

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

La Jolla Community Planning Association

UNAPPROVED MINUTES

Monday, September 28, 2015—FIFTH MEETING—we will meet approximately every 2 weeks

La Jolla Recreation Center

5:30 PM – 7 PM

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

Committee Members Absent: Diane Kane and Angeles Leira

Agenda items:

1a) On MOTION of Lindebak/2d by Ragsdale, the Minutes of September 10 were approved 4-0 pending changes noted at this meeting.

1b) Chair (Wampler) Report: Wampler and Leira met with Bob Vacchi to determine how many Coastal Development Permits (CDP) have been granted in La Jolla (the City is going to provide this information), how many projects have been excluded from CDP (this information is difficult to determine as it is not tracked by the City), and how many Building Permits have been granted in La Jolla (the City is going to provide this information).

Mr. Vacchi stated that the City understands the challenges these ordinances have produced and they are amenable to revisiting the language of Categorical Exclusion as a type of CDP exemption.

Wampler has spoken to several realtors to gain their perspective on the impacts of large builds on neighborhood character and property values. They state that desirable neighborhoods such as La Jolla and others around the country hold their cache in terms of value and much of that value is based on character rather than solely home size. Having increased square footage is a nicety, but having smaller homes does not reduce property values. Very large builds can actually detract from and reduce the value of smaller neighboring homes.

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

a. Avalee Cohen wanted to know about enforcement of Covenants, Conditions and Restrictions (CC&R's) as a means to control bulk and scale. The City responded that as long as a builder is adhering to City codes, they do not enforce CC&R's, which are private covenants.

b. Amanda Lee, Project Manager, LDC Work Program at the City stated terminology around CD is being confused and she sent clarification. A document in the binder called "Clarification of CDP Exemption Terminology" summarizes these details.

c. Dave Ish sent a photo of 5658 Linda Rosa, using 50% exception, producing a huge remodel.

d. Leon Pawinski, who lives up Nautilus St, expressed he felt powerless after going through the Community Planning Association concerning a neighbor's remodel and zoning at 6420 Avenida Manana, which he states was 99% new construction; also the remodel at 6412 Ave Manana. He

feels three are two major issues: 1) The current remodel process is flawed; 2) the zoning and lack of code enforcement do not support the LJ Community Plan statements related to community character.

e. Mike Costello tried to get some information from City files, which he submits to the binder, called CDPs and CEs on Chelsea, dated 28 Sept 2015. It provides the numbers of homes developed with a CDP and a CE. For every 2 homes developed with a CDP, 3 are done so by CE. "50% more are going for a CE."

Architect lone Stiegler says 2 of these exemptions were her projects and added only 70 square feet, so such information is not fair; it's only anecdotal, because statistics do not quantify the numbers of specific types of ministerial permits.

Mike responded that there is no explanation of "good vs. bad" in statistics, and because there is no record of CDP exemptions on the books, they simply get ministerial permits. He says Mr. Vacchi admits it is challenging to differentiate because of this.

Rasmussen said "look at the Linda Rosa project highlighted by Dave Ish. This is a real problem for the neighbors. This is what should be the concern of this committee, irresponsible development. How do we quantify that? If I were a neighbor, losing virtually all air, light and facing a 30' wall 4' from the property line, which I couldn't prevent before it is framed because I wasn't informed, because it's ministerial (when it really is not), I would be forced to file a lawsuit. We need ordinances preventing this.

3) Round Table Discussion:

a. The "Terminology" handout was discussed.

lone Stiegler stated this is very clear. The only project the City grants an Over The Counter (OTC) permit for is minor electrical, plumbing and fences; not structural calculations and not life/safety reviews. The discussion should not say "if it's 50%, it's OTC." It is ministerial. To get exemption from a CDP takes 4-8 weeks to assure the project meets exemption criteria.

b. David Little stated that from the community's point of view, a building project "doesn't come to the community" then it turns out to have illegal aspects.

c. lone Stiegler emphasized the code compliance procedure.

d. Mike Costello stated that because a project is ministerial, the neighbors don't know a permit was granted when demolition begins. There is no opportunity for discussion.

e. Wampler suggested a noticing requirement might help, even if the project is exempt from a CDP and requires no community input. It would be respectful and useful to neighbors, enabling them to be informed and perhaps opening the door for better communication and less conflict.

f. lone Stiegler said CDP requires noticing of every owner within 300' of a project.

g. Kevin Gordon stated "If you don't come to meetings, you often don't know [about the projects] because noticing doesn't happen.

h. Ed Comartin said that "ministerial process does not require noticing. Once construction starts, it's too late.

i. Lindebak: "What good is noticing if there is no venue to vet comments? If you are within your rights by code, there is no review."

j. Mike Costello offered that when there is notice, tweaking occurs. On Chelsea, there was a fight, then negotiations occurred. 15-20% of the time, when there is notice, the project changes. This is the value of discretionary review—it provides a venue for open communication and feedback.

k. lone Stiegler states that the way it is now, it's cost-effective for an architect's clients. They don't have to go before the Design Permit Review (DPR) Committee and until there are cycle issues in structural review and a project is submitted for permit, and therefore not until their plans are 80%

complete, do they get cycle comments; if they had to go to discretionary review then, it would result in revisions to 30 sheets of plans. For an efficient process, the comment period should be at the end of schematic design at the beginning of design development (before Construction Documents (CD). It should not occur after cycle review of CD's.

l. Ed Comartin suggested going to ones neighbors and saying "here's my plan. Why to architects wait until the end?"

m. lone Stiegler responded that this places more burden on an architect's clients.

n. Mike Costello stated that we all wish there was a way to come in early. DPR has a "pre-review" service and only 5 or 6 people in 10 years have used it.

o. Joe LaCava stated that the task of this Committee this is not about grinding these issues. We need something better to sell to the community. Of the building permits, which are good and which are bad? A few bad apples will always get through. He suggests:

1. Get rid of the 50% rule.
2. Encourage small houses.
3. Zoning based on evidence-based documentation.

p. lone Stiegler says Joe's suggestions may pre-empt getting to a forum before CD's. She prefers quantifiable rules they can design to.

r. David Little says cycle issues are always a problem. If design is too far along, it costs money to change, but architects should err on the side of the community.

s. Wampler asked "What prevents an earlier review?"

t. Joe LaCava says that a community review can start "whenever" and that all that is needed is a first set of cycle comments. An architect takes a chance by not coming to the community earlier.

u. lone Stiegler disagrees that she's taking a risk when designing to current rules. There is a gap between current rules and the CPA's discretionary review.

3b) Lindebak presented a follow-up/recap on current codes vs. Categorical Exclusion language, which is written but is not in the code. He provides examples based on the variables of what might be bonuses. Los Angeles gives a 20% bonus for a .4 Floor Area Ration (FAR), but is still getting buildings out of character with neighborhoods. Pasadena has a block-based ordinance (sort of an "average" of existing homes considering such things as garage locations, off-street parking, driveway location; building height.

1. Further discussion was held on such variables as building and ceiling heights.

2. Lindebak thinks articulation rules are required—setbacks on the 2d floor. Giant walls just off the property line are a problem. This is a "wedding cake" design. If you want a tall wall, require more setback.

3c) Should we revisit the Categorical Exemption, which may alleviate some community concerns while allowing more efficient building?

Joe LaCava suggests choosing the path that the community will support and that the City will move forward upon. He says the way to make progress is to find what in the neighborhood will look good but that doesn't put too much restraint on creativity. Take it in baby steps. He doesn't support a CE. He does support a 50% exclusion rule, but with better language. Stay with the concept that a project can go to ministerial approval if you build less than the code allows. Then, someone suggested adding a 60/40 rule on the first vs 2d floor, or side yard setbacks or LA's rules allowing what everyone dislikes on Linda Rosa. The City's feedback to Wampler and Leira, is "get consensus; balance restrictions with property rights. You can still build to the max, but then you must use discretionary process. Joe likes the 60/40 rule.

Lindebak responded that while we should have clear rules, the more we try to push people into a certain form, it will have unintended consequences.

Mike Costello said that oftentimes, bulk is added to by uninhabitable spaces that get changed after permitting, eg carports that add doors, lanai's that get enclosed. These should be included in FAR.

Ione Stiegler responded that these are illegal; done without permits.

Lindebak encourages uninhabitable spaces such as lanai's and terraces, since they add positive elements to architecture.

Ione Stiegler stated that at Chelsea and Bird Rock, a 600 sf garage got added to the FAR when it would have been excluded as a carport. Building to 3000' on a 5000' lot adds 8% in costs—a 3000' house costs \$750-900,000 to design and build without a discretionary permit. Going through the California Coastal Commission (CCC) is expected in Southern California when you want to build that large.

Adjourned at 7:00 PM.

The next meetings will be 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.