

**UNAPPROVED MINUTES OF THE LA JOLLA
PLANNED DISTRICT ORDINANCE COMMITTEE
July 11, 2011**

Present: Steigler, Fitzgerald, Marengo, Rasmussen, Gabsch, Dershowitz, Fortune; Berwin. A quorum was established at 4 pm. Also present, Reza Ghasemi.

The June, 2011 minutes were approved 7-0-1 with no changes. There were no nonagenda items presented. All items on the agenda were Discussion Items.

Discussion Items:

Shared Parking Agreements & City Referrals to Community Groups/PDO Enforcement:

How to enforce SPA's is the issue discussion ongoing. O. Gabsch will ask DSD Planner Chris Larsen about how these are traditionally enforced.

The City is also not requiring CPA/PDO reviews where signage and facades are changed. Applicants are not being told of the PDO requirements and then they are sometimes in violation of the PDO. This is also an enforcement issue, as the PDO Committee has not enforcement power, other than to make violation complaints and there is only one compliance officer for the entire city. For example, a recent new business was determined by the City not to be an intensification of use so it was allowed, but the reviewer did not refer significant signage and façade changes to the CPA/PDO Committees for community review nor inform the business on what is allowable.

The City also has no mechanism, since no permit is required, where a new paint color may be in violation of the PDO. Since there is no permit required, there is no mechanism to trigger the referral to the PDO jurisdiction and review. The PDO is part of the Land Use Code, so it applies even though review may not be triggered. An added encumbrance on enforcing the paint color selection is that the PDO references paint "chip colors" that are no longer available.

The PDO is not being uniformly enforced. What ends up happening is that those who do come to PDO are submitted to conformance process, while those who are not referred get away with violations because there is no enforcement mechanism. Legally, can the PDO be enforced if it is not equally applied, due to lack of Notice by the City? The PDO Committee is advisory only and can recommend Variance applications where an applicant wishes to avoid PDO issues. This is a difficult procedure (often avoided by applicants), but they can avoid enforcement issues later.

A-Frame signs violate the PDO, and most merchants do not know they are illegal; additionally there is no enforcement by the City, as the one compliance officer is concerned with safety issues. A-Frame signs may be a safety issue since they are often placed in the public right of way.

It was discussed that enforcement should be revenue-neutral (ie charge penalties to violators, to fund enforcement procedure). The PDO Committee should influence the City to enforce the PDO because it is the law.

Chairperson's Draft Letter to the City re PDO Compliance and Means to Promote Enforcement (see May minutes):

This proposed letter would deal with the enforcement issue, ie when a business is subject to a Complaint of PDO violation. Complaints can take two forms: 1) where a business does not obtain a permit (eg paint changes where no permit is required or simply avoiding a permit when one is required); 2) where a business does get a permit and the City does not refer a PDO issue to the Committee.

The letter should state the reasons for PDO action. Ms. Stiegler presented a draft letter (to be used in Bird Rock) for consideration. This letter would be provided to non-compliant businesses. The committee decided to not take this route and instead Orrin Gabsch is drafting a letter to Chris Larson at the city.

Interaction with the new La Jolla Village Merchants Association

The PDO Committee suggested preparation of an information packet for the LJVMA concerning PDO jurisdiction and refer businesses to the PDO language. This should be provided to Business License Applicants.

The meeting was adjourned at 5:00 p.m. The next PDO meeting is scheduled for August 8, 2011 at 4:00 p.m. at the La Jolla Recreation Center, Room 1.

Respectfully Submitted

Glen Rasmussen, Secretary