

## La Jolla Shores Permit Review Committee Minutes

4:00 p.m. Tuesday, April 28, 2015

Draft of 4/29/15

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

**Executive Summary:** no motions regarding applications for permits were made.

**Committee members in attendance:** Phil Merten (Interim Chair), Dolores Donovan (Secretary), Janie Emerson, Tim Lucas, Myrna Naegle, John Schenck, Bob Steck. **Absent:** Laura Ducharme-Conboy.

**1. Welcome and Call to Order:** Phil Merten, Interim Chair

**2. Adoption of Agenda:**

Motion to adopt: Donovan. Second: Lucas. Discussion: Merten amended motion to place the Chair's Comments at the end of the agenda. The amended motion passed by a vote of 6-0-1 (chair abstains).

**3. Non-Agenda Public Comment:**

None given.

**4. Committee Member Comment:**

Emerson announced that the City Council re-hearing of the proposed One Paseo development would take place on May 18. The ramifications of the One Paseo decision will impact planning throughout San Diego County. All are urged to attend the hearing on May 18.

**5. Chair Comment:**

Postponed to end of meeting.

**6. Federal and State Environmental Regulations (Informational Presentation):**

An informal presentation by Dolores Donovan on Federal and State laws protecting birds from injury and death arising from construction activity. (See Exhibit A, attached to these minutes.)

**7. Project Review:**

**Evans Residence Addition and Remodel SDP (Informational Presentation)**

- Project No. 414580
- Type of Structure: Single Family Residence
- Location: 8039 La Jolla Shores Drive
- Applicant: Rick and Leslie Evans
- Applicant's Rep: Robert Davidson, IS Architecture 858-456-8555

**Project Description:** The project involves a whole house remodel and addition. The project will add approximately 1100sq.ft. to the existing 1,932sq.ft. house. The single story house will be enlarged and remodeled but remain a single story house. The house, built in 1952, has already undergone a single disciplinary review by City of San Diego Historic Staff where it was deemed to not meet local designation criteria as an individually significant resource.

*Committee Discussion*

Committee discussion focused on the following issues: decrease of the south setback by 3 feet and the impact on the neighbor. The presenter was asked to provide information on windows in the wall of the neighbor to the south and the functions of the portions of their home immediately adjacent to the proposed project; how the presenter will satisfy the 30% green landscaping requirement. Discussion ensued on whether xeriscape and other non-green permeable landscaping materials satisfy the "green" landscape requirement or whether a green groundcover plant was required.

**The meeting was adjourned at 5:30 p.m.**

**The next PRC Meeting will be Tuesday, May 26, 2015, 4:00 pm.**

Minutes respectfully submitted by Dolores Donovan.

**EXHIBIT A**  
**LAWS PROTECTING BIRDS**  
**01/27/2015**

**California State Fish and Game Code:**

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

12002(c). Violation of Sec. 3503 is [a criminal misdemeanor] punishable by a fine of not more than \$5000 or imprisonment in the county jail not more than six months, or by both fine and imprisonment.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

12010(a) ...the maximum punishment for each violation of Section 3503.5 relating to a bird-of-prey designated as endangered, threatened, or fully protected is a fine of five thousand dollars (\$5,000) or imprisonment in the county jail for a period of not to exceed one year, or both the fine and imprisonment.

**California Fish and Game Commission Regulations**

251.1. Harassment of Animals

Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive any game or non-game bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops.

Sec. 12000: Violations of Fish and Game Code regulations are [criminal] misdemeanors.

**Federal Migratory Bird Treaty Act**

16 U.S.C. Sec. 703. Taking, killing, or possessing migratory birds unlawful.

“...it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...”

16 U.S.C. Sec. 707(a) ... any person ... or [company] who shall violate [16 U.S.C. 703] shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$15,000 or be imprisoned not more than six months, or both.

**IMPORTANT PHONE NUMBERS**

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To report bird harassment, killing and/or destruction of bird nests, call  
**California Department of Fish and Game (CALTIP Hotline) 888-334-2258**

To report nest disturbance or inappropriate tree trimming in the coastal zone, call  
**California Coastal Commission (Enforcement Officer): 562-590-5223**

For assistance with nesting surveys, call **858-467-4201**

**IMPORTANT FACTS ABOUT NESTING BIRDS<sup>1</sup>**

*The Time of Year that Birds Typically Nest*

Many species nest between March 1 and August 31. California Department of Fish and Game often requires surveys for raptors from January 15 to September 15. However there are several species that court and nest outside this time frame, for example, some herons and egrets, many raptors (birds of prey), and most hummingbirds. In general, nesting birds, especially hummingbirds, hawks and owls, may be found at any time of year, depending on the species. Consult an independent qualified biologist for safe trimming times upon discovering any large nest.\*

**\*NOTE:** *Certain species such as hawks, owls, herons, egrets, crows, and ravens also often re-use nests. If a large nest made of twigs is encountered, even if unoccupied, assume that it belongs to one of these birds and do not disturb it.*<sup>2</sup>

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<sup>1</sup> Audubon Society (Los Angeles) *Guide to Bird-Friendly Tree and Shrub Trimming and Removal* (March 2009)

<sup>2</sup> Ibid.