



PO Box 889, La Jolla, CA 92038
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President: Tony Crisafi
Vice President: Joe LaCava
Treasurer: Jim Fitzgerald
Secretary: Helen Boyden

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month
La Jolla Recreation Center, 615 Prospect Street

October 3, 2013

D R A F T AGENDA

6:00p

1. Welcome and Call To Order: **Tony Crisafi**, President
2. Adopt the Agenda
3. **Meeting Minutes Review and Approval**: 5 September 2013
4. **Elected Officials Report** – Information Only
 - A. Council District 1 – Council President Pro Tem Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@sandiego.gov
 - B. 39th Senate District – State Senator Marty Block
Rep: Allison Don, 619-645-3133, Allison.don@sen.ca.gov
5. **Non-Agenda Public Comment**

Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.

 - A. UCSD - Planner: **Anu Delouri**, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>
6. **Non-Agenda Items for Trustee Discussion**

Issues not on the agenda and *within LJCPA jurisdiction*, two (2) minutes or less.
7. Officer's Reports
 - A. Secretary**
 - B. Treasurer**
8. **President's Report**
 - A.** Bernate-Ticino Residence – City Council upheld LJCPA appeal of CEQA exemption.
 - B.** Henley Residence – LJCPA filed timely appeal of Hearing Officer approval.
 - C.** Children's Pool – PC recommended approval of closure during pupping season.

9. **CONSENT AGENDA – Ratify or Reconsider Committee Action**

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items.

→ ***Anyone may request a consent item be pulled for reconsideration and full discussion.***

→ ***Items pulled from this Consent Agenda are automatically trailed to the next LJCPA meeting.***

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair (vacant), 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

No T&T meeting in September.

A. Renda Residence

DPR Motion: Findings can be made that the project conforms to the Community Plan of La Jolla and to endorse that the project qualifies for a Coastal Development Permit. 5-0-0

9521 La Jolla Farms Road - Coastal Development Permit to construct a 2-story 10,298 square foot single family residence on a vacant 0.56 acre lot. (PTS 29014) has expired and requires a new CDP. Project is the same as the previously approved CDP.

B. Gaxiola Residence DRAFT Mitigated Negative Declaration

PRC Motion: The committee takes no exception to the draft Mitigated Negative Declaration as prepared by the City Staff for the Gaxiola Residence 6-0-0

2414 Calle Del Oro - Seeking SDP and CDP to demolish existing 1-story 3,178 sf residence and construct a new 2-story 11,696 sf residence with 5 bedrooms, 7 bathrooms and 3 car garage, at 2414 Calle del Oro Coastal Overlay (non-appealable); Coastal Height Limit. Lot size: 29,120 Sq Ft.

D. "La Plaza"

PDO Motion:

7863 Girard Avenue - Issues raised at the last meeting to be addressed at this meeting. Landscaping percentages and the proposed placement of outdoor seating on Wall Street, questions of encroachment. Applicant was also asked to return to present signage, samples of building materials and proposed color scheme.

E. Harcourts Prestige Properties

PDO Motion:

7938 Ivanhoe Ave, La Jolla Ca 92307 - Scope of work: Signage

F. Esteban Interiors

PDO Motion:

7605 Girard Avenue -Review storefront change for LJPDO code compliance in LJPDO zone
Existing metal roof to be removed and replaced by a taller wall that will return into existing parapet wall;
this new exterior wall will be faced with exterior rated stamped concrete 16" x 16" tile
Existing storefront window and door to be replaced with new taller UV / tempered glass
New exterior lid returns to be lightweight construction and include moisture proof modified bitumen with anodized aluminum flashing pitched at 10% with integral drip edge

G. Beads of La Jolla and Bard's Decorator Custom Shop

PDO Motion:

5645 La Jolla Blvd. -Scope of Work: Paint colors

10. REPORTS FROM OTHER ADVISORY COMMITTEES - Information only

- A. COASTAL ACCESS AND PARKING BOARD – Meets 1st Tues, 5pm, Rec Center
- B. COMMUNITY PLANNERS COMMITTEE – Meets 4th Tues, 7p, 9192 Topaz Way

11. 7755 Sierra Mar – Action Item

Coastal Development Permit and a Site Development Permit for construction of an 6,917 square-foot addition (formerly 8,592 sf) to an existing 5,300 square-foot single family residence and a 561 square-foot addition to an existing 757 square-foot garage and pool house, resulting in a total of approximately 12,974 gross square feet (formerly 15,026 sf) (residence plus garages) on a 37,790 square-foot legal lot. The project also includes the addition of 6,130 square feet of subterranean area. The property is a historically designated resource (HRB No. 866). Zoning: SF-LJSPDO, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone.

Recirculated MND Available upon Request.

Planning Commission: Appeal Hearing set for Oct 24, 2013.

LJCPA (Oct 2012): To appeal 7755 Sierra Mar project [as LJCPA had not seen the revised plans.] 11-3-2.

Hearing Officer (Sep 2012): Approved the 12,974 sf project.

Applicant: Worked with neighbors to refine and reduce project. Amended application. Opted not to return to LJCPA.

LJCPA (Dec 2008): To accept the recommendation of the Permit Review Committee to deny the approval of [the original] project, the findings cannot be made, due to its bulk & scale and the impact of the project on the neighborhood character. 10-0-0.

PRC (Oct 2008): Denied [original project] 3-0-0 based on bulk, scale and impact on neighbors

12. Amending 112.0310 Notice of Right to Appeal (NORA) Environmental Determination – Action Item

Consideration of a proposed amendment to 112.0310 that will require DSD to notify the Council Office, the LJCPA, and interested parties on the city's project address list if the City makes a determination that a project is exempt from CEQA. Note, such notice is not required by CEQA and is a significant expansion of the city's current noticing process. Amendment supported by Community Planners Committee and Council Land Use & Housing Committee.

Amendment language available upon request.

13. Adjourn to next Regular Monthly Meeting, Nov. 7th, 2013, 6:00pm



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La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month
La Jolla Recreation Center, 615 Prospect Street

Thursday, 5 September 2013

DRAFT MINUTES -- Regular Meeting

Trustees Present: Patrick Ahern, Cynthia Bond, Helen Boyden, Tom Brady, Dan Courtney, Tony Crisafi, Janie Emerson, Jim Fitzgerald, Gail Forbes, Joe LaCava, David Little, Nancy Manno, Phil Merten, Myrna Naegle, Bob Steck, Ray Weiss, Frances O'Neill Zimmerman
Absent: Bob Collins

1. Welcome and Call To Order: Tony Crisafi, President, at 6:00 PM

2. Adopt the Agenda

Approved Motion: To approve the agenda as posted (Emerson, Fitzgerald: 12-0-1)

In favor: Ahern, Brady, Emerson, Fitzgerald, Forbes, LaCava, Little, Manno, Merten, Naegle, Steck, Weiss
Abstain: Crisafi

3. Meeting Minutes Review and Approval

Approved Motion: To approve the Minutes of 1 August 2013 (Manno, Emerson: 11-0-2)

In favor: Ahern, Brady, Emerson, Fitzgerald, LaCava, Little, Manno, Merten, Naegle, Steck, Weiss
Abstain: Crisafi, Forbes

4. Elected Officials Reports - Information Only

Council District 1 – City Council President Pro Tem Sherri Lightner

Rep: Erin Demorest, 619.236.7762. City Council President Todd Gloria is now interim mayor but can participate in Council meetings as he desires. **City Council President Pro Tem Sherri Lightner** will be chairing the Council meetings and working with the docket coordinator to prepare City Council meeting agendas. The Special Election for Mayor will be held on Tuesday, November 19, 2013. If necessary a run-off election will be held in January or February 2014. The Bernard-Ticino environmental appeal (LJCPA and LJ Historical Society appellants) will be heard by the City Council on Monday September 23, 2013. The public outreach for the Airport Land Use Compatibility Plan revision did not include La Jolla or Pacific Beach even though they were added to the Overflight Boundary zones in the document covered by the DEIR (see item 16). Due to the high altitude of planes overflying PB and LJ, Council District 1 has requested that PB and LJ be removed from the document. PB and LJ have been the subject of noise complaints about government helicopters and private aircraft, but not commercial aircraft from Lindbergh and therefore should not be added to the Overflight Boundary zones. If this is made, then a revised draft EIR will be recirculated. Current comment period has been extended to September 10, 2013. **Member Mike Costello** commented.

39th District, California State Senate - State Senator Marty Block

Rep: Allison Don, 619.645.3133, allison.don@sen.ca.gov distributed the current newsletter. She stated that the current California legislative session ends September 13; all bills must be passed by then or fail. She stated that **Senator Block's SB 527** making San Diego Lifeguards equivalent to the SDPD and SDFD in eligibility for Workers' Compensation has been signed into law by **Governor Brown**.

5. Non-Agenda Public Comment - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less

UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://physicalplanning.ucsd.edu>, reported that projects mentioned last month are nearing completion. The fall quarter begins on Monday, September 23. The Update for Community Groups is available at <http://physicalplanning.ucsd.edu>.

Member Tim Lucas, Chair of the La Jolla Shores Association, announced that the next meeting of the LJSA would be Wednesday, September 11, the usual second Wednesday following a dark August at 6:30 PM, in Building T-29 (Martin Johnson House) Scripps Institution of Oceanography. Agenda items include wastewater recycling demonstration project, La Jolla Playhouse request to hold a puppet show at water's edge, surfing RFP proposals and efforts to get a park ranger for Kellogg Park.

6. Non-Agenda Items for Trustee Discussion - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

Trustee Forbes inquired whether it would be appropriate to read into the record a letter received regarding a project. Since it was on the consent agenda, comment could be read then.

Trustee Merten reported that a Draft MND was available for the Gaxiola project with comment closing on September 24. A public copy was available for view on the back table and a link to it is on the LJCPA website. The applicant has requested a hearing at the LJS PRC September 24 meeting. **Member Lucas** and **Trustee Boyden** also commented.

Trustee Zimmerman commented that the block of Girard between LJ Elementary and Gillispie School was now one lane each way, divided by a concrete curb and through traffic flow was being impeded. Coverage had been in the LJ Light and research determined that T & T had heard this four years ago. Trustee LaCava commented that the one lane situation had been in effect for many years and that the only difference now was that painted traffic control lines had been replaced by concrete curbing. **Trustees Little, Merten** and **Ahern** commented, including child safety issues.

Failed Motion: That the LJCPA President contact Todd Lesser, T & T chair, and ask him to investigate the effect of this construction on traffic. (Little, Zimmerman: 3-9-2)

In favor: Emerson, Little, Naegle

Opposed: Ahern, Boyden, Brady, Fitzgerald, Forbes, LaCava, Manno, Merten, Steck

Abstain: Crisafi, Weiss

Motion discussion included whether or not it was appropriate to vote on a non-agenda item. Following vote **President Crisafi** said he would follow up with **T & T Chair Todd Lesser**.

7. Officers' Reports

A. Secretary

Trustee Boyden stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period.

If you want to have your attendance recorded without signing in at the back, then hand to the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded.

Please note that members who failed to attend a meeting between March of 2012 and February 2013 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated

B. Treasurer

Trustee Fitzgerald reported that the beginning balance on August 1, 2013 was \$129.54. Income included \$76.00 from donations and \$10.00 from CD sales. Expenses including agenda printing and telephone expenses were \$103.89, for an ending balance on August 31, 2013 of \$111.65, a decrease of \$17.89.

Trustee Fitzgerald commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests: LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. All donations are in cash to preserve anonymity.

8. President's Report –

A. LJCPA Committee Appointments - Action Item

For ratification by trustees - La Jolla DPR committee - Alex Outwater

Approved motion: To appoint Alex Outwater as a LJCPA representative to the DPR Committee. (Emerson, Merten: 13-0-2)

In favor: Ahern, Boyden, Brady, Emerson, Fitzgerald, Forbes, LaCava, Manno, Merten, Naegle, Steck, Weiss, Zimmerman
Abstain: Crisafi, Little

B. Appoint Ad Hoc Subcommittee to study the issue of Short Term / Vacation Rentals in La Jolla.

Trustees Fitzgerald, Brady, Little, Ahern, Steck and Members Outwater and Costello were appointed to this committee.

C. Need someone to take over the LJCPA website – **Trustee LaCava** would like to pass it on having managed it for 5 years.

D. Need someone to run the Membership Table (we are not getting new members) and record attendance.

E. "Proposed amendment to the LJ Community Plan and Local Coastal Program to establish an ESHA and buffer area for the Children's Pool Beach" will be heard by the Planning Commission Agenda on Sept 12th

9. Consent Agenda — Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and full discussion. Items pulled from this Consent Agenda are automatically trailed to the next LJCPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

T & T did not have a quorum for its August meeting and PRC had no projects ready for review.

A. "Sur la Table"

PDO Action: Signage and store front (blade & canopy) as presented, conforms to the PDO.

9-0-0

7643-45 Girard Ave- Proposed tenant improvement and upgrade of the existing building at 7643-45 Girard.

The project is a commercial tenant improvement combining the two existing retail spaces into a single space of 6,577 square feet of retail, cooking classroom area, and accessory spaces

B. Esteban Interiors

PDO Action: Sign conforms to the PDO, asked to return with the property line delineation. 9-0-0

7605 Girard Avenue - Review signage and storefront change

C. Orange Theory La Jolla

PDO Motion: storefront approved 9-0-0

7734 Girard Ave, Suite C- replacement of existing storefront measuring 17'8 x 9'6 (signage separate)

D. Feinswog Residence

DPR Action: Findings CAN be made that project as presented is conformance with the La Jolla Community Plan, with detailed landscaping and architectural design elements to conform to the mass and scale of the established Neighborhood Character. 6-0-1

1250 Rhoda Dr. - CDP to demolish an existing single-family residence and construct a three-story, 5,542 SF single-family residence with detached four car garage with pool cabana and lot line adjustment

Trustee Forbes stated she had received a letter from **Mary Ellen Morgan** stating that her concerns about the Feinswog project had been satisfied.

E. Brucker NDP EMRA

DPR ACTION: Findings CAN be made that project as presented is in conformance with detailed landscaping and architectural design elements to conform to the mass and scale of the established Neighborhood Character and that this committee can support the proposed

Neighborhood Development Permit and the proposed EMRA application for an improvement in the public right-of-way. 6-0-1

6380 La Jolla Scenic Drive S - Neighborhood Development Permit for six-foot masonry walls/fences, two masonry pillars with electrical lighting and mailbox, iron driveway gate, and gate call station pedestal in the public right-of-way.

Approved Motion: To accept the recommendations of the PDO Committee that (A) "Sur la Table": Signage and store front (blade & canopy) as presented, conforms to the PDO; (B) Esteban Interiors: Sign conforms to the PDO, asked to return with the property line delineation; and (C) Orange Theory La Jolla: storefront approved; and to accept the recommendations of the DPR Committee that the findings can be made for: (D) Feinswog Residence: project as presented is in conformance with detailed landscaping and architectural design elements to conform to the mass and scale of the established Neighborhood Character and that this committee can support the proposed Neighborhood Development Permit and the proposed EMRA application for an improvement in the public right-of-way; and (E) Brucker NDP EMRA: project as presented is in conformance with detailed landscaping and architectural design elements to conform to the mass and scale of the established Neighborhood Character and that this committee can support the proposed Neighborhood Development Permit and the proposed EMRA application for an improvement in the public right-of-way and forward the recommendations to the City. (Manno, Fitzgerald: 14-0-1)

In favor: Ahern, Boyden, Brady, Emerson, Fitzgerald, Forbes, LaCava, Little, Manno, Merten, Naegle, Steck, Weiss, Zimmerman
Abstain: Crisafi

10. Reports from Other Advisory Committees - Information only

- A. **Coastal Access and Parking Board** - Meets 1st Tues, 5pm, La Jolla Recreation Center. No report
- B. **Community Planners Committee** – Meets 4th Tues, 7pm, 9192 Topaz Way, San Diego. – Dark in August

11. Henely Residence No. 279093- Action Item

Appeal Deadline: Sept 25th, 2013 / Hearing Officer Hearing date: Sept. 11th, 2013

Whether to appeal Hearing Officer decision to approve an application for a Process Three Coastal Development Permit to demolish an existing residence and construct a two-story, an approximate 6,353 square foot single family residence on a 14,300 square foot property. Property is located at 615 Wrelton Drive.

CPA Previous Action (Aug 2013): That the findings are not sufficient for a Coastal Development Permit (Little, Collins: 7-5-3)

Trustee Merten recused and left the room for the entire presentation.

Commenting were: **Member Bob Whitney** and **Trustees Ahern and Costello**.

Approved Motion: To file an appeal if the Hearing Officer approves the project (Manno, Emerson: 8-5-1)

In favor: Brady, Emerson, Little, Manno, Naegle, Steck, Weiss, Zimmerman
Opposed: Ahern, Boyden, Fitzgerald, Forbes, LaCava
Abstain: Crisafi
Recused: Merten

12. Cohen Residence EOT – pulled by Trustee Boyden

8130 La Jolla Shores Drive – Extension of Time for Coastal Development Permit 556216 and Site Development Permit 556217 to demolish an existing 1,690 square foot residence and construct a new 3,842 square foot single family residence with a 753 square foot garage on a 0.13 acre property.

PRC Action (July 2013): Findings cannot be made for an Extension Of Time due to public safety concerns relative to the steepness of the driveway and its impact on the adjacent sidewalk, per 126.0111 paragraph 2.G.1. 3-1-1

Applicant: Bejan Arfaa Architect

Trustee Boyden stated she had pulled the project because the PRC had initially approved the project with conditions; it was returned to the PRC by the LJCPA for revision to correct the conditions. It was then passed unanimously by the PRC and on consent by the LJCPA.

The applicant stated that no changes had been made to the project since approval by the LJCPA.

A number of trustees were concerned about the safety/visibility considerations due to the driveway slope as it approached the heavily used sidewalk on La Jolla Shores Drive. Others noted that the project had been unanimously approved by LJSPRC and LJCPA and the driveway design had been accepted. Trustee Merten had the opportunity to review the plans prior to the meeting and stated the driveway met the conditions of the SDMC for the slope of the driveway and visibility triangles, but he still had safety concerns. Discussion whether the Public Safety findings for an EOT related to the driveway design. Others commenting included: **Members Bob Whitney, Tim Lucas and Mike Costello and Trustees LaCava, Manno, Emerson, Forbes, Zimmerman, Brady, Fitzgerald, Little and President Crisafi.**

Approved Motion: That the findings can be made for an Extension of Time. (LaCava, Fitzgerald: 8-7-1)

In favor: Ahern, Boyden, Brady, Fitzgerald, LaCava, Manno, Merten, Weiss

Opposed: Bond, Emerson, Forbes, Little, Naegle, Steck, Zimmerman

Abstain: Crisafi

13. Sudberry Residence – pulled by Trustee Emerson

8039 Calle del Cielo - Demolition of existing SFR located at 8053 Calle del Cielo plus a portion of existing SFR located at 8039 Calle del Cielo. Construct a single SFR over walk-in basement and related site improvements over both lots (total lot size, 44,140 sf; GFA= 17,629 sf). Seeking an amendment to CDP and SDP.

PRC Action (July 2013): The findings can be made for an amendment to Coastal Development Permit and a Site Development Permit based on plans presented, dated 7-23-2013. 4-1-0

Applicant: Haley Duke, Island Architects

Presented by Haley Duke and Tony Crisafi. President Crisafi recused himself and left the room after the presentation: **Vice President LaCava chaired for this item.**

Trustee Emerson stated that she had pulled the project because of the many issues raised by a neighbor and PRC committee members and she thought it ought to have a full hearing before the LJCPA. **Ms. Duke** stated that no changes had been made to the project since the last hearing by the LJSPRC.

Members Bob Whitney and Tim Lucas commented; **Anu Delouri**, representing the owner, UCSD, read a letter stating that UCSD's initial concerns were addressed by the applicant and UCSD was confident that the terms, mostly dealing with construction period issues, would be reached with a signed mutual agreement and UCSD would not participate in the review process at level of subsequent review; former owner, **Mrs. McMurray** commented on some of her previous concerns upon query by **Trustee Naegle.**

The presentation included comparative views of the current project and the previously approved remodel of 8039 Calle del Cielo, elevations, Public View from Little Street with project overlaid on a current photograph, display of footprints of building on nearby properties, comparison of FARs, setback, etc. of nearby properties, and diagram of street elevations of adjacent lots and properties. The total square footage including basement, covered terrace and subterranean garage will be 17,875 sf, without these, the habitable square footage will be 13,500 sf. The increase in front setbacks from the existing properties at 8039 and 8053 was shown. There also had been an increase in the north setback and the increase in the second story setback on the south side since the initial presentation to the PRC.

Trustee Little inquired about whether the fill behind the retaining walls at the west elevation of the property had altered the datum point of the property. **Trustee Merten** clarified that, whatever the grade level had been at the initial development of the property, all datum points have been established as those that existed in 1972. Other trustees commenting, including expressing satisfaction with the compatibility with nearby properties, were **Trustees Zimmerman, Steck, Emerson, and Forbes.**

Approved motion: That the findings can be made for an amendment to the CDP and SDP. (Merten, Manno: 13-0-3)

In favor: Ahern, Bond, Boyden, Brady, Courtney, Emerson, Fitzgerald, Forbes, Manno, Merten, Steck, Weiss, Zimmerman

Abstain: LaCava, Little, Naegle

Recuse: Crisafi

14. Bonair Residence – full review at request of applicant

754-758 Bonair St. - Coastal Development Permit, Tentative Map (originally a Map Waiver) & Variance to demolish an existing duplex and construct three, 3-story, detached single family residences ranging from 1,929 square feet to 2,185 square feet on a 9,225 square property. The variance is to maintain two curb cuts, where only one would be allowed. *DPR Action (Aug. 2013) Findings CAN NOT be made that project as presented is conformance with the La Jolla Community Plan, nor is it consistent with the established Neighborhood Character in terms of mass and scale. Further, the driveways are too close together and the committee CAN NOT support the proposed Variance application. 5-0-1*
sDPR Action (Aug. 2013): Findings CAN NOT be made that project as presented is conformance with the established Neighborhood Character: the bulk and scale of the proposed units is much larger than those in the immediate neighborhood, the second driveway is too close, and the overall scale of development is too large. 5-0-1

Applicant: Dan Linn

Trustee Fitzgerald disclosed that he had been contacted by a project proponent about what procedure to follow to have the project re-reviewed in a timely fashion and he had provided advice. **Trustee Ahern** said he had gathered information on the project. It was not necessary for either to recuse or abstain.

Presented by **Trustee Joe LaCava** who recused and left the room after making the presentation, except for a return to answer a procedural question.

Trustee LaCava stated that he was presenting the project differently, but that the only changes to the project from what the DPR had seen were removing the third story element, reducing the height by 5 feet from 30' to 25', and enhancing the landscaping. He stated that **Paul Benton, DPR Chair**, had advised that the changes were not sufficient to allow for a new presentation at DPR. **Trustee LaCava** made presentations of the concentration of multi-unit residences, condos, multi-story residences, designating those with more than two units or stories within the 300' radius on Bonair Street, Bonair Place and Bonair Way. He stressed that dividing the project into three separate units had the goal of emulating the single family streetscape on Bonair Street and showed a proposed streetscape on the north side of Bonair Street. Neighbors on Bonair Street had been canvassed and those reached had been in favor and several had written letters in favor. The project abuts the wide western end of the bike path and photo overviews were shown. Site and landscaping plans and full-color, perspective renderings of the project were shown. All elements of the SDMC are adhered to except for the need for a variance for two driveways on this 90' street frontage. Line drawings of how the three buildings fit in the allowable building envelope were presented as well as a full-color, perspective rendering of the single driveway serving the building at the lowest elevation plus the joint-driveway cut for the units at the upper level.

Michael Sim, residing at 747 Bonair Way, spoke in opposition, saying the buildings were too large particularly as viewed from his street and the bike path and showing a photo of the current building with a 30' pole overlaid.

Contractor Colin Seid of 7141 Esterel spoke approvingly of the project design—that it modeled desirable future development in La Jolla.

Trustees Weiss and Little expressed concern about the process—not returning the project to DPR. **Trustee LaCava** stated that during his tenure as chair and trustee, these issues had been handled in a number of different ways, including some recently in just this manner.

Trustees Zimmerman, Brady, Ahern, Manno, Merten, Fitzgerald spoke favorably of the project. **Trustee Courtney** questioned the possible biased reaction of trustees to presentations made by LJCPA leaders.

Approved Motion: That the findings can be made for a Coastal Development Permit, Tentative Map and Variance. (Manno, Fitzgerald: 11-4-1)

In favor: Ahern, Boyden, Brady, Courtney, Fitzgerald, Forbes, Manno, Merten, Naegle, Steck, Zimmerman

Opposed: Bond, Emerson, Little, Weiss

Abstain: Crisafi

Recused: LaCava

15. La Jolla CPA Input to the City's FY2015 Public Infrastructure Budget- Information Only. Action is expected to be taken at the September LJCPA meeting. Review & recommend projects that have not yet been funded, only partially funded and thus delayed, or have yet to be taken up by the City.

References:

<http://www.lajollacpa.org/cip.html>

http://docs.sandiego.gov/councilcomm_agendas_attach/2013/Infra_130520_7.pdf

<http://www.sandiego.gov/iba/pdf/cipguidefullversion.pdf>

<http://www.sandiego.gov/iba/pdf/cipguidequickversion.pdf>

Chaired by **Vice President LaCava** in August when he stated that the projects recommended by planning groups last year that were funded in the City's FY2014 budget were very small projects. This year the city's General Fund which is the primary fund for infrastructure is -\$100,000. The projects recommended by LJCPA last year are cited in the first link above. Trustees last month requested approximate costs for last year's recommendations and were e-mailed details. Even though there appears to be no funding available, it is always good to have projects in the wings.

Trustee LaCava stated that some of the items on the list submitted by La Jolla Parks and Beaches this year duplicate last year's submissions.

Approved Motion: To submit last year's list in the same priority order (Fitzgerald, Ahern: 12-2-1)

In favor: Bond, Boyden, Brady, Courtney, Emerson, Fitzgerald, LaCava, Manno, Merten, Steck, Weiss, Zimmerman

Opposed: Forbes, Little

Abstain: Crisafi

Approved Motion: To submit the five projects suggested at July and August 2013 LJCPA meetings (Little, Brady: 10-5-1)

In favor: Bond, Boyden, Brady, Fitzgerald, LaCava, Little, Manno, Merten, Naegle, Zimmerman

Opposed: Courtney, Emerson, Forbes, Steck, Weiss

Abstain: Crisafi

Approved Motion: To submit Items 6, 8, 10, 11, 12, and 13 from the Input to LJCPA from La Jolla Parks and Beaches. (LaCava, Little: 14-1-1)

In favor: Bond, Boyden, Brady, Courtney, Emerson, Fitzgerald, LaCava, Little, Manno, Naegle, Merten, Steck, Weiss, Zimmerman

Opposed: Forbes

Abstain: Crisafi

See attached lists.

16. Plan for San Diego International Airport

Action Item - The proposed SDIA ALUCP would regulate development of new residential dwellings, commercial and industrial structures, and other noise- or risk-sensitive land uses. The ALUCP proposes a Overflight Area Boundary encompassing the south portion of La Jolla from Turquoise to Nautilus. "The proposed ALUCP would require the recordation of an Overflight Agreement document for any local agency approval of new residential development with the overflight boundary." Comment period has been extended from August 26 to September 10 at the request of CM Sherri Lightner.

DEIR: http://www.san.org/documents/land_use/13/eir/SDIA_ALUCP_Draft_EIR_13July.pdf

APPENDICES: http://www.san.org/documents/land_use/13/eir/SDIA_ALUCP_Draft_EIR_13July_appendices.pdf

Approved Motion: Authorize the LJCPA President to send the attached two letters to the SDCRAA in response to the DEIR for the ALUCP and opposing the inclusion of La Jolla in the Overflight Area Boundary. (LaCava, Emerson: 11-1-1).

In favor: Bond, Boyden, Brady, Courtney, Emerson, Fitzgerald, Forbes, LaCava, Little, Manno, Steck, Zimmerman

Opposed: Merten

Abstain: Crisafi

17. Adjourn at 9:32 PM to next Regular Monthly Meeting, October 3, 2013, 6:00 pm.

Attachment

**APPROVED By LJCPA Hearing: September 5, 2013, Agenda Item #16
FY2015 Capital Improvement Program - La Jolla Community Plan Area
Suggested Projects from July and August LJCPA Meetings.**

Projects Previously Recommended November 2012

Parks & Recreation

1. Coast Boulevard Sidewalk Improvements at Children's Pool
(Restore and enhancement of last remaining segment, endorsed by LJCPA in March 2012)
2. Scripps Park Restoration
(Restoration of Scripps Park as detailed in the 2009 plan)
3. South Coast Boulevard Park (2008 plan)
(Enhancement of park and walking path along Coast Boulevard from Climbing Wall to its southerly end. AKA "Jim Neri Plan". AKA Cuvier Park, Hospital Point & Wedding Bowl.)
4. Coast Walk Parking Feasibility Study
(Restoration of up to 6 parking spaces on Coast Walk. Endorsed by LJCPA, Oct 2011 and by LJTC, Dec 2011)

Transportation

1. Torrey Pines Road Corridor – Phase 1 (CIP S00877, S00613)
(Remove barriers in the north sidewalk from the Throat to the Village (LJCPA, Jul 2011); hillside slope stabilization on south side between Roseland and Calle Juela)
2. Torrey Pines Road Corridor – Phase 2
(Segment 4 improvements as approved by LJCPA, Jul 2011)
3. Torrey Pines Road Corridor – Phase 3
(Segments 1, 2 & 3 pursuant to the City of San Diego's 2011 Torrey Pines Road Preliminary Project Plan)
4. Prospect Street Belvedere at Girard Avenue
(Convert northbound Prospect between Girard and Herschel to pedestrian only; convert southbound Prospect to two-way traffic. Endorsed by LJCPA and LJVMA. Project LJ-T4 on community facilities finance plan.)
5. Sidewalk at Rock Park (aka La Jolla Hermosa Park)
(Connect sidewalks on W side of Chelsea Avenue S of Cam de la Costa, supported by BRCC but not previously voted on by LJCPA)

Projects Suggested at July and August 2013 LJCPA Meetings

1. Corner of La Jolla Boulevard and Colima. Install missing sidewalk at northeast corner.
2. Restore sidewalks in the Village.
3. Install sidewalk on La Jolla Scenic North along Pottery Canyon Park. During the wet season walkers are forced to walk in the street. One or both sides.
4. Reduce curb height at Olivetas/Coast Blvd/Prospect intersection.
5. Move fence on rocks at Cove to possibly alleviate stench formation

ATTACHMENT

As approved by LJCPA, Sep 5, 2013. Agenda Item #15

City's FY2015 Public Infrastructure Budget (Capital Improvement Plan - CIP)

Input to LJCPA from LJP&B

- 6. Fay Avenue Bike Path: Update Development Plan and Implement,**
New proposed this year

- 8. La Jolla Pkwy/Mt Soledad Erosion Control - B10089,**
New from City this year

- 10. Charlotte Park General Development Plan,**
from P & R Dpt. Unfunded Park Improvements List (2012)

- 11. Coastal Area Park Signage,**
from P & R Dpt. Unfunded Park Improvements List (2012)

- 12. L. J. Heights Natural Park - reservoir replacement: grade, replant - B11070,**

- 13. Widen Narrow Sidewalk opposite 939 Coast Blvd.**
New proposed this year

ATTACHMENT

SDCRAA
P.O Box 82776
San Diego, CA 92138-2776

RE: Notice of Availability Draft Environmental Impact Report (EIR)
for the San Diego International Airport – Airport Land Use Compatibility Plan (ALUCP)
SCH No. 2013031060 - SDCRAA # EIR-13-01

To Whom It May Concern,

Please accept this letter as an official comment on the subject draft EIR.

Simply put the draft EIR is inadequate; it must be revised and recirculated.

The draft EIR discloses that a new overlay zone will be placed on properties within the La Jolla community (dEIR, Exhibit 2-8.) And yet the 348 pages of the draft EIR is silent on the specific reasons for the new zone in the La Jolla community, the potential impacts to the community, and mitigation of said impacts.

Simply referring to the ALUCP (Footnote 37, p. 2-35) is inadequate; the draft EIR must fully disclose and discuss the basis for the overlay zone.

The simplistic language of Section 2.4.34 fails to disclose the implications of a new overlay zone and its potential impacts.

Despite the proposed new overlay zone, “La Jolla” is not mentioned once in the draft EIR despite the proposed overlay zone. Similarly “La Jolla” is not mentioned once in Appendix A. How can an EIR be deemed adequate when it reveals the Project will impose changes on a community and then fails to discuss that change and its potential impacts?

The draft EIR is silent on whether the proposed overlay zone is compatible with the La Jolla Community Plan and Local Coastal Program Land Use Plan. The failure to include such analysis prevents thoughtful consideration by the decision maker and will prevent the California Coastal Commission from making an informed decision on the appropriateness of the ALUCP proposal (dEIR, Section 2.5.2.)

The rationale that new noise overlay zones are necessary because of history of complaints is not justified nor a rational approach. Further, it will accomplish nothing except to confuse residents and future homebuyers.

As active community leaders, we know that noise complaints are filed for a variety of aircraft that are not associated with the commercial operations out of SDIA. For example, La Jolla experiences low flying military helicopters, Homeland Security helicopters, banner-towing private planes, private small planes, etc.

Complaints of military and private planes have nothing to do with commercial operations out of SDIA. The Noise Contour Map in Exhibit 2-5 demonstrates this.

Unless there are sustained complaints directly related to commercial flights out of SDIA the ALUCP for SDIA is not the place to address aircraft originating from other airports (private, commercial, or military.)

If noise complaints are indeed directly related to SDIA those should be fully documented and disclosed in the draft EIR so that affected parties and decision makers may weigh the evidence and see if the proposed overlay zone are justified.

Again, for all the reasons stated above, the draft EIR is inadequate; it must be revised and recirculated.

Please add the LJCPA to the notification list of future revisions and hearings on the draft EIR and ALUCP.

Regards,
La Jolla Community Planning Association

ATTACHMENT

SDCRAA
P.O Box 82776
San Diego, CA 92138-2776

RE: San Diego International Airport – Airport Land Use Compatibility Plan (ALUCP)

To Whom It May Concern,

The La Jolla Community Planning Association is recognized by the City of San Diego as the land use and planning voice for the community of La Jolla. At an official meeting on September 5, 2013 the LJCPA voted ____ to ____ to request that the Airport Authority remove La Jolla from the Overflight Area Boundary as depicted on Exhibit 2-8 of the dEIR.

We cite as evidence that there is no need for any part of La Jolla to be included within the Overflight Area Boundary based on the following from your documents:

- the ALUCP and dEIR indicate that La Jolla is not subject to significant daily flight operations/overflight from SDIA
- La Jolla is located entirely outside of the SDIA ALUCP's mapped noise impact area (DEIR Exhibit 2-5 Noise Contour Map).
- DEIR Section 2.4.3.4 states that the overflight boundary is "based on areas commonly overflown by aircraft at less than 3,000 feet above mean sea level (MSL) and areas within which noise complaints have been registered since 2004." However, SDIA ALUCP Exhibit E5-1 (Overflight Indicators) indicates that there are no average daily operations below 3,000 feet MSL in that area.
- There have been less than 30 noise complaints filed by the La Jolla and Pacific Beach communities combined between 2004 and 2009 with no evidence from the Airport Authority that the complaints had anything to do with flights from SDIA.

In other words, the ALUCP data and analysis does not appear to support inclusion that La Jolla is subject to overflights from SDIA and therefore there is no rationale for including La Jolla within the Overflight Area Boundary.

Again, the LJCPA requests that the Airport Authority remove La Jolla from the Overflight Area Boundary as depicted on Exhibit 2-8 of the dEIR.

Please add the LJCPA to the notification list of future revisions and hearings on the draft EIR and ALUCP.

Regards,
La Jolla Community Planning Association

LA JOLLA DEVELOPMENT PERMIT REVIEW COMMITTEE
LA JOLLA COMMUNITY PLANNING ASSOCIATION

COMMITTEE REPORT

For
SEPTEMBER 2013

Sept 10 2013 Present: Benton (Chair), Costello, Collins, Kane, Leira, Mapes, Merten, Outwater (not seated)
Sept 17 2013 Present: Cancelled due to lack of a quorum

1. NON-AGENDA PUBLIC COMMENT 09/10/13

None

2. REVIEW 09/10/13 (PREVIOUSLY REVIEWED 8/13/13, 08/20/13)

Project Name: **CONGER CDP & TM**

801 Pearl Street

Permits: CDP & TM

Project #: PO# 294307

DPM: Paul Godwin, (619) 446-5190

Zone: RM-1-1

pgodwin@sandiego.gov

Applicant: Joe LaCava, (858) 488-0160

Scope of Work:

(Process 4) Coastal Development Permit and Tentative Map to remove an existing service station and construct a new mixed-use project with four retail units, one restaurant and 12 condo units with a subterranean garage. The property is located at 801 Pearl Street in Zone 4 of La Jolla Planned District and the RM-1-1 Zone within the La Jolla Community Plan, Coastal Overlay (non-appealable 2), Coastal Height Limit, Parking Impact Overlay Zone (Coastal), the Transit Area Overlay Zone, the Residential Tandem Parking Overlay and Council District 1.

APPLICANT PRESENTATION 09/10/13: (Joe LaCava and Alex Faulkner; Charles Houser, a Certified Engineering Geologist)

New information was presented regarding the manner of removal and mitigation of potential petroleum hydrocarbons on the site, the planned excavation, and the methods of treating the soils that may be found to have petroleum hydrocarbons. A discussion ensued about the monitoring and reporting of the procedures and findings.

New information was presented in concept about the proposed changes to the design of the project: move 2 residential units to the north, remove all third-floor units at the south building; provide roof decks at several locations; continue to have the driveway and vehicle entrance at Eads Avenue; truck service area at the alley. The presenters made it clear that the design will be changing to reflect these proposed changes.

DISCUSSION 09/10/13

A discussion ensued about whether the project conforms to the La Jolla Community Plan: density, height, scale were discussed.

Please provide for FINAL REVIEW:

- a) Show, in those areas where the pedestrian circulation crosses the vehicular traffic, that there will be adequate visibility and any conflicts will be mitigated.
- b) Show how this project will provide a transition from the higher to the lower density.
- c) Where possible integrate the commercial and residential designs to create an integrated building envelope.

3. FINAL REVIEW 09/10/13 (PREVIOUSLY REVIEWED 08/20/13)Project Name: **ESLAMIAN RESIDENCE CDP**

7350-7354 Fay Ave.

Permits: CDP

Project #: PO# 297495

DPM: Paul Godwin, (619) 446-5190

Zone: RM-1-1

pgodwin@sandiego.gov

Applicant: Sharok Eslamian,

(858) 449-0501

Scope of Work:

(Process 2) Property is developed with three dwelling units (one unit at the front facing Fay Ave and two units at the rear next to the alley). Project would demolish both units at rear of the property (7350 & 7352) and build one, 3-story unit. The single-family residence at 7354 Fay Avenue would remain. The project would also legalize the unpermitted addition at the rear of the unit which is currently an open Code Enforcement Case No. 202689, in the RM-1-1, N-App-2, CHLOZ, PIOZ-Coastal impact, RTPOZ, TAOZ, Geo Haz 52.

APPLICANT PRESENTATION 09/10/13: (Sharok Eslamian)

The presenter provided additional photographs of the adjacent building. The design of the building is unchanged. The presenter provided a colored landscape plan, and stated that the driveway to Fay Avenue will be eliminated.

DISCUSSION 09/10/13

The nature of the design was discussed: the presentation indicates a collection of materials and finishes that is not coherent, which does not draw from other elements in the community, and is not assembled in a way that will present a scale or composition that is appropriate for a 3-story building. The elevations facing the alley and the interior space do not provide a transition from the building to the outdoor spaces. The committee recommends that the applicant provide a redesign based upon an architectural treatment of the mass and height, with better composition of the windows and doors to provide a coherent design. The applicant requested the opportunity to consider these comments.

Please provide for FINAL REVIEW:

- a) Study other examples of similar buildings. Draw examples from these and show how they are incorporated into the proposed design. Please note that a simple assembly of parts will not suffice: you have to provide a coherent design.
- b) Show how this project will provide an appearance in keeping with the community plan in all elevations, but principally facing the alley and the interior yard.
- c) Note that the increased height of the proposed design requires an additional degree of competence and coherence in the design.

4. PRELIMINARY REVIEW 09/10/13Project Name: **MORSE RESIDENCE CDP/SDP**

5550 Calumet Ave.

Permits: CDP, SDP

Project #: PO# 323667

DPM: John Fisher, (619) 446-5231

Zone: RS 1-7

JSFisher@sandiego.gov

Applicant: Tim Martin, (760) 729-3470

Scope of Work:

(Process 3) CDP & SDP to remodel existing SFR, add 930 sq. ft., w/2nd-story addition, & reconstruct existing wood deck on a 0.12 acre site at 5550 Calumet Ave. in the RS-1-7 zone of the La Jolla Community Plan area; Coastal (appealable), Coastal Height & Sensitive Coastal Overlay; First Public Roadway; Geo 12, 47 & 53; ESL-Sensitive Coastal Bluffs; Parking Impact-Coastal & Beach, Residential Tandem & Transit Area Overlay.

APPLICANT PRESENTATION 09/10/13: (Tim Martin)

The applicant presented a design for remodeling and additions to the existing residence. Development of the site is limited by the 40-foot setback from the existing seawall. All improvements in this project will be landward of the 40-foot setback. Certain changes have been negotiated with the Coastal Commission staff about the existing decks on the seawall.

DISCUSSION 09/10/13

A discussion ensued about the proposed design and modifications.

Please provide for FINAL REVIEW:

- a) Review the EMRA regarding the seawall and the chain link fence
- b) Research the original CC&Rs with an eye toward the original pattern of development
- c) Provide landscape and FAR calculations
- d) Provide a materials sample board
- e) Provide information on the shotcrete treatment of the existing seawall
- f) Provide a “footprint study” of the pattern of development. A possible resource is the California Coastline project website.

5. PRELIMINARY REVIEW 09/10/13

Project Name: **RENDA RESIDENCE**

9521 La Jolla Farms Road

Permits: CDP

Project #: PO# 332094
7908

DPM: Jeanette Temple, (619) 557-

Zone: RS 1-2

JTemple@sandiego.gov
Applicant: C-A Marengo, (619) 417-1111

Scope of Work:

EXACT SAME PROJECT AS 29014 **ONLY LOOKING FOR NEW CONDITIONS IF NECESSARY* Coastal Development Permit (Process 3) to construct a 2-story, 10,298 square foot single family residence on a vacant 0.56 acre lot located at 9521 La Jolla Farms Road. The site in the RS-1-2 zone, 1st Public Roadway, Coastal (appealable), Coastal Height & Parking Impact Overlay zones within the La Jolla Community Plan. CDP 76910 (PTS 29014) has expired and requires a new CDP. Project is the same as the previously approved CDP.

APPLICANT PRESENTATION 09/10/13: (C A Marengo)

The existing design by Bob Bellanger was presented, which was used for permit issuance in 2006 and excavation for foundations. The site was inspected by a coastal planner, but there were no building inspections. The previous CDP has expired; this is a new CDP application which is based upon the previous design.

DISCUSSION 09/10/13

A discussion ensued about the history of the permit.

SUBCOMMITTEE MOTION 09/10/13: to combine the Preliminary and Final Reviews.

(Leira / Kane 5-0-0)

In Favor: Benton, Costello, Mapes, Kane, Leira

Oppose: 0

Abstain: 0

Motion Passes

SUBCOMMITTEE MOTION 09/10/13: Findings can be made that the project conforms to the Community Plan of La Jolla, and to endorse that the project qualifies for a Coastal Development Permit.

(Kane / Liera 5-0-0)

In Favor: Benton, Costello, Mapes, Kane, Leira

Oppose: 0

Abstain: 0

Motion Passes

6. COURTESY REVIEW 09/10/13 (*Informational only: no vote is taken on a Courtesy Review*)

Project Name: **THE HAMPTON**

6005 Avenida Cresta

Project #: TBD

Zone: RS-1-7

Permits: CDP/Variance

DPM: Jeff Peterson, (619) 446-5237

japeterson@sandiego.gov

Applicant: Jonathan Segal, (619) 955-5397

Scope of Work:

CDP and Variance to permit driveway at 6005 Avenida Cresta to add an underground parking garage for additional parking. Coastal City/Coastal height limit/coastal parking impact/ residential tandem parking/transit area.

APPLICANT PRESENTATION 09/10/13: (Jonathan Segal)

The applicant presented information about an application that has been submitted to the City: no Cycle Issues or other information has been received by the Committee. The applicant presented information about the existing house and alley, and the reasoning in his proposed variance application.

Please provide for PRELIMINARY REVIEW:

- a) Site topographic survey showing the existing house, the alley and the affected area justifying the variance, and the sidewalk and street fronting the property where the driveway is proposed.
- b) A section through the street, driveway, and the house.
- c) A photographic survey of the neighborhood, including the houses fronting both sides of Avenida Cresta, and the affected area of the alley.
- d) Apply turning radius templates demonstrating the vehicle movements to enter and exit the existing garage at the alley.
- e) Written summary of the justifications for the zoning variance, required per SDMC.

La Jolla Shores Permit Review Committee Meeting Minutes

4:00 p.m. Tuesday September 24, 2013

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

Committee members in attendance: Dolorers Donovan, Janie Emerson, Tim Lucas, Phil Merten, John Schenck, Bob Steck. **Absent:** Laura DuCharme Conboy, Myrna Naegle

1. **Non-Agenda Public Comment – 2 minutes each for items not on the agenda:**

None

2. **Chair Comments:**

- A brief explanation of the committee's duties and community review procedures was given for members of the public in attendance.
- There are an handful of new projects in the pipeline. The two projects likely to come to the committee in the near future are the Whitney mixed- use project on Avenida de la Playa, and a redesign of the Whale Watch Way residential project.

3. **Election of PRC officers for October 2013 to May 2014**

There were no volunteers for chair of the committee, although Emerson did volunteer to be the vice-chair if needed. Merten has agreed to continue on as chair until the next committee term begins in March or April. Lucas will continue on as secretary.

4. **Project review**

4A. **Gaxiola Residence DRAFT Mitigated Negative Declaration**

Project previously heard in August 2010 and September 2012.

- PROJECT NUMBER: 207195
- TYPE OF STRUCTURE: Single Family Residence
- LOCATION: 2414 Calle Del Oro
- Project Manager: Morris Dye: mdye@sandiego.gov
- OWNERS REP: Grisel Cedillo ; gricelcedillo@yahoo.com; Victor Gutierrez; victor.guti2@gmail.com

Project Description: Demolish existing 1-story residence and construct a new 2-story residence with 5 bedrooms, 7 bathrooms and 3 car garage. Coastal Overlay (non-appealable); Coastal Height Limit.

- Lot size: 29,120 Sq Ft
- Existing Sq/ft: Demolition 3,496 sq. ft.
- Proposed Sq/ft 5,230.85 Sq. Ft. Main Level + garage 1,051 sq. ft.
- Proposed Sq.ft. 4,457 Basement Level
- Percent of lot covered: 29%
- Floor area ratio: 40%
- Landscape: 55%
- Hardscape: 11%
- Height: 20'-3 3/4" Chimney/Pillar
- Front yard setback: 51'-8"

- Side yard setback: (taken from plans 15'-0" and 26'-3.5") applicant provides 15'
- Rear setback: 20'-0" (taken from plans)
- Off street parking: 3 car garage + driveway space (6 guest parking spaces)

Seeking: Site Development Permit and Coastal Development Permit, Process Three

Previous PRC actions

- August 2010, continue item. Provide more project information on drainage, parking, cross sections, site plan with neighboring buildings and other information.
- September 2012, continue item. Provide complete project presentation including 300' survey and materials board.

PRC action October 23, 2012. See PRC minutes for full details.

Motion: Merten; second: Schenck

The findings can be made for a Site Development Permit and a Coastal Development Permit based on plans dated July 22, 2012 and presented today with square footage corrected to 11,696 including 4,744 sf phantom floor.

Motion carries: 3-2-1

In Favor: Lucas, Merten, Schenck; Opposed: Emerson, Naegle; Abstain: Boyden

Previous CPA Action (March 7, 2013). See LJCPA minutes for full details

Motion: (Fitzgerald/LaCava). To approve the project and to recommend SDP and CDP to demolish existing 1-story 3,178 sf residence and construct a new 2-story 11,696 sf residence at 2414 Calle del Oro as presented; landscaping as shown on sheet A9.1 dated 7 March 2013.

Motion carries: 9-6-1

In favor: Brady, Collins, Conboy, Fitzgerald, LaCava, Manno, Merten, Thorsen.

Opposed: Bond, Burstein, Costello, Courtney, Little, Lucas, Zimmerman.

Abstain: Crisafi.

PRC Meeting 9-24-2013

Presented by Michael Morton:

They wanted to bring the draft Mitigated Negative Declaration back to the subcommittee for full review. Note that this Draft MND from city has a few incorrect project statistics that were based on the original project submission, not on the most recent one. The city will correct these in the final version. There have been no substantial changes to the project that was reviewed and approved by the committee and the La Jolla Community Planning Association. City Staff reviewed the changes and considered them minor and not requiring any further community review. The draft MND is to be reviewed today. The changes are provided for the committee's information.

These are the minor changes:

- The outside stairs leading from the terrace outside the master bedroom to the level below have been shifted from one side of the terrace to the other for more convenient access. This is a small terrace and the shift is minor. The neighbors below looked at this change and had no objections.

- The pool equipment has been moved to the south end of the pool and is still in a block enclosure, which will dampen the sound. The neighbor below reviewed this change and had no objections.
- There was initially a small picket fence at the front west of the property. There will now be a 6' high picket fence that extends around the whole property in the front that joins an entry arbor.
- A rolling driveway gate has been added in front, framed by an entry arbor, 10' tall.
- The one change internal to the house is that the elevator has been moved closer to garage for better access. This shift caused one internal office to be reconfigured, increasing the room size by 70 sq ft.
- A sidewalk in front has been added at city request. This is the only sidewalk on this side of the street in this area.
- The elevations and roof plan, and the rest of the internal layout have not changed.

Emerson: The driveway was moved east slightly? **Morton:** Yes.

Donovan: The fence and driveway gate distance from the street? **Morton:** The closest point to the street is 18', so a car could safely pull in and not be blocking traffic while the gate opens. **Lucas:** A car pulling in would straddle the new sidewalk while the gate was opening? **Morton:** Yes. The car would be safely out of the street but would be on the sidewalk for a minute or two while the gate opened.

Merten: There is a section in the municipal code saying that "Structures shall be in general conformance with those in the area..." There is now a 10' high entry arbor. Does this conform?

Morten: The city code for entry arbors states that they can be 10' high for flat structures, and less than 6' wide. This structure is 10' tall and less than 6' wide, so it complies with the code.

Morton: The draft MND comment period ends sept 24 (today's meeting). The only issues raised by the city were dealing with cultural resources, early Indian settlement artifacts. Part of the La Jolla Shores is known to have had native American activity. The city has extended the area of concern from the known Spindrift sites to other lower lying land in the area. The site was graded in the early 1960's, so it is doubtful that any artifacts will be found during grading for this project. They will have a paleontologist and a archaeologist at the site monitoring the excavation.

Merten: The committee was emailed the draft MND as found on the City website and advised of the comment deadline.

Public comment: None

Motion: Emerson Second: Steck

The committee takes no exception to the draft Mitigated Negative Declaration as prepared by the City Staff for the Gaxiola Residence, 2414 Calle Del Oro, PROJECT NUMBER: 207195.

Motion passes: 6-0-0

Approve: Donovan, Emerson, Lucas, Merten, Schenck, Steck; **Oppose:** ; **Abstain:** ;

Merten: I would like to thank the applicant for appearing before the committee and presenting this draft MND. Due to the environmental documents being produced late in the process, it is not often that the community gets a chance to do a review. **Morton:** We felt that since this project started 4 years ago, and the process has taken a long time, that it was important that the community get a chance to review the document.

4B. Viterbi Residence

Project Description: PROCESS 3 - CDP, and SDP for Environmentally Sensitive Lands for previous grading / slope repair on an approximately 0.14 acre portion of a site containing an existing single family residence to remain, at 2712 Glenwick Place in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Plan, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone.

- Project. No. 273802
- Type of Structure: Grading / hillside slope repair
- Location: 2712 Glenwick Place
- Project Manager: Glenn Gargas; 619-446-5142; ggargas@san Diego.gov
- Owner's Rep: Michael Smith 858-259-8212 ex 110; msmith@plsaengineering.com

Presented by Michael Smith - Pasco Laret Suiter & Associates:

A notice of violation has been served by the City for illegal repairs and retaining walls installed after a landslide occurred in 2011. This was the third landslide that happened at this location. The applicant is seeking a CDP and SDP to bring the previous work into compliance, and for the work that still needs to be done to stabilize and re-vegetate the slope. The destruction of the vegetation in the environmentally sensitive area was caused by the landslides. They are only trying to make repairs and stabilize the slope, and to restore the land and vegetation to the original as much as possible before the landslides occurred. The repairs they are proposing will not increase the build-able area of the lot. They are trying to repair and restore to the original slope as much as is possible.

Project history: The lot was purchased in 1973 by the current owner, Dr. Viterbi. The lot was graded for a house and the dirt became fill on the side of the hill. A house built in 1973 and occupied in 1974. The northern portion of house settled in 1975 and repairs were made that involved installing caissons to stabilize the house. In 1976 the first landslide occurred and repairs were made using steel posts and the area was backfilled. A second slide occurred in 2010, the area was backfilled and repaired using a crib style earth retention system. A third slide occurred in 2011, during a very rainy season. Before the rainy season, brush had been removed from the upper area of the hillside per city code for fire reasons. This may have contributed to the landslide, as the ground became saturated when the rains came and then the landslide occurred. To make the repairs, more crib style retaining walls were added to the ones from the second repair. All work was done by hand, as the area is inaccessible to heavy equipment. All of the repairs made without permits.

A recent Geological survey shows crib style retaining walls from the second and third repairs are still moving. The soil on surface is slippery. They propose to drill 15' into side of the hill just below the crib retaining walls and tie into the bedrock (scripps formation). They will install an anchor/cable system that will attach to grade beams that will be poured on-site below each retaining wall. The idea is to stabilize the retaining walls. The grade beams are concrete and 5' tall and 1' thick. The length varies with the width of the slide area. Only the slide area will be repaired, they will not go out into the untouched areas of the hillside with any work. There will be a tie-back system in the grade beams on 10' centers, that will attach to the anchor/cable system, and stabilize the slide area. Their geotechnical engineers and engineers at the city have agreed that the proposed fix is sufficient. To determine the global stability of the hill, a 36" diameter exploration hole large enough to lower a person into was drilled at the top of the site. The test hole went 90' deep, essentially to the level of the lower portion of the slide, and a geologist was able to measure and map the layers and determine that the hill itself was stable.

Having good drainage during rainstorms is an important factor, they will install a brow-ditch on the south side of the slide area. The areas between the retaining walls will be graded to feed into the brow-ditch. There will also be three underground drainage systems added between some of the longer retaining walls and three feet deep that will feed to the brow-ditch. The brow-ditch is designed to handle a large storm such as a “hundred year” storm.

The City has concerns regarding the landscaping, the environmentally sensitive land, and brush management. They feel that the native brush was destroyed by the previous repairs. Based on pictures taken through the years before and after the slides, the applicant feels that it was the actual landslides themselves that destroyed the native plants. To address the city concerns, the lower zone will be planted with southern mixed chaparral to match the rest of this canyon area. The upper zone is in the brush management area and will be ornamental fire resistant plants per city code. They will irrigate the lower area using a temporary drip irrigation system to help re-establish the chaparral. The drip system is part of a monitoring program and will be removed after 5 years. There will be a visual impact from across the way, which will lessen as landscape grows. They are limited in restoration options as site is inaccessible to construction equipment. All work will be done hand with minimal equipment.

Merten: How much of the propose beam walls will be exposed? **Smith:** the beam wall will have a half-foot buried in the ground and 4.5 feet will be above the ground. They did look at removing all of the existing repairs and and starting over using a retaining system that would be less visible, but it would require extending the repair area to the property lines and would require bringing heaving equipment in or using helicopters or large cranes. This would be cost prohibitive and would affect more of the environmentally sensitive lands. The best approach was to stabilize the existing retaining walls. **Merten:** Will they come up with a plan to blend the walls in with the canyon? **Smith:** Yes, they are still working on that. They will have a landscape plan utilizing plants that will grow over and hide the concrete forms. **Emerson:** They can also paint the structures to match the hillside and blend in. **Smith:** yes

Merten: Will the grade beams follow the natural contours of the hill? **Smith:** No. They will be reinforcing the existing retaining walls which are straight. They don't want to remove any of the existing repairs. **Merten:** Have they surveyed geophysically the area outside of the slide? **Smith:** That is all sensitive habitat and there is no way to make a survey without disturbing it. However, they believe that the conditions are the same as those in the slide area. **Merten:** The reason I am asking is that the steep hillside regulations apply to natural slopes. If fill from the grading of the lots above has been pushed over, then this is no longer considered a natural slope, and those regulations don't apply. **Smith:** Part of the slide area is not natural slope, but the slide did spill onto the natural slope below and the environmentally sensitive area.

Emerson: It appears that the northern portion of the lot could slide also? **Smith:** Given the right conditions, other slides could occur. However, based on the results 90' exploration hole survey, they feel that the house location will remain stable.

Schenck: Why aren't you addressing the upper areas that haven't failed yet? **Smith:** They don't know where the next slide will be. There is only a history of slides in this particular spot. If they start chasing fixes, the cost and impacts can be great and the “fixes” could also destabilize the area. This most important thing is to get the subsurface water out, which they are doing at three locations in the repair area. By draining water from this area it may help to dry the surrounding area, as water travels the path of least resistance.

Lucas: It looks like the neighboring properties are also on steep hillside areas. Have any other slides occurred in this area? **Smith:** The topography on the other lots is generally not as steep. **Dr. Viterbi:** He is not aware of any slides that have occurred in the 35 plus years he has lived here. **Schenck:** I recently worked on the house to the north, and it is stable.

Merten: Success of projects like this depend on the landscape plan and choice of materials, which you have not yet completed. These are important for the committee to have before making any decisions. You also have outstanding cycle issues, so waiting for the landscape plan will not affect their time line or safety concerns. **Smith:** We wanted to come before the committee early in the process and hear your concerns and possibly issues that they hadn't anticipated. We want the community to be very clear on what this project is about early in the process. When we come back, we will have a landscape plan and materials selection for review. **Lucas:** Is it possible to move this project forward quickly and get this area stabilized before the rainy season? **Smith:** He doesn't think that the process can move that quickly. They will cover the slide area with tarps before the rainy season to protect from further damage.

Merten: I would request that you give some thought to how the concrete itself will be treated. Whether it will be shot-crete, or sculpted similar to the San Diego Zoo exhibits to blend in. How the whole project including the landscaping and walls will blend in. **Smith:** He anticipates coming back to the committee with a landscape plan and renderings to show how the entire project will blend in.

Public Comment: None

Motion: Donovan Second: Emerson

Continue item to future meeting.

The committee requests that they bring the landscape plan, along with a proposal as to how the concrete beams and retaining structures will be colored or disguised to blend in with the canyon.

Motion Passes: 6-0-0

Approve: Donovan, Emerson, Lucas, Merten, Schenck, Steck; Oppose: ; Abstain: ;

Environmental Appeals Draft Code Language September 24, 2013

112.0310 Notice of Right to Appeal Environmental Determination

In accordance with Chapter 12, Article 8, Division 2, the Development Services Director implements CEQA and the State CEQA Guidelines within the City of San Diego. While not required by CEQA, the City requires the posting of a Notice of Right to Appeal Environmental Determination for activities that are determined to be subject to CEQA.

- (a) A Notice of Right to Appeal Environmental Determination shall be posted for an environmental determination in accordance with the following:
- (1) A determination made by the City Manager that a project is exempt from CEQA pursuant to a categorical exemption or that an activity is covered by the general rule, as defined by State CEQA Guideline section 15378, is exempt from CEQA in accordance with State CEQA Guidelines sections 15061(b)(2), or (3), and (5), except where such determinations are made by the City Council; and
 - (2) A determination that a project is exempt from CEQA pursuant to a statutory exemption, except where such determination is made by the City Council; and
 - (3) An environmental determination A decision to adopt or certify an environmental document associated with a project, as defined by State CEQA Guidelines section 15378, that the City Manager approves or decides to carry out without a public hearing in accordance with his powers under City of San Diego Charter section 28, including environmental documents for projects decided at a Process Two decision making level.
- (b) The Director is not required to post a A Notice of Right to Appeal Environmental Determination is not required for those projects deemed statutorily exempt in accordance with State CEQA Guidelines, Article 18, commencing with Section 15260 the following:
- (1) Activities determined to be "not subject to CEQA" pursuant to CEQA Guidelines Section 15060;
 - (2) Projects with an environmental document subject to Hearing Officer or Planning Commission action to adopt or certify; and
 - (3) Projects with an environmental determination subject to City Council approval.
- (c) The Notice of Right to Appeal Environmental Determination shall include:
- (1) An identification of the project, including its common name where possible and its location;
 - (2) A brief description of the project;

- (3) A statement regarding the type of *environmental determination* ~~and~~;
 - (4) A brief statement to support the reasons for the *environmental determination*, including citation to applicable State CEQA Guidelines or statutes; and
 - (5) The date of notice and a brief statement indicating the time for filing an appeal in accordance with Section 112.0520(b).
- (d) The Notice of Right to Appeal Environmental Determination shall be posted on the date of *environmental determination* as follows:
- (1) at ~~At~~ the City of San Diego, Development Services Department at ~~in~~ a location easily accessible to the public; and
 - (2) On the City of San Diego website.
- (e) The Notice of Right to Appeal Environmental Determination shall also be distributed on the date of *environmental determination* via electronic mail (or by U.S. mail if electronic mail is unavailable) as follows:
- (1) To the Council Office for the Council District in which the project is proposed;
 - (2) To the officially recognized community planning group, if any, that represents the area in which the project is proposed; and
 - (3) To any person who has submitted a written request for notification of the proposed *development* to the City staff person named in the Notice of Future Decision.
- (f) The Notice of Right to Appeal Environmental Determination shall remain posted in accordance with Section 112.0310(d) for a period of ~~15~~ the 10 business days that an appeal of the *environmental determination* may be filed in accordance with Section 112.0520(b).

§112.0511 No Development During Appeal Period

Development authorized by a permit, map, or other matter may not occur before the *date of final action*, except that action necessary to address an emergency requiring immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services can proceed as necessary to stabilize the emergency.

112.0520 Environmental Determination Appeals

- (a) Persons Who Can Appeal

Notwithstanding other provisions of this Code, any person may appeal an *environmental determination* not made by the City Council.

(b) Time for Filing an Appeal

An application to appeal ~~a decision described in Section 112.0520(a)~~ an *environmental determination* shall be filed in the Office of the City Clerk as follows:

(1) ~~within~~ Within 10 *business days* from the date of the posting of the Notice of Right to Appeal Environmental Determination; or

(2) Within 10 *business days* from the date of a decision made by a Hearing Officer or the Planning Commission to adopt or certify an environmental document.

(c) Scheduling Appeal Hearings. The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.

(d) Power to Act on Appeal. The City Council shall consider the appeal ~~and shall, by a majority vote~~ as follows:

(1) Deny the appeal by majority vote, approve the *environmental determination* and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate; ~~or~~

(2) Grant the appeal by majority vote and set aside the *environmental determination*, in accordance with Section 112.0520(e); or

(3) In the case of a tie vote, the *environmental determination* shall be considered disapproved.

(e) If the City Council grants the appeal under Section 112.0520(d)(2):

(1) The lower decision-maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.

(2) The Development Services Director shall reconsider the *environmental determination* in accordance with Section 128.0103 and prepare a revised environmental document as appropriate, in consideration of any direction from the City Council.

- (3) At a subsequent hearing, the City Council shall again consider the *environmental determination* and associated projects, and take action in accordance with Section 112.0520(e)(3)(A), (B), ~~or (C)~~, or (D) to:
- (A) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; and affirm the previous decision to approve the associated project;
 - (B) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; condition and approve the associated project as modified; ~~or~~
 - (C) Find that the environmental document is insufficient, in which case the document shall not be certified. The associated project shall be denied and the decision shall be deemed the final administrative action; ~~or~~
 - (D) In the case of a tie vote, the *environmental determination* shall be considered disapproved.

§113.0103 Definitions

Abutting property through *Encroachment* [No change.]

Environmental determination means a decision by any non-elected City decision maker, to certify an environmental impact report, adopt a negative declaration or mitigated negative declaration, or to determine that a project is not subject to the California Environmental Quality Act (CEQA), under State CEQA Guidelines section 15061(b)(~~2~~) or (3).

Environmentally sensitive lands through *Yard* [No change.]

§128.0202 ~~Incorporation of CEQA by Reference~~ Actions That Require Compliance with CEQA

- (a) Except as otherwise provided, CEQA and this article shall apply to the following discretionary activities located within the City of San Diego:
 - (a) (1) Activities directly undertaken by the City such as construction of *streets*, bridges, or other public *structures* or adoption of plans and zoning regulations;
 - (b) (2) Activities financed in whole or in part by the City of San Diego; and
 - (c) (3) Private activities that require approval from the City of San Diego such as adoption and amendment of *land use plans* and the *Local Coastal Program*, zoning and rezoning actions, *development* agreements, *subdivision* activities, *development* and use permits, and variances.

- (b) An activity is not subject to CEQA if the activity does not involve the exercise of discretionary powers by a public agency; if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or if the activity is not a project as defined in Section 15378.

§128.0203 Actions Exempt from CEQA

An action or activity may be exempt from CEQA if it meets any of the following conditions:

- (a) ~~The activity is not a project as defined in the State CEQA Guidelines, Section 15378;~~
- (b) (a) The project has been granted an exemption by statute (e.g. State CEQA Guidelines, Article 18, commencing with Section 15260) or by categorical exemption (State CEQA Guidelines, Article 12.5, commencing with Section 15191, and Article 19, commencing with Section 15300).
- (1) ~~CEQA exempts ministerial actions by statute. City approval decided in accordance with Process One is a ministerial action, including issuance of a construction permit. The following are construction permits: Building Permits, Plumbing Permits, Electrical Permits, Mechanical Permits, Grading Permits, Public Right Of Way Permits, Demolition Permits, Removal and Relocation Permits, and Sign Permits.~~
- (2) ~~Activities within the City of San Diego that typically are exempt by statute or categorical exemption from CEQA are provided in the CEQA Administrative Guidelines of the Land Development Manual.~~
- (e) (b) The activity is covered by the general rule in the State CEQA Guidelines, Section 15061(b)(3), that states that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

§128.0207 Review for Exemption from the Requirements of CEQA

- (a) [No change.]
- (b) A determination by the Development Services Director that a project is exempt from CEQA, as described in State CEQA Guidelines section 15061(b)(2) or (3), shall be subject to the appeal procedures in section 112.0510.

§128.0208 Determination of Type of Environmental Document

- (a) After an application for a discretionary permit or action is *deemed complete*, the ~~Planning and Development Review~~ Development Services Director shall take one of the following actions:
- (1) through (3) [No change.]

- (b) [No change.]
- (c) The ~~Planning and Development Review~~ Development Services Director shall notify the *applicant* of the scope of the required environmental document and the additional information required, if any, in accordance with the State CEQA Guidelines, Section 15060.

§128.0209 When a Previous Environmental Document May Be Used

- (a) A previously certified EIR or Negative Declaration, including any supplement or addendum, may be used when changes in the project or circumstances have occurred, unless the ~~Planning and Development Review~~ Development Services Director determines that one or more of the situations identified in the State CEQA Guidelines, Section 15162, exist.
- (b) If a previously certified document is to be used, the ~~Planning and Development Review~~ Development Services Director shall provide the decision-making body with an explanatory cover letter stating that none of the conditions specified in the State CEQA Guidelines, Section 15162, exists.
- (c) [No change.]

§128.0210 When a National Environmental Policy Act (NEPA) Document or Joint Document May Be Used

- (a) NEPA applies to projects that are carried out, financed, or approved in whole or in part by federal agencies. If a project will require compliance with both CEQA and NEPA, the ~~Planning and Development Review~~ Development Services Director should use the NEPA document rather than preparing a separate CEQA document if the following two conditions exist:
 - (1) through (2) [No change.]
- (b) If the NEPA document would not be prepared by the federal agency by the time the City of San Diego would need to consider an environmental document consistent with this article, the ~~Planning and Development Review~~ Development Services Director should try to prepare a combined ~~NEPA-11-CEQA~~ NEPA/CEQA document. Preparation of this joint environmental document shall involve the federal agency to avoid the need for the federal agency to prepare a separate document for the same project.