



PO Box 889, La Jolla, CA 92038

<http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

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President: Tony Crisafi

Vice President: Joe LaCava

Treasurer: Orrin Gabsch

Secretary: Dan Allen

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

La Jolla Recreation Center, 615 Prospect Street

Thursday, 4 October 2012

D R A F T AGENDA – REGULAR MEETING

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval: 6 September 2012**
4. **Elected Officials Report** – Information Only
 - A. Council District 2 – Councilmember Kevin Faulconer
Rep: **Katherine Miles**, 619.236.6622, kmiles@san Diego.gov
 - B. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@san Diego.gov
5. **Non-Agenda Public Comment**
Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
 - A. UCSD - Planner: **Anu Delouri**, adelouri@ucsd.edu, <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. **President's Report**
 - A. Children's Pool Rope Barrier – Planning Commission Hearing 9/27 - report
 - B. Tong EOT - Action item: whether to appeal potential future adverse decision of Hearing Officer on Oct. 10, 2012 hearing
 - C. Puesto Sidewalk Cafe – Notice of Decision noticed Aug 17th, no appeal made, received notice Sept. 14th
 - D. 7755 Sierra Mar – Action item: whether to appeal the Hearing Officer decision of Sept. 26th
 - E. 1223 Muirlands Vista Way – Over height swimming pool, response from City

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

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

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

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

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

DPR – Development Permit Review Committee, Chair Paul Benton, 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, 4p

A. Herringbone Sidewalk Café Permit (signage)

PDO Action: Signage meets intent of the code, to not create a potential obstruction in the right-of-way, because blade sign extends over approved sidewalk café. Based on placement, recommending an exemption from the 14 foot above finished floor clearance requirement.

8-0-0

7837 Herschel Ave.- signage permit

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

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

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

11. **UCSD Scripps Institute of Oceanography: MESOM Laboratory** – Action item

La Jolla Shores Drive – building under construction is blocking ocean views contrary to what is presented in photo simulations, LJCPA sent letter to Chancellor & CCC on 9/10/12, response from Chancellor attached.

UCSD Photo simulations: <http://commplan.ucsd.edu/MESOM/MESOM%20Photosimulation%20RFS.pdf>

Representative: Anu Delouri, UCSD Planner

12. **FY 2014 Capital Improvements Program Budget** – Action Item

Review & recommend projects that have not yet been funded, only partially funded and thus delayed, or have yet to be taken up by the City. Submit proposals to CPC by no later than November 7;

References: <http://www.lajollacpa.org/cip.html>;

<http://www.sandiego.gov/iba/pdf/cipguidefullversion.pdf>

<http://www.sandiego.gov/iba/pdf/cipguidequickversion.pdf>

13. **2351 Vallecitos Residence** - **Full Review by Trustees per request of Applicant** -Action Item

2351 Vallecitos - CDP and SDP to demolish an existing 2664 sf residence and construct a 4920 sf single story SFR on a 19,236 sf lot according to revised plans dated September 17, 2012. Includes 3-car attached garage, pool and retaining walls.

PRC Action (Sept. 2012): Project should not be approved on the basis that it disrupts the architectural unity of the area. [and] The east side-yard setback is not in general conformance with the area. 3-1-4

Applicant: Haley Bareisa, Island Architects

14. **Adjourn** to next Regular Monthly Meeting, November 1st, 2012, 6:00 pm

**Time
Certain:
6:30p**



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Treasurer: Orrin Gabsch
Assistant 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, 6 September 2012

DRAFT MINUTES – REGULAR MEETING

Trustees Present: Dan Allen, Cynthia Bond, Tom Brady, Bob Collins, Michael Costello, Dan Courtney, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, Tim Lucas, Nancy Manno, Cindy Thorsen, Frances O'Neill Zimmerman.

Absent: Devin Burstein, Laura Ducharme-Conboy, Tony Crisafi, David Little, Phil Merten.

1. Welcome and Call To Order: Joe LaCava, Vice President, at 6:03 PM

Swearing in of Incoming Trustee – Bob Collins

Vice President LaCava administered the LJCPA Oath of Office to new Trustee **Bob Collins** who was elected in the Special Election at the August meeting to fill a 3-year term that ends in April 2014.

2. Adopt the Agenda

Approved Motion: Motion to adopt the Agenda, (Fitzgerald/Gabsch, 10-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.
Abstain: LaCava.

3. Meeting Minutes Review and Approval – 2 August Regular Meeting

Approved Motion: Motion to approve Minutes of 2 August Meeting, (Manno/Fitzgerald, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.
Abstain: LaCava.

4. Elected Officials Report - Information Only

A. San Diego City Council District 2 - Councilmember Kevin Faulconer

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

Ms. Miles was not present.

B. San Diego City Council District 1 - Councilmember Sherri Lightner

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

Councilmember Lightner reported that the Children's Pool lifeguard tower construction contract has been let and startup is scheduled this fall; the Children's Pool rope barrier was postponed at the Planning Commission and will be heard in late September at the earliest; she is working with the Save La Jolla Post Office Task Force; action on the Cove stench requires approval from the Coastal Commission and from the Regional Water Quality Control Board, and meetings with those agencies have been scheduled; on Torrey Pines Road improvements, \$1 million is available to remove obstructions on the north sidewalk, the slope stabilization on the south side in the region opposite Little Street will begin late in 2013, and there is a shortfall of \$20 million to proceed with the remainder of the Torrey Pines Road Plan.

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://physicalplanning.ucsd.edu>

Ms. Delouri was not present.

General Public Comment

John Beaver expressed his concern that the building under construction on the west side of La Jolla Shores Drive at UCSD Scripps Institute of Oceanography (MESOM building) is destroying the ocean view there. He read his letter, which was published today in both La Jolla weekly papers.

Paul Metcalf stated a clarification that his client, Encore Trust, will abide by the terms of the approval of their project (LJCPA meeting March 2012) and there are no plans to add back a guesthouse.

6. Non-Agenda Items for Trustee Discussion

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

On the subject that **Mr. Beaver** addressed, **Trustee Fitzgerald** recalled the presentation to the La Jolla community by UCSD on the plans for the MESOM Building at Scripps Institute of Oceanography at which time there was assurance the views over the site would not be impaired. **Trustee Allen** related that the "photo simulations" of the MESOM Building are still on the UCSD Physical and Community Planning website (<http://commplan.ucsd.edu/MESOM/MESOM%20Photosimulation%20RFS.pdf>) demonstrate more ocean views with the proposed building than can be seen with the current construction. He read from the May 2011 Mitigated Negative Declaration for the project: "The proposed project has been designed such that the topography of the site would conceal almost all of the building below the grade of the road. No significant ocean views are blocked, and no significant adverse effects to aesthetics would occur as a result of the proposed project"

Approved Motion: To suspend the Rules to consider the matter of the UCSD Scripps Institute of Oceanography MESOM building, (Allen/Zimmerman, 11-0-1).

(Not on the posted agenda; 2/3 vote required per Brown Act if there is need to take immediate action and the need for action came to the attention of the body subsequent to the agenda being posted)

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

Approved Motion: To send a letter to the UCSD Chancellor and to the Coastal Commission asking that construction be stopped on the MESOM Building until the discrepancy can be explained, (Allen/Zimmerman, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

7. Officer's Reports

A. Secretary

Trustee Allen stated LJCPA is a membership organization open to La Jolla residents, property owners and local businesspersons at least 18 years of age. By providing proof of attendance one maintains membership and becomes 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. Forms are on-line at www.lajollacpa.org.

B. Treasurer

Trustee Gabsch asked assistant treasurer, **Jim Fitzgerald**, to give the Treasurer's report. **Trustee Fitzgerald** presented the results for the past month. August Beginning Balance: \$347.33 + Income \$173.02 – Expenses \$99.86 = September Beginning Balance: \$420.49. Expenses for the month included agenda printing and telephone expenses.

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 are in cash to preserve anonymity.

8. President's Report – Action Items where indicated

Vice President LaCava gave the report.

A. Children's Pool Rope Barrier – Planning Commission Hearing Aug. 30 canceled

B. Tong EOT - Hearing Officer continued this item to Oct. 10, 2012

C. Palazzo SCR – Notice of Decision noticed Aug. 17; no appeal made

D. FY2014 Capital Improvement Program Budget – CPGs invited to submit recommendations
There are three training sessions for this process. Trustees wishing to attend should contact Vice President LaCava. LJCPA will take action in October and/or November.

E. Development Services Reorganization

A memorandum from Kelly Broughton, Development Services Department Director, along with a new organization chart was e-mailed earlier to the Trustees.

9. Consent Agenda – Ratify or Reconsider Committee Action

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

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

DPR – Development Permit Review Committee, Chair Paul Benton, 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. 5628 La Jolla Blvd

PDO Action: Signage and façade colors comply with the PDO 6-0-0.

5628 La Jolla Blvd.- Review signage and façade colors for LJPDO code compliance in LJPDO zone

B. Herringbone Sidewalk Café Permit

DPR ACTION: findings can be made for a Neighborhood Use Permit for a 151 SF sidewalk café for a restaurant at 7837 Herschel Avenue. 7-0-1

7837 Herschel Ave- 151 sq ft sidewalk café permit with railing at 3 ft 6 inches tall and clearances of 8 ft throughout and 3 street trees

C. EC English School

DPR ACTION: Findings can be made a for Site Development Permit and Conditional Use Permit to increase the number of students to 300 and number of employees to 25 for an English language vocational school in the existing building at 1010 Prospect Street. 6-0-2

1010 Prospect Street – SDP and CUP to amend CUP 93-0685 to increase the number of students and employees from English language vocational school in an existing building.

D. Tong Residence EOT

DPR ACTION: to deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road. 7-0-1

961 La Jolla Rancho Rd. - Extensions of Time for Coastal Development Permit 139245 and Site Development Permit 141335 for Environmentally Sensitive Lands to demolish an existing Single Dwelling

Approved Motion: Motion

To accept the action of the Planned District Ordinance Committee: (A) 5628 La Jolla Blvd: Signage and façade colors comply with the PDO, and forward the recommendation to the City,

To accept the actions of the Development Permit Review Committee: (B) Herringbone Sidewalk Café Permit: findings can be made for a Neighborhood Use Permit for a 151 SF sidewalk café for a restaurant at 7837 Herschel Avenue, (C) EC English School: Findings can be made a for Site Development Permit and Conditional Use Permit to increase the number of students to 300 and number of employees to 25 for an English language vocational school in an existing building at 1010 Prospect Street, and forward the recommendations to the City,

(Collins/Fitzgerald, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

Approved Motion: To accept the action of the Development Permit Review Committee: (D) Tong Residence EOT: to deny the EOT. Findings can not be made for Extensions of Time for Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish an existing Single Dwelling Unit and construct a new 6,796 SF single dwelling unit with attached 3 car garage at 961 La Jolla Rancho Road, and forward the recommendation to the City, (Costello/Gabsch, 11-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Abstain: LaCava.

10. Reports from Other Advisory Committees - Information only

A. Coastal Access and Parking Board - Meets 1st Tues, 5pm, La Jolla Recreation Center.

The continuing and newly appointed members of the Board met September 4 and elected **Dan Allen** chairman. Only two of three seats on the Board assigned to LJCPA are filled, and so volunteers are encouraged to come forward. Meeting time was changed to 5PM.

B. Community Planners Committee – Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego.

Trustee LaCava reported that the CPC is working on participation of Community Planning Associations in the development of the list of 2014 Capital Improvement Projects, as also announced in the President's Report.

11. Valet Permit 909 Prospect St - Action Item

909 Prospect St. - Request for Valet Parking permit for Barfly restaurant.

T & T ACTION (July 2012): Motion to approve, 4-1-1.

LJCPA ACTION (August 2012): Pulled from Consent Agenda by Nancy Manno.

Applicant: Troy Martin, owner of Finest City Valet

Mr. Martin explained that the white curb is already designated. There was valet parking there previously.

Utilization of the valet service is open to the public and not just to patrons of adjacent businesses. The fee will be \$10 flat rate. A City valet permit is \$700 initially and \$300 each year thereafter.

Approved Motion: To approve valet parking for Barfly restaurant, 909 Prospect Street, (Brady/Thorsen, 10-1-1).

In favor: Allen, Bond, Brady, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Opposed: Collins.

Abstain: LaCava.

12. 9th Annual La Jolla Concours d'Elegance – Action item

Friday April 6th to April 7th - Street Closures

T&T ACTION (JULY 2012): Approved, contingent on showing support of businesses on Wall and Prospect Streets, 5-0-2.

CPA ACTION (AUG 2012): Pulled from Consent Agenda by Dan Courtney

Applicant: Laurel McFarlane, Trip Bennett

Mike Dorvillier presented graphics of street activities. A handout was distributed showing sign-off by a long list of businesses in the area. This will be the 9th year of the event and the 5th in conjunction with the La Jolla Historical Society. **Trustees Lucas, Zimmerman, and LaCava. Gail Forbes** asked questions. The street closures will be the same as last year except that more of Girard Avenue will be utilized, but without traffic pattern changes from last year. Estimate is that beneficiaries La Jolla Historical Society and Monarch School get \$60 thousand out of \$200 thousand of admissions.

Approved Motion: To approve Street Closures for La Jolla Concours d'Elegance, April 6th to 7th, (Gabsch/Brady, 10-1-1).

In favor: Allen, Bond, Brady, Collins, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.

Opposed: Zimmerman.

Abstain: LaCava.

13. Red Curb 7205 Olivetas - Action Item

7205 Olivetas – red curb opposite the driveway of 7205 Olivetas

T & T ACTION (JULY 2012): Not approved, 3-3.

CPA ACTION (AUG 2012): Pulled from Consent Agenda by Mathew Welsh, applicant

Applicant: Mathew Welsh

Ron McLeod, owner, explained that the curb opposite his driveway had been red for 20 years but the City would not repaint the curb after a recent repaving without LJCPA approval; he has written OK from 6 of 7 neighbors. **Mr. Welsh** provided a handout and showed a survey of red curbs in the neighborhood, and there are 10 similar situations where the curb across from a driveway is red apparently for the convenience of leaving the driveway. **Trustees Brady, Collins, Courtney, Costello, Fitzgerald, LaCava, Lucas, Thorsen and Zimmerman** commented. **Claude-Anthony Marengo** commented.

Approved Motion: Approve a red curb opposite the driveway of 7205 Olivetas, (Zimmerman/Thorsen, 9-3-1).

In favor: Allen, Bond, Costello, Fitzgerald, Gabsch, Lucas, Manno, Thorsen, Zimmerman.

Opposed: Brady, Collins, Courtney.

Abstain: LaCava.

At this point (7:10PM) Vice President LaCava recused himself. Treasurer Gabsch assumed the chairmanship of the meeting.

14. Wu/Tsai Residence - Full Review by Trustees per request of Applicant - Action Item

9882 La Jolla Farms Road - Demo existing 10,383 sq ft house & build a new 9,708 sq ft home with attached 1051 sq ft 4 car garage, pool, and 951 sq ft companion unit/pool house

DPR ACTION (Aug. 2012): Findings can be made a for a Coastal Development Permit to demolish existing 10,383 SF residence and construct a 10,759 SF single family residence and a 951 SF companion unit on a 2.37 acre site at 9882 La Jolla Farms. 6-0-1

Applicant: Matt Peterson

Trustee Lucas expressed concern that there was no notice posted on the property. **Mr. Peterson** responded that the posting of the notice at the time of the meeting was not required for the hearing to proceed. **Mr. Peterson** made a presentation with projected graphics and distributed hard copies. **Paul Metcalf** expressed concerns of client, Encore Trust, which had been e-mailed to the Trustees. Three neighbors spoke in favor of the project: **Irv Wheeler, Josh Bruser and Joseph Wong**. **Trustees Allen, Brady, Courtney, Costello, Fitzgerald, Lucas, Manno and Thorsen** had questions or participated in discussion.

Approved Motion: Findings can be made a for a Coastal Development Permit to demolish existing 10,383 SF residence and construct a 10,759 SF single family residence and a 951 SF companion unit on a 2.37 acre site at 9882 La Jolla Farms, (Courtney/Collins, 10-0-1).

In favor: Allen, Bond, Brady, Collins, Costello, Courtney, Fitzgerald, Lucas, Manno, Thorsen.

Abstain: Gabsch.

Recused - out of room: LaCava.

At this point (7:40PM) Vice President LaCava returned to chair the meeting.

15. Ad Hoc Committee on Operating Procedures – Action Item

Action: Consideration whether to recommend to the Membership at the next annual meeting that the Bylaws be amended pursuant to the Ad Hoc Committee's motions #1 & #2 from their August 2012 meeting, listed below:

1. That the LJCPA Bylaws be amended to state that the LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained solely to represent individuals or groups of people who are opposed to a proposed project/discretionary permit which is under consideration by the City of San Diego and the LJCPA (Crisafi/LaCava 3-2-1).
2. That the LJCPA Bylaws be amended to create the office of a Second Vice-President. (For the purpose of chairing a meeting or hearing when the President and Vice-President are unable to chair the meeting or hearing)

(Whittemore/Costello 3-1-2).

Trustees Bond, Courtney, Costello, Fitzgerald, Gabsch, LaCava, Lucas, Manno, Thorsen and Zimmerman commented. **Michael Morton, Bob Whitney, Gail Forbes and Helen Boyden** commented. The Trustees discussed both Ad Hoc Committee motions #1 & #2. General agreement favored #2. Wording of #2 was revised to use the same terms of reference as in the present Bylaws.

Concerning Ad Hoc Committee's Motion #1, arguments against it were a) that it would have a "chilling" effect on potential Trustee candidates by not allowing them to take clients, if elected, and b) that it would be unfair to members of the public in opposition to a project/discretionary permit who would not be able to engage all potential advocates. Arguments in favor were that the present arrangement gives the appearance of impropriety and reduces the standing of the Association in the general public eye because a) the implication that the Trustees would be swayed by one of them representing a person or group in opposition in a hearing, and b) the sense that in the process before and after a hearing there is an ability for an LJCPA officer to willfully or inadvertently obstruct a project/discretionary permit, more than there is an ability to advance a project. An alternative was discussed that would have LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained to represent individuals or groups of people who are in favor *or opposed* to a proposed project/discretionary permit.

Approved Motion: To recommend to the Membership at the next annual meeting (March 2013) that the LJCPA Bylaws be amended to create the office of Second Vice-President, and that in the absence of the Vice President, the Second Vice President shall perform all the duties and responsibilities of the Vice President, (Courtney/Gabsch, 10-0-1).

In favor: Allen, Bond, Collins, Costello, Courtney, Fitzgerald, Gabsch, Lucas, Manno, Thorsen.
Abstain: LaCava.

Failed Motion: the LJCPA Bylaws be amended to state that the LJCPA President, Vice-President and Joint Committee Chairpersons not be allowed to be retained solely to represent individuals or groups of people who are opposed to a proposed project/discretionary permit which is under consideration by the City of San Diego and the LJCPA, (Thorsen/Manno, 4-6-1).

In favor: Gabsch, Lucas, Manno, Thorsen.
Opposed: Allen, Bond, Collins, Courtney, Costello, Fitzgerald.
Abstain: LaCava.

16. Adjourn, at 8:45 PM.

Next Regular Monthly Meeting, 4 October, 6:00 pm.

Unapproved Minutes of the La Jolla Planned District Ordinance Committee

MONDAY, September 10, 2012 (continued)

Present: Stiegler, Fitzgerald, Gabsch, Marengo, Dershowitz, Berwin, Van Galder, Palmer, Parker.
Members of the public are also present.

Meeting called to order at 4:05 by Ione Stiegler

1. **Public Comment** – Issues not on today's agenda (2 minutes maximum.): *None*
2. **Chair Report / Board Discussion**
 - a. Review and Approve August Minutes: *Motion to approve Fitzgerald, second Marengo 5-0-4*
 - b. Letter sent by CPA regarding the role of the PDO committee in the city review process. (Fitzgerald): *Discussion on follow up to the letter. The DSD have not responded to the letter. The committee discussed potential options for following up with our concerns. Decision was made to approach Councilmember Sherri Lightner with our concerns. Stiegler is to draft a cover letter to the original letter to introduce our concern over the lack of action from DSD. The copy of the original letter is to be sent to all committee members to notice the discussion of the topic with their community organizations.*
 - c. Issues regarding PDO compliance and means to promote enforcement.: *It was discussed that the office of code compliance is currently better funded than the last few years and we could try to get some enforcement help from them.*

3. **Recommendations to CPA**

A.

Project Name: Herringbone Sidewalk café permit

Address: 7837 Herschel Ave

Project Number:

PDO Zone: zone 1

Applicant: CA Marengo

Agent: C.A. Marengo

City Project Manager:

Date of App Notice: July 17th 2012

Scope of Work: signage

- *A blade sign was presented. The sign was reviewed for conformance with the PDO.*

Motion: Signage meets intent of the code, to not create a potential obstruction in the right-of-way, because blade sign extends over approved sidewalk café. Based on placement, recommending an exemption from the 14 foot above finished floor clearance requirement. Fitzgerald, Berwin 8-0-0, Marengo recused

B.

Project Name: Ohana Cafe

Address: 456 Pearl St

Project Number: 285370

PDO Zone: LJPD-4

Applicant: Becky Kuba and Larry Chou

Agent: Roger Clark

City Project Manager: Tamara Adams

Date of App Notice: 9/4/2012

Scope of Work: Planning on opening a cafe roughly 1120 sq ft in size.

Unapproved Minutes of the La Jolla Planned District Ordinance Committee

MONDAY, September 10, 2012 (continued)

Modifications include a small kitchen and customer area, interior renovations, and new sectional door. Existing bathroom to remain. Note noted by applicant but noticed for pending discussion: Signage and façade improvements.

- *Presentation of current improvements. The committee offered advice that the façade improvements, as represented conformed with the PDO, except for the palm-frond fringe. Committee expressed concern regarding the fire safety of restaurant occupants and advised the applicant to have the City review the palm-frond fringe for compliance with fire regulations.. A potential sign area was presented. The sign could not be reviewed for conformance with the PDO. Requested owner to present the actual design at the next meeting.*
- *Separate from the applicant's presentation. the Committee discussed the significant concern that this project once again represents the DSD's ongoing interpretation that an intensification of use is approvable in a commercial mall with significantly reduced parking requirements and without a hearing before the LJPDO.*

Motion: No motion; applicant asked to return next month

4. Recommendations to DPR Committee

Project Name: **7598 Girard Avenue**

Address: **7598 Girard Avenue, LA JOLLA, CA, 92037;**

Project Number: #274439

PDO Zone: **LA JOLLA**

Applicant: Torrey Pines Real Estate Holdings

Agent: **Beth Reiter, Civil Project Manager**

City Project Manager:

Date of App Notice: 7-18-2012

Scope of Work: The map waiver exhibit is attached. The proposed project is an 8 unit residential with 1 unit ground floor commercial mixed-use building with underground parking. The current site is the parking lot directly adjacent/behind Vons on Girard. I believe the address is 7598 Girard Avenue. We're in the process of completing the Site Development/Coastal Development/Map Waiver with the City

- *Requested extension to next month.*

5. Information Only

A. None

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT
FOR
September 2012

September 11 Present: Cancelled

September 18 Present: Benton (Chair), Collins, Costello, Grunow, Kane, Liera, Welsh

1. PRELIMINARY REVIEW

recorder setting 09/09 00 00 00

Project Name: **HERITAGE ON IVANHOE MW**

7716 Ivanhoe Ave (mult addresses)

Project #: PO# 289238

Permits: CDP

DPM: Jeff Peterson 619-446-5237

japeterson@sandiego.gov

Zone: RM-3-7

Applicant: Robert Bateman 858-565-8362

Scope of Work:

(Process 3) Map Waiver and Amendment to CDP #793182 to create 14 residential condominium units (under construction) on a 0.72 acre site at 7716 Ivanhoe Avenue (multiple addresses) in the RM-3-7 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Residential Tandem Parking, Transit Area.

APPLICANT PRESENTATION (Robert Bateman):

The Applicant would like to be able to sell the 14 residential units as independent condo units. At first there were three lots, then they were consolidated for the Heritage on Ivanhoe Project. Map waiver will allow them to be sold 14 individual units.

Please provide for FINAL REVIEW:

- a. Please provide the previously drawn Landscaping plan.
- b. Indicate the location of the historic Tudor style house.
- c. Define the common areas and public areas in the Project.

recorder setting 09/09 00 15 02

2. PRELIMINARY REVIEW

Project Name: **RAMIREZ RESIDENCE**

1011 La Jolla Rancho Road

Project #: PO# 282667

Permits: CDP + SDP

DPM: Sandra Teasley 619-446-5271

steasley@sandiego.gov

Zone: RS-1-4

Applicant: Samantha Tosti 617-816-1708

Scope of Work: Tim Martin 760-729-3470

(Process 3) Coastal Development Permit and Site Development Permit for Environmentally Sensitive Lands to demolish existing residence and construct a 7,733 SF single family residence on a 0.59 acre site at 1011 La Jolla Rancho Road in the RS-1-4 zone within the La Jolla Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit.

APPLICANT PRESENTATION (Tim Matin, Samantha Tosti):

Original house, built 1971, FAR = 0.37, 5,190 sq ft, is uninhabitable due to neglect. Will replace with a similar sized house with less profile. Proposing 7,733 sq ft, 4,463 sq ft for FAR. Lot 25,850 sq ft with steep slope can only use 13,962 sq ft for FAR calculation, Proposed FAR = 0.32, 0.45 allowed. Presented extensive drawings and photos of the proposed house, swimming pool, views, steep slope, encroachments, and neighborhood. They are trying to get smaller footprint and have some yard. Below height limit, 8-10ft. Front yard setback is 20 ft by HOA and City. Have been to La Jolla Corona HOA. HOA protects views. Issue was private views, views will be enhanced along the sideyards, opened up, trees removed. Asked to place story poles, done, then asked to reduce chimney, done. Study done, there is no impact on public views or overlooks. View is South to Mission Bay, will open up the scenic overlook on LJ Rancho. A steep hillside with a 50 ft drop, 12,000 sq ft of the lot is steep hillside can not be developed. 25% of the lot remains developable. Currently, there are lots of encroachments (stairway, greenhouse, pond) on the hillside, these are pre-existing, non-conforming, but not illegal. The applicant would like to swap these encroachments for a swimming pool on the encroaching slope. (If pool is brought closer, or too close, to the house, the bottom of the pool counts as the lowest point for height measurement and thereby limit.) Geologist says site is stable. City concerned about re-vegetation of slope. Bluff is sandstone and can't be replanted. City CILs asked effect of earthquake on pool water and property down slope.

DISCUSSION:

Applicant in bold italics.

Connie Stone: property owner below. Has a huge drainage problem. Asks that downhill drainage be stopped. Tim Martin will talk to their Civil Engineer and City Staff.

Lorraine Lewis: Neighbor below. Considerable problem with drainage and eroded soil flowing on her property. Long history of flooding. Likes plants to control. Also concerned about pool leakage.

Martin: *roof water and drainage up hill of the swale will be pumped to the street.*

Martin: *Would like LJ DPR's opinion on two options and return to us after working on them.*

1) Move house with backyard pool 5 ft into the 20 ft front yard setback (leaving 15 ft) requires City variance, also HOA requires 20 ft, so must resolve with HOA too.

Or:

2) Remove slope encroachments and swap these for an encroaching pool on the slope.

Welch: from an architectural standpoint, what does the pool look like from downhill? *Shows photos of a similar situation.*

Kane: Keep the front yard setback as is, discuss slope trade issues for pool.

Stone and Lewis: the pool is not the issue, drainage and slope erosion onto their properties is very much so.

Liera: prefers moving the house into the front yard setback, move pool uphill a little more.

Costello: Prefers keeping front yard setback. Provide a mechanism to capture pool leakage from earthquake or other. Provide a mechanism to prevent the slopes natural drainage and erosion from effecting neighbor's property.

Kane: seconds idea of studying natural drainage and erosion and how to solve.

Collins: Keep the setback as is (20 ft).

Grunow: Keep the setback at 20 ft.

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3. PRELIMINARY REVIEW

Project Name: **FAIRWAY VIEWS SCR**

1456 Nautilus Street

Project #: PO# 291493

Permits: SCR for CDP

DPM: Jeanette Temple 619-446-5245

jtemple@sandiego.gov

Zone: RS-1-4

Applicant: Terry Montello 619-994-5557

Scope of Work:

Bob Belanger 619-261-1288

(Process 3) Substantial Conformance Review for a proposed dwelling on an undeveloped site at 1456 Nautilus Street in the RS-1-4 zone within the La Jolla Community Plan, Coastal Overlay Zone, Coastal Height Limit.

APPLICANT PRESENTATION (Bob Belanger):

The three lot project was previously approved. One house was built, two others not. Now applicant wants to construct a second house. Will use the previous CDP, need SCR. Approved for three levels (FAR .27), modern flat roof style, now wants two levels Mediterranean (FAR .22). House will go in a trough and not affect views. Driveway to be off Nautilus. No change in access, shared access. Will need retaining wall to make driveway.

Please provide for FINAL REVIEW:

- a. Superimpose old and new drawings, differentiate with color or shading.
- b. Have a cross-section showing driveway and access.
- c. Provide a drainage study, and how it relates to East property. Even a concept drawing.
- d. Show how West elevation relates to Nautilus and a cross section from top of property to Nautilus.
- e. Provide an analysis of traffic movement in and out of Nautilus.
- f. Provide view of roof line from Nautilus.
- g. Have an over-head view of roof, please color, indicate texture, gravel, tile.
- h. Provide project statistics in addition to FAR.
- i. Provide information on Fairway closure or vacation. Is there a proscriptive easement for a walking path? Is this an open space easement owned by City?

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La Jolla Community Planning Association

August 24, 2012

Ms. Cecilia Gallardo, Assistant Deputy Director
Development Services Department
TRANSMITTED VIA EMAIL: CGallardo@sandiego.gov

Re: Over Height Swimming Pool at
1223 Muirlands Vista Way
Swimming Pool Building Permit - PTS 265936
Retaining Wall Building Permit - PTS 242318

Dear Ms. Gallardo,

Thank you very much for giving us the opportunity to express some of the La Jolla Community Planning Association's (LJCPA) concerns about the Development Services Department's (DSD) current project review and permit approval process for projects not subject to discretionary review; and thank you for listening to our concerns about the over height swimming constructed within the street yard at the property address referenced above.

Regarding the swimming pool project referenced above, the LJCPA received your very brief email message of July 27. Unfortunately, your email message provides little or no explanation as to why in your and the DSD's opinion the regulations contained in SDMC Sec. 131.0461(a)(11) are not applicable to the over height swimming in question. As the subject swimming pool will set a City wide precedent for what is allowed to be constructed within a street yard while significantly affecting neighborhood character within the La Jolla community, the LJCPA respectfully requests that the DSD provide a detailed and comprehensive response to the following questions:

Question No. 1

Regarding **SDMC Sec. 131.0461(a)(11)**, and without explanation your email says: "**That section of the Land Development Code is not applicable to the subject site, because the swimming pool is not an architectural projection, and it is not an encroachment.**"

Given that **San Diego Municipal Code Section 131.0461(a)(11)** specifically identifies swimming pools in street yards as one of twelve different categories of **Architectural Projections** and **Encroachments** specifically regulated by this section of the Land Development Code, and given that the subject swimming pool is located within the *street yard*, why then is **SDMC Section 131.0461(a)(11)** not applicable to this site?

Text in **red** is quoted from your email message dated July 27, while text in **blue** is quoted from the referenced documents.

Letter to Cecilia Gallardo

RE: Over Height Swimming Pool at 1223 Muirlands Vista Way

Swimming Pool Building Permit - PTS 265936 / Retaining Wall Building Permit - PTS 242318

Date: August 24, 2012

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Question No. 2

Without providing any explanation as to why, your message says, "**This section of the code and the limitations on swimming pool location and height are not applicable because the swimming pool is not an encroachment.**"

Given that SDMC Sec 131.0461(a)(11)(B) states: "Swimming pools that project greater than 3 feet above grade are not permitted to encroach within a street yard or interior side yard setback, ..."; and that this sentence clearly means that swimming pools not more than 3 feet above grade may be located in a *street yard*, but swimming pools more than 3 feet above grade would encroach in a *street yard*, and therefore "... are not permitted to encroach within a required *street yard* ...", and given the subject swimming pool is more than 6 feet above grade and clearly encroaches within the *street yard*, why are the height limitations of SDMC Section 131.0461(a)(11) not applicable to the subject swimming pool?

Question No. 3

Thirdly, assuming if the subject detached 6 foot high swimming pool structure is not an *architectural projection* or *encroachment* regulated by SDMC Sec. 131.0461(a), why then are free standing detached mechanical equipment enclosures, detached entry arbors, and detached patio structures which by definition are not *architectural projections* or *encroachments*, still regulated by the DSD under SDMC Sec. 131.0461(a)?

Question No. 4

Given that the SDMC defines: "*Architectural projection* means any building feature that extends beyond the *structural envelope* or above the roof or parapet line"; and that detached, free standing structures do not extend (project) beyond the *structural envelope* or the roof of another structure because that are in themselves separate detached, free standing structures; and that detached mechanical equipment and swimming pool equipment enclosures (subparagraph 5), detached entry arbors (subparagraph 7) and detached patio *structures* (subparagraph 8) by SDMC definition cannot be *architectural projections*, because they are in themselves separate *structures* and can not project beyond themselves; and that your department regularly enforces limits on the extent of encroachment into *yards* by these kinds of *structures*; why then is the DSD unwilling to enforce the limit of encroachment of an above ground swimming pool (subparagraph 11) into a *street yard*?

Question No. 5

Finally, why was Sec. 131.0461(a)(11) incorporated into the SDMC if it was not meant to apply to a swimming pool more than 3 foot above grade located in a *street yard*?

Letter to Cecilia Gallardo

RE: Over Height Swimming Pool at 1223 Muirlands Vista Way

Swimming Pool Building Permit - PTS 265936 / Retaining Wall Building Permit - PTS 242318

Date: August 24, 2012

Page 3 of 3

Thank you for your consideration. The LJCPA awaits your and your department's response to these important questions.

Sincerely,

La Jolla Community Planning Association

A handwritten signature in black ink, appearing to read 'Tony Crisafi', with a stylized flourish at the end.

Tony Crisafi, President

cc: Afsaneh Ahmadi <AAhmadi@sanidiego.gov>
Kelly Broughton <KBroughton@sanidiego.gov>

Michelle Meagher

From: Tony Crisafi
Sent: Thursday, September 27, 2012 5:16 PM
To: Michelle Meagher
Subject: Fwd: SDMC Sec. 131.0461(a)(11)

FYI

Sent from my iPad

Begin forwarded message:

From: "Gallardo, Cecilia" <CGallardo@sanidiego.gov>
Date: July 27, 2012 2:51:54 PM PDT
To: 'Tony Crisafi' <tcrisafi@islandarch.com>, 'Philip Merten' <Phil@MertenArchitect.com>
Cc: "Ahmadi, Afsane" <AAhmadi@sanidiego.gov>, "Strohminger, Jeff" <JStrohminger@sanidiego.gov>, "Larson, Chris" <CLarson@sanidiego.gov>
Subject: SDMC Sec. 131.0461(a)(11)

Dear Phil and Tony,

This is a follow-up to our meeting last week on the interpretation and application of SDMC Sec. 131.0461(a)(11) to the property at 1223 Muirlands Vista Way. That section of the Land Development Code is not applicable to the subject site, because the swimming pool is not an architectural projection, and it is not an encroachment. The question of legislative intent and how this section of the code is applied was discussed with the Senior Planners and Kelly Broughton. This section of the code and the limitations on swimming pool location and height are not applicable because the swimming pool is not an encroachment.

Sincerely,

Cecilia

Cecilia Gallardo

Assistant Deputy Director - Entitlements

Development Services Department

City of San Diego

1222 First Avenue, MS 501

San Diego, CA 92101



La Jolla Community Planning Association

September 10, 2012

To: Pradeep Khosla, Chancellor
UCSD

Deborah Lee, District Manager
California Coastal Commission

Greetings:

We ask that you stop construction work on the MSOM Building at Scripps Institute of Oceanography to prevent the destruction of the public ocean view. I am writing as the result of a unanimous vote of the Trustees of the La Jolla Community Planning Association at their meeting 5 September 2012.

At the planning stage, our association was presented with photo simulations showing the ocean view over the site from La Jolla Shores Drive would not be impaired (<http://commplan.ucsd.edu/MESOM/MESOM%20Photosimulation%20RFS.pdf>).

In the project environmental report (Mitigated Negative Declaration) it is stated:

“The proposed project has been designed such that the topography of the site would conceal almost all of the building below the grade of the road. No significant ocean views are blocked, and no significant adverse effects to aesthetics would occur as a result of the proposed project”

We ask that work not continue on the MESOM Building until there can be an explanation of the discrepancy between what was proposed and what is apparently being built.

Yours,

President
La Jolla Community Planning Association



Car Perspective with Proposed MESOM Building



Total Gross Square Footage 38,600 | Total Assigned Square Footage 21,300 | Roof height: 228' Above Sea Level | Total Building height 44'



Pedestrian Perspective with Proposed MESOM Building



Total Gross Square Footage 38,600 | Total Assigned Square Footage 21,300 | Roof height: 228' Above Sea Level | Total Building height 44'



Car Perspective with Proposed MESOM Building



Total Gross Square Footage 38,600 | Total Assigned Square Footage 21,300 | Roof height: 228' Above Sea Level | Total Building height 44'



Pedestrian Perspective with Proposed MESOM Building



Total Gross Square Footage 38,600 | Total Assigned Square Footage 21,300 | Roof height: 228' Above Sea Level | Total Building height 44'



OFFICE OF THE CHANCELLOR

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0005
TEL: (858) 534-3135
FAX: (858) 534-6523

September 19, 2012

Tony Crisafi
La Jolla Community Planning Association
P.O. Box 889
La Jolla, CA 92038

Subject: Marine Ecosystem Sensing, Observation and Modeling (MESOM) Laboratory

Dear President Crisafi:

Thank you for your September 10, 2012, expressing your concerns regarding the Marine Ecosystem Sensing, Observation and Modeling (MESOM) laboratory. I appreciate this opportunity to respond.

While I had not assumed my duties as Chancellor of UC San Diego during the planning, approval, and now substantial construction of the MESOM building, I directed campus planning staff and administrators at Scripps Institution of Oceanography at UC San Diego to review the particulars in your correspondence. Accordingly, I have received stipulations from the architect and contractor that they designed and are constructing as planned a project that is consistent with all prior information provided to the California Coastal Commission. I have been assured that the project was contemplated and designed in a sensitive manner with special attention to minimizing view impacts from La Jolla Shores Drive, and that there has been no deviation from formal approvals and permit requirements. In fact, the University is exceeding all mitigative requirements in a collaborative proposal with the California Coastal Conservancy to afford additional coastal viewpoints and access in the area immediately west and north of the MESOM building.

With a spirit of respect and cooperation, I request an opportunity for UC San Diego planning staff and Scripps Institution of Oceanography at UC San Diego staff to make a presentation at the next meeting of the La Jolla Community Planning Association further to clarify concerns raised by the group. We look forward to your reply.

Please feel free to contact me should you have additional questions or concerns.

With kind regards,

A handwritten signature in blue ink, appearing to read "Pradeep K. Khosla", is written over a horizontal line.

Pradeep K. Khosla
Chancellor

cc: Deborah Lee, District Manager, California Coastal Commission
Gary Matthews, UC San Diego Vice Chancellor, Resource Management & Planning