

**UNAPPROVED MINUTES OF THE LA JOLLA
PLANNED DISTRICT ORDINANCE COMMITTEE
October 10, 2011**

Present: Stiegler (chair), Clark, Gabsch, Little, Dershowitz, Rasmussen. Members of the public present signed in on a sheet retained by the Chair and Secretary.

Agenda: An error was noted on the agenda; Jersey Mike's signage was inadvertently not posted, though the Chair recognized their timely request to present. It was discussed that the Committee would therefore hear the matter, issue an advisory opinion to the CPA and the applicant would make his presentation to the CPA at the next meeting.

Minutes/Motion: To approve the September, 2011 Minutes Fitzgerald/Gabsch passed 2-0-4

Public Comment: Roslyn Lane/Cave St. residents L. Hyman and R. Pack presented objections to construction ongoing at the Manchester Building, 1205 Prospect Street, which did not come before the PDO Committee or CPA. The construction includes City-permitted changes of items arguably not Process One, intensification of use including change of use from a gallery to a restaurant with resulting changes in parking requirements, a remote kitchen, a kitchen venting into the area of adjacent residences, alleged code violations, reduction in landscaping, removal of a patio etc. D. Little noted these changes should also have triggered DPR review as well as PDO and CPA review. The applicant was advised to seek advise of a land-use attorney and it was suggested the Chair contact the Building Services Department as to why this matter was not referred during the permitting process. Discussion on this matter will be included in at the end of the meeting under the Agenda item on "Issues regarding PDO compliance and means to promote enforcement."

Non-Agenda Item: Riford Center--Rasmussen recused from the PDO Committee in order to make comments on the issue of the referral of this matter to the CPA. The "side door" was presented to the PDO along with other façade changes, but the "ADA ramp" was not presented to the PDO committee. However, the "ramp" was included in the minutes and was therefore misentitled on the CPA Agenda. The Riford Board removed the matter from the CPA agenda because the City Attorney was expected to give its opinion on the ramp and side door, as to whether they were required under the ADA, and which are not discretionary and therefore are not within the discretion of the PDO or the CPA. Rasmussen indicated that the day after the CPA meeting, the City Attorney mandated that there be a ramp in front of the building, narrowing the existing sidewalk to 4' and interpreting ADA law as not requiring a second ADA compliant entrance/exit during construction (where the front entrance is blocked) on Bonair Street. As a result, there should be no further issues with the neighbors who opposed any door on Bonair Street. The CPA's motion to refer these matters back to the PDO Committee may therefore be moot. The Riford Board will vote whether to comply with the City Attorney's mandate, but Rasmussen expects they will. He indicated further appearance before the PDO is not likely. The Chair noted that the ADA is not a part of the Land Use

Code, which the City and the PDO enforce. The PDO may in the future discuss the issue of narrowing the sidewalk, as this may be contrary to the Land Use Code.

Agenda Items:

Project Name: Jersey Mikes—Because this matter was not included on the Agenda, a full hearing before the CPA is needed. However, the PDO did receive what appears to be a properly executed Shared Parking Agreement, satisfying the requirements from this intensification of use. Also, the applicant presented modified plans reducing signage to the correct ratio of square footage of signage to street frontage. The Chair will notify the CPA that all PDO elements are satisfied.

Project Name: Opus Bank Signage—This location is at the Manchester Building, 1205 Prospect Street on the Ivanhoe frontage. The applicant is allowed slightly less than 46 square feet of sign for their 46 lf of frontage. One part of proposed signage is free-standing; the plans however appear to incorrectly depict this sign in the public way. That sign replaces the existing Obernier Gallery sign. The applicant will correct the plans.

Motion – To approve as conforming to the PDO the proposed building signage at a maximum of 31.9 sf; applicant to return with corrected plans for the free-standing sign. Stiegler/Clark 6-0-1.

There was additional discussion on the issue of intensification of use (from a gallery to a bank), per the prior Public Comment. A gallery requires 1 parking space per 600 sf; a bank requires 1 per 300 sf, therefore the bank at 2164 sf requires 7 parking spaces. The landowner must also show there is enough spaces for the entire building due to this intensification and the prior noted the intensification of another gallery to a restaurant.

Project Name: Recommendations to DPR Committee; 7401 La Jolla Blvd. This is the new retail/residential project on the northeast corner of La Jolla Blvd and Marine St. Aspects of this project were presented previously, and the applicant answered questions about parking, physical layout, garage access, refuse area, loading area, building height measurement, setbacks and landscaping.

Motion—The Project as presented conforms to the PDO. Clark/Fitzgerald 7-0-0

Chair Report/Board Discussion: G. Geilor of Building Services has provided the option to the PDO Chair that *all* Process One discretionary permits can be routed to the PDO Committee, rather than leaving up to staff “which” are referred that they think may impact the PDO. For example, Jersey Mikes was *not* told that their intensification of use from a toy store to a restaurant required more parking. This is a dual burden on the applicants to appear and will result in more scrutiny, and it is also more burden on the PDO Committee.

Motion: Per Geilor’s email, it is requested that all ministerial permittable (Process One) projects within the PDO be referred to the PDO Committee. Gabsch/Fitzgerald 7-0-0.

The meeting was adjourned at about 5:30 p.m. The next PDO meeting is scheduled for November 14, 2011 at 4:00 p.m. at the La Jolla Recreation Center, Room 1.

Respectfully Submitted

Glen Rasmussen, Secretary