

La Jolla Shores Permit Review Committee Minutes  
**Special Meeting**  
4:00 p.m. Wednesday, December 17, 2014

La Jolla Recreation Center, 615 Prospect Street, La Jolla, CA

**Executive Summary: Abstracted Motions**

**6A Johnson Residence, 8468 El Paseo Grande SDP**

Motion by Steck, second by Schenck: Findings can be made for an SDP for the Johnson site walls and deck. Schenck: Second. Motion carries 5-0-1 (chair abstains). Tim Lucas, Myrna Naegle, John Schenck, Bob Steck, Dolores Donovan in favor. Committee chair Phil Merten abstains.

**6B. Fentisova Residence, 8374 Paseo del Ocaso SDP/CDP**

Motion by Lucas (as amended by Schenck), second by Donovan: To continue the project to the next meeting at which time applicants will return with more information on all setbacks - front, side, rear, and second-story angled building height limits- and how they relate to the set-backs in the neighborhood; and an exhibit showing FARs for other projects in the neighborhood for purposes of comparison. Motion passes 5-0-2. In favor are Dolores Donovan, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck. Committee chair Phil Merten abstains. Committee member Emerson abstains because she was not present for the presentation of the project and the following discussion.

Motion by Emerson, second by Naegle: I move that we reaffirm the Committee's 11/19/2014 MND motion [reproduced in the agenda for today's 12/19/2014 Committee meeting], amended to include the new gross floor areas provided by applicants at today's meeting. The motion passes 6-0-1. In favor are Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck, Committee chair Phil Merten abstains.

**6C 7949 Lowry Terrace SDP/CDP**

Motion by Steck, second by Emerson: To make findings for CDP/SDP. Motion passes 5-1-1. In favor are Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck. Dolores Donovan opposes because the landscaping plan may violate the demolition permit and related environmental laws or regulations. Chair Phil Merten abstains.

**6D. Diarq Residence, 8436 Westway Drive (EOT)**

Motion by Steck, second by Emerson: To provide the requested extension of time. Motion passes 6-0-1. In favor are Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck, Committee chair Phil Merten abstains.

**6E. Leibowitz Residence, 8283 La Jolla Shores Drive (CDP/SDP)**

Motion by Lucas, second by Naegle: To continue this item to a future meeting at which owners return with a drainage plan, confirmation of whether the sewer is public or privately-owned, a 300-foot radius setback survey, renderings, and a materials board which includes the roofing trim. Motion passes 6-0-1. In favor are Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck. Committee chair Phil Merten abstains.

**Committee members in attendance:** Phil Merten (interim chair), Tim Lucas, Myrna Naegle, John Schenck, Bob Steck, Dolores Donovan (secretary). Committee member Janie Emerson arrived half-way through the Fentisova discussion.

**Audience:** 27

- |  |                                   |
|--|-----------------------------------|
| <b>1. Welcome and Call to Order:</b>                               | <b>Phil Merten, Interim Chair</b> |
| <b>2. Adoption of the Agenda</b><br>Adopted 5-0-1 (chair abstains) | <b>Merten</b>                     |

3. **Non-Agenda Public Comment:**  
None.

4. **Committee Member Comments**  
None.

5. **Comments by the Chair Merten**

Merten announces that the Community Planning Association unanimously adopted the LJSPRC recommendation that findings for a CDP and SDP should not be made on the Whale Watch Way project. The project was scheduled to be presented tomorrow a.m (12/18/2014) at the City Planning Commission, but applicants asked for a continuance, which was granted. The reason for the continuance was to allow the London-based architect and the owner to consider changes to the design.

## 6. Project Reviews

### 6A Johnson Residence SDP

Johnson Landscape/Walls project at 8486 El Paseo Grande.  
Presenter: Ed Sutton of Island Architects

- Type of Structure: Site Walls at Single Family Residence
- Location: 8486 El Paseo Grande
- Applicant: Ed Sutton 858-456-4070 [ESutton@IslandArch.com](mailto:ESutton@IslandArch.com)
- Project Manager: Michelle Sokolowski, 619-446-5278 [MSokolowski@saniego.gov](mailto:MSokolowski@saniego.gov)

**Project Description:** PROCESS 3 - SDP for the permitting of site walls and low wood deck with on grade stepping stones to an existing single family residence located at 8486 El Paseo Grande. The 0.25 acre lot contains an existing single family residence and is the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone , Coastal Height Limit, within the La Jolla Community Plan area.

The Committee discussion included the following issues: whether the 14-inch band of wood around the deck hides the footings (it does); whether the new landscaping includes trees on the ocean side of the house (it does not); whether the height of the building including the existing wall, was within the 30-foot limit (at 21.4, it is); whether the Committee should make findings for a CDP as well as an SDP (the Committee acted only on the SDP because members expressed concern that a CDP was not on the agenda or on the City's Public Notice, and because architect Crisafi said the City had told him a new CDP was not needed because the new walls were one with the previously-permitted home. )

***Motion by Steck, second by Schenck: Findings can be made for an SDP for the Johnson site walls and deck. Motion carries 5-0-1 (chair abstains).***

***In favor are Dolores Donovan, Tim Lucas, Myrna Naegle, John Schenck, Bob Steck. Committee chair Phil Merten abstains.***

### 6B. Fentisova Residence SDP/CDP

Including reconsideration of the previous action on the Mitigated Negative Declaration.

- Project No. 341980
- Type of Structure: Single Family Residence
- Location: 8374 Paseo Del Ocaso
- Applicant: Hilary Lowe 510-375-5693 [klubhaus.hilary@gmail.com](mailto:klubhaus.hilary@gmail.com)
- Project Manager: Jeff Peterson 619-446-5237 [JAPeterson@saniego.gov](mailto:JAPeterson@saniego.gov)

**Project Description:** PROCESS 3 - Coastal Development Permit (CDP) and Site Development Permit (SDP), to remodel and add a 3,486 square foot 2nd story, basement, and roof deck to an existing 1,624 square foot, one-story single family residence. The project incorporates a roof-mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption. The project site is located at 8374 Paseo Del Ocaso on a 0.12-acre lot, in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Planning area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay zone of the La Jolla Community Planning area.

**Previous PRC Action, November 19, 2014:**

*Motion by Naegle, second by Lucas: Motion: The draft MND for the Fentisova residence is in error because the Initial Study Checklist contained in the MND is in error in the manner indicated immediately below.*

**First,** Page 31 of the Draft MND, Initial Study Checklist, under LAND USE AND PLANNING, asks: 'Would the project: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.'  
The reviewer's response is: No Impact.

However, the project does conflict with applicable land use plans, policies or regulations, as follows: The Design Principle section of the General Design Regulations of the LJS PDO (Sec. 1510.0301) and its corollary in the LJS Design Manual (p.2), state that: "no structure will be approved that is so different in quality, form, materials, color and relationship as to disrupt the architectural unity of the area." The proposed project consists of a 5,110 sq. ft. (Gross Floor Area) on a 5,250 sq. ft. lot with a resultant Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The overwhelming size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. The overwhelming size and bulk of the proposed project will disrupt the architectural unity of the area. Therefore the proposed project does conflict with the Design Principle Section of the La Jolla Shores Planned District Ordinance.

Further, the La Jolla Community Plan, Residential Element, Plan Recommendations regarding Community Character, states "In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D, structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air." Contrary to the recommendation of the La Jolla Community Plan, significant lengths of the north and south exterior building walls of the project proposed, set back only 4 feet from the side property lines, extend straight up from grade level a full 30 vertical feet without any horizontal offset or setback. Therefore, the proposed project does conflict with the La Jolla Community Plan and Local Coastal Program.

Because the project "conflicts with an applicable land use plan, policy or regulation...", the correct response should be **'Potentially Significant Impact.'**

**Second,** Page 31 of the Draft MND, Initial Study Checklist, under MANDATORY FINDINGS OF SIGNIFICANCE asks : b) Does the project have impacts that are individually limited, but cumulatively considerable?

The reviewer's response is: Less than Significant with Mitigation Incorporated

As stated previously the proposed project will have a Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. If approved, the cumulative impact of this precedent setting project in conjunction with future projects with similarly large Floor Area Ratios would

dramatically alter the existing character of the neighborhood. Therefore, the correct response should be '**Potentially Significant Impact.**'

*The (November 19, 2014) motion carried 6-0-0. In favor were Dolores Donovan, Janie Emerson, Tim Lucas, Phil Merten, Myrna Naegle, John Schenck.*

### **Presentation**

Committee Chair Merten: Please note that although the agenda describes this project as a remodel, it is no longer that but rather a tear-down and rebuild.

The presentation by architect Hilary Lowe, assisted by Mike Shumard, in conjunction with responses to questions from Committee members, provided the following facts. The square footage (SF) is now at 4,950. The applicants are proposing to demolish the existing house and construct a new one of 4,950 which includes the garage area but not basement area. There was concern about conformity with neighborhood set-backs so the applicants hired a surveyor, Tim Louie (sp?), to do a set-back survey and he is today present in audience. We realize there is concern about the size of the house, but there is a mix of one- and two-story houses in the area and we feel our proposed project would fit in. The FAR calculation for our house is 0.94. A FAR limitation is not in the PDO and the interpretation of provisions relating to size is subjective. There are two other houses of a similar size on the street, one at 0.87 and the other at 0.92.

The proposed setbacks are 15 feet at the first floor (to the columns) and 20 feet at the garage. The setback on the second story is 20 feet 4 inches. The side setbacks are 4 feet and the rear setback is 15 feet from the balcony wall at the rear of the house to the rear property line. The height of the house at the top of the front parapet is 22.7; at the rear the height is 29.9, so it is under the 30-foot limit. Applicants have acceded to requests from neighbor Gatto, who asked us not to have windows looking into his house, but instead to have a green wall and to do a cut-out to preserve his view. The result is a wall 40 feet long going straight up. Applicants looked around the neighborhood and found other houses with side walls going straight up. The wall in the rear is to keep people out of the pool.

Schenck: When you come back to the Committee, please bring a survey showing the set-backs for houses within a 300-foot radius of your project.

Naegle: And a survey of the FARs in the neighborhood.

### *Members of the public:*

Matt Edwards (neighbor across the street): I'd like to hear from your surveyor about the front setbacks on the other houses on the street. And is the parapet wall on roof included in your height estimate?

Surveyor: The property line along Paseo del Ocaso is measured from the disks on the sidewalk, which are 5 feet west (toward the ocean) of the real property line.

Peggy Davis: Is the greenscape adequate? Landscape architect: we have 1,700 SF which is more than 30%.

### *Committee members:*

Lucas: I am concerned about the encroaching setbacks - closer and closer to the front of the street. My second concern is the floor area ratio.

Naegle: I am very concerned about the FAR. Is the basement counted in the FAR? Merten: no.

Merten: How far from the property line is the south wall? Lowe: 4 feet and then there is the cut-out.

Merten: The Municipal Code applies and in Ch. 13 there is an Angled Building Envelope Plane / Maximum Structure Height requirement in addition to that required by the LJSPDO. These southern and northern portions of the building project through that code-mandated height limit triangle.

Lowe: We asked our City reviewer about that and he said there was an internal memo within the DSD on that subject and according to that memo it (the 2d height limitation) does not apply to the Shores.

Merten: The La Jolla Community Plan says that in order to provide a transition between older and newer buildings, the second floor should be set back at a 45-degree angle. You have done that in some places, but not others. An example of the second-floor setback is found in Diagram 131-04L SD Muni Code Ch. 13 Zones.

Lowe: We need to talk with our city planner.

Merten: The Municipal Code says if there is a conflict, the LJSPDO prevails. There has to be a conflict for that provision to apply. But if one source says X and the other is silent, then X prevails. The LJSPDO is silent and therefore the City's second-story 45-degree angle provision applies.

Merten: As to the front setbacks, the Code says they are to be in conformity with "those in the vicinity." It does not say "the average in the neighborhood." Planning has indicated that close neighbors are the most relevant.

**Motion by Lucas, second by Donovan: To continue the project to the next meeting and return with more info on all setbacks - front, side and rear - and how they relate to the neighborhood. Schenck: I would like to know more about the 2d story setbacks. Naegle would like to know about the other FARs in the neighborhood. Lucas accepts the amendments. Motion passes 5-0-2 (Emerson abstains because she was not present for the discussion and Merten abstains as the chair.)**

Merten: The MND for this project was discussed and voted on last month. We have the opportunity to comment on or amend the motion the Committee passed on that MND. Is anyone interested in doing so?

Emerson: Perhaps we can amend it to indicate that it may be necessary to amend it if further changes in the project are made.

Lowe: The City said a reduction in SF would not reduce the impact so no change in MND necessary.

**Motion by Emerson, second by Naegle: I move that we reaffirm the Committee's 11/19/2014 MND motion [reproduced in the agenda for today's 12/19/2014 Committee meeting], amended to include the new gross floor areas provided by applicants at today's meeting. The motion passes 6-0-1. In favor are Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck. Committee chair Phil Merten abstains.**

**6C 7949 Lowry Terrace SDP/CDP**

- Project No. 383989
- Type of Structure: Single Family Residence
- Location: 7949 Lowry Terrace
- Applicant: R. Douglas Mansfield 949-218-0408 doug@RDMArchitects.com
- Project Manager: Glenn Gargas 619-446-5132 JAPeterson@sandiego.gov

**Project Description:** PROCESS 3 - CDP and SDP to demolish an existing single family residence and construct a new 6,720 sq. ft. single family residence with a 2,880 sq. ft. basement garage at 7949 Lowry Terrace. The 0.326 acre site is in the Single Family zone of the La Jolla La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone, and Coastal Height Limit Zone, within the La Jolla Community Plan area.

**Presentation**

The presentation, done by architect Douglas Manfield with the assistance of John McKee and landscape architect Teresa Clark, in conjunction with responses to questions from Committee members, provided the following facts.

This is a massed one-story house - essentially a one-story house, designed to be historically authentic. The style is Spanish colonial, with white stucco. We want to make it look like it has been there since the '20s. There is lots of detail. The maximum height is 26 feet. The gross floor area (GFA) is 7603 SF, which includes the terraced areas enclosed on three sides. The FAR is at 0.53, which is well within the 0.60 parameter one finds throughout the City on lots of equivalent size. There is a 3+car garage and workshop area at the basement level with a steep driveway going into it. Applicants met with neighbors to present the plans, which were well-received save an objection from one neighbor which has since been dealt with.

*Committee Members*

Committee discussion focused on setbacks, phantom areas, adequacy of parking relative to number of bedrooms, and landscaping relative the demolition permit. The answers provided by applicants were all satisfactory save those relating to the landscaping (55% greenscape) and the demolition permit. To the best of the recollection of the Committee members, the demolition permit had specified preservation of the pine trees on the property until completion of the nesting season. The landscape architect stated that she would not be able to take the nesting season into account in scheduling the removal of the pine trees.

*Members of the Public*

Peggy Davis: What is the size of the total excavation? Answer: Cut 650, fill 150, export 500.

Immediate neighbors (Adams, Wyer): The applicants have done a great job.

**Motion by Steck, second by Emerson: To make findings for a CDP and SDP. Motion passes 5-1-1. Donovan moved to amend to sever the landscaping plan from the building plan. Steck rejected the amendment. The motion passes 5-1-1. In favor are Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck. Dolores Donovan opposes because the landscaping plan may violate the terms of the demolition permit and related environmental laws or regulations. Chair Phil Merten abstains.**

**6D. Diarq Residence (EOT)**

- Project No. 391951
- Type of Structure: Single Family Residence
- Location: 8436 Westway Drive
- Applicant: Edward Sutton                      858-459-9291                      ESutton@islandarch.com
- Project Manager: Morris Dye                      619-446-5201                      MDye@sandiego.gov

**Project Description:** (PROCESS 2) - Extension of Time request for CDP 804138 and SDP 804207 for the Diarq Residence project to demolish an existing residence and construct a two-story 7,499 sq. ft. single family residence on a 0.46 acres site at 8436 Westway Drive in the SF Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone, and Coastal Height Limit Zone, within the La Jolla Community Plan area.

The FAR of the building is .37.

*Public Comment*

Questions from neighbors in the audience focused on drainage to the immediately downslope house, owned by Diane Zaykay(sp?)

*Committee Discussion*

Questions from the Committee focused on gross floor area and FAR.

Motion by Steck, second by Emerson: To provide the requested extension of time. Motion passes 6-0-1. In favor are Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck, Committee chair Phil Merten abstains.

**6E. Leibowitz Residence CDP/SDP  
8283 La Jolla Shores Drive**

- Project No.            374521
- Type of Structure: Single Family Residence
- Location:                      8283 La Jolla Shores Drive
- Applicant:                      Dan Gower                      858-270-1624                      [draftingDG@aol.com](mailto:draftingDG@aol.com)
- Applicant's Rep:                      Brian Longmore                      858-391-1674                      [permitsolutions@hotmail.com](mailto:permitsolutions@hotmail.com)
- Project Manager:                      P.J. Fitzgerald                      619-446-5373                      [PFitzgerald@sandiego.gov](mailto:PFitzgerald@sandiego.gov)

**Project Description:** (PROCESS 3) CDP and SDP to demolish an existing residence and a detached pool house, and construct a 9,245 sq. ft single family residence with a 157 sq. ft. detached pool house located at 8283 La Jolla Shores Drive. The 1.12 acre lot is in the Single Family Residence Zone of the La Jolla Shores Planned District, Coastal (non-appealable) Overlay Zone , Coastal Height Limit, within the La Jolla Community Plan area.

**Presentation**

The presentation by architect Brian Longmore provided the following facts. This will be a two-story house, done in stepped segments, the maximum height of which is 25.5 feet. The exterior will be a grey stucco and there will be

solar panels. The pool will be replaced in the same location it now is. The house will be in the same location it now is. The landscaping areas will be retained, as will the trees. The lot arrangement is pretty much preserved except the house will have a little more square footage. The FAR is 0.2. The average within a 500-foot radius is 0.21.

*Members of the public*

Two immediate neighbors, Trish Mosier Riha and Leanne McDougal, were present. Their comments focused on the absence of plans available to the public, drainage, the location of the A/C and pool pump, and the repaving of the road after construction. The sewer line that connects the houses on this private road frequently backs up onto the McDougal property. Architect Longmore stated that the owners plan to put in a cistern and that most of the rainfall goes into the landscaping.

*Committee questions*

Committee discussion focused on the lack of specificity in the presentation, the need for a preliminary drainage plan, and parking.

*Motion by Lucas, second by Naegle: To continue this item to a future meeting at which owners return with a drainage plan, confirmation of whether the sewer is public or privately-owned, a 300-foot radius setback survey, renderings, and a materials board which includes the roofing trim. Motion passes 6-0-1. In favor are Dolores Donovan, Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck and Bob Steck. Committee chair Phil Merten abstains.*

**7. Committee business**

Committee member Emerson asked if the January LJSPRC meeting could begin at 3:00 due to other early evening commitments on her part. The matter was not resolved.

**Adjournment**

The Committee adjourned at 7:30 p.m.

## La Jolla Shores Permit Review Committee Minutes, Special Meeting

4:00 p.m. Wednesday, November 19, 2014

**\*\*\* EXCERPT \*\*\***

### **6B. Fentisova MND**

**Motion by Naegle, second by Lucas: Motion: The draft MND for the Fentisova residence is in error because the Initial Study Checklist contained in the MND is in error in the manner indicated immediately below.**

**First, Page 31 of the Draft MND, Initial Study Checklist, under LAND USE AND PLANNING, asks: 'Would the project: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.'**

**The reviewer's response is: No Impact.**

*However, the project does conflict with applicable land use plans, policies or regulations, as follows:*

- *The Design Principal section of the General Design Regulations of the LJSPDO (Sec. 1510.0301) and its corollary in the LJS Design Manual (p.2), state that: "no structure will be approved that is so different in quality, form, materials, color and relationship as to disrupt the architectural unity of the area." The proposed project consists of a 5,110 sq. ft. (Gross Floor Area) on a 5, 250 sq. ft. lot with a resultant Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The overwhelming size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. The overwhelming size and bulk of the proposed project will disrupt the architectural unity of the area. Therefore the proposed project does conflict with the Design Principal Section of the La Jolla Shores Planned District Ordinance.*
- *The La Jolla Community Plan, Residential Element, Plan Recommendations regarding Community Character, states "In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D, structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air." Contrary to the recommendation of the La Jolla Community Plan, significant lengths of the north and south exterior building walls of the project proposed, set back only 4 feet from the side property lines, extend straight up from grade level a full 30 vertical feet without any horizontal offset or setback. Therefore, the proposed project does conflict with the La Jolla Community Plan and Local Coastal Program.*

*Because the project "[c]onflict[s] with [an] applicable land use plan, policy or regulation...", the correct response should be 'Potentially Significant Impact.'*

**Second, Page 31 of the Draft MND, Initial Study Checklist, under MANDATORY FINDINGS OF SIGNIFICANCE asks: b) Does the project have impacts that are individually limited, but cumulatively considerable?**

*The reviewer's response is: Less than Significant with Mitigation Incorporated*

*As stated previously the proposed project will have a Floor Area Ratio (FAR) of 0.97 which is 62% larger than the maximum FAR of 0.60 that is allowed for a single family residence on a similarly sized lot in a single family residential zone anywhere else in the City of San Diego. The size and bulk of the proposed project is significantly greater than that of existing homes on adjacent lots and in the surrounding area. If approved, the cumulative impact of this precedent setting project in conjunction with future projects with similarly large Floor Area Ratios would dramatically alter the existing character of the neighborhood. Therefore, the correct response should be 'Potentially Significant Impact.'*

**The motion carries 6-0-0.**