



# La Jolla Community Planning Association

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

## Contact Us

Mail: PO Box 889, La Jolla, CA 92038

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

Voicemail: 858.456.7900

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

President: Joe LaCava

Vice President: Bob Steck

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

Secretary: Helen Boyden

Treasurer: Nancy Manno

## D R A F T AGENDA

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

6:00pm

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

→ Please turn off or silence mobile phones

→ Meeting is being recorded

#### 2.0 Adopt the Agenda

#### 3.0 Meeting Minutes Review and Approval:

3.1 2 October 2014

3.2 29 October 2014

#### 4.0 Swearing In

#### 5.0 Elected Officials – Information Only

5.1 Council District 1 – Council President Pro Tem Sherri Lightner

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

5.2 Mayor's Office – Mayor Kevin Faulconer

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

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

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

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

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

#### 6.0 Non-Agenda Comment

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

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

#### 7.0 Trustee Comment

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

#### 8.0 Officers' Reports

8.1 Secretary

8.2 Treasurer

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

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

9.2 Ad Hoc Bylaw Update Committee – In progress

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

9.4 **Annual Elections: March 2015**

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

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

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

**9.5 Election Committee – Ratify Appointments**

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

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

**10.1 Community Planners Committee**

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

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

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

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

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

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

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

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

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

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

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

No PRC Meeting

**11.1 The Ivanhoe, 7817 Ivanhoe Avenue**

PDO Motion:

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

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

**11.3 Klinkov Residence, 5915 Camino de la Costa**

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

**11.4 Monarch Cottages, 7630 Fay Avenue**

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

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

T&T Motion: Recommend Approval.

**11.6 La Jolla Concurs d’Elegance Street Closures as per prior years**

T&T Motion: Recommend Approval.

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

T&T Motion: Recommend Denial

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

T&T Motion: Recommend Approval

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

The project includes the rehabilitation of approximately 13,057 linear feet (2.47 miles) of existing 8” and 10” VC sewer mains within the City’s right of way utilizing trenchless technology. Access to rehabilitate the sewer mains will be made through the existing manholes and/or cleanouts. Other related work entails the reinstatement of laterals to the rehabilitated mains, manhole rehabilitations, manhole replacement, lateral rehabilitations, lateral cleanout installations and

Time  
Certain  
6:30pm

several external spot repairs to existing sewer mains and laterals as needed. Estimated construction dates: Spring 2015 to Fall 2015.

Presenter: **Maryam Liaghat, Project Manager, City of San Diego**

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

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

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

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

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

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

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

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

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

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

→ See <http://www.lajollacpa.org/projects.html> for background and submitted information  
*Summary of Recommendations by Ad Hoc Committee:*

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

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

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

**14.3** Establish a comprehensive permit process for short-term rentals (similar to that outlined to the Committee by the San Diego Vacation Rental Managers Alliance), including establishing a formal 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 to include the following

Time  
Certain  
6:45pm

specific provisions:

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

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

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

(Process 3) Coastal Development Permit & Site Development Permit to permit 1) a parcel map lot line adjustment between the two legal lots known as Lots 52 (911 Skylark Drive, 0.89 acre) & 53 (901 Skylark Drive, 0.29 acre), La Jolla Mesa Vista, Map No. 3650; 2) Proposed approximately 600 square foot GUEST QUARTERS for Lot 53 (901 Skylark Drive only) as defined by San Diego Municipal Code (SDMC) Section 141.0306; 3) Proposed construction of retaining walls, ramps, staircases, landscape planting and irrigation, patio paving, pergola, raised planters for herbs, small water features including Koi pond (901 & 911 Skylark); and, 4) Proposed pool and spa with vanishing edge construction (901 Skylark Drive only). RS-1-5 Zone.

*Previous Action by DPR (Oct '14): "Per Rule 37, this Committee finds that a substantial change to the design has been made, and wishes to reopen this matter for further review" 2-4-0. Motion failed. No further action taken.*

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

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

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

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

*Every effort is made to hear each agenda item with sufficient time for applicant presentation, public comment, and trustee deliberation. However, the venue must be vacated by 9:45 pm and the LJCPA may--despite best efforts--have to continue an agenda item.*



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

Secretary: Helen Boyden

Treasurer: Nancy Manno

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## D R A F T MINUTES

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

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

**Trustee absent:** Joe LaCava

#### 1.0 Welcome and Call To Order: Bob Steck, First Vice President at 6:08 PM.

He announced that he would be chairing the meeting in the absence of President LaCava. He asked that cell phones be turned off and announced that the meeting was being recorded.

#### 2.0 Adopt the Agenda

##### Approved Motion: To adopt the agenda as distributed (Ahern, Boyden: 14-0-1)

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

Abstain: Steck (Chair)

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

##### Approved Motion: To approve the minutes of 4 September as corrected (Manno, Emerson: 13-0-2)

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

Abstain: Steck (Chair), Manno (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)

He stated that the City asked for public comments by November 5, 2014 via e-mail to [dsdldc@sandiego.gov](mailto:dsdldc@sandiego.gov) to provide feedback on the proposed 9<sup>th</sup> Update to the Land Development Code.

There are 54 amendment issues. He provided handouts with information. Text is available at

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

There is a new Development Services Department website "OpenDSD":

<http://www.sandiego.gov/development-services/opendsd/>. Online access to permit data including

Discretionary and Ministerial permit approvals and Code Enforcement Cases.

"Meet the Mayor" is scheduled for Monday, October 6 at 5:30 pm at the UTC Forum Hall.

Construction at the La Jolla Cove Lifeguard tower is on track to be completed by Spring 2015.

The Children's Pool Lifeguard Tower is tentatively scheduled for completion in Spring 2015, but if the external construction is not complete by December 15, 2014, construction will cease until the end of the seal pupping season.

In response to queries by **Trustees Courtney** and **Ragsdale** and **Member Bob Whitney**. **Mr. Garver and Planning Department Rep Karen Bucey** replied that the LDC was updated about every other year and that the revision to 600-24 had finished staff review and would be heard by the City Council. Beach access roads and leaf blowers were also addressed by **Trustee Courtney**.

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

draft LJCPA Agenda, Nov 6, 2014

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4.2 Mayor's Office – Mayor Kevin Faulconer

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

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

Rep: \_\_\_\_\_, 619-645-3133 – no information or representative present

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/> announced a UCSD Open House on November 19 from 4 to 7 PM at Forum Hall at UCSD. The SIO Meander expansion to connect two overlooks has been delayed with construction to begin October/November 2014. UCSD has initiated a conserve Water initiative, removing turf grass and working for other savings. **Member Melinda Merryweather** inquired about the total water use at UCSD. **Trustee Emerson** expressed her thanks for the recent campus tour and lecture.

**5.2 Member Ed Ward** commended the LJCPA Board for its hard work but castigated those who had voted against the Parade road closure at the September meeting. **Member Tim Lucas** also said that the issue of a name change had not been on the agenda.

**Member Tim Lucas** announced the October 8 meeting of the La Jolla Shores Association and stated that Del Sol would reopen by October 22. The LJS Fall Festival will take place at Kellogg Park from 4 to 6 PM on October 30.

**Member Dave Little** criticized **President LaCava's** remarks, as quoted in the LJPDO minutes, urging the PDO committee to maintain Process Ones as a voting item. Mr. Little said that the DSD flow chart for the DSD decision process did not provide for Community review of Process One projects.

**Member Melinda Merryweather** asked that since children could only use the Children's Pool Beach seven months of the year, the City needed to clean it up so it was usable.

**Member Sally Miller** gave the trustees an "Onion" for approving a project on Bonair Street that is out of bulk and scale with the neighborhood and said it will be an eyesore. She awarded an "Orchid" to whoever was painting one side of the trash cans in the Village.

## 6.0 Trustee Comment

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

**Trustee Courtney** asked that leaf blowers start later.

**Trustee Zimmerman** inquired why the property at 541 Bonair Street, which is now demolished, had never been reviewed by the DPR.

**Trustee Merten** stated that the green construction fence by the La Jolla Country Club on Nautilus Street was blocking the view corridor and asked that the situation be remedied.

## 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

**Trustee Manno** presented the treasurer's report. She 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. She thanked the members for their generosity in supporting the organization.

|   |                  |                  |
|---|------------------|------------------|
| <b>Beginning Balance</b> as of 09/01/14 | <b>\$ 24.92</b>  | <b>\$ 24.92</b>  |
| <b>Income</b>                           |                  |                  |
| Collections                             | \$ 101.00        |                  |
| - CD                                    | 20.00            |                  |
| <b>Total Income</b>                     | <b>\$ 121.00</b> | <b>\$ 121.00</b> |
| <b>Expenses:</b>                        |                  |                  |
| Agenda printing:                        | \$ 84.60         |                  |
| Telephone expenses:                     | 52.77            |                  |
| <b>Total Expenses:</b>                  | <b>\$ 137.37</b> | <b>(137.37)</b>  |
| <b>Ending Balance</b> as of 09/30/14    | <b>\$ 8.55</b>   | <b>\$ 8.55</b>   |

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

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

**8.2 Whale Watch Way Appeal** – PC stopped short of denial giving applicant chance to redesign and return to the PC after undergoing community review. **Trustees Merten** and **Boyden** noted how the Commissioners stated they were in favor of the appeal but voted to continue it to allow the architect to reduce the height of the courtyard wall. **Members Myrna Naegle** and **Mary Lowe** thanked Phil Merten for his presentation in support of the appeal.

**8.3 Mayor Faulconer Infrastructure Roadshow** – District 1, UTC Forum Hall, Mon, Oct 6, 5:30pm and as reported by Justin Garver.

**8.4 City Letter** – The officers, having met with CPPT Lightner, have a scheduled meeting with the Mayor to discuss the March and July elections.

**8.5 Appoint Ad Hoc Bylaw Update Committee** – Ratify Appointments of Cindy Greatrex (Chair), Rob Whittemore, Ray Weiss. Public Meetings to be announced.

## Approved Motion: To ratify the committee as appointed (Costello, Manno: 13-0-4)

In favor: Ahern, Bond, Boyden, Collins, Costello, Courtney, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Zimmerman.

Abstain: Steck (Chair), Greatrex, Weiss, Whittemore (appointees)



#### **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

### **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>

No report

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

### **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.

**Approved Motion: To accept the recommendations of the PDO Committee: 10.2 5668 La Jolla Boulevard – Sign Permit: that the sign as presented conforms to the PDO and 10.2 The Ivanhoe, 7917 Ivanhoe –Color Palette: that the color palette as presented conforms to the PDO and the recommendation of the DPR 10.3 Anzar Residence: 1253 Muirlands Vista Way: that the 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 and forward the results to the City. (Costello, Manno: 16-0-1)**

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

Abstain: Steck (Chair)

### **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: Genene 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.*

Presented by City Staff **David Manela**, **Silvia Rendon** and Contractor **Carlos Mendoza**. The City is scheduling the replacement of an aging reservoir and piping. The capacity will be increased from 500,000 to 800,000 gallons. New structure and capacity will comply with current regulations for this type of facility. It will have the same footprint and the walls will now be vertical instead of trapezoidal. Construction is expected to begin by October 2015 and take two years. Traffic disruption and noise will be minimized. In response to queries from **Trustees Whittemore, Emerson, and Collins** and **Member Tim Lucas**, it was emphasized the increase in size was to meet current standards and address fire safety issues; the Soledad pump station will be used in the interim and it too will be scheduled for upgrade after the current project is completed; the project is not visible from any adjacent homes.

**Approved Motion: To approve the proposal to construct the La Jolla Country Club Pump Station and Reservoir, 7248 Encelia Drive. (Weiss, Whittemore: 16-0-1)**

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

Abstain: Steck (Chair)

**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.

Presented by **Judy Halter** and **Trustee Patrick Ahern**, representing La Jolla Parks and Beaches. They outlined the history of the 5.2 acre Scripps Park, stating that it has potential for being named a World Heritage site. The restrooms in particular need upgrading in conjunction with a redo of the site. Currently the restrooms block the view. Trustee Merten and Michael Stepner headed up an architectural search committee (previously reported at the LJCPA) and selected Safdie-Rabines for a preliminary design which will feature additional toilet and shower facilities. They are seeking support of all La Jolla organizations. Current fundraising efforts have produced \$950,000 of the \$1.1 to \$1.3 needed to proceed. They answered queries from **Member Sally Miller** and **Trustee Whittemore** providing the information that underground construction was too costly and that ventilation and ADA issues come into play.

**13.0 La Jolla Art & Wine 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)

Presented by **Laurel McFarlane** of **McFarlane Promotions**, the event planner. It is similar to past events but now will include the block on Girard from Kline to Torrey Pines Road. All proceeds will support Torrey Pines, Bird Rock and La Jolla Elementary schools and Muirlands Middle Schools. It is supported by the La Jolla Village Merchants Association. A map was provided. Traffic control, valet parking and parking shuttles from Muirlands Middle School will be provided. The only evening event will be a beer garden on Saturday night from 8 to 11 PM. **Trustee Courtney** explained the late request was due to the Traffic and Transportation Committee not meeting in August and September. The planner said they would start the process earlier next year. Also commenting were **Members Bob Whitney** and **Tim Lucas**.

**Approved Motion: To approve the permit application of the La Jolla Art & Wine Festival 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>. (Courtney, Merten: 13-2-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Courtney, Greatrex, Manno, Mapes, Merten, Outwater, Ragsdale, Whittemore

Opposed: Emerson, Zimmerman

Abstain: Steck (Chair)

#### 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.*

**Trustee Dan Courtney** stated that he had pulled the project due to the close vote with the Chair breaking a tie.

**PRC Chair/Trustee Merten** said that the issue had been the FAR of the project not the design, and that the PRC was beginning discussions about possibly recommending that maximum FARs be established in the LJSPD.

**Architect Richard Gombes** presented photo simulations of the street views of this project and 4 adjacent properties overlaying the outline of this project over the others as well as a street view simulation of these properties. He provided a map showing the FARs of all houses within a 300' radius and some further. These had an average FAR of .74 (four on the simulation had .73, .88, .69 and .96). While this project had a FAR of .89, the GFA included a covered area underneath the main part of the house where the lot sloped 3.5' in the rear and felt that this effectively reduced the bulk of the building. These houses are set well back from the PROW. He presented letters of support from a number of nearby neighbors, including some on LJ Shores Drive.

In response to a question from **Member Peggy Davis**, **Mr. Gombes** stated that there was .49% landscape coverage.

**Neighbor Jim Thomas** spoke in support, **Member Bob Whitney** commented. **PRC Member Dolores Donovan** said she liked the design, but that it was too big.

**Trustee Merten** said that though the project was large, he supported it because the articulation was more pronounced than on any of the nearby large projects. **Trustee Emerson** stated that the high FARs were just concentrated in this section of the Shores. Other trustees commenting were: **Trustees Manno, Courtney, Whittemore, Zimmerman, Costello, Ragsdale.**

**Failed Motion: To approve the CDP and SDP for the McClelland residence 8352 La Jolla Shores Drive 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. (Manno, Zimmerman: 8-8-0)**

In favor: Ahern, Boyden, Manno, Mapes, Merten, Outwater, Steck (Chair making a tie), Zimmerman

Opposed: Bond Collins, Costello, Courtney, Emerson, Greatrex, Ragsdale, Whittemore

**Failed Motion: To deny the CDP and the SDP for the McClelland residence 8352 La Jolla Shores Drive 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. (Whittemore, Collins: 8-8-0)**

In favor: Bond, Collins, Costello, Courtney, Emerson, Greatrex, Ragsdale, Whittemore

Opposed: Ahern, Boyden, Manno, Mapes, Merten, Outwater, Steck (Chair making a tie), Zimmerman

#### 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.

**John Krizan, Architect** and **Mark Farrington, Consultant**, presented. Mr. Farrington stated that the owners wanted to do a lot line adjustment between two lots so that they could construct secondary units on the lower portions of the lots and build walkways to access them. **Mr. Krizan** stated that the original proposal was for a guest quarters on the 901 lot and a companion unit on the 911 lot. After concerns expressed by the DPR Committee, they removed the accessory structure from the 911 lot. It is now proposed as a guest quarters. In response to questions from unidentified members of the public, the applicants stated: The slope of the land does not qualify as a steep slope under the SDMC; they studied the underlying land and grading done prior to current regulations, making adjustments to the drainage patterns. They had consulted affected neighbors, provided story poles and put it to the HOA. Since they had removed the kitchen, the accessory structure now qualified as guest quarters, not a companion unit. This had been done prior to the DPR review in September. They provided written responses to the DPR findings *a* to *f* listed above. There will be deed restrictions; the restrictive agreement for the guest quarters was not needed until the building permit was pulled. **Trustee Costello** stated that he did not believe that this would not be used as a companion unit and it did not meet those criteria for parking. In response to **Trustee Boyden's** comment about conforming to guest quarters requirements, it was noted that the provided revised plans showed only the outline of the accessory structure; no interior plans were presented at the meeting. **Trustees Ragsdale, Manno, Whittemore, Emerson and Outwater** commented. **Trustee Zimmerman** read a letter from **Bill Pierce** stating that after the DPR review he had been contacted by several neighbors who suggested reviewing the DCRs for the HOA to consider open space issues and the effect of this type of development on the neighborhood character and that they opposed this project for that reason. In response to the motion below the applicants stated that they were willing to return to the DPR.

**Approved Motion: To return the project to the DPR Committee for further review of the revised project. (Outwater, Emerson: 12-2-1)**

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

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

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

**Trustees Courtney and Outwater** recused and left the room partway through the presentation of the committee report as they own vacation rental properties.

**Trustee Boyden** presented the report of the Committee, including the history, specific recommendations for solutions to identified problems and the final agenda showing the solutions suggested over the course of the meetings. She noted that Trustee Costello's posted submission had been reviewed by the committee. She reviewed the City Attorney opinion of 2007 and the office's confirmation in June 2014. She stated that there had not been data provided of the number of problem properties that existed in La Jolla. She focused on suggested improvements to the CAPP and the recommendations for a permit process that would produce revenue for enforcement. The Committee did not agree on minimum time limits or number allowed per year, nor did they consider zoning regulations or changes in definitions in the SDMC.

**Member Jon Mangerich**, representing the 30-day Club, presented "The Neighborhood vs 'Vacation Rental.'" He

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stated that this was a nationwide growing industry operated for profit that threatened the livability of neighborhoods; that the committee focused too soon on solutions rather than research; that these were illegal businesses; there were problems with increased intensity of use and safety concerns; CAPP places citizens in the role of law enforcement. He noted the increase in STRV homes vs owner occupied homes in one 47-home neighborhood from 2008 to 2014. They wanted the City to strengthen the SDMC for RS-1, RM zones, Visitor Accommodation and related sections, with definitions to be consistent with a restriction of rentals of no less than 30 consecutive days.

**Member Jonah Mechanic**, representing the San Diego Vacation Rental Managers Alliance presented: *The Future of Short Term Rentals: What Is Good for Short-Term Rentals Should be Good for the Rest of La Jolla and San Diego.* He said the STVRs catered to a different demographic than hotels; that renters had to follow house rules and local laws; legal precedent does not distinguish between types of tenants; these are not party houses, which have control mechanisms; short term rentals generate \$4.4 million in TOT annually for the City of San Diego; STVRs have an estimated \$312 million direct economic impact in San Diego annually. They wish to “protect the use, restrict the abuse” by enforcing existing laws and adding effective regulations and adopting a community focused short-term rental permitting process. Examples were given and legal precedents were cited.

Public comment was limited to one minute with additional times ceded.

Speaking for were: **Jim Thomas, Evan Osborne, Stephanie Malcolm**. Speaking against STVRs were: **Mary Kinyon, Lani Buchbinder, Gale Baccaglini, Mark Leinenweber, Barbara Leinenweber, David Como, Karen Heyman, Marcie Beckett, Leif LeLoup** (time ceded to him). An additional person handed in an unsigned statement against.

Due to the lateness of the hour, public comment was not concluded and several requests were made to add additional public comment at a subsequent meeting.

**Approved Motion: To continue the item with public comment in progress to the November meeting of the LJCPA. (Whittemore, Ragsdale: 11-0-2)**

In favor: Ahern, Bond, Boyden, Emerson, Greatrex, Manno, Mapes, Merten, Ragsdale, Whittemore, Zimmerman

Abstain: Steck (Chair) Costello (Personal interest)

Recused: Courtney, Outwater

**17.0 Adjourned at 9:55 PM to next Regular Monthly Meeting, 6 November 2014, 6:00 pm**



# La Jolla Community Planning Association

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

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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 MINUTES

### Special Member Meeting – Wednesday 29 October 2014

1. **Welcome and Call To Order: By Joe LaCava, President at 6:04 PM.**

He announced that the meeting was being recorded, both audio and video. He introduced special guests: CPPT Sherri Lightner and her staff, Erin Demorest and Justin Garver; Mayor's Representative Francis Barraza and Community Planner Kathy Bucey.

2. **Verify Quorum (Need 20% of Membership)** It was established that in excess of the minimum requirement of 32 Members were present. A later count established that 80 Members had been given numbered red voting cards.

3. **Officers' Reports - President LaCava** noted that the LJCPA depended on contributions to pay its expenses and asked those present to contribute.

He stated that we were here for one item only and outlined the timeline leading up to this meeting: The March election was challenged in a timely fashion; the Officers found the challenge without merit and the election was certified in April; a complaint was made to the Mayor in May; the Mayor's investigation dismissed all complaints except for one and asked for a remedy which was rejected by the trustees in August; the officers pled the LJCPA's case in a meeting with City staff, but were turned down; the trustees again rejected the City recommendation in September; the Officers presented their case to the Mayor on October 13 who rejected it but offered the below resolution to resolve the dispute.

4. **Resolution of Dispute with City of San Diego – Action Item moved by Bob Steck, seconded by Nancy Manno**

- a. In order to resolve a dispute with the City of San Diego pursuant to IX.4.D. of the bylaws and in response to the Office of the Mayor's compromise solution, amend the LJCPA bylaws to create a 19<sup>th</sup> seat on the Board of Trustees.

- b. Amend Art III as follows:

**"Section 2. LJCPA Board of Trustees**

**The LJCPA Board of Trustees shall consist of a total of eighteen Trustees, except that for the period November 1, 2014 through April 1, 2015 there shall be nineteen Trustees. The additional trustee shall be known as the '19<sup>th</sup> Trustee.'"**

**Discussion on the Motion:**

**Rob Whittemore** (trustee) in Opposition, stated the LJCPA purpose is to review projects according to existing regulations. It is an extension of and adviser to the legislative branch, the City Council. The LJCPA operates under its approved bylaws in conformance with City Council Policy 600-24. It is not part of the executive branch; the Mayor's office and its various departments do not have a right to dictate who our trustees are. Under the LJCPA bylaws, the trustees cannot appoint or elect a trustee; if a vacancy is created by establishing a 19<sup>th</sup> seat, it would need to be filled by an election within 120 days (which could have been accomplished at the March meeting if this meeting had been held one week later.) This is an improper use of bylaws: to solve a short term temporary problem. We already have an Ad Hoc Bylaws Committee which is addressing lack of specificity on this issue in the bylaws; they will be recommending to the trustees a compromise that write-in candidates will need to get 33% of the vote in order to trump a termed out candidate. Everyone is afraid of decertification by the City Council, but that will not happen.

*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.*

**Mike Costello** (trustee) in Opposition reiterated that the City Council will not decertify the LJCPA and that a vacant seat needs to be filled by a properly noticed election, not by Trustee election or appointment.

**CPPT Sherri Lightner** in Support thanked those present and acknowledged the many volunteer hours in the LJCPA role as the officially recognized planning group in La Jolla and we all want it to be able to continue to function. Since the LJCPA has been unable to resolve the election and has received conflicting and confusing information from the City, representatives of the Mayor's office, the Planning and City Attorney offices, met with her and her staff and met later with the Executive Board of the LJCPA to brainstorm a possible solution to allow the LJCPA to continue to function as the recognized land use advisory board to the City. The Mayor's office, the Department and CPPT Lightner all strongly support the solution that is before the LJCPA today. It is four steps: 1) amend the bylaws to provide for a temporary 19<sup>th</sup> seat; 2) place Michael Morton, who the City believes was properly elected according to the LJCPA Bylaws in March, in that 19<sup>th</sup> seat; 3) amend the bylaws in the future to clarify the election provisions, including provisions for write-in candidates; 4) ask the City to monitor the March 2015 election, including the preparation of ballots. This is the simplest solution that will avoid unseating anyone, protect the LJCPA against lawsuits and allow it to get back to its core mission of advising the City on land use.

She urged the general membership to accept this proposal and avoid loss of indemnification and recognition by the City. If the proposal is not passed and the LJCPA is sued, the trustees would have to pay for their own defense. She noted that she personally asked the Chair to call this meeting and thanked him and the Executive Board for all the time they have spent in working to resolve this issue. Having spent more than ten years working on Land Use issues in La Jolla. It would a personal disappointment to her to have the LJCPA lose its recognition.

This proposal is to right an election error in violation of Policy 600-24 and the City Council is very likely to support decertification if the matter comes before them.

Others commenting;

**President LaCava** stated that seating Mr. Morton would not be an election or an appointment, but seating someone who had been properly elected. City staff is heavily involved with community planning groups and was instrumental in helping revise the LJCPA bylaws so that the City could assist in settling disputes of this nature and help avoid issues that occurred n 2004-2005

**Helen Boyden** (trustee) stated that we need to come to an accommodation with the City with respect to the dispute over the election and that she would support the bylaws change. She also criticized the recent commentary in the La Jolla Light as a personal attack on President LaCava that was not based in fact, citing CPPT Lightner's remarks and stating that the LJCPA bylaws gave the President the power to call a special meeting.

**Janie Emerson** (trustee) stated that as Chair of the Election committee she knew that a senior City employee was at the polls 25 minutes ahead and knowing that a mistake was being made on the ballot had had the opportunity to prevent the errors we are dealing with tonight. As a process and precedent person, she did not think changing the bylaws to correct this error and setting precedent for the future was appropriate. She had no objection to serving with Michael Morton.

**Bernie Segal** questioned whether the City Council has actually voted to decertify the LJCPA and what the authority to threaten decertification was. CPPT Lightner cited Policy 600-24 and said that if the recommendation of the Mayor, the Planning Department and her office was not followed the Mayor was prepared to recommend decertification to the City Council.

**John Berol** stated that he supported CPPT Lightner and it was arrogant for the opposition to say the City Council would oppose decertification unless they have counted the votes. Usually the City Council will support the Councilmember for that district.

**Dolores Donovan** wished to know how the trustees felt as they were the ones at risk. **President LaCava** said that if the bylaws amendment passed and the trustees then disagreed they would have an opportunity to effectively vote it down in the second meeting.

**Alex Outwater** (trustee) stated that the risk of a lawsuit, decertification and loss of indemnification was very real and the LJCPA needed to get on with its core mission. He was willing to serve with a 19<sup>th</sup> trustee for several months. He was not willing to take the risk of turning it down.

**Ray Weiss** (trustee) had come prepared to vote against, but may change his mind. He feels the LJCPA, in the face of a lawsuit, is being asked to remedy only one of the errors in the election, by seating a duly-

elected Michael Morton, the others being that Mr. Ovanessoff inappropriately ceding his seat to Mr. LaCava, that Mr. LaCava and Mr. Fitzgerald were not duly elected and that a second election was inappropriately held. He felt that we needed a signed agreement from the complainant not to sue in order to accept this proposal.

**Tim Lucas**, a former trustee, feels the bylaws were ambiguous on this issue and we ought to follow CPPT Lightner's recommendation.

**David Little** is going to abstain, because voting no would put the organization in peril and voting yes would condone the error made in not reaching out to all those eligible to run. If this motion fails he would make a motion to seat Mr. Morton and remove Mr. LaCava.

**Darcy Ashley** supports CPPT Lightner, stating that this was a situation of exceptional circumstances. She believes that Mr. Morton had been elected and that this is a functional solution to move forward.

**Fran Zimmerman** (trustee) thanked CPPT Lightner for her efforts and will be supporting the resolution. There were many errors made at the April meeting. We need to reach out to new members to get turnover in the group. We need to get back to our mission of evaluating projects.

**Bob Steck** (trustee) thanked CPPT Lightner. She and City feel we have violated our bylaws. Other communities have had similar situations where write in candidates with few votes have been elected. This is a beautiful solution.

**Nancy Manno** (trustee) feels that this is an equitable solution to correct errors made by the LJCPA and the City. We need to return to civil discourse and put aside personal feelings.

**Patrick Ahern** (trustee) Mr. LaCava defended our position very well at the meetings with the City. We need to retain our power. We need to accept this solution and move on to revise our bylaws.

**Jim Fitzgerald** urged support of the City recommendations. He was one of the termed out trustees who ran and feels that he was not elected.

**Susan Boe** questioned whether the bylaws would actually be amended in the future.

Seeing no one else wanting to speak, **President LaCava** closed the discussion noting that this was a business decision, not whether we were wrong. Mistakes were made in good faith. He added that the City has found no fault with other allegations and no fault with how the elections were conducted. Furthermore, the LJCPA would not be setting a precedent in the relationship between the City and CPGs; there are precedents with the City intervening in elections such as these.

**President LaCava** called for the vote. The vote count was first attempted by hand count. The Members then called for those voting Yes to turn in their red cards. That tally totaled 46 votes. **President LaCava** sought concurrence that the 46 votes indeed was the majority of the 80 present; by acclamation the room agreed the motion had passed and there was no reason to recount the Noes or the Abstentions.

## **Resolution Adopted 46-20-6**

### **5. Adjourned to the Special Trustee meeting at 7:18 PM**





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## D R A F T MINUTES

**Special Trustee Meeting – Wednesday 29 October 2014 convened after the Special Member Meeting of the same date.**

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

**Trustees absent:** Dan Courtney, Cindy Greatrex

1. **Call to Order:** Joe LaCava, President called the meeting to order at 7:21 pm after the conclusion of the special member meeting.

2. **Adopt the Agenda**

**Approved Motion: To adopt the agenda as distributed and proceed to the discussion (Steck, Boyden: 15-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss, Whittemore Zimmerman

Abstain: LaCava (Chair)

3. **Non-Agenda Public Comment**

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

**Member Tim Lucas**, LJA Chair, announced the ribbon-cutting ceremony for the North Comfort Station at Kellogg Park on Thursday, October 30.

4. **Resolution of Dispute with City of San Diego – Action Item**

In order to resolve a dispute with the City of San Diego pursuant to IX.4.D of the bylaws and in response to the Office of the Mayor's compromise solution, it is proposed to seat Michael Morton as the "19th Trustee" pending City of San Diego's approval of the bylaws as amended by the Membership.

In order to resolve the dispute with the City shall the LJCPA accept the City's compromise and and seat Michael Morton as the "19 Trustee" pending City approval of the amended bylaws?

**President LaCava** stated that the issue here was not to have the trustees elect or appoint Mr. Morton as that would be counter to the bylaws. The City feels that Mr. Morton was properly elected according to the bylaws and that the 19<sup>th</sup> seat was created so that he could slip into it with no one admitting fault.

In response to **Trustee Whittemore's** desire to postpone this item until November 6<sup>th</sup> until the City could approve the bylaws change, **President LaCava** stated that since this was not a deviation to Policy 600-24, this could and would be approved by the City staff prior to November 6<sup>th</sup>. In response to **Trustee Whittemore's** query as to whether we would not be undoing all the Trustee actions from March to September 2014, **President LaCava** said that if the Trustees felt this was inappropriate, they could vote the resolution down.

**Trustee Emerson** asked that the phrase "without admitting wrongdoing" be added to the resolution.

**Trustee Weiss** asked that we add a requirement that the City also do something and wished to add that this was contingent on the LJCPA receiving City assurances that we would be indemnified against any future actions with respect to the March election.

To **Trustee Outwater's** query as to whether if we accept this, the City will not proceed to decertification, **CPPT Lightner** stated that this was part of a package that included future bylaws changes, City supervision of the March 2015 election and correct behavior on the part of the trustees. **Planning Department Rep Kathy Bucey** stated that this was a cure to resolve all errors made with respect to the March elections by anyone and acceptance will leave the LJCPA in good standing and eligible for indemnification. In response to a query from **Trustee Costello**, she stated that the future bylaws amendments would be compared to requirements of Policy 600-24 and if deviations were required, the amendments would be referred to the City Council and that any other matters were a subject of internal review by the LJCPA.

The makers of the motion agreed to the changes suggested by **Trustees Emerson** and **Weiss**, as reflected in the final motion.

**Trustee Whittemore** commented on the reasoned response of the Officers to the original complaint filed in March. He noted that the City had repudiated this in four separate communications and been rebuffed by the trustees.

**Member Tim Lucas** stated that this was strictly a remedy for errors that occurred in the election process and that the Mayor has approved them.

**CPPT Lightner** assured **Trustee Weiss** of the City's intent.

**Trustee Outwater** read from Policy 600-24 in refutation of **Member Bob Whitney's** thought that this might not be a land use matter that the City would indemnify against.

**Approved Motion: To close debate on the below motion (Boyden, Manno 12-1-0) [2/3 of 16 required and obtained].**

In favor: Bond, Boyden, Emerson, LaCava, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss, Zimmerman

Opposed: Costello

Not voting: Ahern, Collins, Whittemore

**Approved Motion: To adopt the resolution as amended: In order to resolve the dispute with the City the LJCPA shall accept the City's compromise solution and seat Michael Morton as the "19<sup>th</sup> Trustee" pending City approval of the amended bylaws, with no admission of wrongdoing and pending the City dropping the complaint and assuring indemnification and defense consistent with the ordinance. (Steck, Weiss: 11-4-1)**

In favor: Ahern, Boyden, Emerson, Manno, Mapes, Merten, Outwater, Ragsdale, Steck, Weiss, Zimmerman

Opposed: Bond, Collins, Costello, Whittemore

Abstain: LaCava (chair)

**Adjourned at 7:48 pm**

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

**October 14, 2014 Present:** Benton (Chair), Collins, Costello, Mapes, Ragsdale, Will

**October 21, 2014 Present:** Benton (Chair), Collins, Costello, Mapes, Ragsdale, Welsh, Will

**1. NON-AGENDA PUBLIC COMMENT 10/14/2014**

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

- a. Jim Ragsdale discussed a conversation he had with a local developer, regarding the approach to the design and possible changes to a design recently executed.
- b. Jim Ragsdale noted that changes are proposed to the Land Development Code, which include changes in the determination of exclusion of a project, and reduction or elimination of the 51% rule for changes to the design.

**2. NON-AGENDA PUBLIC COMMENT 10/21/2014**

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

- c. Michael Costello noted that there will be a special meeting October 24 of the Ad Hoc Bylaws Committee of the CPA, which will change the bylaws, including the creation of the 19<sup>th</sup> trustee seat, and the election of that trustee if the seat is approved.

**3. FINAL REVIEW (PREVIOUS PRELIMINARY REVIEW 09/16/2014)**

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 (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:**

Discussion included concerns about access, and ADA access, to the athletic fields, ROW, possible proscriptive rights.

**Please provide for FINAL REVIEW:**

- a) Please provide larger drawings mounted on poster boards. Please use different colors to high light the extent of vacation, the different aspects and specific uses.
- b) Are there future plans for the area, if so please explain.

- c) Does the public currently use the easement as a Right of Way?
- d) Please provide photos of the current site of easement with surroundings.  
(Mr. Kinnear would like to return 14 Oct 2014.)

*Note that as of July 2014, the code has been revised to allow for an easement vacation to be Process 2 in the event that the easement in question is a utility easement with no current utility use.*

**APPLICANT PRESENTATION 01/14/14:** (Michael Kinnear, PE)

*The proposed project was presented, with the supplemental information requested. A discussion ensued regarding the proposed alterations to the improvements in the area, and the proposed construction of a concession stand, new walks, and other improvements currently in the planning stage.*

**SUBCOMMITTEE MOTION 10/14/14:** Findings CAN be made for a Coastal Development Permit to vacate the existing water easement at the La Jolla High School Stadium.

(Collins / Costello 5-1-0)

In Favor: Benton, Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: Ragsdale

Abstain: none

**MOTION PASSES**

**4. FINAL REVIEW** (Previously presented 7/8/14, 7/15/14, and 9/9/14. Presented to the CPA 10/2/14: continued, with a request by the Applicant to return to the DPR with a proposal that is substantially changed.)

Project Name: **SACIDO RESIDENCE**

901 & 911 Skylark Drive

Permits: CDP, SDP

Project #: 349884

DPM: John S. Fisher, (619) 446-5231

Zone: RS-1-5

[JSFisher@sanidiego.gov](mailto:JSFisher@sanidiego.gov)

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 proposes the following language: to process as part of a Coastal Development Permit (CDP) and Site Development Permit (SDP) the following: 1) a parcel map lot line adjustment between the two legal lots known as Lots 52 & 53, LA JOLLA MESA VISTA, Map No. 3650. 2) An approximately 700 square foot GUEST QUARTERS for Lot 53 (901 Skylark Drive) as defined by San Diego Municipal Code (SDMC) Section 141.0306. No food preparation facilities are proposed as part of the GUEST QUARTERS design per the Municipal Code. Applicant acknowledges a Deed Restriction shall be recorded with building permit issuance. 3) Proposed construction of retaining walls, ramps, staircases, landscape planting and irrigation, patio paving, pergola, raised planters for herbs, small water features including Koi pond, and (901 Skylark Drive only) a pool and spa with vanishing edge construction all as shown on various plan sheets. 10/07/14

**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.**

**PRELIMINARY REVIEW 10/14/2014** (PREVIOUSLY REVIEWED by the CPA and MODIFIED DESIGN presented 10/14/2014)

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

**On October 2, 2014, Applicant presented the project to the CPA and after discussion, requested that the project be amended and return to the DPR for further review. Applicant contacted the Chair of the DPR and requested to return to the DPR to present new information**

**At this meeting of the DPR October 14, 2014, Applicant will offer a Project that is modified, including to ELIMINATE the Guest Quarters on Lot 52 (911 Skylark Drive) and replace it with patio area. The stairway on Lot 52 adjacent to Lot 53 has been eliminated as a direct link from the main house level to the lower pathways shown.**

**APPLICANT PRESENTATION 10/14/14:** (Mark Farrington, John Krizan)

*The changes to the proposed project were presented and reviewed. One of the companion units, on 91 Skylark, was deleted, and the remaining accessory building was changed to a Guest Quarters. Two parking spaces are provided at each lot.*

**October 14, 2014 procedures:**

**To reconsider the matter, Rule 37: Majority vote required.**

**SUBCOMMITTEE MOTION 10/14/14:** Per Rule 37, this Committee finds that a substantial change to the design has been made, and wishes to reopen this matter for further review.

(Ragsdale / Benton 2-4-0)

In Favor: Ragsdale, Benton

Opposed: Collins, Costello, Mapes, Will

Abstain: none

**MOTION FAILS**

**DISCUSSION**

*Mr. Costello recommended that a statistical analysis might be undertaken that demonstrates the distribution of similar development on properties in this neighborhood. Sarah represented that she would be able to present an exhibit that demonstrates the sizes of the various lots and the existing downslope development of the type proposed in this project.*

The Applicant requested that this matter be continued to the meeting October 21, 2014.

**Upon deliberation if the previous motion is to be rescinded, Rule 35: a 2/3 vote will be needed.**

**FINAL REVIEW 10/21/2014** (PREVIOUSLY REVIEWED by the CPA and MODIFIED DESIGN presented 10/14/2014 and 10/21/14).

**APPLICANT PRESENTATION 10/21/14:** (Mark Farrington, John Krizan)

*In addition to the amended drawings that were presented at the October 14 meeting, the Applicant presented large-scale drawings within the 300-foot radius and beyond, which showed the areas in which similar improvements had been undertaken at lower portions of the slope.*

**October 21, 2014 procedures:**

**To reconsider the matter, Rule 37: Majority vote required.**

**SUBCOMMITTEE MOTION 10/14/14:** Per Rule 37, this Committee finds that a substantial change to the design has been made, and wishes to reopen this matter for further review.

(Collins / Ragsdale 5-1-1)



In Favor: Collins, Mapes, Ragsdale, Welsh, Will  
Opposed: Costello  
Abstain: none

**MOTION PASSES** – The matter is reopened

**APPLICANT PRESENTATION 10/21/14:** (Mark Farrington, John Krizan)

*The Applicant reviewed the project, including the amended design, the slope areas (man made and natural slopes), as shown in the amended design. The applicant noted the distribution of the areas of the slope that will be improved, with the indications of the natural and manmade slope areas.*

*Although this committee does not implement private agreements between property owners, the recommendations of the homeowners association were discussed. The examples of other improvements in the HOA were discussed, as well as the precedents for structures in the area. The proposed uses of the guest quarters was discussed. It was noted that the HOA recommendations are considered as a possible source of the neighborhood character, but it is advisory only.*

**To rescind the previous vote of September 9, 2014 on this matter, Rule 35: a 2/3 vote will be needed.**

**SUBCOMMITTEE MOTION 10/21/14:** Per Rule 35, this Committee finds that a substantial change to the design has been made, and wishes to rescind the previous vote of September 9, 2014, and reopen this matter for further review.

(Benton / Will 2-4-1)

In Favor: Ragsdale, Will  
Opposed: Costello, Collins, Mapes, Welsh  
Abstain: Benton (as Chair)

**MOTION FAILS** – The vote of September 9 is NOT rescinded. This matter is referred back to the CPA.

**5. FINAL REVIEW**

Project Name: **KLINKOV RESIDENCE**

5915 Camino de la Costa

Project #: 377975

Zone: RS-1-7

Permits: CDP, SDP

DPM: Glenn Gargas, (619) 446-5142

ggargas@sandiego.gov

Applicant: Chris deGregorio, Marengo Morton  
858-459-3769

Coastal Development Permit (Process 3) for remodel of first and second floor with a 371 sq ft first floor addition and new 1,846 sq ft third floor addition to an existing single family residence, resulting in a 4,829 sq ft single family residence on a 8,864 sq ft property. At 5915 Camino De La Costa, in the RS-1-7 Zone, Coastal (Appealable), Coastal Height Limitation, Parking Impact (Coastal and Beach), Residential Tandem Parking, Transit Area Overlay Zones, La Jolla Community Plan area.

**APPLICANT PRESENTATION 09/16/14:** (CA Marengo)

*The proposed project is on the first public street from the ocean. Across from the ocean within 300 ft of the Mean High Tide Line. Under height limitations. Set backs, front = 15 ft, rear = 13 ft, North = 10'11", South = 5'3". Lot coverage allowed 50%, using 30%. Max FAR = 0.56, 4,953 sq ft. proposed FAR = 0.54. 4,829 sq ft. 4 bedrooms, 2 parking spaces in garage (all that is required). Historic review in progress.*

**DISCUSSION:**

Cycles Letters say “third floor”, it should say two floors over a basement. There is space for parking in the driveway, though not of Code dimensions. Concerns about historic nature of structure, and neighbors possible views discussed, and relationship of structures.

**Please provide for FINAL REVIEW:**

- a) Please provide a scale photo exhibit of both houses on either side with your proposed house in the center.
- b) Please provide an exhibit of proposed colors and materials (in montage).
- c) Optional. Do the houses in back of your project on La Jolla Blvd have an ocean view ?

**APPLICANT PRESENTATION 10/14/14:** (CA Marengo)

*The requested exhibits were presented, including photographs of the site and the proposed materials. It*

**SUBCOMMITTEE MOTION 10/14/14:** Findings CAN be made for a Coastal Development Permit for remodel of first and second floor with a 371 sq ft first floor addition and new 1,846 sq ft third floor addition to an existing single family residence at 5915 Camino De La Costa.

(Collins / Costello 5-0-1)

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

Opposed: none

Abstain: Benton (as Chair)

**MOTION PASSES**

**6. PRELIMINARY REVIEW**

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

Project Name: **MONARCH COTTAGES**

7630 Fay Avenue

Permits: CDP, SDP

Project #: 370400 (355003)

DPM: Laura Black, (619) 446-5245

Zone: LJPDO 3

LBlack@sandiego.gov

Applicant: Brian Longmore

858-603-9478

LA JOLLA SUSTAINABLE EXPEDITE PROGRAM (PROCESS 4) Coastal Development Permit/Site Development Permit to amend CDP 201667 & SDP 206622 (PTS 66961) and a Conditional Use Permit (CUP) for a proposed 26-unit Residential Care Facility, within an existing 2-story building located at 7630 Fay Ave. The site is located in Zone 3 of the La Jolla Planned District, Coastal Overlay (Area 2), Coastal Height Limitation Overlay, Parking Impact Overlay zones within the La Jolla Community Plan, Local Coastal Plan.

**APPLICANT PRESENTATION 10/14/14:** (John Haffner, Frank Haffner, Matt Peterson)

*The proposed project was presented, with a description of the services to be provided, the nature of the residences and the residents. The project will include communal areas for recreation and dining, and outdoor spaces. This will seek certification as a Residential Care for the Elderly (RCFE), primarily for those with cognitive challenges. This facility will not provide medical care. A total of 26 guest units will be provided, ranging in size from 345 sf to 430 sf. The guest rooms are grouped around the common areas configured for socialization.*

*Mr. Peterson described the project advancement thus far, including the project has been presented to the La Jolla PDO, which raised some questions regarding the application of the deviations to this project. Mr. Peterson presented information reviewing the business types and the various occupancies of commercial spaces between Prospect and Nautilus Street, excluding the Shores. The required parking was reviewed, as were the design considerations of the building.*

*Existing conditions of the PDO and LCP require that the residential uses comprise no more than the front 50% of the lot at ground floor (4 residential units are in this location and do not conform to this) and 75% of the street frontage is to be retail (there is presently a porte cohere that will remain, and the same residential units. Parking requirements are greatly reduced due to no need for cars by the residents: the minimum staff parking is 0.7 spaces per bed, leading to a requirement for 23 parking spaces, satisfied by 13 parking spaces on site, and the remaining 10 offsite at the Bank of America parking garage on Kline Street. The trash collection location was altered in response to a request by a neighbor across the alley.*

A discussion ensued regarding the requirements and operation of this kind of facility, with the experiences of the residents and the way this kind of facility intends to meet the unique needs of the residents. The facility is a locked facility, achieved by a combination of staff observation and control of entrances. The ratio of personal assistants per resident is expected to be 8 at a minimum: additional staffing will be provided based upon the residents' needs. Up to 23 parking spaces are provided.

The project relies in part upon a Reasonable Accommodations Request, which led to the decision to approve the deviations under Process 1. The PDO discusses a "transitional" residential use on Fay, oriented toward the west.

The permit requirements are a CDP and SDP amendment to the existing Spa MD permits. No NUP is required.

**Please provide for FINAL REVIEW:**

- a. Provide information on the offsite parking agreement. Mr. Peterson stated that this agreement will run with the land of this application.
- b. Provide material and color samples of the exterior finishes being used.
- c. Provide information on the staffing report and requirements for this facility. Please provide additional information on the ways that this facility will provide for the access by the residents to the community resources.
- d. Provide information on the minimum distances between this facility and others.
- e. Please provide additional information on other facilities operated by this applicant.

The Applicant requested that this matter be continued to the next meeting October 21.

**APPLICANT PRESENTATION 10/21/14:** (John Haffner, Frank Haffner, Matt Peterson)

*The proposed project was presented, with additional information regarding the parking, staff ratios, and other information. The staffing distribution information was reviewed. A quarter-mile separation is required between this project and the other RCFEs, and a map was showed that no other RCFE is located with that distance of the project.*

*The outdoor spaces for the use of the residents fronting Fay Avenue, Bishop's Lane, and the porte cochere drive aisle.*

A discussion ensued regarding the staffing requirements and operation of this facility, and the required parking. Fourteen parking spaces are required: 23 are provided.

The materials sample board was reviewed: it was found that the colors differ from the sketch rendering.

The parking demand in the neighborhood was discussed. The site will be monitored by the staffing cameras, which will include the parking area and all entrances. The Fire Marshal has been consulted regarding access points and circulation to respond to emergencies.

This facility is not licensed or regulated by the State as an RCFE.

The project relies in part upon a Reasonable Accommodations Request, which led to the decision to approve the deviations under Process 1: not providing a retail use at the ground floor, and residential at the front of the lot. The PDO discusses a “transitional” residential use on Fay, oriented toward the west.

**SUBCOMMITTEE MOTION 10/14/14:** Findings CAN be made for a Coastal Development Permit, Site Development Permit and a Conditional Use Permit (CUP) for a proposed 26-unit Residential Care Facility at 7630 Fay Ave.

(Collins / Costello 5-0-1)

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

Opposed: none

Abstain: Benton (as Chair)

**MOTION PASSES**

## 7. PRELIMINARY REVIEW

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

|               |                       |            |                                |
|---------------|-----------------------|------------|--------------------------------|
| Project Name: | LimberCDP/SDP         | Permits:   | CDP, SDP                       |
|               | 303 Vista de la Playa | DPM:       | Jeannette Temple 619-557-7908  |
| Project #:    | 355828                |            | jtemple@sandiego.gov           |
| Zone:         | RS-1-7                | Applicant: | Andy Fotsch, Island Architects |
|               |                       |            | 858-459-9291                   |

LA JOLLA 10#24004366 Coastal Development Permit and Site Development Permit (Process 3) to remodel an existing single family residence with a 355 sq ft addition. Garage addition of 76 sq ft, & second-story, 688 sq ft guest quarters above the garage at 303 Vista de la Playa. The 10,833 sq ft site is located in the RS-1-7 of the La Jolla Community Plan area & Coastal Overlay Zone (appealable).

**APPLICANT PRESENTATION 10/14/14:** (Hailey Duke, Andy Fotsch, Drex Patterson)

*The proposed project was reviewed, with summaries of the areas of additions. The parking requirement is for a total of 2 parking spaces, located in the garage, with the potential for tandem parking in the driveway. The guest house will be limited in use to the same tenancy as the main house, documented by a declaration to City standards and recorded. The proposed development will result in an FAR of 0.53 where 0.54 is permitted.*

*The exterior finishes will be stucco, with metal window frames, and cable and stucco guards at the balcony railings. Some of the deck and terraces will be wood decking or stone.*

*Before a building permit is issued, the record Owner shall submit a signed Habitable Accessory Structure Agreement with the City, according to City form PSD-203.*

**Please provide for FINAL REVIEW:**

- Provide material and color samples of the exterior finishes being used.

The Applicant requested that this matter be continued to the October 21 meeting.

**APPLICANT PRESENTATION 10/21/14:** (Hailey Duke, Andy Fotsch)

*The proposed project was reviewed, including the materials and design elements presented in the previous meeting, with summaries of the areas of additions.*

*The changes to the exterior elevations were reviewed: the addition of a deck and other features. The materials samples were presented and reviewed.*

**SUBCOMMITTEE MOTION 10/21/14:** Findings CAN be made for a Coastal Development Permit and Site Development Permit (Process 3) to remodel an existing single family residence with a 355 sq ft addition. Garage addition of 76 sq ft, & second-story, 688 sq ft guest quarters above the garage at 303 Vista de la Playa.

(Ragsdale / Mapes 4-0-3)

In Favor: Collins, Costello, Mapes, Ragsdale

Opposed: none

Abstain: Benton (as Chair), Welsh (due to absence at October 14 meeting), and Will (due to a potential conflict of interest).

**MOTION PASSES**

## 8. PRELIMINARY REVIEW

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

Project Name: Eads Ave CDP/TM  
7330 Eads Avenue  
Project #: 378195  
Zone: RM-1-1

Permits: TM, CDP  
DPM: Rene Mezo 619-446-5245  
rmezo@sandiego.gov  
Applicant: Claude-Anthony Marengo  
858-459-3769

Tentative Parcel Map and Coastal Development Permit (Process 3) to create 2 condominium residential units in a duplex under construction located at 7330 Eads Ave. The 0.16 acre lot is located in the RM-1-1 zone of the La Jolla Community Plan Area and the Coastal Overlay Zone (Non Appealable).

**APPLICANT PRESENTATION 10/21/14:** (Frank Flores, Mike Dowling)

*The proposed project was reviewed, with a summary of the proposed Tentative Map. The design is not changed from that which was previously approved. Offsite improvements in the alley and sidewalk have been added as conditions of the Tentative Map. The parking configuration was reviewed.*

A discussion ensued regarding the features of the project, the conditions of the Tentative Map, and the approach to the subdivision of the property.

**SUBCOMMITTEE MOTION 10/21/14:** That this Committee may consider this to be a FINAL REVIEW of this project. A unanimous vote is required.

(Will / Collins 7-0-0)

In Favor: Benton, Collins, Costello, Mapes, Ragsdale, Welsh, Will

Opposed: none

Abstain: none

**MOTION PASSES.** This may be considered the Final Review and a vote for a recommendation may be taken at this meeting.

**SUBCOMMITTEE MOTION 10/21/14:** Findings CAN be made for a Tentative Parcel Map and Coastal Development Permit to create 2 condominium residential units at 7330 Eads Avenue.

(Collins / Will 6-0-1)

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

Opposed: none

Abstain: Benton (as Chair)

**MOTION PASSES**

## **Agenda Item #14**

### **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]

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***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