

Ad Hoc Meeting on Residential Single-Family (RS) Zoning

La Jolla Community Planning Association

APPROVED MINUTES

Thursday, September 10, 2015—FOURTH MEETING—we will meet every 2 weeks

La Jolla Recreation Center, small meeting room

5:30 PM – 7 PM

Committee Members Present: Jim Ragsdale, Glen Rasmussen, Angeles Leira, Eric Lindebak; Sharon Wampler (Chair) = Quorum

Committee Member Absent: Diane Kane

Agenda items:

1a) On MOTION of Leira/2d by Ragsdale, the Minutes of the second meeting of August 24 were approved 4-0-1 as corrected. The Chair will submit her changes to the secretary in writing.

NOTE: The Chair is keeping all submitted documents referenced as exhibits in notebooks that are available at the meetings, including codes and public submittals.

Mark Bucon (architect) commented that a builder should not be able to get the City to issue a Categorical Exemption (CE) waiver if the building does not meet the requirements of 50% of the existing walls remaining.

1b) Chair (Wampler) Report: Wampler thanked Nancee Schwartz for copying all documents for use by the committee and public. Peggy Davis called Wampler, offering the addresses of all La Jolla residents, if needed.

2) Public feedback via email/phone: NOTE all submitted documents will be in the binders, available at the meetings:

a. Wampler indicated that Joe La Cava sent the base Floor Area Ratios (FAR) for Coronado.

b. Joe La Cava stated that Encinitas is considering the issue of "Mansionization" and possible options for making new construction more compatible with existing. Encinitas has gone through the process that we are embarking on now, as have Solana Beach and Los Angeles. Joe indicated the City of San Diego's new planning director, Jeff Murphy, is the former head of the Encinitas Planning Division. SD has not had a planning head for over a year. He will report directly to the mayor.

c. Wampler indicated that Ed Comartin submitted suggestions for the Draft Ordinance, which Leira incorporated into her Draft, which EXHIBIT is placed in the notebook.

d. Wampler stated that Bob Whitney sent an email about the process and second and third story information from several years ago, which are being placed in the notebook as EXHIBITS. Bob asked if there is a way to find which projects have been approved under CE's.

e. Wampler stated that Lone Steigler (architect) submitted an email EXHIBIT about certain details of proposed ordinances and expressed the need for caution about unintended consequences.

Michael Morton also submitted an email EXHIBIT concurring with Steigler and requesting more information.

3) Round Table Discussion:

- a. Wampler requested email submittals NOT use “bcc’s.”
- b. Leira added that there is nothing wrong with expressing opinions by email or in discussions at the meetings.
- c. Nancy Pabers stated she talked to her neighbors about new construction in the 5600 block of Waverly in Bird Rock, responsive to newspaper articles about developments that were approved. She stated 90% of her neighbors are not happy about this new construction. She stated some neighbors are not computer literate and appreciated being asked their opinions.
- d. Wampler stressed this effort is not aimed at any particular developer. Many communities are addressing these issues. The committee is also not critical of creative designs; the committee just wants new development to be a “win/win” situation for both the developer and existing homeowners.
- e. Dana Williams gave her opinion that developer/flippers need to be treated differently than homeowner/remodelers who use the same materials and architecture as existing.
- f. Rasmussen stated that unequal interpretation of the CE is the problem. Black letter law, however, should be applied equally.
- g. Lindebak stated “rules” should apply to all development.
- h. Dana Williams stated the “rules” should have built into them that the City should look at the builders’ portfolio because many houses start looking the same.
- i. Joe LaCava/Leira stated this can be done, but it’s more complicated a process. Staff is not trained for this level of analysis and review. Joe indicated the La Jolla Shores ordinance attempts to do this.
- j. Rasmussen stated this would result in more projects being submitted to discretionary review by community groups.
- k. Joe LaCava stated projects are often delayed and become more expensive in discretionary review.
- l. Ragsdale indicated this is not what Lone Steigler was referring to as an unintended consequence of the process. At least there should be notice to nearby homeowners. Developers object to more process.
- m. Mark Bucon: Are we dealing with single family (SF) home issues? Doesn’t this also implicate multifamily dwellings? Glen and I live in an RM zone where 2 homes can be placed on certain sized lots.
- n. Wampler states we have been talking about SF homes but the problem exists with multifamily homes as well.
- o. Leira states multifamily homes are different. There, lots are designed to carry bigger buildings. There are SF homes left over from different times, where more construction can be placed according to the zoning regulations.

3a) Draft letter/ordinance to LJCPA requesting stop-gap action:

1. Wampler distributed the draft ordinance and letter [EXHIBITS], explaining no action is to be taken—this is a discussion item only. It is designed to be stop-gap measure during discussion and work on an ordinance. It could be called an “interim coastal ordinance.” The motion at the prior meeting had to do with this draft ordinance and letter.

2. Leira, stating that even though she is a professional planner, drafting these is not an easy job; is not sure the community is ready for this. She thinks the draft letter correctly focuses on the 50% rule. Its intent was to apply CE to mini-remodels by a resident. That intent is not what we are seeing. Also, it gets grandfathered with other rules, like setbacks—some years ago the setbacks were 3' and now they are 4', so the CE is often applied (without community input) wherever there is new construction yet older rules governed the existing. Leira says it is a badly written exemption—"keep 50% of the wall" but they only keep the studs, not the wall.

3. Wampler states the intent was preservation; as applied it is not that.

4. Leira: Changing regulation results in a "run on the bank." She doesn't think the political will is there to do this. The Community needs to come out in force. But the problem is there [if they don't].

VERSION 2 OF THE DRAFT ORDINANCE [EXHIBIT] IS HANDED OUT AND CORRECTIONS ARE REQUESTED

5. Leira says a moratorium does not mean stopping all CE's. You lower the amount of building that are over-the-counter approvals.

6. Ed Comartin indicated Encinitas voted 5-1 to table theirs, for more discussion. He thinks LJ is getting a reputation downtown.

7. Wampler recommends we work with the City (Agenda item 3c). If this will take 5 years, then maybe we need a moratorium, so we want to proceed with 3c (i) and (ii).

8. Mark Bucon says we need addresses. "This infraction occurs at ___ address."

9. Leira says the draft letter is just an introduction; agrees we do need an inventory.

10. Mark Bucon says we need an appendix that gives examples.

11. Ragsdale: Also state how the ordinance was abused.

12. Wampler asks comments be emailed to her and she will give them to Leira for further refinement of the drafts.

3b) Lindebak presented a primer on CE builds using current city codes, how development is allowed under the current municipal code. The presentation will be placed in the folder as an EXHIBIT. It deals with the application of various factors (under the code) such as lot size, setbacks, buildable areas, footprints, floor area ratios (FAR's), pitched vs flat roofs, straight vs "layer-caked" walls, bonuses, modern style in historical neighborhoods and how various communities have dealt with these issues. For example, Pasadena encourages harmony by looking at all the homes on a block, including their average setbacks, locating garages similarly, maximum heights and maximum FAR's. Lindebak concluded by stating that homeowners have a right to develop; how can that be taken away? There is a way to allow a .59 FAR and still address form. Leira added that San Diego allows in excess of .59 FAR, but Pasadena is proud of their city and their regulations are smaller, which is how they assure harmony.

3c(i) Review CE language from 1997:

a. Joe LaCava stated this was vetted by the public and adopted by the City twice; then the players change. How do you get an exemption? We're focused on a 50% wall demolition. How do you measure 50%? The City agrees it is an awful mess they don't like. They can't get staff to apply it uniformly. The guide is 8 pages long. He says these guidelines are internal documents and are drafts. What has been done is to incentivize people to skip the CD permit by rationalizing: "I don't want to spend money and lots of time going through this process without knowing where we're going to end up." So the CE allows bypassing the community review process. The intent in 1997 was to incentivize smaller additions. You could go straight to permit if you built only to 80% of the allowable FAR and no more than 90% of allowable height. The City adopted this. But the California Coastal Commission wouldn't adopt this until they knew "how this was going to affect each lot."

b. Joe then stated that next, the City wanted to make the 2d floor smaller; only 40% of the FAR was allowable on the 2d floor—the “wedding cake” effect reducing the impact on next-door neighbors (no big walls up to 24’). The City likes this—it’s still on their website though they will no longer release this language (the website language is a mere summary—not a regulation). This was also not adopted.

c. Joe suggests if we write a draft letter, we can’t say “we have a problem, fix it for us.” They won’t do it. He thinks we should use the wedding-cake approach “because they like it. Incentivize people to build smaller. The 50% rule is irregularly applied. The “wedding-cake” approach gets rid of the 50% exemption. You can still max out the FAR if you go through the development permit review process, so that gives an avenue for property rights.

d. We also may want language in-setting on at least the sides where the most impact is—the 2d floor should be on the right plane.

e. Leira says different neighborhoods have different parameters.

f. Lindebak states this may drive a certain “look” and it might be better to have more setbacks.

g. Joe says to allow the remodel to be big enough to get people to buy into the regulation, but small enough to have an impact.

3c(ii) Develop Coastal Overlay ordinance to refine current codes:

a. Joe doesn’t think we should focus on this. He doesn’t think we need to change the Community Plan, we need to rethink zoning. He thinks the Shores ordinance is far too subjective.

b. Leira suggests a CE of 80% of height (rather than 90%) and 70% of FAR (instead of 80%), and 60/40 ratio as between the 1st and 2d floors. Lindebak will do some mockups based on these formula.

c. Wampler attended the Pacific Beach meeting with Tim Golba and agrees the City may be amenable to this approach. She and Leira will meet with Bob Vacchi of Development Services Dept in this regard.

4) Next Steps: More work on (i) and (ii) next meeting

Adjourned at 7:10 PM.

The next meetings will be September 28, then October 12, October 26 and November 16. All meetings are at 5:30 – 7 pm at the La Jolla Recreation Center.

Respectfully Submitted,

Glen Rasmussen, acting secretary for the purpose of attempting to take accurate minutes.