharme, Kane, Liera, Merten, Thorsen

Oppose: 0

Abstain: 0

Motion Passes

Benton: I would like to keep the applicant at the table, discussing.

SUBCOMMITTEE MOTION:

Recorder setting 28 02 13 48

(Thorsen/Merten 4-3-0) Deny EOT as no new condition is required to comply with state or Federal law. Findings cannot be made for an Extension of Time (EOT) for Site Development Permit as needed to continue processing the Coastal Development Permit.

In Favor: Costello, Liera, Merten, Thorsen

Oppose: Benton, DuCharme, Kane

Abstain: 0

Motion Passes

La Jolla Shores Permit Review Committee B Minutes

Special Meeting 4:00 p.m.-5:45 p.m. Monday, January 23, 2012

Committee members in attendance: Helen Boyden (chair), Dolores Donovan, Janie Emerson, Tim Lucas, Phil Merten, Michael Morton, Myrna Naegle, John Schenck

1. Non-Agenda Public Comment – 2 minutes each

Angelina Reinecke, resident on La Jolla Shores Scenic Drive North: There is an appeal to City Planning Commission regarding the Chao project on 8289 La Jolla Scenic Drive North. The hearing date is March 1 – contact the city project manager Jeffrey Peterson (619-446-5237) for time and location. She encourages the committee and concerned citizens to attend. The basis for the appeal is:

- ⤴ The 300' range of side setback averages supplied by the developers are significantly different than the actual averages. 5' 2" was provided as the average, but 9' 6" is the actual figure.
- ⤴ The rear setback is smaller than any house in the neighborhood.
- ⤴ The proposed roofline height at 26' 6" is 4' higher than the neighborhood average.
- ⤴ The development of an underground garage within 10' of the bluff may cause instability in an area with a history of landslides.
- ⤴ There are privacy issues and view blockage issues.

Phil Merten: The 8490 Whale Watch Project will be heard by the City Council tomorrow at the 2:00 pm session. The project has a FAR larger than allowed anywhere else in the city and is an indication of how large the project is. If approved, it will set a precedent which will blow the lid off house sizes in the La Jolla Shores PDO area. He encourages all LJ Shores residents to attend.

Michael Morton: Building issues heard at City Council are very important. Be aware that in the La Jolla Shores Planned District Ordinance, the metric of Floor Area Ratio (FAR) is not recognized. The issue in the PDO is bulk and scale. Be careful with using numbers such as the FAR that aren't recognized - address the bulk and scale of the project.

2. Chair Comments

- The regular Tuesday, January 24, 2012 La Jolla Shores Permit Review Committee meeting has been cancelled and rescheduled to this meeting Monday, January 23, due to lack of a quorum. We have very limited time due to the Recreation Center building closing at 5:45 pm.
- The Torrey Pines Road Slope Repair between Little and Roseland, southeast side of road has been consolidated for construction with the Torrey Pines Road Project and community review will occur at a future date.
- Caminito Bello has deferred until February.
- An AT&T Mobile installation at 7990 Via Capri will be heard in February
- Gaxiola has resubmitted – no contact
- LJCPA appeal of 8490 Whale Watch to the City Council is noticed for a Jan. 24, 2012, 2 PM hearing
- The T-Mobile North Torrey Pines Road (La Jolla Village Drive) CUP #236634 has been scheduled for a Hearing Officer Public Hearing on Wednesday, January 25.
- LJCPA Ad Hoc Committee on Bylaws Revisions met on Wednesday, December 14 at 4 PM to identify and discuss potential modifications and additions to current bylaws, including

incorporation of current association policies, including appeals and other procedures.
Additional meetings in January are expected

- The LJCPA approved the Avenida de la Playa/Beach Storm drain project at its January 5 meeting.
- The LJCPA approved the 8440/8450 Whale Watch project on consent at its January 5 meeting.
- La Jolla Shores PDO Advisory Board met Tuesday, December 20 at 9:15 AM and made no recommendations for varying reasons.

The Sinclair Residence – 2075 Soledad Road will be rescheduled by agreement with the applicant to the next meeting, Tuesday, February 28 at 4 PM due to shortage of time today.

3A. UCSD Hillel Center for Jewish Life -2nd hearing

- Project No. 212995
- Type of Structure: Phased Project for Religious Student Center and Offices
- Locations:
 - Phase 1 (and if Phase 2 not approved)-- 8976 Cliffridge Avenue
 - Phase II; Bounded by LJ Village Dr., LJ Scenic Way, LJ Scenic Drive, Cliffridge Avenue, Torrey Pines Road
- Project Manager: John S. Fisher; 619-446-5231; jsfisher@sandiego.gov
- Owner's rep: Robert Lapidus: rlapidus@sherlap.com

Project Description: Phased project for a 6,600 square foot Jewish student center on a vacant 0.76-acre site. Phase I would use an existing residence at 8976 Cliffridge Avenue as a temporary student center until the main center is built in Phase II. The property is located on the south side of La Jolla Village Drive, between Torrey Pines Road and La Jolla Scenic Way in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Plan area, Coastal Height Limit. [City] Campus Impact Parking Zone. Process Five.

Following info is taken from Page A0.00 except for setbacks and height—those from site plan and elevation pages:

Phase 1. Occupancy of Hillel of San Diego in the SF home at 8976 Cliffridge Avenue. Two parking alternatives: Preferred alternative is the temporary parking alternative during the construction of Phase 2. Should Phase 2 not be approved, the project consists of converting the SF home into the permanent office for Hillel of San Diego.

Deviations: 12' driveway curb cut instead of 24' for preferred alternative; 20' driveway curb cut instead of 24' if Phase 2 not approved. Only 4 surface parking spaces allowed in Campus Impact Parking Zone, but six spaces needed. [Need for deviations has been modified.]

Dimensions: First number is for preferred plan, *second is if Phase 2 not approved:*

- Lot size: 9,166 sf; 8,358 sf
- Gross House Area: 1792 sf (needed to calculate allowable occupancy (18 occupants))
- Gross Building Area: 2288 sf
- Percent of lot covered: 25%; 27%
- Percent of green softscape--not given 30% required

- Off street parking: 5 car and one van spaces; *two motorcycles spaces if Phase 2 not approved*; 4 bicycle spaces

Phase 2: Construction of 3 buildings, totaling approx. 6,600 sf to be occupied as a new student center for Jewish students at UCSD. A 27-space surface parking lot is located along the east portion of the site. Construction of a parklike amenity near the corner of LJ Village Dr. and Torrey Pines Rd.

Deviations: Lacks shower facilities and bicycle lockers required, wants to substitute 2 extra bicycle spaces. [Need for deviations has been modified.]

Seeking:

- Site Development Permit (SDP) for Sustainable Building Development
- Street Vacation
- Right of Way Dedication
- Change of Occupancy Permit
- Deviations from Development Regulations- [Need for deviations has been modified]

Previous LJSPRC Action: November 22, 2011. Please see minutes for additional details and comments.

Motion: Emerson; **Second:** Donovan

Continue item. Item to next be heard no sooner than the scheduled January PRC meeting. The applicant is advised to provide the following information:

- Visibility triangle shown on plans
- Neighborhood setback study
- Materials board
- The design and operation of the lighting for the parking lot and buildings.

Motion carries: 4-0-1

Approve: Donovan, Emerson, Lucas, Schenck; Oppose: None; Abstain: Boyden (chair)

Presented by: Robert Lapidus

Handouts, including elevations of the buildings, aerial photos, selected plans, Chapter 14 “Access and On-Site Circulation Discussion” from a review by the engineering firm Lanscott, Law & Greenspan that covers traffic flow issues, and a survey of other “Off Campus Hillel Facilities Completed Since 1993” were provided to the committee.

Points addressing issues previously raised by the committee:

- The transformer located next to the driveway has been moved back to address the visibility triangle issue.
- A 300' setback study was not required by city. Setbacks of residences immediately across the street are shown on a diagram provided to the committee. Front setbacks are shown measured from the property line.
- Materials samples were shown. Mostly earth tones for the wood lattice, and siding of Jerusalem stone. The concrete paving sample was shown. The roof will be copper.
- There is no exterior lighting design finalized at this time. The project will conform to city codes for spillover lighting for the adjoining properties.

Points addressing issues from Taxpayers for Responsible Land Use (TRLU)

- Showers are added to accommodate bicycle transportation. No deviations are now requested or required for a permanent shower facility.
- There is a deviation requested for the driveway being used for the temporary office use of Phase 1. They are requesting a 12' width driveway versus 22 ft in code.
- If no Phase 2 then the proposal is for Phase 1 office to be permanent and they will need 6 spaces to conform to parking requirement for an office use.
- TRLU says that this is not a conforming use. The contention is that the LJ Shores PDO states the use should only be for local residents is false. There is no requirement in the PDO that churches, synagogues, and permanent religious buildings serve only residents of the immediate neighborhood.
- Many of their students live in the surrounding area.
- Hillel is not affiliated with UCSD. It can not be on campus due to the religious nature of their mission and the constitutional requirements of separation of church and state.
- Hillel of San Diego is incorporated as a non-profit religious corporation, just like a church or synagogue.
- The community includes the neighboring campus, as well as the single family zone. This project will meet the needs of the students in the area.
- There are other student centers within the churches/synagogues in surrounding area.
- In 2006 the City sold the land with the proposed vacated right of way. The proposed development complies with all regulations.
- This project will not be detrimental to the neighborhood.
- The parking code allows for a parking study to address impacts, especially when the code does not specifically address a facility such as this.
- The parking provided is 4 spaces per 1,000 sq ft., which will provide more parking than any other Hillel Center.
- Opponents say project access from LJ Scenic Way is impractical. The opponents refer to a 1977 opinion from a city engineer which is not applicable to the present plan. No restrictions on access were shown in the title papers from the city.
- City Council in 2006 concluded that there is no use for the existing city right of way easement.
- City Council found in 2006 that street vacation met all the requirements when property was sold. .
- Project is conditioned on a public access easement for pedestrian and bicycle access.
- The proposed development will not adversely affect the adopted General Plan and Land Use, the La Jolla Shores Planned District Ordinance, or the La Jolla Community Plan.
- The Environmental Impact Review (EIR) is going through a screen check process now. The second screen check is expected to be completed by 2nd week of February. Public review most likely about March 1. Either 30 or 45 day review period.

Response in opposition to the project presented by Julie Hamilton, representing Taxpayers for Responsible Land Use (TRLU):

- Findings for a street vacation by the previous City Council have been set aside by the courts. The proposed street vacation must go through the review process again.
- TRLU does not believe that this is appropriate use for a SF zone. This is a student center not a permanent religious center.
- This project will set a bad precedent for development in the zone.

- The comparison chart of parking at various Hillel Centers is not applicable as many of the student centers are in areas where there is no campus parking and students using those centers reported many issues with access.
- Parking studies are commissioned by the applicant. Hillel's traffic engineer did the study, but the TRLU engineer has serious concerns about the methodology.
- The parking requirement for religious facilities in the City of San Diego is 1 space per 3 permanent seats.
- The proposed facility has a capacity for 158 people, but only 27 parking spaces proposed. By code there should be 53 parking spaces. This is not enough and will impact the neighborhood.
- The TRLU traffic engineer has concerns with the 2 left lanes turning from La Jolla Village Drive onto La Jolla Scenic Way which then funnel into one just beyond the proposed driveway. The proposed driveway feeds from the right most lane and will create a traffic obstruction as cars are turning into the facility.
- The setbacks on the LJ Scenic Drive North side will only be 10' if there is a street vacation.
- Without the vacation, there is no setback – does not conform to neighborhood averages.
- The City was incorrect with their previous finding. The cul de sac can't be vacated because the finding for no existing use can't be met. It is currently used for vehicles and parking.
- The 1977 city engineer opinion is relevant. The PDO was implemented in 1976, so the opinion is still valid. Mike Stepner, long time city planner, opined that site was not developable.
- The project is completely incompatible with the bulk and scale of the neighborhood.
- The proposed use is not compatible with this site.
- Without street vacation this project can't be built.
- Phase 1 is not an allowed use and the current office use should never have been allowed in a single family neighborhood.
- This is a large student center being sited in a single family neighborhood.
- The TRLU urges denial.

Merten: Can you comment on the proposed street vacation? **Julie Hamilton:** 30 ' along street and then the entire cul-de-sac. Pedestrian use and parking can be considered a use for public access, so the street vacation wouldn't meet one of the four criteria necessary to grant a vacation.

Morton: Is there a sidewalk on that side of street? **JH:** No. **Robert Lapidus:** There will be if the project is approved. **JH:** Findings can't be made to vacate current 2' of street.

Morton: Will new street meet all codes? **JH:** No **RL:** according to city engineers the 34' wide street after the vacation would meet the codes for street width.

Morton: Is a street vacation is part of the current application? **Robert Lapidus:** Yes. The project is dependent on the street vacation.

Lucas: Was this property originally sold with the street vacation? **Robert Lapidus:** The City sold and titled the property based on this street vacation. A lot line adjustment will need to be made with the house being used for offices after the vacation.

Donovan: Thinks that the street vacation issue needs to be cleared up before the committee takes action?

Boyden: The City Council will make the final decision on this. The committee should not hold up input on this project.

Julie Hamilton: *The property was sold based on street vacation, but that has been set aside by the courts. The city will have to buy back the entire property including that for the right of way vacation if the project is not built.*

Morton: Do adjacent residences have property line rights to center of the street? **Robert Lapidus:** *does not believe so, but is not sure.*

Morton: For the proposed Hillel Center, what is their association with other temples and synagogues in the neighborhood? **RL:** *This is a USCD student center. There is no formal affiliation. There may be Torah, Talmud or other scripture study classes held in conjunction with neighboring temples. Other than that the activities are separate and there are no affiliations. Hillel is a separate non-profit organization.*

At this point, Robert Lapidus read a letter regarding how important the Hillel centers were to a student who has since passed away.

Morton: Will other temples' youth organizations have access to this center? **Robert Lapidus:** *No, there is a condition on this project to not lease out facilities to any outside groups.*

Morton: Is there any other fencing or enclosure of this facility? **RL:** *Park areas will be a public easement area for public use with no fences around them. There may be gates at the buildings.*

Boyden: Has a question on the status of the draft conditions that were incorporated into the most recent cycles. Are they fixed or subject to negotiations? **RL:** *These were draft conditions and may still be tweaked.*

Boyden to the committee: The environmental documents are not completed/available yet. Per the City Attorney's office, community planning groups such as this are not required to review environmental documents before providing input.

Tony Crisafi, President of the La Jolla Community Planning Association, when asked, stated that he wanted the Traffic and Transportation subcommittee of the LJCPA to hear this project before it came to the LJCPA trustees. Mr. Lapidus stated that the project had not yet been scheduled for T&T.

Public Comment:

No further public comment.

Motion: Merten; **second:** Donovan

Findings for a Site Development Permit for Phase 2 cannot be made because the project does not conform to the design criteria set forth in the La Jolla Shores Design Manual and therefore does not comply with the La Jolla Shores Planned District Ordinance:

1. The size and bulk of the project is two to three times that of other structures in the vicinity and therefore not in conformance with the La Jolla Shores Design Manual.
2. The project will be disruptive of the architectural unity of the area.
3. The proposed structure setbacks are not in general conformance with the setbacks of other structures in the vicinity.

Discussion on the motion:

Merten: The existing office use is not compatible with the LJSPDO. The setbacks along the extent of the building are not in conformity with residential buildings in the area. The facade lengths are 120' to 140', again inconsistent with the neighborhood. Specifically, the LJS Design Manual lays out criteria: The bulk and scale of this project is twice that of nearby buildings. New structures should not stand out in excess of their importance. The roof lines are interesting, but overall they are significantly different from the architecture of the existing homes in the neighborhood and are somewhat disruptive. The arrangement of the buildings here do not allow view throughs as the neighboring houses do.

Morton: Will not support motion, the Design Manual encourages “unity with variety”.

Motion carries: 5-2-1

Approve: Donovan, Emerson, Merten, Lucas, M. Naegle

Oppose: Morton, Schenck

Abstain: Boyden (chair)

Motion: Merten; **second:** Emerson

The findings for a Site Development Permit for the continued office use of the existing single family dwelling (Phase 1) at the present time and also if Phase 2 is not approved is inconsistent with the La Jolla Shores Planned District Ordinance

Discussion on Motion:

Morton: The fact that the offices are in a detached building should not be an issue. Most religious facilities have offices.

Motion carries: 6-1-1

Approve: Donovan, Emerson, Lucas, Merten, M. Naegle, Schenck

Oppose: Morton

Abstain: Boyden (chair)

Motion: Schenck; **second:** Donovan

That the Permit Review Committee not make a recommendation as to whether the findings can be made for a street vacation.

Motion fails: 3-4-1

Approve: Donovan, Lucas, Schenck

Oppose: Emerson, Merten, Morton, M. Naegle

Abstain: Boyden (chair)

Motion: Emerson; **second:** Morton

To continue the street vacation issue to a future meeting.

Motion carries: 5-0-3

Approve: Lucas, Merten, Morton, Naegle, Emerson.

Oppose:

Abstain: Boyden (chair), Donovan, Schenck

3B. Salami Residence - 2712 Costebelle – 2nd hearing

- Project No. 255583
- Type of Structure: Single Family Residence
- Location: 2712 Costebelle Drive
- Project Manager: John S. Fisher; 619-446-5231; jsfisher@sandiego.gov
- Owner's rep: Pablo Paredes; Pablo@paredes.com

Project Description: 3925[3,984 prior] square foot addition to an existing single family residence on a 0.49 acre site located at 2712 Costebelle Dr in the Single Family Zone of La Jolla Shores Planned District [City]

Additional applicant provided text: Neighborhood containing several single family residences range from 3,000 sf to 8,000 sf. Lot sizes range from 20,000 sf to 40,000 sf. Views to the ocean are possible from most locations. See San Diego City comments for full set of issues. Major issues include possible impacts to sensitive vegetation and steep hillsides with existing rear yard improvements that may not have been properly permitted.

Seeking: Site Development Permit (SDP), possibly for Environmentally Sensitive Lands (ESL)

Previous Action: December 19, 2011- please see minutes for other comments and details.

Motion: Lucas **Second:** Donovan

To continue the project and return with responses to these issues the committee would like addressed:

- Landscaping and vista issue – landscape plan
- 300' neighborhood setback survey
- Plan showing the adjacent neighboring properties to show context of house and setbacks
- Show view triangle on plans for new garage
- Determine actual number of rooms that qualify as bedrooms
- Prop D line indicated on elevations
- Do the two driveways meet the city codes?. Are they spaced far enough apart?
- Provide street elevations
- Provide a materials board
- Provide an artist's rendering
- Address concerns on the setback on northeast property line and closeness to neighbors. What is the neighbor's setback on that side?
- How does this project comply with the community plan with regards to transitions between new construction and existing construction.
- Address concerns about parking in neighborhood, especially with so many bedrooms. Show parking spaces on plans.

Motion carries: 6-0-1. Approve: Donovan, Emerson, Lucas, Merten, Morton, Schenck; oppose: none; abstain: Boyden (chair)

Committee discussion: There is limited time available to hear this project due to the length of the first project review and the early closing of the Recreation Center tonight. After a brief discussion, it was decided to hear as much of the project as time permits.

Presented by: Tony Crisafi, Pablo Paredes

- There are many neighbors present in the audience that approve of the proposed project.
- The outlines of adjacent houses are shown on plans per committee request.
- They are proposing to convert the existing garage to a kitchen. A section will be added to the southeast wing of the house for the garage. The two existing driveways will remain unchanged. Applicant states that City has agreed.
- Site setback survey presented.
- Northeast neighbor setback is 5'. The setback is 4' 2" on project side. There is an existing retaining wall at that point which seemed a good place to push out the side of the house to in order to add articulation to that side of the house. [Phil Merten later stated that he opposed this.]
- The project conforms to the prop D height limit.
- Roof height 24' at maximum.
- 26' 11" under prop D methodology.
- 28' 11" setbacks from second story to street.
- House on northeast is a rental, so there has been no contact with the owner.
- The view from street has been improved slightly due to a 6" lower parapet height.
- Under the landscape plan, they will trim and lace trees. New plantings will significantly enhance street vistas.
- The City engineers have agreed to allow the two existing driveways. The trash storage must be (and has been) relocated due to view triangle issues.
- Most eucalyptus trees at the front will come out which will enhance the street vistas.
- The City cycles issues have all been cleared with staff verbally, but it will take some time for the written cycles to be updated.

Motion: Schenck Second: Donovan

Continue the project review to a future meeting. A full presentation will not be necessary.

Discussion on motion:

Lucas: Would like to hear public comment from the neighbors in attendance.

Boyden: Neighbors in attendance have indicated support of the project. The Rec Center is closing. They can write letters and submit them if they can't attend the next meeting.

Carried: 5-0-1

Approve: Donovan, Emerson, Merten, M. Naegle, Schenck

Oppose: Lucas, Morton

Abstain: Boyden (chair)

Meeting adjourned due to Rec Center closing.

**AD HOC COMMITTEE ON BYLAWS REVISIONS
LA JOLLA COMMUNITY PLANNING ASSOCIATION**

**COMMITTEE REPORT on Motion and Votes
for the WEDNESDAY, JANUARY 25, 2012 MEETING**

Committee Members in attendance: Costello, Crisafi, LaCava, Lyon, Merten (Chair), Thorsen,
Others: Boyden, Fitzgerald, Gabsch, Whitney

1. NON-AGENDA PUBLIC COMMENT: None

2. PROJECT APPEAL POLICIES AND PROCEDURES (See PROPOSED BYLAW CHANGES)

Bob Whitney explained his suggestions for project and environmental appeals procedures based on language contained in Council Policy 600-24 and City Information Bulletins 505 and 620, as presented in his letter to the Ad Hoc Committee dated 1-23-2012 (see attached)

Cindy Thorsen explained her suggestions for project appeals procedures to include:

When the Trustees vote to recommend 'denial' of a requested permit(s), and/or the required findings cannot be made for the requested permit; the LJCPA President shall inform the applicant that future decision(s) by the City to approve the requested permits can be subject to an appeal. The President will ask that the applicant schedule the next hearing process with the city in a period of time for which LJCPA may vote within the appeal period at its next regularly scheduled meeting. If the applicant does not wish to comply and the scheduled next process for the applicant does not fall within the time frame of a LJCPA meeting, the applicant will be further informed that should the City make findings to approve and LJCPA is not afforded the time frame from which to vote and submit in the appeal period if needed; An automatic appeal will then be filed.

Motion: (Costello / Thorsen) To adopt the project appeals procedures as suggested by Thorsen and to direct Chairman Merten to add similar provisions regarding Appeals procedures of 'Environmental Determinations' by the City of San Diego to the DRAFT Bylaws Revision as was suggested by Whitney.

Motion Carries: 5-0-1 (Chair Abstained)

Motion: (Crisafi / Lyon) An affirmative vote of a majority of the Trustees present at a scheduled meeting is required to Appeal a decision by the City to 'Approve' a requested permit(s), or to Appeal the City's Certification of an Environmental Determination, when the LJCPA's recommendation is to 'Deny' the requested permit(s).

Motion Fails: 3-3-0

Motion: (LaCava / Costello) An affirmative vote of two-thirds of the Trustees present at a scheduled meeting with a minimum of eight affirmative votes is required to Appeal a decision by the City to 'Approve' a requested permit(s), or to Appeal the City's Certification of an

Environmental Determination, when the LJCPA's recommendation is to 'Deny' the requested permit(s).

Motion Carries: 5-1-0

COMMITTEE REPORT for the WEDNESDAY, JANUARY 25, 2012 MEETING

(continued)

3. PROJECT APPROVALS WITH OR WITHOUT 'CONDITIONS'.

Jim Fitzgerald explained his reasoning for maintaining the LJCPA's current policy on Project Approvals without Conditions as presented in his written comments (see attached Fitzgerald's comments)

Motion: (Crisafi / Costello) To reject the Ad Hoc Committee on Operating Policies recommendation regarding project approvals with 'conditions', and to retain the current LJCPA policy that was adopted on June 4, 2009. (Note: The current policy specifies that the LJCPA will either approve a project without conditions or reject a project with the reasons for the rejection. The current policy does not permit the LJCPA to approve a project 'with conditions'.

Motion Carries: 5-0-0

4. STANDING BYLAWS COMMITTEE

Motion: (Costello / Thorsen) The LJCPA should not include a provision for a standing Bylaws Committee in the LJCPA Bylaws.

Motion Carries: 5-0-0

5. PARLIAMENTARIAN

Motion: (Thorsen / Costello) The LJCPA should not include a provision for a Parliamentarian in the LJCPA Bylaws.

Motion Carries: 5-0-0

LA JOLLA COMMUNITY PLANNING ASSOCIATION (LJCPA)

CPA Approval Procedure

Reviewed at 1/25/12 Ad Hoc Committee Meeting

Issue

- The LJCPA Ad Hoc Committee on Operating Policies has proposed rescinding the current project approval policy that was adopted by the Trustees on June 4, 2009.
- The current policy specifies that the LJCPA will either approve a project without conditions or reject a project with the reasons for the rejection. When the current policy was adopted, approving a project “with conditions” was eliminated as an option.

Recommendation

- Do not approve the Ad Hoc Committee recommendation and vote to retain the current approval policy adopted June 4, 2009.

Rationale for Recommendation

- The reasons for adopting the current policy remain valid today:
 - As a practical matter, there are only two possible determinations for projects before the LJCPA: the project is either in compliance with the applicable land-use regulations (approved) or the project is not in compliance (denied).
 - A project approved “with conditions” is a project that, in its present form, is not in compliance with applicable regulations.
 - The “conditions” attached to the approval (i.e., those changes required to bring the project into compliance) are the mirror image of the reasons that would be cited by the LJCPA in denying the project outright. As a result, conditional approval provides no new information to the applicant and/or to the City compared with the project-denied alternative.
 - On the downside, conditional approval sends an inherently mixed message to the applicant and to the City—both a “yes” (the project is approved) and a “no” (the project is denied unless the applicant makes the required changes).

LA JOLLA COMMUNITY PLANNING ASSOCIATION (LJCPA)

CPA Approval Procedure (Con't)

- In addition, prior LJCPA experience suggested that the “conditions” attached by the LJCPA to a project’s approval were sometimes ignored or lost during the course of the City’s extensive review, approval, and permitting processes. When the “conditions” attached to a project are ignored or lost, a “no” becomes a *de facto* “yes” and the community’s input is effectively abrogated.
- Finally, the current policy, in practice, has not substantively affected the LJCPA/Committee review processes and has not limited or constrained the volume or the quality of the guidance that is routinely provided to applicants during project review.

Conclusion

- The current policy has worked well for the last 2+ years.
- The policy has maximized the effectiveness of the LJCPA by making its decisions on projects as clear, unambiguous, and usable as possible to the applicant and to the City.
- The recent experience with the Spindrift project appears to support this conclusion. The unambiguous denial of this project maximized the LJCPA’s leverage with the applicant to subsequently bring the project into compliance with the PDO. A qualified, “yes, but” approval likely would have not generated the same leverage and may not have produced the same result.
- For the reasons noted above, the current approval policy should be retained.

PROPOSED BYLAW CHANGES

*** Only includes those sections with changes ***

Underline = Text to be added

La Jolla Community Planning Association Corporate Bylaws **2012 DRAFT REVISIONS - January 27**

ARTICLE VIII LJCPA Policies and Procedures, Community Participation

Section 4. Project Review

Motions and Voting

If a motion on the floor is voted on and fails, it is considered as a failed motion. New motions can be made and voted upon repeatedly until such time as the motion on the floor passes. If the LJCPA is unable to pass any motion, it will be considered a non-vote. (Example: A motion is made that the findings can be made and fails. This is considered a non-vote. A new motion is made that 'the findings cannot be made' and passes. This is considered a vote in opposition to the proposed Project.)

Section 5. Project Appeal Procedures

(A) The following provisions pertain to a potential Appeal of the City of San Diego's (City) decision to 'approve' a project when the La Jolla Community Planning Association (LJCPA) has recommended to the City that the project be either 'denied' and/or 'the required Findings for the requested permit cannot be made.'

(1) When an applicant initially contacts the LJCPA regarding review of his/her project by the LJCPA, the President or the appropriate Review Committee Chairperson shall notify the applicant of the LJCPA's Policy to Appeal decisions of the City of San Diego to 'approve' a requested permit when the LJCPA has previously forwarded a recommendation to 'DENY' the project. The notification should emphasize the LJCPA's ability to 'Appeal' the City's decision to APPROVE to the highest levels of City government in accordance with the provisions of the San Diego Municipal Code (SDMC). The purpose of such notification is to persuade the applicant to consider the concerns of the LJCPA in an effort to fully comply with all applicable provisions of the SDMC, the La Jolla Community Plan, Land Use Plan and Local Coastal Program and all other applicable rules and regulations.

(2) Should the Trustees vote to recommend 'denial' of a requested permit(s), and/or the 'required findings cannot be made for the requested permit(s), the President will offer the project applicant the option to revise and re-submit the project design drawings for further consideration by the LJCPA.

(3) When a majority vote of the Trustees is to recommend 'denial' of a requested permit(s) and/or the 'required findings cannot be made for the requested permit(s)', the President shall inform the applicant that any decision by the City to 'approve' the requested permit(s) is subject to potential Appeal filed by the LJCPA. The President shall request that a hearing by the City to consider the requested permit(s) not occur more than 10 days before a regularly scheduled monthly meeting of the LJCPA, so that should the City decide to Approve the requested permit(s) the LJCPA will have an opportunity to consider and vote on whether or not to Appeal of the City's decision within the City's 10 day appeal period. The President shall inform the applicant and the City that when the LJCPA has recommended that a requested permit(s) be 'denied', that any decision by the City to 'Approve' such permit(s) made more than 10 days prior to a regularly scheduled monthly meeting of the LJCPA shall be appealed by the President without a vote of the Trustees.

(4) When a majority vote of the Trustees was to recommend 'denial' of a requested permit(s) and/or the 'required findings for the requested permit(s) could not be made', and contrary to that recommendation the decision by the City is the 'Approve' the requested permit(s), the Trustees shall consider whether or not to Appeal the decision to approve the permit(s) to the next higher body at the next LJCPA meeting. With an affirmative vote of two-thirds of the Trustees present at a publicly noticed LJCPA meeting, and with a minimum of eight affirmative votes, the LJCPA President shall Appeal that decision to the next higher governmental body.

Section 5. Environmental Determination Review and Appeal Procedures

(A) When the City has issued an Environmental Determination for a proposed project, the LJCPA shall consider the Environmental Determination as an action item at regularly scheduled monthly meeting. A simple majority vote by the Trustees present at the meeting is required to take exception to the City's Environmental Determination.

(B) When the LJCPA has voted to take exception to an Environmental Determination made by the City, and with an affirmative vote of two-thirds of the Trustees present at a publicly noticed LJCPA meeting, and with a minimum of eight affirmative votes, and after all other project appeal rights have been exhausted, the LJCPA President shall Appeal that Environmental Determination by the City to the next higher governmental body.