



# La Jolla Community Planning Association

Regular Meetings: 1<sup>st</sup> Thursdays | La Jolla Recreation Center, 615 Prospect Street

## Contact Us

Mail: PO Box 889, La Jolla, CA 92038

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

Voicemail: 858.456.7900

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

President: Joe LaCava

Vice President: Bob Steck

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

Secretary: Helen Boyden

Treasurer: Nancy Manno

## D R A F T AGENDA

Regular Meeting | Thursday, 2 October 2014, 6:00 pm

6:00p

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

→ Please turn off or silence mobile phones

→ Meeting is being recorded

### 2.0 Adopt the Agenda

### 3.0 Meeting Minutes Review and Approval: 4 September 2014

### 4.0 Elected Officials – Information Only

4.1 Council District 1 – Council President Pro Tem Sherri Lightner

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

4.2 Mayor’s Office – Mayor Kevin Faulconer

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

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

Rep: \_\_\_\_\_, 619-645-3133

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

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

### 5.0 Non-Agenda Comment

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

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

### 6.0 Trustee Comment

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

### 7.0 Officers’ Reports

7.1 **Secretary**

7.2 **Treasurer**

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

8.1 **Planned District Ordinance Appointment:** \_\_\_\_\_ - Action Item

8.2 **Whale Watch Way Appeal** – PC stopped short of denial, giving applicant chance to redesign

8.3 **Mayor Faulconer Infrastructure Roadshow** – District 1, UTC Forum Hall, Mon, Oct 6, 5:30pm

8.4 **City Letter** – Officers to meet with the Mayor in light of Sept 4<sup>th</sup> vote.

8.5 **Appoint Ad Hoc Bylaw Update Committee** – Ratify Appointments

Cindy Greatrex (Chair), Rob Whittemore, Ray Weiss

Public Meetings to be announced.

8.6 **Annual Elections: March 2015**

Consider running, encourage your neighbors and colleagues.

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

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

draft LJCPA Agenda, 2 Oct 2014

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

**9.1 Community Planners Committee**

<http://www.sandiego.gov/planning/community/cpc/index.shtml>

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

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

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

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

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

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

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

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

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

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

**PRC – No Recommendations**

**T&T – No Meeting**

**10.1 5668 La Jolla Boulevard – Sign Permit**

PDO Motion: Sign as presented conforms to the PDO, 6-0-0.

**10.2 The Ivanhoe, 7917 Ivanhoe Avenue – Color Palette:**

PDO Motion: Color palette as presented conforms to the PDO. 7-0-0.

**10.3 Anzar Residence, 1253 Muirlands Vista Way**

DPR Motion: Findings CAN be made for a Coastal Development Permit and Site Development Permit to demolish an existing single story residence and construct a new 8,636 sq ft, 2 story residence on a 24,766 sf lot. 5-0-3.

TIME  
CERTAIN  
6:30p

**11.0 La Jolla Country Club Pump Station and Reservoir, 7248 Encelia Drive – Action Item**

WBS No. B-11024.02.06, SDP CDP Process- CIP-2 to construct a new 0.88 million gallon concrete reservoir almost entirely within the existing footprint of the existing reservoir bottom and overflow elevations. Replacement of pump station and 3 new pumps will be installed along with a pressure valve, valve vault, bypass lines, reservoir inlet/outlet piping, security/fencing, electrical upgrades, permanent drain. **City Reps: Genevieve Lehotsky, Darren Genova.**

*Previous Action by DPR (Sep '14): Findings CAN be made for a Coastal Development Permit and Site Development Permit to construct a new 0.88 million gallon concrete reservoir. 7-0-1.*

**12.0 La Jolla Cove Pavilion – Information Only**

An update and presentation on a privately initiated effort to replace the public comfort station at Scripps Park/La Jolla Cove.

**13.0 LA JOLLA WINE & ART FESTIVAL – Action Item**

Permit application to close Girard Avenue between Torrey Pines Road and Prospect Avenue, including the adjacent half blocks (from Girard to the alley) of Silverado Street (north and south) and Wall Street. Closures are from 5:00 pm Friday, Oct 10<sup>th</sup> through 12 midnight, Oct 12<sup>th</sup>. Actual event is limited to daylight hours on Saturday and Sunday, the remainder of the closure is for setup and teardown. [www.ljawf.com](http://www.ljawf.com)

#### **14.0 McClelland Residence, 8352 La Jolla Shores Drive – Action Item**

PROCESS 3 - CDP and SDP to demolish an existing structure and then construct a 4,060 sq. ft. two-story single family residence on a 5,500 sq. ft. property. The project site is located at 8352 La Jolla Shores Drive, in the Single Family Residence Zone of the La Jolla Shores Planned District.

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

*Previous Action by PRC (Aug '14): Findings **can** be made for a Coastal Development Permit and a Site Development Permit for project #355787, 8352 La Jolla Shores Drive. 4-3.*

#### **15.0 Sacido Residence, 901 Skylark Drive – Action Item**

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

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

- a. The proposed project is not consistent with the neighborhood character.*
  - b. The habitable units and structure are inconsistent with the SDMC 141.0302.*
  - c. The project presents a street wall that is inconsistent with SDMC 113.0103, 113.0264, and 113.0267.*
  - d. The off street parking requirement is not met for these additional spaces that appear to serve as bedrooms.*
  - e. The record of agreement with the City Attorney limiting the use of the companion units was not presented.*
  - f. The boundary adjustment divides one larger open space and creates two smaller open spaces, which is inconsistent with recognized planning practice to consolidate and create larger and more coherent open space.*
- 6-1-1.*

#### **16.0 Short-Term Vacation Rentals – Action Item**

Consideration of whether to adopt the recommendations of the LJCPA's Ad Hoc Stakeholders Committee on Short-Term Vacation Rentals. Committee recommendations and background are attached. Also posted at <http://www.lajollacpa.org/projects.html> along with material submitted by others.

#### **17.0 Adjourn to next Regular Monthly Meeting, 6 November 2014, 6:00 pm**



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Secretary: Helen Boyden

Treasurer: Nancy Manno

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## Draft Minutes

**Regular Meeting | Thursday, 4 September 2014, 6:00 pm**

Held at Cuvier Club, 7776 Eads Avenue, La Jolla, CA

**Trustees present:** Patrick Ahern, Cynthia Bond, Helen Boyden, Bob Collins, Mike Costello, Dan Courtney, Janie Emerson, Cindy Greatrex, Joe LaCava, Robert Mapes, Phil Merten, Jim Ragsdale, Bob Steck, Ray Weiss, Rob Whittemore, Fran Zimmerman

**Trustees absent:** Nancy Manno, Alex Outwater

### 1.0 Welcome and Call To Order: Joe LaCava, President at 6:02 PM

He asked that cell phones be turned off and announced that the meeting was being recorded. He thanked Zapher Dajani for letting the LJCPA use this space while the Rec Center flooring was being replaced. Water and coffee had been provided. He also stated that according to the City Attorney's new direction any materials sent to him had been distributed to the other trustees and hard copies were in the three- ring binder on the sign-in table.

### 2.0 Adopt the Agenda

In reference to the failed motion below, **Members Michael Morton and Kimberly and Bob Whitney and Trustee Steck** spoke against the delay. In response to comments by **Trustees Whittemore and Weiss** that much material had been received too late for thorough review, **President LaCava** said that he was following the direction of the **City Attorney** issued on or about July 23<sup>rd</sup>, and in any event prior to the August 7<sup>th</sup> meeting, and that it was not a requirement to include late submitted material in the agenda packet. In response to several queries, he stated that he was not going to retroactively post material submitted prior to July 23<sup>rd</sup>, but such material is kept in the Secretary files.

**Trustee Costello and Members Odile Costello and Peggy Davis** also commented.

**Failed Motion: To modify the agenda by continuing items 14, 15 and 16 to the October meeting. (Whittemore, Weiss: 7-8-0) (The chair voted to break a tie.)**

In favor: Bond, Collins, Costello, Emerson, Greatrex, Weiss, Whittemore

Opposed: Ahern, Boyden, LaCava, Mapes, Merten, Ragsdale, Steck, Zimmerman

**Approved Motion: To adopt the agenda as published (Steck, Ahern: 9-5-1)**

In favor: Ahern, Boyden, Mapes, Merten, Ragsdale, Steck, Weiss, Whittemore, Zimmerman

Opposed: Bond, Collins, Costello, Emerson, Greatrex

Abstain: LaCava (Chair)

### 3.0 Meeting Minutes Review and Approval: 7 August 2014

**Approved Motion: To accept the minutes of 7 August 2014 as corrected (Steck, Greatrex: 11-0-4)**

In favor: Bond, Boyden, Collins, Costello, Emerson, Greatrex, Mapes, Steck, Weiss, Whittemore, Zimmerman

Abstain: LaCava (Chair), Ahern, Merten, Ragsdale (all absent)

#### 4.0 Elected Officials – Information Only

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

Rep: **Justin Garver**, 619-236-6611, [JGarver@sandiego.gov](mailto:JGarver@sandiego.gov) reported that the City was working with the La Jolla Shores community on the scheduling of the work on Avenida de la Playa that will result in the street being closed for several months. Installation of Deco-Bikes in La Jolla will not be included in the first city-wide rollout this fall. The city is reevaluating the need for retreatment of the rocks off La Jolla Cove to alleviate the odor problem. He took under advisement the suggestion of **Trustee Whittemore** to have the La Jolla Shores street construction project apply for permits for night work.

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

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

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

Rep: **Allison Don**, 619-645-3133, [Allison.Don@sen.ca.gov](mailto:Allison.Don@sen.ca.gov) reported that the state legislature finished its work for this session on August 31<sup>st</sup>. Bills passed had either been signed, vetoed by the Governor or were awaiting his action. **Senator Block** had successfully sponsored a bill to allow California Community Colleges to award BA degrees to meet workplace needs. His bills to improve oversight and regulation of residential care facilities are awaiting action by the Governor. She also mentioned legislature passage of a \$7 billion water bond which will be submitted to the voters as Proposition No. 1 on the November ballot. Ms. Don will be leaving Senator Block's office to take a position with Councilmember Sherri Lightner's office.

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

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

#### 5.0 Non-Agenda Comment

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

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

**5.2 – Member Tim Lucas** announced the upcoming meeting of the LISA ([www.ljsa.org](http://www.ljsa.org)) on Wednesday September 10. On the agenda will be discussion of the upcoming RFP for 4-year kayak rental contracts. Police will be on hand to discuss problems at Kellogg Park. The North Comfort Station is now open. The Veterans' Association will be holding its annual sports clinic for disabled veterans at the park.

**Member Sally Miller** complained about breathing problems caused by tour buses in front of Laureate Park leaving their engines running all day. **President LaCava** noted that this was a violation of the vehicle code and should be reported to the police.

**Member Peggy Davis** was dissatisfied with President LaCava's response to her letter to him about the qualifications for election as a LJCPA trustee. He had cited the provisions in the bylaws.

**President LaCava** noted that Member Davis did not reference his two subsequent emails clarifying his position. She also stated she had forwarded a complaint to Senior Planner Lesley Henegar that had not been forwarded on to President LaCava as expected.

**Applicant Katherine Kennedy** criticized the delays to her project at 604 Gravilla (approved on consent in August 2014) caused by some members of the DPR committee with personal positions not related to recognized community issues. She asked for changes in the process and offered several recommendations for committee training and methods of informing applicants of criteria used in project evaluation. President LaCava will take her comments under advisement.

**Member Michael Morton** stated that he has had a longstanding dispute with Peggy Davis with respect to the Gatto project; that several City agencies had verified conformance with regulations; and that he stands by his statements with respect to the project.

**Member Kim Whitney** stated that persons criticizing projects should verify their facts and that Ms. Davis had criticized the Whitney project inaccurately.

#### **6.0 Trustee Comment**

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

**Trustee Whittemore** read from the City policy on indemnification of the CPGs, a hardworking group of volunteers.

**Trustee Ahern** inquired about the disposition of a letter Mr. Whitney had written to the LJCPA prior to the April meeting. **Trustee Boyden** stated that the letter had been included in the Public Document binder at the April 3, meeting and was a part of the permanent record of the LJCPA.

**President LaCava** stated that this was according to protocol.

**Trustee Boyden** noted that the changes to City Policy 600-24 reviewed at the March 2014 LJCPA meeting were expected to be heard at the City Council during the month of October and that individuals or the LJCPA might want to comment on it. If the LJCPA wanted to revisit the issue with respect to the current situation with our bylaws, the LJCPA would need to place it on the agenda in October.

**Trustees Collins and Whittemore** stated that newly elected trustees were not seated at the beginning of the August meeting as was done in April as provided in the Bylaws for regular elections. **President LaCava** stated that these were extraordinary circumstances due to the ongoing controversy over the March elections and the trustees are mistaken as the bylaws do not specify the timing to seat candidates in special elections. The trustees had no reply to this correction.

#### **7.0 Officers' Reports**

##### **7.1 Secretary**

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

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: [www.lajollacpa.org/](http://www.lajollacpa.org/). We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You may document your attendance by signing in at the back, providing the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded, or providing independently verifiable proof of attendance.

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

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

##### **7.2 Treasurer**

**President LaCava** presented the treasurer's report which had been prepared by **Treasurer Nancy Manno**. He reminded trustees and attendees that collections at the meetings are the

only source of income for the LJCPA and that all contributions must be in cash. He thanked the members for their generosity in supporting the organization.

<b>Beginning Balance</b> as of 8/01/14	<b>\$ 24.76</b>	
<b>Income</b>		
Collections	\$ 239.00	
CD sales	5.00	
<b>Total Income</b>	<b>\$ 244.00</b>	<b>\$268.76</b>
<b>Expenses,</b>		
Agenda Printing	\$ 92.37	
Telephone	51.47	
<b>Total Expenses</b>	<b>\$243.84</b>	<b>(243.84)</b>
<b>Ending Balance</b> as of 8/31/14	<b>\$ 24.92</b>	<b>\$ 24.92</b>

**8.0 President’s Report** – Information only unless otherwise noted.

**8.1 Planned District Ordinance Appointment – not as yet**

**8.2 Short-term Vacation Rentals** - Committee recommendations will be considered at **Oct 2nd** LJCPA meeting

**8.3 Boffo Cinemas La Jolla** – They already had their permit and elected not to return to the LJCPA

**8.4 Whale Watch Way Residence** – Planning Commission Appeal Hearing, Sept 25, 9am- LJCPA will be represented by **Trustee Merten**.

**8.5 City’s Bike Sharing Program** will not include La Jolla in initial launch.

**8.6 La Jolla Shores Sewer & Water** – Working with City to resolve merchant concerns as discussed by CD1 rep Justin Garver and LJSA Chair Tim Lucas

**8.7 New Community Planner starting Sep 8th:** Karen Bucey, [KBucey@san Diego.gov](mailto:KBucey@san Diego.gov), 619-533-6404. The chair expressed the LJCPA’s appreciation to outgoing LJ Planner Lesley Henegar for her years of service.

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

**9.1 Community Planners Committee**

<http://www.sandiego.gov/planning/community/cpc/index.shtml> did not meet.

**9.2 Coastal Access & Parking Board** <http://www.lajollacpa.org/cap.html> **Board Chair Deborah Marengo** stated that the Coastal Commission is never going to release the funds allocated in the MOU of 30-odd years ago for any purpose other than a parking shuttle. That money would only fund a shuttle for a year or two and there are no other sources of funds to continue it. A long shot would be to ask Councilmember Sherri Lightner’s office to expedite an update to the La Jolla Community Plan, but there would be no guarantee of a change in the Coastal Commission’s position.

## 10.0 CONSENT AGENDA – Ratify or Reconsider Committee Action

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

- Anyone may request a consent item be pulled for full discussion by the LJCPA
- Items “pulled” from Consent Agenda are automatically trailed to the next LJCPA meeting.
- See committee minutes for description of projects, deliberations and vote.

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

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

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

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

### T&T – No Meeting in August

#### 10.1 COLDWELL BANKER, 848 Prospect

PDO Motion: **Approve** the replacement awnings and new signage on condition that the protruding flags are removed. 7-0-0.

#### 10.2 ZAVARO RESIDENCE, 1994 Via Casa Alta

DPR Motion: Findings **CAN** be made for a Coastal Development Permit and SDP for construction of a new 4,843 square foot, two-story above basement, single family residence, with 2,491 square feet of exterior deck areas, including a pool and spa, on a vacant 22,291 square foot lot located at 1994 Via Casa Alta. 5-0-0.

#### 10.3 BUCKINGHAM RESIDENCE CDP, 1545 Buckingham Drive

DPR Motion: Findings **CAN** be made for a Coastal Development Permit to demolish an existing single family residence and construct a 8,499 single family residence with a companion unit and accessory structures at 1545 Buckingham Drive. 6-0-1.

#### 10.4 MCCLELLAND RESIDENCE, 8352 La Jolla Shores Drive (Pulled by Trustee Courtney)

PRC Motion: Findings **can** be made for a Coastal Development Permit and a Site Development Permit for project #355787, 8352 La Jolla Shores Drive. 4-3-0.

#### 10.5 LAMBERT FELICE RESIDENCE, 2382 Via Capri Court

PRC Motion: Findings **can** be made for a Coastal Development Permit and a Site Development Permit for project No. 288444, 2382 Via Capri Court. 7-0-0.

#### 10.6 STYLLI RESIDENCE, 2452 Paseo Dorado

PRC Motion: Findings **can** be made for a Coastal Development Permit and a Site Development Permit for the remodel of the property at 2452 Paseo Dorado, Project No. 374040. 7-0-0.

*Item 10.4 McClelland Residence was pulled for a full hearing at the October meeting by Trustee Courtney, due to the closeness of the vote; the applicant had been advised that this was likely.*

**Approved Motion: To accept the recommendation of the PDO Committee for 10.1 Coldwell Banker, 848 Prospect to approve the replacement awnings and new signage on condition that the protruding flags are removed; to accept the recommendations of the DPR Committee for 10.2 Zavaro Residence, 1994 Via Casa Alta that the Findings **CAN** be made for a Coastal Development Permit and SDP for construction of a new 4,843 square foot, two-story above basement, single family residence, with 2,491 square feet of exterior deck areas, including a pool and spa, on a vacant 22,291 square foot lot located at 1994 Via Casa Alta and 10.3 BUCKINGHAM RESIDENCE CDP, 1545 Buckingham Drive that the findings **CAN** be made for a Coastal Development Permit to demolish an existing single family residence and construct a 8,499 single family residence with a companion unit and accessory structures at 1545 Buckingham Drive; and to accept the recommendations of the PRC that for 10.5 LAMBERT FELICE RESIDENCE, 2382 Via Capri Court that the findings **can** be made for a Coastal Development Permit and a**



**Site Development Permit for project No. 288444, 2382 Via Capri Court and 10.6 STYLLI RESIDENCE, 2452 Paseo Dorado that the findings can be made for a Coastal Development Permit and a Site Development Permit for the remodel of the property at 2452 Paseo Dorado, Project No. 374040 and forward the recommendations to the City. (Merten, Collins: 15-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Steck, Weiss, Whittemore, Zimmerman  
Abstain: LaCava (Chair)

**11.0 57TH ANNUAL LA JOLLA CHRISTMAS PARADE, STREET CLOSURES – Action Item**

Proposed street closures and detour plans for 1<sup>st</sup> Saturday in December in support of parade. Closures, detour plans same as last year.

*Previous Action by LJCPA (Aug '14): Pulled from Consent Agenda by Trustee Zimmerman  
Previous Action by T&T (Jul '14): Motion to approve. 7-0*

Presented by **Warren Heenan, Equestrian Coordinator** for the LJ Christmas parade and also of the subcommittee that deals with the City agencies. His map diagrammed the parade route and the projected street closures—the same locations for the past six years or so. Closure times begin at 10 AM and 12 noon and all streets will be cleaned and reopened by 5 PM.

**Member Tom Brady** of the T&T Committee said some parties wished to emphasize inclusiveness and diversity, but the San Diego Human Relations Committee has been quoted as saying the only issues for special events were public safety and health.

**Member Tim Lucas** stated that the only issues was street closures and anything else was off-topic.

In response to a query from **Keith Wahl**, it was established that this was sponsored by a private organization and no City funds were used. There was possibly a donation from County Supervisor Ron Roberts. Later a query from **Trustee Merten** established that the parade organizers did not discriminate against any potential parade participants.

**Howard Singer** felt that a private organization was doing this without consulting others; it was not appropriate to close the streets.

**SDUSD Superintendent Cindy Marten** stated the SDUSD encouraged inclusiveness and diversity. She noted the participation of public school children in the parade and suggested that students could participate in choosing a new name for the parade. If the name was not changed SDUSD might reevaluate the participation of its students in the parade.

**Trustee Zimmerman** stated that she pulled the item because it was for a street closure for an event that had a contentious name and it was an opportunity to delay street closure approval until the parties can get together to change the name and endorsed the position of Supt. Marten. **Trustee Weiss** had been opposed to the name because it represented the town and some in the town do not celebrate Christmas and spoke to the intransigence of the people organizing the parade on this question.

**Trustee Greatrex** explained that the separation from the LJTC was for tax reasons.

**Trustees Boyden and Whittemore** spoke against the street closures.

**Trustees Weiss and Courtney** referred to street closures for Mary Star of the Sea and Car Shows, respectively.

**Trustees Ahern, Bond, Courtney and Emerson** stated that as agendaized this should be considered solely as a traffic and transportation matter.

**Failed Motion: To not approve the street closures in the hope and expectation that there will be collaboration with the sponsors of the event to change the name. (Zimmerman, Whittemore: 5-9-2)**

In favor: Boyden, Mapes, Weiss, Whittemore, Zimmerman

Opposed: Ahern, Bond, Collins, Courtney, Emerson, Greatrex, Merten, Ragsdale, Steck

Abstain: LaCava (Chair), Costello (doesn't want to make emotional decisions for the public)

**Approved Motion: To approve the street closures for the Annual La Jolla Christmas Parade. (Steck, Collins: 10-5-1)**

In favor: Ahern, Bond, Collins, Costello, Courtney, Emerson, Greatrex, Merten, Ragsdale, Steck  
Opposed: Boyden, Mapes, Weiss, Whittemore, Zimmerman  
Abstain: LaCava (Chair)

**12.0 AMENDMENT TO EXISTING VALET PARKING PERMIT LOCATED NEAR EDDY V'S TO EXTEND SATURDAY AND SUNDAY HOURS, 10:30 AM TO 11:30 PM – Action Item**

Proposed amendment which would extend operation hours to start at 10:30 am on Saturdays and Sundays. T&T action based on applicant agreeing to additional requirements.

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

*Previous Action by T&T (Jul '14): Motion to approve, 7-0*

Presented by **Deborah Marengo** who stated that Eddie V's had returned to T&T, having agreed to include on their signs "Public Welcome" and have all Ace employees sign an affidavit that they would agree to all provisions of the SDMC. Marengo-Morton offered to process the permit renewal for the applicant. In response to various questions, it was stated that the reason for the increase in Saturday and Sunday hours was that the restaurant was now open for lunch on those days; that even when the valet parking was not in effect, parking by the white-painted curb was time limited for passenger loading; valet parkers used to pay garages; permits are renewed by the City on an annual basis without community review, only constrained by public complaints against the valet parkers.; George's has given up the two spaces required by the initial permission for Eddie V's to get the spots.

**Trustee Zimmerman**, who pulled the item, stated that she wished for more uniformity in the signs for aesthetic reasons.

**Trustee Courtney** stated that there had been previous interest at T&T in reviewing the whole subject of valet parking; that there were now more valet spaces on Prospect than public parking and these pay spaces took away from free parking spaces.

**Members Tom Brady** and **CA Marengo** also spoke to the issue.

**President LaCava** obtained confirmation that the valet sign did not block sightlines down the scenic view corridor.

**Approved Motion: To approve the extension of the Valet Parking hours at Eddy V's on Saturdays and Sundays to 10:30 AM to 11:30 PM. (Weiss, Mapes: 13-2-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Emerson, Greatrex, Mapes, Merten, Ragsdale, Steck, Weiss, Whittemore  
Opposed: Courtney, Zimmerman  
Abstain: LaCava (Chair)

**13.0 GEORGE'S AT THE COVE CDP, 1250 Prospect Street – Action Item**

(Process 3) Coastal Development Permit to increase a roof dining terrace by 550 square feet by converting other roof area to dining terrace at 1250 Prospect Street located in the La Jolla Planned District-1A zone of the La Jolla Community Plan area and Coastal (appealable and non-appealable) Overlay Zone.

*Previous Action by DPR (Aug '14): Findings **CAN** be made for a Coastal Development Permit to increase a roof dining terrace by 800 square feet by converting other roof area to dining terrace at 1250 Prospect Street, and with the annotation on the plan dated August 19, 2014 ["George Hauer, the applicant, agrees to either install or cause to have installed mechanical equipment screening to conceal from view the existing and new mechanical equipment on the roof of the building"]. 5-1-1.*

Presented by architect **Mark Steele** and owner **George Hauer**. They propose to expand the dining area on the roof terrace by about 800 sf to add seating and improve traffic flow. The

height limit envelope and valet parking coverage has been approved by the City. In response to a last minute complaint by a member of the public they have made an agreement with the landlord to provide screening for rooftop equipment. It is not yet designed but it will not exceed the 30' height limit.

**Gail Forbes** spoke in favor of the project.

**Trustees Merten** and **Courtney** stated they felt that the canopies over the tables were structures that violated the 30' height limit.

Others commenting were **Trustees Ahern, Emerson** and **Collins**.

In response **Mr. Steele** stated that canopies protected from the sun; other canopies had been there for the 24-year life of the building; there was a gap between the main structure and the umbrella/canopies; nearby buildings had similar bulk/scale configurations.

**Approved Motion: To accept the recommendation of the DPR Committee that the findings CAN be made for a Coastal Development Permit to increase a roof dining terrace by 800 square feet by converting other roof area to dining terrace at 1250 Prospect Street, and with the annotation on the plan dated August 19, 2014 [“George Hauer, the applicant, agrees to either install or cause to have installed mechanical equipment screening to conceal from view the existing and new mechanical equipment on the roof of the building”] (Collins, Zimmerman: 10-4-2)**

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

Opposed: Courtney, Emerson, Merten, Whittemore

Abstain: LaCava (Chair), Weiss (noted conflict between precedent 30' ht limit)

#### **14.0 CITY'S RESPONSE TO ALLEGED VIOLATIONS OF THE LJCPA – Action Item**

Consideration of the City's recommendations of “curing and correcting operations” as detailed in their letter of August 27, 2014. See attached. Also posted at

[http://www.lajollacpa.org/projects/2ndCityResponseToLJCPA-Fulton%2014\\_0827.pdf](http://www.lajollacpa.org/projects/2ndCityResponseToLJCPA-Fulton%2014_0827.pdf)

*Previous City Action (August 27, 2014): City issues new letter*

*Previous LJCPA Action (Aug 7, 2014): Trustees rejected the findings of the City's Jun 26<sup>th</sup> letter, 7-5-1*

*Previous LJCPA Action (July 9, 2014): Continued to August 7<sup>th</sup> LJCPA meeting*

*Previous City Action (June 26, 2014): City of San Diego response to complaint*

*Previous Private Action (May 16, 2014): Complaint against LJCPA filed with City of San Diego*

*Previous LJCPA Action (Mar 25, 2014): LJCPA Response to Election Challenge*

*Previous Private Action (Mar 11, 2014): Election Challenge filed with LJCPA*

Background Material including material submitted by trustees:

<http://www.lajollacpa.org/projects.html>

In response to statements that they might be affected by the outcome of any vote **Trustee Costello** said he would abstain and **President LaCava** said he would likewise and step down from the Chair. **First Vice President Steck** acted as chair for the remainder of the meeting.

**Members** and **members of the public** commented:

**Michael Morton** stated he hoped any decision would be based on the LJCPA bylaws and not on an individual person and that 600-24 and Guidelines were umbrella provisions that the LJCPA ought to adhere to.

**Odile Costello** referred to statements in the April 2014 minutes with respect to City's communications with then-President Crisafi. She also cited various provisions of RRONR (11<sup>th</sup>) that actions once taken cannot be undone in reference to approved motions with respect to the March and July elections.

**Annaliese Kapterna** agreed with Ms. Costello and felt City actions to interpret the LJCPA bylaws were improper.

**Jim Fitzgerald** said he resigned because although he received 2/3 of the vote, he understood the

Bylaws favored any other candidates who received votes, write-in or not and that should have been noted at the March meeting when the results were announced.

**Kim Whitney** said she did not know prior to the election of any write-in candidates.

**Gail Forbes** stated that the Bylaws do not provide for anyone not receiving a majority of the votes to be elected. She understood that the City wished for uniformity, but that there were other instances in the LJCPA Bylaws that did not conform to 600-24 guidelines and they had never been a problem before.

**Bob Whitney** referred to the City's August 27<sup>th</sup> letter with respect to Article V, Section 3 of the LJCPA Bylaws.

**Senior City Planner Lesley Henegar** stated that her presence at any meeting or election of the LJCPA should not be construed as approval of anything taking place. She stated the 2007 LJCPA bylaws as amended in 2008, 2010 and 2013 were in conformance with Policy 600-24. Her office did not get officially involved with the Election Challenge until the complaint received by the Mayor in May. The previous President, Tony Crisafi, chose to take a different path from her recommendations.

**Trustee Boyden** stated that the record will show that Mr. Morton's perception that there were candidate resignations at the time of the election results report at the March meeting was mistaken; and in response to Ms. Costello's citation of RRONR (11<sup>th</sup>), the LJCPA does not rely on RRONR unless the LJCPA Bylaws and City regulations do not cover the issue, but RRONR (11<sup>th</sup>) does state that if there was a previously valid election for a position, a subsequent election was not valid. An action taken today might call that provision into effect. She cited the role of City staff with respect to the challenge as perceived by the officers; stated that the ballot had everything on it that the LJCPA Bylaws prescribed and no one voting was informed that voting for write-in candidates might invalidate the candidacy of the termed-out candidates.

In response to a query from **Trustee Merten**, **President La Cava** stated that with respect to **Trustee Whitemore's** distributed letter that the City agreed with the statement that if candidates resigned then one did not pick from the remaining candidates, but, in disagreement, that City policy was that a single vote could invalidate the election of a termed-out candidate who received 2/3 of the votes cast.

**Trustee Costello** stated that the LJCPA should have started two years ago to recruit new candidates; the Bylaws do not provide for write-in candidates trumping termed-out candidates and that our Bylaws only refer to Section 3, not Section 4, of Article III of 600-24; holding the July election affirmed the March election. (**President LaCava** later stated that the City had advised him against going ahead with the July election, but he had, feeling that it could be unwound later if the LJCPA reversed its decision on the March election.)

**Ms. Henegar** stated that the CPGs are self-governing and the City does not get involved with their activities. She had not reviewed or affirmed the March 2014 ballot, but only attended briefly to see that electioneering was not taking place and it was not.

**Trustee Whitemore** addressed the issue of the language from the Administrative Guidelines that was not on the ballot and while Trustees needed to read these in preparation for attending the Community Orientation Workshop (COW), the voters did not and therefore were not aware. We need to respect the voters. We should require that no one who did not speak up to register as a candidate by the end of the February meeting should not be able to trump a termed-out candidate and he would propose a Bylaw amendment that would so specify.

**Trustee Weiss** felt that the City feels that the Trustees misinterpreted City policy, that the voters were not aware of this policy, but that the policy was flawed and leads to the absurd result of a person with one or no votes trumping a termed-out trustee who received 2/3 of the vote. He also was of the opinion that it was too late to unwind what has been done, possibly invalidating intervening LJCPA actions. We should accept the current roster of trustees and work with the City to see that it does not happen again.

**Trustee Ragsdale** agreed with this analysis.

**Trustee Emerson** stated that during the time she served with Mr. Morton on the PRC she had learned a lot from him and that she was basing her vote only on the process. She had not prepared the ballot and that write-in candidates had contacted her a few days before the

election and had prepared bios. She presented these to Ms. Henegar at the opening of the polls who said that bios of all candidates were allowed to be offered to voters as long as there was no election. Ms. Henegar was given a copy of the ballot. Two other persons present tonight had observed the conversation. Ms. Henegar left soon thereafter and is believed not to have returned.

**Trustee Courtney** felt that we did our best to hold an election according to our bylaws and that he agreed with Trustee Weiss that it was too late to throw out the election; that we should not base our vote on the fear of what the City might do.

**President LaCava** stated that everything he does is done in good faith; after considering the sequence of events between the March Election and the April Meeting, he determined he had been properly elected in conformance to the bylaws. There were several complaints filed against the LJCPA and the City of San Diego dismissed all of them except this one. Further, the City made no complaints about the mechanics of the elections/polls. The trustee comments have been on every topic except the agenda item. Noting it was near 10pm: that if the Trustees have made a decision on the city's letter, then there should be a motion so we can finish this discussion tonight.

**Trustee Ahern** felt that Mr. Morton should be seated and others pointed out that you just can't add someone, another would have to be unseated.

The following persons submitted written material for consideration of the trustees at the meeting: **Members Peggy Davis and Odile Costello, Trustees Costello, Emerson, Weiss and Whittemore.**

**Approved Motion: Having considered the City's recommendations as detailed in their letter of August 27, 2014, we affirm the elections of March and July 2014 and respectfully reject the City's advice. (Whittemore, Weiss: 10-1-4)**

In favor: Bond, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Weiss, Whittemore, Zimmerman

Opposed: Ahern

Abstain: Steck (Chair), Costello (potentially affected candidate) LaCava (respecting the will of the trustees, Boyden (would have preferred additional wording in motion)

**Approved Motion: To ask President LaCava to appoint an ad hoc committee to recommend bylaw changes to deal with the issue raised in the City's letter of August 27, 2014 about candidates possibly trumping termed-out candidates. (Merten, Zimmerman: 13-0-2)**

In favor: Ahern, Bond, Boyden, Costello, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Weiss, Whittemore, Zimmerman

Abstain: Steck (Chair); LaCava (doesn't think motion necessary)

**15.0 Annual Election, March 6<sup>th</sup>** - Possible Action to Rescind or Modify Motion of April 4<sup>th</sup>.

Depending on action of Item 14.0 it may be appropriate for the good of the order to rescind or modify the motion of Agenda Item 3.C. of the April 4<sup>th</sup> meeting.

**16.0 Special Election, July 3<sup>rd</sup>** – Possible Action to Rescind or Modify Motion of August 7<sup>th</sup>.

Depending on action of Item 14.0 it may be appropriate for the good of the order to rescind or modify the motion of Agenda Item 6 of the August 7<sup>th</sup> meeting.

**Approved Motion: That items 15.0 and 16.0 with respect to the elections held March 6<sup>th</sup> and July 3<sup>rd</sup> were rendered moot by the first motion under item 14.0. (Courtney, Emerson: 13-0-2)**

In favor: Ahern, Bond, Boyden, Costello, Courtney, Emerson, Greatrex, Mapes, Merten, Ragsdale, Weiss, Whittemore, Zimmerman

Abstain: Steck (Chair); LaCava (respecting the will of the trustees)

**17.0 Adjourn at 10:01 PM to the next Regular Monthly Meeting, 2 October 2014, 6:00 pm**

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

**September 9, 2014 Present:** Benton (Chair), Collins, Costello, Kane, Leira, Mapes, Welsh, Will

**September 16, 2014 Present:** Collins, Costello, Mapes, Ragsdale, Welsh, Will, Leira

**1. NON-AGENDA PUBLIC COMMENT**

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

**9/9/2014**

- a. Katherine Kennedy presented an email from Michael Costello to her designer. The subject of the email was an inquiry into the designer's status as an architect.

**9/16/2014**

- b. **Kennedy:** 604 Gravilla Place. Miss Kennedy presented a letter from the Calif. Architects Board addressed to her architect questioning his license. A copy is Attached to this Report.
- c. **Bourgeois:** 604 Gravilla.
- d. **Ragsdale:** presented an email from a citizen with complaints about Tourmaline Construction using the Categorical Exemption to demo 49 % of walls, inexpensive construction, over-sized construction (?), all for rapid resale. Lists 6 houses in Bird Rock. **Request:** place Categorical Exemption problems on DPR Agenda.

**2. PRELIMINARY REVIEW**

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

Project Name:	La Jolla Country Club Pump Station and Reservoir	Permits:	CDP, SDP
Project #:	327584	DPM:	Angela Nazareno 619-446-5277
Zone:	City		anazareno@sandiego.gov
		Applicant:	Darren Genova 619-533-4659

WBS No. B-11024.02.06, SDP CDP Process- CIP-2 to construct a new 0.88 million gallon concrete reservoir almost entirely within the existing footprint of the existing reservoir bottom and overflow elevations. Replacement of pump station and 3 new pumps will be installed along with a pressure valve, valve vault, bypass lines, reservoir inlet/outlet piping, security/fencing, electrical upgrades, permanent drain.

**APPLICANT PRESENTATION 09/09/14:** (Darren Genova, David Manela, Project Manager, Sylvia Rendon)  
*The proposed project was presented, including the justification for the project which will include removal of the existing reservoir and replacement, within the same footprint. The reservoir will conform to current standards. The flow rates will be increased from 1600 gpm to 2125 gallons per minute, and a storage capacity increasing from 0.5 to 0.8 million gallons.*

*The existing reservoir is 100 years old. Construction is expected to start November 2015. The pump building is concrete masonry construction, roughly the same size and configuration as the existing, and the same height. The reservoir will have a concrete roof. The existing wrought iron perimeter fence will be maintained. Solar collectors will not be included.*

**DISCUSSION 09/09/14**

*A discussion ensued with comments about the location and the uses that would be instituted at the site. The water is the metropolitan water system.*

*The construction sequence was discussed: approximately 2 years' construction. The City will provide neighborhood communication about the project, addressing noise, dust, traffic, and other similar issues.*

**SUBCOMMITTEE MOTION 09/09/14:** The Committee wishes to consider this Preliminary Presentation as sufficient to make a finding and recommendation for this project.

(Kane / Will 8-0-0)

In Favor: Benton (Chair), Collins, Costello, Kane, Leira, Mapes, Welsh, Will

Oppose: None

Abstain: None

**Motion Passes**

**SUBCOMMITTEE MOTION 09/09/14:** Findings CAN be made for a Coastal Development Permit and Site Development Permit to construct a new 0.88 million gallon concrete reservoir.

(Costello / Collins 7-0-1)

In Favor: Collins, Costello, Kane, Leira, Mapes, Welsh, Will

Oppose: None

Abstain: Benton (Chair)

**Motion Passes**

### 3. FINAL REVIEW (Previously presented 7/8/14 and 7/15/14)

Project Name:	<b>SACIDO RESIDENCE</b>	Permits:	CDP, SDP
	901 Skylark Drive	DPM:	John S. Fisher, (619) 446-5231
Project #:	349884		<a href="mailto:JSFisher@sandiego.gov">JSFisher@sandiego.gov</a>
Zone:	RS-1-5	Applicant:	Mark Farrington, (858) 675-9490

Scope of Work:

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

**APPLICANT PRESENTATION 07/08/14:** (Mark Farrington, John Krizan, Antonio Sacido)

*The proposed project was presented as in Scope of Work. The applicant presented a ten page handout. Houses were remodeled with previous permits (not part of this project). DSD agrees that the slope is not natural, graded in 1959-1962? They plan for a stable slope and will prepare drainage for 100 year storm. Water will go to a catch basin. Mr. Sacido wants the site for his wedding, and does not have plans for other events.*

### **DISCUSSION 07/08/14**

*About 7 neighbors and Architect Scott Spencer had considerable discussion about hillside drainage, drainage flow to downhill properties. The need for a drainage study and mitigation of water flow was expressed. Request was made to divert storm water to the City storm water system. Neighbors expressed concern about the non-permitted grading and clearing, and the subsequent Code Violations. There was a question about the need for more parking for the habitable companion units. There was concern about the possible future situation of the properties have separate owners since the conjoined landscaping, side yard entryway could not be easily separated.*

**Please Provide for FINAL REVIEW:**

- a. Please provide an aerial photograph showing the surrounding properties. Use colors to mark existing and proposed property lines. Show how this will improve the applicant's property.
- b. Please provide a complete and detailed drainage plan. Please include your drainage study, Water Quality Technical Report and any other information related to storm water treatment.
- c. Please identify properties downhill that are, or could be, affected by storm drainage.
- d. Please provide the geotechnical report with addendum and Biological Reports.
- e. Please provide drawings for the companion units.
- f. Please provide SD Muni Code reference that the companion units do not require additional parking.

**FINAL REVIEW 07/15/2014 (PREVIOUSLY REVIEWED 07/08/14)**

**APPLICANT PRESENTATION 07/15/14:** (Mark Farrington, John Krizan, Antonio Sacido)

*The proposed project was presented, with responses to each of the items previously requested. The Water Quality Technical Report by Scott R. Lyle indicates the downhill storm water flow will be slightly less with the project's mitigations of collection and controlled percolation. Their goal is to treat and direct the downhill flow between houses. Currently overflow does go between houses downhill.*

**DISCUSSION 07/15/14**

*A discussion ensued with considerable amount of comments and questions by neighbors about the downhill stormwater flow, its mitigation, direction, and amount of flow. A neighbor's representative, Architect Scott Spencer, stated that there has been a history of storm drainage flow of water and mud on their property. The applicant suggested a second feature, downhill, where overflow would be collected in a gravel-filled ditch and again controlling percolation. The applicant stated that any storm water control plan would go with the property and title in perpetuity. Neighbor Bill Mitchell expressed concern that the properties might be rented out as party houses or vacation rentals. The Chair of the HOA Arch. Jury, Eileen Hyslop, stated the project disregarded and violated their DC&R process. DPR reminded Ms. Hyslop that HOA matters are outside DPR's review. Issues were raised by DPR about the Municipal Code requirements for Companion Units, 141.0302. The applicant wished to continue the review until a future meeting.*

**Please Provide for FINAL REVIEW:**

- a. Please reconcile the requirements of SD Muni Code, Companion Units, 141.0302.
  - a. Record Owner agreement with City (approved by City Attorney) that Owner shall reside in either primary or companion unit. Agreement goes with Title. How is this possible with two separate lots? Will the owner actually live on either lot?
  - h. One off-street parking space required per bed room of companion unit. Min. one parking space per companion unit.
  - i. Off-street parking shall not be located in the area between the street wall and the front property line.
- b. References: Street Wall 113.0103, Determining Street Wall 113.0264, Determining Street Wall Line 113.0267.
- c. Please study having a secondary storm water mitigation furrow further down slope.
- d. Please meet with the HOA.

**FINAL REVIEW 09/09/2014 (PREVIOUSLY REVIEWED 07/08/14 and 07/15/14)**

**APPLICANT PRESENTATION 09/09/14:** (Mark Farrington, John Krizan)

*The proposed project was presented, with responses to each of the items previously requested. The street wall and the stormwater control methods were reviewed.*



*An email from Bart Sefton was presented that indicates that the Architectural Jury of the HOA has approved the project.*

*Landscape Architect John Krizan described the proposed improvements to the properties.*

#### **DISCUSSION 09/09/14**

*A discussion ensued about the methods of controlling stormwater flow. The companion units are less than 700 sf each. A discussion ensued about the possibility of vacation or additional rental properties.*

*The existing eucalyptus trees will be removed.*

*Bill Pierce, the president of the HOA, described the review process as it presently stands.*

**SUBCOMMITTEE MOTION 09/09/14:** Findings **CAN NOT** be made for a Coastal Development Permit & Site Development Permit to permit a lot line adjustment and allow construction of retaining walls, ramps, landscaping and pavement on two lots, and a pool/spa and companion unit at 901 Skylark Drive on a 0.29 acre site, and a deck, staircase, pergola and guest quarters at 911 Skylark Drive on a 0.89 acre site. **This is based upon the findings that:**

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

(Costello / Mapes 6-1-1)

In Favor: Collins, Costello, Kane, Leira, Mapes, Welsh

Oppose: Will

Abstain: Benton, as Chair

**Motion Passes: Project is NOT recommended for approval.**

#### **4. FINAL REVIEW (PREVIOUS COURTESY REVIEW 07/15/2014 and PRELIMINARY REVIEW 08/12/14)**

Project Name: **SERROS RESIDENCE ADDITION CDP**

335 Dunemere Drive

Permits: CDP

Project #: 363058

DPM: Glen Gargas, (619) 446-5142

Zone: RS-1-7

ggargas@[sandiego.gov](mailto:ggargas@sandiego.gov)

Applicant: Stephen Magerkurth, (619)665-3999

Ron Despojado

Scope of Work:

(Process 3) Coastal Development Permit to add 79 sq ft addition at the 1st floor & new 647 sq ft 2nd floor addition with 2 decks (totaling 100 sq ft) to an existing single story single dwelling unit on a 4,152 sq ft lot located at 335 Dunemere Dr in the RS-1-7 Zone (Appealable) in the La Jolla community Plan.

**APPLICANT PRESENTATION 07/15/14:** (Ron Despojado)

*The project was presented as per the scope. Applicant believes that views will not be blocked. Small addition to total FAR, 0.57, where 0.60 is allowed. Historical report will be needed.*

**DISCUSSION 07/15/14**

*Secretary of the Interior Standards for Designation discussed, how to remodel house consistent with Standards. Neighbors discussed concerns about views from the street being blocked and other visual impacts. There was discussion about how the remodeling could be done without effecting current street views. (Note: neither a View Corridor nor Scenic Overlook for Dunemere could be located in the LJ Community Plan.)*

**Please Provide for PRELIMINARY REVIEW:**

- a. Please consider modifying design so as not to interfere with the view from the street.
- b. DPR Members should visit site.

**APPLICANT PRESENTATION 08/12/14:** (Ron Despojado)

*The project was presented. The design was reviewed, as it pertains to the setbacks, the configurations of the additions, and the resulting elevations of the proposed house.*

*A discussion ensued about the scale of the second story addition, with the balcony over the northwesterly corner, which is significant in the view down the street to the west. The overall scale of the proposed design was discussed.*

*The applicant requested that the project be continued to the next meeting.*

**APPLICANT PRESENTATION 09/09/14:** (Ron Despojado)

*The project was presented: changes have been made to the design to accommodate 2 additional parking spaces and the exterior configuration is altered to provide a small setback at the Dunemere Drive frontage, resulting in a reduction in the total floor area at the second floor.*

*A discussion ensued about the historic status of the building: the historic status of the building is presently being reviewed, and a finding regarding the historic significance will be forthcoming in the future.*

*A discussion ensued about the current design, with the possibility that the Secretary of the Interior Standards may later be applied to this project.*

**DISCUSSION 09/09/14**

*A discussion ensued about the change the second story would present to the character of Dunemere Drive, by creating a street wall that is greater than the existing. There is a concern that the street will become “walled in” with higher buildings at the side.*

*Secretary of the Interior Standards for Designation discussed, how to remodel house consistent with Standards. Neighbors discussed concerns about views from the street being blocked and other visual impacts. There was discussion about how the remodeling could be done without effecting current street views. (Note: neither a View Corridor nor Scenic Overlook for Dunemere could be located in the LJ Community Plan.)*

*The Applicant requested that the matter be continued to a later date.*

**5. FINAL REVIEW (PREVIOUS PRELIMINARY REVIEW 08/12/14)**

Project Name:	<b>ANZAR RESIDENCE</b>	Permits:	CDP, SDP
	1253 Muirlands Vista Way	DPM:	Tim Daly, (619) 446-5356
Project #:	363245		TDaly@sandiego.gov
Zone:	RS-1-5	Applicant:	Camilla van Bommel,
			(858) 459-9291
			cvanbommel@islandarch.com

LA JOLLA Coastal Development Permit (Process 2) to demolish an existing single story family residence and construct a new 8,636 sq ft, 2 story residence on a 24,766 acre lot. The site is located at 1253 Muirlands Vista Way in the RS-1-5 zone, Coastal Overlay (Non-Appealable) within the La Jolla community plan area

**APPLICANT PRESENTATION 08/19/14:** (Drex Patterson, Camilla van Bommel)

*The project was presented, with a site plan and landscape plan. The existing retaining walls at the site will remain. The proposed FAR is 0.36 where a maximum of 0.45 is permitted. The landscaping is 45% where 30% is permitted.*

*The project information was received.*

**Please Provide for FINAL REVIEW:**

- a. Aerial photographic views, one showing the site and another showing the neighborhood.
- b. A photographic survey of the street frontage, showing the elevation in relation to the neighbors.

**APPLICANT PRESENTATION 09/09/14:** (Drex Patterson, Camilla van Bommel)

*The project was presented, with the additional photographic information as requested. The project was reviewed, and the scale and composition fronting the street were reviewed.*

*The project information relating to the design of the house and grounds, and the scale and character of other houses in the area were reviewed.*

**SUBCOMMITTEE MOTION 09/09/14:** Findings CAN be made for a Coastal Development Permit and Site Development Permit to demolish an existing single story residence and construct a new 8,636 sq ft, 2 story residence on a 24,766 sf lot. The site is located at 1253 Muirlands Vista Way.

(Collins / Costello 5-0-2)

In Favor: Collins, Costello, Kane, Mapes, Welsh

Oppose: None

Abstain: Benton (Chair), Leira, Will

**Motion Passes**

**6. PRELIMINARY REVIEW**

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

Project Name: La Jolla High School Stadium Water Easement Vacation

Permits: CDP

Project #: 366028

DPM: Glenn Gargas 619-446-5142

Zone: SDUSD

ggargas@sandiego.gov

Applicant: Michael Kinnear 858-831-0111

Easement Vacation and Coastal Development Permit (Process 2) to vacate a water easement for a previously-abandoned water main located in Block A of Starkey's Prospect Park, Map 1729. This is located in La Jolla High School.

**APPLICANT PRESENTATION 09/16/14:** (Michael Kinnear, PE)

*The proposed project was presented, site plan reviewed. The water line was abandoned in 2001. The school wants to build a concession stand and restroom atop the easement. The Div. of State Architecture approved the building designs.*

**DISCUSSION:**



**8. SUBCOMMITTEE MOTION 07/08/14:**

As Chairman Benton could not attend, a Chair Pro Tem was elected. Michael Costello was nominated.  
(Collins / Leira 6-0-1)

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

Oppose: None

Abstain: Costello

**Motion Passes**

**9. SUBCOMMITTEE MOTION 07/15/14**

As Chairman Benton could not attend a Chair Pro Tem was elected. Michael Costello was nominated.  
(Collins / Leira 7-0-1)

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

Oppose: None

Abstain: Costello

**Motion Passes**

**La Jolla Planned District Ordinance Committee**  
**Chair: Ione R. Stiegler, FAIA**

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**DRAFT MINUTES – MONDAY, September 8, 2014**  
**4:00 PM, La Jolla Recreation Center, 615 Prospect Street, Room 1**

Present: Ovanessoff, Fitzgerald, Pitrofsky, Dershowitz, Marengo, Chow, Palmer

Visitors: Frank & John Haffner, Mark Hayden, Chris Schoeneck, Matt Peterson, Paul Ross, Rich Risner, John McCulley, Ed Comartin

1. **Public Comment – NONE**

2. **Chair Report / Board Discussion**

- a. Review and Approve July Minutes: Pitrofsky, Seconded: Dershowitz, Vote (6-0-0) Passes (Palmer was not present for this vote)
- b. Issues regarding PDO compliance and means to promote enforcement.
  1. Committee letter to DSD regarding concerns on approvals/enforcement of the community plan and zoning regulations. Marengo commented that the code enforcement individuals were out and about, violation letters were being sent out, sign were coming down.
    1. Report from Sheila Fortune, if applicable. -Not Available
  2. Discussion of the use of neon lights within and outside of businesses in the PDO jurisdiction. – Tabled to next meeting
  3. Review whether the parking assigned to the commercial portions of the developments on Turquoise Street, do not have access to commercial parking. Stiegler will further investigate which process the subject property had filed their original application and discussion of this subject will be concluded during the October PDO meeting. - Tabled to next meeting
  4. Discuss recommendation by Joe La Cava to maintain all Process Ones as a voting item. La Cava was present during these discussions and he recommended that all Process 1 applications should be voted on by the Committee members, as they were in the past. He advised the Committee to keep the current policy and continue to vote on all Process 1 applications.

3. **Recommendations to CPA**

a. **Project Name: Alta Vista Properties, Inc.**

Address: 5668 La Jolla Blvd.

Project Number: N/A

PDO Zone: La Jolla Planned District Ordinance (La Jolla P.D.O.)

Applicant: Jackie Alexander

Agent:

City Project Manager: If applicable

Date of App Notice: 09/04/2014

Jackie Alexander presented a new sign for her company located 2 doors away from the current Beaumont's on La Jolla Blvd. She distributed a handout that illustrated the colors and the looks of the sign but it did not include any dimensions. Ms. Alexander indicated that she might install a few spotlights on the sign but was not sure at the time. The Committee informed her that as long as the lights are "down lighting" the signs, the lighting would be acceptable. Marengo commented that the Committee couldn't approve the sign as presented without having any sizes and dimensions. The item was then tabled to the next PDO meeting.

**NEXT MEETING – MONDAY, OCTOBER 13, 2014**

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

**FOR ADDITIONAL INFORMATION, PLEASE CONTACT IONE R. STIEGLER, FAIA, CHAIR, 858-456-8555 OR**  
[istiegler@isarchitecture.com](mailto:istiegler@isarchitecture.com)

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

**La Jolla Planned District Ordinance Committee**  
**DRAFT MINUTES – MONDAY, September 8, 2014 (continued)**

Re-open item on Agenda: Jackie Alexander returned to the meeting with the sizes and dimensions of the proposed sign. She informed the Committee that the letters on the sign are 15 inches high by 20 inches wide. She presented the Committee with a new diagram. After calculating the size of the sign, using the dimensions that were provided, it was determined that the proposed sign does meet the PDO requirements. Ms. Alexander noted that she might want to install an awning on the sign in the future. She was informed that she would have to come back to the PDO in order to obtain approval for the awning. Marengo motion **“Sign as presented conforms to the PDO”**. **Pitrofsky Seconded. Vote 6-0-0. Passes**

**b. Project Name: The Ivanhoe**

Address: 7817 Ivanhoe Ave., La Jolla CA

Project Number: N/A

PDO Zone: LJPDO-2

Applicant: La Jolla LLC

Agent: Capstone Advisors

City Project Manager: N/A

Date of App Notice: N/A

Scope of Work: Presentation of paint colors

Mark Hayden presented the project from Capstone Advisors, who recently purchased the office building. A large booklet about the project was handed out to all Committee members. Hayden guided the Committee members through the booklet. John McCulley, the architect for the current project, presented the color palette. He also presented the Committee with numerous photos of the surrounding buildings. He noted that they would be changing the entry of the building and wanted to create a class “A” office building. There were two paint samples that were presented to the Committee. The first one was described as light silver and the second as a chocolate gray color. On a side note, the applicant indicated that they would be planting mature trees on Silverado Ave. to reduce the perceived bulk and scale of the building in relation to the residential homes on the same street. McCulley demonstrated how the color palette presented matched those of the commercial buildings around the subject property. The applicant also plans to utilize the proposed colors to create a checkered pattern on the current grids of the building to minimize the perceived bulk and scale of the building.

**Motion by Dershowitz that the color pallet as presented conforms with the PDO. Seconded by Pitrofsky. Vote (7-0-0) Passes.**

**4. Recommendations to DPR Committee**

**a. Project Name: MONARCH COTTAGES**

Address: 7630 Fay Avenue

Project #: 370400 (355003)

PDO Zone: LJPDO 3

Applicant: Brian Longmore, 858-603-9478

Agent: Matthew Peterson

City Project Manager: Laura Black, (619) 446-5245, LBlack@sandiego.gov

Date of App Notice: 8/1/14

Matt Peterson presented the project on behalf of the owners. The applicant is requesting an adaptive re-use of the current MD building to a Residential Care Facility (RCF) that would house residents who suffer from Alzheimer’s, dementia and other cognitive issues. The new use would provide a safe environment for their residents. The new facility will have 26 “units”. It will offer valet service for special events. The operation/business will be State licensed and will be affiliated with UCSD and Scripps Hospital. The applicant would be changing the façade of the building and will not undertake any major structural changes. They will work with the PDO Committee in the selection of the colors. Peterson explained that the current location is zoned commercial and, as a result, the applicant would be required to obtain a Conditional Use Permit (CUP) and deviations for this type of operation. The CUP and deviations are required because the current PDO zoning requires that 50% of the building’s ground floor be retail. The applicant’s deviations requests highlighted that retail-like facilities and services will be available to the residents and their families as part of the project but that the nature of the facility and its residents require a level of security that will not permit traditional retail businesses on the ground floor. Marengo asked about the required parking for the facility. Peterson explained that there are currently 13 on-site parking spaces and 10 are available in the

**La Jolla Planned District Ordinance Committee**  
**DRAFT MINUTES – MONDAY, September 8, 2014 (continued)**

nearby Bank of America Building parking lot (off-site). Peterson also informed the Committee that there would be no more than 8 employees on the premises at any given time. Marengo also raised the issue of accommodating first responders. At this time, one of the owners of the proposed business, Frank Haffner, addressed the Committee. He explained that the people living at the facility are not referred to as patients, but rather as residents. He further explained that all residents are tested and evaluated routinely and, therefore, their need for first responders would likely be minimal. He further explained that the 26 units would house approx. 42 beds. Fitzgerald questioned how the transportation for the residents would be provided, given the surrounding congested, high-traffic streets. Haffner explained that they would seldom use buses and that more often they would use sedans and SUV's that would be accessed from the on-site driveway.

The majority of the comments and discussion did not challenge the need for such a residential care establishment in the La Jolla area. However, the concern focused on whether the proposed location was best suited for this type of an operation. The promotion of retail and commercial activities in the downtown/village area is a community priority and this project would eliminate much-needed retail space. In light of the community's priorities, Fitzgerald raised the issue of whether the required findings for the requested deviations could be made—primarily whether this project with the requested deviations was better than any alternative project that fully complied with the PDO. Other comments from the public included questions as to what would happen to the property if the proposed business failed. Peterson explained that, if the proposed business fails, the new occupants of the building would have to obtain a new permit, which should alleviate many of concerns being raised. Fitzgerald then requested the Committee for a motion regarding the proposed project. Prior to a motion being made, Marengo and Dershowitz commented that they felt very uncomfortable about voting on the project at this time because, given the strategic location of the project within the La Jolla commercial zone, they felt more community input was needed before a decision could be made. In light of the comments and concerns from the Committee and the public, the applicant then elected to withdraw their project from PDO Committee consideration and indicated that they would schedule another hearing for a subsequent PDO Committee meeting. As a result, no vote on the Monarch project was taken.

**5. Information Only**

**a. Project Name: The Ivanhoe**

Address: 7817 Ivanhoe Ave., La Jolla CA

Project Number: N/A

PDO Zone: LJPD-2

Applicant: La Jolla LLC

Agent: Capstone Advisors

City Project Manager: N/A

Date of App Notice: N/A

Scope of Work: Enhance the main entry of the building (including changing of the hardscape in front of the entry), add a monument entry sign, upgrade existing building signage, and install new landscaping,

As further discussion followed regarding the changes to the office building, Merango commented that grid area that is going to be painted in a checkered manner may be too contemporary for the residential area the building faced on Silverado. The applicant, Hayden, indicated that he would approach the neighbors and obtain their feedback regarding grid color-scheme. Applicant McCulley assured the Committee that none of the proposed colors would be metallic. He further advised the Committee that the entire interior of the building, including the elevator, and the garage would be renovated and upgraded and that the trash container area outside of the building would also be extensively remodeled to improve its visual appearance. Marengo stated that any future plans presented to the Committee should indicate the property line and indicate the areas, if any, where the hardscape would encroach into the public right of way. Signage was also discussed in great detail. Overall, the applicant received considerable feedback in preparation for their next presentation to the PDO Committee of the remaining elements of their project.

Meeting adjourned at 5:52



## **Agenda Item #16**

### **Short-Term Vacation Rentals – Action Item**

## **Ad Hoc Committee on Short Term Vacation Rentals Final Report Prepared by Helen Boyden, Chair, Based on Committee Records**

The Committee met seven times during the period January to June 2014. As of the fourth meeting, March 26, 2014, the committee membership was changed to be a stakeholders committee. The minutes of the March 26, April 23, May 28 and June 25, 2014 are posted on the LJCPA website. The May and June minutes have supplemental material attached.

At the end of this summary of Committee hearings are the committee recommendations with respect to what the problems were and what solutions the committee agreed upon. Following that is the agenda for the June 25 meeting detailing the solutions that were proposed during the course of the hearings. One or more committee members prepared suggested motions for committee review.

The Committee received over 100 letters and many oral presentations from the following classes of individuals and groups:

- Local residents disturbed by activities and noise from Short Term Vacation Rentals (STVRs), including the 30-day Club
- Property owners renting their properties on a short term basis for all or part of the year without using a professional management company
- Property owners renting their properties on a short term basis for all or part of the year who use the services of a professional management company
- Local short term vacation rental professional management companies
- Pacific Beach residents wishing to work with La Jolla

The Committee received oral and written communications from various City officials:

- Mr. Fred Zuckermann made a presentation on the City of San Diego's Community Assisted Party Program (CAPP) and told of other ways that residents could deal with the problem, e.g., citizen arrests and Small Claims Court suits. He offered his services gratis to help.
- The City Attorney in 2007 issued an opinion saying there were no prohibitions or restrictions on STVRs in the San Diego Municipal Code other than those for all properties. He cited recent Coastal Commission decisions saying 30-day limits could not be imposed but allowing various permitting restrictions. He stated that the San Diego Municipal Code (SDMC) could be amended, but that restrictions in the Coastal Impact Zone would have to be approved by the California Coastal Commission and that it has rarely approved an actual prohibition on short-term rentals in residential areas. He listed some regulations that have been adopted in some jurisdictions and listed some minimum information to be included in any proposal to ban short-term rentals.
- In June 2014, the current City Attorney wrote that neither the SDMC nor case law had changed since 2007 with respect to these issues, validating the 2007 opinion.
- Earlier this year, Development Services Department (DSD) Senior Planner Chris Larson sent information stating that City did not impose specific restrictions on STRV properties.

Formal presentations were made by the 30-day Club and representatives of local professional STVR management companies: The 30-day Club presented testimony about the noise from these rented premises, too many parked cars, too many turnovers disrupting the neighborhood. Although several requests were made, no complete inventory of the problem properties was presented through the last meeting of the committee on June 25<sup>th</sup>, 2014. The 30-day Club wanted a permanent solution not dependent on permits or fees, namely a 30-day minimum rental. Representatives of the San Diego Vacation Rental Managers Alliance described workable permitting processes in other cities, cited the use of fees to support enforcement, and proposed accountability standards for owners and renters. The Alliance cited the financial benefit in Transient Occupancy Tax (TOT) to the City and stated that these private home renters were in a different category from those who stayed in hotels.

Others described the ineffectiveness of the CAPP program. Owners who do not go through agency were concerned that regulations not be onerous. Others stated they relied on rentals as personal income.

Committee members were made aware of restrictions and regulations in effect in the following localities.

- The City Attorney (2007) provided examples of restrictions pending before the California Coastal Commission, allowed in, or not allowed in Encinitas, Imperial Beach, Solana Beach, Humboldt County, San Luis Obispo County., Coronado,
- Mr. Costello provided information on various restrictions on STVRs in effect in: Maui County, HI; Cannon Beach, OR; San Luis Obispo County, CA; Mendocino County, CA; Santa Fe, NM; Palm Springs, CA; on court decided zoning issues in Sandy, UT; Cannon Beach and Carmel-by the Sea, CA and additional approaches in: Napa County, Dana Point; Coronado, Imperial Beach, San Francisco; County of San Luis Obispo; Santa Barbara; Healdsburg, CA; also referencing prohibitions in North Miami Beach, FL; and New York City.

In reviewing the two documents below, you will note that there was no unanimity on any of the motions to do with solutions.

The Committee approved motions to strengthen the CAPP program and to establish a permit process, (including specifications). Motions specifying time-frames (30 or 7 day minimums) and frequency (12 per year) failed. No motions were made with respect to zoning changes, grandfathering in properties or changing definitions of “boarders” and “visitors” in the San Diego Municipal Code that were listed as possibilities on the June Agenda.

The Committee submits the following recommendations made on April 23 and June 25 for review by the LJCPA trustees.

## Ad Hoc Committee on Short Term Vacation Rental Actions Taken (as documented in the Minutes)

### April 23, 2014

#### The following motion was passed:

A motion was made to adopt the summary of problems to include:

1. Inadequate enforcement of current regulations
2. Threshold for enforcement is too high to be effective (Costello amendment)
3. Burden of enforcement is imposed on neighbors, not the City or the Industry (Costello amendment)
4. Party House Events
5. Site Specific Events such as noise and parking
6. Frequent turnover of renters
7. Conversion of Single Family Neighborhoods to "tourist zones"
8. Inadequate supervision by "on site management." (Costello amendment)

**The motion (Fitzgerald/Weiermann) was approved 5-0.**

### May 28, 2014 \_ No Motions made

### June 25, 2014

#### The following motion was passed:

The Committee recommends that the City make best efforts within available resources to substantially improve real-time police response times to citizen complaints regarding offending properties and to focus more rigorous Code Enforcement efforts on the offending property owners.

**(Fitzgerald, Weierman 4-1-0).** [For: Boyden, Fitzgerald, Steck, Weierman; Against: Costello]

#### The following motion was passed:

- To strengthen the Community-Assisted Party Program (CAPP) , the Ad Hoc Committee recommends: Substantially increase the fines (amount TBD) for CAPP violations. Dedicate the revenue from fines collected to CAPP enforcement and public outreach
- Once a house has been designated as CAPP-, require the property owner to place a substantial, non-interest-bearing security deposit (amount TBD) in escrow with the City that would be forfeited if there is a subsequent CAPP violation. This security deposit would be returned to the property owner after a period (e.g. 1-2 years) with no CAPP violation.
- To expedite the CAPP process for problem properties, allow verifiable neighbor/resident documentation (e.g. video evidence and audio recordings/decibel measurements) to be sufficient to initiate/warrant a CAPP violation.
- The City develop/implement a proactive community education/outreach program regarding CAPP, utilizing all available resources, including conventional/social media, the City website, police community relations officers, and community organizations/groups, etc.
- Additionally, 2 violations within 90 days would put a property into a CAPP classification.

**(Fitzgerald, Steck 4-1-0)** [For: Boyden, Fitzgerald, Steck, Weierman; Against: Costello]

**The following motion was passed:**

To more effectively deal with the identified problems associated with short-term rentals in single-family residential zones and to protect the residential character of these area, the Ad Hoc Committee recommends that the City of San Diego: adopt the following changes to the Municipal Code and City policies/regulations:

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

**(Fitzgerald/Steck: 4-1-0)** For: Boyden, Fitzgerald, Steck, Weierman; against: Costello]

**The following motion was passed:**

To supplement the description of the permit process (see previous motion) as follows:

- To establish city and community identification of all rental properties in each area/neighborhood, whether the property is being managed by owner or by a professional manager;
- Formalize a code-of-conduct for owners, property managers, and tenants
- Facilitate collection of all applicable TOT taxes by the City;
- Allow for the use of fines/permit revocation to discourage/punish violations and to reinforce the code-of-conduct. All or part of the revenue from the permits/fines could be dedicated to fund the creation/administration of the permit process, funding Neighborhood Code Enforcement, and funding related community outreach programs;
- Provide for a 24/7 contact person for each rental property to address problems in real time.

**(Weierman/Fitzgerald 4-1-0)** [For: Boyden, Fitzgerald, Steck, Weierman; Against: Costello]

Additionally, two motions to limit the length and frequency of STVRs failed.

**Failed Motion:** That vacation rentals be limited to 30 days or more and that there be no more than 12 rentals in any 12 month period.

**(Costello, Fitzgerald) (1-4-0)** [For: Costello; against: Boyden, Fitzgerald Steck, Weierman]

**Failed motion:** To require a 7 day minimum stay for short-term rentals and that no more than 12 rentals occur in a 12 month period.

**(Fitzgerald/Steck 2-2-1)** [For: Fitzgerald, Steck; Against: Costello, Weierman; Abstain: Boyden]

***June 25 Agenda Included for Reference Only***

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**Ad Hoc Stakeholders Committee on Short-Term Vacation Rentals  
La Jolla Community Planning Association  
Draft Agenda Wednesday, June 25, 2014--5:00 PM to 6:30 PM  
La Jolla Recreation Center, 615 Prospect Street**

1. Call to Order
2. Adopt Agenda
3. Review of May 28, 2014 minutes
4. Public Comment (2 minute limit on items not on the agenda, within purview of the Committee) No discussion, debate or action on these items.
5. Chair Report
  - a. All Public Comment on Short Term Vacation Rentals has been closed—Meeting is reserved for Committee Deliberations
  - b. Need for closure on this issues
6. Report – Information Only – No discussion, debate or action on this item.
  - a. Update or report on Request for additional information from the 30-day Club –letter sent 5-19-2014 – in writing
  - b. Other, in writing
7. **Solutions to improve the CAPP program -- Action Item - Consideration of whether to recommend specific solutions to the CAPP program – Public Comment closed**
  - a. Financial considerations
    - Request larger budget for CAPP enforcement and Code Compliance
    - Increase fines for violations-devote to CAPP
    - Enforce Collection of the Transient Occupancy Tax
    - Require a deposit after the property is CAPPED
  - b. Operational considerations
    - Give noise related reports higher priority in identified problem neighborhoods
    - Improve Code Compliance response
    - Remove police officer discretion in response to incidents, applying specific criteria to all categories of properties
    - Allow neighbor documentation by video and decibel meters to remove police from the equation
    - Reduce the standards for a property to be CAPPED
    - Emulate procedures at Darlington House and the Thursday Club
  - c. Public Information
    - Educate residents about the CAPP program via newspaper articles, letters, using neighborhood watch and social media, police community relations officers
    - Improve sandiego.gov website for easier access to information
  - d. Institute a pilot program for improvement of CAPP

8. Modifications to the San Diego Municipal Code-- Action Item – Public Comment closed -Consideration of whether to recommend changes to the SDMC to address problems associated with short-term vacation rentals in single family residential zones, focusing on consideration of those presented to date, namely:
  - a. Establish a permit process for short term rentals, including fees dedicated to covering the cost of the permitting process and enforcement thereof.
    - Establish a system of graduated fines/permit revocation to deal with violations
    - Establish a program for education and standards for owners and renters
    - Limit the number of occupants and cars allowed
    - Limit the number per year, regulate interval between rentals per property
    - Procedures for trash collection
    - Contact persons required 24/7
    - Establish standards for rental agreements
  - b. Zoning issues
    - Establish a new zone category which permits short-term rentals—otherwise not allowed
    - Restrict the number of short-term rentals by number allowed in a given area, or require a certain distance between short-term rental properties
    - Restrict ratio of short-term rentals to those with continuing occupants
    - Coastal vs non Coastal properties
    - Regulations should apply equally to all properties
    - Define these properties as a business
  - c. Grandfather-in properties put into short term vacation rentals prior to a given date
  - d. Establish minimum rental terms: 3 days, 5 days, 7 days, and 30 days have been suggested
  - e. Modify the definitions of boarders and lodgers to align with that for visitor accommodations [ref SDMC 141.0301 and 131.0422 and 113.0103]
9. Future hearings on this issue
10. Adjournment 6:30 PM